

Northumberland County Council Screening Opinion:

Does the Morpeth Neighbourhood Development Plan Require Strategic Environmental Assessment?

Introduction

European Directive 2001/42/EC requires a Strategic Environmental Assessment (SEA) of all government local plans and programmes likely to have significant environmental effects, (see). The objective of the 'SEA Directive' is: *'To provide for a high level of protection to the environment and to contribute to the integration of environmental considerations into the preparation and adoption of the plans...with a view to promoting sustainable development'*

This document is an initial Screening Opinion by Northumberland County Council, as to whether the Morpeth Neighbourhood Development Plan is likely to require a Strategic Environmental Assessment. It is based on an estimation of the likely scope of the eventual Neighbourhood Plan, based on the work and thought processes so far, as articulated in the recent Morpeth Neighbourhood Plan Issues and Options Consultation Report.

Background

Government guidance states that not every Neighbourhood Plan will need an environmental assessment of the type produced for local plans. It entirely depends on whether what is proposed in the Neighbourhood Plan is likely to have significant environmental effects. Even if it is assessed that there is a risk that there will be such effects, the general advice is that gathering evidence for and, if necessary, addressing this, can be built into the process of producing the Neighbourhood Plan.

Consideration

This Screening Opinion is based on an estimation of the likely scope of the Neighbourhood Plan, based on the October 2013 Issues and Options consultation document. This document was essentially an amalgamation of topic papers with much information and many suggestions as to where policies and proposals may be needed to address particular issues. The document was written with only partial knowledge of the eventual content of the Northumberland Local Plan Core Strategy and has, of course, been published well in advance of the Delivery Development Plan document which will contain actual land allocations, for example.

As a general rule of thumb, if policies or proposals that could have strategic environmental effects are contained in these higher tier documents, they will in any case, be subject to the iterative SEA process that LPAs are obliged to carry out when taking development plan documents through their various stages.

If the Morpeth NDP brings forward policies or proposals that could have strategic environmental effects, and these are at variance / in addition to those coming forward in the local plan then they are likely to need to be subject to SEA as part of the Morpeth NDP process.

If the Morpeth NDP brings forward land for allocation, this is likely to require SEA in any case, irrespective of whether the local plan intends to allocate similar areas.

In the Appendix, we consider each of the points set out in Annex II of European Directive 2001/42/EC and give an opinion as to whether any of the points might give rise to significant environmental effects.

Conclusion

In conclusion it is the opinion of the Council that **it is likely to be necessary to undertake a separate Strategic Environmental Assessment of the Morpeth Neighbourhood Development Plan**. This is because:

- There are likely to be significant effects, as referred to in Article 3(5) of European Directive 2001/42/EC, applying the following criteria set out in Annex II of that Directive:
 - The plan is likely to set a framework for some significant planning allocations and policies within the area.
 - The plan is likely to be relevant to the integration of environmental considerations, in particular with a view to promoting sustainable development.
- The above factors lead to the need to monitor for the reversibility, cumulative impacts of any such effects – predictable or unforeseeable – having particular regard to effects on known environmental assets.

Determination of the likely significance of effects referred to in Article 3(5) of European Directive 2001/42/EC, applying criteria set out in Annex II of that Directive

Criteria (Schedule 1)	Significant Environmental Effect likely?	
	yes / no	Justification
1. The characteristics of plans and programmes, having regard, in particular, 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	YES	<p>There would appear to be a number of areas where the plan could set such framework(s):</p> <p>The general extent of housing and employment site allocations will be decided through the Core Strategy. The Morpeth Neighbourhood Plan Issues and Options Consultation Report implies that the Town and adjacent Parish Councils are in general agreement with the amount of land / number of new dwellings being put forward in the Core Strategy.</p> <p>However, the Morpeth document makes clear that the Town and adjacent Parish Councils have very particular ideas about how they may wish to allocate and phase sites within these expansion areas. Their ideas may well evolve into draft allocations and more detailed phasing / development principles for these sites as part of the Neighbourhood Plan. Such phasing / development principles would constitute a framework for the development of sizeable areas. If this occurs in advance of detailed allocations being put forward in the Local Plan, then, dependent on positioning in relation to key natural or heritage assets, habitats or landscapes, there could be significant environmental implications.</p> <p>The document also contains aspects which, as they are developed into a draft plan, could be seen as constituting a framework for projects / proposals that would have significant environmental implications. These could be positive in some cases. These include: a conservation area boundary review (contraction and/or extension); possible Article 4 Direction(s); a possible step change in the role of Pegswood; stronger flood protection measures.</p>

Criteria (Schedule 1)	Significant Environmental Effect likely?	
	yes / no	Justification
1. The characteristics of plans and programmes, having regard, in particular, to:		
(b) The degree to which the plan or programme influences other plans and programmes including those in a hierarchy	YES	While it is possible that the Neighbourhood Plan could inform future supplementary guidance in the Morpeth area, the documentation so far does not give any detailed indication of this. However, as the Core Strategy is emerging in parallel with the Neighbourhood Plan, the Morpeth NDP could influence the content of the Core Strategy as well as the other way around. Work on the two plans could therefore be carried forward in a complementary, iterative way.
(c) the relevance of the plan or programme for the integration of environmental considerations, in particular with a view to promoting sustainable development.	YES	The Neighbourhood Plan looks certain to seek to promote sustainable development. It is not yet clear whether the overall net effect of its measures will be one of relaxing or of tightening principles on what constitutes sustainable development but it seems likely that the Neighbourhood Plan will seek to have a significant influence on these matters.
(d) environmental problems relevant to the plan or programme	NO	There is a clearly articulated intention that Neighbourhood Plan should seek to address the very prominent local issue of flooding. While this is clearly being tackled strategically through the forthcoming alleviation scheme and through NCC's own policies, it would appear that the Neighbourhood Plan may seek to apply stronger principles to local development proposals – e.g. on SUDS – in order to ensure the protection of communities and minimise risk on a local level.

Criteria (Schedule 1)	Significant Environmental Effect likely?	
	yes / no	Justification
1. The characteristics of plans and programmes, having regard, in particular, to:		
(e) 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)	NO	<p>The draft Neighbourhood Plan should not affect any of these types of plan or programme, although it is clear that the Town and Parish Councils could seek to influence any future flood alleviation programmes but the ultimate authorities responsible for such schemes are the County Council and bodies such as the water authority and the Environment Agency.</p> <p>It is equally clear that the Town and Parish Councils are liaising with these bodies and this should ensure that the Neighbourhood Plan will not contain proposals that would compromise the types of plans and programmes being referred to.</p> <p>NB planning for waste management is a County matter and is 'excluded development' and therefore cannot be covered in Neighbourhood Development Plan policies.</p>

Criteria (Schedule 1)	Significant Environmental Effect likely?	
	yes / no	Justification
2. Characteristics of the effects of 'a' and 'c' above and of the area likely to be affected, having regard, in particular, to:		
(a) the probability, duration, frequency and reversibility of the effects	YES	In the unlikely event that the framework being set out in the Neighbourhood Plan or particular provisions in the Plan were to lead to significant adverse environmental effects and/or a reduction in the overall sustainability of development, the reversibility would depend on a review of the Neighbourhood Plan. This means that the Plan will require monitoring over time.
(b) the cumulative nature of the effects	YES	It is cumulative effects over time that would be most likely to lead to the effects described in (2a) above. This means that the need for monitoring and possible review would be likely to become stronger over time.
(c) the trans-boundary nature of the effects	NO	The boundary of the neighbourhood plan area has been drawn to include adjacent settlements and is relatively self-contained. In any case, the term 'trans-boundary', in the European context, refers to national boundaries.
(d) the risks to human health or the environment (for example, due to accidents)	UN-KNOWN	It cannot yet be known the level to which elements of policies and proposals that are different from higher level policies and proposals, could pose such risks.
(e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)	NO	The type of effects on sustainable development of any additional development resulting from the plan should be localised and not have significant environmental effects on large numbers of people.

Criteria (Schedule 1)	Significant Environmental Effect likely?	
	yes / no	Justification
2. Characteristics of the effects of 'a' and 'c' above and of the area likely to be affected, having regard, in particular, to:		
(f (i)) the value and vulnerability of the area likely to be affected due to special natural characteristics or cultural heritage	YES	<p>The area has a number of designations of various sorts in terms of heritage and the natural environment. The Issues and Options paper shows that the Town and adjoining parish Councils are well aware of issues that might arise, in relation to these, if and when they plan details of future allocations or promote different types of development. The document also shows positive intentions in terms of protection from flooding, wildlife corridors and Local Green Spaces among other things.</p> <p>The intention will clearly be to protect and enhance and have a net positive effect on the value of these assets. Even so, careful assessment and monitoring will be needed.</p>
(f (ii)) the value and vulnerability of the area likely to be affected due to exceeded environmental quality standards or limit values ¹	NO	This should not be a foreseeable result of the proposals in the plan.
(f (iii)) the value and vulnerability of the area likely to be affected due to intensive land use	YES	This factor would cover the wider effects resulting from development of previous countryside areas and the general intensification of the use of particular areas. The general effects of this ought to have been tested through the Core Strategy SEA but more specific effects close to future allocations etc., could result in local but significant environmental effects that would need to be assessed / monitored.

¹ The term "limit values" refers to indicative occupational exposure limit values (IOELVs), which are human exposure limits to hazardous substances specified by the Council of the European Union and based on expert research and advice.

Criteria (Schedule 1)	Significant Environmental Effect likely?	
	yes / no	Justification
2. Characteristics of the effects of 'a' and 'c' above and of the area likely to be affected, having regard, in particular, to:		
(g) the effects on areas or landscapes which have a recognised national, community or international protection status.	NO	Most of the designations occurring in the immediate area of the Neighbourhood Plan appear to be local or regional ones. Even so, any net negative effects (individually or cumulatively over time) on areas or landscapes with this level of protection status but outside the plan area will require monitoring over time.