

Upper Clatford Neighbourhood Plan

Request for Screening Opinion for Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA)

Introduction

This statement has been prepared by Test Valley Borough Council (as responsible authority) to determine whether or not a Strategic Environmental Assessment (SEA) and/or a Habitats Regulations Assessment are required for the draft Upper Clatford Neighbourhood Plan following the submission of a screening opinion.

The Regulations advise that where the responsible authority determines that the plan is unlikely to have significant environmental effects (and, accordingly, does not require an environmental assessment), it shall prepare a statement of its reasons for the determination. This statement fulfils that requirement.

Context

The preparation of a Neighbourhood Plan involves a series of stages as required by legislation before it can be 'made'. To be 'made', a Neighbourhood Plan must meet certain Basic Conditions. These include that the making of the plan *"does not breach, and is otherwise compatible with, EU obligations"*.

One of these obligations is Directive 2001/42/EC 'on the assessment of the effects of certain plans and programmes on the environment'. This is often referred to as the strategic environmental assessment (or SEA) Directive. The SEA Directive seeks *"to provide for a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes."* The SEA Directive is transposed into UK law through the Environmental Assessment of Plans and Programmes Regulations 2004 (the 'SEA Regulations') and it is these Regulations that the neighbourhood plan will need to be compatible with.

Another key obligation is Directive 92/43/EEC 'on the conservation of natural habitats and of wild fauna and flora', often referred to as the Habitats Directive. This has been translated into UK law via The Conservation of Habitats and Species Regulations 2017. Under the 'Habitats Regulations' an assessment referred to as an Appropriate Assessment must be undertaken if a Neighbourhood Plan is likely to have a significant effect on a European protected wildlife site.

Under both the SEA and Habitats Regulations it is the Council's role to advise whether further work is required once the first stage, a screening assessment, has been undertaken by the Parish Council on its Neighbourhood Plan.

Process

A screening report has been produced on behalf of Upper Clatford Parish Council (Annex A). This was submitted to the Council on the 18th July 2019. The report concluded that a full SEA would not be required. In accordance with the regulations, Natural England, Historic England and the Environment Agency were consulted on the findings of the screening report. The consultation started on the 2nd August for a five week period ending on 9th September. A summary of the responses received and the Council's response is outlined in Table A. Copies of the response from Natural England are included at Annex B.

Table A: Summary of Responses

Consultation body (date of response)	Consultation response (summary)	Test Valley BC response
Environment Agency No response received	<i>No response received</i>	N/A
Natural England 11 th December	Thank you for submitting a screening request for the Upper Clatford Neighbourhood Plan SEA and HRA. Based on the location of the neighbourhood and the information submitted in support of the screening request, notably that the plan will not be allocating sites for development, <u>Natural England do not consider that a SEA is required.</u> Based on this same information we concur with the conclusion that an <u>appropriate assessment would not be required.</u>	Response noted
Historic England No response received	No response received	N/A

Conclusion

Having regard to the letter and associated briefing note that the Parish Council provided (Annex A), the consultation responses from Natural England, indicated that having regard to the matters within their remit, the proposed Neighbourhood Plan would not be likely to have significant environmental effects.

The Council has had due regard to the statutory consultee responses and the criteria within Schedule 1 of the SEA Regulations in coming to a view on whether the proposed Neighbourhood Plan is likely to have significant environmental effects. Based on the summary of the proposed Neighbourhood Plan (as provided within the Briefing Note), it is the Council's opinion that the Plan would not be likely to have significant environmental effects. On this basis, a Strategic Environmental Assessment would not be required for the proposed Upper Clatford Neighbourhood Plan.

With regards to the Habitats Regulations and whether an Appropriate Assessment is required, the Council concludes that the proposed Neighbourhood Plan is not likely to have a significant effect on European designations. This is supported by the response from Natural England.

A response was sent to the Parish Council on the 23 October (see Annex C).

Annex A
Letter requesting a
screening opinion and
supporting report

UPPER CLATFORD PARISH COUNCIL

c/o 19 White Oak Way, Anna Valley, Andover, Hampshire SP11 7QN
Email: upperclatfordparishcouncil@gmail.com

Test Valley Borough Council,
Beech Hurst,
Weyhill Road,
Andover SP10
3AJ

For the attention of Graham Smith, Head of Planning Policy

17 Jul 19

Dear Mr Smith,

Upper Clatford NDP Request for screening opinion on requirement for Strategic Environmental Assessment (SEA) and Habitat Regulations Assessment (HRA).

As you know, Upper Clatford Parish Council are in the process of preparing a Neighbourhood Development Plan (NDP). We have reached the point of having completed our evidence gathering, and with professional planning advice we have developed a skeleton outline of the emerging Plan document. We hope to move to the Regulation 14 stage of consulting on a draft Plan as soon as possible.

We are aware of the need to consider the implications for environmental assessment and have read your helpful guidance note of December 2016.

In line with that guidance, we are now writing to request a screening opinion on the need for SEA and HRA. We enclose a briefing note, prepared by our consultant, that aims to provide sufficient information for you and others to consider whether our NDP is likely to have significant environmental effects.

Please do not hesitate to contact me if you need any further information at this stage. You are welcome to contact our consultant direct (his details are at the end of the briefing note); please copy me in to any correspondence.

Yours sincerely

e-signed CE

C Emmett
Parish Clerk & RFO

Report to support request for a screening opinion on the need for Strategic Environmental Assessment and Habitats Regulations Assessment of the Upper Clatford Neighbourhood Development Plan

July 2019

Dr DJ Nicholson MRTPI
DJN Planning Ltd for Upper Clatford Parish Council

1. Introduction

- 1.1 This report has been prepared to accompany a request by Upper Clatford Parish Council to Test Valley Borough Council for a screening opinion as to whether the proposed Upper Clatford Neighbourhood Development Plan (NDP) is likely to have significant environmental effects, and so require Strategic Environmental Assessment (SEA).
- 1.2 The request is made pursuant to Regulation 9 of the Environmental Assessment of Plans and Programmes Regulations 2004.¹ This requires the consideration of specified criteria, listed in Schedule 1 to the Regulations. The Environment Agency, Natural England and Historic England should be consulted (the consultation bodies).
- 1.3 The Parish Council is also seeking an opinion from the Borough Council as to whether an appropriate assessment of the NDP will be required under the Conservation of Habitats and Species Regulations 2017.² Such a Habitats Regulations Assessment (HRA) must be undertaken if the NDP is deemed likely to have a significant effect on a European site of nature conservation importance, either alone or in combination with other plans or projects.
- 1.4 Guidance on these matters has been produced for NDP groups by the Borough Council.³ The guidance advises groups to seek a screening opinion from the Borough Council at the earliest stage of plan preparation. It requires that the request be accompanied by a report that includes a summary of what the plan is likely to propose (e.g. types of policies and the broad quantum and approximate locations of any potential development) and any features of the Area which may be affected. This report has been prepared to provide this information and so enable the Borough Council to consider whether the proposed NDP is likely to have significant environmental effects.
- 1.5 By way of background, Planning Practice Guidance indicates that SEA may be required where the NDP allocates sites for development, the Neighbourhood Area contains sensitive natural or heritage assets that may be affected by proposals in the plan, or it is likely to have

¹ SI 2004 No. 1633.

² Pursuant to Regulations 105 and 106 of the Conservation of Habitats and Species Regulations 2017 SI 2017 No. 1012 as amended.

³ Test Valley Borough Council, Neighbourhood Development Plans, Strategic Environmental Assessment and Habitat Regulations Assessment Guidance, December 2016

significant environmental effects that have not already been considered and dealt with through a sustainability appraisal of the Local Plan.⁴

1.6 When the NDP is submitted, it will need to include a statement confirming *inter alia* that the Plan does not breach and is otherwise compatible with EU obligations, and that its making is not likely to have a significant effect on a European site, either alone or in combination with other plans or projects. The provisions for both SEA and HRA stem from European Directives, and the Borough Council's screening opinion as to whether the NDP requires SEA or HRA is the first step in satisfying the above requirement. If likely significant environmental effects are identified, an Environmental Report will need to be submitted with the proposed NDP. Where it is determined that an NDP is unlikely to have significant environmental effects, a statement of reasons for the determination should be prepared and submitted with the proposed NDP.

1.7 This report provides:

- A summary of the relevant environmental features in the Upper Clatford Neighbourhood Area (section 2);
- A summary of the proposed Upper Clatford NDP (section 3); and
- An initial assessment of the potential for significant environmental effects, against the Schedule 1 criteria (section 4).

1.8 For the avoidance of doubt, this report does not constitute a draft of a formal screening determination, but is rather intended to confirm the overall parameters of the proposed NDP and relevant environmental considerations to enable a screening opinion on the need for SEA and HRA to be provided by the Borough Council.

2. Environmental features in the Upper Clatford Neighbourhood Area

2.1 The Neighbourhood Area was designated in August 2018 (Figure 1). It covers the administrative area of Upper Clatford Parish Council, an area of 892 hectares. The Neighbourhood Area extends south-west from Andover and the A303, and principally comprises open countryside and scattered woodland. It is bisected by the River Anton flowing north-south, with the A3057 Romsey Road running parallel to the river on higher ground to the east.

2.2 The resident population of the Neighbourhood Area is estimated as 1,605 as at 2016.⁵ The main settlements at Upper Clatford and Anna Valley have developed alongside and to the west and south of the River Anton and a tributary, the Pinhill Brook. A designated Local Gap separates these communities from the town of Andover, maintaining community identity and distinctiveness. More modern development extends up the valley side to the south. The smaller settlement of Red Rice lies to the south-west.

⁴ Paragraph: 046 Reference ID: 11-046-20150209

⁵ Test Valley Borough Council, Upper Clatford parish profile.

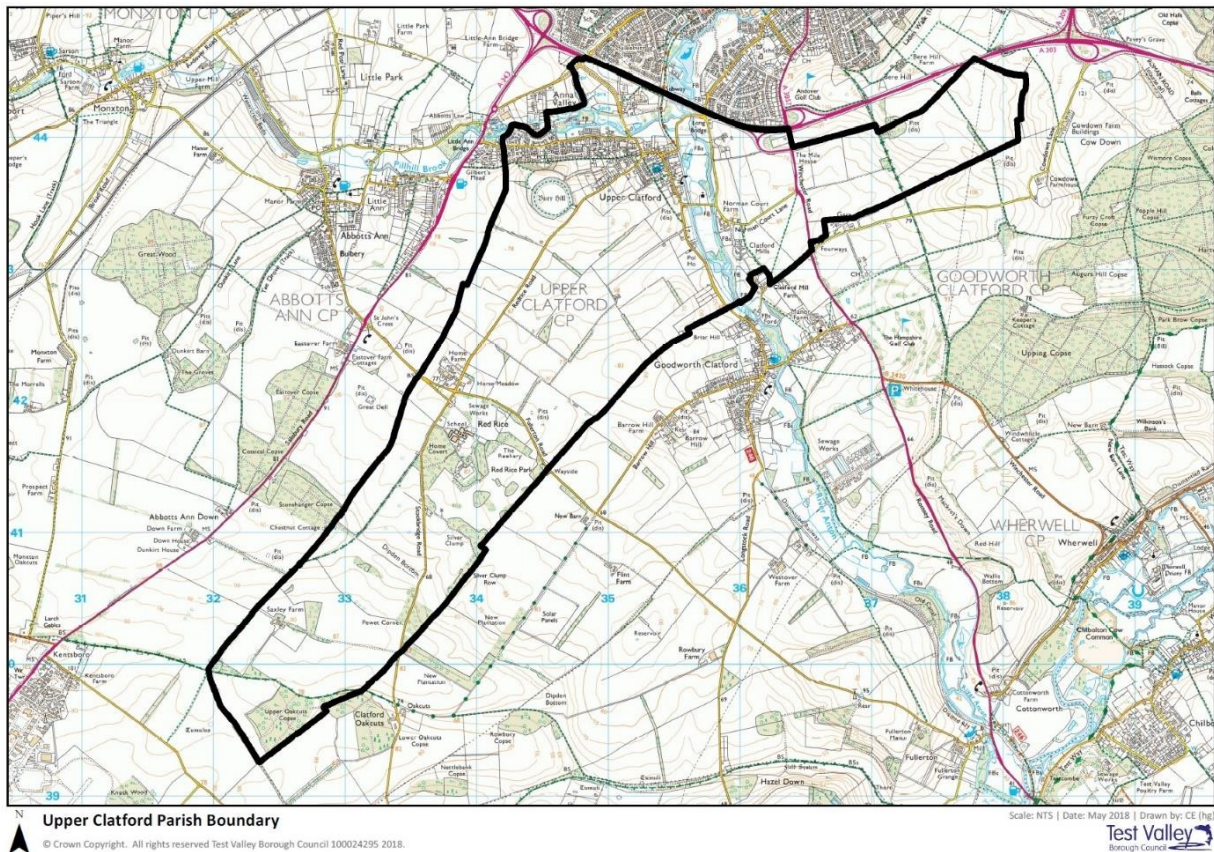


Figure 1: Upper Clatford Neighbourhood Area

2.3 In summary, the principal natural and historic environmental features to be considered are:

- Upper Clatford Conservation Area, comprising the historic core of the village on the river valley floor as well as water meadows and other open land.
- 36 listed buildings, all grade II except for the grade II* All Saints Church. Of these, 33 are in the Conservation Area.
- Two scheduled ancient monuments at Balksbury hillfort and Bury Hill camp.
- Flood Zones 2 and 3 associated with the corridors of the River Anton and the Pillhill Brook.
- Sites of Importance for Nature Conservation:
 - Church Meadow (unimproved grassland)
 - Anna Valley Watercress Beds
 - Upper Oakcuts Copse (ancient semi-natural woodland/ancient replanted woodland)
 - River Anton. The River Anton is a tributary of the River Test, a Site of Special Scientific Interest (3 km downstream).
 - Adjacent to the A303 (unimproved grassland).
- Road Verge of Ecological Importance adjacent to the A303.
- Habitats recorded on Natural England's Magic Map:⁶

⁶ <http://www.natureonthemap.naturalengland.org.uk/MagicMap.aspx>

- Floodplain grazing marsh, woodland and lowland fens in the River Anton and Pillhill Brook corridors
- Wood-pasture and parkland and mixed woodland at Red Rice Park
- Ancient and semi-natural woodland and ancient replanted woodland at Upper Oakcuts Copse
- Other scattered areas of woodland including at Bury Hill.

3. Summary of the proposed NDP

- 3.1 The emerging NDP has been developed through a programme of community consultation, including a questionnaire survey which achieved a response rate from parishioners of 57%, demonstrating significant community interest in the plan process.
- 3.2 The NDP will embody a clear and strong focus on preserving and enhancing the nature of the Neighbourhood Area whilst promoting appropriate and sensitive growth which respects and takes account of its distinctive and special character. The NDP will set out planning policies to promote sustainable development. They will add local detail to, but not duplicate, the planning policies of the Test Valley Borough Revised Local Plan 2011-2029 (TVBRLP), which was adopted in January 2016.
- 3.3 TVBRLP policy COM2 identifies Upper Clatford/Anna Valley as one of a number of “rural villages” in the settlement hierarchy, and provides in Table 7 that the associated scale of housing and economic development will comprise:
- Windfalls
 - Rural Affordable Housing sites
 - Replacement dwellings
 - Community-led Development
 - Small business uses
 - Re-use of Buildings.
- 3.4 The TVBRLP provides a settlement boundary for Anna Valley and Upper Clatford (Inset Maps 7 and 11), thereby defining the physical and planned extent of these villages for planning purposes. Outside the settlement boundary, policy COM2 provides that development is to be restricted to a number of specific circumstances. This is in line with national planning policy to protect the countryside and promote sustainable development in rural areas.
- 3.5 As noted above, the TVBRLP defines a Local Gap between Andover and Anna Valley/Upper Clatford (Inset Maps 1, 7 and 11). Policy E3 serves to protect the physical and visual separation represented by the Gap with the aim of maintaining a sense of place for residents and visitors.
- 3.6 The NDP will strongly endorse the overall approach to the location and management of new development established through the policies of the TVBRLP. The NDP will not include any site allocations. It is not expected to propose or anticipate any rural exception affordable housing under Local Plan policy COM8 or community-led development under policy COM9.

- 3.7 New development over the NDP plan period to 2029 will therefore be generally limited to small windfall sites within the defined settlement boundary, where these can be brought forward within TVBRLP policies E1 and E9 (these policies address high quality development and heritage assets respectively).
- 3.8 It is not expected that the NDP will include proposals for development in excess of that already considered through the Local Plan process and its environmental assessments.
- 3.9 The proposed policies in the NDP cover a range of natural and built environment and community matters and are listed below (Table 1).

Policy reference and title	Purpose
UC1 Sustainable development	Provide for sustainable development by balancing social, economic and environmental objectives.
UC2 Community services and facilities	Identify community services and facilities.
UC3 Housing mix	Encourage new housing to be of a mix of size, type and tenure to meet local needs.
UC4 Small-scale employment development	Support small-scale economic development in the Upper Clatford/Anna Valley settlement boundary and protect amenity.
UC5 Renewable energy projects	Provide guidance on how proposals for larger-scale renewable energy projects such as solar farms will be assessed.
UC6 Village design	Provide guidance on criteria to be used when assessing the design of development proposals, incorporating guidance from the Village Design Statement into the development plan.
UC7 Upper Clatford Conservation Area	Provide guidance on assessment of development proposals affecting the Upper Clatford Conservation Area, incorporating key principles from the Conservation Area Character Appraisal into the development plan.
UC8 Landscape character	Provide guidance on protecting, conserving and enhancing the landscape character of the Neighbourhood Area.
UC9 Landscape views	Identify important local views of the wider landscape and the settlements within it, such views to be respected by development proposals and retained.
UC10 Local Gap	Provide further detail on the Andover – Anna Valley/Upper Clatford Local Gap.
UC11 Local Green Spaces (LGS)	Designate LGS of particular importance to the local community where the relevant criteria in the National Planning Policy Framework are met (NPPF).
UC12 Sites of Importance for Nature Conservation	Provide local detail on designated Sites of Importance for Nature Conservation in the Neighbourhood Area.

Table 1: Upper Clatford NDP proposed policies

4. Potential for significant environmental effects

4.1 This section assesses the emerging NDP against each of the criteria for determining the likely significance of effects on the environment, as defined in Schedule 1 to the 2004 Regulations. The assessments given in Table 2 below are offered as a starting point for consideration by the consultation bodies and the Borough Council as the responsible authority.

Criteria	Assessment of the Upper Clatford NDP	Significant environmental effect?
1. The characteristics of plans and programmes, having regard, in particular, to—		
(a) 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 allocating resources;	The Upper Clatford NDP will include policies against which development proposals in the Neighbourhood Area will be considered, in conjunction with policies in the TVBRLP and the NPPF. The NDP will be in general conformity with strategic policies in the Local Plan. Its policies will be criteria-based and focus on seeking the protection and enhancement of the existing character of the villages and the surrounding countryside. They will not propose new development in addition or in contradiction to that provided for in the TVBRLP. They will provide a basis for decision-making in relation to proposals, rather than setting a framework for projects or allocating resources.	N
(b) the degree to which the plan or programme influences other plans and programmes including those in a hierarchy;	The Upper Clatford NDP will, when made, form part of the statutory Development Plan. There are no plans or programmes that need to be in conformity with it. The NDP will therefore not significantly influence other plans and programmes.	N
(c) the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development;	The Upper Clatford NDP will seek to promote sustainable development and include policies to protect and enhance environmental and heritage assets and features, as listed in Table 1. It will have a positive effect on the natural and built environment, adding local detail to TVBRLP policies and those in the NPPF. Any development proposed will be in accordance with the environmental protection policies of the TVBRLP and the NPPF, which also seek to achieve sustainable development.	N

Criteria	Assessment of the Upper Clatford NDP	Significant environmental effect?
(d) environmental problems relevant to the plan or programme; and	None identified specific to the Upper Clatford NDP. In respect of the water environment, TVBRLP policy E7 already addresses issues of water supply, waste water treatment and sewerage capacity in enabling planned levels of growth, and the NDP will not provide for additional development over and above that provided for in the Local Plan.	N
(e) the relevance of the plan or programme for the implementation of Community legislation on the environment (for example, plans and programmes linked to waste management or water protection).	The Upper Clatford NDP will contain policies to protect and enhance the natural and built environments. As such it will aid in the implementation of EU legislation on the environment. In respect of the water environment, including issues of water supply, waste water treatment and sewerage capacity, TVBRLP policy E7 already seeks water quality improvements to support the attainment of the requirements of the Water Framework Directive. The NDP will not provide for additional development over and above that provided for in the Local Plan.	N
2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to—		
(a) the probability, duration, frequency and reversibility of the effects;	The Upper Clatford NDP will contain policies whose main focus is the protection and enhancement of the existing character of the villages and surrounding countryside. It will not allocate sites for development. The overall effect of the NDP, given its focus on environmental protection and enhancement, is expected to be strongly positive.	N
(b) the cumulative nature of the effects;	The Upper Clatford NDP will add local detail and give effect to the TVBRLP and the NPPF in respect of existing environmental designations/features in the Neighbourhood Area such as the Local Gap, the Conservation Area and SINCs. Reflecting this alignment of plans and policies, any cumulative effects arising from the operation of the NDP with respect to the built and natural environment of the Neighbourhood Area are expected to be strongly positive.	N

Criteria	Assessment of the Upper Clatford NDP	Significant environmental effect?
(c) the transboundary nature of the effects;	The Upper Clatford NDP will not have any transboundary effects.	N
(d) the risks to human health or the environment (for example, due to accidents);	There are considered to be no risks to human health arising from the Upper Clatford NDP.	N
(e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);	The Upper Clatford Neighbourhood Area extends to 892 hectares (1.4% of the area of Test Valley Borough) with an estimated 2016 population of 1,605 (1.3% of the Borough population). The NDP has a restricted local focus and as a result the overall environmental effects of the Plan, which are themselves expected to be positive, will be relatively limited in magnitude and spatial extent.	N
(f) the value and vulnerability of the area likely to be affected due to— (i) special natural characteristics or cultural heritage; (ii) exceeded environmental quality standards or limit values; or (iii) intensive land-use; and	(i) relevant natural characteristics and cultural heritage factors are summarised above at para. 2.3. The Upper Clatford NDP will include policies to protect and enhance these characteristics and heritage assets as relevant; (ii) None identified specific to the Upper Clatford NDP. In respect of the water environment, TVBRLP policy E7 seeks water quality improvements to support the attainment of the requirements of the Water Framework Directive. The NDP will not provide for additional development over and above that provided for in the Local Plan. (iii) None identified.	N
(g) the effects on areas or landscapes which have a recognised national, Community or international protection status.	Effects on designated sites are considered above. For European sites they will also be addressed in determining whether an appropriate assessment (HRA) of the NDP will be required under the Conservation of Habitats and Species Regulations 2017.	N

Table 2: Consideration of Upper Clatford NDP against Schedule 1 criteria

- 4.2 The overall conclusion from Table 2 is that the proposed Upper Clatford NDP is unlikely to have significant environmental effects and therefore does not require SEA. It is recommended that a determination to this effect is considered.
- 4.3 In respect of HRA, a screening opinion is required to determine whether the Upper Clatford NDP is likely to have a significant effect on a European site of nature conservation importance. There are no European sites within, or in near vicinity of, the Neighbourhood Area, the nearest being the Porton Down Special Protection Area which is 10.7 km to the south-west. The NDP will propose only a limited scale of development consistent with that provided for in the TVBRLP, which has already been assessed under the Habitats Regulations. Taking all this into account, significant effects on European sites arising from the proposed Upper Clatford NDP are unlikely. An appropriate assessment (HRA) is not considered to be required.

Dr DJ Nicholson MRTPI

DJN Planning Ltd

01432 850117

plan@oldschool50.myzen.co.uk

July 2019

Annex B
Response from Natural England

From: Brown, Nicola
Sent: 08 September 2019 20:28
To: Neighbourhood Planning
Subject: 290595 Screening Opinion for SEA / HRA for the Upper Clatford Neighbourhood Plan

Dear Sarah

Thank you for submitting a screening request for the Upper Clatford Neighbourhood Plan SEA and HRA. Based on the location of the neighbourhood and the information submitted in support of the screening request, notably that the plan will not be allocating sites for development, Natural England do not consider that a SEA is required. Based on this same information we concur with the conclusion that an appropriate assessment would not be required.

Kind regards

Nicola
New Forest Lead Advisor
Dorset, Hampshire and Isle of Wight Area Team
Natural England
4th Floor
Eastleigh House
Upper Market Street
Eastleigh
SO50 9YN

Annex C

Letter to Parish Council

Mr C Emmett
Clerk
Upper Clatford Parish Council

Chief Executive's Service
Beech Hurst
Weyhill Road
Andover, Hants SP10 3AJ

Contact: Sarah Hughes
Telephone: 01264 368150
E-mail: shughes@testvalley.gov.uk
Your ref:
Our ref: Upper Clatford NDP
Date: 23 October 2019

Dear Mr Emmett

Upper Clatford Neighbourhood Plan

Request for Screening Opinion for Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA)

I write in response to your request for a screening opinion for Strategic Environmental Assessment in relation to the proposed Upper Clatford Neighbourhood Plan. This request was received by the Council on the 18th July 2019.

Regulation 9 of the Environmental Assessment of Plans and Programmes Regulations 2004 requires that the responsible authority (Test Valley Borough Council) shall determine whether or not a plan is likely to have significant environmental effects.

As part of making this assessment, the responsible authority shall —
(a) take into account the criteria specified in Schedule 1 to these Regulations; and
(b) consult the consultation bodies.

The Regulations advise that where the responsible authority determines that the plan is unlikely to have significant environmental effects (and, accordingly, does not require an environmental assessment), it shall prepare a statement of its reasons for the determination. This statement will be published on our website in due course.

Natural England, Environment Agency and Historic England, as the statutory consultation bodies for the Regulations, were consulted on this SEA screening request. The consultation started on 2nd August 2019 for a five week period, ending on 9th September 2019.

Having reviewed the letter and associated report provided, the consultation response from Natural England indicates that having regard to the matters within their remit, the proposed Neighbourhood Plan would not be likely to have significant environmental effects.

The Council has had due regard to the statutory consultee responses and the criteria within Schedule 1 of the Regulations in coming to a view on whether the proposed Neighbourhood Plan is likely to have significant environmental effects. Based on the summary of the proposed Neighbourhood Plan (as provided within the supporting report), it is the Council's opinion that the Plan would not be likely to have significant environmental effects. On this basis, a Strategic Environmental Assessment would not be required for the proposed Upper Clatford Neighbourhood Plan.

With regards to the Habitats Regulations Assessment and whether an Appropriate Assessment is required, the Council concludes that the proposed Neighbourhood Plan is not likely to have a significant effect on European designations. This is also supported by the response from Natural England.

You are advised that if the anticipated vision and scope of policies for the Neighbourhood Plan are subject to significant change, it would be appropriate to review the Screening Opinion and the position regarding the Habitat Regulations Assessment.

Yours sincerely

Sarah Hughes
Neighbourhood Planning Officer