

Chilbolton 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 Chilbolton 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 request for a screening opinion was submitted to the Council on the 30th April 2019 by Chilbolton Parish Council (Annex A). In accordance with the regulations, Natural England, Historic England and the Environment Agency were consulted. The consultation started on the 2nd May 2019 for a five week period ending on 6th June 2019. A summary of the responses received and the Council's response is outlined in Table A. Copies of the responses 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	No response received	N/A
Natural England 11 th December	Thank you for submitting a screening request for the Chilbolton Neighbourhood Plan SEA. Based on the draft Plan submitted with the screening request <u>Natural England do not consider that a SEA is 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 proposed Neighbourhood Plan, 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 Chilbolton 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.

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**

**Owls Roost, Drove Road, Chilbolton, Stockbridge,
Hampshire SO20 6AB England.**

Mrs. Sarah Hughes MRTPI
Neighbourhood Planning Officer (Delivery)
Planning Policy
Test Valley Borough Council
Council Offices
Beech Hurst,
Weyhill Road,
Andover, SP10 3AJ

30th April 2019.

Dear Sarah,

Chilbolton Neighbourhood Development Plan- Strategic Environmental Assessment

Now that you have had some time to have a look at our pre submission draft of the Chilbolton Neighbourhood Development Plan I write to ask whether a Strategic Environmental Assessment (SEA) will be necessary.

Our understanding is that an SEA may not be necessary because we are not proposing any development in the CNDP but we need your formal response please.

Please contact me should you have any questions or require further information.

Thanking you,

Yours sincerely

Tony Ewer
Chair of Chilbolton Neighbourhood Development Plan Working Group.

Annex B
Response from
Natural England

From: Brown, Nicola
Sent: 13 June 2019 10:24
To: Neighbourhood Planning
Subject: Screening opinion for SA/SEA for the Chilbolton Neighbourhood Plan

Dear Sarah

Thank you for submitting a screening request for the Chilbolton Neighbourhood Plan SEA. Based on the draft Plan submitted with the screening request Natural England do not consider that a SEA is 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

Please note my current working pattern is Tuesday, Wednesday, Thursday and every other Friday.

www.naturalengland.gov.uk

Annex C

Letter to Parish Council

Ms Mandy Denyer
Clerk
Chilbolton 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: Chilbolton NDP
Date: 23 October 2019

Dear Ms Denyer

Chilbolton 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 Chilbolton Neighbourhood Plan. This request was received by the Council on the 30th 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 2nd May 2019 for a five week period, ending on 6th 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 Chilbolton 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. There was no response from Natural England on this matter.

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