



Foston Neighbourhood Plan

Strategic Environmental Assessment and Habitats Regulation Assessment Screening Report

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March 2016

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1. Introduction

- 1.1 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.
- 1.2 The purpose of SEA is to provide a high level of protection of the environment and to integrate considerations of the environment into the preparation and adoption of plans with a view to promoting sustainable development.
- 1.3 The SEA process sets out criteria for assessing the significance of the impact of a plan on the environment. For example, if a plan proposes a housing development it may have an impact on the wildlife of the area or have an impact on landscape. If a significant effect is possible the assessment requires the consideration of options and for the evaluation of the potential effects on the environment.
- 1.4 To ascertain if SEA is required, a “screening” exercise is undertaken which looks at the proposals in a Neighbourhood Plan to see if a significant effect is likely. The criteria for this screening are set out in the relevant legislation.
- 1.5 A Habitats Regulations Assessment (HRA) is a process which looks at the potential impact of proposals within a plan on internationally designated wildlife sites. For the purpose of the HRA, internationally designated wildlife sites are Special Protection Areas (SPA), Special Areas of Conservation (SAC) and Ramsar wetland sites.
- 1.6 The initial stage of the HRA process involves consideration of the reasons for designation and the conservation objectives of each internationally designated wildlife site within a reasonable distance of the Neighbourhood Plan Area and the potential impact of the proposals within the plan on these.
- 1.7 This report details the assessment of the Foston Neighbourhood Plan against the need for an SEA or HRA to be produced to accompany the Plan. It concludes that an SEA is not required to accompany the Foston Neighbourhood Plan and that it would not need to be subject to HRA.
- 1.8 This report has been sent to the three statutory consultees of the Environment Agency, English Heritage and Natural England to elicit their views on its contents. The results of this consultation are included in Appendix 2 and a screening determination has been issued indicating the outcome of the screening stage.

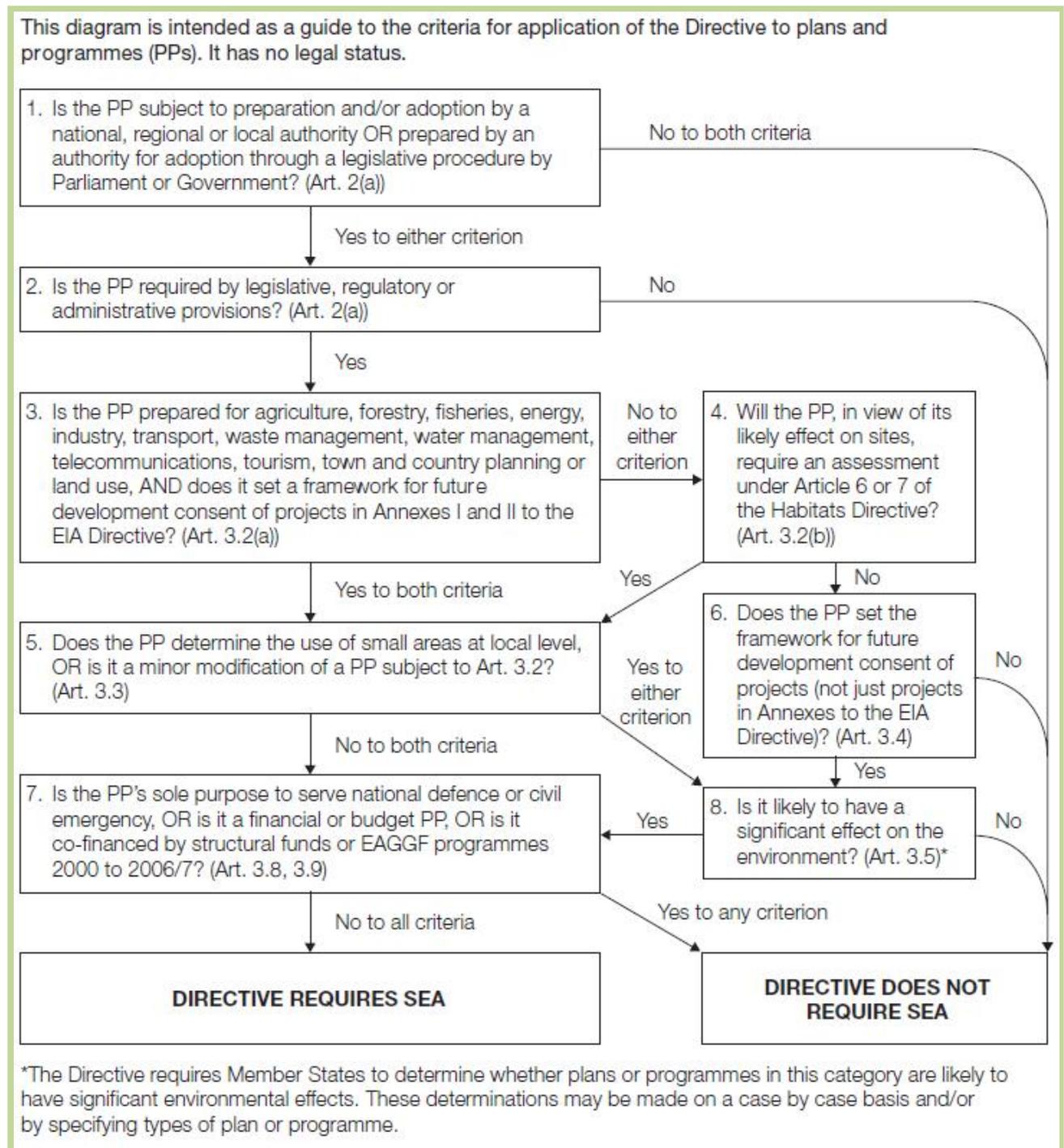
2. Strategic Environmental Assessment

- 2.1 This screening report seeks to determine whether or not a Strategic Environmental Assessment (SEA) is required for the Foston Neighbourhood Plan in accordance with European¹ and National² legislation.
- 2.2 The objective of the SEA Directive is:
'to provide for a high level of protection of the environment and contribute to the integration of environmental considerations into the preparation and adoption of development plans.... with a view to promoting sustainable development' EU Directive 2001/42/EC (Article 1).
- 2.3 To establish if a Neighbourhood Plan needs to be accompanied by a full SEA, a "screening" assessment is required against a series of criteria set out in the SEA Directive. Figure 1 (page 5) sets out the screening process and how a plan would be assessed against the SEA Directive criteria.
- 2.4 An assessment of the characteristics of a Neighbourhood Plan against these criteria is set out in Table 1 (on page 6).

¹ [European Directive 2001/42/EC](#) (SEA Directive)

² [Environmental Assessment of Plans and Programmes Regulations 2004](#) (SEA Regulations)

Figure 1: Application of the SEA Directive to plans and programmes



Source: Annex II of the SEA Directive 2001/42/EC

| Table 1: Assessment of Characteristics of a Neighbourhood Development Plan | | |
|--|------------|---|
| Stage | Y/N | Reason |
| 1. Is the Plan subject to preparation and/or adoption by a national, regional or local authority OR prepared by an authority through a legislative procedure by Parliament or Government? (Article 2(a)) | Y | NDPs are prepared by a qualifying body (Parish/Town Councils) under the Town and Country Planning Act 1990 (as amended). A NDP is subject to examination and referendum. If a NDP receives 50% or more 'yes' votes at referendum it will be 'made' by the District Council as Local Planning Authority. |
| 2. Is the Plan required by legislative, regulatory or administrative provisions? (Article 2(a)) | N | The preparation of a NDP is optional. However, once 'made' it does form part of the statutory Development Plan for the area and used when making decisions on planning applications. |
| 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? (Article 3.2(a)) | Y | A NDP can include these policy areas and could provide at a Neighbourhood Area level the framework for development of a scale that would fall within Annex II of the EIA Directive. Developments that fall within Annex I are 'excluded' development for NDPs (as set out in Section 61k of the Town and Country Planning Act 1990, as amended). |
| 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)) | N/K | A NDP could potentially have impacts on sites covered by the Habitats Regulations. However, this requires individual assessment of a NDP (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 | A NDP can determine the use of small areas at a local 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 NDP forms part of the Development Plan and will be used in the decision making process on 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 | A NDP does not deal with these issues. |
| 8. Is it likely to have a significant effect on the environment? (Article 3.5) | N/K | A NDP could potentially have an effect on the environment. However, whether this is significant depends on the proposals within the NDP. This requires individual assessment of a NDP (see section 5) |

2.5 The conclusion of the assessment in Table 1 is that depending on the content of a Neighbourhood Plan, an SEA may be required. For this reason a case by case analysis of Neighbourhood Plans will be required to determine the likely significant effects on the environment.

2.6 Assessment of the significance of the effect of a Neighbourhood Plan will depend on the proposals within it. The criteria for assessing the likely significance of effects are set out in Annex II of the SEA Directive, Schedule 1 of the Regulations and shown in Figure 2. The proposals within individual Neighbourhood Plans will need to be assessed against these criteria (see Table 2).

Figure 2: Criteria for determining likely significance of effects on the environment (from Article 3.5 of the SEA Directive)

1. The characteristics of neighbourhood plans, having regard, in particular, 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,
 - the degree to which the plan influences other plans and programmes including those in a hierarchy,
 - the relevance of the plan for the integration of environmental considerations in particular with a view to promoting sustainable development,
 - environmental problems relevant to the plan,
 - the relevance of the plan for the implementation of Community legislation on the environment (e.g. plans and programmes linked to waste-management or waste 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 of 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.

3. Habitats Regulations Assessment

3.1 In addition to the screening of Neighbourhood Plans in relation to SEA, there is a need to assess the likelihood of proposals within a Plan having an adverse impact on internationally designated wildlife sites. This Habitats Regulations Assessment (HRA) is required by the European Habitats Directive.

3.2 A Habitats Regulations Assessment may be required depending on the contents of the Neighbourhood Plan and the potential impact of the Plan on internationally designated wildlife sites within a reasonable distance from the Neighbourhood Plan area. For the purposes of assessment this will be taken to be sites within 20km of the Neighbourhood Area. As such, a case by case assessment of Neighbourhood Plans will need to be undertaken to see if a full HRA is required.

3.3 The approach to assessing the potential impact of a Neighbourhood Plan on an internationally designated wildlife site, and hence the need for an HRA include consideration of the reasons for designation and conservation objectives for each site. The key environmental conditions that support the site are assessed against the proposals within the Plan.

4. Foston Neighbourhood Development Plan

4.1 Foston Parish is located in the North West of South Kesteven District. The

4.2 The aims and objectives of the Foston Neighbourhood Plan are to:

‘Ensure that Foston remains a successful and vibrant rural village that values its past but looks to the future’ and

- To recognise the distinctive quality of the landscape of the Parish of Foston, and seek to protect and enhance the local landscape character, its biodiversity, footpaths and bridleways;
- To promote the safeguarding and enhancement of locally important buildings and features that contribute to the character of the Parish;
- To allow for a limited amount of new development to meet local needs, having regard to national and local planning policies for development in the countryside;
- To encourage measures to improve highway safety for all road users.

4.3 The Plan contains policies that seek to deliver the aims and objectives but it does not identify or propose the allocation of specific development sites.

4.4 The environmental characteristics of the area are illustrated in Appendix 1.

5. SEA Screening Assessment

5.1 The policies set out in the draft Neighbourhood Plan have been used to undertake the screening assessment. If the conclusion of the screening exercise is that an 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.

5.2 SEAs have been completed as part of the adoption of the South Kesteven Core Strategy and Site Allocation and Policies Development Plan Document (SAP DPD). These previously completed SEAs have been taken into account in undertaking this screening assessment.

5.3 The criteria for undertaking a screening assessment are set out in Figure 2 of this report. Table 2 outlines the results of the assessment against these criteria.

Table 2: Assessment of likelihood of significant effects on the environment

| Criteria for determining the likely significance of effects (Schedule 1 of SEA Regulations) | Is the Foston NDP 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 Foston Neighbourhood Plan does not include any site specific development proposals, however, it does set out a number of policies that aim to manage development in the parish. These adopted policies should be conformity with the adopted Local Plan. The FNP identifies policies EN1, SP1, SP2, SP3 H1, H3, SAP2, SAP10 as being particularly relevant. These have already been the subject of SEA and assesses as having no significant effects. |
| The degree to which the plan or programme influences other plans and programmes including those in a hierarchy. | No | The Plan will sit below the adopted Local Plan and should, therefore, be in general conformity with it. Whilst development is generally not permitted within Foston at present, Policy FNP11 encourages small scale infill development, subject to certain conditions. Whilst this goes beyond the level of development permitted by the Local Plan, it does so only at a local level, i.e. within Foston and it is therefore not considered that this is significant enough to trigger the requirement for SEA. Any individual environmental matters would be dealt with on a site by site basis as and when necessary. |
| The relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development. | No | The FNP contributes to the achievement of Sustainable Development at the neighbourhood level. Policies set out in the FNP are planned to have a possible impact on the local environment. There is therefore limited potential for significant effects to take place. |
| Environmental problems relevant to the plan or programme. | No | There are no known significant environmental problems. |
| 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 FNP is in accordance with the South Kesteven Local Plan, which is in accordance with European Community Legislation. |
| The probability, duration, frequency and reversibility of the effects. | No | The FNP does not contain any specific proposals, however, plan policies are designed to expect any new development to be more sustainable and have minimal environmental effects. The plan timeframe is until 2026, however, permanent effects would exist beyond this. |

| | | |
|---|----|--|
| The cumulative nature of the effects. | No | The plan will not lead to any cumulative effects in combination of with any existing or emerging plans or programmes. The emerging Local Plan will be subject to a full Sustainability Appraisal, which will look at these matters in more detail. |
| The trans-boundary nature of the effects. | No | No adjacent parishes have produced neighbourhood plans to date. The proposals within the FNP are unlikely to have significant impacts on neighbouring areas. FNP11 (which permits development) only relates to the village of Foston and not the outlying countryside. |
| The risks to human health or the environment (e.g. due to accidents). | No | No risks to human health have been identified nor have risks to the environment. The policies within the Plan seek to protect the environment. |
| The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected). | No | The effects of the Plan are confined to Foston Parish and they are unlikely to extend beyond this. The population in Foston is 525 (2011), therefore there is potential to influence a very small population. |
| The value and vulnerability of the area likely to be affected due to: <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 | The following features are present within Foston: <ul style="list-style-type: none"> • Listed buildings <p>The Plan seeks to achieve sustainable development, which will not have negative effects on the area.</p> |

5.4 On the basis of the SEA Screening Assessment set out in Table 2 above, the conclusion is that the Foston 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. The main reasons for this conclusion are:

- The Foston Neighbourhood Plan supports the implementation of policies in the adopted South Kesteven Local Plan (Core Strategy), which has already been subject to SEA and assessed as having no significant environmental effects.
- The Foston Neighbourhood Plan represents a lower tier in the hierarchy of planning documents for South Kesteven, and therefore has no or limited influence on other plans or programmes
- The Foston Neighbourhood Plan itself is unlikely to have environmental effects; rather it is the specific developments that come forward within the Neighbourhood Area that may result in environmental effects
- The Foston Neighbourhood Plan seeks to avoid or minimise negative environmental effects of through the provision of guidance on issues which should be considered

when making proposals within the Neighbourhood Area. It is, therefore, likely to have an indirect positive environmental effect by setting out how developers can avoid adverse effects on a number of environmental receptors.

6. Habitats Regulations Assessment

6.1 The Habitats Regulations Assessment (HRA) refers to the assessment required for any plan or project to assess the potential implications for European wildlife sites. The HRA therefore looks at whether the implementation of the plan or project would harm the habitats or species for which European wildlife sites are designated. European wildlife sites are:

- Special Protection Areas (SPA) designated under the Birds Directive (79/409/EEC)
- Special Areas of Conservation (SAC) designated under the Habitats Directive (92/43/EEC)

6.2 In addition to SPAs and SACs sites Ramsar sites are designated under the Ramsar Convention (Iran 1971 as amended by the Paris Protocol 1992). Although they are not covered by the Habitats regulations, as a matter of Government policy, Ramsar sites should be treated in the same way as European wildlife sites. European wildlife sites and Ramsar sites are collectively known as internationally designated wildlife sites.

6.3 The legislation sets out a process to assess the potential implications of a plan on internationally designated sites. The first stage of this process is a “screening” exercise where the details of nearby internationally designated sites are assessed to see if there is the potential for the implementation of the Plan to have an impact on the site.

6.4 Under Criteria 6 of the assessment in Figure 2.2, it was concluded that a Neighbourhood Plan may have an impact on internationally designated wildlife sites and that a case by case assessment was required. For the purposes of the “screening” assessment the potential impact of the Neighbourhood Development Plan on sites within 20km of the Neighbourhood Plan area are assessed.

6.5 There are no European wildlife or Ramsar sites within 20km of the Foston Neighbourhood Area.

7.0 Conclusions

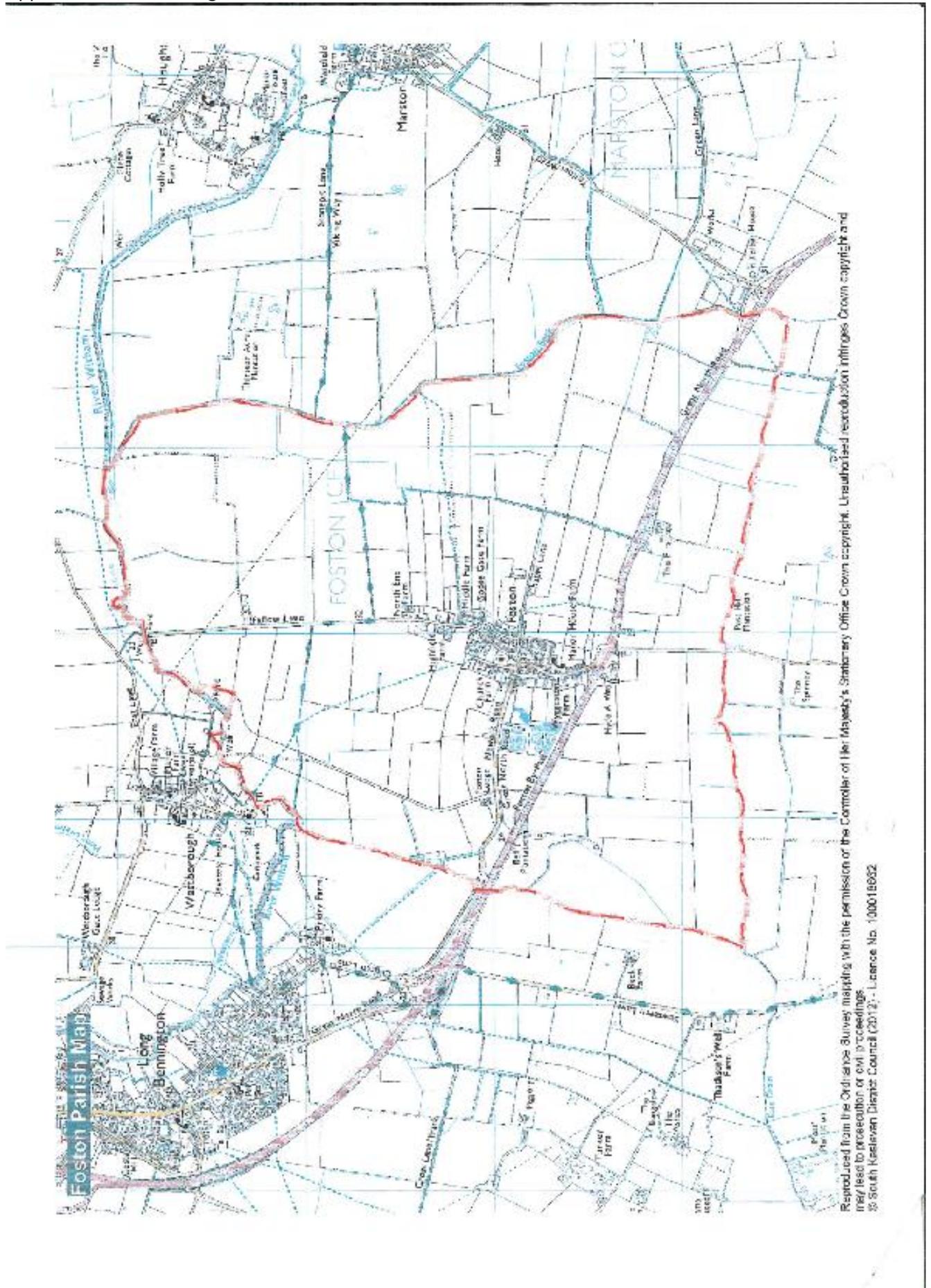
SEA Assessment

7.1 On the basis of the SEA Screening Assessment set out in Table 2 above, it is concluded that the Foston 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 a SEA report.

Habitats Regulations Assessment

7.2 There are no internationally designated wildlife sites within the Neighbourhood Area or within 20km of it. The Foston Neighbourhood Plan will not, therefore, will not have an adverse effect on the integrity of internationally designated sites either on its own or in

combination with other plans and does not need to be subject to a Habitats Regulations Assessment.



Appendix 2: SEA Consultation Responses

Responses to the consultation agreed with the conclusions of the above screening exercise. The responses from the three statutory bodies of Natural England, Historic England and the Environment Agency are included below.



Sarah Watson
South Kesteven District Council
Development and Growth
Council Offices, St. Peter's Hill
Grantham
Lincolnshire
NG31 6PZ

Our ref: AN/2015/122489/02-L01
Your ref: 150918/MLB07
Date: 12 January 2016

Dear Sarah

**Foston Neighbourhood Plan – SEA screening
Foston, Lincolnshire**

Thank you for consulting us on the above Strategic Environmental Assessment Screening Report regarding Foston Neighbourhood Plan.

We consider that the conclusion of the assessment reflects the content of our letter with reference AN/2015/122489/01 and dated 04/11/2015. In view of this, we do not have any further comments to make.

We suggest that our recommendations are included in the Neighborhood Plan.

Should you require any additional information, please do not hesitate to contact me on the number below.

Yours sincerely

**Francesca Guglielmi
Sustainable Places Advisor**

Direct dial 020 30253470
Direct e-mail francesca.guglielmi@environment-agency.gov.uk



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Department, Lincolnshire and Northamptonshire Area

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Email: planningkettering@environment-agency.gov.uk
www.environment-agency.gov.uk

Customer services line: 03708 506 506
Calls to 03 numbers cost the same as calls to standard
geographic numbers (i.e. numbers beginning with 01 or 02).

End

Sarah Watson

From: Fletcher, Clive [Clive.Fletcher@HistoricEngland.org.uk]
Sent: 04 February 2016 12:21
To: Sarah Watson
Subject: RE: Foston Neighbourhood Plan SEA Screening

Dear Sarah,

Thank you for your email. In the absence of any housing allocations proposed by the plan, or other substantive proposals, we agree with the conclusion of the report that SEA will not be required for the plan.
Yours sincerely,

Clive Fletcher, Principal Advisor, Historic Places
Direct Line: 0115 9861038
Mobile phone: 07771502052

Historic England | Windsor House, Cliftonville
Northampton | NN1 5BE
www.HistoricEngland.org.uk

From: Sarah Watson [<mailto:S.Watson@southkesteven.gov.uk>]
Sent: 04 February 2016 12:01
To: Fletcher, Clive
Subject: FW: Foston Neighbourhood Plan SEA Screening

Hi Clive,

As discussed, please see attached SEA screening report.

Best regards,

Sarah Watson

From: Sarah Watson
Sent: 07 January 2016 13:08
To: 'mark.white@english-heritage.org.uk'
Subject: Foston Neighbourhood Plan SEA Screening

Dear Consultee,

Please see attached SEA Screening Report relating to the Foston Neighbourhood Plan (I have attached an additional parish location plan for clarity). The Neighbourhood Plan can be viewed at the following link:

http://www.fostonvillage.org.uk/fostoni/index.php?option=com_content&view=article&id=186&Itemid=46

I would be grateful if you could provide comments on the screening assessment at your earliest convenience.

Best regards,

Sarah Watson
Planning Policy Officer
Development and Growth

Date: 16 February 2016
Our ref: 175632
Your ref: None



Sarah Watson
South Kesteven District Council

BY EMAIL ONLY

Customer Services
Hombeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

Dear Sarah

Planning consultation: Foston Neighbourhood Plan. Strategic Environmental Assessment and Habitats Regulation Assessment Screening Report

Thank you for your consultation on the above dated 07 January 2016 which was received by Natural England on 07 January 2016.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Natural England welcomes the Screening Report which assesses the requirement for Strategic Environmental Assessment (SEA) and Habitat Regulations Assessment (HRA) for the Foston Neighbourhood Plan.

It is our advice, based on the information accompanying the consultation, that it is unlikely that any significant environmental effects will result from the implementation of the Foston Neighbourhood Plan. We therefore agree with the Screening Report's conclusion that a full SEA would not be required.

Natural England also agrees with the screening report's conclusions that the Foston Neighbourhood Plan would not be likely to result in a significant effect on any European Site either alone or in combination and therefore no further assessment work under the Habitats Regulations would be required.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries relating to the specific advice in this letter only please contact Andy Stubbs on 0300 060 2875. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

We really value your feedback to help us improve the service we offer. We have attached a feedback form to this letter and welcome any comments you might have about our service.

Yours sincerely
Andy Stubbs
Lead Adviser

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