



Strategic Environmental Assessment (SEA) Screening Report
for the
Mitcheldean Neighbourhood Development Plan
Undertaken by Forest of Dean District Council
March 2019

	Version V9 Jan 2019- Post Regulation 14 Draft Document	Assessor: AC	Reviewer: NG
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Summary

The assessment considers the Mitcheldean Neighbourhood Development Plan for the period up to 2026 (M-NDP) and is a plan to which the Environmental Assessment of Plans and Programmes Regulations 2004 applies.

Following the assessment (tables 1 & 2) the Forest of District Council has concluded that the M-NDP, will not result in significant environmental effects.

Therefore an Environmental Assessment is currently not required for the M-NDP

It has been concluded that:

- 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 significant new framework or programme in addition to the existing Core Strategy, Allocations Plan, Saved Local Plan or Local Transport Plan.
- iv. The NDP is generally supportive and interpretive rather than instructive.
- v. The NDP in combination with the Core Strategy and Allocations Plan contains environmental mitigation and 'cancelation' factors

The three statutory bodies (for the purposes of SEA Screening, English Heritage, the Environment Agency and Natural England) were consulted on the draft assessment in February 2019. No objections to the conclusions of the assessment, screening the NDP of out of requirements for SEA, were raised.

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 copy of the plan used to complete the assessment was dated January 2019 V9.

General consideration of the appropriateness or otherwise of the plan objectives or policies contained within the NDP 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 M-NDP, hereafter referred to as the NDP or 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.

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.

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 sets out the vision for the plan area:

“For Mitcheldean to increase employment opportunities whilst retaining the Village community, and at the same time not to detract from the rural aspect”

Objective 1.

To protect the local character not only of the village itself, but also the outlying open countryside and forested areas of Abenhall, Wigpool, Plump Hill, Wilderness, Jubilee Road.

Objective 2

To encourage employment particularly at Vantage Point Business Village, Stenders Business Park and Ladygrove Business Park so that there is less migration of people of working age during the daytime

Objective 3

To avoid Mitcheldean becoming a dormitory town.

Objective 4

To encourage a community where people at all stages of life will contribute to and benefit from its outstanding rural location.

Objective 5.

To support new housing in appropriate locations at the Old Bus Depot, Building 5 at Vantage Point and redevelopment of The George. Any future development to be focussed on brownfield sites within the settlement boundary.

Objective 6.

To ensure that appropriate infrastructure plans are in place with any new development especially health services and transport

Objective 7.

To ensure a sustainable village 40% affordable housing will be required in developments over 10 dwellings.

Objective 8.

Not to support development in the sensitive outlying areas of the village envelope (including Wigpool, land adjoining Gloucester Road, Castiard Valley, The Wilderness, and land north of Carisbrook Rd) in order to protect the countryside, landscapes, rare ecology, valued views and character setting of the village.

Objective 9.

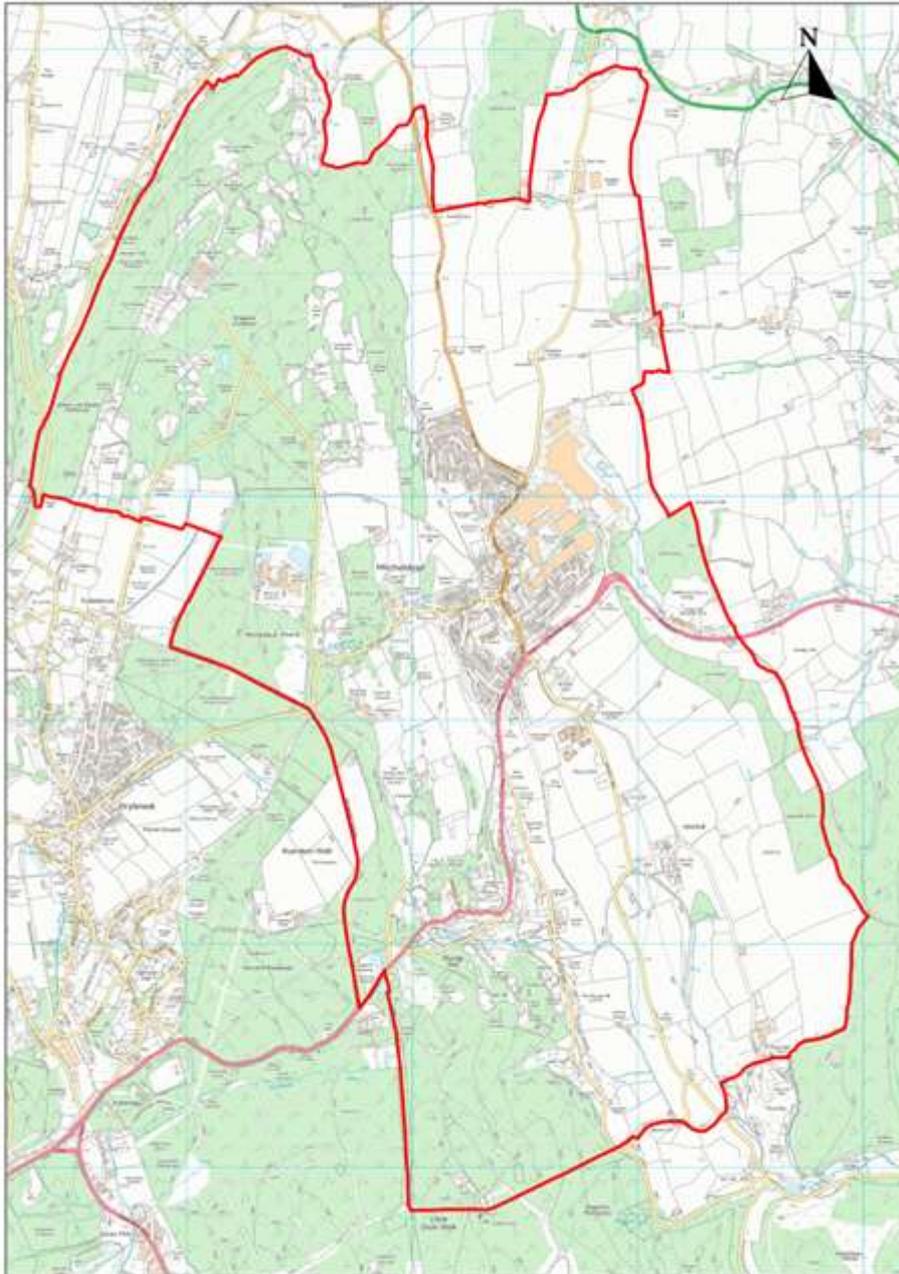
Any new development must retain the local character of the village and be constructed using local materials where appropriate.”

1.6 The plan contains 13 policies set within a framework of five identified key areas; Housing, Business & Employment, Amenities & Community, Environment and Transport.

1.7 The plan covers a period up to 2026, however it acknowledged that that periods of review will be required through this epoch.

1.8 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.

Figure 1 NDP 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

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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

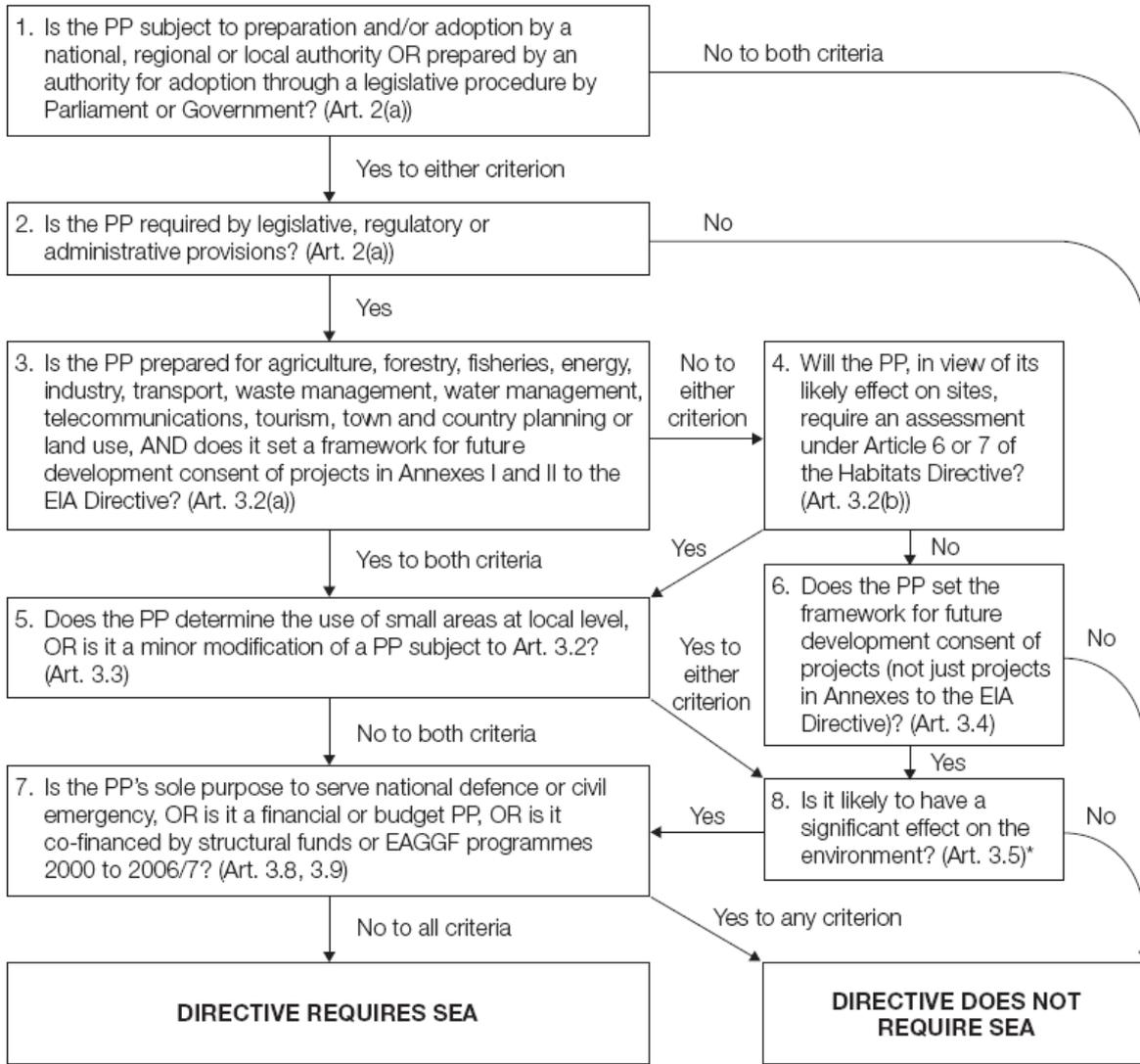
3.1 The screening process is based upon consideration of criteria to determine whether the plan is likely to have “significant environmental effects”, this is known as ‘screening’. The three “consultation bodies” (Natural England, English Heritage and the Environment Agency) were be consulted on the outcome of the draft screening. No objections to the conclusions of the draft screening were raised by the consultation bodies.

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 06.04.2017: <https://www.gov.uk/government/publications/strategic-environmental-assessment-directive-guidance>)

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.

Table 1: Establishing the Need for SEA		
Stage	Y/N	Reason
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 forms part of a 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 does not set a consent framework for Annex I & II EIA projects.
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 to The River Wye, Wye Valley Woodlands, Wye Valley & FoD Bat sites and the Severn Estuary a Habitats Regulations screening assessment is required.

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Table 1: Establishing the Need for SEA		
5. Does the PP 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)	Y	The NDP determines the use of small 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)	Y 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 including this area. However there is the potential for the plan to set a development framework for smaller sites.
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:

Table 2: Assessment of the likely significant effects of the M-NDP		
SEA Directive Criteria	Response	Is there a significant or specific effect beyond that anticipated by the parent policy framework? Yes/No
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 large scale projects. The plan is consistent with the Core Strategy, saved Local plan, the local transport plan and the emerging district Allocations Plan and therefore does not set an additional framework.	No
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 & interpretive' rather than 'instructive'.	No
1c) The relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development.	The NDP is developed within the framework for sustainable development as set out in the NPPF. The NDP provides supporting policies in respects of the Town Centre, Economy, Housing, Community Facilities, Historic Environment, Natural Environment; and Transport.	No

	Environmental factors are integrated within the plan.	
1d) Environmental problems relevant to the plan or programme.	None identified.	No
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).	None identified	No
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.	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.	No
2b) The cumulative nature of the effects.	Cumulative impacts are those in connection with development proposals outlined in the Core Strategy/Allocations Plan. The NDP does not contribute additionally to factors already identified in the Core Strategy, Allocations Plan, Saved local Plan or Local Transport Plan.	No
2c) The trans boundary nature of the effects.	Whilst the NDP is expected to influence a wider area than that of just the NDP area, no trans boundary effects are identified.	No
2d) The risks to human	None Identified	No

health or the environment (e.g. due to accidents).		
2e) The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected).	The spatial coverage of the NDP is limited. On its own the spatial extent of proposals is not considered to give rise to likely significant environmental effects.	No
2f) The value and vulnerability of the area likely to be affected due to:		
i. special natural characteristics or cultural heritage.	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, the overall quantum of development proposed and restrictive environmental policies.	No
ii. exceeded environmental quality standards or limit values.	The NDP is not considered to set a programme or framework for larger scale development or impacts which are to lead to environmental limits being exceeded. The plan is consistent with the Core Strategy, saved Local plan, the local transport plan and emerging district Allocations Plan. In addition the plan also provides specific policy content which provides for environmental safeguards.	No
iii. intensive land-use.	On its own the intensification of land use is not considered to give rise to likely significant environmental effects.	No

<p>2g) the effects on areas or landscapes which have a recognised national, Community or international protection status.</p>	<p>Although the NDP borders and incorporates a small area of AONB. Overall it is considered that the plan, NPPF and Core strategy provide sufficient protection measures to this nationally designated landscape including landscape policy elements.</p>	<p>No</p>
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Source: Annex 2 of SEA Directive 2001/42/EC

5.0 Consultation

5.1 Three statutory bodies (for the purposes of SEA Screening, English Heritage, the Environment Agency and Natural England) were consulted on the 21st February 2019. No objections to the recommendation of the draft assessment, that the NDP can be screened out from SEA, were made (Appendix 1).

7.0 Statement of Reasons for Determination

7.1 Following the assessment set out above (tables 1&2) and consultation with statutory bodies the Forest of District Council has concluded that the Mitcheldean 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 significant new framework or programme in addition to the existing Core Strategy, Allocations Plan, Saved Local Plan or Local Transport Plan.
- iv. The NDP is generally supportive and interpretive rather than instructive.
- v. The NDP in combination with the Core Strategy and Allocations Plan contains environmental mitigation and 'cancelation' factors

Appendix 1: Responses from Statutory bodies to consultation draft of SEA screening (February 2019)

Date: 12 March 2019
Our ref: 274805
Your ref: Mitcheldean SEA and HRA Screening



Alastair Chapman
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Forest of Dean District Council

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Cheshire
CW1 6GJ

BY EMAIL ONLY

Alastair.chapman@fdean.gov.uk

Copy to: clerk@mitcheldeancouncil.co.uk

T 0300 060 3900

Dear Mr Chapman,

SEA and HRA Screening of Mitcheldean's Neighbourhood Development Plan

Thank you for your consultation on the above dated 21st February 2019 which was received by Natural England on the same day.

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.

Strategic Environmental Assessment Screening

We welcome the production of this SEA Screening report. Natural England notes and concurs with the screening outcome i.e. 'that the Mitcheldean Neighbourhood Development Plan will not result in significant environmental effects'.

Further guidance on deciding whether the proposals are likely to have significant environmental effects and the requirements for consulting Natural England on SEA are set out in the [National Planning Practice Guidance](#).

Habitats Regulations Assessment Screening

Natural England notes the screening process applied to this Neighbourhood plan. We agree with the conclusion of the report of no likely significant effect upon the named European designated sites:

- Wye Valley and Forest of Dean Bat SAC (Adjoining / Within plan area W)
- Wye Valley Woodlands SAC (Nearest location 8km W)
- River Wye SAC (Nearest location 1.5km W)
- Severn Estuary SAC/SPA Ramsar (Nearest location 10km S)
- Walmore Common SPA Ramsar (Nearest location 5km SE)

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

Yours sincerely

Victoria Kirkham
Consultations Team

From: Stuart, David <David.Stuart@HistoricEngland.org.uk>
To: Alastair Chapman
Cc: dsk@mtchelseaconsul.co.uk
Subject: Mitchelton (Discretionary) Neighbour Development Plan - Strategic Environmental Assessment & Habitats Regulations Consultation

FAO Alastair Chapman

Dear Mr Chapman

Thank you for your SEA Screening consultation on the Mitchelton Neighbourhood Plan.

I can confirm that we have no objection to the view that a full SEA is not required.

Kind regards

David Stuart

David Stuart | Historic Places Adviser South West
Direct Line: 0117 975 0880 | Mobile: 0797 924 0316

Historic England | 29 Queen Square | Bristol | BS1 4ND
<https://historicengland.org.uk/southwest>



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From: Alastair Chapman [mailto:alastair_chapman@mtchelseaconsul.co.uk]

Sent: 21 February 2019 17:14

To: 'consultations@naturalengland.org.uk'; 'enquiries@environment-agency.gov.uk'; Historic England South West

Cc: 'dsk@mtchelseaconsul.co.uk'

Subject: Mitchelton (Discretionary) Neighbour Development Plan - Strategic Environmental Assessment & Habitats Regulations Consultation

Mr Alastair Chapman
Forest Of Dean District Council
Planning Policy
Council Offices High Street
Coleford
Gloucestershire
GL16 8HG

Our ref: SV/2010/104029/SE-03/SC1-
L01

Your ref: 118040

Date: 14 March 2019

Dear Mr Chapman

**Mitcheldean (Gloucestershire) Neighbour Development Plan - Strategic
Environmental Assessment & Habitats Regulations Consultation**

Thank you for referring the above to, please see our comments below:

Strategic Environmental Assessment:

The European Union directive 200142/EC requires a SEA to be undertaken for certain types of plans and programmes that would have 'significant' environmental effect(s). Furthermore paragraph: 046 in the Flood Risk and Coastal Change section of the National Planning Practice Guidance (NPPG) (Reference ID: 11-046-20150209) states "a strategic environmental assessment may be required, for example, where:

- a neighbourhood plan allocates sites for development
- the neighbourhood area contains sensitive natural or heritage assets that may be affected by the proposals in the plan
- the neighbourhood plan is likely to have significant environmental effects that have not already been considered and dealt with through a sustainability appraisal of the Local Plan".

To assist your Council's determination of the SEA Screening opinion, we advise that based on the Screening Report submitted, and in consideration of the matters within our remit, we concur that the Neighbourhood Development Plan (NDP) is unlikely to have significant environmental impacts and therefore conclude that a "Strategic Environmental Assessment is not required".

Habitats Regulation Assessment:

Article 6(3) of the European Habitats Directive (1992) requires that any plan (or project), which is not directly connected with or necessary to the management of a European site (also known as a "Natura 2000" site), but would be likely to have a significant effect on such a site, either individually or in combination with other plans or projects, shall be subject to an 'appropriate assessment' of its implications for the European site in view of the site's conservation objectives.

Environment Agency
Newtown Industrial Estate (Riversmeet House) Northway Lane, Tewkesbury, Gloucestershire, GL20 8JG.
Customer services line: 03708 508 508
www.gov.uk/environment-agency
Cont'd..

To assist your Council's determination of the HRA Screening opinion, we advise that based on the Screening Report submitted, and in consideration of the matters within our remit, we concur the NDP is considered unlikely to have significant effects on the European designated sites.

It is noted that: "*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 & interpretive' rather than 'instructive'.*"

The NDP also states that:

"the identification of land for additional housing is proposed."

However, there is no increase likelihood that the allocations within the NDP will have significant impacts on the environment or any protected areas or species.

We would only make substantive further comments on the plan if you were seeking to allocate sites in flood zone 3 and 2 (the latter being used as the 1% climate change extent perhaps).

I trust that the above is of assistance.

Yours sincerely

**Mr. Jamie Caldwell
Planning Advisor**

Direct dial 02030 259178
Direct e-mail jamie.caldwell@environment-agency.gov.uk

End

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