

Thanet District Council

**Birchington Neighbourhood Plan
Strategic Environmental Assessment
and Habitats Regulations
Assessment Screening Report
October 2021**



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Section 1

Strategic Environmental Assessment Screening Report

Introduction

This screening report is designed to determine whether or not the contents of the Birchington Neighbourhood Development Plan require a Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plans and Programmes Regulations 2004.

The purpose of the Birchington Neighbourhood Development Plan is to provide planning policies to guide development in the designated Birchington Neighbourhood Plan area.

The legislative background set out below outlines the regulations that require the need for this screening exercise. A screening assessment of the likely significant environmental effects of the Neighbourhood Plan and the need for a full SEA has been undertaken.

Legislative Background

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. Detailed Guidance of these regulations can be found in the Government Publication 'A Practical Guide to the Strategic Environmental Assessment Directive' (ODPM 2005).

The Planning and Compulsory Purchase Act 2004 required Local Authorities to produce Sustainability Appraisals (SA) for all local development documents to meet the requirement of the EU Directive on SEA. It is considered best practice to incorporate requirements of the SEA Directive into an SA.

However, Neighbourhood Plans are not Local Development Documents and are not required to be subject to sustainability appraisal by legislation (although it is advisable to carry out some form of sustainability assessment). Neighbourhood Plans are produced under the Localism Act 2011. The Localism Act requires neighbourhood plans to be compatible with EU and Human Rights Legislation, therefore, depending on their content, neighbourhood plans may trigger the Strategic Environmental Assessment Directive and Habitats Directive and unless they choose to complete a full SA plans will need to be screened for SEA separately.

This section of the report focuses on screening for SEA and the criteria for establishing whether a

full assessment is needed.

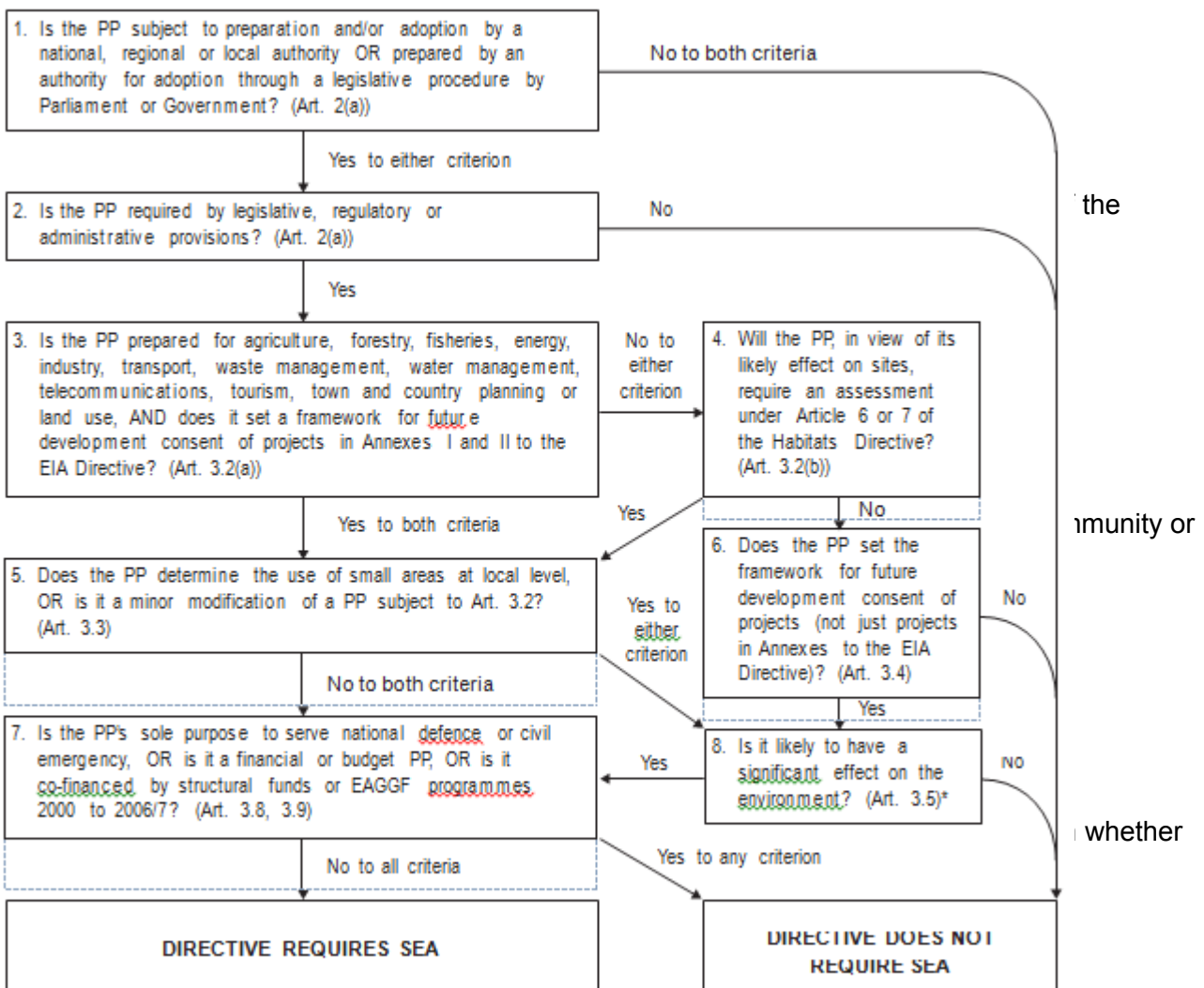
Criteria for Assessing the Effects of the Neighbourhood Plan

Criteria for determining the likely significance of effects referred to in Article 3(5) of Directive 2001/42/EC are set out below:

1. The characteristics of plans and programmes, having regard, in particular, to
 - 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 degree to which the plan or programme influences other plans and programmes including those in a hierarchy,
 - The relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development,
 - Environmental problems relevant to the plan or programme,
 - 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)

Figure 2 – Application of the SEA Directive to plans and programmes

This diagram is intended as a guide to the criteria for application of the Directive to plans and programmes (PPs). It has no legal status.



*The Directive requires Member States to determine whether plans or programmes in this category are likely to have significant environmental effects. These determinations may be made on a case by case basis and/or by specifying types of plan or programme.

The table below shows the assessment of whether the Neighbourhood Plan will require a full SEA. The questions below are drawn from the diagram above which sets out how the SEA Directive should be applied.

Table 1: SEA Screening Stage 1 – Application of the SEA Directive to the Neighbourhood Plan

Stage	Y/N	Reason
1. Is the 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	Neighbourhood Plans may be prepared under the provisions of the Town and Country Planning Act 1990, as amended by the Localism Act 2011. They are drawn up by a qualifying body, which, in the case of Birchington is the Parish Council. It is subject to examination and referendum. If the Plan receives 50% or more 'yes' votes at referendum, it will be 'made' by the local planning authority (Thanet District Council).

2. Is the plan or programme required by legislative, regulatory or administrative provisions? (Art. 2(a))	N	The preparation of a Neighbourhood Development Plan is optional. However, once 'made', it will form part of the statutory Development Plan for the area and will be used in the determination of planning applications. It is therefore considered necessary to answer the following questions to determine further if a SEA is required.
3. Is the plan or programme 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? (Article 3.2(a))	Y	The Neighbourhood Plan has been prepared for town and country planning and land use and sets out a framework for future development in Birchington. Once 'made', it would form part of the statutory development plan, and will be used when making decisions on planning applications which could include development which may fall under Annex I and II of the EIA Directive.
4. Will the plan or programme, in view of its likely effects on sites, require an assessment for future development under Article 6 or 7 of the Habitats Directive? (Article 3.2(b))	N	The Neighbourhood Plan could potentially have impacts on sites covered by the Habitats Directive. However, this requires individual assessment of a Plan (see Section 2).
5. Does the plan or programme determine the use of small areas at local OR is it a minor modification of a PP subject to article 3.2? (Article 3.3)	Y	The Neighbourhood Plan determines the use of small sites at the local (neighbourhood) level.
6. Does the plan or programme set the framework for future development consent of projects (not just projects in annexes to the EIA Directive)? Article 3.4)	Y	A Neighbourhood Plan forms part of the Development Plan and will be used in the assessment of planning applications. It therefore sets the framework for future developments at a local level.
7. Is the plan or programme'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? (Article 3.8, 3.9)	N	Not Applicable
8. Is it likely to have a significant effect on the environment? (Article 3.5)	N	A Neighbourhood Plan could potentially have an effect on the environment. However, whether this is significant depends on the proposals in the Plan. An individual screening assessment of the Neighbourhood Plan is required (see Table 2)

The results of the preceding assessment indicate that, depending upon the content of a Neighbourhood Plan, a Strategic Environmental Assessment may be required. For this reason, Neighbourhood Plans should be assessed individually in order to determine their likely significant effects on the environment. Therefore it was necessary to complete stage 2 of the SEA screening assessment.

The table below sets out the assessment against the Strategic Environmental Assessment criteria

for the Birchington Neighbourhood Plan. This is to determine whether the implementation of the Neighbourhood Plan will have a significant effect on the environment. This criteria against which the screening is carried out are taken directly from Annex II of the European Union Directive 2001/42/EC (also known as the SEA Directive), as required by Article 3(4), as outlined above.

The Thanet Local Plan allocates a housing site for 1,600 dwellings within the Birchington Neighbourhood Plan Area. This is reflected in the Birchington Neighbourhood Plan. A HRA was carried out as part of the Local Plan process. The assessment of the allocation at Birchington concluded that the allocation may contribute to in-combination visitor pressure at the coast. However, this is a common issue to the quantum of development in the district, and not as a specific result of this site allocation. The HRA states that:

‘The strategic housing allocation sites have been reviewed and it is considered that none, on their own, are likely to result in significant effects on any European sites with the possible exception of the larger allocations. The key issue is the overall quantum of development in the area rather than single sites; this is thought to be achievable without significant effects on the SPA, assuming implementation of SP25 (now Policy SP28) and the SPA Mitigation Strategy.’

The HRA concludes that the quantum of development proposed in the Local Plan can be sufficiently mitigated through the implementation of other Local Plan policies.

The Birchington neighbourhood Plan is not proposing a higher number of housing than the Local Plan allocation, therefore the HRA carried out for the allocation of the site in the Local Plan is considered to be applicable to the policies in the Birchington Neighbourhood Plan.

The Consultation draft document for the Birchington Neighbourhood Plan (8 September to 20 October 2021)) has been used to undertake this screening assessment. If the conclusion of the screening exercise is that a SEA is not required, any major changes to the existing policies or introduction of new ones should be subject to a further screening assessment to ensure that significant effects are not likely.

Table 2: SEA Screening Stage 2 – Assessment of Likelihood of Significant Effects on the Environment

Criteria for Determining the Likely Significant Effects	Is the Birchington Neighbourhood Plan Likely to Have a Significant Environmental Effect	Justification for Screening Assessment
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 allocation of resources	No	The Birchington Neighbourhood Plan sets a local policy framework for development proposals. It supports the implementation of policies in the adopted Thanet Local Plan 2020 which have already been subject to SEA and HRA as part of the Sustainability Appraisal.
The degree to which the plan or programme influences other plans and programmes including those in the	No	The Birchington Neighbourhood Plan must be in general conformity with the Strategic Policies within

hierarchy		the adopted Thanet Local Plan 2020. It therefore supports the implementation of higher tier policies at the neighbourhood level and, as such, is not considered to have a significant influence on other plans and programmes. Should a project emerge from the objectives this may need further separate screening.
The relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development	No	The Birchington Neighbourhood Plan contributes to the achievement of sustainable development at the neighbourhood level. Policies set out in the plan protect assets of local environmental value, and provide locally distinct planning policies to protect them. The likelihood of significant effects on the environment is, therefore minimised.
Environmental problems relevant to the plan or programme	No	The Birchington Neighbourhood Plan includes policies relating to a site allocation of 1,600 dwellings. However, the Neighbourhood Plan does not allocate this site, it is allocated in the adopted Thanet Local Plan. A HRA was carried out for the Local Plan, including the allocation of the site in Birchington.
The relevance of the plan or programme for the implementation of European Community legislation on the environment (e.g. plans and programmes linked to waste management or water protection)	No	The Birchington Neighbourhood Plan must be in conformity with higher level plans i.e., the adopted Thanet Local Plan 2020. This has had regard to European Community legislation on the environment. Consequently, the policies of the neighbourhood plan are not considered to be relevant to the implementation of EC legislation.
The probability, duration, frequency and reversibility of the effects	No	The Plan policies are designed to ensure that any new development will be sustainable and any

		environmental impacts minimised.
The cumulative nature of the effects	No	The Neighbourhood Plan's policies are unlikely to have significant cumulative impacts on the local environment.
The trans-boundary nature of the effects	No	The policies in the Birchington Neighbourhood Plan are unlikely to have significant environmental impacts on neighbouring areas.
The risks to human health or the environment (e.g. due to accidents)	No	No significant risks to human health or the environment as a result of the Plan's policies have been identified. The plan is likely to improve human health by improving access to green infrastructure and amenity areas.
The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)	No	The Birchington Neighbourhood Plan is concerned with development within the neighbourhood area. The potential for environmental impacts is likely to be limited and minimal.
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 effects on areas or landscapes which have a recognised national, Community or international protection	No	The Birchington Neighbourhood Plan is unlikely to adversely affect the value and vulnerability of the area in relation to its natural or cultural heritage or areas and landscapes which have a recognised national, Community or international protection. In fact, its policies provide greater support to enhance the natural and cultural assets of the area.

On the basis of the SEA Screening Assessment set out in Table 2 above, the conclusion is that the Birchington Neighbourhood Plan will not have significant effects in relation to any of the criteria set out in Schedule 1 of the SEA Regulations, and therefore does not need to be subject to SEA.

The main reasons for this conclusion are:

- The Birchington Neighbourhood Plan supports the implementation of policies in the adopted Thanet Local Plan which has already been subject to SEA through the

Sustainability Appraisal and assessed as having no significant environmental effects.

- The Birchington Neighbourhood Plan does not allocate sites for development
- The Birchington Neighbourhood Plan is a lower tier plan in the hierarchy of planning documents for the area, and therefore has limited influence on other plans or programmes.
- The plan is concerned with development at the neighbourhood level. Its impacts are therefore unlikely to be strategic.
- Through its policies, the Birchington Neighbourhood Plan seeks to avoid or minimise negative environmental effects.

Section 2

Habitats Regulations Assessment Screening Report

In addition to the screening of the Neighbourhood Plan in relation to SEA, there is a requirement to assess if the proposals within the Neighbourhood Plan could have an adverse impact on internationally designated wildlife sites. The Habitats Regulation Assessment (HRA) is required by the European Habitats Directive (The Conservation of Habitats and Species Regulations 2017 (2017) SI No. 2017/1012, as amended by The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 (SI 2019/579))

The HRA involves an assessment of any plan or project to establish if it has potential implications for European wildlife sites. The HRA will consider if the proposals in the Neighbourhood Plan have the potential to harm the habitats or species for which European wildlife sites are designated. European wildlife sites are often known as Natura 2000 sites and include:

- Special Protection Areas (SPA) designated under the Birds Directive (79/409/EEC)
- Special Areas of Conservation (SAC) designated under the Habitats Directive (92/43/EEC)

In addition to SPA and SAC sites Ramsar sites are designated under the Ramsar Convention (Iran 1971 as amended by the Paris Protocol 1992). Although they are not covered by the Habitats Regulations, as a matter of Government Policy, Ramsar sites should be treated in the same way as European wildlife sites. European wildlife sites and Ramsar sites are collectively known as internationally designated wildlife sites.

The legislation sets out a process to assess the potential implications of a plan on internationally designated sites. The first stage of this process is a 'screening' exercise where the details of nearby internationally designated sites within a reasonable distance from the Neighbourhood Plan Area are assessed to see if there is any potential for the Neighbourhood Plan proposals to have an impact on the site. For the purposes of this HRA screening assessment a 'reasonable distance' will be taken to be sites within 15km of the designated Neighbourhood Plan Area.

For the HRA 'screening' assessment the Neighbourhood Plan Area was checked to see if any Special Protection Areas, Special Areas of Conservation Sites, or Ramsar sites were located within its area. The assessment also checked to see if any of these internationally important sites were located within a 15km radius from the Neighbourhood Plan Area.

Section 3

SEA and HRA Screening Conclusion

This report sets out the assessment of the need for the Birchington Neighbourhood Plan to be subject to Strategic Environmental Assessment as required by the SEA Directive and Appropriate Assessment as required by the Habitats Directive.

The assessment of both these requirements has been undertaken on the Consultation Draft document for the Neighbourhood Plan 8 September to 20 October 2021. As such if the content of

the Neighbourhood Plan is significantly changed there may be the need for a further screening exercise to be undertaken on any modified version of the Neighbourhood Plan.

Strategic Environmental Assessment

In relation to the requirement for the Birchington Neighbourhood Plan to be subject to Strategic Environmental Assessment, it is concluded in the assessment set out in Stages 1 and 2 above that the plan in its current form is unlikely to have significant environmental effects and therefore SEA will not be required.

Habitats Regulations Assessment

HRAs published to date have typically considered European sites with a 15km radius around the plan area. Using this approach of a 15km radius, based on the information available, it is concluded that the Birchington Neighbourhood Plan will not have an adverse effect on the integrity of internationally designated sites either on its own or in combination with other plans and therefore does not require a Habitat Regulation Assessment to be undertaken.

Section 4

Next Stages

Strategic Environmental Assessment

The next stage will be to submit this Screening Report on the Birchington Neighbourhood Plan to the Statutory Consultees (Natural England, Environment Agency and Historic England). The Statutory Consultees will be asked to consider the Screening Report and confirm if they consider an SEA is necessary or not. The consultation period will last for five weeks.

If the Statutory Consultees advise that an SEA is necessary then a Sustainability Appraisal will be carried out on the Neighbourhood Plan. The Sustainability Appraisal will integrate the requirements of the SEA Regulations. This will ensure that the potential environmental effects (the focus of the SEA) are given full consideration alongside social and environmental issues. The Sustainability Appraisal will sit alongside the draft Neighbourhood Plan when the Council carries out the Regulation 16 consultation.

If it is concluded that the emerging neighbourhood plan will not require a full SEA, then it will be necessary to publish the Statutory Consultee responses together with this screening assessment on the Thanet District Council website and the Birchington Parish Council website. In accordance with the Neighbourhood Planning Regulations (2015) Amendment, a statement of reasons why an environmental assessment is not required will need to be published and submitted to the Local Planning Authority with the other submission documents at the Regulation 16 stage.

Habitats Regulations Assessment

The next stage will also request Natural England to consider the screening assessment of the Habitats Regulations Assessment (HRA) and to advise if a HRA is necessary or not. If Natural England advises that a HRA is necessary then a HRA will be prepared and will sit alongside the draft Neighbourhood Plan when the Council carries out the Regulation 16 consultation.

