

East Markham Neighbourhood Development Plan

Strategic Environmental Assessment & Habitat Regulations Assessment Screening Statement

Introduction

This document contains the Screening Statements for the East Markham Neighbourhood Plan (the Plan) with regards to whether a Strategic Environmental Assessment (SEA) and/or Habitat Regulations Assessment (HRA) are required to be undertaken.

Regulation 15 of the 2012 Neighbourhood Planning (General) Regulations sets out the information that must accompany a Neighbourhood Plan when submitted to the local planning authority. In February 2015 amendments to the Neighbourhood Plan Regulations came into force; this is known as the Neighbourhood Planning (General) (Amendment) Regulations 2015. Regulation 2(4) of these amendments adds additions to the list of documents that a qualifying body must submit to a local planning authority with a Neighbourhood Plan. The additional document which must be submitted is either an environmental report prepared in accordance with the relevant regulations or, if the outcome concludes that an SEA or HRA is not necessary, a statement that sets out how environmental issues have been taken into account and considered during the preparation of the Neighbourhood Plan.

The National Planning Policy Framework (para 167) advises that assessments should be proportionate, and should not repeat policy assessment that has already taken place. In view of this, only a high level screening assessment of the Plan has been undertaken for both the SEA and HRA, and this assessment should be read in conjunction with the relevant reports produced for Bassetlaw District Councils Local Development Framework.¹ A conclusion of each assessment is also provided in this document as well information on what the required next steps are in both the SEA and HRA process.

As the responsible authority under relevant regulations, that are described below, Bassetlaw District Council (BDC) have undertaken both of the Screening Assessment's contained in this document working with East Markham Parish Council and the Neighbourhood Plan Steering Group.

Strategic Environmental Assessment

The requirement for a SEA to be undertaken on development plans and programmes that may have a significant environmental effect is outlined in European Union Directive 2001/42/EC. The Environmental Assessment of Plans and Programmes Regulations 2004 (the 2004 Regulations) state that this is determined by a screening process, utilising a specified set of criteria which is outlined in Schedule 1 of the Regulations. The results of this process must be set out in an SEA Screening Statement, which must be publicly available.

¹ <http://www.bassetlaw.gov.uk/everything-else/planning-building/planning-policy/local-development-framework.aspx>

The objective of undertaking an SEA is *“to provide for a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes with a view to promoting sustainable development, by ensuring that, in accordance with this Directive, an environmental assessment is carried out of certain plans and programmes which are likely to have significant effects on the environment.”*²

Habitat Regulations Assessment

European protected sites (the ‘Natura 2000 Network’) are of exceptional importance for the conservation of important species and natural habitats within the European Union. The network of European protected sites comprises Special Protection Areas (SPAs) designated under the Birds Directive (79/409/EEC), Special Areas of Conservation (SACs) designated under the Habitats Directive (92/43/EEC) and Ramsar sites designated under the Ramsar Convention 1975. Government guidance advises that potential SPAs (pSPA), candidate SACs (cSAC) and potential Ramsar (pRamsar) sites are also included in HRA’s.

As a land use plan, an assessment of the draft East Markham Neighbourhood Plan may be required under the Conservation of Habitats and Species (Amendment) Regulations 2012 (the Habitat Regulations) and Article 6(3) of the EU Habitats Directive in order to determine whether the Plan may result in a significant effect on identified sites. As with the SEA process, a screening process is used to establish whether any elements of the Draft Plan may have a significant effect on these sites. Regulation 32 of the Regulations 2015 further reemphasises the importance of carrying out this assessment by stating that one of the basic conditions that must be met before the Plan may be ‘made’ is that *“the making of the neighbourhood plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2012) or a European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007 (either alone or in combination with other plans or projects)”*.³

Summary of Findings

Following the undertaking of the Screening Assessments BDC believe that the Draft East Markham Neighbourhood Development Plan (the Plan) in its current form will not have any significant negative effects on the environment or any identified European sites. We are therefore of the belief that a full environmental assessment and habitat regulations assessment is not necessary. This determination has been reached by assessing the contents of the Draft Plan against criteria provided in Schedule 1 of the 2004 Regulations and with regard to Regulation 32 of the 2015 Neighbourhood Planning Regulations & the Habitat Regulations.

The East Markham Neighbourhood Development Plan

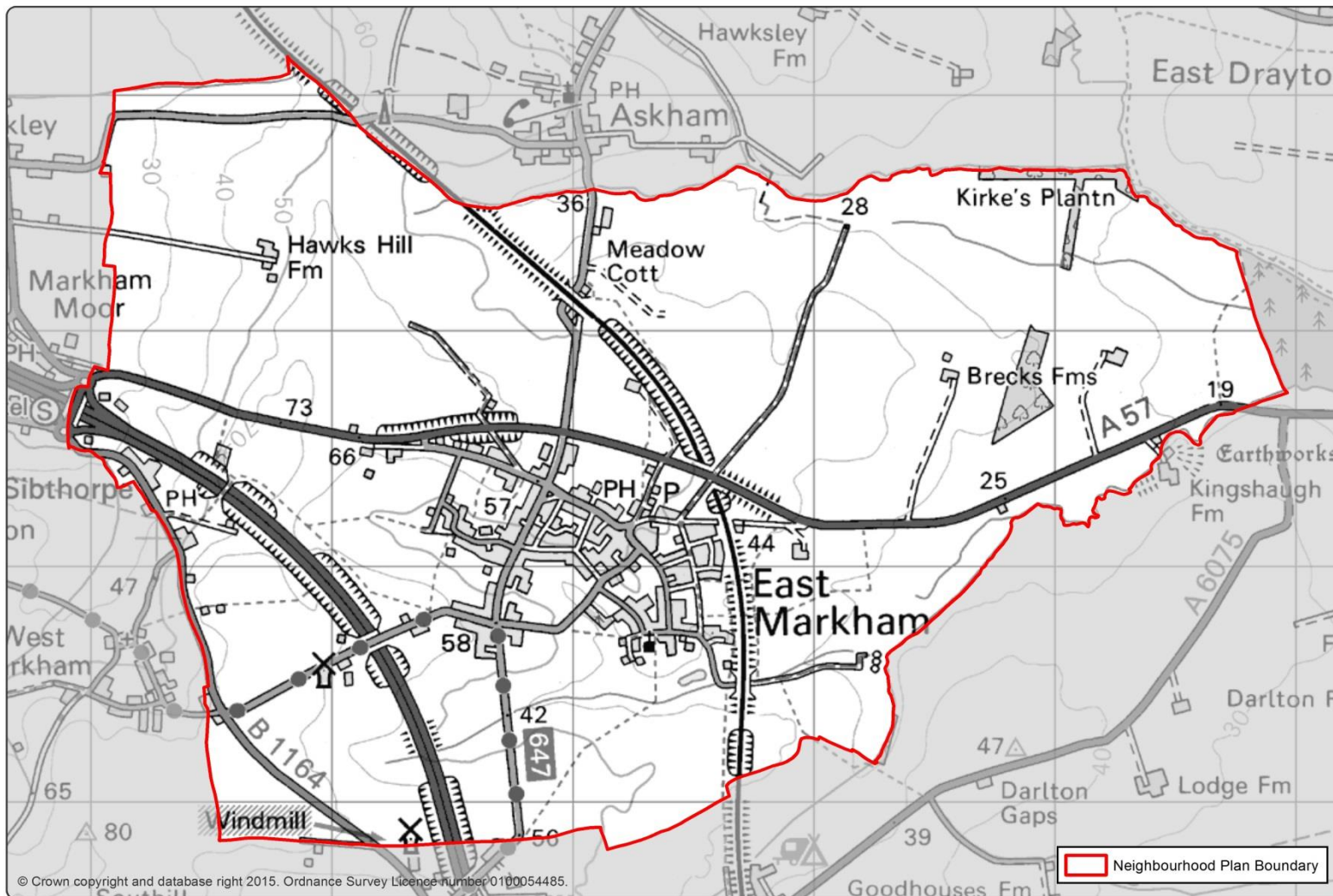
The Plan is being produced by East Markham Parish Council with the aid of local residents; it plans for the future development and growth of the area up to the year 2031. The NP covers the designated East Markham neighbourhood area as seen on **Figure 1** below.

² SEA Directive, Article 1

³ Planning Guidance - Reference ID: 41-079-20140306

Figure 1: Neighbourhood Plan area

East Markham



Draft Plan Overview

The main priorities of the Plan are expressed throughout the Draft document, most clearly in its Vision and Objectives, these will be delivered in turn by the 9 Development Policies and 6 Community Projects contained in the Plan. The Vision and Objectives of the Plan, as well as the Policies can be found below.

Vision

To preserve and enhance the built, natural and historic environment of the Parish by protecting the distinctive character of East Markham ensuring that quality of life continues to improve for residents of all ages and backgrounds, whilst allowing for sustainable economic and social development.

Objectives

Objective 1	To improve pedestrian safety in the village by ensuring that on street parking is minimised.
Objective 2	To ensure that new development is small in scale and designed to a high quality to reflect the distinctive local character of the village.
Objective 3	To ensure that future housing growth provides a mix of house types particularly smaller dwellings (including bungalows) to meet local as well as district needs for properties for downsizing and for starter homes.
Objective 4	To seek to improve surface water drainage in parts of the village and to ensure that the design of future development does not exacerbate this situation.
Objective 5	To support the provision of a new school building that will be able to meet the needs of the 21st Century and to better reflect the high standing of the existing primary school within the village and the wider area.
Objective 6	To seek opportunities where ever possible to maintain and enhance the social and economic vitality of the Parish by supporting and expanding the range of services and facilities.
Objective 7	To support the economic vitality of the Parish by encouraging the growth of new businesses to increase local employment opportunities
Objective 8	To protect and enhance the landscape character of East Markham. To maintain and where possible extend the footpaths and green lanes to ensure their continued enjoyment for future generations. To maximise the opportunities created by new development to add to them where possible.

Development Management Policies

Neighbourhood Plan Policy	Intent
NP1: Pre-application Community Consultation	Strongly encourages developers to consult with the Parish Council and local community during the design process at the pre-application stage.
NP2: Design Principles for Residential Development	This Policy works to ensure new residential development brought forward in the Plan area is of a high quality design, in keeping with local character. This is through utilising the Village Design Statement, BFL12 and encouraging integrated designs and use of local materials and styles.
NP3: Development within the East Markham Conservation Area	This Policy seeks to further reinforce the East Markham Conservation Area Appraisal by only supporting development proposals of high quality design within and bordering the conservation area.
NP 4: Protecting the Landscape Character across the Plan area	This Policy works to protect important identified landscapes and view corridors in the Plan area by requiring development proposals to outline how they will not have a demonstrably negative impact on them.
NP5: Conservation and Enhancement of Non Vehicular Routes	This Policy works to encourage the provision of new non-vehicular routes in the Plan area, particularly circular routes around the village and Plan area.
NP6: A Mix of Housing Type	This Policy works to ensure that a good mix of housing types is provided in the Plan area, with particular support for smaller dwellings in keeping with the need of the area.
NP7: Enhancing the provision of community facilities	This Policy encourages the provision of new and improvement of existing community facilities in the Plan area.
NP8: Reducing the Risk of Flooding	This Policy places a requirement on certain development proposals in the Plan area to demonstrate how the proposal will not contribute to the risk of flooding in the area and not have a detrimental impact on the foul and surface water drainage infrastructure in the Plan area.
NP9: Car Parking on Residential Development	This Policy works to ensure new development in the Plan area does not contribute to and exacerbate existing issues in the area with regards to on-street car parking on through roads.

SEA Screening – Assessment

Table 1 includes the assessment of the Draft East Markham Neighbourhood Plan, including its Objectives and Development Management Policies against the criteria included in Schedule 1 of the 2004 Regulations. The East Markham Neighbourhood Plan is being assessed as a whole against the criteria listed below to allow for the consideration of its effects on the environment.

Criteria for determining the likely significance of effects (Annex II SEA Directive)	Significant effect likely?	Comment
<p>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.</p>	<p>NO</p>	<p>The NP will set out a spatial vision for the designated East Markham Neighbourhood Plan (NP) area and provides a framework for proposals for development in the area. This framework will be delivered by development management policies contained within the NP. This framework will have some impacts on the environment, noticeably the support of development proposals however it is deemed that these impacts will not be significant due to their small, localised nature.</p> <p>The NP is considered to be in general conformity with Bassetlaw District Councils Core Strategy 2011. It is also considered to be in general conformity with the National Planning Policy Framework (NPPF).</p> <p>Several projects are included in the NP (see <i>Appendix B</i>) that do not directly influence development and land use. These do have regard to the Plan area but it is deemed they will not have any significant effects on the environment.</p>
<p>1b The degree to which the plan or programme influences other plans and programmes including those in a hierarchy.</p>	<p>NO</p>	<p>The NP, where possible, will respond to rather than influence other plans and programmes. An NP can only provide policies within the designated NP area it covers and will also provide policies to help offices at Bassetlaw District Council determine planning applications along with the Bassetlaw Local Plan. None of the policies contained in the NP have a direct impact on other plans in the neighbouring areas.</p> <p>The NP will have minimal influence on the development proposed in Bassetlaw District Councils Core Strategy. As this Plan is already adopted and in use these likely effects of the NP can be considered as being minimal. The NP will have some influence on the emerging New Local Plan for Bassetlaw but the environmental effects of this influence are again considered to be minimal.</p>
<p>1c The relevance of the plan or programme for the integration</p>	<p>NO</p>	<p>The NP sets out and promotes sustainable development within the NP area through balancing</p>

<p>of environmental considerations in particular with a view to promoting sustainable development.</p>		<p>environmental, social and economic needs. The Plan’s Vision, Section 12 and 13 of the Plan, in conjunction with Policy NP1, work to ensure that all development brought forward in the area will take this balance into account.</p> <p>Due to the inclusion of these elements it is considered that the NP integrates all environmental considerations associated with the development supported in the Plan and there impacts on the environment are therefore not significant.</p>
<p>1d Environmental problems relevant to the plan or programme.</p>	<p>NO</p>	<p>The majority of effects the NP will have on the environment will be positive. This is due to Policies NP4 & NP5 in the Plan that work to protect and enhance environmental assets and the environment in general, particularly the landscape character of the area, through good management and the promotion of sustainable development.</p> <p>Any additional housing and employment land brought forward in the Plan area that is supported by the NP is likely to have some effects on the local environment. However existing national and local Planning Policy and the planning application process will ensure these effects are not significant, as well as NP1 of the Plan and the Plan’s support for sustainable development.</p>
<p>1e 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).</p>	<p>NO</p>	<p>The NP will be in compliance with Bassetlaw’s Local Development Framework which has taken into account the existing European and National legislative framework for environmental protection and it will therefore have a positive effect on compliance with regards to relevant legislation and programmes. It is deemed that no proposals within the Plan will compromise this position.</p>
<p>2a The probability, duration, frequency and reversibility of the effects.</p>	<p>NO</p>	<p>It is deemed highly unlikely that there will be any irreversible damaging environmental impacts associated with the NP. The policies within the NP seek to ensure new development is sustainably built and promotes the enhancement and protection of environmental assets.</p> <p>The timescales of the NP is intended to be until 2031.</p> <p>Should any unforeseen significant effects on the environment arise as a result of the NP, the intention to produce an AMR and to also amend/update the Plan every 5 years will allow these effects to be addressed and reversed (see <i>Monitoring & Review</i>)</p>
<p>2b The cumulative nature of the effects.</p>	<p>NO</p>	<p>It is considered that the Policies contained in the NP cumulatively will have minimal negative effects on</p>

		the environment and will in fact have moderate to significant positive effects. It is considered that all effects will be at a local level.
2c The transboundary nature of the effects.	NO	Effects will be local with no expected impacts on neighbouring areas.
2d The risks to human health or the environment (for example, due to accidents).	NO	No obvious risks have been identified as the NPs overall aim is to focus on the enhancement and protection of environmental assets to provide for local residents in the NP area and enhance social wellbeing.
2e The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected).	NO	The NP area relates to an area of 790 hectares. The resident population of the NP area is 1,160 (Census 2011). The whole NP area will be affected by the NP because the Policies within the Plan focus only on the Plan area. It is deemed the Plan as a whole will have a positive impact upon local residents through the protection and enhancement of local environmental assets and through the delivery of identified Projects (see <i>Appendix B</i>).
2f 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.	NO	The NP is deemed unlikely to have an adverse effect on the areas natural characteristics and cultural heritage. Policies NP3 & NP4 of the Plan work to actively protect and enhance these. Six local wildlife sites are present in the Plan area. The effects on these of the Plan are however not considered significant and it is deemed the Plan offers these sites further protection. The NP does not exceed environmental quality standards or limit values and does not provide specific policies in relation to intensive land uses.
2g The effects on areas or landscapes which have a recognised national, Community or international protection status.	NO	It is considered that the NP will not adversely affect areas of landscape which have recognised community, national or international protection as the NP aims to protect these through Policy NP4. The Plan area is covered by Policy Zone 8 of the Mid-Notts Farmlands character area; the suggested landscape action for this area is its conversation.

HRA Screening - Assessment

For the HRA “screening” assessment the Neighbourhood Plan area was checked to see if any Special Protection Areas (SPA), Special Areas of Conservation sites (SAC), or Ramsar sites were located within its area, as well as those considered as potential sites (pSPA, pSAC & pRamsar). The assessment also checked to see if any of these internationally important sites were located within a 15km radius from the Neighbourhood Plan area.

In carrying out this screening assessment the Assessment has considered the main possible sources of effects on the sites arising from the Plan, possible pathways to the European sites and the effects on possible sensitive receptors in the sites. The assessment considers the impacts of the Policies in the Plan directly on the sites as these are land use Policies which mostly are expected to have some direct or indirect impact on the local environment.

Birklands & Bilhaugh (SAC)

No designated sites were found within the Neighbourhood area; however the Birklands & Bilhaugh SAC is located approximately 9.5km to the south west of the border of the Plan area. This site covers 270.5 hectares, information on its characteristics and designation justification can be seen below and using the following link, <http://jncc.defra.gov.uk/protectedsites/sacselection/sac.asp?eucode=UK0012740>.

*“Birklands and Bilhaugh is the most northerly site selected for old acidophilous oak woods and is notable for its rich invertebrate fauna, particularly spiders, and for a diverse fungal assemblage, including *Grifoa sulphurea* and *Fistulina hepatica*. Both native oak species, *Quercus petraea* and *Quercus robur*, are present, with a mixture of age-classes, so there is good potential for maintaining the structure and function of the woodland system and a continuity of dead-wood habitats.”*

Sherwood Forest (pSPA)

The UK government has identified that the populations of nightjar and woodlark in Sherwood Forest may warrant protection as a SPA. A final decision has not been made and it remains under consideration as part of a UK-wide SPA Review Programme being led by the Joint Nature Conservation Committee.

In 2011, following a Public Inquiry, the Secretary of State decided to refuse to grant planning permission for an Energy Recovery Facility on land at the former Rufford Colliery site at Rainworth. The likely effect on the breeding populations of woodlark and nightjar was a key consideration in the Secretary of State’s decision. The Secretary of State agreed that whilst the application site was not within an area currently identified as a Special Protection Area (SPA), there was merit in following the formal approach required for SPAs

Therefore the assessment on the following page has also considered the impacts of the Policies contained in the East Markham Neighbourhood Plan on the Sherwood Forest pSPA, no set boundaries have been defined for the pSPA however on available evidence it is clear that the Plan area will likely be near to the borders of the pSPA, potentially within 5km.

Policy of the East Markham Neighbourhood Plan	Significant effect likely?	Comment
NP1: Pre-application Community Consultation	NO	This Policy does not allocate land for development and it is considered it will have no impact on the SAC or pSPA.
NP2: Design Principles for Residential Development	NO	This Policy does not allocate land for development but focuses on controlling the design of new housing when it is brought forward. Although this Policy does support development in the Plan area, which may have some effects on the identified sites, these are considered to be of a local scale and will be managed and mitigated through the planning application process. It is therefore considered this Policy will have no significant effect on the SAC or pSPA.
NP3: Development within the East Markham Conservation Area	NO	This Policy does not allocate land for development; it focuses on controlling the design of new housing when it is brought forward within the Conservation Area. Although this Policy does support development in the Plan area, which may have some effects on the identified sites, these are considered to be of a local scale and will be managed and mitigated through the planning application process. It is therefore considered this Policy will have no significant effect on the SAC or pSPA.
NP 4: Protecting the Landscape Character across the Plan area	NO	This Policy does not allocate land for development but works to protect the important local landscape character of the Plan area, the effects of this Policy are again deemed to be local in nature and considered to have no effect on the SAC or pSPA.
NP5: Conservation and Enhancement of Non Vehicular Routes	NO	This Policy does not allocate land for development and focuses on non-vehicular routes in the Plan area; it is considered it will have no effect on the SAC or pSPA.
NP6: A Mix of Housing Type	NO	This Policy does not allocate land for development but focuses on influencing the type of new housing when it is brought forward. Although this Policy does support development in the Plan area, which may have some effects on the identified sites, these are considered to be of a local scale and will be managed and mitigated through the planning application process. It is therefore considered this Policy will have no significant effect on the SAC or pSPA.
NP7: Enhancing the provision of community facilities	NO	This Policy does not allocate land for development in the Plan area but has regard to existing community facilities in the Plan area; it is considered it will have no effect on the SAC or pSPA.

NP8: Reducing the Risk of Flooding	NO	This Policy does not allocate land for development in the Plan area. It works to ensure that when new development proposals are brought forward in the area there impacts on local flooding issues are minimised. It is considered to have no effect on the SAC or pSPA.
NP9: Car Parking on Residential Development	NO	This Policy does not allocate land for development but focuses on ensuring adequate car parking is provided for new housing when it is brought forward; it is considered it will have no effect on the SAC or pSPA.

In combination effects

Existing plans and proposals must be considered when assessing new plans or programmes for likely significant effects as they may create ‘in combination’ effects. As the East Markham Neighbourhood Plan is not proposing to allocate sites and will be required to be in general conformity with existing strategic policies in Bassetlaw District Councils Development Plan which has been assessed at a higher level to determine possible in-combination effects, it is concluded that no significant in-combination likely effects will occur due to its implementation. As set out below, it is concluded as a result of the above, that the Plan will not lead to a significant effect on the integrity of the SAC and pSPA and therefore does not require a full HRA to be undertaken.

Conclusions

SEA Screening

On the basis of the SEA Screening Assessment set out above, the conclusion is that the East Markham Neighbourhood Plan will not have significant environmental effects in relation to any of the criteria set out in Schedule 1 of the SEA Regulations, and therefore does not need to be subject to a full SEA.

HRA Screening

The Screening Assessment concludes that no significant effects are likely to occur with regards to the integrity of the SAC and pSPA around East Markham, due to the implementation of the Plan. As such the Plan does not require a full HRA to be undertaken.

The main reasons for these conclusions are:

- There are no plans for the proposed East Markham Neighbourhood Plan to allocate sites for development,
- The development supported in the Plan which may have some effect on the environment, is determined to be local in scale and these local impacts will be addressed and mitigated at the planning application stage.

Next Stages

This document will now be the subject of a consultation period with relevant stakeholders, should they agree with the findings of the assessments in this report then no further work will be required with regard to SEA and HRA on the East Markham Neighbourhood Plan.