

**Brereton Parish Council
Neighbourhood Plan**

**Strategic Environmental Assessment
Screening Opinion**

Prepared by Cheshire East Council

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1. Introduction

1.1 Strategic Environmental Assessment (SEA) is a way of ensuring the environmental implications of decisions are taken into account before any such decisions are made. The need for environmental assessment of plans and programmes is set out in the EU Directive 2001/42/EC – known as the SEA Directive. Under this Directive, Neighbourhood Plans may require SEA – but this will depend on the content of each Neighbourhood Plan.

1.2 Cheshire East Council is legally required to determine whether Brereton Parish Council Neighbourhood Plan will require SEA, however; if it is concluded that an SEA is required, Brereton Parish Council are responsible for its production and it must form part of the material that is consulted on once the formal consultation stage is reached. The SEA Directive makes SEA a mandatory requirement for:

- a) Plans which are prepared for town and country planning or land use and which set the framework for future development consent of projects listed in the Environmental Impact Assessment (EIA) Directive; or
- b) Plans which have been determined to require an assessment under the Habitats Directive.

1.3 However, the main determining factor as to whether SEA is required on a Neighbourhood Plan is if it is likely to have a significant effect on the environment. Those Neighbourhood Plans containing land allocations for development, which are not included in the local authority's plan, are likely to require SEA. Neighbourhood Plans which do not contain such allocations (or simply reflect allocations already identified as part of a local authority plan) are less likely to require SEA.

1.4 If SEA is required, Brereton Parish Council may wish to consider voluntarily expanding the scope so that it covers wider economic and social issues. This is the approach taken by Cheshire East Council, whereby SEA is included within the broader Sustainability Appraisal of plans. The advantage of undertaking a Sustainability Appraisal is that it can demonstrate the impact of the Neighbourhood Plan on social, economic and environmental factors and therefore demonstrate to an examiner that the Plan that has been prepared is the most sustainable given all alternatives.

2. Legislative Background

2.1 The basis for Strategic Environmental Assessments and Sustainability Appraisal is the [European Directive 2001/42/EC](#) which has subsequently been transposed into English law by the [Environmental Assessment of Plans and Programmes Regulations 2004](#), or SEA Regulations. The government has produced guidance in relation to these regulations, entitled '[A practical guide to the Strategic Environmental Assessment Directive](#)'.

2.2 Schedule 2 of the [Neighbourhood Planning \(General\) Regulations 2012](#) makes provision in relation to the Habitats Directive. The Directive requires that any plan or project likely to have a significant effect on a European site must be subject to an Appropriate Assessment. To achieve this, paragraph 1 prescribes a basic condition that the making of a neighbourhood plan is not likely to have a significant effect on a European site. Paragraphs 2 to 5 of the Schedule amend the Conservation of Habitats and Species Regulations 2010 so as to apply its provisions to neighbourhood development orders and neighbourhood plans. In particular, paragraph 4 inserts new regulation 78A which provides that a neighbourhood development order may not grant planning permission for development which is likely to have a significant effect on a European site.

2.3 Schedule 3 of the [Neighbourhood Planning \(General\) Regulations 2012](#) makes provision in relation to the [Environmental Impact Assessment \(EIA\) Directive](#). The Directive requires that EIA development must be subject to a development consent process. To enable this, Schedule 3 prescribes a basic condition that applies where development which is the subject of a proposal for a neighbourhood development order is of a type caught by the EIA Directive, and applies to the relevant provisions of the [Town and Country Planning \(Environmental Impact Assessment\) Regulations 2011\(3\)](#) ("the EIA Regulations") with appropriate modifications ([regulation 33](#) and paragraphs [1 to 4 and 6 of Schedule 3](#)). Paragraphs 5 and 7 to 13 of Schedule 3 correct errors in the EIA regulations.

2.4 This report focuses on screening for SEA and the criteria for establishing whether a full assessment is needed in light of the [Appropriate Assessment](#) (Stage 1 Screening) and [Sustainability Appraisal](#) (including SEA) undertaken during the preparation of the CEC Local Plan Strategy.

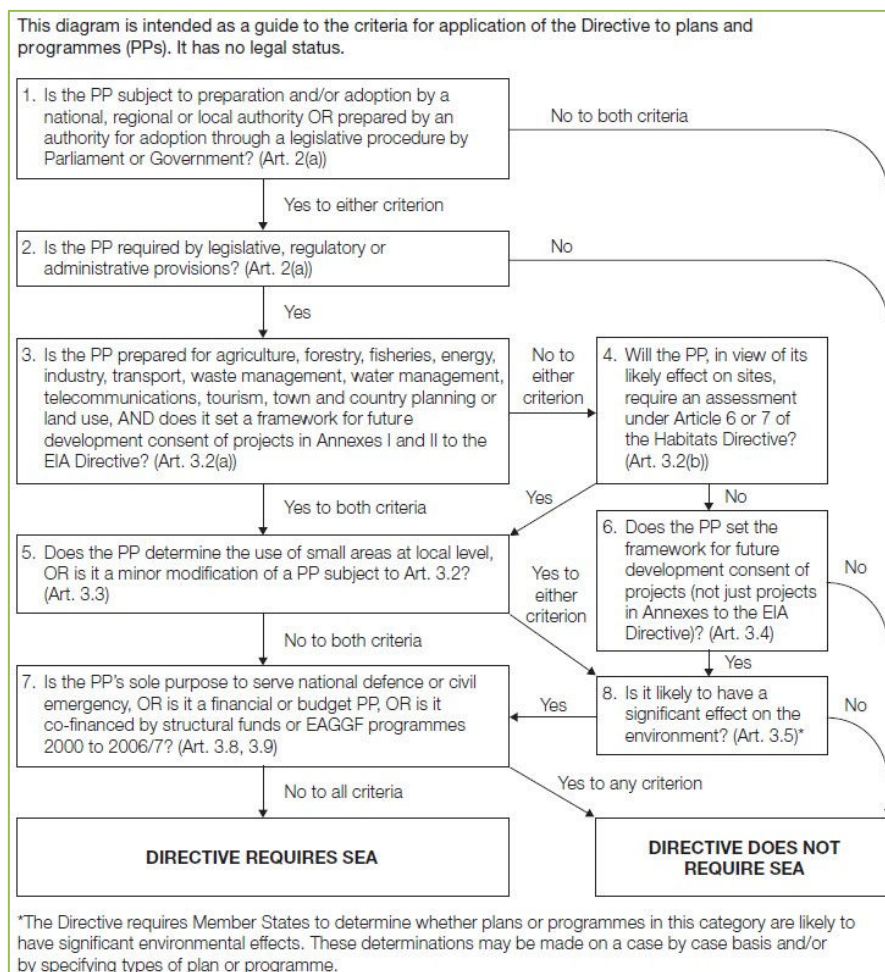
3. Screening Process

3.1 Brereton Parish Council has requested a SEA screening opinion of its Neighbourhood Plan. It is CEC's responsibility to assess whether the policies and proposals in Brereton Parish Council Neighbourhood Plan are likely to have 'significant environmental effects'. The Plan does not have to be at a final draft stage to be assessed.

3.2 The screening opinion assessment is undertaken in two parts: the first part will assess whether the plan requires SEA (as per the flow chart which follows); and the second part of the assessment will consider whether the Neighbourhood Plan is likely to have a significant effect on the environment, using criteria drawn from [Schedule 1 of the EU SEA Directive](#) and the UK Environmental Assessment of Plans and Programmes Regulations 2004 (see section 5).

3.3 The three statutory consultation bodies (English Heritage, Environment Agency and Natural England) will be consulted to determine whether they agree with the conclusion of this screening opinion, in establishing whether the Brereton Neighbourhood Plan requires SEA and whether it may have a 'significant environmental effect'. Should it be concluded that SEA is required Brereton Parish Council will need to undertake a SEA with a SEA Scoping Report exercise as the first stage.

3.4 The government guidance ['A practical guide to the Strategic Environmental Assessment Directive'](#) sets out the following approach to be taken in determining whether SEA is required:



4.1 Summary of the Neighbourhood Plan

Details of Neighbourhood Plan	
Name of Neighbourhood Plan	Brereton Parish Council Neighbourhood Plan
Geographic Coverage of the Plan	The Parish of Brereton
Key topics/scope of Plan	1. Deliver a sensitive housing strategy tailored to Brereton's needs, protecting the landscape and in keeping with the distinctive character of the area 2. Provide and improve local facilities to meet local demand 3. Strengthen and support local economic activity 4. Protect green space, the environment and the landscape; support nature conservation and encourage responsible rural recreation, rural tourism and sustainable modes of transport
Key Issues	Sustainable and self-sufficient place.

4.2 Summary of Screening Opinion

Local Authority Details	
Name and job title of officer undertaking screening opinion	Tom Evans, Principal Planning Officer
Date of assessment	March 2015
Conclusion of assessment	SEA is not required
Reason for conclusion	The Neighbourhood Plan does not propose to allocate specific sites for future development, and includes policies that seek to enhance and protect the natural environment. This approach is not considered to have a significant effect on the environment, therefore SEA is not required.

4.3 Summary of Consultations

Statutory Consultee	Summary of Comments
English Heritage	pending
Environment Agency	pending
Natural England	pending

5. Screening Assessment

5.1 Assessment 1: Establishing the Need for SEA

Stage	Y/N	Reason
1. Is the Neighbourhood Plan (NP) subject to preparation and/or adoption by a national, regional or local authority, OR prepared by an authority for adoption through a legislative procedure by Parliament or Government? (Art. 2(a))	Y	The preparation and adoption of the NP is allowed under the Town and Country Planning Act 1990 as amended by the Localism Act 2011. The NP will be prepared by Brereton Parish Council (as the 'relevant body') and will be 'made' by Cheshire East Council as the local authority. The preparation of NPs is subject to the following regulations: The Neighbourhood Planning (General) Regulations 2012 and The Neighbourhood Planning (referendums) Regulations 2012. GO TO STAGE 2
2. Is the NP required by legislative, regulatory or administrative provisions? (Art. 2(a))	Y	Whilst the NP is not a requirement and is optional under the provisions of the Town and Country Planning Act as amended by the Localism Act 2011, it will if 'made', form part of the Development Plan for the Borough. It is therefore important that the screening process considers whether it is likely to have significant environmental effects and hence whether SEA is required under the Directive. GO TO STAGE 3
3. Is the NP prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, telecommunications, tourism, town and country planning or land use, AND does it set a framework for future development consent of projects in Annexes I and II to the EIA Directive? (Art. 3.2(a))	Y	The NP is being prepared for town and country planning, local transport and land use as it makes proposals to manage the development of land for housing and employment uses. As such, the NP contains a framework for future development consent of urban development projects (listed as 10(b) in Annex II of the EIA Directive). The NP does not specifically allocate any land for development purposes. GO TO STAGE 5
4. Will the NP, in view of its likely effect on sites, require an assessment for future development under Article 6 or 7 of the Habitats Directive? (Art. 3.2(b))		NOT APPLICABLE

<p>5. Does the NP determine the use of small areas at local level OR is it a minor modification of a plan or programme subject to Art. 3.2? (Art. 3.3)</p>	<p>Y</p>	<p>The NP is expected to determine the use of small sites at a local level enabling the provision of up to 50 homes across the plan period to 2030. New residential development should be located adjacent to or within the existing small settlements within Brereton. Locations of sites are not determined. GO TO STAGE 8</p>
<p>6. Does the NP set the framework for future development consent of projects (not just projects in annexes to the EIA Directive)? (Art. 3.4)</p>		<p>NOT APPLICABLE</p>
<p>7. Is the NP's sole purpose to serve the national defence or civil emergency, OR is it a financial or budget plan or programme, OR is it co- financed by structural funds or EAGGF programmes 2000 to 2006/7? (Art. 3.8, 3.9)</p>	<p>N</p>	<p>The NP does not fall into any of the criteria listed.</p>
<p>8. Is it likely to have a significant effect on the environment? (Art 3.5)</p>	<p>N</p>	<p>See Assessment 2: Likely significant effects on the environment GO TO STAGE 7</p>

5.2 Assessment 2: Likely Significant Effects on the Environment

SEA Directive criteria and Schedule 1 of Environmental Assessment of plans and programmes Regulations	Cheshire East Council assessment	Likely significant environmental effect?
Characteristics of the Neighbourhood Plan, having regard to:		
The degree to which the Plan sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources.	The NP would, if made, form part of the statutory Development Plan and as such does contribute to the framework for future development consent of projects. The draft NP does not determine the specific location of development sites but does identify a need to deliver some 50 homes to 2030. The NP sits within the wider framework of the National Planning Policy Framework (2012), the Emerging CEC Local Plan Strategy (2014) and the 'saved' Local Plan policies contained within the Congleton Borough Local Plan 2006 (CBLP), therefore the projects for which this NP helps to set a framework are localised in nature and have limited resource implications.	N
The degree to which the Plan influences other plans and programmes including those in a hierarchy.	The NP must be in conformity with the National Planning Policy Framework. The policies within the NP should also be in general conformity with any strategic 'saved' Local Plan policies held within the CBLP, and complement any emerging LPS Strategic Policies. The NP should not significantly influence other plans and programmes, but may have a limited degree of influence over the formation of future strategic policies.	N
The relevance of the Plan for the integration of environmental considerations in particular with a view to promoting sustainable development.	The NP is expected to work to protect and enhance the natural environment of the area, has prepared research and evidence in relation to this and introduces policies to protect and enhance the environment (both natural and cultural). Draft policies have been identified to achieve this outcome. The plan recognizes the need to provide a sustainable level of growth within the parish. It is therefore considered that the NP will integrate environmental considerations and promote sustainable development.	N

SEA Directive criteria and Schedule 1 of Environmental Assessment of plans and programmes Regulations 2004	Cheshire East Council assessment	Likely significant environmental effect?
Environmental problems relevant to the Plan.	The NP does not allocate specific sites for development purposes. Where relevant, will need to consider the impact of the plan on flood risk, designated sites and other primary and secondary impacts on the environment.	N
The relevance of the Plan for the implementation of Community legislation on the environment (for example, plans and programmes linked to waste management or water protection).	The NP is not directly relevant to the implementation of European legislation, although it will need to take the impact of the Water Framework Directive into account.	N
Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:		
The probability, duration, frequency and reversibility of the effects.	<p>The NP is likely to have short-term effects resulting from activity associated with the development of small scale, unidentified and unallocated sites.</p> <p>There may also be longer-term effects relevant to changes in land use which may be positive but on a limited scale may have a negative impact on environmental factors. The plan seeks to establish a framework and evidence base that mitigates such negative impacts.</p> <p>Where proposals are received to develop small scale sites in accordance with draft NP policies, such proposals will also be subject to national and local policies in regard to environmental protection and mitigation of impacts.</p>	N
The cumulative nature of the effects of the Plan.	The NP does not seek to allocate sites that are not specifically detailed in the emerging Cheshire East LPS. It is intended that the positive effects of the plan on the environment will have a positive cumulative benefit for the area.	N
The trans-boundary nature of the effects of the Plan.	There are not expected to be any significant trans-boundary effects.	N

<p>The risks to human health or the environment (e.g. due to accidents).</p>	<p>There are no significant risks to human health. Indeed, the NP is likely to improve human health through positive assertions on protection of natural assets and sustainable transport.</p>	<p>N</p>
<p>The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected) by the Plan.</p>	<p>Brereton Parish Council Neighbourhood Plan covers the parish of Brereton. The NP is likely to affect a resident population of approximately 1,190 people over the life of the Plan across a large, and largely agricultural, parish.</p>	<p>N</p>
<p>The value and vulnerability of the area likely to be affected by the Plan due to:</p> <ul style="list-style-type: none"> - Special natural characteristics or cultural heritage; - Exceeded environmental quality standards or limit values; or - Intensive land use 	<p>No specific locations for housing and employment are identified via the NP and therefore it is not possible to thoroughly assess the effect that such development may have on natural characteristics or cultural heritage. Policies are included in the NP to specifically protect natural and cultural heritage assets. Given that the Borough is generally rural in nature, and Brereton Parish is predominantly a rural parish with a wealth of biodiversity and natural habitats (including a RAMSAR site), most proposed development will have an impact on the environment in the wider sense, and in some cases in a specific, locationally based sense.</p> <p>The draft NP does not exceed environmental quality standards or limit values.</p> <p>No specific sites are identified for development purposes and therefore it is expected that development proposals will continue to make the best and most efficient use of land – not to intensively use the land for development. Future development proposals will be assessed against other policies within the Development Plan (which, in totality, should mitigate against the over-development of land).</p>	<p>N</p> <p>N</p> <p>N</p>

SEA Directive criteria and Schedule 1 of Environmental Assessment of plans and programmes Regulations 2004	Cheshire East Council assessment	Likely significant environmental effect?
<p>The effects of the Plan on areas or landscapes which have recognised national, community or international protection status.</p>	<p>There are Local Wildlife Sites, Sites of Biological Importance, Sites of Special Scientific Interest (RAMSAR Site reference:UK1104) within the Brereton Neighbourhood Plan Area (Bagmere SSSI/RAMSAR, Brerton Heath Local Nature Reserve, and Brookhouse Moss SSSI). The River Dane and Holly Bush SSSI is adjacent to the NP boundary.</p> <p>The plan has been prepared to sensitively address areas and landscapes that are sensitive to development and actively seeks to protect such areas.</p> <p>The location of these sites within the neighbourhood plan area makes their presence relevant however, given that no specific development sites have been identified in the NP; that draft NP policies seek to protect natural assets within the NP area; and that existing protection for such sites exists in both the CEC Development Plan and emerging policies contained within the Cheshire East LPS, the effect of the draft NP policies on these sites is considered to be limited.</p>	<p>N</p>
<p>Assessment 2 Conclusion</p>	<p>The Brereton NP is not likely to have a significant effect on the environment. GO TO STAGE 7 (Assessment 1)</p>	

6. Screening Conclusion

6.1 As a result of the Screening Assessment, it is concluded that there are no significant environmental effects to arise as a result of Brereton Parish Council Neighbourhood Plan in its current form. As such, Brereton Parish Council Neighbourhood Plan does not require a full SEA to be undertaken. However, it is important to remember that this screening opinion is a 'snapshot in time' and that if the issues addressed in the Neighbourhood Plan should change then a new screening process will need to be undertaken to determine whether an SEA will be required.

6.2 The emerging Cheshire East Local Plan Strategy itself has been subject to Sustainability Appraisal and Habitats Regulations Assessment, including assessment of the impacts upon the relevant RAMSAR Site UK1104.

6.3 The Brereton Neighbourhood Plan includes policies that support the delivery of small scale development within the existing settlements and does not seek to allocate future, specific sites for development such as housing and employment and seeks to ensure that any new development is addressed sensitively in the context of evidence prepared around natural, heritage and landscape assets. For these reasons it is considered that the Brereton Parish Council Neighbourhood Plan is not required to be subject to SEA. This conclusion has been reached based on the following:

- The Screening Opinion Assessments demonstrate that SEA is not necessary;

6.4 As this Screening opinion concludes that SEA is not required, it is not recommended that Brereton Parish Council will need to prepare a SEA Scoping Report.