



Bromsgrove
District Council

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Strategic Environmental Assessment and Habitat Regulation Assessment Screening Assessment

Catshill and North Marlbrook Parish Neighbourhood Plan

July 2020

Catshill and North Marlbrook Parish Neighbourhood Plan

SEA & HRA Screening Determination

1. Introduction

This report sets out the screening assessment for the Catshill and North Marlbrook Neighbourhood Plan and has been prepared by Bromsgrove District Council. The purpose of the screening is to assess if the Neighbourhood Plan will require a Strategic Environmental Assessment (SEA) and /or a Habitat Regulation Assessment (HRA). Conclusions for both SEA and HRA in this Screening Opinion are included in Section 9 of this report.

2. Introduction to Strategic Environmental Assessment and Habitat Regulation Assessment

Strategic Environmental Assessment (SEA)

Strategic Environmental Assessment (SEA) is required under European Union (EU) legislation for all plans which may have a significant effect on the environment. In order to determine whether a plan has a significant effect on the environment, it is necessary to screen the policies and proposals contained within a plan. When a neighbourhood plan becomes “made” (adopted) it will have legal status as part of the statutory development plan for the neighbourhood area it relates to. There is therefore a legal requirement to assess the policies and proposals in the draft Catshill and North Marlbrook Neighbourhood Plan against the requirements of European Union Directive 2001/42/EC; also known as the “Strategic Environmental Assessment (SEA) Directive”.

The objective for SEA is: *“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 with a view to promoting sustainable development, by ensuring that, in accordance with this Directive, an environmental assessment is carried out of certain plans and programmes which are likely to have significant effects on the environment.”* (SEA Directive, Article 1).

Habitat Regulation Assessment (HRA)

The Conservation of Habitats and Species Regulations (as Amended) 2017 requires an assessment of land use planning proposals to determine whether a plan is likely to have significant effects on European designated sites of nature conservation importance within, close to, or connected to the plan area. European sites are areas of international nature conservation importance that are protected for the benefit of the habitats and species they support. This assessment is known as a Habitat Regulation Assessment (HRA). For the purposes of the HRA, designated sites are Special Protection Areas (SPA), Special Areas of Conservation (SAC), and Ramsar wetland sites.

3. Neighbourhood Plans and SEA / HRA

Regulation 15 of the 2012 Neighbourhood Planning (General) Regulations sets out the information that must accompany a neighbourhood plan when submitted to the local planning authority. In February 2015 amendments to the Neighbourhood Plan Regulations came into force; this is known as the Neighbourhood Planning (General) (Amendment) Regulations 2015. Regulation 2(4) of these amendments adds additions to the list of documents that a qualifying body must submit to a local planning authority with a Neighbourhood Plan. The additional document which must be submitted is either an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004, or a statement of reasons why an environment assessment is not required. The amendment to the Regulations is to ensure that the public can make informed representations and that independent examiners have sufficient information before them to determine whether a neighbourhood plan is likely to have significant environmental effects.

The National Planning Policy Framework (NPPF) makes it clear that “Local plans should be informed throughout their preparation by a sustainability appraisal that meets the relevant legal requirements” (NPPF, #32). The legal requirements referred to (SEA legislation) are included in NPPF footnote 17, which also states that “neighbourhood plans may require SEA, but only where there are potentially significant environmental effects”.

Neighbourhood plan areas that are located in close proximity to a European designated site may also require HRA, depending on the complexity of policies and proposals contained within the plan and the likely significant effects. The Duty to Cooperate requires the Local Planning Authority (alongside the Statutory Consultees - Natural England, Environment Agency, and Historic England) to advise and assist on SEA and HRA requirements. This involves the Local Planning Authority undertaking a screening assessment of the emerging neighbourhood plan proposals at an early stage.

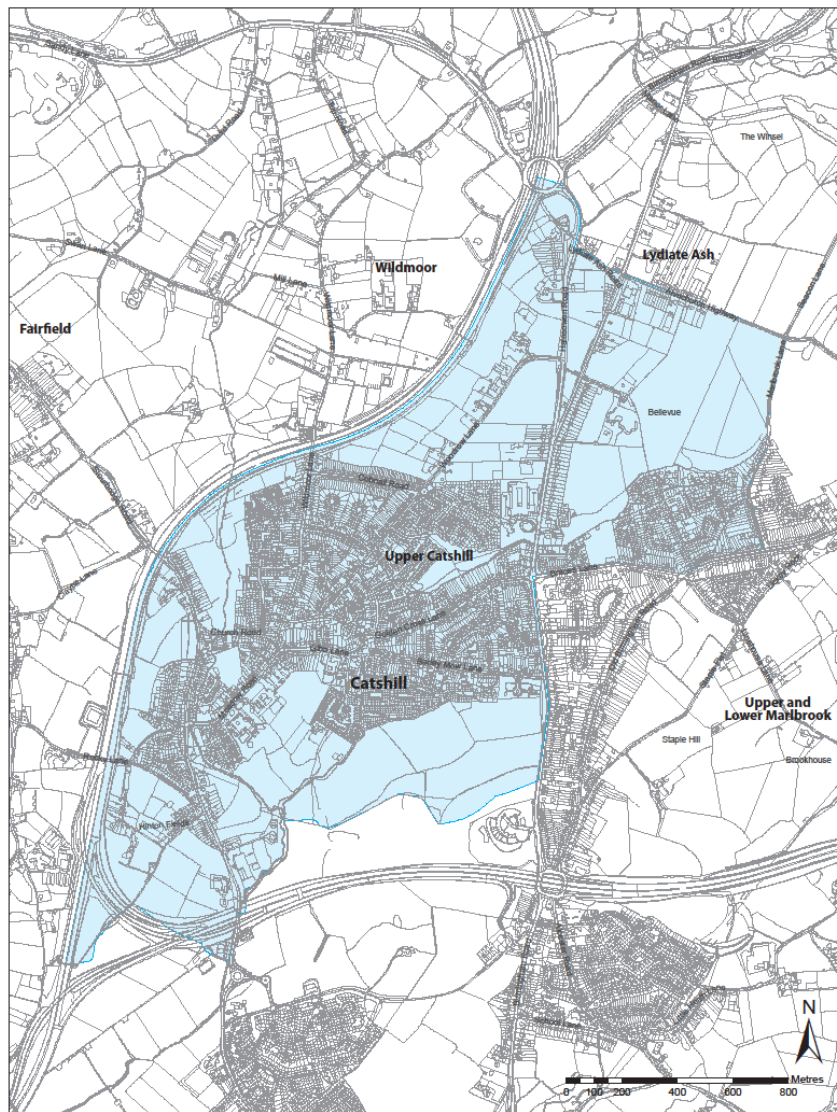
If an SEA or HRA is found to be required, the gathering of evidence for its preparation can be integrated into the process of producing the neighbourhood plan. If the outcome of this screening opinion concludes that SEA or HRA is not necessary, a statement will be prepared that sets out how environmental issues have been taken into account and considered during the preparation of the Catshill and North Marlbrook Neighbourhood Plan. This statement will be submitted to the Local Planning Authority alongside the proposed Neighbourhood Plan, following the pre-submission ('Regulation 14') consultation.

4. The Catshill and North Marlbrook Neighbourhood Plan

Work on the Catshill and North Marlbrook Neighbourhood Plan commenced in 2016. A steering group of parish councillors and interested residents from the parish was set up to oversee the preparation of the neighbourhood plan.

Catshill and North Marlbrook Parish (see Figure 1) is located in Bromsgrove District within Worcestershire County. The parish is located to the north/north-east of Bromsgrove town, to the north of the M42 motorway. The parish is made up of the built up area of Catshill and Marlbrook settlements, surrounded by land within the designated West Midlands Green Belt.

Figure 1: Catshill and North Marlbrook Neighbourhood Plan Area



**Bromsgrove District Council,
Catshill and North Marlbrook Parish**
Scale 1: 11,000
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5. Applying the SEA & HRA Screening to the Catshill and North Marlbrook Neighbourhood Plan

The SEA screening is a two stage process consisting of:

Stage 1 – this stage considers the Neighbourhood Plan against the SEA assessment criteria set out in Planning Practice Guidance (PPG). If it is determined at this stage that there is potential for the Neighbourhood Plan to have a significant effect on the environment then stage 2 should be carried out.

Stage 2 – this stage involves testing the relevant Neighbourhood Plan against the criteria set out in SEA Directive Article 3(5) Annex II, to determine the likely significance of environmental effects.

The HRA screening approach involves consideration of the European designated nature conservation sites within a reasonable distance of the Neighbourhood Plan area, and the potential impact of the proposals within the plan on these designated sites.

6. SEA Screening Stage 1: Application of SEA Directive to the Catshill and North Marlbrook Neighbourhood Plan

To establish if a Neighbourhood Plan needs to be accompanied by SEA, stage 1 of the screening assessment is required to assess the plan against a series of criteria set out in the SEA Directive.

An assessment of the characteristics of the Catshill and North Marlbrook Neighbourhood Plan against these criteria is set out in Table 1 below.

Table 1: SEA Screening Stage 1 – Application of the SEA Directive to the Neighbourhood Plan

SEA Assessment Criteria	Neighbourhood Plan Outcome (Y/N)	Commentary
1) Is a Neighbourhood 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	The Catshill and North Marlbrook Neighbourhood Plan is being prepared by a qualifying body (Parish Councils) under the Town and Country Planning Act 1990 (as amended). The Local Planning Authority (Bromsgrove District Council) has a statutory obligation to “make” a Neighbourhood Plan once it has successfully gone through the relevant statutory preparation stages, culminating in a local referendum. At this stage, the Neighbourhood Plan becomes part of the statutory development

		plan for the neighbourhood area. To this extent, the Neighbourhood Planning process is directed through a legislative procedure which is set out in the Neighbourhood Planning Regulations 2012 (and Amendments 2015) and the Localism Act 2011.
2) Is the Neighbourhood Plan required by legislative, regulatory or administrative provisions? (Article 2(a))	N	The preparation of Neighbourhood Plans is optional and is a decision to be made by the Parish/Town Council or Neighbourhood Forum. However, if the decision is taken to prepare a Neighbourhood Plan, the qualifying body is required to follow the set of regulatory and administrative procedures as set out in the Neighbourhood Planning Regulations 2012 (and Amendments 2015) and the Localism Act 2011.
3) Is the Neighbourhood 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 Neighbourhood Plan must relate to town and country, spatial and/or land use planning. Once made, it will form part of the statutory framework (“development plan”) for the determination of planning applications. Neighbourhood Plans therefore set specific frameworks for future development consents.
4) Will the Neighbourhood 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	A Neighbourhood Plan could potentially have impacts on sites covered by the Habitats Regulations. A Habitat Regulations Assessment screening of Neighbourhood Plans is required to assess if the plan proposals will impact negatively on internationally designated wildlife sites. A HRA screening assessment of the Neighbourhood Plan has been undertaken and is discussed in more detail at sections 8-10 of this report.
5) Does the Neighbourhood Plan determine the use of small areas at local OR is it a minor modification of an existing plan/programme subject to Article 3.2? (Article 3.3)	Y	A Neighbourhood Plan can set out detailed, localised policies to reflect local aspirations, concerns or issues. The Neighbourhood Plan can also determine the use of sites in its neighbourhood plan area by making site specific land use allocations. The Catshill and North Marlbrook Neighbourhood Plan sets out a preference for development locations but does not propose to allocate any new sites within its area for development.
6) Is the Neighbourhood Plan	N	The Neighbourhood Plan could potentially have

likely to have a significant effect on the environment?		<p>an effect on the environment. However, whether this is significant depends on the proposals within the Neighbourhood Plan. This requires individual assessment of the Neighbourhood Plan.</p> <p>The relevant criteria for determining whether Neighbourhood Plans are likely to have a significant environmental effect are set out in Article 3(5) Annex II of the SEA Directive.</p> <p>Stage 2 of this screening assessment determines whether or not the Catshill and North Marlbrook Neighbourhood Plan will lead to any significant effects on the environment and, therefore, whether the Neighbourhood Plan will need to be accompanied by a SEA.</p>
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SEA Screening Stage 1: Conclusions

The conclusion of the assessment set out in Table 1 is that depending on the content of the Catshill and North Marlbrook neighborhood Plan, an SEA may be required. For this reason an analysis of the proposed neighbourhood plan was required to determine the likely significant effects on the environment. Therefore, it was necessary to complete stage 2 of the SEA screening process.

7. SEA Screening Stage 2: SEA Directive Article 3(5) Annex II – Application of Criteria for determining the likely significance of effects of a Neighbourhood Plan

Table 2 below sets out the assessment against the SEA criteria for the Catshill and North Marlbrook Neighbourhood Plan. This is to determine whether the implementation of the Neighbourhood Plan will have a significant effect on the environment. The criteria against which the screening is carried out are taken directly from Annex II of the European Union Directive 2001/42/EC (also known as the SEA Directive), as required by Article 3(4).

Table 2: SEA Screening Stage 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 Catshill and North Marlbrook Neighbourhood Plan likely to have a significant environmental effect?	Justification for Screening Assessment
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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.	No	The Catshill and North Marlbrook Neighbourhood Plan will only be setting the framework for projects in a local context. There is a statutory requirement for the Neighbourhood Plan's policies to be within the context of strategic policies in the adopted Bromsgrove District Plan (BDP, 2017). It therefore cannot provide for development that is not in general conformity with the adopted Local Plan. Rather, it will make policies and proposals that will be applicable to the designated neighbourhood plan area. The proposed neighbourhood plan does not include site allocations.
b) The degree to which the plan or programme influences other plans and programmes including those in a hierarchy.	No	The Catshill and North Marlbrook Neighbourhood Plan will be in general conformity with the adopted Bromsgrove District Plan (BDP, 2017). The Neighbourhood Plan will also be in conformity with the National Planning Policy Framework (NPPF) and guidance set out in the National Planning Practice Guidance (PPG). The conformity of the Neighbourhood Plan with both national and local strategic policy is part of the basic conditions which will be tested at examination stage by an Independent Examiner.
c) The relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development.	Potentially	The Neighbourhood Plan will be in general conformity with the adopted Bromsgrove District Plan, which advocates sustainable development and has been subject to SEA and Sustainability Appraisal as part of the plan-making process. It is also one of the Basic Conditions of producing a Neighbourhood Plan that it should contribute to the achievement of sustainable development.
d) Environmental problems relevant to the plan or programme.	No	It is not considered that the Catshill and North Marlbrook Neighbourhood Plan will introduce any environmental problems, rather it will seek to encourage sensitive development in relation to the environment.
e) The relevance of the plan or programme for the implementation of European Community legislation on the environment (e.g. plans and programmes linked to waste management or water protection).	No	The Catshill and North Marlbrook Neighbourhood Plan will not impact on the implementation of European Community legislation on the environment. Strategies relating to waste disposal or water protection are mostly dealt with by Worcestershire County Council. Bromsgrove District Council itself has a number of strategies

		in place, relating to waste collection and environmental protection. Community consultations as part of the plan process may identify specific local environmental concerns or issues, but these are generally not issues which could be addressed through a Neighbourhood Plan.
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	No	It is considered that the overall impact of the Neighbourhood Plan will be positive by maximising the positive environmental effects of development and minimising or avoiding negative impacts.
b) The cumulative nature of the effects	No	It is considered that the effect of this Neighbourhood Plan will be largely beneficial therefore any cumulative impacts will also be beneficial.
c) The transboundary nature of the effects	No	The effects of the proposals within the Neighbourhood Plan are limited to the designated neighbourhood area and are unlikely to have a significant impact on neighbouring areas outside of this boundary.
d) The risks to human health or the environment (e.g. due to accidents)	No	No significant risks to human health or the environment are envisaged through the application of this Neighbourhood Plan.
e) The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)	No	The Neighbourhood Plan is applicable only to developments within the neighbourhood plan area (Catshill and North Marlbrook Parish area). Therefore, the potential for environmental effects are likely to be minimal and limited to the neighbourhood plan area.
f) The value and vulnerability of the area likely to be affected due to: <ul style="list-style-type: none"> a. Special natural characteristics or cultural heritage; b. Exceeded environmental quality standards or limit values; or c. Intensive land-use. 	Potentially	The Catshill and North Marlbrook Neighbourhood Plan is applicable to proposed developments within Catshill and North Marlbrook Parish. Any potential policy impacts on heritage have been assessed through the Sustainability Appraisal of the Bromsgrove District Plan, which the neighbourhood plan is considered to be in general conformity with.
g) The effects on areas or landscapes which have a recognised national, community or international protection status.	No	The overall impact of the Neighbourhood Plan will be positive by maximising the positive environmental effects of development and minimising or avoiding negative impacts. Bromsgrove has a number of sites of importance for nature conservation but these are protected by separate policies in the adopted Bromsgrove District Plan.

		If a Habitat Regulations Assessment (HRA) is deemed necessary then a SEA would also be required. The results of the HRA screening assessment are set out in sections 8 and 9 of this report.
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SEA Screening Stage 2: Conclusions

On the basis of the SEA Screening Assessment set out in Tables 1 and 2, the conclusion is that the Catshill and North Marlbrook Neighbourhood Plan will not have significant environmental 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 an SEA. The main reasons for this conclusion are:

- There are no plans for the proposed Catshill and North Marlbrook Neighbourhood Plan to allocate sites for development;
- Policies and proposals within the Neighbourhood Plan itself are unlikely to have significant environmental effects; rather it is the specific developments that come forward as part of planning applications within the neighbourhood area that may result in environmental effects;
- The neighbourhood plan will seek to avoid or minimise negative environmental effects by providing guidance for applicants when making proposals for development within the neighbourhood plan area. This will help to reduce adverse environmental effects occurring within the neighbourhood plan area.

8. HRA Screening

In addition to the screening of the Neighbourhood Plan in relation to SEA, there is a requirement to assess if the proposals within the Neighbourhood Plan could have an adverse impact on European designated nature conservation sites. This Habitats Regulation Assessment (HRA) is required by the European Habitats Directive and Conservation of Habitats and Species Regulations 2017.

The HRA involves an assessment of any plan or project to establish if it has potential implications for European sites. The HRA will consider if the proposals in the Neighbourhood Plan have the potential to harm the habitats or species for which European sites are designated. European 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)

In addition to SPA and SAC 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 sites.

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 within a reasonable distance from the Neighbourhood Plan area are assessed to see if there is any potential for the Neighbourhood Plan proposals to have an impact on the site. For the purposes of this HRA screening assessment a “reasonable distance” will be taken to be sites within 15km of the designated Neighbourhood Plan Area.

For the HRA “screening” assessment the Neighbourhood Plan area was checked to see if any Special Protection Areas, Special Areas of Conservation sites, or Ramsar sites were located within its area.

9. SEA & HRA Screening Conclusion

SEA Assessment

On the basis of the SEA Screening assessment set out in stages 1 and 2 above, it is concluded that the Catshill and North Marlbrook 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 an SEA report.

Habitat Regulations Assessment

There are no European designated nature conservation sites within the Neighbourhood Plan area or within 15km of it. However, the results show that there is one Special Area of Conservation (SAC) located within 20km of the neighbourhood plan area. This site is Fens Pools, a 20.2ha SAC site located near to Pensnett in Dudley Borough.

However using an approach of a 15km radius from the neighbourhood area, based on consideration of other neighbourhood plan HRA screening exercises across the UK, it is concluded that the Catshill and North Marlbrook Neighbourhood Plan will not have an adverse effect on the integrity of designated sites either on its own or in combination with other plans, and therefore does not require a Habitat Regulation Assessment to be undertaken.

10. Next Steps

Strategic Environmental Assessment (SEA)

The next stage will be to consult with the Statutory Consultees (Natural England, the Environment Agency, and Historic England) on this Screening Report of the Catshill and North Marlbrook Neighbourhood Plan. The Statutory Consultees will be asked to consider the Screening Report and confirm if they consider an SEA is necessary or not.

If the Statutory Consultees advise that an SEA is necessary then an environmental report will be required for the Neighbourhood Plan. The environmental report will integrate the requirements of the SEA Regulations. This will ensure that the potential environmental effects (the focus of the SEA) are given full consideration in the preparation of the neighbourhood plan. The environmental report will be published alongside the draft Neighbourhood Plan when it goes out to formal consultation. It will also be submitted to the Local Planning Authority when the proposed Neighbourhood Plan is submitted under Regulation 15 of the Neighbourhood Planning Regulations.

If it is concluded that the emerging Neighbourhood Plan will not require SEA, then it will be necessary to publish the Statutory Consultee responses together with this screening assessment on the Bromsgrove District Council website and the Catshill and North Marlbrook Parish Council website. In accordance with the Neighbourhood Planning Regulations (2015) Amendments, a statement of reasons why an environmental assessment is not required will need to be published and submitted to the Local Planning Authority with the proposed Neighbourhood Plan.

Habitats Regulations Assessment (HRA)

Consultation with the Statutory Consultees will also make a request of Natural England to consider the screening assessment of the Habitat Regulations Assessment (HRA) and to advise if appropriate assessment is necessary or not. If Natural England advises that HRA is necessary then a report will be prepared and will sit alongside the draft Neighbourhood Plan when it goes out to formal consultation. It will also be submitted to the Local Planning Authority with the proposed Neighbourhood Plan.

11. Further Information

A copy of the draft Catshill and North Marlbrook Neighbourhood Plan has been sent to the Statutory Consultees alongside this Screening Assessment document.