



New Forest District Council Local Plan

Lymington and Pennington Neighbourhood Plan

**Screening Statement on the determination of the
need for a Strategic Environmental Assessment /
Habitat Regulations Assessment**

**(in accordance with the Environmental Assessment of Plans and Programmes
Regulations 2004 and European Directive 2001/42/EC, and
Conservation of Habitats and Species Regulations 2010 for the emerging
Lymington and Pennington Neighbourhood Development Plan)**

February 2017

Introduction

- 1.1 This screening report is used to determine whether or not the emerging Lymington and Pennington 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. These require an SEA to be undertaken on any land use plan or programme 'which sets the framework for future development consent of projects'.
- 1.2 There are exceptions to this requirement for plans 'which determine the use of a small area at local level' or which only propose 'minor modifications to a plan', if it is determined that the plan is unlikely to have significant environmental effects.
- 1.3 The National Planning Policy Framework, paragraph 167, advises that assessments should be proportionate, and should not repeat policy assessments that have already taken place.
- 1.4 To assess whether an SEA is required a screening process must be undertaken based on a standard set of criteria. This must be subject to consultation with Historic England, the Environment Agency and Natural England. The results of the screening process must be detailed in a Screening Statement, available to the public.

The Screening Process

- 1.5 The key to the screening decision is the determination of whether the Plan is likely to have significant environmental effects, using the criteria set out in Annex II of the Directive and Schedule 1 of the 2004 Regulations. These criteria are set out in the table in Appendix 1, alongside the response in relation to the Lymington and Pennington Neighbourhood Development Plan (NDP).
- 1.6 The extract from 'A Practical Guide to the Strategic Environmental Assessment Directive' in Appendix 1 provides a flow diagram to demonstrate the SEA screening process. This process has been set out and followed in Table 1 to ascertain whether a Strategic Environmental Assessment is required for the Lymington and Pennington NDP.
- 1.7 Also part of the screening process is the Habitat Regulations Assessment Screening, which can be found in Appendix 2, and the assessment of likely significance of effects on the environment, which can be found in Appendix 3. This screening will determine whether an Appropriate Assessment of the Neighbourhood Plan is required. These two assessments feed-in to Table 1 and the SEA screening assessment.

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- 1.8 The emerging Lymington and Pennington NDP is likely to contain policies which allocate development sites, with further policies possible that support sustainable development (i.e. the facilities and infrastructure that will need to be provided alongside new homes).
- 1.9 New Forest District Council, as the 'Responsible Authority', considers that the emerging Lymington and Pennington Neighbourhood Plan will likely fall within the scope of the SEA Regulations on the basis that it:

- a) is subject to preparation or adoption by an authority at national, regional or local level (Regulation 2);
- b) is prepared for town and country planning or land use and it is a plan that sets the framework for future development consent of projects generally (Regulation 5, para. 4); and
- c) will likely apply to the use of small areas at local level but is deemed to have (cumulative) significant effects on the environment (Regulation 5, para. 6).

- 1.10 A determination under Regulation 9 is therefore required as to whether the emerging Lymington and Pennington Neighbourhood Plan is likely to have significant effects on the environment. The screening requirements set out in Regulation 9 and Schedule 1 of the SEA Regulations includes two sets of characteristics for determining the likely significance of effects on the environment. See Appendix 3 for an assessment of the likely significance of effects on the environment.
- 1.11 Larger strategic sites (100+ homes) put forward as options during the Initial Proposals consultation (2016) are being assessed as part of the SEA and Habitat Regulations Assessment. Once the proposed submission version of the Local Plan Part 1 (2016 – 2036) has been finalised an HRA Report will provide a formal opinion on whether the Local Plan will have an adverse effect on the integrity of any European site, either alone or in-combination with other plans and projects.
- 1.12 Smaller local sites (10-99 homes) will come forward as part of Local Plan Review Part Two and may be addressed through the Lymington and Pennington NDP. The outcomes of this Screening Statement will need to be factored into the work on emerging sites in the NDP.

Statutory Consultees

- 1.13 The initial Screening Opinion was sent to Natural England, Environment Agency and Historic England (as statutory consultation bodies under Regulation 9 of the SEA Regulations) on 11th January 2017. Responses from all three were received by 2nd February 2017. See Appendix 4 for full details of the responses received.
- 1.14 All three consultation bodies concurred with the conclusion of the initial Screening Opinion. Comments made by those consultation bodies have been taken into account in finalising this screening statement.

Conclusion

- 1.15 It is determined that as a result of the screening undertaken by the Council that a Strategic Environmental Assessment and Habitat Regulations Assessment are required for the Lymington and Pennington Neighbourhood Plan, particularly to address environmental effects in relation to:
 - Changes in water quality
 - Changes in air quality
 - Recreational pressure on international nature conservation sites

Appendix 1

Extract from 'A Practical Guide to the Strategic Environmental Assessment Directive', DCLG (2005)

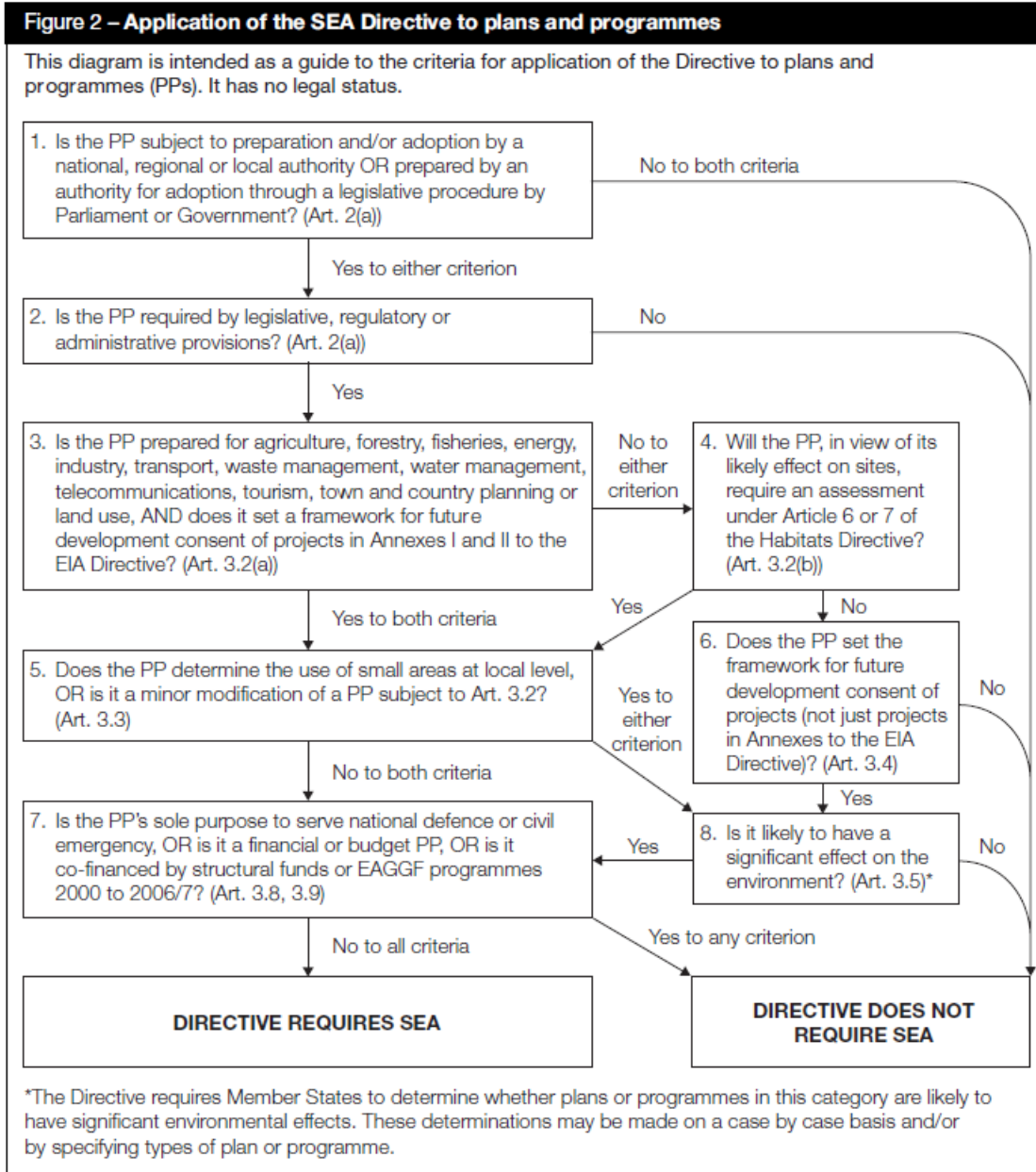


Table 1: Application of SEA Directive as shown in Appendix 1

Stage	Yes / No	Explanation
1. Is the Neighbourhood Plan 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))	Yes	<p>The preparation of and adoption of the Neighbourhood Development Plan is allowed under the Town and Country Planning Act 1990 as amended by the Localism Act 2011. The Neighbourhood Plan will be prepared by the Lymington and Pennington Neighbourhood Plan Working Group, a working group that reports to the Lymington and Pennington Town Council (as the “relevant body”) and will be “made” by New Forest District Council as the local authority. The preparation of Neighbourhood Plan is subject to the following regulations:</p> <ul style="list-style-type: none"> • Neighbourhood Planning (General) Regulations 2012; • Neighbourhood Planning (referendums) Regulations 2012; • Neighbourhood Planning (General) (Amendment) Regulations 2015.
2. Is the NP required by legislative, regulatory or administrative provisions? (Art. 2(a))	Yes	<p>Whilst the Neighbourhood Development Plan is not a requirement and is optional under the provision of the Town and Country Planning Act 1990 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.</p>
3. Is the Neighbourhood Plan 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 (see Appendix 2) to the EIA Directive? (Art 3.2(a))	Yes	<p>The Lymington and Pennington NDP will be prepared for town and country planning and land use and will set out a framework for future development in Lymington and Pennington, including the development of residential uses. These projects are potentially of the scale referred to in Article 4(2) of the EIA Directive – listed at Annex II of the Directive, however some sites will be assessed via the SA/SEA of the Local Plan Review. As such, national guidance states that duplication of assessment should be avoided.</p>
4. Will the Neighbourhood Plan, 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))	Yes	<p>The Lymington and Pennington NDP is likely to have uncertain or significant effects on Natura 2000 sites. See Habitat Regulations Assessment (HRA) Screening Opinion for the Lymington and Pennington NDP in Appendix 2.</p>
5. Does the Neighbourhood Plan 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)	Yes	<p>Although the Lymington and Pennington NDP might deal with small areas at a local level, the cumulative impacts are likely to have significant effects on the environment.</p>

6. Does the Neighbourhood Plan set the framework for future development consent of projects (not just projects in annexes to the EIA Directive)? (Art 3.4)	Yes	When made, the Lymington and Pennington NDP might include a number of policies to guide development within the town and will allocate sites for specific development – some of these may affect sensitive natural or heritage assets located in or near to the Lymington and Pennington Neighbourhood Area. These will inform the determination of planning applications providing a framework for future development consent of projects.
7. Is the Neighbourhood Plan'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)	No	N/A
8. Is it likely to have a significant effect on the environment? (Art. 3.5)	Yes	The potential for likely significant effects upon the environment have been identified. See assessment of the likely significance of effects on the environment in Appendix 3.

Appendix 2 - Habitat Regulations Assessment (HRA) Screening Opinion for the Lymington and Pennington Neighbourhood Development Plan

Introduction

1. The Local Authority is the “competent authority” under the Conservation of Habitats and Species Regulations 2010, and needs to ensure that Neighbourhood Plans have been assessed through the Habitats Regulations process. This looks at the potential for significant impacts on nature conservation sites that are of European importance, also referred to as Natura 2000.

2. This Screening Assessment relates to a Neighbourhood Development Plan that will be in general conformity with the strategic policies within the development plan (the higher level plan for town and country planning and land use). This Screening Assessment uses emerging work on the Habitats Regulations Assessment of New Forest District Council's emerging Local Plan Review as its basis for assessment. From this, the Local Authority will determine whether the Lymington and Pennington Neighbourhood Development Plan is likely to result in significant impacts on Natura 2000 sites either alone or in combination with other plans and policies and, therefore, whether an ‘Appropriate Assessment’ is required.

Legislative Basis

3. Article 6(3) of the EU Habitats Directive provides that:

“Any plan or project not directly connected with or necessary to the management of the [European] site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. In the light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public.”

Assessment

4. A Habitat Regulations Assessment (HRA) is being prepared for the submission version of the Local Plan Review (2016-2036). Pending further consultations with Natural England and other bodies, the development set out in the New Forest District Local Plan Review will likely lead to significant effects on European sites, either alone or in combination with other projects or plans.

Appendix 3 - Assessment of the likely significance of effects on the environment

Characteristics of the plan, having regard to:	
(a) 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 Lymington and Pennington NDP would, if adopted, form part of the Statutory Development Plan and as such does contribute to the framework for future development consent of projects. However, the Plan will sit within the wider framework set by the National Planning Policy Framework, the strategic policies of the New Forest District Local Plan Part 1 Core Strategy (2009) and Local Plan Part 2 Sites and Development Management (2014); and the emerging Local Plan (2016-2036).
(b) the degree to which the plan or programme influences other plans and programmes including those in a hierarchy;	The Lymington and Pennington NDP (when adopted) must be in conformity with the National Planning Policy Framework. The policies within the document must also conform with the Council's strategic policies and complement the adopted Local Plan 2009 and the emerging Local Plan (2016-2036).
(c) the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development;	The Lymington and Pennington NDP might contain policies relating to environmental considerations such as biodiversity, the historic environment and sustainability. These policies must be in conformity with national and local policies as required by the basic conditions. The Neighbourhood Plan will also have to contribute to the achievement of sustainable development to be approved at examination and "made" by the district council. Development would also be subject to the policies in the adopted Local Plan 2009 and/or the emerging Local Plan 2036 and therefore all environmental considerations would be covered by policy.
(d) environmental problems relevant to the plan or programme; and	<p><u>International nature conservation designations, in particular:</u></p> <ul style="list-style-type: none"> - New Forest Special Protection Area (SPA) - New Forest Special Area of Conservation (SAC) - New Forest Ramsar - Solent and Southampton Water SPA - Solent Maritime SAC - Solent and Southampton Water Ramsar - National SSSI designations (Hurst Castle and Lymington River Estuary SSSI, Lymington River Reedbeds SSSI, Lymington River SSSI, and New Forest SSSI) - Flooding (groundwater and fluvial) are known issues in parts of the Lymington and Pennington parish and have been considered by the SEA of the Local Plan in determining suitable sites to allocate. The Lymington and Pennington NDP will take this assessment into account as its policies develop.

	On this basis the Lymington and Pennington NDP has the potential to have significant effects on the environment, which should be assessed in reviewing potential development sites.
(e) the relevance of the plan or programme for the implementation of Community legislation on the environment (for example, plans and programmes linked to waste management or water protection).	The Lymington and Pennington NDP is not directly relevant to any of these.
2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:	
(a) the probability, duration, frequency and reversibility of the effects;	<p>The NDP will need to consider all environmental effects – some may be considered to be significant. Any effects of the limited amount of development proposed is likely to be localised and short-term and related to the construction stage. Local Plan Review HRA screening work has so far identified the following:</p> <p><u>Direct loss or physical damage due to construction</u> - The potential for development sites to result in loss of habitat which lies outside European site boundaries but which is used by the qualifying bird populations the New Forest SPA/SAC/Ramsar, Solent and Southampton Water SPA/Ramsar, or Solent Maritime SAC sites will require more detailed consideration in the HRA. Should HRA Screening be unable to rule out likely significant effects then a more detailed Appropriate Assessment will be required to determine whether loss of the supporting habitat present at the development site would have an adverse effect on the integrity of New Forest SPA/SAC/Ramsar; Solent and Southampton Water SPA/Ramsar; and Solent Maritime SAC sites.</p> <p><u>Disturbance and other urban edge effects from construction or occupation of buildings</u> - Likely significant disturbance and other urban edge effects from construction or occupation of buildings can be ruled out for the sites being considered at this stage.</p> <p><u>Changes in water quality</u> – based on information and the initial proposals the work suggests that likely significant effects from changes in water quality can be ruled out.</p> <p><u>Changes in Air quality</u> - In the absence of traffic modelling to demonstrate otherwise, it is not possible to rule out the likelihood that the increases in road traffic on the relevant major roads and associated air pollution would be significant, particularly in combination with development proposed in neighbouring districts. Further work will quantify this.</p>

	<p><u>Recreational pressure</u>: Draft Local Plan Part 1 commits NFDC to reviewing the Mitigation Strategy for European Sites SPD, 2014 and formulating an appropriate approach to mitigation in consultation with Natural England, the New Forest NPA, and local environmental bodies. The NDP will need to ensure that it reflects the outcomes of this ongoing work to ensure the appropriate mitigation.</p> <p>Further assessment work will be needed on these issues.</p>
(b) the cumulative nature of the effects;	To be determined, but likely to be significant.
(c) the transboundary nature of the effects;	The effects of the Plan are unlikely to have transboundary impacts (i.e. other Member States).
(d) the risks to human health or the environment (for example, due to accidents);	There are no significant risks to human health or the environment.
(e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);	The Designated Area covers a medium sized town (Lymington) and smaller adjoining villages (e.g. Pennington) with a total area of 1,632 Ha. A combined population of approximately 15,000 residents (ONS census 2011). Significant effects due to the geographic size of the area and population size are considered likely.
(f) the value and vulnerability of the area likely to be affected due to: (i) special natural characteristics or cultural heritage; (ii) exceeded environmental quality standards or limit values; or (iii) intensive land-use; and	Given the number and proximity of international nature conservation sites within or adjoining the area, many of the sites that will be identified for allocation may result in significant impacts on environmental assets. See 2(a) above. The area contains a number of listed buildings, particularly along Lymington High Street and three Conservation Areas (Buckland, Lymington, and Kings Saltern), which are of important cultural heritage to the locality. The Designated Area also includes archaeological remains, and other non-designated heritage assets such as those recorded on the County Historic Environment Record and the wider character of the historic environment – these should be identified, where necessary, for consideration at the Scoping stage.
(g) the effects on areas or landscapes which have a recognised national, Community or international protection status.	The Designated Area is partly within the New Forest National Park, where great weight is given to conserving landscape and scenic beauty.

Appendix 4 – Responses from Statutory Consultees

Organisation	Response
Natural England	Based on the attached screening opinion from NFDC we concur with the conclusion that a HRA/SEA will be required.
Environment Agency	<p>General Comments</p> <p>We note that as a result of the screening undertaken by the New Forest District Council (NFDC) it has been determined that a Strategic Environmental Assessment and Habitat Regulations Assessment are required for the Lymington and Pennington Neighbourhood Plan, particularly to address environmental effects in relation to:</p> <ul style="list-style-type: none"> - Changes in water quality - Changes in air quality <p>Please be advised that flood risk will also need to be considered. Fluvial and groundwater flooding are mentioned under section '(d) environmental problems relevant to the plan or programme' however parts of the Lymington and Pennington area are at risk to coastal flooding. NFDC are currently producing a level two Strategic Flood Risk Assessment which will help to inform their local plan making. The SFRA will need to inform the Neighbourhood plan if potentially allocating sites.</p> <p>We note that the emerging Lymington and Pennington NDP is likely to contain policies which allocate development sites, with further policies possible that support sustainable development (I.e. the facilities and infrastructure that will need to be provided alongside new homes).</p> <p>It is worth noting at this early stage that between April 2015 and March 2021, the government will invest £2.3 billion in more than 1,500 projects to reduce the risks of flooding or coastal erosion across England. This investment plan sets out how flood and coastal erosion risk will be managed over this 6 year period.</p> <p>This programme of investment includes projects developed by local authorities (such as New Forest District Council), Hampshire County Council (a Lead Local Flood Authority) and the Environment Agency.</p> <p>There are number of schemes included within the 6 year capital plan which have been identified as priority (in terms of flood risk and coastal erosion management) for New Forest communities such as Lymington. However, there is a significant funding gap and partnership funding will be required to supplement central government money to take these schemes forward. We currently estimate that this shortfall in funding for the New Forest area alone is in the region of £4M.</p> <p>We would ask to consider through your emerging neighbourhood plan and hopefully subsequent adoption that any funding secured through the Community Infrastructure Levy (CIL) apportionment is allocated to environmental infrastructure, including flood risk and coastal erosion management which is required to support sustainable growth.</p>

Environment Agency	<p>Water quality</p> <p>Within section 2. 'Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:</p> <p>It is stated "<i>changes in water quality – based on information and the initial proposals the work suggests that likely significant effects from changes in water quantity can be ruled out</i>".</p> <p>The word quantity should be changed to quality.</p>
Environment Agency	<p>Water Supply</p> <p>The South East River Basin Management Plan has the following action aimed at local government:</p> <p>Ensure that local spatial planning policies for new development set out strong requirements for water efficiency measures. Outcome: Adopted Development Plan Documents include policies on (i) water efficiency measures for new development that seek to achieve Code for Sustainable Homes Level 3 and 4 (105 litres a day per Capita consumption) as a minimum, and (ii) water efficiency measures for business and commercial developments (such as rainwater harvesting and recycling) (SE0219).</p> <p>Although Defra's 130 litres per person per day is an aspirational target we would always encourage further reduction if possible. Our general position is that LPAs in this part of the country should be aiming for the higher standard wherever possible (this is comparable with the old level 3/4 of the CSH) and we can help with evidence to support this where needed.</p> <p>The Partnership for Urban South Hampshire's (PUSH) Integrated Water Management Strategy identified that one of the key mitigation measures for improving water quality will be implementation of water efficiency measures – drawing a link between water use and waste water disposal (the less water used, the less that has to be disposed of). This is a key argument to support the requirement for water efficiency measures and sound design principals.</p> <p>We have in partnership with Eastleigh Borough Council (EBC) and Southern Water produced Water Efficiency Statement. Whilst LPA's cannot demand that developers implement higher water efficiency standards we have worked with EBC and Southern Water to produce a statement of intent which represents a commitment by the partners to work together in addressing water supply and efficiency challenges in South Hampshire.</p> <p>It proposes a voluntary target of 95 litres per person per day for residential development and a target of a 25% reduction in water consuming components for all non-residential.</p> <p>Please consult us on the scope to ensure our key environmental issues are addressed. We can also provide baseline information and data if needed.</p>
Historic England	<p>Thank you for consulting Historic England on the draft Screening opinion for SEA of the Leamington and Pennington Neighbourhood Plan. Having reviewed the draft screening opinion, the Town Council's letter of 15th December 2016 and our own databases of information (The National Heritage List). I am happy to confirm that within the areas of interest to Historic England (the conservation of heritage assets and the</p>

wider historic environment), we consider there is potential for likely significant environmental effects and that the plan should, therefore be subject to SEA. Factors we have taken into account in coming to this opinion include the following:

The plan area includes numerous designated and non-designated heritage assets, which are considered to be fragile and irreplaceable;
The National Planning Policy Framework requires that local planning authorities ensure that decisions affecting heritage assets should be informed by understanding of their significance and assessment of the potential impact of proposals on their conservation;
The Plan will include proposals for allocation of land for housing development;
Development can have a permanent or long term impact on heritage assets, both directly and indirectly (through impact on their settings).

As such we would suggest that assessment of the plan should include careful consideration of the potential of site allocations and proposals for infrastructure to affect heritage assets (including archaeological remains and other non-designated heritage assets such as those recorded on local lists, the County Historic Environment Record or those identified by the community during the plan-making process) and that this assessment should place great weight on the conservation of designated heritage asset. Where proposals are considered that would affect non-designated heritage assets, assessment should also demonstrate that either through choice of allocation or the wording of allocation policy that the plan will avoid or minimise harm to the conservation of heritage assets and that, where unavoidable harmful impacts would result, these are justified by the provision of public benefits that could not otherwise be delivered.

Some points point we would like to request our given consideration in the draft report are:

The potential impact of the plan and allocations of land for development in particular on heritage assets and the historic environment are not identified in the conclusion of the report as a particular area of environmental affects that should be addressed through the SEA. We recommend that it is clearly identified as an area that should be given consideration.

We suggest that the statement in the assessment table at Appendix 3 1.(b) and (c) that the plan will be in conformity with the NPPF and Local Plan and that its proposals will be in national and local policy to protect natural and historic environment consideration is inappropriate at this stage in plan-making. It is the purpose of the SEA process to ensure that the plan achieves these objectives and the screening opinion should not prejudge the success of this process before it has been undertaken.

The screening statement identifies listed buildings and the conservation area as potential receptors that should be considered in screening for potential environmental effects. However, the historic environment also includes archaeological remains, other non-designated heritage assets, such as those recorded on the County Historic Environment Record and the wider character of the historic environment. We recommend that further attention is given to other forms of heritage asset at Appendix 3 2.(f) to ensure these are clearly identified, where necessary, for consideration at the Scoping stage.

Our opinion is based only on the information presented in the draft screening report issued and there is potential that provision of further information could result in a different opinion being reached. If, for example, at a time when the plan has been sufficiently developed to provide certainty, the Town Council demonstrated that none of their proposals (or options considered) would have an impact on heritage assets or the character of the historic environment, it would be legitimate to request a review of the screening opinion's conclusions on these grounds. Nevertheless we encourage the use of SEA as a helpful tool to ensure plan documents are prepared in a robust and transparent manner, documenting the alternatives considered in the development of the plan, with evidence that appropriate consideration has been given to relevant environmental issues including the conservation and enjoyment of the historic environment. SEA can be useful in

	demonstrating that the plan does meet the requirement of the basic conditions to promote sustainable development (i.e. that it complies with the requirements of the NPPF) and to be in general conformity with the strategic policies of the Local Plan. In doing so it is also helpful in ensuring there are no conflicts within the plan between its different objectives and policies.
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