

# Denstone Neighbourhood Plan

## *Determination Statement*



**Submission version** *(as required by Regulation 15.1.d of the Neighbourhood Planning (General) Regulations 2012)*

August 2016

**Denstone Parish Council &  
Neighbourhood Plan Steering Group**

## Context

1.1 In some limited circumstances, where a Neighbourhood Plan could have significant environmental effects, it may require a Strategic Environmental Assessment (SEA) under the relevant EU Directive. DCLG planning guidance suggests that, 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 Neighbourhood Plan. An SEA may be required, 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 in a sustainability appraisal of the Local Plan.

1.2 In the case of the Denstone Neighbourhood Plan:

- it does not allocate specific sites for development, relying instead on settlement boundary changes to accommodate the housing requirement
- it does not contain sensitive natural or heritage assets that may be affected by the proposals in the plan
- it does not have significant environmental effects as defined by the criteria set out in Schedule 1 to the Environmental Assessment of Plans and Programmes Regulations 2004
- it does not contain significant proposals beyond those which have already been the subject of a SEA within the Sustainability Appraisal on the WJNCS.

1.3 However, in accordance with recommended good practice, a screening of the Neighbourhood Plan has been undertaken by East Staffordshire Borough Council to determine whether a SEA is required. The Environment Agency, Natural England and Heritage England were consulted on the draft Plan and on the SEA screening. On the basis of this screening (see Appendix 1), the Borough Council concluded that the Denstone Neighbourhood Plan **does not require a SEA to be undertaken** and that it is not in breach of the relevant EU Directive.

## Habitats Directive

1.4 The East Staffordshire Local Plan was required under European Directive 92/43/EEC to be subject to a Habitats Regulations Assessment (HRA). A HRA screening of the Local Plan did not identify any significant effects arising within or adjoining the area of the Denstone Neighbourhood Plan. The Parish Council therefore considers that the Neighbourhood Plan is not in breach of the EU Habitats Directive.

1.5 The making of the neighbourhood development plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2010(2)) or a European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007(3) (either alone or in combination with other plans or projects).

1.6 Natural England has been consulted during the drafting of the Neighbourhood Plan and confirmed that there are no internationally or nationally designated nature conservation site within Denstone.



**SCREENING OPINION ON:  
STRATEGIC ENVIRONMENTAL ASSESSMENT OF A  
NEIGHBOURHOOD PLAN  
HABITAT REGULATIONS ASSESSMENT**

**DENSTONE**

**NEIGHBOURHOOD DEVELOPMENT PLAN**

**March 2016**

## **Introduction**

1. Each Neighbourhood Development Plan (NP) must meet the Basic Conditions in accordance with para. 8 of Schedule 4B to the Town and Country Planning Act 1990 Act, which was inserted by the Localism Act 2011. The local planning authority needs to be satisfied that the Basic Conditions are met. Amongst these Basic Conditions are the following:

- a) The NP contributes to sustainable development;
- b) The NP does not breach or is otherwise compatible with EU obligations – this includes the Strategic Environmental Assessment (SEA) Directive of 2001/42/EC; and
- c) The making of the NP is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2010 or a European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats &c) regulations 2007 (either alone or in combination with other plans or projects) (inserted by Regulation 32 of The Neighbourhood Planning (General) Regulations 2012).

2. Planning Practice Guidance (PPG) contains specific assistance on sustainability appraisal/SEA requirements for NPs. Whilst a Local Plan-style sustainability appraisal is not required, the PPG advises that, by producing a specific statement of how the Plan contributes to the achievement of sustainable development, the requirement under criterion (a) above would be demonstrated. A sustainability appraisal may be a useful way of producing this statement, the PPG advises. (Ref ID: 11-026-20140306)

3. An NP meets the criteria for an SEA as set out in The Environmental Assessment of Plans and Programmes Regulations 2004 if any of its proposals or policies could have 'significant environmental effects'. Defining what are 'significant environmental effects' is not straightforward, but PPG offers the following examples:

"An SEA may be required, for example, where:

- (a) a NP allocates sites for development;
- (b) the neighbourhood area contains sensitive natural or heritage assets that may be affected by the proposals in the plan; or
- (c) 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."

(Ref ID: 11-027-20140306)

4. Schedule 1 of the 2004 Regulations sets out criteria for determining the likely significance of effects on the environment. The criteria are:

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,
  - (b) the degree to which the plan or programme influences other plans and programmes including those in a hierarchy,
  - (c) the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development,
  - (d) environmental problems relevant to the plan or programme,
  - (e) 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
- (a) the probability, duration, frequency and reversibility of the effects,
  - (b) the cumulative nature of the effects,
  - (c) the transboundary nature of the effects,
  - (d) the risks to human health or the environment (e.g. due to accidents),
  - (e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected),
  - (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,
    - (iii) intensive land-use, and
  - (g) the effects on areas or landscapes which have a recognised national, Community or international protection status.

4. It is the responsibility of the local authority to decide whether or not any of the proposals of the NP are significant enough for the Plan to require an SEA. The Parish Council submits their NP (and any subsequent version where there have been significant additions or deletions) to the local authority and the latter produces this screening report, with a statement as to whether or not it considers that an SEA needs to be prepared.

5. The Council will also state whether it considers that there will be a significant effect on a nature conservation site of European significance, as in paragraph 1(c) above.

6. The Council has analysed the NP's policies and proposals against the criteria above, and the results are set out in the chart below.

## 2. ASSESSMENT OF DENSTONE NEIGHBOURHOOD PLAN, DRAFT VERSION, PRE REGULATION 14, FOR SIGNIFICANT ENVIRONMENTAL EFFECTS.

Planning Practice Guidance Criterion or Environmental Regulation Criterion	Significant Effect Identified	Comment
<p><b>PPG Criteria</b> (1) NP allocates sites for development</p>	Yes	<p>Policy SB1 extends the Denstone Settlement Boundary around three sites, effectively making site allocations. SB extension SB1(A) Land north of All Saints Church is for 'around 6 dwellings' and has provisos regarding the effect on the nearby listed buildings and flooding/drainage. SB1(B) Land off Oak Road for 'around 5 dwellings' has provisos for landscape design and impact on flooding/drainage. SB1(C) (D) land at Vinewood Farm OR Land at the Croft for 'around 5 dwellings' has provisos for flooding/drainage impact and access.</p> <p>The policy allocates small parcels of land by extending the SB around potential sites and although small could have an adverse environmental effect, either on their own or cumulatively together. For example, development to the North of All Saints Church could have an effect on the nearby Listed Buildings.</p>
<p>(2) The neighbourhood area contains sensitive natural or heritage assets that may be affected by the proposals in the plan</p>	Possibly – heritage assets	<p>Denstone does not have a conservation area although there are several listed buildings in the Parish, including Denstone College.</p> <p>Heritage Assets and landscape character are considered and protected in policies BE1, BE2, BE3, NE1 and NE2.</p>

		The Parish have undertaken their own characterisation study, highlighting sensitive areas and have used the Farmsteads Guidance for East Staffordshire. Local Built Heritage Assets have been listed and important views towards and from assets mapped.
(3) the NP may have significant environmental effects that have not already been considered and dealt with through a sustainability appraisal of the Local Plan	No	No significant environmental effects have been identified that have not already been considered in the Local Plan Sustainability Appraisal
<b>Environmental Regulation Criteria</b> <i>The characteristics of plans and programmes, having regard, in particular, to:</i> (4) the degree to which the NP sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources;	No	The Neighbourhood Plan does set a framework for projects in the parish, some of which will have environmental effects, but the scale of these is small, they are of a positive nature and their location is not sensitive.
(5) the degree to which the NP influences other plans and programmes including those in a hierarchy;	No	The Local Plan makes provision for Neighbourhood Plan to influence decision making in the Neighbourhood Plan area. The NP accords with National Planning Policy Framework.
(6) the relevance of the NP for the integration of environmental considerations in particular with a view to promoting sustainable development;	The NP is very relevant, but policies adequately promote sustainable development	The Denstone NP contributes to the achievement of sustainable development. Overall Policy DP1 sets out sustainable development principles; Policy DP2 - flood prevention and management; Policy SB(1) Sustainable development in the extended settlement boundary for Denstone Village; H1- sustainable criteria on smaller infill sites; Policy H2 meeting the housing needs of all sectors of the population; Policy H3 sustainable development criteria for judging the design of new development; Policies BE1, BE2, BE3 protecting local character, built heritage assets

		and archaeological sites; Policies NE1, NE2 protecting countryside, landscape and nature; Policies CFOS2, CFOS3 protecting existing, and proposing new, green spaces; Policy LE1 supporting local employment; Policy RE1 Renewable Energy. Failure to meet this criterion would mean that one of the basic conditions could not be met, and the plan would not be able to proceed further.
(7) environmental problems relevant to the NP;	The NP recognises the environmental problems and proposes policies to mitigate them when development is proposed.	The Denstone NP recognises the following environmental problems: risk of flooding and drainage problems (DP2); accommodation of the strategic housing allocation, (Policy SB1) and limiting further housing development, without damaging the character of the village; and not exacerbating the flood risk within those parts of the NP area affected by this problem, with specific requirements for development within the River Churnet catchment and the incorporation of RSuDS for all proposals where feasible. (Policy DP2).
(8) the relevance of the NP for the implementation of Community legislation on the environment (e.g. plans/programmes for waste-management or water protection).	No	The NP is in general conformity with the Waste Management and Minerals Local Plans produced by the County Council and the Water Framework Directive, having incorporated the views of the Environment Agency on this as expressed in response to the adopted Local Plan.
<i>Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:</i> (9) the probability, duration, frequency and reversibility of the effects;	No	It is unlikely that, as a result of the policies within the Neighbourhood Plan, that there will be irreversible, long term or frequently occurring environmental impacts.
(10) the cumulative nature of the effects;	No	A marginal increase in carbon emissions as a result of additional vehicle movements from new developments is cumulative on the existing levels of emissions. However, there is no evidence that emissions levels are at a significant and critical level locally.
(11) the trans boundary nature of the effect;	No	No trans boundary effects have been identified. Additional car movements from the small number of homes proposed



		are unlikely to create significant effects beyond the parish, and drainage effects of new development into the Churnet are controlled by policy DP2, so that effects downstream outside the Parish should not occur.
(12) the risks to human health or the environment (e.g. due to accidents);	No	None of the policies will create hazards to human health. Health and safety standards on developments arising within the plan areas will be governed by relevant statutory codes such as the Construction (Design and Management) Regulations 2007.
(13) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);	Yes	The population covered by these policies is relatively small as it is for one parish.
(14) 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, (iii) intensive land-use	No	Local built heritage assets have been protected by Policies BE1 - BE3. The only environmental quality standard likely to be exceeded is that relating to flood risk. The NP addresses this matter (Policy DP2) with regard to new development not exacerbating the problem, or being at risk itself. There is no evidence that air quality levels are at a significant and critical level locally. No intensive uses are proposed by the NP, and there are no known existing or proposed intensive uses in the parish.
(15) the effects on areas or landscapes which have a recognised national, Community or international protection status;	No	The Parish does not contain any Sites of Special Scientific Interest. The parish lies outside the 15 km hinterland around the Cannock Chase SAC.
<b>Additional specific environmental criterion from Basic Conditions:</b> (16) The NP would have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2010. 'Appropriate' Habitat Regulations Assessment required?	No	See comments below from Natural England

7. The Government's PPG advises that the local planning authority should consult the statutory consultation bodies. The three statutory consultation bodies whose responsibilities cover the environmental considerations of the Regulations (Environment Agency, Natural England and Historic England) have been re-consulted on this revised version of the Plan. They commented as follows:

**Environment Agency** *"As requested we have reviewed the screening assessment prepared in support of the Denstone Neighbourhood Plan. We do not consider further work on the SEA and HRA necessary for the plan to progress as it is unlikely to have any significant environmental impacts."*

**Historic England** *"On the basis of the information supplied, including that set out in the draft plan, and in the context of the criteria set out in Schedule 1 of the Environmental Assessment Regulations [Annex II of 'SEA' Directive], Historic England are of the opinion that the preparation of a Strategic Environmental Assessment is not likely to be necessary. The reason for this opinion is that, despite the Plan allocating sites for development which might normally trigger the need for SEA, Denstone has undertaken detailed historic characterisation as part of the Plan evidence base. This, in combination with a comprehensive range of protective policies in relation to the historic environment effectively, in our view, mitigates against any likely environmental impacts such that SEA does not appear to be justified in this instance."*

#### **Natural England**

Natural England has reviewed the draft SEA and HRA screening report. With regard to SEA we note the report's findings and confirm that we do not anticipate the draft neighbourhood plan having significant effects on the natural environment. The Council should however ensure that the Environment Agency's advice is secured on the theme of flood alleviation and flood defence in respect of the three housing allocations as this has been identified as an issue to be addressed.

**8. As a result of the above, East Staffordshire Borough Council believes that the Denstone Neighbourhood Plan would not have significant environmental effects and, as a result, an SEA of the Plan will not be required.**

#### **Habitat Regulations Assessment**

9. An 'appropriate assessment' is required if a policy or plan is likely to have a 'significant effect' on a Special Area of Conservation (SAC) or Special Protection Area (SPA) or Ramsar site.

10. Natural England has given advised that no further work is required:

*With regard to Habitats Regulations Assessment we do not anticipate that the draft neighbourhood plan is likely to have a significant effect on European Designated sites. No further work is needed in respect of HRA.*

13. East Staffordshire Borough Council concludes that a Habitat Regulation Assessment **would not** need to be carried out as it **is not** considered that any of the development proposed in the Plan would be likely to have an adverse effect on the nearest European sites (SAC, SPA or Ramsar) due to a combination of the distance from the nearest European site and the relatively small size of new development proposed. **21/03/16**