

Spring Boroughs Neighbourhood Plan: Determination Statement – July 2015

Strategic Environmental Assessment & Habitats Regulation Assessment

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Executive Summary

This statement sets out the reasons for the Council's determination that the Spring Boroughs Neighbourhood Plan Proposal is unlikely to result in significant environmental effects and therefore does not require a strategic environmental assessment. In addition this statement determines that the Spring Boroughs Neighbourhood Plan Proposal is not likely to result in significant effects on any European site. Consequently, the Duston Neighbourhood Plan does not require Habitats Regulation Assessment.

This determination statement is intended to support Spring Boroughs Voice in demonstrating that the Spring Boroughs Neighbourhood Plan Proposal is compatible with certain European Union obligations as required by the *basic conditions*, namely:

- 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; and
- Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora.

Northampton Borough Council will publicise this determination statement in accordance with its regulatory requirements.

1. Context

Neighbourhood Plans and the requirements for Strategic Environmental Assessment (SEA) & Habitats Regulation Assessment (HRA)

1.1. Paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 (as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004) sets out the basic conditions which a draft Neighbourhood Plan must meet in order to proceed to referendum. This includes ensuring that the neighbourhood plan does not breach, and is otherwise compatible with European Union obligations. Of particular relevance are:

- *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, transposed into UK law by The Environmental Assessment of Plans and Programmes Regulations 2004 (hereafter referred to as the “SEA regulations”); and*
- *Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora, which was initially transposed into UK law by The Conservation (Natural Habitats, &c.) Regulations 1994 with various amendments consolidated by The Conservation of Habitats and Species Regulations 2010 (hereafter referred to as the “Habitats regulations”).*

Circumstances where SEA & HRA may be required

1.2. The National Planning Practice Guidance (NPPG) (para. 027) recognises that where a neighbourhood plan is likely to have significant environmental effects, it may require a strategic environmental assessment (SEA). The NPPG suggests that draft neighbourhood plan proposals should be assessed to determine whether the plan is likely to have significant environmental effects through a screening process.

1.3. Whether a neighbourhood plan requires a strategic environmental assessment, and (if so) the level of detail needed, will depend on what is proposed in the draft neighbourhood plan (NPPG para. 046). The NPPG (para. 046) suggests that strategic environmental assessment may be required, for example, 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; and
- 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.

1.4. The Habitats regulations (reg. 61) require appropriate assessment (or *Habitats Regulation Assessment* (HRA)) where the plan is likely to have a significant effect on a European site or

a European offshore marine site (either alone or on combination with other plans or projects. Protected European Sites include:

- Special Protection Areas (SPAs);
- Special Areas of Conservation (SACs); and
- Ramsar sites.

Purpose of determination statement

- 1.5. Following earlier screening assessment of the Pre-submission Neighbourhood Plan, this determination statement fulfils the requirements of the SEA regulations (Reg. 9), namely through determining whether the Spring Boroughs Neighbourhood Plan Proposal is likely to have significant effects on the environment by setting out the reasons for determination.
- 1.6. A copy of the determination statement will be sent to each of the consultation bodies within 28 days of completion.

2. Preparation of Spring Boroughs Neighbourhood Plan and SEA & HRA Screening Process

Early engagement and identifying issues

- 2.1. In 2012 and 2013, the University of Northampton and Northampton Borough Council supported the Spring Boroughs community to establish a neighbourhood forum. A range of events and meetings were held to identify local issues and engage local people in the neighbourhood planning process, recruiting members to the emerging Neighbourhood Forum.
- 2.2. In December 2013, Northampton Borough Council designated Spring Boroughs Voice (SBV) as a Neighbourhood Forum and designated the Spring Boroughs estate as a Neighbourhood Area for the purposes of neighbourhood planning. Following the SBV Annual General Meeting in spring 2014, forum members were appointed roles and responsibilities. This included the appointment of the current Chair person, Clive Ireson.
- 2.3. In 2014, SBV began collating an evidence base on local planning issues, including housing, employment and the strategic policy context. In spring 2014, SBV secured direct support from Planning Aid England. In summer 2014, SBV prepared a questionnaire and consulted the Spring Boroughs community on a draft vision, objectives and key issues including housing, community facilities and children's play.
- 2.4. At this time, Northampton Borough Council's Planning Policy team collated baseline information to inform the SEA and HRA assessment process.

Pre-submission Neighbourhood Plan & Screening Report

- 2.5. Throughout late 2014 and early 2015, SBV prepared a Pre-submission Neighbourhood Plan with support from Planning Aid England, University of Northampton and the Planning Policy team. The Pre-submission Neighbourhood Plan was informed by early engagement and consultation including the questionnaire responses (summer 2014) and technical evidence base.
- 2.6. Alongside the preparation of the Pre-submission Neighbourhood Plan, the Planning Policy team undertook a screening assessment of the draft neighbourhood plan policies to identify whether SEA or HRA were required.
- 2.7. The screening assessment concluded that the emerging Neighbourhood Plan did not require a full Strategic Environmental Assessment or Habitats Regulation Assessment.

Pre-submission publication (Mar – May 2015)

- 2.8. SBV published the Pre-submission Neighbourhood Plan for public consultation between 23 March and 11 May 2015. The Planning Policy team published the SEA & HRA Screening Report, which presented the findings of the screening assessment, alongside the

publication of the Pre-submission Neighbourhood Plan. A hyperlink to the SEA & HRA Screening Report is provided in Appendix A of this Statement.

- 2.9. Based on the comments received in response to the Screening Report, including those provided by Natural England (discussed in section 3.14 – 3.18), the Council concludes that no further action is required.

Submission of Plan Proposal (July 2015)

- 2.10. SBV submitted a Neighbourhood Plan Proposal to Northampton Borough Council for examination on 21 July 2015. In preparing the Plan Proposal, SBV took into account the results of consultation on the Pre-submission Neighbourhood Plan and findings of the Screening Report. This determination statement has been prepared alongside the Plan Proposal.

3. Determination

Policy Context

- 3.1. The basic conditions require Neighbourhood Plans to achieve general conformity with the strategic policies contained in the development plan for the area of the authority. The Development Plan for Northampton includes the adopted West Northamptonshire Joint Core Strategy Local Plan Part 1 (JCS) and Northampton Central Area Action Plan (CAAP). Both the JCS and CAAP were subject to a SEA/SA and HRA during their preparation.
- 3.2. The CAAP sets strategic policies to deliver the regeneration of Northampton's Central Area and town centre. The Spring Boroughs Neighbourhood Area is located within Northampton's Central Area and in close proximity to Northampton's town centre. Although adopted in advance, the CAAP was prepared in conformity with the emerging JCS.
- 3.3. The Northampton Local Plan 1997 (Saved Policies) has been largely replaced through the adoption of the JCS and the CAAP. Due to their age and the more recent adoption of the JCS and the CAAP it is considered that the remaining Saved Policies have non-strategic status.

Methodology

- 3.4. The SEA & HRA Screening Report (March 2015) assessed the Pre-submission Neighbourhood Plan policies to identify if the policies are capable of achieving general conformity with the strategic objectives and policies of the development plan, and whether implementation of the SBNP will result in likely significant environmental effects that have not already been considered and dealt with through a sustainability appraisal of the CAAP and JCS.
- 3.5. In addition the assessment considered the likely effects of the Plan policies on European Sites including the Upper Nene Valley SPA in relation to visitor disturbance; water levels; water quality and pollution. The screening report was published for consultation alongside the Pre-submission Neighbourhood Plan.

Summary of Screening Report's findings

- 3.6. The JCS recognises the importance of the regeneration of Northampton, including through the regeneration of Spring Boroughs. The CAAP provides additional strategic policies to inform the regeneration of Spring Boroughs.
- 3.7. The CAAP recognises the important role neighbourhood planning could play in enabling a greater degree of community engagement in the regeneration of Spring Boroughs. The JCS and CAAP therefore provide a comprehensive strategic policy framework which is intended to support the emerging Spring Boroughs Neighbourhood Plan, further empowering the community to shape new development in its area.
- 3.8. The Spring Boroughs Neighbourhood Plan sets out an ambitious approach to the redevelopment of the Neighbourhood Area, reflecting the local community's aspirations.

The approach is broadly consistent with the JCS and the CAAP and (if 'made') will form an important part of the development plan, adding considerable detail to the existing strategic policy framework.

- 3.9. The Spring Boroughs Neighbourhood Plan includes a range of 'plan-wide' and 'area-based' policies. The delivery of family housing with gardens with a particular emphasis on affordable tenures is a core theme running through the Neighbourhood Plan. In addition, the Neighbourhood Plan prioritises supporting infrastructure including children's play, open green space and community facilities.
- 3.10. The CAAP seeks to provide up to 3,400 homes in Northampton's Central Area. It is difficult to quantify how many new homes may be delivered in Spring Boroughs as a result of the Neighbourhood Plan as proposals could include the renewal and redevelopment of existing sites. Any new housing is expected to contribute toward the CAAP's housing requirement and is not likely to result in the housing requirement being significantly exceeded. Overall, the SBNP is expected to play a positive contribution in enabling sustainable development of the Neighbourhood Area.
- 3.11. The SEA & HRA Screening Report (March 2015) concluded that the Neighbourhood Plan policies are likely to be capable of achieving general conformity with the strategic policies of the CAAP. Through the assessment, no likely significant negative effects were identified in terms of the SEA criteria which have not already been considered and dealt with through a sustainability appraisal of the CAAP and JCS.
- 3.12. The Screening Report highlighted one potential conflict between a neighbourhood plan policy and the strategic policies of the development plan. This issue did not concern the principle of development, but rather related to the tenure of a development and was therefore not considered to be significant in the context of either SEA or HRA. Following consultation on the draft plan, the policy was amended in a manner considered to be likely to be consistent with the strategic policy context.
- 3.13. The Upper Nene Valley Gravel Pits SPA is located within 15km of the Spring Boroughs Neighbourhood Area. The Screening Report considered whether the SBNP policies would be likely to result in significant effects on designated sites (i.e. the Upper Nene valley Gravel Pits SPA) in terms of the three "vulnerabilities" – increased visitor disturbance; altered water levels; and water quality and pollution. Located in Northampton's Central Area, new development in Spring Boroughs is not expected to increase visitor disturbance at those designated sites. In addition, the JCS includes criteria which all new developments must achieve to maximise water efficiency, improve water quality and reduce pollution. The Screening Report concluded that the implementation of the Neighbourhood Plan is not expected to result in likely effects on designated sites in respect of the three vulnerabilities.

Consultation

- 3.14. The Planning Policy team invited the consultation bodies and other technical stakeholders to comment (via email) on the Pre-submission Neighbourhood Plan and the

findings of the SEA & HRA Screening Report between 23 March 2015 and 11 May 2015. A full list of bodies consulted is provided in Appendix B of this Statement.

3.15. Responses were received from a range of consultation bodies. However, only Natural England commented specifically on the findings of the SEA & HRA Screening Report. Natural England's response is summarised below and reproduced in full in Appendix C of this Statement.

3.16. Natural England confirmed that :

- They checked their records and that in their view the Plan's proposals/allocations will not have significant effects on sensitive sites that Natural England has a statutory duty to protect;
- They are not aware of significant populations of protected species which are likely to be affected by the policies / proposals within the Plan; and.
- They are in agreement with the conclusion of the screening report in relation to HRA as the location and scale of development included within the Plan would not represent a likely significant effect to any European Site.

3.17. In their response, Natural England highlighted the need to contact local advisers on ecology and biodiversity. Responses were received from relevant bodies, including Northamptonshire County Council and The Wildlife Trust. Neither body raised issue with the Screening Report's conclusions.

3.18. Taking into account the comments provided by Natural England, it was concluded that no further action was required in respect of SEA or HRA.

Conclusions

3.19. The implementation of the Spring Boroughs Neighbourhood Plan is not expected to result in likely significant effects which have not been addressed through either SEA or HRA of the JCS or CAAP. The SEA & HRA Screening Report (March 2015) determined that the Spring Boroughs Neighbourhood Plan does not require a full SEA or HRA. Following public consultation, the findings of the Screening Report were not disputed by the consultation bodies or other technical stakeholders.

3.20. The Council concludes that the Spring Boroughs Neighbourhood Plan does not require a full SEA or HRA. Consequently, the Spring Boroughs Neighbourhood Plan has not been subject to Strategic Environmental Assessment or Habitats Regulation Assessment.

Document reference: SEA2

Appendix A - Screening Report for Strategic Environmental Assessment and Habitats Regulation Assessment: Spring Boroughs Neighbourhood Plan (March 2015)

Document available to download from: <http://www.northampton.gov.uk/springboroughsplan>

Appendix B – List of bodies and technical stakeholders consulted on SEA and HRA Screening Report (March 2015)

Anglian Water
Borough Council of Wellingborough
Castle Hill URC
Churches Conservation Trust
Clinical Commissioning Group
Coal Authority
County Councillors for the Neighbourhood Area
Daventry District Council
Developers / landowners with local interest
Electricity companies
Electronics communications companies
English Heritage
Environment Agency
Friends of Northampton Castle
Gas companies
Highways Agency
Homes and Communities Agency
Kingdom Life Church / Springs Family Centre
LGBT&Q Forum
Local MEPs
Local MP - Northampton South
Marine Management Organisation
Natural England
Network Rail Infrastructure Limited
Northampton Borough Council - Asset Management
Northampton Borough Council - Customers & Communities
Northampton Borough Council – Directorate of Regeneration, Enterprise & Planning
Northampton Borough Council - Housing and Wellbeing
Northampton Borough Council - Housing Assets
Northampton Partnership Homes
Northamptonshire County Council - Education
Northamptonshire County Council – Planning Dept. (lead contact)
Northamptonshire County Council - Transport
Northamptonshire Police
Northamptonshire Wildlife Trust
Pensioners forum
Primary Care Trust
South Northamptonshire Council
Spring Boroughs Residents Association
Spring Lane Primary School
Ward Councillors for adjoining areas
Ward Councillors for the Neighbourhood Area
West Northamptonshire Joint Planning Unit
Women's Forum
Youth Forum

Appendix C – Natural England’s response

Date: 11th May 2015

Our ref: 148948



Edward Dade
Senior Planning Officer
Northampton Borough Council

BY EMAIL ONLY

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

T 0300 060 3900

Dear Edward

Spring Boroughs Draft Neighbourhood Plan and SEA/HRA Screening

Thank you for your consultation on the above dated 24th March 2015.

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.

It is our advice, on the basis of the material supplied with the consultation, that, in so far as our strategic environmental interests are concerned (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.

Strategic Environmental Assessment

Guidance on the assessment of Neighbourhood Plans in light of the SEA Directive is contained within the National Planning Practice Guidance¹. 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/allocations 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.

Habitats Regulations Assessment (HRA)

Natural England is in agreement with the conclusion of the screening report in relation to HRA as the location and scale of development included within the plan would not represent a likely significant effect to any European Site. This advice takes in to account that the residential development included within the plan does not exceed that already allocated to this area through higher level plans.

For any queries relating to the specific advice in this letter only please contact Ross Holdgate on 0300 060 4657. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk

Yours sincerely

Ross Holdgate

Essex, Herts, Beds, Cambs and Northants Area Team.
