



**Strategic Environmental Assessment  
Screening Report**

**Langwathby Neighbourhood  
Development Plan**

**On Behalf of Langwathby Parish Council**

# Contents

<b>1. Introduction</b> .....	<b>3</b>
<b>2. Legislative Background</b> .....	<b>3</b>
<b>3. Assessment</b> .....	<b>4</b>
Part 1 - Application of the Directive to the draft NP .....	5
Part 2 - Likely significant effects on the environment .....	7
<b>4. Screening Outcome</b> .....	<b>8</b>
<b>Appendix 1 - Responses from Statutory Consultees</b> .....	<b>9</b>

## **1. Introduction**

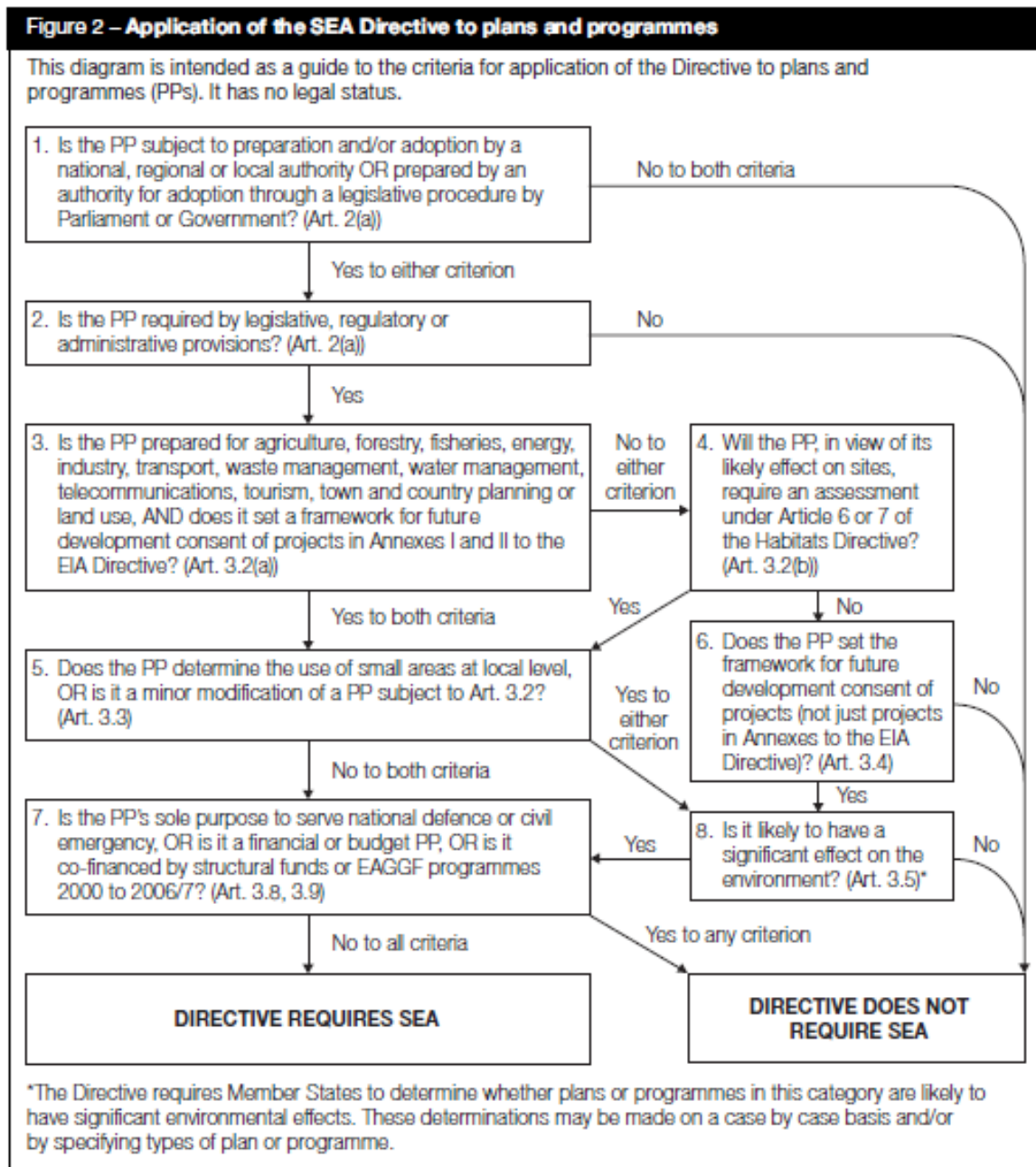
- 1.1 This screening report is designed to determine whether or not the contents of the draft Langwathby Neighbourhood Development Plan requires a Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plans and Programmes Regulations 2004.
- 1.2 The purpose of the Langwathby Neighbourhood Plan is allocated land suitable for housing and employment uses and influence policy on housing delivery, renewable energy and protection of local environmental and heritage assets.
- 1.3 The legislative background set out below outlines the regulations that require the need for this screening exercise. Section 3 provides a screening assessment of the likely significant environmental effects of the draft plan and the need for a full SEA.

## **2. Legislative Background**

- 2.1 The basis for Strategic Environmental Assessments and Sustainability Appraisal legislation is European Directive 2001/42/EC and was transposed into English law by the Environmental Assessment of Plans and Programmes Regulations 2004, or SEA Regulations.
- 2.2 This report focuses on screening for SEA and the criteria for establishing whether a full assessment is needed.

### 3. Assessment

3.1 The diagram below illustrates the process for screening a planning document to ascertain whether a full SEA is required.



3.2 This assessment is therefore split into two parts. Part 1 runs the draft plan through the questions outlined in the diagram above and includes commentary of whether the need for SEA is triggered. Part 2 further assesses stage 8, on whether there is a likely significant impact. The screening opinion takes a 'precautionary approach' and when it is unclear as to how the Directive may be applied it is assumed that there are possible likely significant effects.

## Part 1 - Application of the Directive to the draft NP

Table 1: Establishing the Need for SEA		
Stage	Y/N	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))	Y	The preparation and adoption of the NP is allowed under the Town and Country Planning Act 1990 as amended by the Localism Act 2011. The NP will be prepared by Langwathby Parish Council (as the 'relevant body') and will be 'made' by Eden District Council as the local authority. The preparation of NPs is subject to the following regulations: The Neighbourhood Planning (General) Regulations 2012 and The Neighbourhood Planning (referendums) Regulations 2012.  <b>GO TO STAGE 2</b>
2. Is the PP required by legislative, regulatory or administrative provisions? (Art. 2(a))	Y/N	Whilst the NP is not a requirement and is optional under the provisions of the Town and Country Planning Act as amended by the Localism Act 2011, it will if 'made', meaning it will carry statutory weight. It is therefore important that the screening process considers whether it is likely to have significant environmental effects and hence whether SEA is required under the Directive.  <b>GO TO STAGE 3</b>
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))	Y	The draft plan is being prepared for town and country planning and land use as it proposes to allocate land for housing and employment development. It also proposes policies which will shape future development proposals. As such, the draft plan contains a framework for future development consent of urban development projects (listed as 10(b) in Annex II of the EIA Directive). Although the draft plan is for small scale development and it could be argued that it does not fit the definition of 'urban development project' a precautionary stance is taken at this stage to allow further assessment at Stage 8.  <b>GO TO STAGE 4</b>

Table 1: Establishing the Need for SEA		
Stage	Y/N	Reason
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))	N/A	This will be screened separately.
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)	Y	The draft plan is expected to determine the use of small sites at a local level. <b>GO TO STAGE 8</b>
6. Does the PP set the framework for future development consent of projects (not just projects in annexes to the EIA Directive)? (Art 3.4)	N/A	This covers frameworks which may not be a plan or project (Article 2).
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)	N	N/A
8. Is it likely to have a significant effect on the environment? (Art. 3.5)		See Part 2: Likely significant effects on the environment.

## Part 2 - Likely significant effects on the environment

- 3.3 Criteria for determining the likely significance of effects referred to in Article 3(5) of Directive 2001/42/EC are set out below, together with a commentary on whether the draft NP would trigger the need for a full assessment.

<b>The characteristics of plans and programmes, having regard, in particular, to:</b>		
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 draft NP allocates land for housing and employment. Useful guidance on whether a scheme would trigger the need for an Environmental Impact Assessment (if this was a planning application) is contained in Schedule 2 of the 2011 EIA Regulations, which states that were a scheme is an urban development project a threshold of 0.5 hectares would apply and would indicate that a scheme may require EIA. Whilst overall the plan promotes small scale development which would not exceed the threshold, the single (phased) allocation at Langwathby Hall (1.7ha) exceeds this threshold.	N
The degree to which the plan or programme influences other plans and programmes including those in a hierarchy	The draft plan should not significantly influence other plans and programmes on its own.	N
The relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development	The plan promotes development in what has previously been considered to be a sustainable location. The plan also promotes the inclusion of renewable and de-centralised energy provision in all new development.	N
Environmental problems relevant to the plan or programme	It is considered that there are no significant environmental problems arising from implementation of this draft plan.	N
The relevance of the plan or programme for the implementation of Community legislation on the environment (eg plans and programmes linked to waste-management or water protection)	No impacts identified - small scale development proposed.	N

<b>Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:</b>		
The probability, duration, frequency and reversibility of the effects	The draft plan is likely to have short-term effects resulting longer-term effects relevant to changes in land use which may be positive but are likely to be negative for environmental factors. However, these are not considered significant.	N
The cumulative nature of the effects	There are not considered to be any cumulative effects arising from the development when considered against other development proposals.	N
The transboundary nature of the effects	There are not expected to be any significant trans-boundary effects.	N
The risks to human health or the environment (eg due to accidents)	None identified.	N
The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)	The development proposed is small in scale, it is not considered to give rise to any significant impacts.	N
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 sites does not lie within an area considered to have special natural characteristics or cultural heritage, will not exceed environmental quality standards or limit values or give rise to intensive land-use.	N
The effects on areas or landscapes which have a recognised national, Community or international protection status.	There are no such landscapes on or near the site.	N

## **4. Screening Outcome**

- 4.1 As a result of the assessment in section 3, it is unlikely there will be any significant environmental effects arising from the draft NP. As such, it does not require a full SEA to be undertaken. This conclusion is supported by the Environment Agency, Natural England and English Heritage. Their responses can be found at Appendix 1.



# Appendix 1 - Responses from Statutory Consultees



ENGLISH HERITAGE

NORTH WEST

Langwathby Neighbourhood Plan  
H&H Land and Property  
Borderway  
Montgomery Way  
Carlisle  
CA1 2RS

Our Ref: 1480  
Your Ref:  
Date: 9<sup>th</sup> October 2014

BY EMAIL: langwathbypn@h&hland.co.uk

Dear Sirs,

## Langwathby Neighbourhood Plan – SEA Screening

Thank you for your email dated 18<sup>th</sup> September 2014 regarding the proposed Langwathby Neighbourhood Plan.

In terms of our area of interest, we would concur with your assessment that the document is unlikely to result in any significant environmental effects and will simply provide additional guidance on existing Core Strategy policies which have already been subject to a Sustainability Appraisal. In terms of the proposed housing development, the site does not appear to affect any designated heritage assets. As a result, we would endorse the conclusions that it is not necessary to undertake a Strategic Environmental Assessment of the document.

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

Yours faithfully,

*E. Hrycan*

**Emily Hrycan**  
Historic Environment Planning Adviser (North West)  
Telephone: 0161 242 1423  
E-mail: [Emily.hrycan@english-heritage.org.uk](mailto:Emily.hrycan@english-heritage.org.uk)



Telephone 0161 242 1400 Facsimile 0161 242 1401

[www.english-heritage.org.uk](http://www.english-heritage.org.uk)

Please note that English Heritage operates an access to information policy.



Date: 09 October 2014  
Our ref: 132274

[Paul.Fellows@eden.gov.uk](mailto:Paul.Fellows@eden.gov.uk)

**BY EMAIL ONLY**



Customer Services  
Hornbeam House  
Crewe Business Park  
Electra Way  
Crewe  
Cheshire  
CW1 8GJ

T 0300 060 3900

Dear Mr Fellows

**Planning consultation: Draft HRA and SEA screening reports - Langwathby Neighbourhood Plan**

Thank you for your consultation on the above which was received by Natural England on 18 September 2014.

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.

The conclusions reached are that the Langwathby Neighbourhood Plan does not require a Habitat Regulations Assessment or Strategic Environmental Assessment. These conclusions reached are based on an emerging Local Plan, and although we agree in principle we advise that you consider the scenario if development emerges in the Neighbourhood Plan before the Eden Local Plan is formally adopted. These conclusions are also based on the policies and detail contained in the Pre-submission consultation draft Neighbourhood Plan, if these policies alter then it may be necessary to rescreen the Habitats Regulations Assessment and the Strategic Environmental Assessment (SEA) screening.

As a reminder where a Neighbourhood Plan could lead to significant environmental effects it will be necessary to screen the Plan in relation to the Habitats & Species Regulations (as amended) 2010 (the 'Habitats Regulations') and the Environment Assessment of Plans and Programmes Regulations 2004. One of the basic conditions that will be tested at Examination is whether the making of the plan is compatible with European obligations and this includes requirements relating to the Habitats Directive and SEA Directive.

In relation to the Habitats Regulations, a Neighbourhood Plan cannot progress if it would result in a likely significant effect on any European Site (see Schedule 2, The Neighbourhood Planning (General) Regulations 2012). Therefore reduction and/or avoidance measures may need to be incorporated into the Neighbourhood Plan to ensure compliance with the Regulations. A screening exercise should be undertaken if there is any doubt about the effects of the Plan on European protected sites. This will be particularly important if a Neighbourhood Plan is to progress before a Local Plan has been adopted and/or the Neighbourhood Plan proposes development which has not been assessed and/or included in the HRA for the Local Plan.

In addition to the HRA process, if environmental effects are predicted a SEA screening exercise should also be undertaken. A SEA may be required where:

- a neighbourhood plan allocates sites for development



Page 1 of 2



- a neighbourhood plan contain sensitive natural assets that may be affected by the plan
- a neighbourhood plan may have significant effects that have not already been considered and dealt with in the Sustainability Appraisal for the Local Plan.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries relating to the specific advice in this letter only please contact Kate Wheeler on 07769 918711. For any new consultations, or to provide further information on this consultation please send your correspondences to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

Yours sincerely

Kate Wheeler  
Cheshire, Greater Manchester, Merseyside and Lancashire Area



Mr P Fellows  
Senior Planning Policy Officer  
Eden District Council  
Mansion House  
Friargate  
Penrith  
Cumbria  
CA11 7YG

**Our ref:** NO/2013/104973/SE-  
01/SC1-L01

**Your ref:**

**Date:** 11 March 2015

Dear Paul

□

**SEA/HRA Screening Opinion Request for the draft Langwathby Neighbourhood Plan**

Thank you for your email of 9 March 2015 regarding the above, I apologise for the delay in replying to the original consultation.

The Environment Agency has considered the documents received with the HRA/SEA Screening request and agrees with the summary/ conclusions of Eden District Council.

Please forward any future related consultations/enquiries to: [cplanning@environment-agency.gov.uk](mailto:cplanning@environment-agency.gov.uk)

Yours sincerely

**Jeremy Pickup**  
**Planning Adviser - Sustainable Places**

Direct dial 01768 215798  
E-mail [cplanning@environment-agency.gov.uk](mailto:cplanning@environment-agency.gov.uk)

Environment Agency  
Ghyll Mount (Gillan Way) Penrith 40 Business Park, Penrith, Cumbria, CA11 9BP.  
Customer services line: 03708 506 506  
[www.gov.uk/environment-agency](http://www.gov.uk/environment-agency)  
End