

**Strategic Environmental Assessment
Screening Report
Bolton Neighbourhood
Development Plan
On Behalf of Bolton Parish Council**

1. Introduction

1.1 This screening report is designed to determine whether or not the contents of the draft Bolton 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 Bolton Neighbourhood Plan is to provide detailed policy guidance for in the areas of Development Principles, Housing, Environment, Employment, Infrastructure and Facilities. In addition the Plan contains a criteria based Policy aimed at guiding redevelopment of the Eden Grove Residential school site.

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.

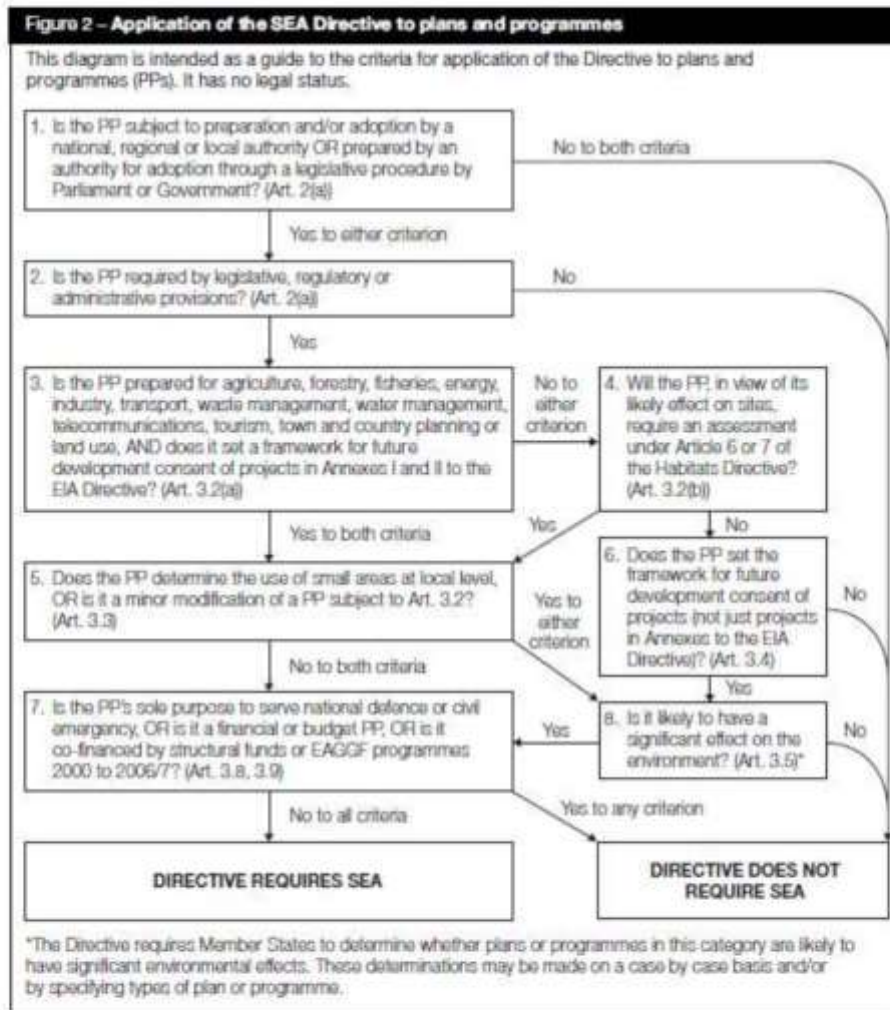
2. Legislative Background

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.

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 has been prepared by Bolton 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. GO TO STAGE 2
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', be part of the statutory Development Plan. 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. GO TO STAGE 3
3. Is the PP prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications,	Y	The draft plan is being prepared for town and country planning and land use as proposes policies

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))		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. 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))	N/A.	This has been 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. GO TO STAGE 8
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.

The characteristics of plans and programmes, having regard, in particular, to:		
Criteria	Consideration	SEA?
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 draft NP does not allocate land for development but does provide criteria based policy for residential, employment, infrastructure and community facilities. The plan promotes redevelopment of the vacant Eden Grove school site which has an approximate site area of 8.8Ha.</p> <p>Useful guidance on whether a scheme would trigger the need for an Environmental Impact Assessment (if this was a planning application) is contained in Annex 1 of the 2015 EIA Regulations. These state that where a scheme is an urban development project a threshold of 5 hectares would apply and would indicate that a scheme <u>may</u> require EIA. In addition the 2015 EIA Regulations state that proposals for redevelopment are unlikely to require an EIA.</p> <p>Overall the plan promotes small scale development which would not exceed the threshold but the Eden Grove site exceeds this threshold. However whilst the site area is some 8.8 Ha the site is promoted for redevelopment of existing buildings. Existing buildings account for a small proportion of the site at</p>	N

	approximately 1 Ha.	
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 sustainable design and energy efficiency measures.	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 (e.g. plans and programmes linked to waste-management or water protection)	No impacts identified – small scale development proposed.	N
Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:		
Criteria	Consideration	SEA?
The probability, duration, frequency and reversibility of	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	N

the effects	be negative for environmental factors. However, these are not considered significant.	
The cumulative nature of the effects	There are not considered to be any cumulative effects arising from the Plan when considered against other Development Plan 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 (e.g. 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 Plan proposes minimal levels of development that do not exceed those proposed through the Eden District Core Strategy or emerging Local Plan. 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 Plan does not lie within an area considered to have special natural characteristics or cultural heritage beyond the River Eden SAC. Impacts to this designation are considered within the HRA Screening exercise. The Plan 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.	The River Eden SAC is within the Plan area, implications for this are considered within the HRA screening report.	N

Screening Outcome

3. 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. The SEA Regulations require that the appropriate nature conservation body is consulted (Natural England) as well as the Environment Agency. Any responses made in regards to the SEA will be considered by the Council and may inform future iterations of the SEA. Details of any responses made will be made available in the next draft of the SEA.

Appendix 1 – Responses from Statutory Consultees.

Dear John,

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 Bolton Neighbourhood Plan does not require a Habitat Regulations Assessment or Strategic Environmental Assessment; Natural England agrees with the conclusions. These conclusions are also based on the policies and detail contained in the 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.

Kind regards
Kathryn

Miss Kathryn Kelsall
Cheshire, Greater Manchester, Merseyside and Lancashire Area Team
Natural England
Hornbeam House
Crewe CW1 6GJ
Tel: 0300 060 4342

kathryn.kelsall@naturalengland.org.uk

www.naturalengland.org.uk

We are here to secure a healthy natural environment for people to enjoy, where wildlife is protected and England's traditional landscapes are safeguarded for future generations.

In an effort to reduce Natural England's carbon footprint, I will, wherever possible, avoid traveling to meetings and attend via audio, video or web conferencing.

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Natural England is accredited to the Cabinet Office Customer Service Excellence Standard

Mr J Boardman
Planning Officer (Policy)
Eden District Council
Mansion House
Friargate
Penrith
Cumbria
CA11 7YG

Our ref: NO/2013/104973/SE-
02/DS1-L01
Your ref: Bolton Neighbourhood
Plan SEA
Date: 23 October 2015

Dear Mr Boardman

Bolton Neighbourhood Plan - Draft SEA Screening Report

I refer to the above consultation request which we received on 2 October 2015.

We have reviewed the draft SEA Screening Report and would agree with the screening outcome of Eden District Council that a full SEA does not need to be undertaken.

Yours sincerely

Jeremy Pickup
Planning Adviser - Sustainable Places

E-mail cplanning@environment-agency.gov.uk



John Boardman
Planning Officer Policy
Communities Team
Eden District Council
Mansion House
Penrith
Cumbria
CA11 7YG

Our ref: 1869
Your ref: E-mail, 2nd Oct 2015
Telephone: 07500 121974

12th Oct 2015,



Dear John,

Re: Draft SEA Screening Opinion Report and Consultation on Bolton Pre-submission Neighbourhood Plan.

Thank you for your email dated 2nd Oct.

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 by your Working Group concludes that Strategic Environmental Assessment is not required. We note that the Plan appears to propose site allocations/policies which may have significant environmental effects upon the historic environment and as such we conclude that in this regard Strategic Environmental Assessment is required.

Our attention is drawn, for example, to the proposed housing growth within the NP boundary over the plan period without evidence of separate pre-screening for heritage as part of the local plan process? Equally the plan refers to the redevelopment of the Eden Grove school site which has an approximate site area of 8.8-he without evidence of potential significant effects (positive or negative) on heritage assets or their setting. Schedule 1 of "The Environmental Assessment of Plans and Programmes Regulations 2004" requires, in considering whether or not there could be a significant environmental effect, consideration of "the degree to which the plan or programme sets a framework for projects and other activities" (e.g. a site allocation or a policy allowing development within a settlement boundary) and the characteristics of the area likely to be affected due to special natural characteristics or cultural heritage.



Historic England, Suite 3.1, Canada House, 3 Chesopow Street, Manchester M1 3PW
Telephone 0161 242 1426 HistoricEngland.org.uk
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Correspondence or information which you send us may therefore become publicly available.



Historic England's own advice document says "Whether they are "significant" will depend on a number of factors including the intended outcome of the policy or proposal, the significance of the heritage asset(s) affected, the relationship of the policy or proposal to the asset(s), the nature of the effect and any possible mitigation measures." One of the purposes of the SEA is to identify mitigations which can be included with the site allocation or supporting policy as criteria/requirement(s).
Recent case law in Case C-258/11, *Sweetman v An Bord Fáilte* [2013] 3 CML 16 and the Newick (East Sussex) NP suggest that "likely significant" is a low threshold.

Please can you forward the following advice to Dr Shelagh Leyland at the Bolton Forum.

Yours Sincerely



Darren Ratcliffe RIBA
Historic Places Adviser



Historic England, Suite 33, Canada House, 3 Chesham Street, Manchester M1 3PW
Telephone 0161 242 1418 HistoricEngland.org.uk
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