

## Charlton 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 Charlton 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 Charlton Parish Council (Annex A). This was submitted to the Council on the 25<sup>th</sup> April 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 29<sup>th</sup> April for a five week period ending on 3<sup>rd</sup> June. 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**

<b>Consultation body (date of response)</b>	<b>Consultation response (summary)</b>	<b>Test Valley BC response</b>
<p>Environment Agency  03 June 2019</p>	<p>Thank you for consulting us on the SA/SEA screening opinion for the Charlton Neighbourhood Plan. We note that the NDP as drafted does not include any site allocations. We therefore consider that the Neighbourhood Plan <u>would not have a significant environmental effect and as such would not require an SEA in relation to the issues in our remit.</u></p>	<p>Given that the plan does allocate a site for development, this was pointed out to the EA, and they were asked to reconsider their position in light of the allocation. No response was received, despite 2 follow up e-mails. Please see Annex B for full e-mail trail.</p>
<p>Natural England  02 July 2019</p>	<p>Thank you for your email regarding the Charlton Neighbourhood Plan. In regards to an Appropriate Assessment for the plan, this would only be required if the HRA screening had been completed and concluded a likely significant effect could not be ruled out. From the information you have provided I cannot see that a screening has been completed, please do advise if I have missed this document.</p> <p>An assessment under the Habitat Regulations legislation is required where there is potential for a plan or project to have an adverse effect upon a European designated site.</p> <p>The neighbourhood plan does allocate more housing than the Test Valley Local</p>	<p>Response noted</p>

	<p>Plan and therefore does need to consider the potential impacts from these additional dwellings. From the location and information submitted I understand that the allocation site is outside of the zone of influence of the New Forest and Solent designated sites where recreational impacts need to be considered and mitigated.</p> <p>You may wish to confirm where waste water from the site would be treated and if this is within one of the waste water treatment works that ultimately drains into the Solent designated sites. <u>If it is then this issue will need to be considered further within an appropriate assessment, if not they potential impacts can be discounted and an appropriate assessment may not be needed.</u></p> <p>If you have any questions regarding these comments please contact me.</p>	
<p>Historic England 12 July 2019</p>	<p>Thank you for consulting Historic England on the screening for SEA of the Charlton Neighbourhood Plan.</p> <p>Unfortunately, on this occasion, we did not have capacity to respond to this consultation. Please accept our apologies for the lack of a response in this instance.</p>	<p>Comments noted</p>

## **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 Charlton 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 25<sup>th</sup> October (see Annex C).

**Annex A**  
**Screening opinion questionnaire**

## Screening Opinion Questionnaire for Strategic Environmental Assessment (SEA)

1. Under the Environmental Assessment of Plans and Programmes Regulations 2004 (the regulations) the district council is required to determine whether or not a neighbourhood plan is likely to have significant environmental effects and consequently, whether a Strategic Environmental Assessment (SEA) is required to be produced alongside the neighbourhood plan.
2. In order determine whether a SEA is required to be produced alongside a particular neighbourhood plan, the council drafts a Screening Opinion, which follows the procedures set out in the regulations. The draft Screening Opinion is then sent to English Heritage, Natural England and the Environment Agency for comment. The final Screening Opinion is then published on the council's website.
3. If the Screening Opinion concludes that a SEA is required for the neighbourhood plan it is the responsibility of the neighbourhood plan steering group to produce a SEA that meets the regulations. From experience of neighbourhood plans so far, it is generally the case that if the plan is allocating sites then it will require a SEA, if sites aren't being allocated, a SEA might still be required.
4. It is particularly important that a Screening Opinion is published where it has found that a neighbourhood plan does not require SEA.
5. Please answer the following questions regarding the neighbourhood plan to enable the district council to draft a Screening Opinion.

1. Will the Neighbourhood Plan be allocating sites for the following uses? Please state the estimated number of sites and units/sqm as appropriate.

Housing (no. of sites & no. of units) **1 site – up to 50 units** .....

Employment (no. of sites & sqm) .....

Retail (no. of sites & sqm) .....

Community uses (no. of sites & sqm) .....

2. Are any policies likely to affect a designated area (such as Conservation Area, Area of Outstanding Natural Beauty, Flood Zone 2 or 3, Site of Special Scientific Importance or the Green Belt etc)? If yes, please explain how.

**No – see evidence base**

3. Do you know of any environmental issues in the neighbourhood area?

**see evidence base**

4. Do you think the neighbourhood plan is likely to have significant environmental effects on the neighbourhood area?

**No - see evidence base**

5. Briefly describe the main objectives of the plan

**see attached**

6. How certain are you that there will be no significant changes to the information given above? If significant changes are made you should inform the Planning Policy Team as soon as possible to find out whether the plan needs re-screening.

***Neighbourhood Plan is drafted and unlikely to be altered significantly***

7. Are you allocating land in addition to that set for the area in the Adopted Development Plan, if so, how much and why?

***Yes – see policy CNP2 and site CHA1 – attached***

This information is correct to the best of our knowledge. If there are any significant changes to the information given we will inform the Council.

Signed: .....S Brentnall (*on behalf of the Charlton NP Steering Group*)...

**Annex B**

**Responses from Natural England,  
Historic England and Environment Agency**



## Response from Natural England

**From:** SM-Defra-Plan Cons Area Team (Dorset Hampshire Isle of Wight) (NE)  
**Sent:** 02 July 2019 15:46  
**To:** Hughes, Sarah  
**Subject:** RE: Screening Opinion for SA/SEA for the Charlton Neighbourhood Plan

Dear Sarah

Thank you for your email regarding the Charlton Neighbourhood Plan. In regards to an Appropriate Assessment for the plan, this would only be required if the HRA screening had been completed and concluded a likely significant effect could not be ruled out. From the information you have provided I cannot see that a screening has been completed, please do advise if I have missed this document.

An assessment under the Habitat Regulations legislation is required where there is potential for a plan or project to have an adverse effect upon a European designated site. The neighbourhood plan does allocate more housing than the Test Valley Local Plan and therefore does need to consider the potential impacts from these additional dwellings. From the location and information submitted I understand that the allocation site is outside of the zone of influence of the New Forest and Solent designated sites where recreational impacts need to be considered and mitigated. You may wish to confirm where waste water from the site would be treated and if this is within one of the waste water treatment works that ultimately drains into the Solent designated sites. If it is then this issue will need to be considered further within an appropriate assessment, if not they potential impacts can be discounted and an appropriate assessment may not be needed.

If you have any questions regarding these comments please contact me.

Kind regards  
Nicola

## Response from Historic England

**From:** South East ePlanning

**Sent:** 12 July 2019 23:10

**To:** Neighbourhood Planning

**Subject:** 2019-07-12 Charlton NP Screening HE RLS comments

**Importance:** High

To whom it may concern:

Thank you for consulting Historic England on the screening for SEA of the Charlton Neighbourhood Plan.

Unfortunately, on this occasion, we did not have capacity to respond to this consultation. Please accept our apologies for the lack of a response in this instance.

Yours faithfully

Robert Lloyd-Sweet

Robert Lloyd-Sweet | Historic Places Adviser | South East England | Historic England  
4th Floor | Cannon Bridge House | 25 Dowgate Hill | London | EC4R 2YA

## Response from Environment Agency

**From:** Neighbourhood Planning

**Sent:** 14 June 2019 09:54

**To:** 'Lines, Charlotte A.'

**Cc:** Greenwood, Suz K

**Subject:** RE: Screening Opinion for SA/SEA for the Charlton Neighbourhood Plan

**Importance:** High

Dear Charlotte

The SEA questionnaire at Question 1 states that the plan is allocating one site for 50 homes and the detail of this can be found in the SEA supporting information at Page 18, where the location for the site is shown (Allocation CHA1)

I hope this helps

If you could come back to me as quickly as possible as the consultation period has ended and the group are looking for a prompt response

Kind regards

Sarah

**Sarah Hughes** MRTPI

Neighbourhood Planning Officer (Delivery)

Planning Policy

Test Valley Borough Council

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**From:** Lines, Charlotte A

**Sent:** 10 June 2019 09:49

**To:** Neighbourhood Planning

**Cc:** Greenwood, Suz K

**Subject:** RE: Screening Opinion for SA/SEA for the Charlton Neighbourhood Plan

Hi Sarah,

Could you point me in the direction of where in the document it's allocating a site for 50 homes.

Many thanks,

Charlotte

Charlotte Lines | Principal Planning Officer Sustainable Places West | Solent and South Downs Area | Environment Planning and Engagement | Environment Agency | Romsey | Canal Walk | Romsey | SO51 7LP | Tel: 02084745838 | [PlanningSSD@environment-agency.gov.uk](mailto:PlanningSSD@environment-agency.gov.uk)

**From:** Neighbourhood Planning  
**Sent:** 03 June 2019 13:59  
**To:** Lines, Charlotte A.; Neighbourhood Planning  
**Cc:** Greenwood, Suz K  
**Subject:** RE: Screening Opinion for SA/SEA for the Charlton Neighbourhood Plan

Thanks Charlotte

The plan does allocate a site for 50 homes. With this in mind, will you need to reconsider your position?

Kind regards

Sarah

**Sarah Hughes MRTPI**  
Neighbourhood Planning Officer (Delivery)  
Planning Policy  
Test Valley Borough Council

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**From:** Lines, Charlotte A.  
**Sent:** 03 June 2019 11:05  
**To:** Neighbourhood Planning  
**Cc:** Greenwood, Suz K  
**Subject:** RE: Screening Opinion for SA/SEA for the Charlton Neighbourhood Plan

Dear Sarah,

Thank you for consulting us on the SA/SEA screening opinion for the Charlton Neighbourhood Plan. We note that the NDP as drafted does not include any site allocations. We therefore consider that the Neighbourhood Plan would not have a significant environmental effect and as such would not require an SEA in relation to the issues in our remit.

Many thanks,  
Charlotte

Charlotte Lines | Principal Planning Officer Sustainable Places West | Solent and South Downs Area | Environment Planning and Engagement | Environment Agency | Romsey | Canal Walk | Romsey | SO51 7LP | Tel: 02084745838 [PlanningSSD@environment-agency.gov.uk](mailto:PlanningSSD@environment-agency.gov.uk)

## **Annex C**

### **Letter to Parish Council**

Ms Heather Bourner  
Clerk  
Charlton 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:** Charlton NDP  
**Date:** 25 October 2019

Dear Ms Bourner

**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 Charlton Neighbourhood Plan. This request was received by the Council on the 25<sup>th</sup> April 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 29<sup>th</sup> April 2019 for a five week period, ending on 3<sup>rd</sup> June 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 Charlton Neighbourhood Plan.

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.

Yours sincerely

Sarah Hughes  
Neighbourhood Planning Officer