

Norton St Philip Neighbourhood Plan

Strategic Environmental Assessment and

Habitats Regulations Screening Report

December 2023

Strategic Environmental Assessment and Habitats Regulations Assessment Screening
Report

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1. Introduction

- 1.1 One of the basic conditions is that a Neighbourhood Plan does not breach, and is otherwise compatible with, EU obligations. These obligations include the SEA Directive and Habitats Directive. The Habitats Directive requires that plans do not have significant effects on European sites (Special Areas of Conservation, Special Protection Areas and Ramsar sites).
- 1.2 A Strategic Environmental Assessment (SEA) is required under European legislation for all plans which may have a significant effect on the environment. This particularly relates to plans which designate sites for development such as the District Council's Local Plan and Neighbourhood Plans produced by Parish Councils.
- 1.3 A Habitats Regulations Assessment (HRA) is a process which looks at the potential impact of proposals within a plan on European sites.
- 1.4 Somerset Council is required to determine whether or not the contents of the Norton St Philip Neighbourhood Plan require a Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/EC¹ and associated Environmental Assessment of Plans and Programmes Regulations 2004. If it is concluded that an SEA is required, the Qualifying Body are responsible for its production and it must form part of the material that is consulted on once the formal consultation stage is reached.
- 1.5 The draft neighbourhood plan of May 2023 allocates 0.4ha of land as a housing site (Policy 2) with a development brief set out in Appendix 1 of the Neighbourhood Plan.
- 1.6 The aims of the emerging Norton St Philip Neighbourhood Plan are:

to "maintain the special character and built heritage of the Parish of Norton St Philip while promoting its development as a compact and sustainable community" The plan's objectives are to;

- Encourage sustainable housing development within the village settlement boundary
- Ensure that the location, design and scale of any housing development is managed in order to maintain the character and heritage of the village
- Protect and enhance the village's key green spaces and recreational facilities
- Support people with a local connection who wish to remain within or return to the community
- Promote energy efficient building and increase resilience to climate change

The Plan contains policies relating to:

- Allocation of a brownfield site for housing
- Permanently protecting open areas through Local Green Space designation
- Identifying housing styles and local characteristics and developing design guidance
- Setting criteria for affordable entry level housing for people with a local connection in the parish
- Promoting good practice in sustainable design to mitigate the impact of climate change

It also refers to the Norton St Philip Character Assessment, which sets out design parameters for new development in Norton St Philip, to ensure that the distinctive character of the village is respected by development. A Conservation Area Appraisal has already been carried out by Mendip District Council.

¹ 'SEA Directive'

1.7 The legislative background in the following section 2 outlines the regulations that determine the need for this screening exercise. Section 3 gives an overview of the screening process, whilst section 4 provides a screening assessment of the likely significant environmental effects of the emerging Norton St Philip Neighbourhood Plan and considers the need for a full SEA. The outcome of the screening assessment is set out in section 5.

2. Legislative Background

- 2.1 The basis for Strategic Environmental Assessments and Sustainability Appraisal legislation is European Directive 2001/42/EC as transposed into English law by the Environmental Assessment of Plans and Programmes Regulations 2004, or SEA Regulations 2004 (from here on referred to as "the Regulations"). Detailed Guidance of these regulations can be found in the Government publication 'A Practical Guide to the Strategic Environmental Assessment Directive' (ODPM 2005).
- 2.2 Schedule 2 of the Neighbourhood Planning (General) Regulations 2012 (as amended) 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, part of the Habitats Regulations Assessment process. 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. The SEA Directive requires that if an eligible plan or programme requires an Appropriate Assessment under the Habitats Directive, then that plan or programme will also require an SEA.
- 2.3 The Planning and Compulsory Purchase Act 2004 (as amended) requires Sustainability Appraisal, incorporating SEA, to be carried out for Local Plans. The government's Planning Practice Guidance (PPG)² explains that there is no legal requirement for a neighbourhood plan to have a sustainability appraisal. However, a qualifying body must demonstrate how its plan or order will contribute to achieving sustainable development. A sustainability appraisal (SA) may be a useful approach for doing this and the guidance on sustainability appraisal of Local Plans should be referred to.
- 2.4 In some limited circumstances, where a neighbourhood plan could have significant environmental effects, it may fall within the scope of the Regulations and so require a strategic environmental assessment. One of the basic conditions that will be tested by the independent examiner is whether the making of the neighbourhood plan is compatible with European Union obligations (including under the Strategic Environmental Assessment Directive).³
- 2.5 Whether a neighbourhood plan requires a strategic environmental assessment, and (if so) the level of detail needed, will depend on what is proposed in the draft neighbourhood plan. A strategic environmental assessment may be required, for example, where:
 - a neighbourhood plan allocates sites for development
 - the neighbourhood area contains sensitive natural or heritage assets that may be affected by the proposals in the plan
 - the neighbourhood plan may have significant environmental effects that have not already been considered and dealt with through a sustainability appraisal of the Local Plan.⁴

² PPG Paragraph: 026 Reference ID: 11-026-20140306

³ PPG Paragraph: 027 Reference ID: 11-027-20140306

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

- 2.6 To decide whether an emerging neighbourhood plan might have significant environmental effects, its potential scope should be screened at an early stage against the criteria set out in Schedule 1 the Regulations.⁵
- 2.7 This report focuses on screening the Norton St Philip Neighbourhood Plan for SEA and HRA.

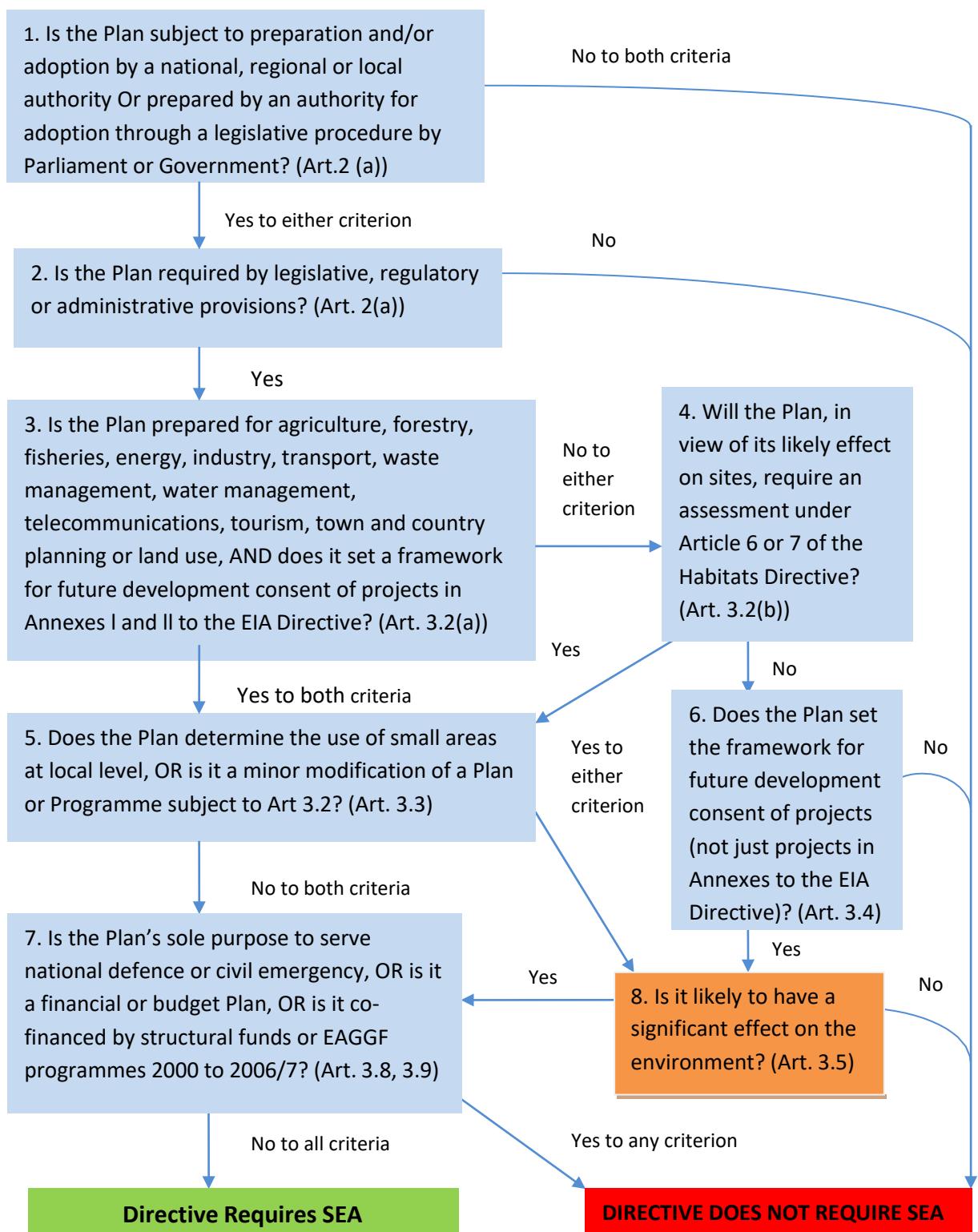
⁵ NPPG Paragraph: 029 Reference ID: 11-029-20140306

3. An Overview of the Screening Assessment

- 3.1 Figure 1 below reflects 'A practical guide to the Strategic Environmental Assessment Directive' and illustrates the process for screening a Neighbourhood Plan to ascertain whether a full SEA is required (Article numbers relate to European Directive 2001/42/EC).
- 3.2 In order to carry out the screening process it is necessary to consider each of the criteria set out in Figure 1 - this is done in Table 1. Table 2 explicitly addresses criterion 8 (coloured orange) by considering if the Neighbourhood Plan is likely to have a significant effect on the environment. This is done by considering the Plan against the criteria for determining the likely significance of effects referred to in the Directive⁶ - these criteria are listed in Figure 2.
- 3.3 Once the process set out in Figure 1 has been completed a screening outcome can be reached and the conclusion can be found in section 5.

⁶ Article 3.5 of European Directive 2001/42/EC

Figure 1: Application of the SEA Directive to Neighbourhood Plans



*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.

3.4 The criteria for determining the likely significance of effects referred to in the Directive⁷ are set out in Figure 2.

Figure 2: Criteria for Determining Likely Significance of Effects

1. 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 allocating resources,
 - the degree to which the plan or programme influences other plans and programmes including those in a hierarchy,
 - the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development,
 - environmental problems relevant to the plan or programme,
 - 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).
2. 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 cumulative nature of the effects,
 - the transboundary nature of the effects,
 - the risks to human health or the environment (e.g. due to accidents),
 - the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected),
 - the value and vulnerability of the area likely to be affected due to:
 - special natural characteristics or cultural heritage,
 - exceeded environmental quality standards or limit values,
 - intensive land-use,
 - the effects on areas or landscapes which have a recognised national, Community or international protection status.

⁷ Article 3.5 of European Directive 2001/42/EC (these criteria are replicated in Schedule 1 of the Regulations)

4. Carrying out the Assessment of Norton St Philip Neighbourhood Plan

4.1 Norton St Philip Neighbourhood Plan Group have drafted a range of policies that support the objectives of the Neighbourhood Plan as set out in paragraph 1.6 of this document. Policies have been drafted which support new housing development, including allocating land for housing development; seeking housing to meet local need, protecting heritage assets; protecting and enhancing green spaces, supporting people with a local connection to live in the village and promoting resilience to climate change.

4.2 Natural England have advised that housing development at the allocated site could result in a likely significant effect on the Bath and Bradford on Avon Bats SAC and the Mells Valley SAC. A Habitats Regulations Assessment will need to be carried out of the plan. An appropriate assessment is necessary due to potential for habitat loss and artificial lighting to impact commuting and foraging habitat used by SAC bat species. Mitigation measures may be required to ensure no adverse effect on the site integrity of the Bath and Bradford on Avon Bats SAC and the Mells Valley SAC. Further information on the bat SACs and a technical guide can be found at www.somerset.gov.uk/planning-buildings-and-land/biodiversity-and-planning/habitat-regulations-assessment/

4.3 Table 1 assesses whether the Norton St Philip Neighbourhood Plan will require a full SEA. The criteria within Table 1 are drawn from Figure 1 which sets out how the SEA Directive should be applied.

Table 1: Assessment of the Need for SEA

Assessment Criteria	Assessment	
1. Is the Plan 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))	Yes	<p>Neighbourhood Plans are prepared by parish/town councils (as the “qualifying body”) under the provisions of the Town and Country Planning Act 1990 as amended by the Localism Act 2011. Once the Plan has been prepared, and subject to examination and referendum, it will be “made” by Somerset Council as the Local Planning Authority.</p> <p>GO TO ASSESSMENT CRITERION 2</p>
2. Is the Plan required by legislative, regulatory or administrative provisions? (Art. 2(a))	Yes	<p>Whilst producing a Neighbourhood Plan is not a requirement and is optional, it will if ‘made’ form part of the statutory Development Plan for the area and will be used when making decisions on planning applications. 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.</p> <p>GO TO ASSESSMENT CRITERION 3</p>

3. Is the Plan 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))	Yes	<p>Norton St Philip Neighbourhood Plan is prepared for town and country planning and land use purposes and does set out a framework for future development in Norton St Philip. The draft policies support new housing development, including allocating land for housing development. Therefore this may fall under 10(a & b) of Annex II of the EIA Directive.</p> <p>GO TO ASSESSMENT CRITERION 5</p>
4. Will the Plan, 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))	Yes	The plan seeks to allocate a site for around 0.4ha of housing land within bands B and C of a consultation zone associated with 2 SACs, potentially affecting European designates sites.
5. Does the Plan 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)	Yes	<p>Norton St Philip Neighbourhood Plan draft policies support new housing development, including allocating land for housing development</p> <p>GO TO ASSESSMENT CRITERION 8</p>
6. Does the Plan set the framework for future development consent of projects (not just projects in annexes to the EIA Directive)? (Art 3.4)		NOT APPLICABLE (refer to Figure 1)
7. Is the Plan'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)		NOT APPLICABLE (refer to Figure 1)
<p>As a result of the response to assessment criterion 5 it is necessary to consider the Neighbourhood Plan under assessment criterion 8.</p> <p>Table 2: Determining the Likely Significant Effects of the Norton St Philip Neighbourhood Plan on the Environment does this by using the criteria set out in Figure 2 of this document.</p>		

Table 2: Determining the Likely Significant Effects of the Norton St Philip Neighbourhood Plan on the Environment

Significant effect criteria	Assessment	Likely Significant Environmental effect
The characteristics of the plans, 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.	<p>The NSP NP must be in general conformity with the Mendip Local Plan and the NPPF. Both the local plan and the NSP NP will set the context for determining planning applications alongside the NPPF. The plan influences development within the confines of the parish of Norton St Philip and therefore guides other activities, including the determination of applications for planning permission. Policies relating to development proposals are assessed separately below. The Plan has as an overarching principle encouraging sustainable development, including the conservation and enhancement of historic heritage, and is therefore unlikely to give rise to significant environmental effects.</p>	No
The degree to which the plan influences other plans and programmes including those in a hierarchy.	<p>The plan will be influenced by the adopted Local Plan and must be in general conformity with the Local Plan and the NPPF. In turn it will influence the next round of Somerset Council plan making. It is unlikely to give rise to significant environmental effects by reason of its influence on the Unitary Council tiers of the planning system.</p>	No
The relevance of the plan for the integration of environmental considerations in	<p>The NSP NP includes encouraging sustainable development within the village as an overarching principle and is therefore unlikely to give rise to significant environmental effects.</p>	No

<p>particular with a view to promoting sustainable development.</p>		
<p>Environmental problems relevant to the plan.</p>	<p>The environmental impacts of the proposals within the Norton St Philip Neighbourhood Plan may have a significant effect.</p> <p>Development at the allocated site could result in a likely significant effect on the Bath and Bradford on Avon Bats SAC and the Mells Valley SAC. A Habitats Regulations Assessment will need to be carried out of the plan.</p> <p>An appropriate assessment is necessary due to potential for habitat loss and artificial lighting to impact commuting and foraging habitat used by SAC bat species. Mitigation measures may be required to ensure no adverse effect on the site integrity of the Bath and Bradford on Avon Bats SAC and the Mells Valley SAC.</p>	<p>Yes</p>
<p>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).</p>	<p>The Neighbourhood Plan has to be in general conformity with the Local Plan. The Local Plan has had regard to European Community legislation on the environment and therefore the NP is not directly relevant to the implementation of other European legislation. Waste management issues are addressed in the Somerset Waste Core Strategy.</p>	<p>No</p>

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 neighbourhood plan allows for development to take place in Norton St Philip therefore some element of environmental change will take place. The overall impacts of Policy 2, Site Allocation, does not include mitigation for bats.	yes
The cumulative nature of the effects.	The draft neighbourhood plan should not lead to significant cumulative impacts. The level of housing proposed accords with the Local Plan. However, the need for mitigation for bats is not addressed.	yes
The transboundary nature of the effects.	There are no transboundary effects resulting from the draft Norton St Philip Neighbourhood Plan.	No
The risks to human health or the environment (e.g. due to accidents).	There is limited risk to human health or the environment as result of the draft Norton St Philip Neighbourhood Plan.	No
The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected) by the Plan.	The Neighbourhood Area (NA) covers the civil parish of Norton St Philip which has a resident population of 1004 people (2021 Census) and covers a geographical area of around 700ha.	No

<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, – Intensive land-use, – The effects on areas or landscapes which have a recognised national, Community or international protection status. 	<p>Norton St Philip Neighbourhood Plan area includes areas within Band B and Band C of the Bath and Bradford on Avon Bats SAC and the Mells Valley SAC. As a site at Bell Hill Garage will be allocated for housing development a Habitats Regulations Assessment will need to be carried out of the plan.</p> <p>There is potential for habitat loss and artificial lighting to impact commuting and foraging habitat used by SAC bat species. Mitigation measures may be required to ensure no adverse effect on the site integrity of the Bath and Bradford on Avon Bats SAC and the Mells Valley SAC.</p> <p>The Neighbourhood Plan intends to protect many of the valued areas. However, no mitigation is proposed in response to the bat SAC.</p>	<p>Yes</p>
<p>Criterion 8 Conclusion</p>	<p>The Norton St Philip Neighbourhood Plan is likely to have a significant effect on the environment and requires SEA. The proposed site will require an Appropriate Assessment as set out in the Habitats Regulations and SEA will therefore also be required.</p>	

5. Screening Outcome

5.1 As a result of the findings set out in Table 1: Assessment of the Need for SEA and Table 2: Determining the Likely Significant Effects of the Norton St Philip Neighbourhood Plan on the Environment, it is concluded that the draft Norton St Philip Neighbourhood Plan is likely to have significant environmental effects; consequently **a full SEA is required**.

5.2 Given the location of the proposed development site in Policy 2 within a sensitive area associated with European Sites this screening concludes that Norton St Philip Neighbourhood Plan **will require an Appropriate Assessment**.

5.3 The three statutory consultation bodies, Historic England, Natural England and the Environment Agency were consulted on to determine if they agree with the screening outcomes of this report.

5.4

Table 3: Summary of Consultation Responses from Statutory Bodies

Statutory Consultee	Summary of Comments
Historic England (28/06/23)	We have no comments to offer on the policies of the plan. Our congratulations on the production of the Character Assessment which will no doubt be of great help in the implementation of the Plan and as a complement to the Conservation Area Appraisal.
Natural England (13/12/23)	<p>Based on the information provided in the Ecological Impact Assessment (Engain, October 2023), development at the allocated site could result in a likely significant effect on the Bath and Bradford on Avon Bats SAC and the Mells Valley SAC. As this site will be allocated in the Norton St Philip Neighbourhood Plan, a Habitats Regulations Assessment will need to be carried out of the plan.</p> <p>In this case, an appropriate assessment is necessary due to potential for habitat loss and artificial lighting to impact commuting and foraging habitat used by SAC bat species. Mitigation measures may be required to ensure no adverse effect on the site integrity of the Bath and Bradford on Avon Bats SAC and the Mells Valley SAC.</p>

	<p>Natural England advises that without suitable mitigation, this plan would result in a significant environmental effect as outlined above. We cannot offer advice on how the relevant legislation should be applied or interpreted and recommend the LPA seeks its own legal advice as to whether a SEA is required in this case. If no significant effects are identified following the HRA process then it may be prudent to carry out a screening assessment under the SEA Directive to demonstrate where there is consensus on the likelihood of significant environmental effects and any actions proposed to mitigate effects.</p>
Environment Agency (consulted 06/06/23)	No comments returned

5.5 In the light of the Council's findings and the responses from the statutory consultees it is concluded that there is a requirement to **undertake HRA and a full SEA is required.**