

St Stephen Neighbourhood Plan

2019 – 2032 Pre-Submission Version Draft 1

**Strategic Environmental Assessment (SEA) &
Habitat Regulations Assessment (HRA):**

Screening Opinion – May 2019

St Stephen Neighbourhood Plan

Strategic Environmental Assessment Screening opinion

Introduction

This screening opinion has been prepared to determine whether or not a full Strategic Environmental Assessment (SEA) is required. This is to ensure that the proposed Plan is in accordance with Regulations 5 and 9 of the Environmental Assessment of Plans and Programmes Regulations 2004 (the regulations) and to meet the 'Basic Conditions' for Neighbourhood Development Plans set out in the Town and Country Planning Act 1990 (amended).

Background

A screening report was produced by consultants and is attached at Appendix 1.

The report concluded that there is evidence to suggest the potential for significant effects to arise as a result of the plan and that SEA should be applied as a tool to ensure that this is the case.

In accordance with the regulations, Natural England, Historic England and the Environment Agency were consulted on the findings of the screening report during April 2016. The following responses were received (reproduced in full at Appendix 2).

Consultation Body	Summary of Response	Response from Parish Council
Natural England	It is our advice, on the basis of the material supplied with the consultation, that, in so far as our strategic environmental interests (including but not limited to statutory designated sites, landscapes and protected species, geology and soils) are concerned, that there are unlikely to be significant environmental effects from the proposed plan.	Noted.
Historic England	Given the possible significant effects of the sites (potentially both positive and negative) upon the historic environment, Historic England hence concurs with the Council's view that a Strategic Environmental Assessment will be required.	Noted.
Environment Agency	No response received.	

Conclusion

The screening report concludes that an SEA is likely to be required. Historic England has concurred with this whilst Natural England has suggested that one is not required from its perspective. **It is determined therefore that the plan does require an SEA.**

Appendix A – Screening Opinion

St Stephen Neighbourhood Plan – Screening Opinion (sent to consultees on 10 April 2019)

- 1. Introduction**
- 2. Legislative Background**
- 3. SEA Screening**
- 4. HRA Screening**

Annex A: Map of the Stephen Neighbourhood Area

1. Introduction

1.1 Purpose of this report

This screening report is an assessment of whether or not the contents of the St Stephen Neighbourhood Plan 2018-2036 Pre-Submission Version Draft 1 requires a Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/ EC and associated Environmental Assessment of Plans and Programmes Regulations. A SEA is required if the Neighbourhood Development Plan is deemed to have a likely significant effect on the environment.

This report will also screen to determine 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 63 of the Conservation of Habitats and Species Regulations 2017. A HRA is required when it is deemed that likely adverse significant effects may occur on protected European Sites (Natura 2000 sites or 'Habitats Sites') as a result of the implementation of a plan/project.

1.2 The St Stephen Neighbourhood Development Plan 2018-2036 Pre-Submission Version Draft 1

The Neighbourhood Development Plan will set out planning policies for St Stephen and within the confines of the St Stephen Parish boundary. Once formally adopted, a Neighbourhood Plan carries the same legal weight as Local Development Plans adopted up by the Local Planning Authority (LPA), in this case St Albans District Council.

The Neighbourhood Plan states that the Vision for the Plan is:

This Neighbourhood Plan will go a long way to ensuring that in years to come St Stephen Parish will be a pleasant place to live, work and visit by:

- **Retaining the individual character of each village;**
- **Protecting the Green Belt from inappropriate development;**
- **Putting green and open spaces, trees and woodlands at the heart of planning;**
- **Providing community leisure and recreation facilities to meet all residents' needs;**
- **Ensuring housing developments include smaller, affordable properties for first-time buyers, to help keep younger people in the villages, and also provide properties tailored to the ageing population;**
- **Ensuring that community facilities, such as health and medical centres, are within easy reach of all residents and there are sufficient education establishments for the young of the Parish to be able to attend without lengthy journeys by public or private transport;**
- **Supporting an effective public transport service and convenient and safe routes to encourage walking and cycling;**
- **Maintaining all existing rights of way and creating new ones to establish a linked-up network;**
- **Managing traffic, traffic speed and reducing the number of vehicles travelling through the Parish's villages to other destinations;**

- **Supporting local retail businesses and the commercial sector in general.**

To deliver this Vision, the following Objectives have been established for the Plan:

Theme	Objective
Housing	<ol style="list-style-type: none"> 1. Contribute to the District's housing requirement, specifically by providing for the housing needs of the Parish with: <ul style="list-style-type: none"> • Smaller, more affordable properties for first-time buyers, thus helping to attract and retain more young people in the villages • Properties suitable for existing older residents wishing to downsize • Housing suitable for and affordable to local workers 2. Ensure new housing reflects the existing character of the Parish in terms of design, quality, style and materials (whilst not excluding more contemporary design where appropriate) with sustainable energy measures included in plans 3. Counter the use of divisive gated communities. 4. Retain the village character of each settlement.
Green Spaces and Environment	<ol style="list-style-type: none"> 5. Ensure that development is sensitively designed to be attractive, mitigate climate change, promote biodiversity and reduce the Parish's carbon footprint. 6. Enhance and preserve valued green and open spaces, fields, trees and woodlands, ponds, lakes and water courses, within and around each village. 7. Protect and increase wildlife habitats.
Transport and Movement	<ol style="list-style-type: none"> 8. Improve transport and movement, in particular through further development of public transport provision and other non-car travel modes, whilst ensuring a safe environment for pedestrians and cyclists as well as motorists.
Community Facilities	<ol style="list-style-type: none"> 9. Ensure that the provision of local amenities and infrastructure is sufficient to address the needs of existing and future residents.
Local Economy	<ol style="list-style-type: none"> 10. Strengthen, support and promote appropriate local economic activity in retail, industrial, commercial and professional fields while ensuring that such ventures are located in suitable and appropriate areas of the Parish.

1.3 St Albans Local Plan

The current adopted St Albans Local Plan is The District Local Plan Review 1994. Local Plans "expired" after 27th September 2007 unless "saved", in whole or in part. In 2007, a Direction was made saving specified policies of the District Local Plan Review 1994, i.e. they are still part of the development plan for St Albans.

St Albans District Council is in the process of developing a new Local Plan for the district, which sets out policies for development up to 2036. The Local Plan 'Have your say' Issues and Options (Regulation 18) took place January 8 – February 21 2018. There had previously been several consultations on earlier draft Local Plan documents in 2006-2016. At the time of writing, the emerging Local Plan has reached Regulation 19 and is shortly due to be submitted to the Secretary of State for public examination by an appointed Planning Inspector. The Inspector will determine during the course of the examination whether the Local Plan is sound and if it complies with all legal requirements. If the Inspector finds the Local Plan sound, it can be adopted. Once adopted, the Local Plan will replace the 1994 District Local Plan Review.

The emerging Local Plan classifies, in Policy S1, the individual settlements within St Stephen parish - Bricket Wood, Chiswell Green, How Wood, Park Street and Frogmore and Park Street Garden Village (a new strategic site allocation) – as "Large Villages - settlements excluded from the Green Belt". The scale and density of development in these sorts of settlements will generally be lower than in the Category 1 settlements. This is to reflect the lower level of services available and in order to retain their particular character.

Policy S2 of the new Local Plan states that all Category 1 settlements and one Category 2 settlement (Chiswell Green) will be expanded at 'Broad Locations' for development. A new settlement, 'Park Street Garden Village', will be created and designated as Category 2 under Policy S1.

The Local Plan has been subject to ongoing and iterative Sustainability Appraisal / Strategic Environmental Assessment (SA/SEA). The Council's SA/SEA consultants have assessed the emerging Local Plan against the Sustainability Appraisal framework for the District at each stage of its evolution and have produced a Sustainability Appraisal Report. This assessment and previous Sustainability Appraisal reports and working notes have been important influences on the Local Plan policies and proposals. They show economic, social and environmental impacts of development choices as an aid to decision taking.

Of Neighbourhood Plans, the emerging Local Plan state that,

"Neighbourhood Plans (NPs) enable local communities to shape and direct sustainable development in their local area. These are plans produced by a parish council or a neighbourhood forum. As community-led initiatives, the role of the Council is not to create Neighbourhood Plans, but to assist communities in developing them for themselves. Neighbourhood planning work is already underway in many parts of the District and the Council is committed to continue supporting it".

2. Legislative Background

2.1 Strategic Environmental Assessment (SEA)

Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment states that,

“Environmental assessment is an important tool for integrating environmental considerations into the preparation and adoption of certain plans and programmes which are likely to have significant effects on the environment.

(10) All plans and programmes which are prepared for a number of sectors and which set a framework for future development consent of projects listed in Annexes I and II to Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment(7), and all plans and programmes which have been determined to require assessment pursuant to Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild flora and fauna(8), are likely to have significant effects on the environment, and should as a rule be made subject to systematic environmental assessment. When they determine the use of small areas at local level or are minor modifications to the above plans or programmes, they should be assessed only where Member States determine that they are likely to have significant effects on the environment.

(11) Other plans and programmes which set the framework for future development consent of projects may not have significant effects on the environment in all cases and should be assessed only where Member States determine that they are likely to have such effects.”

The St Stephen Neighbourhood Plan may influence frameworks for future development, or become used ancillary to those plans and programmes that do set such a framework, and as such it has been determined that the principle of the Neighbourhood Plan should be screened for the necessary application of the SEA Directive.

The Report from the Commission to The Council, The European Parliament, The European Economic and Social Committee and the Committee of the Regions states, on the application and effectiveness of the Directive on Strategic Environmental Assessment (Directive 2001/42/EC), that

‘the following P&P, and modifications to them, are covered when prepared and/or adopted by an authority[2] and required pursuant to legislative, regulatory or administrative provisions:

- P&P prepared for certain sectors and which set the framework for future development consent in respect of projects under the Environmental Impact Assessment-EIA-Directive.

- P&P requiring an assessment under the Habitats Directive (92/43/EEC).

- P&P setting the framework for development consent in respect of projects (not limited to those listed in the EIA Directive; see above) and determined by "screening" as being likely to have significant environmental impacts”.

This report represents this screening process in regard to the content and influence of the St Stephen Neighbourhood Plan.

2.2 Habitats Regulations Assessment (HRA)

Under the provisions of the EU Habitats Directive and translated into English law by the Habitats Regulations (The Conservation of Habitats and Species Regulations 2017), a competent authority must carry out an assessment of whether a plan or project will significantly affect the integrity of any European Site, in terms of impacting the site's conservation objectives.

HRA is the screening assessment of the impacts of a land use proposal against the conservation objectives of European sites. Specifically, it is to ascertain whether or not a proposal (either alone or in combination with other proposals) would potentially damage the internationally designated features of that site. European sites are also known as Natura 2000 sites.

This HRA Screening Report has been undertaken in order to support the St Stephen Neighbourhood Development Plan which is being produced by St Stephen Parish Council in accordance with the Neighbourhood Planning (General) Regulations 2012.

The Neighbourhood Planning (General) Regulations 2012, state that submitted Plans need to be accompanied by a statement explaining how the proposed Plan meets the 'basic conditions' set out in Schedule 4B of the 1990 Town and Country Planning Act. These basic conditions include a requirement to demonstrate how the Plan is compatible with EU obligations, which includes the need to undertake a HRA.

In line with the recent Court judgement (CJEU People Over Wind v Coillte Teoranta C-323/17), mitigation measures cannot be taken into account when carrying out a screening assessment to decide whether a plan or project is likely to result in significant effects on a Natura 2000 site.

3. SEA Screening

3.1 When is SEA required?

Planning Practice Guidance – Strategic environmental assessment requirements for neighbourhood plans (Paragraph: 026 Reference ID: 11-026-20140306) states that,

“In some limited circumstances, where a neighbourhood plan is likely to have significant environmental effects, it may require a strategic environmental assessment. Draft neighbourhood plan proposals should be assessed to determine whether the plan is likely to have significant environmental effects. This process is commonly referred to as a “screening” assessment and the requirements are set out in regulation 9 of the Environmental Assessment of Plans and Programmes Regulations 2004.

If likely significant environmental effects are identified, an environmental report must be prepared in accordance with paragraphs (2) and (3) of regulation 12 of those Regulations.

One of the basic conditions that will be tested by the independent examiner is whether the making of the neighbourhood plan is compatible with European Union obligations (including under the Strategic Environmental Assessment Directive).

To decide whether a draft neighbourhood plan might have significant environmental effects, it must be assessed (screened) at an early stage of the plan’s preparation according to the requirements set out in regulation 9 of the Environmental Assessment of Plans and Programmes Regulations 2004. These include a requirement to consult the environmental assessment consultation bodies.

Each consultation body will be able to advise on particular topics relevant to its specific area of expertise and responsibility, and the specific information that it holds.

Where it is determined that the plan is unlikely to have significant environmental effects (and, accordingly, does not require an environmental assessment), a statement of reasons for the determination should be prepared. A copy of the statement must be submitted with the neighbourhood plan proposal and made available to the independent examiner.”

The extract below from government guidance 'A Practical Guide to the Strategic Environmental Assessment Directive' sets out the process for determining whether SEA is required:

Table 1 below shows the assessment of whether the neighbourhood plan will require full SEA. The questions below are drawn from the diagram above which sets out how the SEA Directive should be applied.

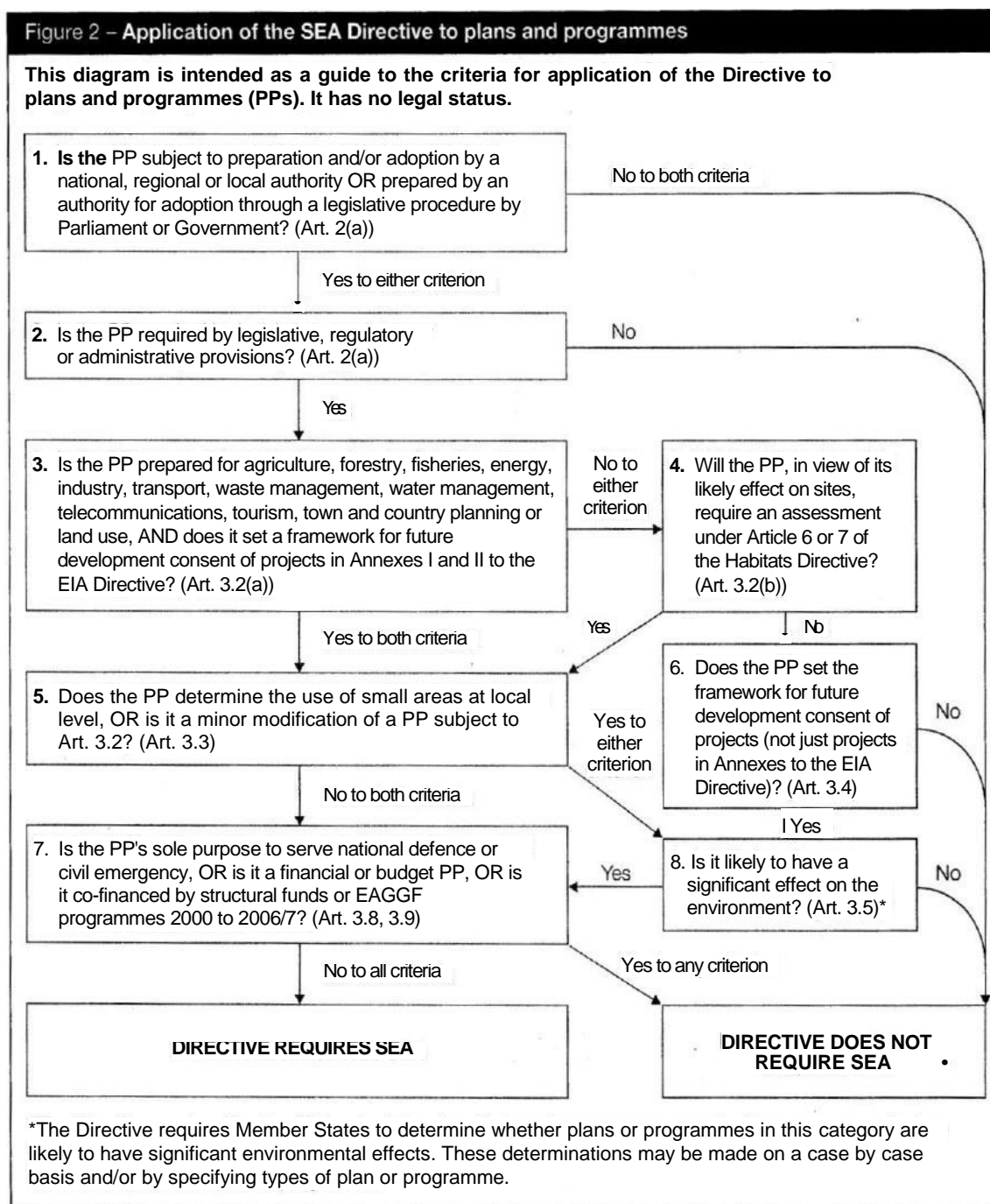


Table 1: Establishing the need for SEA

Stage	Yes/No	Reason
1. Is the PP (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))	Yes	The PP will be prepared by St Stephen Parish Council and will be 'brought into force' by St Albans District Council. Go to Stage 2
2. Is the PP required by legislative, regulatory or administrative provisions? (Art. 2(a))	Yes	A Neighbourhood Plan is not required by legislation but is optional under the provisions of the Town and Country Planning Act 1990 as amended by the Localism Act 2011. If a Neighbourhood Plan is however 'brought into force' it will form part of the Development Plan for the District. There should therefore be a screening process to consider whether the PP is likely to have significant environmental effects, and therefore whether SEA is required. Go to Stage 3
3. Is the PP 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? (Art 3.2(a))	Yes AND No	Prepared for town and country planning. AND The PP will sit within a wider framework (NPPF and Local Plan) and although the PP will set out a framework for future development, such projects are not on the scale referred to in Article 4(2) of the EIA Directive. Go to Stage 4
4. Will the PP, in view of its likely effect on sites, require an assessment for future development under Article 6 or 7 of the Habitats Directive? (Art. 3.2 (b))	No	There are no Natura 2000 (Habitats Directive relevant) sites in the District or adjacent to / in the vicinity of the PP area, therefore an assessment is not required. Go to Stage 6
5. Does the PP determine the use of small areas at local level, OR is it a minor modification of a PP subject to Art. 3.2? (Art. 3.3)	Yes	Not applicable (but note The PP will determine the use of small areas at a local level).
6. Does the PP set the framework for future development consent of projects	Yes	The PP will be used, together with national planning policy and Local Plan policy, to

(not just projects in annexes to the EIA Directive)? (Art 3.4)		<p>assess and determine planning applications.</p> <p>Go to Stage 8</p>
7. Is the PP'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? (Art 3.8, 3.9)		Not applicable
8. Is it likely to have a significant effect on the environment? (Art. 3.5)	Yes	<p>The St Stephen Neighbourhood Plan seeks to make allocations of land for housing and ancillary development on previously undeveloped sites falling outside of the existing urban area. (The urban area as defined in the adopted Development Plan – primarily the St Albans City and District Local Plan Review - DLPR - 1994).</p> <p>The scale of development expected is small. The Plan includes policies which seek to protect and enhance biodiversity landscape and heritage assets and generally mitigate adverse environmental effects.</p> <p>Within urban areas it can be taken that there would normally be a NPPF and Development Plan 'presumption' that smaller scale development (i.e. – non EIA development; see 3. above) can proceed without significant environmental effects. However, this cannot be generally presumed for 'greenfield' (previously undeveloped) sites (that fall within the Development Plan designation of Green Belt).</p> <p>There is currently no Development Plan (Local Plan) policy that envisages the type of development the Neighbourhood Plan may propose in these greenfield Green Belt areas.</p> <p>The current Development Plan also predates SA /SEA requirements.</p> <p>Thus such development will not have been subject to informal consideration of environmental effects or formal SEA.</p>

		<p>The Local Planning Authority - LPA - (St Albans City and District Council – SADC is preparing a replacement for the DLPR. This has, to date, been envisaged as including policies that encourage small scale greenfield Green Belt development that is promoted through Neighbourhood Plans.</p> <p>At this stage the intended new Local Plan SA / SEA cannot provide an assessment of whether there are significant environmental effects arising from policies and proposals of the St Stephen Neighbourhood Plan.</p> <p>The Plan <u>could</u> therefore have a significant effect on the environment (see also assessment in Table 2).</p> <p>SEA is Required</p>
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The following section looks at the criteria for assessing the effects of the Neighbourhood Plan and the identified effects of the Neighbourhood Plan in line with the criteria. Crucially, it will determine whether there are any likely significant effects on the environment.

3.2 Criteria for Assessing the Effects of the St Stephen Neighbourhood Plan

Criteria for determining the likely significance of effects referred to in Article 3(5) of Directive 2001/42/EC are set out below:

Annex II of SEA Directive 2001/42/EC – Significant Effects

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 transboundary 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 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.

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

3.3 Likely Significant Effects on the Environment resulting from the Neighbourhood Plan

The following assessment will consider the likelihood of the St Stephen Neighbourhood Plan Pre-Submission Draft (at the time of writing) to have significant effects on the environment.

Table 2: Potential significant effects	
Criteria for determining the likely significance of effects (Annex II SEA Directive)	Likelihood and summary of significant effects
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,	<p>The Plan will sit within the wider planning policies in the National Planning Policy Framework (NPPF) and the adopted Development Plan (primarily the emerging St Albans District Local Plan). The Plan sets out relevant policies which will be used to determine proposals for development within the Neighbourhood Plan area once adopted, adding local detail to the national and strategic policies.</p> <p>Policy S1: Spatial Strategy identifies broad locations within which development shall be focussed and specifies under which locational circumstances any forthcoming proposals would be supported. It identifies six sites to be allocated for residential development and also acknowledges the broad locations allocated in the emerging St Albans Local Plan.</p> <p>The Plan is therefore likely to promote or propose new development that goes beyond that envisaged in the adopted Development Plan (see Table 1 above).</p>

<p>b) the degree to which the plan or programme influences other plans and programmes including those in a hierarchy,</p>	<p>The plan sits below the emerging St Albans District Council Local Plan in the hierarchy of plans.</p> <p>A Neighbourhood Plan can however seek to influence the preparation of a new St Albans District Local Plan in a way that might have significant environmental effects.</p> <p>In this case the St Stephen Plan is likely to include policies and proposals that seek to influence the future Local Plan in a way that could have significant environmental impacts (particularly through allocation of greenfield Green Belt sites for development).</p>
<p>c) the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development,</p>	<p>Neighbourhood Plans are required to contribute to the achievement of sustainable development. The Neighbourhood Plan policies seek to ensure environmental considerations are taken into account.</p> <p>The following policies exist within the Neighbourhood Plan relevant to environmental protection:</p> <ul style="list-style-type: none"> • Minimising the impact of development • Protecting natural habitats and species • Protection and Maintenance of Local Green Spaces • Protecting the setting and function of the river ver the river colne and their tributaries • Green infrastructure and development <p>In addition, there is a policy concerning the design of development, which is consistent with aspirations in the NPPF and emerging Local Plan to protect local character, historic buildings etc.</p> <p>The Plan is therefore relevant in this respect.</p>

<p>d) environmental problems relevant to the plan or programme,</p>	<p>The Plan proposes some greenfield Green Belt development. This is envisaged as small scale (Approximately 65 dwellings in total on greenfield Green Belt site allocations - equating to approximately 4.3 dwellings per annum over a 15 year period).</p> <p>This development will impact on the natural environment. It is unlikely that the level of development involved will have significant environmental effects, due to its scale. Nevertheless this does need to be formally assessed in relation to the finally proposed level of development and the specific sites involved.</p> <p>The potential environmental problems relevant to the Neighbourhood Plan area include:</p> <ul style="list-style-type: none"> • There are 56 listed buildings in St Stephen parish. Grade II* Burston Manor House and Grade II listed outbuilding immediately to east of burston manor house, are located within one of the propped sites for allocation in the Neighbourhood Plan. • Verulanium Scheduled Ancient Monument is located beyond the Parish boundary to the north. • There are numerous PRoWs in, around and permeating the existing settlement boundaries within the parish. • The Plan area contains two SSSIs, Bricket Wood Common and Moor Mills Quarry. One of the proposed development sites lies adjacent to Bricket Wood Common. • The floodplain of the River Ver creates areas of high and medium flood risk in parts of the parish. None of the allocated sites are located within floodplain. • The Watling Chase Community Forest covers much of the Parish, bar the north-west corner. • Those parts of the Parish classified as agricultural land is graded 3 (good to moderate). • The Plan area is partly within a Natural England 'Impact Risk Zone' for the Chiltern Beechwoods Site of Special Scientific Interest / Special Area of Conservation (Dacorum Borough Council area). However, restrictions on development in the Chilterns AONB should help to ensure large-scale development is not in close proximity to the SAC.
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the relevance of the plan or programme for the implementation of Community legislation on the environment (e.g. plans and programmes linked	The plan is not directly relevant to the implementation of Community legislation on the environment.
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	<p>Decisions made using the policies of the plan are likely to lead to some permanent changes in the local environment that can be readily predicted (high probability). The changes will be of long duration and are not generally reversible (i.e. development of greenfield land, as opposed to, for example, changes in air pollution levels).</p> <p>The changes involved are however low in frequency and of small scale. They will probably have limited effects, particularly on fundamental environmental systems.</p>
a) the cumulative nature of the effects,	The Plan anticipates a limited level of development (see above). There will be some cumulative effects on local infrastructure (e.g. roads and water treatment), but environmental effects are unlikely to be significant and can be mitigated.
b) the transboundary nature of the effects,	<p>The Plan covers the area administered by the St Stephen Parish Council only.</p> <p>Because of the hierarchy of Neighbourhood Plan, national policy (NPPF) and Local Plan, policy decisions taken in respect of the Plan area will not have transboundary impacts.</p>
c) the risks to human health or the environment (e.g. due to accidents),	The Plan policies and proposals do not present significant or direct risks to human health or the environment.
d) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be	The Plan area covers approximately 2330 hectares and has a population of approximately 13,865 (2011 census).

<p>e) the value and vulnerability of the area likely to be affected due to:</p> <ul style="list-style-type: none"> i) special natural characteristics or cultural heritage, ii) exceeded environmental quality standards or limit values, iii) intensive land-use, 	<p>Potential value and vulnerability issues are only evident in:</p> <ul style="list-style-type: none"> • <u>Intensive land uses</u>: development of open land is a significant intensification of land use • <u>Built environment qualities</u>: There is one Conservation Area in St Stephen, at Park Street. There are a number of Listed Buildings across the Parish. There are no locally listed buildings. There is one Scheduled Monument (Replica of the Mohne Dam, in the grounds of the Building Research Establishment, Garston). • <u>Natural / semi natural environment and biodiversity</u>: The Plan covers significant areas of open agriculture and other rural land uses. The Plan area is also largely covered by the Watling Chase Community Forest designation. There are patches of ancient woodland. There are two SSSIs, Bricket Wood Common and Moor Mills Quarry. There are no Local Nature Reserves (LNRs) in the area. The Plan has been formulated around the need to avoid impacts on these designations. • <u>Landscape quality</u>: Development can damage valued landscapes. The area does not contain landscapes designated for their quality. • <u>Air pollution</u>: Traffic levels can increase air pollution effects. There are no AQMAs in the Neighbourhood Plan area. • <u>Water resources</u>: Development levels increase effects on water resources and water quality. The area is subject to water stress. Groundwater resources are important / potentially vulnerable.
<p>f) the effects on areas or landscapes which have a recognised national, Community or international protection status.</p>	<ul style="list-style-type: none"> • The neighbourhood area is largely covered by the Watling Chase Community Forest. • There are two SSSIs in the neighbourhood plan area. • There are potential proximity effects on the Chilterns Beechwoods SAC, However, restrictions on development in the Chilterns AONB should help to ensure large-scale development is not in close proximity to the SAC.

3.4 Preliminary Conclusions of the SEA

As a result of the assessment in section 4, it is concluded that there may be significant environmental effects arising directly from decisions taken through the St Stephen Neighbourhood Development Plan (see Table 2).

A Screening Request will be issued to the environmental assessment consultation bodies; Historic England, the Environment Agency and Natural England, in order to seek their views before finalising this report.

4. HRA Screening

4.1 Habitats Regulations Assessment of Development Plans

This section forms a plan level Habitats Regulations Assessment (HRA) as required by Regulation 63 of The Conservation of Habitats and Species Regulations 2017.

Under the provisions of the EU Habitats Directive and translated into English law by the Habitats Regulations (The Conservation of Habitats and Species Regulations 2017), a competent authority must carry out an assessment of whether a plan or project will significantly affect the integrity of any European Site, in terms of impacting the site's conservation objectives.

HRA is the screening assessment of the impacts of a land use proposal against the conservation objectives of European sites. Specifically, it is to ascertain whether or not a proposal (either alone or in combination with other proposals) would potentially damage the internationally designated features of that site. European sites are also known as Natura 2000 sites.

This HRA Screening Report has been undertaken in order to support the St Stephen Neighbourhood Plan which is being produced by St Stephen Parish Council in accordance with the Neighbourhood Planning (General) Regulations 2012. The area covered by the Plan is shown in Appendix 1.

The Neighbourhood Planning (General) Regulations 2012, state that submitted Plans need to be accompanied by a statement explaining how the proposed Plan meets the 'basic conditions' set out in Schedule 4B of the 1990 Town and Country Planning Act. These basic conditions include a requirement to demonstrate how the Plan is compatible with EU obligations, which includes the need to undertake a HRA.

This section of this Report aims to:

- Identify the European sites within 20km of St Stephen Parish.
- Summarise the reasons for designation and Conservation Objectives for each site to be considered in this assessment.
- Screen the St Stephen Neighbourhood Plan for its potential to impact upon a European (or Natura 2000) site (N2k).
- Assess the potential for in combination effects from other projects and plans in the area.
- Identify if there are any outstanding issues that need further investigation.

4.2 Natura 2000 Sites

Natura 2000 is the centrepiece of EU nature and biodiversity policy. It is an EU wide network of nature protection areas. The aim of the network is to assure the long-term survival of Europe's most valuable and threatened species and habitats.

The sites are designated under the European Union (EU) Birds Directive (Council Directive 79/409/EEC on the Conservation of Wild Birds) and the EU Habitats Directive (Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora).

The Birds Directive requires the establishment of Special Protection Areas (SPAs) for birds. The Habitats Directive similarly requires Special Areas of Conservation (SACs) to be designated for other species, and for habitats. Wetlands of International Importance (Ramsar sites) are also part of the Natura 2000 network. This is because all SPAs and SACs are comprised of Sites of Special Scientific Interest (SSSIs) and all Ramsar sites in England are SSSIs. Together, SPAs, SACs and Ramsar Sites make up the Natura 2000 network in England.

4.2.1 Explanation of SPAs, SACs and Ramsar Sites

Special Protection Areas (SPAs)

SPAs are areas which have been identified as being of international importance for the breeding, feeding, wintering or the migration of rare and vulnerable species of birds found within EU countries. Example: The Deben Estuary is internationally important for wintering waterfowl. Legislation: EU Birds Directive.

Special Areas of Conservation (SACs)

SACs are areas designated to protect habitat types that are in danger of disappearance, have a small natural range, or are highly characteristic of the region; and to protect species that are endangered, vulnerable, rare, or endemic. Example: Waveney and Little Ouse Valley Fens for calcareous fens, Molinia meadows and Desmoulin's whorl snail. Legislation: EU Habitats Directive.

Wetlands of International Importance (Ramsar Sites)

Ramsar Sites are designated to protect the biological and physical features of wetlands, especially for waterfowl habitats. For example, Redgrave and South Lopham Fens is an extensive example of lowland base-rich valley, remarkable for its lack of fragmentation which supports many rare and scarce invertebrates, including a population of the fen raft spider *Dolomedes plantarius*. Ramsar sites often overlap with SACs and SPAs and UK planning policy determines that they should be accorded the same importance when developments are proposed. Legislation: Ramsar Convention (1971) – Wetlands of International Importance.

4.2.2 European Sites to be considered

There is one European site which lies within 20km of St Stephen parish: Chilterns Beechwoods SAC. However, restrictions on development in the Chilterns AONB should help to ensure large-scale development is not in close proximity to the SAC.

No European Sites lie within 5km of St Stephen parish, which is the Impact Risk Zone for the N2k site noted above.

There are therefore no European sites to be considered to be within scope for this assessment.

4.2.3 Method and Approach

The Neighbourhood Planning (General) Regulations 2012, state that submitted Plans need to be accompanied by a statement explaining how the proposed Plan meets the 'basic conditions' set out in Schedule 4B of the 1990 Town and Country Planning Act. These basic conditions include a requirement to demonstrate how the Plan is compatible with EU obligations, which includes the need to undertake a HRA screening report; this is necessary to ensure the making of the neighbourhood plan is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects.

There are only two stages for Neighbourhood Plans as the CJEU ruling means that mitigation measures cannot be considered at HRA screening. The outcomes of the two stages are described in more detail in the following table. This document relates only to Stage 1 of the HRA process.

Table 4: Stages of the Habitats Regulations Assessment process for Neighbourhood Plans

Stage	Tasks	Outcome
Stage 1 HRA Screening	<ul style="list-style-type: none"> • Description of the policies or projects • Identification of potential effects on a European site • Assessing the effects on a European site either alone or in combination with other plans or projects 	<p>Where effects are unlikely, prepare a 'finding of no significant effect' report.</p> <p>Where effects judged likely, or lack of information to prove otherwise, go to Stage 2.</p>
Stage 2 Revision of the plan to remove likely significant effects	<ul style="list-style-type: none"> • If impacts considered to affect qualifying features, those policies (and projects) that are likely to result in significant effects on any European site should be removed from the plan. 	<p>Approve the plan.</p> <p>If effects remain after alternative solutions been considered, the plan cannot be made.</p> <p><i>People over Wind CJEU ruling (April 2018) means that it is not possible to consider mitigation measures when screening for impacts.</i></p>

4.2.4 Stage 1: HRA Screening

The screening stage identifies if alternatives are needed because any policies or projects will have an impact on a European Site, amendments need to be made in Neighbourhood Development Plans. Table 6 identifies the different categories assigned to each policy in the plan: Category A identifies those policies or projects that may not result in a Likely Significant Effect and are considered to have No Negative Effect. Category B identifies those policies or projects that will have No Likely Significant Effect. Category C identifies those policies or projects that might have Likely Significant Effect and thus upon a European Site either alone or in combination with other plans or projects. Section 4 considers each policy or projects and the results of the screening exercise recorded.

Table 5: Screening categorisation

Category A: No negative effect
Policies or projects that will not be likely to have any negative effect on a European site.
Category B: No Likely Significant effect
Policies or projects that could have an effect but would not be likely to have a <i>significant</i> negative effect on a European site alone or in combination. This conclusion could only be reached if the effects, even in combination and taking the precautionary principle into account, are considered trivial.
Category C: Likely Significant effect
Policies or projects which are predicted to have a likely significant effect on their own or in combination with other plans and projects.

4.2.5 Potential impacts of St Stephen Neighbourhood Plan on Natura 2000 sites

There are a wide range of impacts and these can be summarised as:

- Land take by developments;

- Impact on protected species found within but which travel outside the protected sites may be relevant where development could result in effects on qualifying interest species within the European site, for example through the loss of feeding grounds for an identified species.
- Increased disturbance, for example from recreational use resulting from new housing development and / or improved access due to transport infrastructure projects;
- Changes in water availability, or water quality as a result of development and increased demands for water treatment, and changes in groundwater regimes due to increased impermeable areas;
- Changes in atmospheric pollution levels due to increased traffic, waste management facilities etc. Pollution discharges from developments such as industrial developments, quarries and waste management facilities.

Each policy will be assessed against the criteria in Table 6 below.

Table 6: Assessment of potential impacts

Nature of potential impact	How the St Stephen Neighbourhood Plan (alone or in combination with other plans and projects) could affect a Natura 2000 site?	Why these effects are not considered significant?
Land take by development	St Stephen is outside the boundaries of any N2k sites	N/A
Impact on protected species outside the protected sites	St Stephen is outside the Zone of Influence of any N2k sites	N/A
Recreational pressure and disturbance	St Stephen is outside the Zone of Influence of any N2k sites	N/A
Water quantity and quality	St Stephen is outside the Zone of Influence of any N2k sites	N/A
Changes in pollution levels	St Stephen is outside the Zone of Influence of any N2k sites	N/A

4.2.6 Results from HRA Screening of Draft Neighbourhood Plan Policies

The Screening exercise explores whether there will be any Likely Significant Effect resulting from the Plan's policies. Each of the policies in the St Stephen Neighbourhood Plan has been screened to identify whether they would have any impact on a European site. A list of the draft policies can be found in Appendix B.

The screening finds that each policy falls within Category A, i.e. no negative effect.

4.2.7 Recommendations

There are no recommendations for the site allocation policies in this draft Neighbourhood Plan as they have all been assigned to Category A. There will therefore be no need for any development subsequently coming forward to be subject to a project level HRA and secure sufficient mitigation measures, to avoid a Likely Significant Effect on any N2k sites. As such there is no requirement to progress to Appropriate Assessment.

The in-combination effects from other plans and projects are considered in the following section.

4.2.8 Other Plans and Projects – In-combination Effects

In the context of this HRA, the relevant other plans to be considered are listed below in combination with St Stephen Neighbourhood Plan. These are nearby areas to

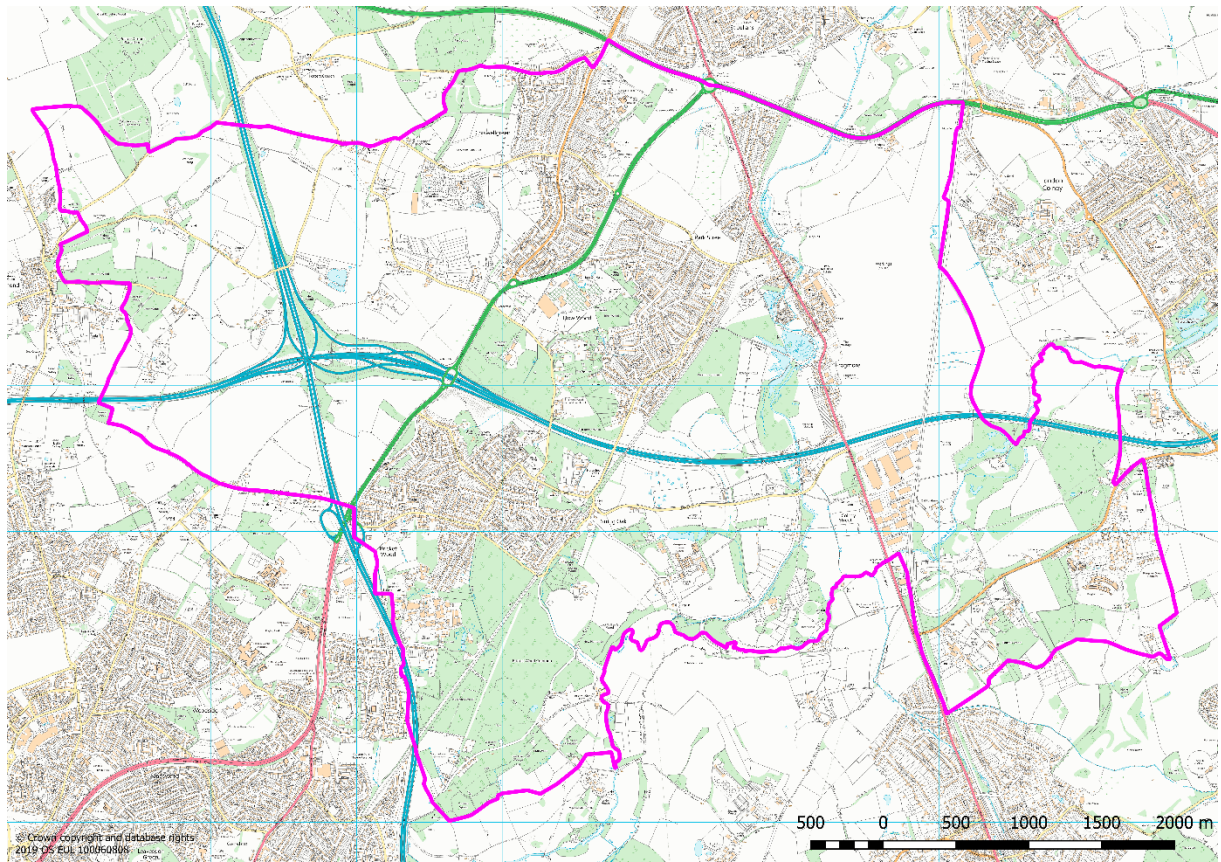
Table 8: Other plans or projects considered for in combination effects

Statutory body	Title of HRA or Project	Findings of HRA or project	Potential for in combination effects
St Albans and City District Council	St Albans Strategic Local Plan Publication Sustainability Appraisal Report (2015)	The screening process concluded, in agreement with Natural England, that any likely potential impacts of the St Albans Issues and Options (including the combined Dacorum/ St Albans Issues and Options for Hemel Hempstead growth), either alone or in combination with other plans and programmes, are not considered to be significant,	It is considered that in combination likely significant effects are not predicted.
Dacorum District Council	Dacorum Core Strategy HRA Update Summary Report (2011)	The HRA stated that it is possible that development in the wider region, particularly in the surrounding urban centres of Luton, Dunstable, Aylesbury and St Albans, could have a combined impact on the Chilterns Beechwoods SAC in terms of exacerbating air pollution or recreation disturbance within or near to the SAC. However, restrictions on development in the Chilterns AONB should help to ensure large-scale development is not in close proximity to the SAC. It is considered that the potentially significant 'in-combination' effects can be avoided through the implementation of appropriate avoidance and mitigation measures	It is considered that in combination likely significant effects are not predicted.
Three Rivers District Council	Three Rivers Core Strategy Sustainability Appraisal Adoption Statement October 2011	Burnham Beeches SAC was identified as the Natura 2000 site most relevant to the emerging Local Plan. Three Rivers DC considered impacts from its own plans and also examined the	It is considered that in combination likely significant effects are not predicted.

		Issues and Options papers of St Albans District Council, Dacorum Borough Council and Watford Borough Council. The HRA screening report, in agreement with Natural England, concluded that Three Rivers Issues and Options are not likely to cause any significant effects on any Natura 2000 sites, either alone or in combination with other plans and programmes	
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Due to the Parish of St Stephen lying outside the Impact Risk Zone for any N2k sites, this HRA screening concludes that it is possible to rule out likely significant effects. Subject to consultation with Natural England, it is therefore concluded that there is no need for an Appropriate Assessment under the Conservation of Habitats and Species Regulations 2017.

Annex 1 – Map of St Stephen neighbourhood area



APPENDIX B – Full responses

By e-mail to: Isabel Crozier
Clerk, St Stephen's Parish Council

Our ref: PL00578524

Your ref:
Date: 17/05/2019

Direct Dial: 01223 582746
Mobile: 07833 718273

Dear Ms Crozier,

RE: St Stephen's Neighbourhood Plan SEA Screening

Thank you for your email of 10 April 2019 regarding the above consultation. As the Government's adviser on the historic environment Historic England is keen to ensure that the protection of the historic environment is fully taken into account at all stages and levels of the local planning process. Therefore we welcome this opportunity to review this Draft Screening Report. For the purposes of this consultation, Historic England will confine its advice to the question, "Is it (the neighbourhood plan) likely to have a significant effect on the historic environment?". Our comments are based on the information supplied with the Screening Opinion.

The supporting information (screening report and draft neighbourhood plan) supplied with the consultation indicates that within the plan area there is a range of designated historic environment assets. There are also likely to be other features of local historic, architectural or archaeological value, and consideration should also be given to the wider historic landscape. The documentation indicates that the St Stephen's Neighbourhood Plan proposes to allocate six sites for development, and concludes that owing to their scale and location they may have significant effects.

We would note that the following statement on page 12 is not correct: "Within urban areas it can be taken that there would normally be a NPPF and Development Plan 'presumption' that smaller scale development (i.e. – non EIA development; see 3. above) can proceed without significant environmental effects. However, this cannot be generally presumed for 'greenfield' (previously undeveloped) sites." The size of a development does not necessarily correlate to whether or not it is likely to have significant effects upon the historic environment. For example, the loss of a single listed building in an urban context might be considered a small scale development, and would be unlikely to require an EIA. It would nonetheless represent a significant effect upon the historic environment.



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Telephone 01223 58 2749 HistoricEngland.org.uk

Please note that Historic England operates an access to information policy.
Correspondence or information which you send us may therefore become publicly available.



Given the possible significant effects (potentially both positive and negative) upon the historic environment, Historic England hence concurs with the Council's view that a Strategic Environmental Assessment will be required.

I should be pleased if you can send a copy of the determination as required by REG 11 of the Environmental Assessment of Plans and Programmes Regulations 2004.

Historic England strongly advises that the conservation and archaeological staff of the relevant local authorities are closely involved throughout the preparation of the plan and its assessment. They are best placed to advise on; local historic environment issues and priorities, including access to data held in the Historic Environment Record (HER), how the allocation, policy or proposal can be tailored to minimise potential adverse impacts on the historic environment; the nature and design of any required mitigation measures; and opportunities for securing wider benefits for the future conservation and management of heritage assets.

We should like to stress that this opinion is based on the information provided by you with your correspondence dated 10 April 2019. To avoid any doubt, this does not reflect our obligation to provide further advice on later stages of the SEA process and, potentially, object to specific proposals which may subsequently arise (either as a result of this consultation or in later versions of the plan/guidance) where we consider that, despite the SEA, these would have an adverse effect upon the environment.

Please do contact me, either via email or the number above, if you have any queries.

Yours sincerely,



Edward James
Historic Places Advisor, East of England
Edward.James@HistoricEngland.org.uk



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Correspondence or information which you send us may therefore become publicly available.



Date: 17 May 2019
Our ref: 279582



St Stephen Parish Council

BY EMAIL ONLY

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

T 0300 060 3900

Dear Sir/Madam,

St Stephen – SEA/HRA Screening

Thank you for your consultation on the above dated and received by Natural England on 10 April 2019.

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.

Screening Request: Strategic Environmental Assessment

It is our advice, on the basis of the material supplied with the consultation, that, in so far as our strategic environmental interests (including but not limited to statutory designated sites, landscapes and protected species, geology and soils) are concerned, that there are unlikely to be significant environmental effects from the proposed plan.

HRA screening

Natural England agrees with the conclusions of the HRA screening.

Neighbourhood Plan

Guidance on the assessment of Neighbourhood Plans, in light of the Environmental Assessment of Plans and Programmes Regulations 2004 (as amended), is contained within the [National Planning Practice Guidance](#). The guidance highlights three triggers that may require the production of an SEA, for instance where:

- a neighbourhood plan allocates sites for development
- the neighbourhood area contains sensitive natural or heritage assets that may be affected by the proposals in the plan
- the neighbourhood plan may have significant environmental effects that have not already been considered and dealt with through a sustainability appraisal of the Local Plan.

We have checked our records and based on the information provided, we can confirm that in our view the proposals contained within the plan will not have significant effects on sensitive sites that Natural England has a statutory duty to protect.

We are not aware of significant populations of protected species which are likely to be affected by the policies / proposals within the plan. It remains the case, however, that the responsible authority should provide information supporting this screening decision, sufficient to assess whether protected species are likely to be affected.

Notwithstanding this advice, Natural England does not routinely maintain locally specific data on all potential environmental assets. As a result the responsible authority should raise environmental issues that we have not identified on local or national biodiversity action plan species and/or habitats, local wildlife sites or local landscape character, with its own ecological and/or landscape advisers, local record centre, recording society or wildlife body on the local landscape and biodiversity receptors that may be affected by this plan, before determining whether an SA/SEA is necessary.

Please note that Natural England reserves the right to provide further comments on the environmental assessment of the plan beyond this SEA/SA screening stage, should the responsible authority seek our views on the scoping or environmental report stages. This includes any third party appeal against any screening decision you may make.

For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours faithfully,

Kayleigh Cheese
Consultations Team