

Dalston Parish Neighbourhood Plan

Strategic Environmental Assessment (SEA)

Screening Opinion

Prepared by Carlisle City Council

**On behalf of the Dalston Neighbourhood Plan Steering
Group**

July 2017

**CARLISLE
CITY COUNCIL**



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Contents

1. Introduction	2
2. Legislative Context	2
3. Assessment	3
4. Screening Outcome and Next Steps	7

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 Carlisle City Council is legally required to determine whether the Dalston Parish Neighbourhood Plan (DNP) will require SEA, however; if it is concluded that an SEA is required, the Dalston Neighbourhood Plan Steering Group (DNPSG) are responsible for its production and it must form part of the material that is consulted on once the formal consultation stage is reached.
- 1.3 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. This document aims to establish whether or not SEA is required for the Dalston Parish Neighbourhood Plan.
- 1.4 This draft Screening Report has been produced in conjunction with the draft Dalston Parish Neighbourhood Plan. It was consulted upon alongside the draft Plan in September 2016. The statutory bodies including Natural England, the Environment Agency and Historic England agreed with the conclusions of the draft SEA Screening Report.

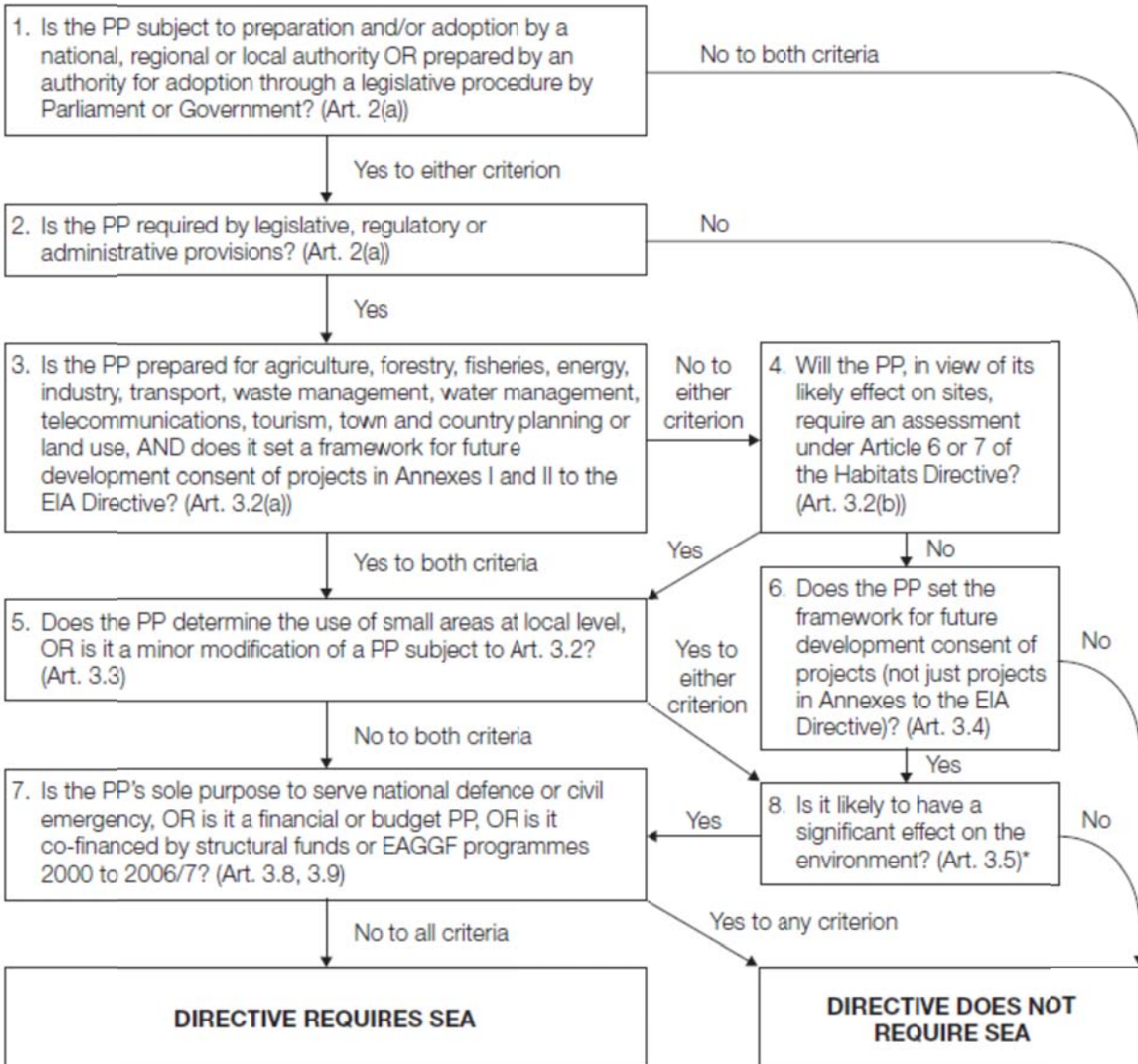
2. Legislative Background

- 2.1 The basis for Strategic Environmental Assessments legislation is European Directive 2001/42/EC and was transposed into English law by the Environment Assessment of Plans and Programmes Regulations 2004, or SEA Regulations
- 2.2 This report focuses on screening for SEA and the criteria for establishing whether a full assessment is needed.

3. Assessment

3.1 The diagram below is taken from the ODPM publication 'A Practical Guide to the Strategic Environmental Assessment Directive' (2005). Whilst somewhat dated, this is still regarded as best practice and clearly illustrates the process for screening a planning document to ascertain whether a full SEA is required.

This diagram is intended as a guide to the criteria for application of the Directive to plans and programmes (PPs). It has no legal status.



*The Directive requires Member States to determine whether plans or programmes in this category are likely to have significant environmental effects. These determinations may be made on a case by case basis and/or by specifying types of plan or programme.

3.2 This assessment is therefore split into two parts. Part 1 runs the draft plan through the questions outlined in the diagram above and includes commentary of whether the need for SEA is triggered. Part 2 further assesses stage 8, on whether there is a likely significant impact. The screening opinion takes a

‘precautionary approach’ and when it is unclear as to how the Directive may be applied it is assumed that there are possible likely significant effects.

Part 1 – Application of the Directive to the draft NP

Stage	Y/N	Reason
<p>1. Is the PP (plan or programme) 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))</p>	Y	<p>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 the Dalston Neighbourhood Plan Steering Group on behalf of Dalston Parish Council, who are the ‘relevant body’. It will be ‘made’ by Carlisle City Council as the local planning authority. The preparation of the NP is subject to the following regulations: The Neighbourhood Planning (General) Regulations 2012 and the Neighbourhood Planning (referendums) Regulations 2012. GO TO STAGE 2</p>
<p>2. Is the PP required by legislative regulatory or administrative provisions? (Art. 2(a))</p>	Y/N	<p>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’, meaning it will carry statutory weight. 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</p>
<p>3. Is the PP prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water 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))</p>	Y	<p>The draft plan is being prepared for town and country planning and land use purposes as it proposes policies which will shape future development proposals. As such, the draft plan contains a framework for future development consent of urban development projects (listed as 10(b) in Annex II of the EIA Directive). Although the draft plan is for small scale development and it could be argued that it does not fit the definition of ‘urban development project’ a precautionary stance is taken at this stage to allow further assessment at Stage 8.</p>

		GO TO STAGE 4
4. Will the PP, 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))	N/A	This will be screened separately. GO TO STAGE 5
5. Does the PP determine the use of small areas at local level, OR is it a minor modification of a PP subject to Art. 3.2? (Art. 3.3)	Y	The draft plan is expected to determine the use of small sites at a local level. It will form part of the development plan for Dalston Parish in tandem with the overarching Carlisle District Local Plan 2015-2030, which itself has been subject to SA/SEA. GO TO STAGE 8
6. Does the PP set the framework for future development consent of projects (not just projects in annexes to the EIA Directive)? (Art. 3.4)	N/A	This covers frameworks which may not be a plan or project (Article 2).
7. Is the PP's sole purpose to serve the national defence or civil emergency, OR is it a financial or budget PP, OR is it co-financed by structural funds or EAGGF programmes 2000 to 2006/7? (Art. 3.8, 3.9)	N	N/A
8. Is it likely to have significant effect on the environment? (Art. 3.5)		See Part 2: Likely significant effects on the environment.

Part 2 – Likely significant effects on the environment

3.3 Criteria for determining the likely significance of effects referred to in Article 3(5) of Directive 2001/42/EC are set out below, together with a commentary on whether the draft NP would trigger the need for a full assessment.

The characteristics of plans and programmes, having regard, in particular, to:		
The degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocated resources.	The draft NP does not allocate land for new development. Whilst overall the plan promotes small scale development across the parish this remains in line with the Carlisle District Local Plan 2015-2030 and does not seek to specify the need for further development beyond that in the Local Plan, which itself has already been subject to SA and SEA appraisal.	N
The degree to which the plan or programme influences other plans	The draft plan should not significantly influence other plans	N

and programmes including those in a hierarchy.	and programmes on its own.	
The relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development.	The plan promotes development in what has previously been considered to be a sustainable location. It advocates strong environmental protection, particularly for the landscape, the character of settlements within the plan area, green and open spaces and for local biodiversity. The plan also promotes the use of micro-renewable energy and measures to improve energy efficiency in new development.	N
Environmental problems relevant to the plan or programme.	It is considered that there are no significant environmental problems arising from the implementation of this draft plan.	N
The relevance of the plan or programme for the implementation of Community legislation on the environment (e.g. plans and programmes linked to waste-management or water protection)	No impacts identified – the Plan does not allocate land or propose levels of development greater than those considered in the Carlisle District Local Plan, which has already been subject to SEA/SA.	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	The draft plan does not allocate new land for development. It seeks to protect spaces already well used by the public as Local Green Space. It also seeks to protect the rural character of the parish. These effects are likely to be positive for environmental factors. The duration of the NP also broadly aligns with that of the Carlisle District Local Plan 2015-2030, which itself has been subject to SEA/SA.	N
The cumulative nature of the effects	The draft plan does not allocate new land for development. It seeks to protect spaces already well used by the public as Local Green Space. It also seeks to protect the rural character of the parish. These effects are likely to be positive for environmental factors.	N
The trans-boundary nature of the effects	There are not expected to be any significant trans-boundary effects	N
The risks to human health or the environment (e.g. due to accidents)	None identified.	N

<p>The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)</p>	<p>The draft plan does not allocate new land for development. It seeks to protect spaces already well used by the public as Local Green Space. It also seeks to protect the rural character of the parish. These effects are likely to be positive for environmental factors, but are not considered likely to give rise to significant impacts.</p>	<p>N</p>
<p>The value and vulnerability of the area likely to be affected due to:</p> <ul style="list-style-type: none"> - Special natural characteristics or cultural heritage, - Exceeded environmental quality standards or limit values, - Intensive land use 	<p>Dalston Parish has a number of environmental assets that enjoy a range of protective designations from international to local. None of these areas will suffer significant impact from the draft plan. None of the draft plans proposals will exceed environmental quality standards or limit values or give rise to intensive land use. The policies in the draft NP conform to those in the overarching Local Plan, which in themselves have been subject to SEA/SA.</p>	<p>N</p>
<p>The effects on areas or landscapes which have recognised national, community or international protection status.</p>	<p>There are no such landscapes within Dalston parish. The draft NP proposes to designate areas of Local Green Space – this would afford greater levels of protection and would have a positive effect on areas important to the community.</p>	<p>N</p>

4. Screening Outcome and Next Steps

4.1 As a result of the assessment in section 3, it is unlikely there will be any significant environmental effects arising from the draft NP. As such, it does not require a full SEA to be undertaken. The City Council has reached this decision for the following principle reasons:

- The Dalston Parish Neighbourhood Plan does not allocate any new land for development.
- The Dalston Parish Neighbourhood Plan is primarily with the protection and/or enhancement of the natural environment.
- The Dalston Parish Neighbourhood Plan conforms to the Carlisle District Local Plan 2015-2030 and does not seek to significantly alter the district development strategy. The Local Plan has been subjected to a full and thorough Sustainability Appraisal and Habitats Regulation Assessment.

- The key statutory bodies including Natural England, Environment Agency and Historic England agreed with this conclusion during consultation on the draft Screening Report in September 2016.