

**Limpsfield Neighbourhood Plan
Strategic Environmental Assessment
Screening Opinion**

**Prepared by
Tandridge District Council**

**on behalf of
Limpsfield Parish Council**



Contents

1. Introduction	3
2. Legislative Background	4
3. Screening Process	5
4. Screening Summary	6
4.1 Summary of the Neighbourhood Plan	6
4.2 Summary of Screening Opinion	6
4.3 Summary of Consultations.....	7
5. Screening Assessment.....	8
5.1 Assessment 1: Establishing the Need for SEA.....	8
5.2 Assessment 2: Likely Significant Effects on the Environment.....	9
6. Screening Conclusion	12

1. Introduction

1.1 Strategic Environmental Assessment (SEA) is a way of ensuring the environmental implications of decisions are taken into account before any such decisions are made. The need for environmental assessment of plans and programmes is set out in the EU Directive 2001/42/EC – known as the SEA Directive. Under this Directive, Neighbourhood Plans may require SEA – but this will depend on the content of each Neighbourhood Plan.

1.2 Tandridge District Council (TDC) is legally required to determine whether the Limpsfield Neighbourhood Plan will require SEA, however; if it is concluded that a SEA is required, Limpsfield Parish Council are responsible for its production and it must form part of the material that is consulted on once the formal consultation stage is reached. The SEA Directive makes SEA a mandatory requirement for:

- a) Plans which are prepared for town and country planning or land use and which set the framework for future development consent of projects listed in the Environmental Impact Assessment (EIA) Directive; or
- b) Plans which have been determined to require an assessment under the Habitats Directive.

1.3 However, the main determining factor as to whether SEA is required on a Neighbourhood Plan is if it is likely to have a significant effect on the environment. Those Neighbourhood Plans containing land allocations for development, which are not included in the local authority's plan, are likely to require SEA. Neighbourhood Plans which do not contain such allocations (or simply reflect allocations already identified as part of a local authority plan) are less likely to require SEA.

1.4 If SEA is required, Limpsfield Parish Council may wish to consider voluntarily expanding the scope so that it covers wider economic and social issues. This is the approach taken by Tandridge District Council, whereby SEA is included within the broader Sustainability Appraisal of plans. The advantage of undertaking a Sustainability Appraisal is that it can demonstrate the impact of the Neighbourhood Plan on social, economic and environmental factors and therefore demonstrate to an examiner that the Plan that has been prepared is the most sustainable given all alternatives.

2. Legislative Background

2.1 The basis for Strategic Environmental Assessments and Sustainability Appraisal is the [European Directive 2001/42/EC](#) which has subsequently been transposed into English law by the [Environmental Assessment of Plans and Programmes Regulations 2004](#), or SEA Regulations. The government has produced guidance in relation to these regulations, entitled '[A practical guide to the Strategic Environmental Assessment Directive](#)'.

2.2 Schedule 2 of the [Neighbourhood Planning \(General\) Regulations 2012](#) makes provision in relation to the Habitats Directive. The Directive requires that any plan or project likely to have a significant effect on a European site must be subject to an Appropriate Assessment. To achieve this, paragraph 1 prescribes a basic condition that the making of a neighbourhood plan is not likely to have a significant effect on a European site. Paragraphs 2 to 5 of the Schedule amend the Conservation of Habitats and Species Regulations 2010 so as to apply its provisions to neighbourhood development orders and neighbourhood plans. In particular, paragraph 4 inserts new regulation 78A which provides that a neighbourhood development order may not grant planning permission for development which is likely to have a significant effect on a European site.

2.3 Schedule 3 of the [Neighbourhood Planning \(General\) Regulations 2012](#) makes provision in relation to the [Environmental Impact Assessment \(EIA\) Directive](#). The Directive requires that EIA development must be subject to a development consent process. To enable this, Schedule 3 prescribes a basic condition that applies where development which is the subject of a proposal for a neighbourhood development order is of a type caught by the EIA Directive, and applies to the relevant provisions of the [Town and Country Planning \(Environmental Impact Assessment\) Regulations 2011\(3\)](#) ("the EIA Regulations") with appropriate modifications ([regulation 33](#) and paragraphs [1 to 4 and 6 of Schedule 3](#)). Paragraphs 5 and 7 to 13 of Schedule 3 correct errors in the EIA regulations.

2.4 This report focuses on screening for SEA and the criteria for establishing whether a full assessment is needed in light of the [Appropriate Assessment](#) (Stage 1 Screening) and [Sustainability Appraisal](#) (including SEA).

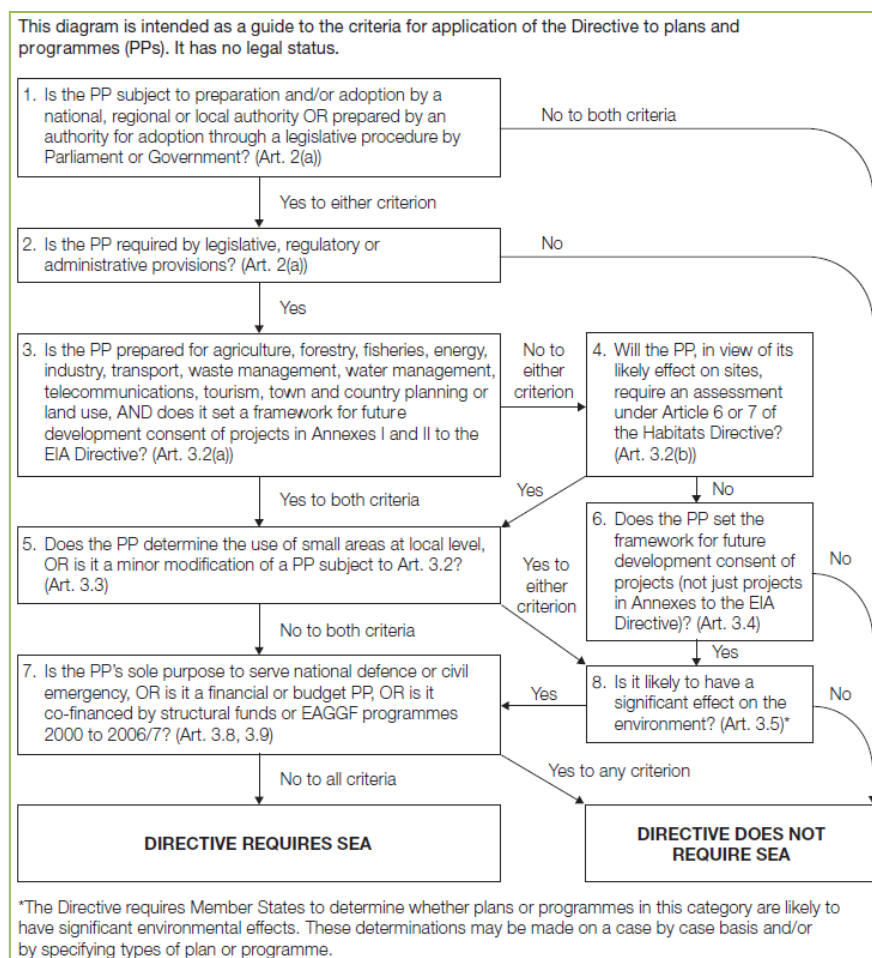
3. Screening Process

3.1 Limpsfield Parish Council has requested a SEA screening opinion of its Neighbourhood Plan. It is TDC’s responsibility to assess whether the policies and proposals in the Limpsfield Neighbourhood Plan are likely to have ‘significant environmental effects’. The Plan does not have to be at a final draft stage to be assessed.

3.2 The screening opinion assessment is undertaken in two parts: the first part will assess whether the plan requires SEA (as per the flow chart which follows); and the second part of the assessment will consider whether the Neighbourhood Plan is likely to have a significant effect on the environment, using criteria drawn from [Schedule 1 of the EU SEA Directive](#) and the UK Environmental Assessment of Plans and Programmes Regulations 2004 (see section 5).

3.3 The three statutory consultation bodies (Historic England, Environment Agency and Natural England) will be consulted to determine whether they agree with the conclusion of this screening opinion, in establishing whether the Limpsfield Neighbourhood Plan requires SEA and whether it may have a ‘significant environmental effect’. Should it be concluded that SEA is required Limpsfield Parish Council will need to undertake a SEA with a SEA Scoping Report exercise as the first stage.

3.4 The government guidance [‘A practical guide to the Strategic Environmental Assessment Directive’](#) sets out the following approach to be taken in determining whether SEA is required:



4. Screening Summary

4.1 Summary of the Neighbourhood Plan

Details of Neighbourhood Plan	
Name of Neighbourhood Plan	Limpsfield Neighbourhood Plan
Geographic Coverage of the Plan	The Parish of Limpsfield
Key topics/scope of Plan	There are four main areas that the Plan is focussing on: <ul style="list-style-type: none"> • Housing and Development • Design and Heritage • Community Assets and Infrastructure • Environment and Local Economy
Key Issues	The key issues identified are: <ul style="list-style-type: none"> • New development access to Community Assets and Infrastructure; • Types of development – adhering to the existing character and heritage; • Protecting the Conservation Areas and identifying districts/buildings/topography of special interest or importance; • Design Codes and guidance; • Community Assets/Services – what they are and what is needed; • Travel infrastructure; • Parking; • Protection of Green Space, Green Belt and Natural Environment; • Business Economy – how to sustain and expand, including the agricultural economy and home businesses; • Demographic make-up – understanding the demographic profile now and in the future.

4.2 Summary of Screening Opinion

Local Authority Details	
Name and job title of officer undertaking screening opinion	Sarah Thompson, Head of Strategic Planning Policy
Date of assessment	May 2017
Conclusion of assessment	SEA is not required
Reason for conclusion	At present, the Neighbourhood Plan (NP) does not propose to allocate a number of sites for future development. The Neighbourhood Plan proposes to protect and enhance the existing natural environment and therefore will not have a significant environmental effect.
Name and job title of officer approving screening opinion	Piers Mason, Chief Planning Officer
Date of approval	June 2017

4.3 Summary of Consultations

Statutory Consultee	Summary of Comments
Historic England	<p>We are less certain about the conclusion that the Limsfield NP does not need to be subject to SEA. Whilst the intention to allocate sites for development may be a factor there are other elements of possible Neighbourhood Plan policy that could have likely significant effects for the historic environment. The establishment of a settlement boundary within an area of high housing need, for example, could raise pressure for development that would have effects for heritage assets within the boundary. This was noted by the examiner in relation to the Lindfield Neighbourhood Plan in Mid Sussex. Policies to promote installation of micro-generation and larger renewable energy generation plant could also increase pressure for change effecting heritage assets or have effects on their settings. As such, we feel there needs to be greater clarity about what issues the steering group intend to address through the plan before coming to a conclusion about whether SEA would be necessary.</p> <p>We also have some queries about the assessment undertaken for the screening opinion. The assessment states that the plan will be in conformity with the local plan and national plan policy and that, because the plan sets out to provide policy that protects the environment it will mitigate any potential harmful effects. The screening opinion should not prejudge the success of the steering group in achieving these objectives within their plan. It is precisely the purpose of SEA to ensure that a plan does avoid conflict with those policies set out in higher level policy documents by providing awareness of what they area and checking that each part of the plan has been prepared to avoid unintended conflict both internally and externally. How certain are the Council that the draft plan will conform with these policies and, if they do, should SEA be used to document how choices were made to ensure this that might be prejudicial to some forms of development - this is needed to demonstrate that any restrictions on development are justified.</p> <p>As the screening assessment identifies, for example, that the Limsfield NP will need to take into account the potential effects of policies and proposals on the AONB and purposes of the Greenbelt this suggests that there are areas where the Neighbourhood Plan could have likely significant environmental effects that require an appropriate assessment to ensure any negative impacts are appropriately mitigated.</p> <p>The assessment identifies that the plans are likely to favour brownfield sites for development and that, therefore, the plan effects on the environment are likely to be reduced. Many heritage assets occupy previously developed land including historic buildings and archaeological remains and are likely to be found within settlements. As such this policy approach is likely to increase risk of harm to heritage assets. As such we feel this judgement in the screening opinion is unhelpful in determining the potential for likely significant environmental effects.</p> <p>SEA is an important step in identifying any existing issues - such as the loss of architectural character or key views to ensure policies do not result in a cumulative impact.</p>
Environment Agency	We have no concerns or comments to make.
Natural England	No response received.

5. Screening Assessment

5.1 Assessment 1: Establishing the Need for SEA

Stage	Y/N	Reason
1. Is the Neighbourhood Plan (NP) 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 Limpsfield Parish Council (as the 'relevant body') and will be 'made' by Tandridge 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 NP required by legislative, regulatory or administrative provisions? (Art. 2(a))	Y	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', form part of the Development Plan for the District. 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 NP prepared for agriculture, forestry, fisheries, energy, industry, transport, waste 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 NP is being prepared for town and country planning and land use. As such, the NP contains a framework for future development consent of urban development projects (listed as 10(b) in Annex II of the EIA Directive). GO TO STAGE 5
4. Will the NP, 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))		NOT APPLICABLE
5. Does the NP determine the use of small areas at local level OR is it a minor modification of a plan or programme subject to Art. 3.2? (Art. 3.3)	Y	The NP is expected to determine the use of small sites at a local level but within the confines of the built up area. Furthermore, Limpsfield is set within the AONB and Green Belt and any development could have an impact on natural and heritage assets. GO TO STAGE 8
6. Does the NP set the framework for future development consent of projects (not just projects in annexes to the EIA Directive)? (Art. 3.4)		NOT APPLICABLE

Stage	Y/N	Reason
7. Is the NP's sole purpose to serve the national defence or civil emergency, OR is it a financial or budget plan or programme, OR is it co-financed by structural funds or EAGGF programmes 2000 to 2006/7? (Art. 3.8, 3.9)		NOT APPLICABLE
8. Is it likely to have a significant effect on the environment? (Art 3.5)	Y	See Assessment 2: Likely significant effects on the environment GO TO STAGE 7

5.2 Assessment 2: Likely Significant Effects on the Environment

SEA Directive criteria and Schedule 1 of Environmental Assessment of plans and programmes Regulations 2004	Tandridge District Council assessment	Likely significant environmental effect?
Characteristics of the Neighbourhood Plan, having regard to:		
The degree to which the Plan sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources.	The NP would, if made, form part of the statutory Development Plan and as such does contribute to the framework for future development consent of projects. At the outset, it is expected to determine character and design. However, the NP sits within the wider framework of the National Planning Policy Framework (2012), the Core Strategy (2008) and the Detailed Policies (2014), therefore the projects for which this NP helps to set a framework are localised in nature and have limited resource implications.	N
The degree to which the Plan influences other plans and programmes including those in a hierarchy.	The NP should be in conformity with the National Planning Policy Framework and Planning Practice Guidance. The policies within the NP should also be in general conformity with the Council's strategic policies and complement the Core Strategy and the Detailed Policies. The NP should not significantly influence other plans and programmes, but may have a limited degree of influence over the formation of future strategic policies. Until a time when the outcome of the Plan is known, a precautionary approach should be applied so that any impact on the environment is understood.	Y
The relevance of the Plan for the integration of environmental considerations in particular with a view to promoting sustainable	The NP is expected to work to protect and enhance the natural environment and heritage of the area. The NP promotes accessibility and the provision of appropriate facilities/services, as well as local green	Y

SEA Directive criteria and Schedule 1 of Environmental Assessment of plans and programmes Regulations 2004	Tandridge District Council assessment	Likely significant environmental effect?
development.	spaces. It is therefore considered that the NP will integrate environmental considerations and promote sustainable development.	
Environmental problems relevant to the Plan.	The NP is unlikely to raise any environmental problems that have not been covered in the Plan.	N
The relevance of the Plan for the implementation of Community legislation on the environment (for example, plans and programmes linked to waste management or water protection).	The NP is directly relevant to the implementation of European legislation, although it will need to take the impact of the Water Framework Directive into account.	N
Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:		
The probability, duration, frequency and reversibility of the effects.	The NP is unlikely to have a negative impact on the environment as it does not allocate specific sites. Any land use designations are built up and are to ensure that character and design of new development is appropriate. The NP should protect the natural environment and designate local green spaces to support a positive impact in the long term. However, until such time the Plan is prepared, the effect on the environment is unknown.	Y
The cumulative nature of the effects of the Plan.	The NP proposes policies that support the natural environment and heritage of the village. The NP promotes a thriving community which should have consideration for the existing character and design of the area. It is intended that the positive effects will have a positive cumulative benefit for the area. However, until the Plan has been prepared the outcome of this is unknown.	Y
The trans-boundary nature of the effects of the Plan.	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).	There are no significant risks to human health. Indeed, the NP is likely to improve human health.	N
The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected) by the Plan.	The parish of Limpsfield is located in the far south-east of Surrey and borders both Kent and West Sussex. The parish borders the settlement of Oxted and consists of 451 households. The population is approximately 3,570 and the average age is 44. There are direct trains to London's Victoria and is in close proximity to the M25 to the north and Gatwick Airport to the south west.	Y

6. Screening Conclusion

6.1 As a result of the Screening Assessment, it is concluded that as Limpsfield Neighbourhood Plan will not allocate sites and aims to protect the natural and historic environment. However, until such a time that the Plan is prepared, the effect on the environment is unknown and therefore as part of a precautionary approach, an SEA should be undertaken. However, it is important to remember that this screening opinion is a 'snapshot in time' and that if the issues addressed in the Neighbourhood Plan should change then a new screening process will need to be undertaken to determine whether an SEA will still be required.

6.2 The District Core Strategy has been subject to a Sustainability Appraisal incorporating a Strategic Environmental Assessment. The Council is also preparing a Local Plan, which has been subject to a Sustainability Appraisal, including a Strategic Environmental Assessment. The Strategic Environmental Assessment, in particular the Habitats Regulation Assessment, identifies that at this stage it is not possible to determine the likely significant effects of the emerging Tandridge District Local Plan. Although the Limpsfield Neighbourhood Plan is not planning to look at specific sites for development for either housing or employment, the effect on the environment cannot be known until a draft Plan is prepared. The SEA should be used to inform the Plan and as such an SEA is required. This conclusion has been reached based on the following:

- The Screening Opinion Assessments demonstrate that SEA is necessary;
- It is unknown at this stage if the Neighbourhood Plan will have a significant effect on the environment;
- It is unknown whether the Neighbourhood Plan is in conformity with existing policies of the development plan that have been subject to a Sustainability Appraisal, incorporating a Strategic Environmental Assessment; and
- The SEA should make it inform the Plan to ensure that all policies are considered against environmental factors and that the natural environment is protected and enhanced.

6.3 This Screening opinion concludes that SEA is required. Limpsfield draft neighbourhood Plan or Order should also meet each of a set of basic conditions so that it can be put to a referendum and be made. The basic conditions are set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004. Limpsfield Parish Council will need to prepare a basic conditions statement.