

**HARPOLE NEIGHBOURHOOD PLAN
STRATEGIC ENVIRONMENTAL ASSESSMENT
AND
HABITAT REGULATIONS ASSESSMENT
SCREENING REPORT**

April 2016

Kirkwells

The Planning People

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Appendix 1 Consultation Responses

1.0 Introduction

- 1.1 Strategic Environmental Assessment (SEA) is a systematic and comprehensive process for evaluating the environmental effects of a plan or programme in order to ensure that the environmental implications of decisions are taken into account before any such decisions are made. The need for the environmental assessment of plans and programmes is set out in the EU Directive 2001/42/EC, known as the SEA Directive.
- 1.2 Under this Directive, Neighbourhood Plans may require SEA but this is very much dependent upon the content of the Plan. For plans which "determine the use of small areas at local level" or are "minor modifications" to existing plans, the Directive only requires SEA where they are likely to have significant environmental effects. The expressions "small area" and "local level" are not defined in the Directive and must be interpreted in relation to the nature and scope of a particular plan. Screening is needed to determine whether such plans are likely to have significant environmental effects.
- 1.3 Annex II of the Directive lists criteria for determining the likely significance of the environmental effects of plans and to be used in a screening exercise. The findings of the exercise must be subject to consultation with Heritage England, the Environment Agency and Natural England. The results of the screening process must be detailed in a Screening Statement, made available to the public.
- 1.4 This Screening Report is an assessment as to whether the contents of the Draft Harpole Neighbourhood Plan published in April 2016 require a Strategic Environmental Assessment in accordance with the Directive. It also determines whether the Neighbourhood Plan requires a Habitats Regulations Assessment (HRA) in accordance with Article 6(3) and (4) of the EU Habitats Directive and with Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended). A HRA is required when it is deemed likely that there will be significant adverse effects on protected European Sites (Natura 2000 sites) as a result of the implementation of a plan/project.

2.0 Legislative Background

Strategic Environmental Assessment

- 2.1 The SEA Directive was transposed into English law by the Environmental Assessment of Plans and Programmes Regulations 2004 (SEA Regulations)¹. Detailed guidance on these regulations can be found in the Government publication, A Practical Guide to the Strategic Environmental Assessment Directive (ODPM 2005)².
- 2.2 The Planning and Compulsory Purchase Act 2004 requires local authorities to produce Sustainability Appraisals (SAs) for all Development Plan Documents in order to meet the requirement of the SEA Directive and it is considered best practice to incorporate the requirements of this Directive into a Sustainability Appraisal (National Planning Policy Framework, paragraph 165). As a neighbourhood plan is not a Development Plan Document, it does not legally require a Sustainability Appraisal. However, there are instances where a SEA would need to be undertaken in order to meet the requirements of the SEA Regulations.
- 2.3 Consequently, to establish whether the neighbourhood plan might give rise to significant environmental effects, it is necessary to screen the plan (see Section 5).

Habitats Regulations Assessment.

- 2.4 Schedule 2 of the Neighbourhood Planning (General) Regulations 2012 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. In relation to this, paragraph 1 sets out a basic condition that the making of a neighbourhood plan is not likely to have a significant effect on a European site. Paragraph 4 indicates that a qualifying body which submits a proposal for a neighbourhood plan must provide such information as the competent authority may

¹ http://www.legislation.gov.uk/ukxi/2004/1633/pdfs/ukxi_20041633_en.pdf

² https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/7657/practic_alguidesea.pdf

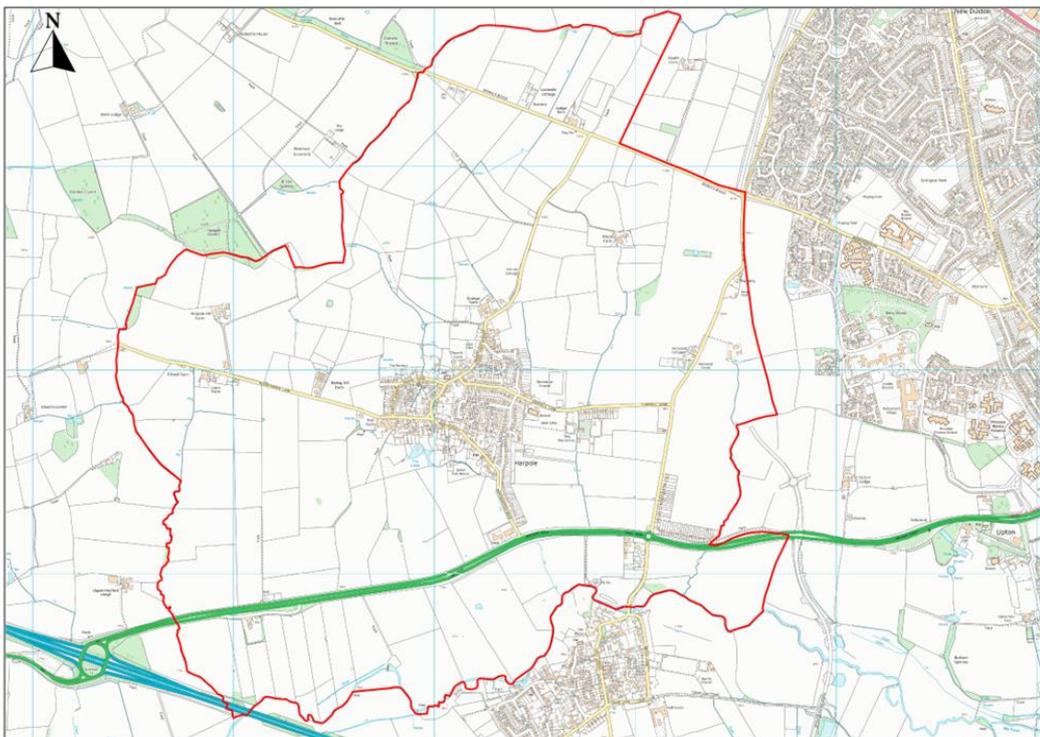
reasonably require for the purposes of the assessment or to enable them to determine whether an assessment is required.

- 2.5 The legislation requires that, where there is a risk of a significant effect on a European site, either individually or in combination with other plans or projects then the plan should progress from HRA screening to an Appropriate Assessment.

3.0 Harpole Neighbourhood Plan

- 3.1 The purpose of the Harpole Neighbourhood Plan is to provide a set of statutory planning policies to guide development within the parish over the period to 2029 and has been prepared by a steering group on behalf of the qualifying body, Harpole Parish Council.

Map showing the Harpole Neighbourhood Plan area which is subject to the SEA screening process



- 3.2 The objectives of the Harpole Neighbourhood Plan are:
1. To ensure future housing meets local affordable needs without infringing on green spaces, where possible and enables people of all ages to continue to reside within the parish.
 2. To ensure new housing developments within the village are small scale and in keeping with the surroundings.

3. To ensure that the design and appearance of future development is in character with the rural identity and character of the area.
4. To preserve and enhance the character of the Harpole Conservation Area
5. To protect locally significant green spaces within the village and in the surrounding countryside from inappropriate development for existing and new residents, and ensuring non-coalescence with Northampton.
6. To preserve the landscape character of the parish and ensure that new development on the rural fringe does not impact on the setting of the village.
7. To ensure appropriate infrastructure measures are implemented to accommodate new development.
8. To promote safe walking and cycle routes both within the village and to nearby villages and towns.
9. To protect and enhance community facilities within the Parish

3.3 In order to deliver these objectives, the Plan set out a number of parish-wide policies. These indicate how new development proposals will be assessed in order to ensure that future housing growth is sustainable and does not have a detrimental impact upon the parish. Policies also provide protection to important environments and natural assets, including local green spaces and the Harpole Conservation Area, as well as supporting the provision of community infrastructure. There is also a policy that sets out how the neighbourhood plan will support the provision of Structural Greenspace and wildlife corridors including a Country Park. Opportunities to improve routes for walkers and cyclists are also promoted in the Plan.

3.4 It is a requirement of the Localism Act 2011 that neighbourhood plans must be in general conformity with the strategic policies of the Local Plan. Harpole lies within South Northamptonshire district and must therefore be in general conformity with the West Northamptonshire Joint Core Strategy 2014 and the 'saved' policies of the adopted South Northamptonshire Local Plan 1997. The Joint Core Strategy was subject to a full Sustainability Appraisal which incorporated a SEA assessment and this previously completed SEA

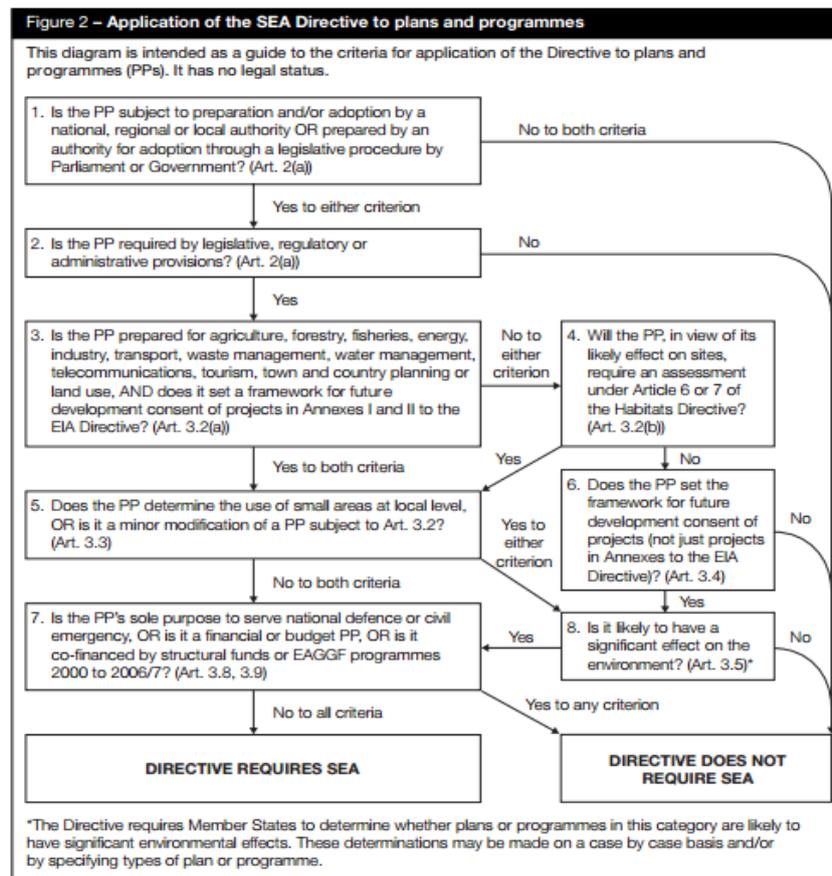
has been taken into account in undertaking the screening assessment of the Harpole Neighbourhood Plan.

4.0 Screening Process

4.1 It is the purpose of this report to assess whether the policies and proposals in the Harpole Neighbourhood Plan are likely to have ‘significant environmental effects’. This screening assessment has been undertaken in two parts:

- The first part assesses whether the neighbourhood plan requires SEA in accordance with the flow chart set out below
- The second part considers whether the neighbourhood plan is likely to have a significant effect on the environment, using criteria set out in Schedule 1 of the EU SEA Directive and the Environmental Assessment of Plans and Programme Regulations 2004 (see section 2)

4.2 Government guidance, as set out in ‘A Practical Guide to the Strategic Environmental Assessment Directive’, identifies the following approach to be taken in determining whether SEA is required:



4.3 This process has been followed and the findings are set out in the table below:

Table 1: Establishing the Need for Strategic Environmental Assessment

| Stage | Y/N | Reason |
|--|----------|--|
| 1. Is the plan or programme 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)) | Y | Neighbourhood plans may be prepared under the provisions of the Town and Country Planning Act 1990, as amended by the Localism Act 2011. They are drawn up by a qualifying body, which, in the case of Harpole, is the Parish Council. It is subject to examination and referendum. If the Plan receives 50% or more 'yes' votes at referendum, it will be 'made' by the local planning authority (South Northamptonshire Council) |
| 2. Is the PP required by legislative, regulatory or administrative provisions? (Art. 2(a)) | N | The preparation of a Neighbourhood Development Plan is optional. However, once 'made', it will form part of the statutory Development Plan for the area and will be used in the determination of planning applications. It is therefore considered necessary to answer the following questions to determine further if a SEA is required. |
| 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 | Y | The Neighbourhood Plan has been prepared for town and country planning and land use and sets out a framework for future development in Harpole. Once 'made', it would |

| Stage | Y/N | Reason |
|--|-----|---|
| projects in Annexes I and II to the EIA Directive? (Article 3.2(a)) | | form part of the statutory development plan, and will be used when making decisions on planning applications which could include development which may fall under Annex I and II of the EIA directive. |
| 4. Will the Plan, in view of its likely effects on sites, require an assessment for future development under Article 6 or 7 of the Habitats Directive? (Article 3.2(b)) | ? | The Neighbourhood Plan could potentially have impacts on sites covered by the Habitats Directive. However, this requires individual assessment of a Plan (see section 6) |
| 5. Does the Plan determine the use of small areas at local OR is it a minor modification of a PP subject to Article 3.2? (Article 3.3) | Y | The Neighbourhood Plan determines the use of small sites at the local (neighbourhood) level |
| 6. Does the Plan set the framework for future development consent of projects (not just projects in annexes to the EIA Directive)? Article 3.4) | Y | A neighbourhood plan forms part of the Development Plan and will be used in the assessment of planning applications. It, therefore, sets the framework for future developments at a local level. |
| 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? (Article 3.8, 3.9) | N | Not applicable |
| 8. Is it likely to have a significant effect on the environment? (Article 3.5) | ? | A neighbourhood plan could potentially have an effect on the environment. However, whether this is significant depends on the proposals in the Plan. An individual screening assessment of the Neighbourhood Plan is required (see section 5) |

5.0 Screening Assessment

- 5.1 The results of the preceding assessment indicate that, depending upon the content of a neighbourhood plan, a Strategic Environmental Assessment may be required. For this reason, neighbourhood plans should be assessed individually in order to determine their likely significant effects on the environment.
- 5.2 The criteria for determining the likely significant effects referred to in Article 3 (5) of Directive 2001/42/EC are set out in Annex II of the SEA Directive and Schedule 1 of the Regulations. The proposals within individual Neighbourhood Plans will need to be assessed against these criteria:
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 trans-boundary 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 national 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.

5.3 The policies set out in the draft Harpole Neighbourhood Plan (April 2016) have been used to undertake this screening assessment. If the conclusion of the screening exercise is that a SEA is not required, any major changes to the existing policies or introduction of new ones should be subject to a further screening assessment to ensure that significant effects are not likely.

5.4 The table below sets out the assessment of policies in the Harpole Neighbourhood Plan in relation to the criteria outlined earlier:

Table 2: Assessment of the Likelihood of Significant Effects on the Environment

| Criteria for determining the likely significance of effects | Is the Harpole NP likely to have a significant environmental effect? | Justification for Screening Assessment |
|---|--|---|
| 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. | No | The Harpole Neighbourhood Plan sets a local policy framework for development proposals. It supports the implementation of policies in the adopted West Northamptonshire Joint Core Strategy which have already been |

| Criteria for determining the likely significance of effects | Is the Harpole NP likely to have a significant environmental effect? | Justification for Screening Assessment |
|--|--|--|
| | | subject to SEA as part of the Sustainability Appraisal. |
| The degree to which the plan or programme influences other plans and programmes including those in a hierarchy. | No | The Harpole Neighbourhood Plan must be in conformity with the South Northamptonshire Development Plan. It therefore supports the implementation of higher tier policies at the neighbourhood level and, as such, is not considered to have a significant influence on other plans and programmes. |
| The relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development. | No | The Harpole Neighbourhood Plan contributes to the achievement of sustainable development at the neighbourhood level. Policies set out in the Plan protect assets of local environmental value, including the Conservation Area and local green spaces, and provide locally distinct planning policies to protect them. The likelihood of significant effects on the environment is, therefore, minimised. |
| Environmental problems relevant to the plan or programme. | No | Because of the scale of development proposed in the neighbourhood plan itself, environmental impacts are likely to be small. Existing environmental problems may be addressed through the implementation of the Plan's policies. The West Northamptonshire Joint Core Strategy identifies Sustainable Urban Extensions (SUEs) at Northampton West (N4) and Norwood Farm (N9A) which are expected to deliver over 1000 new houses in the neighbourhood |

| Criteria for determining the likely significance of effects | Is the Harpole NP likely to have a significant environmental effect? | Justification for Screening Assessment |
|---|--|---|
| | | plan area. These proposals have been subject to Sustainability Appraisal. |
| 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). | No | The Harpole Neighbourhood Plan must be in conformity with higher level plans that comprise the South Northamptonshire Development Plan. This has had regard to European Community legislation on the environment. Consequently, the policies of the neighbourhood plan are not considered to be relevant to the implementation of EC legislation. |
| The probability, duration, frequency and reversibility of the effects. | No | Some development is likely over the Plan period meaning that some environmental change will take place. However, the Plan policies are designed to ensure that any new development will be sustainable and any environmental impacts minimised. |
| The cumulative nature of the effects. | No | The neighbourhood plan's policies are unlikely to have significant cumulative impacts on the local environment |
| The trans-boundary nature of the effects | No | The policies in the Harpole Neighbourhood Plan are unlikely to have significant environmental impacts on neighbouring areas |
| The risks to human health or the environment (e.g. due to accidents). | No | No significant risks to human health or the environment as a result of the Plan's policies have been identified. In fact, the Plan is likely to improve human health by improving access to green infrastructure. |
| The magnitude and spatial extent of the effects (geographical area) | No | The Harpole Neighbourhood Plan is concerned with development within the neighbourhood area. |

| Criteria for determining the likely significance of effects | Is the Harpole NP likely to have a significant environmental effect? | Justification for Screening Assessment |
|--|--|---|
| and size of the population likely to be affected) | | The geographical area covered by the Plan is 833 hectares and it has a population of 1546. The potential for environmental impacts is likely to be limited and minimal |
| <p>The value and vulnerability of the area likely to be affected 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. | No | <p>The neighbourhood plan area is rural in character and its natural heritage assets include 83 protected and notable species and 11 Schedule 9 species. Part of the Nene Valley Nature Improvement Area falls within the neighbourhood plan area. There are no sites designated as nationally or internationally important within the Plan area, although there are 2 non-statutory sites adjacent to Harpole Parish, Kislingbury Field East and Oldfield Thicket.</p> <p>There are 26 Listed Buildings and Scheduled Monuments in the Parish including the Grade II* Listed Church of All Saints 2 and Harpole has a designated Conservation Area.</p> <p>The Harpole Neighbourhood Plan is unlikely to adversely affect the value and vulnerability of the area in relation to its natural or cultural heritage. In fact, its policies provide greater support to enhance the natural and cultural assets of the area.</p> |

5.5 On the basis of the SEA Screening Assessment set out in Table 2 above, the conclusion is that the Harpole Neighbourhood Plan will

not have significant effects in relation to any of the criteria set out in Schedule 1 of the SEA Regulations, and therefore does not need to be subject to SEA.

5.6 The main reasons for this conclusion are:

- The Harpole Neighbourhood Plan supports the implementation of policies in the adopted West Northamptonshire Joint Core Strategy which have already been subject to SEA through the Sustainability Appraisal and assessed as having no significant environmental effects.
- The Harpole Neighbourhood Plan is a lower tier plan in the hierarchy of planning documents for the area, and therefore has limited influence on other plans or programmes
- The Plan is concerned with development at the neighbourhood level. Its impacts are therefore unlikely to be strategic
- Through its policies, the Harpole Neighbourhood Plan seeks to avoid or minimise negative environmental effects

6.0 HRA Screening

- 6.1 The Habitats Regulations Assessment (HRA) refers to the assessment required for any plan or project to assess the potential impacts against the conservation objectives of Natura 2000 wildlife sites. This assessment must determine whether a plan would adversely affect, or is likely to affect, the integrity of a site(s) in terms of its nature conservation objectives.
- 6.2 Under Criterion 4 of Table 1: Assessing the Need for SEA, it was concluded that the Neighbourhood Plan may have an impact upon internationally designated sites and as such a 'case by case' assessment is required.
- 6.3 The HRA process is generally divided into three stages. The initial stage of the process is the screening stage and determines if there are any likely significant effects or risk of significant effects possible as a result of the implementation of the plan. If there are significant effects the plan will need to undertake an Appropriate Assessment. The screening process should provide a description of the plan (see earlier) and an identification of the Natura 2000 sites which may be affected by the plan and assess the significance of any possible effects on the identified sites.
- 6.4 Harpole itself does not contain a Natura 2000 site. However, there are a number of such sites that could potentially be affected by the West Northamptonshire Joint Core Strategy and this has been subject to an Appropriate Assessment. The Appropriate Assessment considered the potential effects of the policies and proposals in the Submission Joint Core Strategy and Proposed Modifications, including the 2 Sustainable Urban Extensions that would deliver new homes in the neighbourhood plan area, on the integrity of two European Sites: Rutland Water Special Protection Area and Ramsar Site and Upper Nene Valley Gravel Pits Special Protection Area and Ramsar Site. The Appropriate Assessment was able to rule out any significant negative effects on the two European sites.
- 6.5 The Harpole Neighbourhood Plan policies and proposals are in conformity with those in the West Northamptonshire Joint Core Strategy which has been subject to Appropriate Assessment. This confirms that the Joint Core Strategy will not result in adverse

effects on the integrity of any European site. It is therefore concluded that no further work will be required in order to comply with the Habitat Regulations.

7.0 Conclusions and Recommendations of the Screening Assessments

- 7.1 This report sets out the assessment of the need for the Harpole Neighbourhood Plan to be subject to Strategic Environmental Assessment as required by the SEA Directive and Appropriate Assessment as required by the Habitats Directive.
- 7.2 The assessment of both of these requirements has been undertaken on the Draft Neighbourhood Plan which was published in April 2016. As such if the content of the Neighbourhood Plan is significantly changed there may be the need for a further screening exercise to be undertaken on any modified version of the Neighbourhood Plan.

Strategic Environmental Assessment (SEA)

- 7.3 In relation to the requirement for the Harpole Neighbourhood Plan to be subject to Strategic Environmental Assessment, it is concluded in the assessment undertaken in Section 5 of this report that the Plan in its current form is unlikely to have significant environmental effects and therefore SEA will not be required.

Habitat Regulations Assessment (HRA)

- 7.4 In terms of the requirement for the Harpole Neighbourhood Plan to be subject to Habitat Regulations Assessment, the appraisal set out in Section 6 of this report concludes that no further work will be required in order to comply with the Habitat Regulations.

APPENDIX 1

Responses from:

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