

**APPLETON THORN NEIGHBOURHOOD PLAN
STRATEGIC ENVIRONMENTAL ASSESSMENT
AND
HABITATS REGULATIONS ASSESSMENT**

**Screening Report
December 2015**

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 Historic 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 Appleton Thorn Neighbourhood Plan published in December 2015 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

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/practicalguidesea.pdf

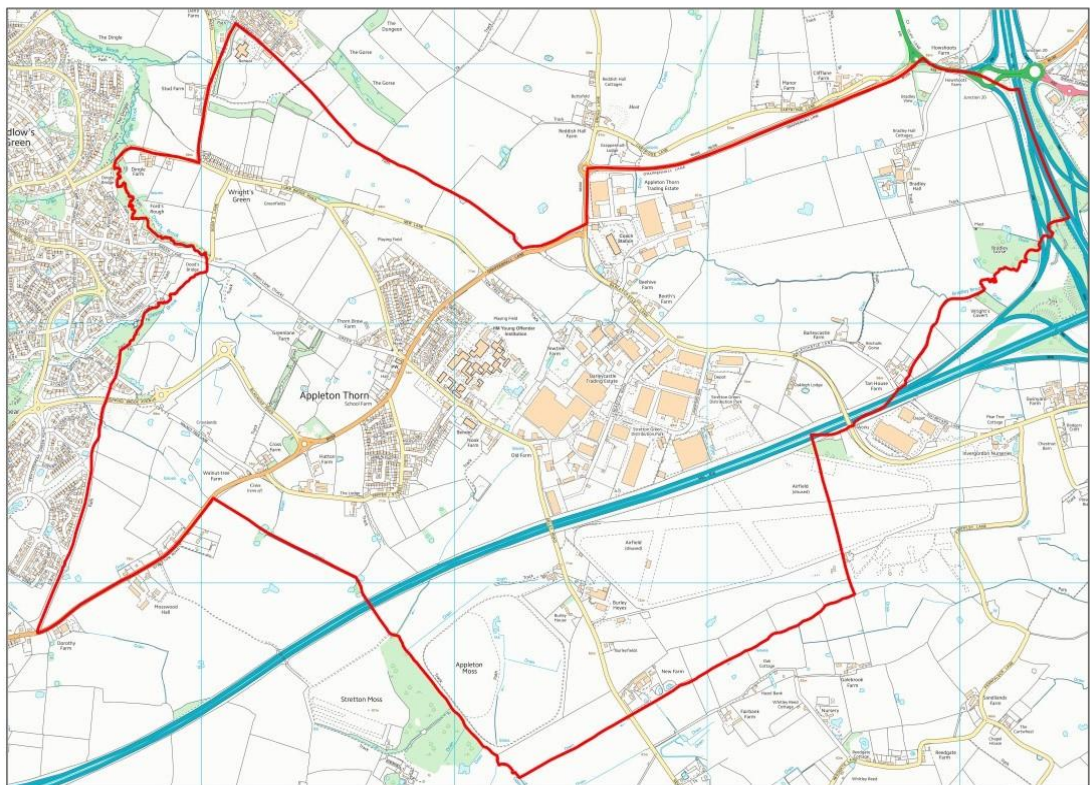
must provide such information as the competent authority may reasonably require for the purposes of the assessment or to enable them to determine whether an assessment is required.

- 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 Appleton Thorn Neighbourhood Plan

- 3.1 The purpose of the Appleton Thorn Neighbourhood Plan is to provide a set of statutory planning policies to guide development within the parish over the period to 2027 and has been prepared by a steering group on behalf of the qualifying body, Appleton Parish Council.

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



3.2 The objectives of the Appleton Thorn Neighbourhood Plan are:

Housing

1. To ensure that new housing in the designated area is provided in developments that are in keeping with the size scale and function of the Ward.
2. To ensure that housing choices are available for all sectors of the community.

Design, Natural and Built Environment

3. To ensure that all new development is of high quality and sustainable and reflects the character and heritage of the designated area.
4. To protect and enhance the heritage assets of the designated area.
5. To protect and enhance the landscape and setting of the designated area.

Traffic and Highways

6. To ensure that all traffic and transport issues are addressed especially in respect of safety, speed and congestion.
7. To promote safe walking and cycle routes both within the designated area and to nearby towns and villages.

Employment

8. To support services and other businesses providing employment opportunities.

Community Facilities and Infrastructure

9. To protect and enhance community facilities within the designated area.
10. To protect and enhance the quality of open spaces

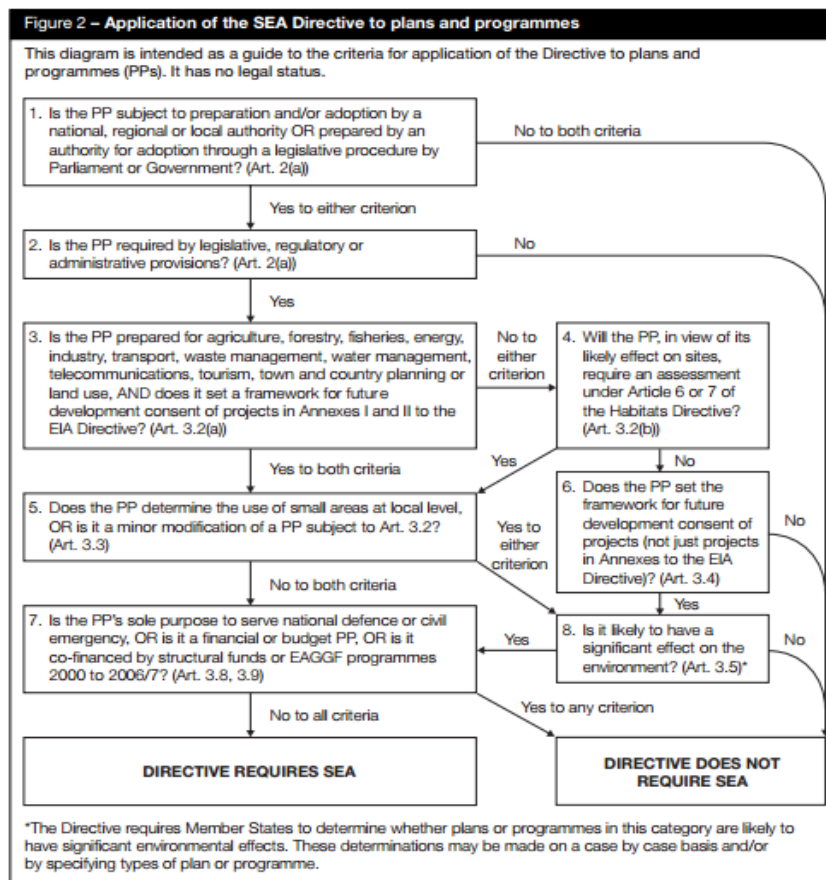
- 3.3 In order to deliver these objectives, the Plan set out a number of parish-wide policies. These indicate how new development proposals will be assessed in order to ensure that future housing and employment growth is sustainable and does not have a detrimental impact upon the parish. Policies also provide protection to important environments and natural assets, including local green spaces and wildlife habitats, as well as supporting the provision of community infrastructure. There is also a policy that sets out how the neighbourhood plan will seek to deliver sustainable transport measures.
- 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. Appleton Thorn lies within Warrington district and must therefore be in general conformity with the Warrington Local Plan Core Strategy 2014. The Core Strategy was subject to a full Sustainability Appraisal which included a SEA assessment and this previously completed SEA has been taken into account in undertaking the screening assessment of the Appleton Thorn Neighbourhood Plan.

4.0 Screening Process

4.1 It is the purpose of this report to assess whether the policies and proposals in the Appleton Thorn 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 Appleton Thorn, is Appleton 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 (Warrington Borough 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	Y	The Neighbourhood Plan has been prepared for town and country planning and land

Stage	Y/N	Reason
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))		use and sets out a framework for future development in Appleton thorn. Once 'made', it would 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

Stage	Y/N	Reason
		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 Appleton Thorn Neighbourhood Plan (December 2015) 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 Appleton Thorn 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 Appleton Thorn 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,	No	The Appleton Thorn Neighbourhood Plan sets a local policy framework for development proposals. It supports the

Criteria for determining the likely significance of effects	Is the Appleton Thorn NP likely to have a significant environmental effect?	Justification for Screening Assessment
either with regard to the location, nature, size and operating conditions or by allocating resources.		<p>implementation of policies in the adopted Warrington Local Plan Core Strategy which have already been subject to SEA as part of the Local Plan Core Strategy Sustainability Appraisal undertaken in 2012.</p> <p>The neighbourhood plan allocates two sites for housing, land at Appleton Cross and land at Stretton Road/Pepper Street. The Appleton Cross site has been considered through the 2012 Sustainability Appraisal.</p> <p>The allocation of these sites is in conformity with Appleton Thorn's designation as an Inset Settlement in the Green Belt (Core Strategy Policy CC1). Policy CC1 has been assessed for significant environmental effects through the Sustainability Appraisal undertaken in 2012.</p>
The degree to which the plan or programme influences other plans and programmes including those in a hierarchy.	No	The Appleton Thorn Neighbourhood Plan must be in conformity with the Warrington 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	No	The Appleton Thorn Neighbourhood Plan contributes to the achievement of sustainable development at the neighbourhood level. Policies set out in the Plan protect assets of

Criteria for determining the likely significance of effects	Is the Appleton Thorn NP likely to have a significant environmental effect?	Justification for Screening Assessment
promoting sustainable development.		local environmental value 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, environmental impacts are likely to be small. Environmental concerns relevant to the Plan include the need to retain and enhance the character and surrounding countryside and noise pollution from the M56 motorway. Existing environmental problems may be addressed through the implementation of the Plan's policies
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 Appleton Thorn Neighbourhood Plan must be in conformity with higher level plans that comprise the Warrington 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.

Criteria for determining the likely significance of effects	Is the Appleton Thorn NP likely to have a significant environmental effect?	Justification for Screening Assessment
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 Appleton Thorn Neighbourhood Plan are unlikely to have significant environmental impacts on neighbouring areas. There may be positive effects on adjoining areas through, for example, the protection of local landscape character and extension of footpaths and wildlife corridors.
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 spaces and the countryside.
The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)	No	The Appleton Thorn Neighbourhood Plan is concerned with development within the neighbourhood area. The geographical area covered by the Plan is 601 hectares and it has a population of 1579. The potential for environmental impacts is likely to be limited and minimal
The value and vulnerability of the area likely to be affected due to: - special natural characteristics or cultural heritage; - exceeded environmental quality	No	The neighbourhood plan area is rural in character and its natural heritage assets include the Local Wildlife Site of Stretton Moss which borders the south western corner of the designated area. There are no sites designated as nationally or internationally Important within the Plan area.

Criteria for determining the likely significance of effects	Is the Appleton Thorn NP likely to have a significant environmental effect?	Justification for Screening Assessment
standards or limit values; - intensive land-use. - the effects on areas or landscapes which have a recognised national, Community or International protection status.		There are 24 Listed Buildings in the area and 2 Scheduled Monuments but it has no designated Conservation Area. The Appleton Thorn Neighbourhood Plan is unlikely to adversely affect the value and vulnerability of the area in relation to its natural or cultural heritage. In fact, it actually provides greater support to enhance the natural and cultural assets of the area (policies AT – D1 and AT – D2).

5.5 On the basis of the SEA Screening Assessment set out in Table 2 above, the conclusion is that the Appleton Thorn 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 Appleton Thorn Neighbourhood Plan supports the implementation of policies in the adopted Warrington Local Plan Core Strategy which have already been subject to SEA through the Sustainability Appraisal and assessed as having no significant environmental effects.
- The Appleton Thorn 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 Appleton Thorn 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 Appleton Thorn itself does not contain a Natura 2000 site. However, there are a number of such sites that could potentially be affected by Warrington's Local Plan Core Strategy and this has been subject to a Stage 2 and 3 Appropriate Assessment³. The Appropriate Assessment considered the potential effects of the policies and proposals in the Draft Core Strategy on the integrity of a number of Natura 2000 sites. It included an assessment of the strategic locations for housing growth such as Appleton Cross, which along with other strategic locations identified in the Local Plan Core Strategy, was considered to have potential effects on the following Natura 2000 sites:
- air quality effects and recreation pressures on Manchester Mosses SAC, Rixton Clay Pits SAC, Midland Meres and Mosses Phase 1 and Phase 2 Ramsar sites

³ https://www.warrington.gov.uk/info/200564/planning_policy/1903/local_plan/5

- water quality (levels and flow) effects from water abstraction on the River Dee and Lake Bala
 - recreation pressures and water run-off affecting water quality of Mersey Estuary
- 6.5 In order to mitigate these effects, the Assessment suggested a number of amendments to the Core Strategy, including the addition of a specific policy stating that development briefs for all large allocated development sites will be produced as part of the supporting Development Plan Documents (DPDs) to guide developers as to the most appropriate manner in which to develop sites including required services and infrastructure and consideration of additional facilities such as open and recreational space, Green Infrastructure and community facilities. The development briefs will also include all constraints on site (such as environmental constraints) which should be considered during the development of detailed design proposals and supporting information to accompany planning applications. Cross reference will also be made to any requirements for EIA and HRA.
- 6.6 The strategic locations for potential housing development have not been carried forward into the adopted Core Strategy. However, it is included as a housing site in the Appleton Thorn Neighbourhood Plan and is subject to a specific detailed design policy (Policy AT- H3). This, along with other policies and proposals in the Appleton Thorn Neighbourhood Plan, is in conformity with those in the Warrington Local Plan Core Strategy which has been subject to Appropriate Assessment.
- 6.7 It is therefore concluded that no further work will be required in order to comply with the Habitats Regulations.

7.0 Conclusions and Recommendations of the Screening Assessments

7.1 This report sets out the assessment of the need for the Appleton Thorn 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 December 2015. 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 Appleton Thorn 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.

Habitats Regulations Assessment (HRA)

7.4 In terms of the requirement for the Appleton Thorn Neighbourhood Plan to be subject to Habitats 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 Habitats Regulations.

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