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Barrowford Neighbourhood Development Plan

Strategic Environmental Assessment Screening

May 2017

Kirkwells

The Planning People

Introduction

European Union Directive 2001/42/EC requires a Strategic Environmental Assessment to be undertaken for certain types of plans or programmes that would have a significant environmental effect. This screening has been carried out by Kirkwells on the Barrowford Neighbourhood Development Plan on behalf of Barrowford Parish Council. The Parish Council area is within Pendle Borough, and it is the Council's responsibility, based on the outcome of this screening process, to determine whether a full SEA is required on plans within its district.

The Environmental Assessment of Plans and Programmes Regulations 2004 (the regulations) require that this is determined by a screening process, which should use a specified set of criteria (set out in Schedule 1 of the Regulations). The results of this process must be set out in an SEA Screening Statement, which must be publicly available. Before the Council make a formal determination, there is a requirement to consult three statutory consultation bodies designated in the regulations (Environment Agency, Historic England and Natural England) on whether a full environmental assessment is required.

This document is the Screening Assessment (SA) of the Barrowford Neighbourhood Development Plan (BNDP) and is made in accordance with the Regulations. If the SA determines that an SEA is not required, the SA must include reasons for this determination.

If significant environmental impacts are triggered by the implementation of a neighbourhood development plan it is considered prudent to advise that a full SEA is required. As such it is important to determine whether there would be significant environmental impacts as per the SEA Directive.

The requirement for Strategic Environmental Assessment and Sustainability Appraisal

Strategic Environmental Assessment is a requirement of the European Union Directive 2001/42/EC (Strategic Environmental Assessment (SEA) Directive). This Directive sets out the specific types of plans and programmes to which it applies, with Article 3(2) specifying that SEA is mandatory for plans and programmes which are prepared for town and country planning or land use and those which set the framework for future development consent. The Directive was transposed into law in England by the Environmental Assessment of Plans and Programmes Regulations 2004 (the SEA Regulations). Detailed guidance on these regulations can be found in the Government publication A Practical Guide to the Strategic Environmental Assessment Directive (ODPM 2005).

It is one of the basic conditions of producing a Neighbourhood Plan that EU obligations are fulfilled. One such EU obligation is the SEA Directive, which it states may be of relevance to Neighbourhood Planning¹. Further guidance is given in the Planning Practice Guidance as follows:

Does the Barrowford Neighbourhood Development Plan require a strategic environmental assessment?

In some limited circumstances, where a neighbourhood plan could have significant environmental effects, it may fall within the scope of the Environmental Assessment of Plans and Programmes Regulations 2004 and so require a strategic environmental assessment. 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).

*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. A 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*
- *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.*

The Council, as a Responsible Authority under the Directive and the associated Regulations, must carry out a screening process to determine whether plans or programmes are likely to have significant environmental effects, and hence whether SEA is required under the Directive.

Does the Barrowford Neighbourhood Development Plan require a Sustainability Appraisal?

Sustainability Appraisal is a separate requirement of the Planning and Compulsory Purchase Act 2004. Sustainability Appraisal considers the social, environmental and economic impacts of a plan. The Act and the associated Regulations set out the requirement to carry out Sustainability Appraisal on all Development Plan Documents. Development Plan Documents are planning policy documents which set policies for the use of land or allocate sites for development. Sustainability Appraisal is not legally required for neighbourhood plans. There is however a requirement for a qualifying body to demonstrate how its plan will contribute to achieving sustainable developments.

Barrowford Neighbourhood Development Plan

Barrowford is located within Pendle, just off junction 13 of the M65. The Parish is made up of 4 wards: Carr Hall, Newbridge, Central and Higherford. Barrowford adjoins the Trough of Bowland Area of Outstanding Beauty, which includes Pendle Hill and the villages of Barley, Roughlee and Newchurch.

The Parish Council, as a qualifying body, applied for the whole parish to be designated a neighbourhood planning area (Figure 1). Pendle Borough Council approved the area as a neighbourhood planning area on the 22nd October 2015. This designation allows the local community to come together, through the preparation of the neighbourhood development plan, to set out how the future development of the area up to 2030 should be shaped.

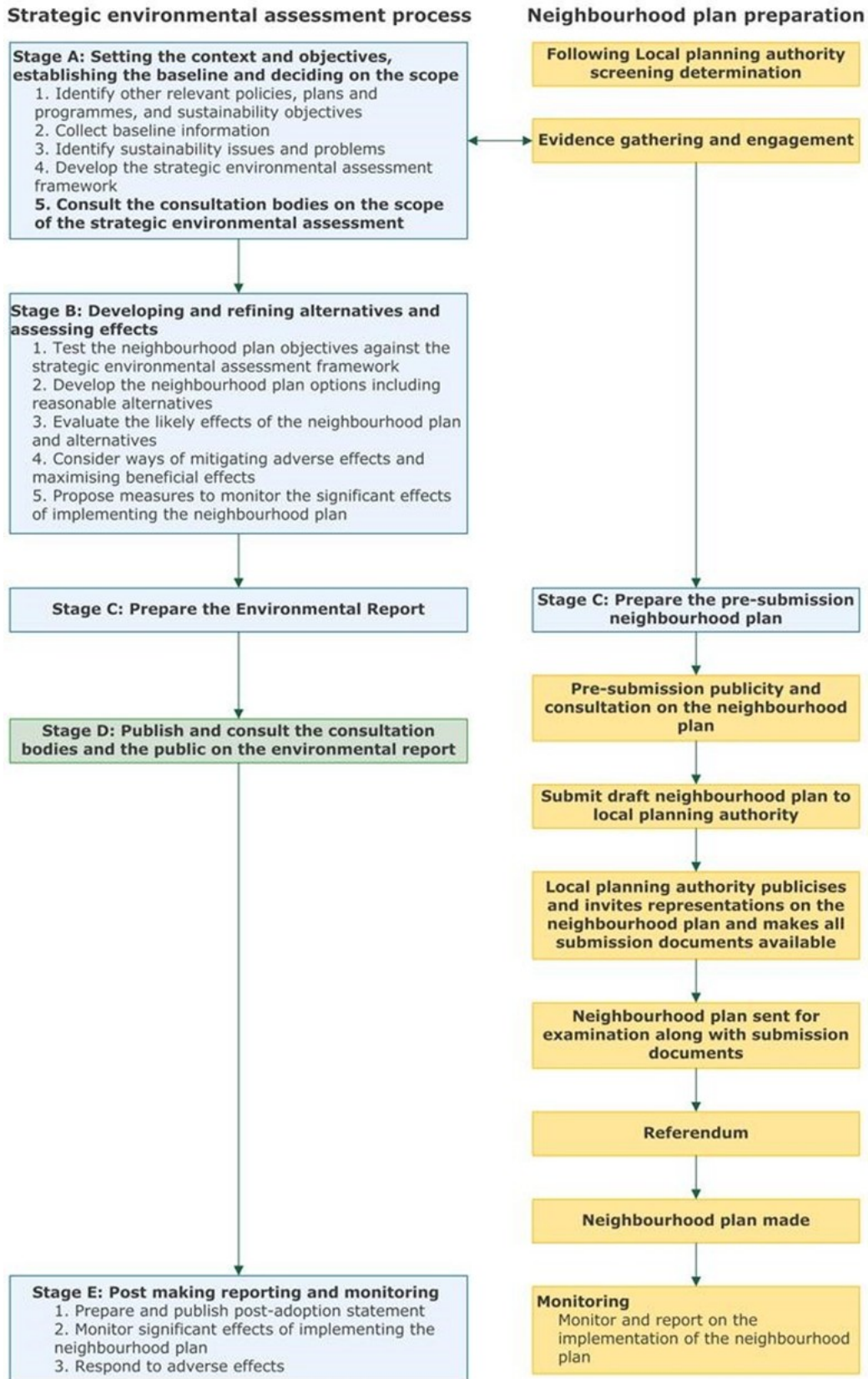
Barrowford is one of the older established towns and villages within Pendle. Historically, it relied on the textile industry for employment, and until the early 1990s, this industry was probably the town's largest employer. With the demise of textiles and the loss of large-scale employment opportunities, Barrowford has diversified into tourism and niche shopping outlets, with smaller scale manufacturing and service businesses being incorporated into the remaining former mills. The village, though large, still identifies itself as a village and seeks to retain those ideals.

Cultural heritage is a strong factor in the local character of the residents of Barrowford and their desire to retain a village identity. The Parish boasts one of the oldest Public Houses in the country, the White Bear Inn, trading since 1667. There are 34 statutory listed buildings within the Parish.

Applying the SEA Directive to Neighbourhood Planning

Figure 1 below illustrates where the Directive applies and can be followed during the Neighbourhood Planning process. It is taken from National Planning Practice Guidance (NPPG).

Figure 1. SEA and Neighbourhood Plans



Undertaking SEA screening

For Neighbourhood Plans SEA screening is a two-stage process:

1. Generic application of the SEA directive
2. SEA Directive Article 3(5) Annex II – Application of criteria for determining the likely significance of effects

This document contains two forms, in respect of stages 1 and 2 respectively:

1. For SEA Screening Stage 1, the form considers Neighbourhood Plans generically against the SEA Assessment criteria specified in the national guidance (“[A Practical Guide to the Strategic Environmental Assessment Directive](#)”, Figure 2), to determine whether each would require full SEA. Table 1 of this SA.
2. Where it is determined that there is potential for the BNDP to have a significant effect on the environment, then it is necessary to progress to Stage 2 in the SEA Screening process. This involves testing the relevant Neighbourhood Plan against the relevant criteria for determining the likely significance of environmental effects, as specified in SEA Directive Article 3(5) Annex II.

Table 1. SEA Screening Stage 1: Application of SEA Directive in the case of Neighbourhood Plans

SEA Assessment criteria	Commentary	N'hood Plan Outcome (Yes/No)
1. Is a Neighbourhood Plan 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?	<i>A local planning authority has a statutory obligation to adopt or “make” a Neighbourhood Plan once it has successfully gone through the relevant statutory preparation stages, culminating in a local referendum. At this stage, a Neighbourhood Plan becomes part of the statutory development plan for the relevant local authority area. To this extent, the Neighbourhood Planning process is directed by/ through a legislative procedure.</i>	Yes
2. Is a Neighbourhood Plan required by legislative, regulatory or administrative provisions?	<i>The preparation of Neighbourhood Plans is not mandatory; i.e. a Town/ Parish Council or Neighbourhood Forum can chose whether or not to undertake either of these. However, if the relevant body decides to prepare a Neighbourhood Plan, that Town/ Parish Council or Neighbourhood Forum is required to follow the set regulatory and administrative procedures.</i>	No
3. Is a Neighbourhood Plan prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use, AND does it set a framework for future development consent of projects in Annexes I and II to the EIA Directive?	<i>A Neighbourhood Plan must relate to town and country, spatial and/ or land use planning. Once made, it will form part of the statutory framework (“development plan”) for the determination of planning applications. Neighbourhood Plans both, therefore, set specific frameworks for future development consents.</i>	Yes
4. Will a Neighbourhood Plan in view of its likely effect on sites, require an assessment under Article 6 or 7 of the Habitats Directive?	<i>The Neighbourhood Plan will not have any effect on any European Designated site.</i>	No
5. Does a Neighbourhood Plan determine the use of small areas at local level, OR is it a minor modification of an existing plan/ programme?	<i>The Barrowford Neighbourhood Development Plan does not allocate any sites but does put forward sites for designation as protected Local Green Spaces.</i>	Yes

SEA Assessment criteria	Commentary	N'hood Plan Outcome (Yes/No)
<p>6. Is a Neighbourhood Plan likely to have a significant effect on the environment?</p>	<p><i>The Neighbourhood Plan includes design and landscape character policies.</i></p> <p><i>The Neighbourhood Plan includes policies to protect the landscape including key views and vistas. All new development will need to take account of the sensitive nature of the surrounding landscape.</i></p> <p><i>The Neighbourhood Plan allocates sites as protected local green space in accordance with the criteria in the NPPF.</i></p> <p><i>The Neighbourhood Plan seeks to designate a new Character Area at Newbridge which could be considered as a future designated Conservation Area working with Pendle Borough Council.</i></p> <p><i>The Neighbourhood Plan includes a policy on Green Infrastructure including provision to protect and enhance networks and connections.</i></p>	<p>No</p>

SEA Screening Stage 1: Conclusions

Would the Barrowford Neighbourhood Development Plan require SEA?

The Neighbourhood Development Plan will not impact on any European Designated site.

The Neighbourhood Development Plan does not seek to allocate any sites for development.

The Neighbourhood Development Plan policies seek to protect a number of key environmental assets, including landscape, heritage and local green spaces.

Based on the Stage 1 screening in Table 1 it is concluded that a full SEA is not required.

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

The SEA Directive (Article 3(5)) requires the relevant body Barrowford Parish Council to: “ensure that plans and programmes [i.e. their Neighbourhood Plan] with likely significant effects on the environment are covered by this Directive”. In other words, the proposed scope and/ or range of themes, topics and/ or policies that a Neighbourhood Plan is intended to cover will form the basis for determining whether a full SEA will be required. Stage 2 of the SEA screening process will determine whether the emerging Neighbourhood Plan would:

- Only determine the use of small areas at local level – i.e. involves minor/ small scale land allocations/ designations, or detailed, locally distinctive design criteria [whereby a full SEA would **not** be required]; or
- Be likely to have a significant effect on the environment [whereby a full SEA **would** be required]?

	SEA Directive (Annex II)	Commentary	Conclusion – significant environmental impact? [Yes/No]
1	Characteristics of Neighbourhood Plan		
A	Degree to which this sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources	<p><i>The overarching framework for planning policy is set in the National Planning Policy Framework and Planning Practice Guidance. Once adopted, the Neighbourhood Plan will form part of the Development Plan and planning applications within the designated area must be determined in accordance with the Neighbourhood Plan Policies.</i></p> <p><i>The BNDP includes policies to protect the landscape including key views and vistas. All new development will need to take account of the sensitive nature of the surrounding landscape.</i></p> <p><i>The BNDP designates sites as protected green space in accordance with the criteria in the NPPF.</i></p> <p><i>The BNDP seeks to designate a new Character Area at</i></p>	No

Barrowford NDP SEA Screening May 2017

	SEA Directive (Annex II)	Commentary	Conclusion – significant environmental impact? [Yes/No]
		<p><i>Newbridge which could be considered as a future designated Conservation Area working with Pendle Borough Council.</i></p> <p><i>The BNDP includes a policy on Green Infrastructure including provision to protect and enhance networks and connections.</i></p>	
B	Degree to which this influences other plans and programmes including those in a hierarchy	<i>The BNDP covers an area within the context of Pendle Councils Core Strategy. The BNDP must be in general conformity with the Development Plan in terms of the National Planning Policy Framework and Pendle's Core Strategy which have been subject to full SEA and Sustainability Appraisals.</i>	No
C	Relevance for the integration of environmental considerations in particular with a view to promoting sustainable development	<i>The BNDP will need to be in conformity with Pendle Council's Core Strategy which advocates sustainable development through its development strategy. It is also one of the Basic Conditions of producing a Neighbourhood Plan that it should contribute to the achievement of sustainable development.</i>	No
D	Environmental problems relevant to the Neighbourhood Plan	<i>At this stage it is considered that the Neighbourhood Plan will not introduce any environmental problems, rather it will seek to encourage sensitive development in relation to the environment.</i>	No
E	Relevance for the implementation of Community legislation on the environment (e.g. plans and programmes linked to waste-management or water protection)	<i>Strategies relating to waste disposal or water protection are mostly dealt with by Lancashire County Council. Pendle Borough Council itself has a number of policies in place, relating to waste collection and environmental protection. Community Plans may identify specific local environmental</i>	No

Barrowford NDP SEA Screening May 2017

	SEA Directive (Annex II)	Commentary	Conclusion – significant environmental impact? [Yes/No]
		<i>concerns or issues, but these are generally not issues which could be addressed through a Neighbourhood Plan.</i>	
2	Characteristics of the effects and of the area likely to be affected		
F	Probability, duration, frequency and reversibility of any effects	<i>The BNDP relates to specific, small scale issues of either ensuring that any development coming forward will deliver the maximum local benefits. A Neighbourhood Plan addresses specific local development management issues, complementing the higher level strategic policy framework already established through the adopted Core Strategy and national policies (NPPF). The overall impact of the BNDP will be positive by maximising the positive environmental effects and minimising or avoiding negative impacts.</i>	No
G	Cumulative nature of any effects	<i>Development of such a magnitude/ quantum to cumulatively lead to effects of such significance that SEA would be required would, by definition, be of a “strategic” nature. Therefore, such development could not be appropriate to be brought forward through a Neighbourhood Plan. It is considered that the effect of the BNDP will be largely beneficial therefore any cumulative impacts will also be beneficial.</i>	No
H	Transboundary nature of any effects	<i>Neighbourhood Plans are required to relate to discrete administrative areas. By definition, “transboundary” issues are “strategic” matters; therefore beyond the scope of a Neighbourhood Plan. Instead, the Local Plan is the correct forum for addressing any “trans-boundary” issues relating to spatial planning.</i>	No
I	Risks to human health or the environment (e.g. due to accidents)	<i>No significant risks to human health are envisaged through the application of the BNDP.</i>	No
J	Magnitude and spatial extent of the effects (geographical area and size of the	<i>The BNDP is applicable only to developments within the designated area.</i>	No

Barrowford NDP SEA Screening May 2017

	SEA Directive (Annex II)	Commentary	Conclusion – significant environmental impact? [Yes/No]
	population likely to be affected)		
K	Value and vulnerability of the area likely to be affected	<i>There are three Conservation Areas with the neighbourhood area. The BNDP puts forward no development or allocations within these areas or their setting. The BNDP seeks to conserve a new Character Area at Newbridge and seeks to protect other key environmental assets, such as landscape and local green spaces.</i>	No
L	Effects on areas or landscapes which have a recognised national, Community or international protection status	<i>The overall impact of the BNDP will be positive by maximising the positive environmental effects of development and minimising or avoiding negative impacts</i>	No

SEA Screening conclusion – Will a full Strategic Environmental Assessment be required, in accordance with the SEA Directive; i.e. is the proposed Neighbourhood Plan likely to have a significant effect on the environment?

The need to ensure compliance with statutory legislation, including European Union Directives, is one of the major challenges associated with Neighbourhood Planning. The requirements of the SEA Directive are potentially far-reaching, but many aspects of this may not be applicable in the case of Neighbourhood Plans, given their “non-strategic”/ locally based context.

The area includes 3 Conservation Areas and 35 listed buildings. There are no designated nature conservation areas within the area.

The Statutory bodies were consulted on this screening report for their views as to whether a full Strategic Environmental Assessment was required.

- Natural England
- Historic England
- Environment Agency

The three statutory bodies returned responses and all concluded that a full SEA was not required. Full copies of the responses are below.

Date: 07 June 2017
Our ref: 217257
Your ref: Barrowford Neighbourhood Plan



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BY EMAIL ONLY

Dear Mr Wellock

Barrowford Neighbourhood Plan SEA Screening

Thank you for your consultation on the above dated 2nd June 2017 which was received by Natural England on the same day.

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 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.

Neighbourhood Plan

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 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 queries relating to the specific advice in this letter or for any new consultations please send your correspondences to consultations@naturalengland.org.uk.

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

Yours sincerely

Jacqui Salt
Consultations Team

Mr Michael Wellock
Kirkwells
Lancashire Digital Technology Centre
Bancroft Road
Burnley
Lancashire
BB10 2TP

Our ref: NO/2012/104469/SE-
02/SC1-L01
Your ref: Barrowford SEA Screening
Date: 13 June 2017

Dear Sir

Barrowford Neighbourhood Plan SEA Screening Assessment

We have reviewed the documents submitted – Strategic Environmental Assessment Screening May 2017 prepared by Kirkwells.

Environment Agency position

We agree with the conclusion made in the Screening Report that an SEA is not required.

Yours faithfully

Mrs Liz Locke
Sustainable Places Officer

e-mail clplanning@environment-agency.gov.uk

Environment Agency
Lutra House Walton Summit, Bamber Bridge, Preston, PR5 8BX.
Customer services line: 03708 506 506
www.gov.uk/environment-agency
End



Historic England

Michael Wellock
Kirkwells
Lancashire Digital Technology Centre
Bancroft Road
Burnley
Lancashire
BB10 2TP

Our ref: PL000105148 & 105522
Your ref: E-mail 2nd June 2017
Telephone: 07500 121974

12th June 2017,

Dear Michael,

Pre Submission Consultation Draft Neighbourhood Plan and SEA for Barrowford, Pendle

Thank you for consulting Historic England regarding SEA screening in relation to the draft Barrowford Neighbourhood Plan. We have not previously been consulted on this emerging Plan so I am taking the liberty of providing Historic England's initial advice under *Regulation 14*, please can you pass this letter onto the Forum's chair.

The Plan documentation is accompanied by a request for a formal Screening Opinion from Historic England in compliance with the *Environmental Assessment of Plans and Programmes Regulations 2004*. The draft Opinion prepared for the Forum concludes that Strategic Environmental Assessment is not required. We note that the Plan appears to propose no site allocations/policies which would have significant environmental effects upon the historic environment and as such we concur that in this regard Strategic Environmental Assessment is *not* required.

Having considered the plan proposals we do not consider there is a need for Historic England to be involved in the development of the strategy for this area at this time. The conservation officer at Pendle Council is the best placed person to assist during the development of this Neighbourhood Plan. They can help the Forum consider how the strategy might address the area's heritage assets of all types, including advice on potential policy to address any of the areas buildings, landscapes and structures in need of repair or reuse.

The Forum might also consider contacting the holder of Lancashire's Historic Environment Record; they should be able to provide details of not only any designated heritage assets (as shown at Fig8) but also locally-important buildings, archaeological remains and historic landscapes. At present the draft plan appears to only refer specifically to undesignated heritage at Newbridge. Some Historic Environment Records may also be available on-line via



Historic England, Suite 3.3, Canada House, 3 Chepstow Street, Manchester M1 5FW
Telephone 0161 242 1416 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.



the Heritage Gateway www.heritagegateway.org.uk. If you have not already done so, it may also be useful to involve local voluntary groups such as the local Civic Society, local history groups, building preservation trusts, and Heritage Trust for the Northwest who are based in this Neighbourhood Plan area.

The local authority might also be able to provide the Forum with more general support in the production of the Neighbourhood Plan. National Planning Practice Guidance is clear that where it is relevant, Neighbourhood Plans need to include enough information about local heritage to guide planning decisions and to put broader strategic heritage policies from your local authority led local plan into action at a neighbourhood scale. If appropriate this should include enough information about local non-designated heritage assets including sites of archaeological interest to guide decisions, as mentioned above.

We are pleased to see that the Plan refers to the potential designation of a Conservation Area at Newbridge and proposes a policy BNDP10, it is not however clear how this will be taken forward, has the local planning authority agreed to consult on a designation or will the NP process contribute to public consultation.

Further information and guidance on how heritage can best be incorporated into Neighbourhood Plans has been produced by Historic England. Our advice refers to a number of other documents the community may find useful to identify what it is about their area which makes it distinctive and how they might go about ensuring that the character of the area is retained. These can be found at:-


<http://www.historicengland.org.uk/advice/planning/plan-making/improve-your-neighbourhood/>

Finally, the draft Neighbourhood Plan refers to the protection of views and vistas, it may be helpful to show these as images or by associated video. If new development may have the potential to affect the setting of heritage assets, the Forum may find Historic England's guide to the "Setting of Heritage Assets" helpful:

<https://content.historicengland.org.uk/images-books/publications/gpa3-setting-of-heritage-assets/gpa3.pdf/>

If you have any queries about this matter or would like to discuss anything further, please do not hesitate to contact me.

Yours sincerely



Darren Ratcliffe RIBA
Historic Places Adviser



Historic England, Suite 3.3, Canada House, 3 Chepstow Street, Manchester M1 5FW
Telephone 0161 242 1416 HistoricEngland.org.uk

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