

Hazelbury Bryan Neighbourhood Plan

Strategic Environmental Assessment (SEA) Determination Statement

This determination statement has been produced to comply with Regulation 9 of the Environmental Assessment of Plans and Programmes Regulations 2004.

The Regulations implement European Directive 2001/42/EC. This requires that the effect on the environment of certain plans and programmes should be assessed, including plans prepared for town and country planning or land use. An exception is made for plans that determine the use of a small area at a local level, if the responsible authority has determined that the plan is unlikely to have significant environmental effects. This determination statement sets out the reasons why North Dorset District Council (the responsible authority) considers that a Strategic Environmental Assessment (SEA) is required with respect to the Hazelbury Bryan Neighbourhood Plan.

A Strategic Environmental Assessment Screening and Scoping Report for the Hazelbury Bryan Neighbourhood Plan was submitted to North Dorset District Council on 11 July 2017. The Screening Report takes into account the criteria specified in Schedule 1 of the Regulations. On 20 July 2017 this report was made available to the statutory consultation bodies (Historic England, Natural England and Environment Agency), as required by Regulation 9(2)(b).

The District Council received responses from Historic England and Natural England and has also had sight of subsequent responses from the Environment Agency and Historic England on the Options Stage Draft SEA. Having considered these responses, and taken into account the criteria specified in Schedule 1 to the regulations, as required by Regulation 9(2)(a), the District Council considers that an SEA of the Hazelbury Bryan Neighbourhood Plan is required for the following reasons:

- The Plan is likely to allocate land for 16 to 20 dwellings.
- The plan area includes a large number of heritage assets.

NOTE: The statement is based on the information provided. If the contents of the plan are revised and/or there is a material change in the environmental characteristics in the locality (e.g. the designation of any additional nature conservation or other environmental sites), then the comments contained in this statement would need to be reconsidered in order to take account of the changes.

Habitats Regulations Assessment

Schedule 2, paragraph 1 of the Neighbourhood Planning (General) Regulations 2012 sets out the prescribed basic condition that the making of a neighbourhood plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2012) or a European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007) (either alone or in combination with other plans or projects).

The District Council has consulted Natural England as to the requirement for a habitats regulation assessment.

Natural England's response with regards to internationally and nationally designated wildlife sites states that a Habitats Regulations Assessment (HRA) is not required.

APPENDIX

SEA Statutory Consultation Bodies Responses

1. Natural England – received 11/08/2017
2. Historic England – received 31/08/2017 & 30/10/2017
3. Environment Agency – copy sent to NDDC 14/11/2017

Date: 11 August 2017
Our ref: 222139
Your ref: Hazelbury Bryan Neighbourhood Plan



Mr A Bennett
Planning Policy Officer
Dorset Councils Partnership



BY EMAIL ONLY



Dear Mr Bennett

Hazelbury Bryan Neighbourhood Plan SEA/HRA Screening & Scoping Consultation

Thank you for your consultation on the above dated and received by Natural England on 20th July 2017.

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.

Habitats Regulations Assessment (HRA) – is not required

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

Yours sincerely

Sharon Jenkins
Consultations Team

Allan Bennett

From: Stuart, David [REDACTED]
Sent: 31 August 2017 16:15
To: Allan Bennett
Cc: Jo Witherden
Subject: RE: Hazelbury Bryan Neighbourhood Plan SEA/HRA Screening & Scoping Consultation

Dear Allan

Thank you for your consultation on the SEA Screening/Scoping Report for the emerging Hazelbury Bryan Neighbourhood Plan. My apologies for not responding before now. We have had no prior involvement with this Plan.

We appreciate that this combined approach promoted by the community is intended to save time in the SEA process but this would only apply if it is determined by your authority that an SEA is actually required. The report does not provide an assessment of the Plan using evidence to underpin its reasoning and does not offer a view on whether an SEA is required. We would therefore advise that that this may not constitute an adequate SEA Screening Report.

Experience of other neighbourhood plan SEA Screening exercises has revealed that examiners can expect the process to be carried out by the local planning authority, not the community, and where this has been absent the lpa has been obliged to retrospectively undertake this task. It is also not for us to advise on whether an SEA is required in the absence of an lpa Opinion on which to offer a view.

However, we note that the Plan is anticipating allocating sites for the development of in the region of 20 homes (p10 of the Report) and given the low threshold at which the likelihood for significant environmental effects can occur it is possible that the community has determined, though no evidence is available, that an SEA will be likely. In which case we have no objection to that view, although a rationale for the type and potential scale of effects, such as to designated heritage assets for example, would assist in providing a focus for the evidence necessary to satisfy the requirements of the SEA process and demonstrate conformity with national and local planning policy.

We have no significant comments on the Scoping element of the Report. We note that the Proposed Sustainability Objectives and Assessment Framework focuses on site allocations, suggesting that it is this consideration which does actually underpin the SEA process, and we are pleased to see that the section on Cultural Heritage sets out an approach for determining heritage assets and assessing the potential for impact on them from the site allocations being considered (p12).

The Report doesn't identify any heritage issues. While there may not be any entries in the Plan area on the national Heritage At Risk Register some may exist on any local Register your authority operates. There may also be other heritage issues not formally registered but which the community has concerns about.

Otherwise, we would wish only to highlight our guidance on Setting, SEAs, and Site Allocations, which can be found on our website:

<https://historicengland.org.uk/images-books/publications/sustainability-appraisal-and-strategic-environmental-assessment-advice-note-8/>

<https://historicengland.org.uk/images-books/publications/gpa3-setting-of-heritage-assets/>
<https://historicengland.org.uk/images-books/publications/historic-environment-and-site-allocations-in-local-plans/>

Kind regards

David

David Stuart | Historic Places Adviser South West

<https://historicengland.org.uk/southwest>



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Allan Bennett

From: Stuart, David [REDACTED]
Sent: 30 October 2017 15:33
To: Jo Witherden
Cc: Allan Bennett; Malcolm Wilson
Subject: SEA options stage report - Hazelbury Bryan Neighbourhood Plan

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Jo

Thank you for your consultation on the SEA Options Stage Report for the Hazelbury Bryan Neighbourhood Plan.

I can summarise our response as follows:

1. In our response to the previous Scoping Consultation we were pleased to note that the Options Stage was to record the proximity of sites to existing heritage designations and consider the potential harm to these assets including their setting and significance. However, in now looking at the individual site assessments on the Plan website we can find no evidence of the methodology which may have been used to conduct this exercise; there is no mapping of sites relative to heritage assets; no information on the basis upon which heritage assets have been identified or not, or the extent to which sites are likely to have an impact on the fabric or setting. This is disappointing given the previous assurances and the fact that we specifically provided links to our guidance on such exercises in our response (see attached). Site photos would also be very helpful to illustrate spatial relationships.
2. The paucity of demonstrable heritage evidence provided does not allow for conclusions to be drawn as to likely impacts. It is therefore unclear how Table 5 (p16) has been able to determine that all sites except one will generate neutral or uncertain impacts. "Impact Uncertain" could just as easily imply that some level of harm will occur and that individually or collectively this could amount to "significant".
3. On that basis we do not see how it is possible to conclude in Table 6 that the sites (3,5,10,11,14,17,19,20) identified would essentially not cause harm.
4. Table 1 (p3) refers to the existence of a Conservation Area but this is not picked up in the section identifying Heritage Assets (5.9; p7-).
5. In conclusion, we would advise that the Site Options Assessment process engage in a far more robust exercise to demonstrate with evidence the basis upon which sites are likely to have an impact on designated heritage assets and their eventual selection. We would refer you to the work which was undertaken for Shillingstone, which of course you were also involved with.
6. We look forward to receipt of that further information at which we time we hope to be able to offer our unqualified support.

Kind regards

David

David Stuart | Historic Places Adviser South West

<https://historicengland.org.uk/southwest>



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Allan Bennett

From: Holm, Michael [REDACTED]
Sent: 30 October 2017 17:07
To: Jo Witherden; Malcolm Wilson
Subject: RE: SEA options stage report - Hazelbury Bryan Neighbourhood Plan

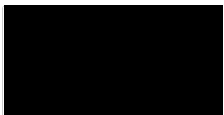
Dear Mr Wilson and Ms Witherden

We have reviewed the SEA options assessment document for the Hazelbury Bryan Neighbourhood Plan. We consider that the document has identified the relevant issues, objectives and assessment criteria for the plan area.

We would support the plan providing and improving buffers to any local watercourse to promote space for water and biodiversity.

We have no further comments to make at this time.


Yours sincerely



MICHAEL HOLM
Planning Advisor - Sustainable Places

Planning Advisor for Dorset and South Somerset



 The Environment Agency has an email file transfer limit of 8MB. If you wish to send large files to my team please reply to our swx.sp@environment-agency.gov.uk in –box and request a Sharefile link to be emailed to you. With this you can upload files of larger sizes to us.

