

Strategic Environmental Assessment,
Sustainability Appraisal
and
Habitats Regulations Assessment
Screening Opinion
for
Heversham & Hincaster
Neighbourhood Plan

South Lakeland District Council, October 2015

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1. Introduction

Background

1.1 This screening opinion report sets out South Lakeland District Council's assessment of whether or not the Heversham and Hincaster Neighbourhood Plan requires a Strategic Environmental Assessment (SEA), Sustainability Appraisal (SA) or Habitats Regulations Assessment (HRA)¹. These are assessments that are required for plans being prepared that could have certain environmental effects. The screening tests;

- whether there are likely to be significant environmental effects arising from the policies in the draft Neighbourhood Plan (SEA)
- whether the draft Neighbourhood Plan will have impacts on environmental, social or economic sustainability beyond those already assessed in the Local Plan (SA) and
- whether the draft Neighbourhood Plan is likely to have significant effects on international biodiversity designations (HRA).

1.2 The Heversham and Hincaster Neighbourhood Plan covers the parishes of Heversham and Hincaster. They were together designated as a Neighbourhood Area in August 2013.

1.3 The draft Neighbourhood Plan (the Plan) sets out the local planning policy framework for Heversham and Hincaster Parishes. If the Plan is 'adopted' by the local planning authority, it will become part of the Development Plan for South Lakeland District (outside the National Parks) and will be used in the decision-making process for assessing planning applications within Heversham and Hincaster Parishes.

1.4 The draft vision for the Plan is;

'To retain and enhance the distinctive character of Heversham and Hincaster Parishes as sustainable communities within a valued and conserved landscape, strengthening the sense of community and wellbeing and building an even stronger sense of place for present and future residents of all ages'.

1.5 The key objectives of the Plan are;

- Promoting vibrant community facilities and amenities
- Conserving the local environment, heritage, topography and character of the two Parishes
- Giving local people a say over housing and business development
- Supporting local employment opportunities
- Enhancing the footpath and cycleway network
- Supporting sustainable tourism development
- Developing infrastructure to meet modern needs

1.6 In order to achieve these objectives, the Plan comprises policies that seek to;

¹ The Conservation of Habitats and Species Regulations 2010 (known as the Habitats Regulations) transposes the requirements of the Habitats Directive (Directive 92/43/EEC on the Conservation of Natural Habitats and of wild fauna and flora) into British Law.

- Set out general conditions that development proposals must meet;
- Set out the number of new homes that it will be appropriate to deliver – but not allocating specific sites;
- Set out requirements for new housing developments to deliver in terms of type and landscape impacts;
- Encourage employment development;
- Set out requirements that tourism development should concord with;
- Support sustainable energy supplies;
- Ensure the Parishes have influence over relevant planning decisions.

1.7 It also includes some complementary community objectives relating to; the community infrastructure levy and how any monies generated might be spent; pathways and connections; community facilities and organisations; private transport and public transport.

Screening outcome

- 1.8 Having regard to;
- the SEA Directive² and Schedule 1 and 2 of the Environmental Assessment of Plans and Programmes Regulations 2004;
 - SA guidance;
 - HRA Regulations;
 - The location, nature and scale of the draft Heversham and Hincaster Neighbourhood Plan;
 - the proposals within the draft Heversham and Hincaster Neighbourhood Plan and;
 - the fact that the Plan is required to be in general conformity with, and will sit beneath the South Lakeland Local Plan, which has already been subject to the required assessments;

it is considered that the Plan will not require SEA, SA or HRA. This conclusion was determined following a methodological assessment, which is set out in the following pages. It is however recommended that a simple assessment of the plan's contribution to sustainability should be undertaken.

Consultation and reaching a final screening decision

1.9 Comments on this screening opinion were sought from Natural England, the Environment Agency and Historic England between Friday 19 June and Monday 27 July 2015. Advice was received from Natural England only. This was taken into account by the Council and used to advise the Neighbourhood Plan Group on some changes to the Plan. Following these changes, Natural England were re-consulted and have confirmed that they are now satisfied that any potential risk to designated sites has been removed. As such it can be determined that SEA, SA or HRA are not required.

² Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment

2 Strategic Environmental Assessment (SEA) and Sustainability Appraisal (SA)

SEA

2.8 SEA is undertaken to establish whether a plan, policy, project or programme is likely to have significant effects on the environment. The SEA regulations transpose the European Union’s SEA Directive into law.

2.9 National Planning Practice Guidance (NPPG) advises that “in some limited circumstances, where a neighbourhood plan is likely to have significant environmental effects, it may require a strategic environmental assessment” and that draft neighbourhood plans should be screened to determine whether significant environmental effects are likely. The requirements for this are set out in regulation 9 of the Environmental Assessment of Plans and Programmes Regulations 2004. If likely significant environmental effects are identified, an environmental report must be prepared in accordance with paragraphs (2) and (3) of regulation 12 of those Regulations.

2.10 SA that included the requirements of SEA has been undertaken on higher-tier plans (The [South Lakeland Local Plan – Core Strategy](#) and The [South Lakeland Local Plan – Land Allocations](#)) beneath which this Plan will sit and with which it must be in general conformity.

2.11 One of the basic conditions for neighbourhood plans that the independent examiner will test is whether the neighbourhood plan is compatible with European Union obligations, including the Strategic Environmental Assessment Directive.

2.12 In order to assess the likely significance of the Plan on the environment, the draft Plan has been appraised against the criteria detailed in the Environmental Assessment of Plans and Programmes Regulations 2004 and Strategic Environmental Assessment Directive. This analysis has been made in Table 1.

Table 1: SEA Screening

Criteria	Heversham and Hincaster Neighbourhood Plan Position	Likely Significant 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 Heversham and Hincaster Neighbourhood Plan does not set a framework for other projects or plans outside of the parishes but will be used to guide development within the two parishes until 2025.	No
(b) the degree to which the plan or programme influences other plans	Neighbourhood Plans must have regard to national policy including the National Planning Policy Framework (NPPF) and be	No

Criteria	Heversham and Hincaster Neighbourhood Plan Position	Likely Significant Effect?
and programmes including those in a hierarchy;	in general conformity with the strategic policies in the development plan including the District Council's Core Strategy. The Plan is therefore at the bottom of the hierarchy and does not have the power to influence other plans and programmes.	
(c) the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development;	The Heversham and Hincaster Neighbourhood Plan seeks to help promote sustainable development and to protect and enhance the environment. In particular the Neighbourhood Plan will have to be in general conformity with the sustainable development principles set out in Core Strategy Policy CS1.1.	No
(d) environmental problems relevant to the plan or programme; and	Current environmental issues within and affecting the Neighbourhood Plan area will be considered by those preparing the plan. The Neighbourhood Plan as drafted has a strong emphasis on protecting and enhancing the local environment, heritage, topography and character of the two Parishes and ensuring that new development supports this and is locally appropriate, as well as supporting sustainability. It does not refer to any significant environmental issues. It is expected that the Neighbourhood Plan will have a positive impact on environmental issues in the Parishes.	No
(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).	Not applicable to the Neighbourhood Plan	No
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 Neighbourhood Plan will help guide the location and appearance of development in the parishes until 2025, together with other adopted development plan documents. The effects of the Plan's policies will come about when relevant planning applications are considered by the Local Planning Authority, which will apply the policies in the Neighbourhood Plan to the proposals. The Neighbourhood Plan seeks to have a positive effect on the Parishes' environment and will be reviewed in 2025.	No
(b) the cumulative nature of the effects;	The Sustainability Appraisal of the Core Strategy considered the impact of various options for proportions of development	No

Criteria	Heversham and Hincaster Neighbourhood Plan Position	Likely Significant Effect?
	taking place in smaller villages and hamlets and the open countryside. Heversham and Hincaster fall into this category. The level of development proposed to be supported in the Neighbourhood Plan is consistent with the amount set out in policy CS1.2 of the South Lakeland Core Strategy, which was deemed the most sustainable option as assessed through the Sustainability Appraisal of the Core Strategy.	
(c) the trans boundary nature of the effects;	No neighbouring authorities objected to the final Core Strategy and the draft Neighbourhood Plan does not include proposals likely to affect areas outside of the Parishes. As such, it is unlikely that significant cross-boundary effects will occur.	No
d) the risks to human health or the environment (for example, due to accidents);	None of the proposals in the Neighbourhood Plan are likely to increase risks to human health or the environment.	No
e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);	The Neighbourhood Plan covers Heversham and Hincaster Parishes, which comprise a rural area with a small population. Its impacts are unlikely to be of significant magnitude and are of very limited spatial extent.	No
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	The Neighbourhood Plan seeks to protect and enhance the natural and cultural heritage characteristics of the area. None of the characteristics likely to be affected by the Neighbourhood Plan are of wider than local significance. No environmental quality standards or limit values are likely to be exceeded as a result of the Neighbourhood Plan. The Neighbourhood Plan is unlikely to lead to a significant intensification of land use.	No
(g) the effects on areas or landscapes which have a recognised national, Community or international protection status.	The western portion of Heversham Parish borders both the Lake District National Park and Morecambe Bay, which has several national and international biodiversity designations; it is a Site of Special Scientific Interest (SSSI), a Special Protection Area (SPA), a Special Area of Conservation (SAC) and a Ramsar site. The parishes' north-western borders also lie close to the River Kent SAC. Witherslack Mosses SAC lies across the estuary from the Plan area and Morecambe Bay Pavements SAC, a split site, also lies close by, to the north, south, west and south east of the Plan area. The level of development proposed to be	No

Criteria	Heversham and Hincaster Neighbourhood Plan Position	Likely Significant Effect?
	<p>supported in the Neighbourhood Plan is consistent with the amount proposed in policy CS1.2 of the South Lakeland Core Strategy, which was found to be the most sustainable option when assessed against other options when the Core Strategy was subject to Sustainability Appraisal.</p> <p>The Neighbourhood Plan does not propose to allocate sites and includes only policies intended to ensure that development is small scale and protects and enhances the Parishes, including their character, environment and sustainability. It is therefore unlikely that the Neighbourhood Plan will result in significant negative impacts on the protected areas.</p> <p>The Habitats Regulations Assessment of the Core Strategy considered the likelihood of its policies resulting in significant harmful effects on the sites of international conservation importance and concluded that no significant effects were likely.</p> <p>The Neighbourhood Plan is required to be in general conformity with the policies of the Core Strategy. The Habitats Regulations Screening undertaken for the Neighbourhood Plan found no significant effects are likely on sites of international conservation importance.</p>	

Conclusion

2.13 Based on this assessment, South Lakeland District Council concludes that Heversham and Hincaster Neighbourhood Plan as drafted is not likely to have significant environmental effects and therefore, it is not necessary to subject the Plan to SEA.

SA

2.14 Under UK legislation, SA incorporates the requirements of the SEA Directive, but rather than considering only significant impacts on the environment, a SA is an appraisal of the social, economic **and** environmental impacts of a plan, policy, project or programme.

2.15 SA for Local Plans is required by section 19 (5) of the Planning and Compulsory Purchase Act and has been undertaken (including the requirements of SEA) on higher-tier plans (The South Lakeland Local Plan – Core Strategy and The South Lakeland Local Plan – Land Allocations) beneath which this Plan will sit, and with which it must be in general conformity. Furthermore, the NPPG confirms that there is no legal requirement for neighbourhood plans to be subject to Sustainability Appraisal. However, it must be demonstrated how a plan or will contribute to achieving sustainable development and the NPPG suggests that a sustainability appraisal might be an appropriate way to do this and that the guidance on sustainability appraisal of Local Plans should be referred to.

Conclusion

2.16 As there is no legal requirement for SA to be undertaken on Neighbourhood Plans, provided a simple assessment of the Plan's performance against sustainability criteria is performed, it is concluded that a full SA is not required for the Heversham and Hincaster Neighbourhood Plan. For consistency, it is recommended that a simplified approach based on SLDC's approach to SA is used to carry out a basic assessment.

3 Habitats Regulations Assessment and Appropriate Assessment

3.8 Habitats Regulations Assessment (HRA) is undertaken to establish whether a plan, policy, project or programme is likely to have significant effects, whether alone or in combination with other plans or strategies, on internationally protected sites of biodiversity conservation importance (protected sites). The Habitats Regulations transpose the European Union's Conservation of Natural Habitats and of wild fauna and flora (known as the Habitats Directive), into British Law.

3.9 Guidance on how HRA apply to neighbourhood plans is clear that not all neighbourhood plans will require HRA (Locality Neighbourhood Plans Roadmap Guide). The requirement may be triggered when plans cover, or are close to, an area that includes protected sites or set out particularly large, ambitious or complex proposals. However, draft neighbourhood plans should be screened to determine whether they should be subject to a HRA.

3.10 To meet the requirements of the Habitats Regulations and Directive, HRA follows the basic process below;

- **Screening for likely significant effects.** If no significant effects are thought likely, no further steps are required.
- If significant effects are thought likely, an '**Appropriate Assessment**' must be undertaken to determine the likelihood, extent and implications of the effects on the integrity of protected sites.
- If it is concluded that there will be significant negative effects on protected sites, **alternative solutions and mitigation measures** to prevent the effects must be identified. This would normally involve the relevant proposals being removed from the plan, unless, in exceptional cases, there are overriding reasons of significant public interest that mean the proposals should go ahead.

3.11 The HRA process is underpinned by the precautionary principle. Therefore if, based on the evidence available, it is not possible to rule out a risk of harm to a protected site, it is assumed a risk may exist.

3.12 One of the basic conditions for neighbourhood plans that the independent examiner will test is whether the neighbourhood plan is compatible with European Union obligations, including the Habitats Directive.

3.13 In order to assess whether the Plan should be subject to a formal HRA, the draft Plan has been assessed considering; HRA already undertaken for higher tier plans beneath which the Plan sits; the crucial factors relating to the integrity of protected sites in close proximity to the Plan area; other relevant plans and strategies affecting the Plan area; the possible effects of the Plan and likelihood of impacts on protected sites. This assessment has been made in Table 2. None of the identified protected sites fall within the Plan area.

Table 2: HRA Screening

HRA ALREADY UNDERTAKEN FOR HIGHER TIER PLANS
<p>The South Lakeland Local Plan – Core Strategy was subject to HRA. It was concluded that the Core Strategy would not have any significant effects on any protected sites. The proposals within the Heversham & Hincaster Neighbourhood Plan are in general conformity with those set out for the area in the adopted Core Strategy.</p> <p>The South Lakeland Local Plan – Land Allocations was subject to HRA. Whilst some likely significant effects were found, all the sites put forward as suggestions for development locations in Heversham and Hincaster were found not likely to have any significant effects. This suggests that any assessment of the proposals in the neighbourhood Plan would have similar results.</p>
CRUCIAL FACTORS RELATING TO THE INTEGRITY OF PROTECTED SITES WITHIN OR IN CLOSE PROXIMITY TO THE PLAN AREA
<p>Site: Morecambe Bay Site Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar site. <5km from the Plan area</p>
<p>SPA:</p> <ul style="list-style-type: none"> • Appropriate management, including grazing, mowing, vegetation clearance an appropriate level • The absence or control of introduced or invasive species • Current extent and distribution of suitable feeding and roosting habitat (e.g. saltmarsh, mudflats); • Sufficient prey availability (e.g. small fish, crustaceans and worms); • Minimal levels of disturbance; • Water quality necessary to maintain intertidal plant and animal communities; and • Water quantity and salinity gradients necessary to maintain saltmarsh conditions suitable for bird feeding and roosting.
<p>SAC:</p> <ul style="list-style-type: none"> • Good water quality • No change in land use, habitat loss or fragmentation • The absence or control of invasive or introduced species • Lack of disturbance or erosion from tourism and recreation. • Appropriate management, including grazing, mowing, vegetation clearance, burning at an appropriate level, low nutrient input • Other potential threats include: commercial fisheries, aggregate extraction, gas exploration, adverse effects on interest features as a result of coastal and flood defences.

Ramsar:

- Appropriate management, including grazing, mowing, vegetation clearance an appropriate level
- The absence or control of introduced or invasive species
- Current extent and distribution of suitable feeding and roosting habitat (e.g. saltmarsh, mudflats);
- Sufficient prey availability (e.g. small fish, crustaceans and worms);
- Minimal levels of disturbance;
- Water quality necessary to maintain intertidal plant and animal communities; and
- Water quantity and salinity gradients necessary to maintain saltmarsh conditions suitable for bird feeding and roosting.

Site: River Kent SAC <5km from the Plan area

- The absence of invasive, non-native species, non-native fish species, parasites and diseases, particularly signal crayfish, and individuals infected with crayfish plague
- Good water and habitat quality – all water discharges should ensure favourable condition targets for water quality, flow and habitat quality are maintained
- Adequate water supply to streams and margins - water abstractions should ensure favourable condition targets for water quality, flow and habitat are maintained

Site: Witherslack Mosses SAC <5km from the Plan area

- Appropriate management, including grazing, mowing, vegetation clearance presence or absence of burning at an appropriate level, low nutrient input
- Adequate water supply
- Limited air pollution

Site: Morecambe Bay Pavements SAC <5km from the Plan area

- Appropriate land management
- Low nutrient input
- Limited air pollution

OTHER RELEVANT PLANS AND STRATEGIES

Key other relevant plans/strategies include The South Lakeland Local Plan – Core Strategy. A number of other plans and strategies were considered in the HRAs of the South Lakeland Local Plan – Core Strategy and South Lakeland Local Plan – Land Allocations, and were found to have no likely in-combination effects. As the Neighbourhood Plan must be in general conformity with higher tier plans and also affects a much more localised area, it is thought unlikely that any assessment relating to the Neighbourhood Plan would result in a different outcome.

POSSIBLE EFFECTS OF NEIGHBOURHOOD PLAN**Policies:**

- General conditions that development proposals must meet – none of these are likely to cause significant effects;
- Number of new homes – this is in line with the Core Strategy, which has already been assessed;
- Requirements for new housing developments – these relate to visual impacts, settlement character and type of houses and are not likely to have any significant effects;
- Encouraging employment development – this is in line with the Core Strategy and particularly supports conversions and is not likely to have

significant effects;

- Requirements that tourism development should accord with – these are to ensure tourism development is undertaken appropriately and is in line with the Core Strategy and unlikely to have significant effects;
- Supporting sustainable energy supplies - this is in line with the Core Strategy and is unlikely to have significant effects;
- Ensure the Parishes have influence over relevant planning decisions – this has no direct spatial implications and so is unlikely to have significant effects.

Complementary community objectives:

- Enhancing the footpath network – seeks to improve the existing footpath network through supporting existing projects so is unlikely to have significant effects;
- Supporting the delivery of community facilities and infrastructure – this is in line with the Core Strategy and also relates to the spending of CIL monies in the local area and is unlikely to have significant effects;
- Supporting sustainable transport projects and access arrangements - this is in line with the Core Strategy and is unlikely to have significant effects;

LIKELY SIGNIFICANT EFFECTS TO SITES (INCLUDING POTENTIAL 'IN-COMBINATION' IMPACTS)?

As HRA has already been undertaken for higher tier plans (The South Lakeland Local Plan – Core Strategy and Local Plan - Land Allocations) beneath which the Plan sits, including an assessment of other relevant plans and strategies affecting the Plan area, and because of the nature of crucial factors relating to the integrity of protected sites in close proximity to the Plan area and the possible effects of the Plan and likelihood of impacts of these on protected sites, it is not expected that the Heversham and Hincaster Neighbourhood Plan will have any significant effects on any of the identified protected sites.

CONCLUSION

The Plan does not need to be subject to HRA.

4 Overall conclusions

4.8 Based on the assessments undertaken in the preceding sections, it is concluded that **SEA and HRA are not required for the Heversham and Hincaster Neighbourhood Plan.**

4.9 A **basic assessment of the Plan against sustainability objectives** using a simplified approach to SA based on SLDC's SA approach **is recommended** as best practice.