



# Strategic Environmental Assessment (SEA) Screening Report

for the Lydney Neighbour Development Plan 2014-2024

Undertaken by Forest of Dean District Council

May 2015

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LYD NDP – SEA SCREEN Final Version 2.2

## **Summary**

The assessment considers the Lydney Neighbourhood Development Plan and is a plan to which the Environmental Assessment of Plans and Programmes Regulations 2004 applies.

Following the assessment set out above (tables 1 & 2) the Forest of District Council has concluded that the Lydney Neighbourhood Development Plan, will not result in significant environmental effects.

Therefore an Environmental Assessment is currently required for the Lydney Neighbourhood Development Plan.

It has been concluded:

- i. The geographic spread of the NDP is limited
- ii. The locations, scale and effects of the NDP are very limited
- iii. The NDP does not create a new framework or programme in addition to the existing Core Strategy, Allocations Plan, Saved Local Plan or Local Transport Plan.
- iv. The NDP is supportive rather than instructive.
- v. The NDP contains environmental mitigation and 'cancellation' factors

The three statutory bodies (for the purposes of SEA Screening, English Heritage, the Environment Agency and Natural England) were consulted on this SEA Screening.

## **Limitations**

An objective assessment has been undertaken by the Forest of Dean District Council, the Local Planning Authority and is based on local knowledge and understanding of the area.

The Amended Examiner's Version of the plan was used to complete the assessment. It was considered that that supporting text provided the context and ambition for policies and therefore was used to quantify the intended effects of the plan.

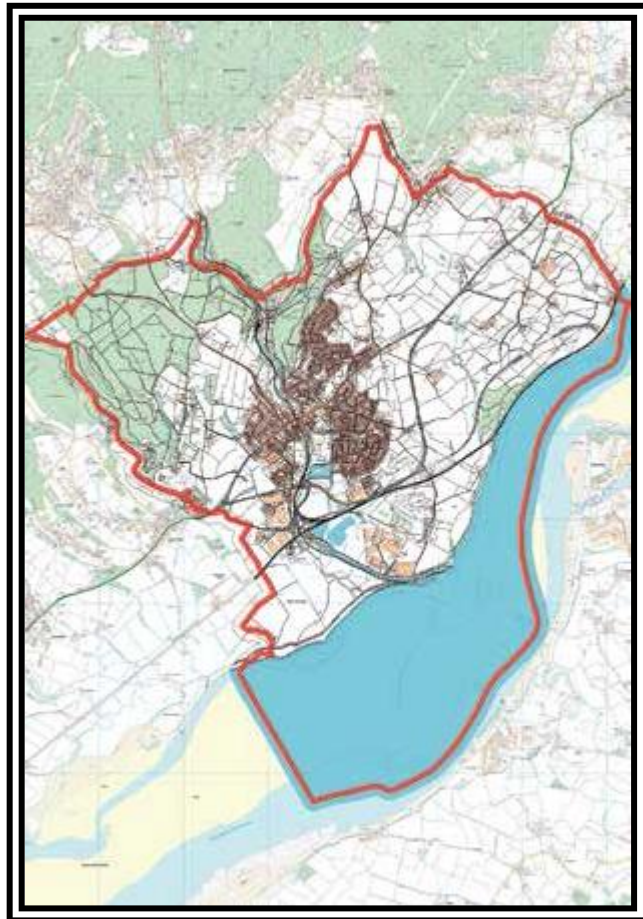
Consideration of the appropriateness or otherwise of the plan objectives or policies contained within has not been a considered as part of this assessment.

## 1.0 Introduction

1.1 This screening report is designed to determine whether or not the contents of the Lydney Neighbourhood Development Plan, hereafter referred to as the NDP, 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 NDP's can establish general or detailed planning policies for development and use of land in a local area (neighbourhood). NDP's must take account of higher plans such as those developed by District or County Councils.

1.3 When adopted an NDP forms part of the Development Plan for the area. An NDP is an influencing document in planning decisions and wider strategies/decisions.



**Figure 1. The geographic area of Lydney NDP**

(Source: Lydney Neighbourhood plan Examiners version March 2014: Pear Technology Services Ltd; Email [info@peartechology.co.uk](mailto:info@peartechology.co.uk) Maps based on Ordnance Survey MasterMap or 1:25000 Mid-scale data With permission of the controller of HMSO. ©Crown Copyright)

The NDP describes Lydney as

*“Lydney is an historic market town frequently referred to as “The Gateway to the Forest”, being bordered to the west by the Forest of Dean, and to the east by the River Severn. It is a fairly compact town with the main concentrations of housing being somewhat elevated from the centre, not all parts are well connected to the centre. Lydney acts as an important economic and transport hub for the surrounding villages and wider community.”*

Lydney NDP sets out that it:

*Provide[s] an economic and socially sustainable vision for the future of the town, and sets out clear planning policies to realise this vision.*

*Seeks not only to support sustainability of the local population as it continues to grow, it also aims to meet positively the associated changes which lie ahead.*

*Ensure[s] that Lydney's infrastructure grows with the expansion of the new housing developments and industrial units to make a cohesive and prosperous town; one that is socially inclusive and community minded.*

1.4 When adopted NDP's form part of the development plan and will be used in considering planning applications along with other relevant planning policy documents and other material planning considerations.

1.5 The NDP is available through the NDP website with 10 policies accompanied by explanatory and supportive text. The plan also sets out its approach and support for 'ongoing projects' focused around themes such as education and health.

1.6 The legislative background set out below outlines the regulations that require the need for this screening exercise. Section 4 provides a screening assessment of the likely significant environmental effects of the NDP and examines the need for a SEA.

#### 1.7 NDP Policies

- **LYD ENV1 – Preservation of Open Space**
- **LYD ENV2 – Protecting the Natural Environment**
- **LYD HOUSE1 – Housing for Elderly People**
- **LYD CEN1 – Lydney Town Centre Improvements**
- **LYD GEN1 – Water Management**
- **LYD GEN2 – Fibre to Residential, Retail and Commercial Premises**
- **LYD TRAN1 – Improvements to the Highway Infrastructure**
- **LYD TRAN2 – Pedestrian Infrastructure**
- **LYD TRAN3 – Public Rights of Way and Wildlife Corridors**
- **LYD HAR1 – Lydney Harbour Area**

## 2.0 Legislative Background

2.1 The requirement for a Strategic Environmental Assessment (SEA) stems from the European Directive 2001/42/EC "on the assessment of the effects of certain plans and programmes on the environment" (SEA Directive). This Directive was transposed in UK law

by The Environmental Assessment of Plans and Programmes Regulations 2004 (the SEA Regulations). This legislation places an obligation to undertake a SEA on any plan or programme prepared for town and country planning or land use purposes and which sets the framework for future development consent of certain projects. Guidance on the SEA process is provided in “A Practical Guide to the Strategic Environmental Assessment Directive (ODPM et al, 2005).

2.2 Under Article 3(3) and 3(4) of the SEA Directive, SEA is required for plans and programmes which “determine the use of small areas at a local level” or which only propose “minor modifications to plans and programmes”, and which would otherwise require SEA, only where they are determined to be likely to have significant environmental effects.

This screening opinion has been prepared by Forest of Dean District Council to ascertain whether or not a full Strategic Environmental Assessment is required. This is to ensure that the NDP is in accordance with Regulations 5 and 9 of the Environmental Assessment of Plans and Programmes Regulations 2004 and to meet the ‘Basic Conditions’ for Neighbourhood Development Plans set out in the Town and Country Planning Act 1990 (amended).

### **3.0 Screening for SEA**

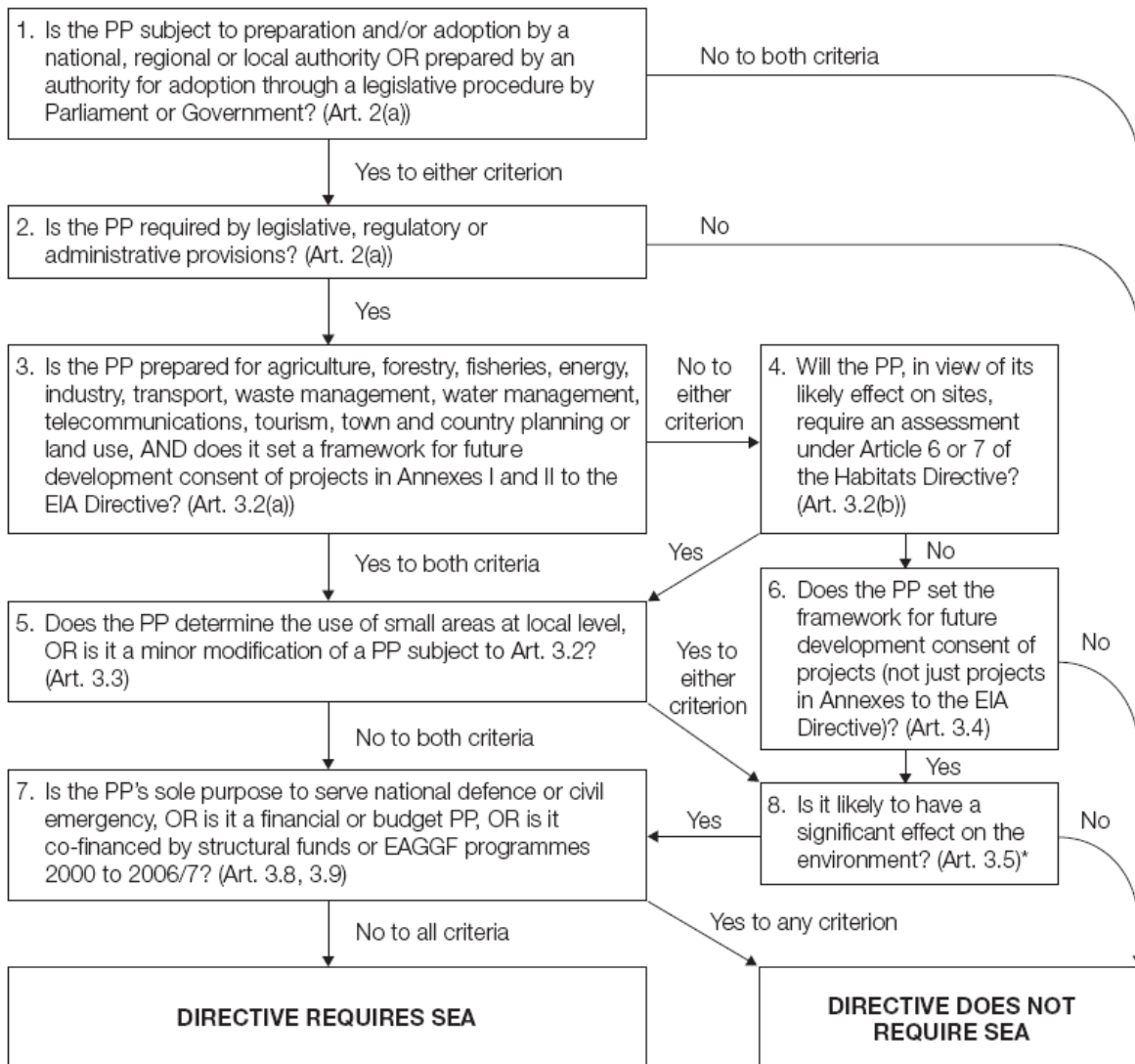
3.1 The screening process is based upon consideration of criteria to determine whether the plan is likely to have “significant environmental effects”, this is known as ‘screening’. The three “consultation bodies” (Natural England, English Heritage and the Environment Agency) were be consulted on the outcome of the draft screening. In accordance with Regulation 9 of the SEA Regulations, only after these bodies have been consulted has the local planning authority confirmed whether SEA will be required.

3.2 The ODPM publication A Practical Guide to the Strategic Environmental Assessment Directive (ODPM et al, 2005) provides a checklist approach based on the SEA Regulations to help determine whether SEA is required. This has been used as the basis for this assessment and is set out below.

3.3 Figure 2 below illustrates the process for screening a planning document to ascertain whether a plan or project (PP) is one to which SEA should apply. If the PP is one to which SEA applies the screening assessment will consider if the plan is likely to have significant environmental effects and therefore an environmental assessment must be undertaken.

**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.

Source: A Practical Guide to the Strategic Environmental Assessment Directive (Accessed 27.04.2015: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/7657/practicalguidesea.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/7657/practicalguidesea.pdf))

#### 4.0 Assessment

4.1 Table 1 below considers whether the NDP is a plan or project to which SEA should apply. The questions below are drawn from and should be read in conjunction with Figure 2 above.

<b>Table 1: Establishing the Need for SEA</b>		
<b>Stage</b>	<b>Y/N</b>	<b>Reason</b>
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 NDP is adopted through a legislative procedure and supports the implementation of the Local Development Framework / Local Plan.
2. Is the PP required by legislative, regulatory or administrative provisions? (Art. 2(a))	Y	Where one is undertaken it is controlled by regulatory and legislative provisions. It is required to be taken account of in relation to other PP's.
3. (a) Is the PP prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use, AND (b) does it set a framework for future development consent of projects in Annexes I and II to the EIA Directive?  (Both parts of this criterion (a & b) need to be answered 'yes' for SEA to apply. Art 3.2(a))	N	The NDP is for Town and Country Planning purposes (a), it is not considered to set a 'future framework' (b) for development. The Core Strategy and Allocations plan set a wider framework for the District and Lydney area.
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))	Y  See Fig 2	Due to the proximity of the Severn Estuary SAC, SPA and Ramsar a Habitats Regulations screening assessment is required.
5. Does the PP Determine the use of	Y	The NDP determines the use of small

small areas at local level, OR is it a minor modification of a PP subject to Art. 3.2? (Art. 3.3)		areas at a local level.
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 See Fig 2	The NDP determines the use of small areas at a local level. The Core Strategy and Allocations plan set a wider framework for the District and Lydney area.
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 See Fig 2	
8. Is it likely to have a significant effect on the environment? (Art. 3.5)	N	See Table 2 below 'Assessment of the likely significance of effects of the NDP.

4.2 In considering the results of table 1, in the context of figure 2, it can be seen that the SEA directive does apply when there are likely significant effects on the environment, see table 2.



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

<b>Table 2: Assessment of the likely significant effects of the Lydney NDP</b>		
<b>SEA Directive Criteria</b>	<b>Response</b>	<b>Is there a significant or specific effect beyond that anticipated by the parent policy framework? Yes/No</b>
1. The characteristics of plans and programmes, having regard, in particular, to:		
1a) 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 NDP is not considered to set a programme or framework for projects. The plan is consistent with the emerging district Allocations Plan (Publication Version), the Core Strategy, saved Local plan and the local transport plan and therefore does not set an additional framework. Having regard to the scale and location of proposals; proposals in areas of higher sensitivity, Lydney Harbour, is significantly constrained in extent and nature with the plan.	<b>No</b>
1b) The degree to which the plan or programme influences other plans and programmes including those in a hierarchy.	The NDP will form part of the Development Plan for the District. The NDP would be an influencing document in planning decisions and transport strategies. It is considered 'supportive' rather than 'instructive'.	<b>No</b>
1c) The relevance of the plan or programme for the integration of environmental considerations in particular	The NDP is accompanied by a Sustainability Appraisal. The NDP provides supporting policies in respects of Access, Biodiversity,	<b>No</b>

with a view to promoting sustainable development.	Water, Communications, Housing for the elderly and Recreation. Environmental factors are integrated within the plan.	
1d) Environmental problems relevant to the plan or programme.	The plan acknowledges air quality is a problem within Lydney as identified through the Air Quality Management Area, whilst it is a matter of importance it is not considered to be of a magnitude where there would likely significant effects. The plan considers the potential for impacts on the Severn Estuary. Having regard to existing measures, controls and plans the NDP is considered to significantly restrict potential for any additional impacts as a result of scale, nature and location.	<b>No</b>
1e) 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).	The NDP contains policies on water management and the Water Framework Directive. There is a relationship between water and the Severn estuary (1a). Having regard to existing measures, controls and plans the NDP is considered to significantly restrict potential for any additional impacts as a result of scale, nature and location.	<b>No</b>
2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:		
2a) The probability, duration, frequency and reversibility of the effects.	Effects in relation to the Severn estuary through increased disturbance as a result of increased recreational activity promoted by the plan are	<b>No</b>

	<p>considered unlikely due to the small scale, nature and location set out in policy LYD HAR1</p> <p>Having regard to existing measures, controls and plans the NDP is considered to significantly restrict potential for any additional impacts by virtue of the small scale nature of proposals and highlighting of specific estuary features.</p>	
2b) The cumulative nature of the effects.	<p>Cumulative impacts are those in connection with development proposals outlined in the Core Strategy. These are primarily in relation to increased disturbance in connection with the Severn Estuary and water quality and management issues identified above. The NDP does not contribute to factors already identified in the Core Strategy, Allocations Plan, Saved local Plan or Local Transport Plan.</p>	<b>No</b>
2c) The trans boundary nature of the effects.	<p>Whilst the NDP is expected to influence a wider area than that of just the NDP area, no trans boundary effects are identified.</p>	<b>No</b>
2d) The risks to human health or the environment (e.g. due to accidents).	<p>Lydney has an Air Quality Management Area, whilst it is a matter of importance it is not considered to be of a magnitude where there would likely significant effects.</p>	<b>No</b>
2e) The magnitude and spatial extent of the effects (geographical area and size of the population likely to be	<p>The spatial coverage of the NDP is limited. On its own the spatial extent of proposals is not considered to give rise to likely</p>	<b>No</b>

affected).	significant environmental effects.	
2f) The value and vulnerability of the area likely to be affected due to:		
i. special natural characteristics or cultural heritage.	<p>The Severn Estuary is of international importance for wildlife and designated an SPA, SAC and Ramsar site.</p> <p>Lydney Harbour is a Scheduled Ancient Monument and there are a number of listed buildings and structures in the area.</p> <p>Having regard to existing measures, controls and plans the NDP is considered to significantly restrict potential for any additional impacts by virtue of the small scale nature of proposals and highlighting of specific estuary features.</p> <p>Proposals within the plan outside of the harbour area are not considered to have significant environmental effects on the special natural characteristics.</p>	<b>No</b>
ii. exceeded environmental quality standards or limit values.	<p>The NDP is not considered to set a programme or framework for projects. The plan is consistent with the emerging district Allocations Plan (Publication Version), the Core Strategy, saved Local plan and the local transport plan and therefore does not set</p> <p>Conservation objectives are set for the Severn Estuary designations. The plan is limited in scale and location with respect to the estuary. The plan also</p>	<b>No</b>

	provides safeguards in policies LYD ENV1, LYD GEN1, LYD TRAN 2 & 3 and LYD HAR 1 as well as supporting text and appendices.	
iii. intensive land-use.	On its own the intensification of land use is not considered to give rise to likely significant environmental effects.	<b>No</b>
2g) the effects on areas or landscapes which have a recognised national, Community or international protection status.	There are no landscapes of national or international recognition which will be affected by the NDP.	<b>No</b>

**Source: Annex 2 of SEA Directive 2001/42/EC**

## 5.0 Consultation

5.1 The three statutory bodies (for the purposes of SEA Screening, English Heritage, the Environment Agency and Natural England) were consulted on the 27<sup>th</sup> April 2015 with comments invited to be received by 12<sup>th</sup> May 2015. Natural England were the only statutory body to respond (Annex1) commenting:

### **Strategic Environmental Assessment (SEA)**

We note that additional environmental safeguards have been incorporated into the amended examiners version of the neighbourhood plan as a result of the HRA screening. We are now satisfied that any impacts resulting from the plan proposals on the European sites have been mitigated. I can therefore confirm that it is considered unlikely that any significant environmental effects will result from the implementation of the Lydney Neighbourhood Plan that were not considered and dealt with by the Sustainability Appraisal of the Adopted Forest of Dean Local Plan Core Strategy.

## 6.0 Statement of Reasons for Determination

6.1 Following the assessment set out above (tables 1 & 2) and consultation with the statutory bodies, the Forest of District Council has concluded that the Lydney Neighbourhood Development Plan will not result in significant environmental effects.

The plan:

- i. The geographic spread of the NDP is limited
- ii. The locations, scale and effects of the NDP are very limited
- iii. The NDP does not create a new framework or programme in addition to the Existing Core Strategy, Allocations Plan, Saved Local Plan or Local Transport Plan.
- iv. The NDP is supportive rather than instructive.
- v. The NDP contains environmental mitigation and 'cancelation' factors

## Annex 1

Date: 11 May 2015  
Our ref: 151951  
Your ref: none



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**BY EMAIL ONLY**

Dear Mr Chapman

### **Planning consultation: Lydney Neighbourhood Plan SEA Screening Opinion**

Thank you for your consultation on the above document which was received by Natural England on 27 April 2015

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.

Natural England welcomes the Screening Report which assesses the requirement for Strategic Environmental Assessment (SEA) together with the Habitat Regulations Assessment (HRA) for the Lydney Neighbourhood Plan and other accompanying documents.

I understand that you did not receive a response from Natural England to your previous consultation of 18 December 2014 for which I can only apologise. However our previous response to Lydney Town Council (11<sup>th</sup> December 2014) highlighted our concerns that several of the proposals in the plan had potential for a likely significant effect (LSE) on European designated sites i.e. the Severn Estuary European Marine Site (SPA, SAC & Ramsar) which is also a Site of Special Scientific Interest (SSSI) and the Wye Valley and Forest of Dean Bat Special Area of Conservation (SAC) and SSSI. We advised, in accordance with Schedule 2 of the Neighbourhood Planning Regulations that avoidance/mitigation measures would need to be incorporated to avoid the LSE. We note that an HRA Screening report was carried out and that the neighbourhood plan was amended as a result. In this current consultation the plan has been re-screened for SEA and we have commented below. In addition we have also included comments on the HRA Screening Report:

#### **Strategic Environmental Assessment (SEA)**

We note that additional environmental safeguards have been incorporated into the amended examiners version of the neighbourhood plan as a result of the HRA screening. We are now satisfied that any impacts resulting from the plan proposals on the European sites have been mitigated. I can therefore confirm that it is considered unlikely that any significant environmental effects will result from the implementation of the Lydney Neighbourhood Plan that were not considered and dealt with by the Sustainability Appraisal of the Adopted Forest of Dean Local Plan Core Strategy.

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### Habitats Regulation Assessment (HRA)

We acknowledge that the revised HRA contains recommendations to mitigate the effects of the neighbourhood plan on the European sites through a series of policy amendments and restrictions applied to specific policies. We therefore can concur with the report's conclusions that the Lydney Neighbourhood Plan would not be likely to result in a significant effect on any European Sites either alone or in combination and therefore no further assessment work under the Habitats Regulations would be required.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries relating to the specific advice in this letter only please contact Roslyn Deeming on 0300 060 1524. For any new consultations, or to provide further information on this consultation please send your correspondences to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

Yours sincerely

Roslyn Deeming  
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