

Bentley Modified Neighbourhood Plan 2021 – 2040

Strategic Environmental Assessment (SEA)

Screening Statement - Determination under Regulation 9 of the Environmental Assessment of Plans and Programmes Regulations 2004.

Final Determination

30/08/2023



**East
Hampshire**
DISTRICT COUNCIL

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1. Introduction

- 1.1. This statement sets out the Bentley Parish Council's determination under Regulation 9 (1) of the Environmental Assessment of Plans and Programmes Regulations 2004 on whether or not a Strategic Environmental Assessment is required for the Bentley Modified Neighbourhood Plan 2021 - 2040 ('the Modified Plan').

Strategic Environmental Assessment

- 1.2. Under the Environmental Assessment of Plans and Programmes Regulations 2004 (implementing Directive 2001/42/EC known as the Strategic Environmental Assessment (SEA) Directive), specific types of plans that set out the framework for future development consent of projects must be subject to an environmental assessment.
- 1.3. There are exceptions to this requirement for plans that determine the use of a small area at a local level and for minor modifications, if it has been determined that the plan is unlikely to have significant environmental effects.
- 1.4. A draft neighbourhood plan must meet a set of basic conditions in order to be put to a referendum. One of these conditions is that the plan does not breach, or is otherwise compatible with EU obligations such as (where appropriate) the requirement for SEA. Under Regulation 9(1) of the Environmental Assessment of Plans and Programmes Regulations 2004, a responsible authority (such as a parish council in the case of an emerging Neighbourhood Plan) must determine if a neighbourhood plan requires an environmental assessment. Where Bentley Parish Council determines that SEA is not required then under Regulation 9(3), it must prepare a statement setting out the reasons for this determination. The need for SEA is considered under Section 3 of this report.

Sustainability Appraisal

- 1.5. Under separate legislation (the Planning and Compulsory Purchase Act 2004 and associated Regulations), a local planning authority must carry out an appraisal of the sustainability of its proposals, when preparing a local plan. Neighbourhood plans are excluded from this requirement, however they must still contribute to the achievement of sustainable development. The Sustainability Appraisal for the East Hampshire District Local Plan incorporates the requirements of SEA, and so the Local Plan's Sustainability Appraisal (SA)

provides relevant information for determining the potential environmental effects of implementing the draft neighbourhood plan, and their significance. The EHDC Local Plan Sustainability Appraisal, including its scope, objectives and assessment findings, has been reviewed for the purposes of the preparation of Section 3 of this Screening Statement.

2. Scope of the draft Bentley Neighbourhood Plan

- 2.1 The purpose of the Modified Plan is to modify and replace policies of the made Bentley Neighbourhood Plan 2015 – 2028, and to introduce five new policies to aid more effective implementation of the plan’s objectives . It will support policies CP2 ‘Spatial strategy’, CP4 ‘Existing employment land’, CP6 ‘Rural economy and enterprise’, CP8 ‘Town and village facilities and services’, CP16 ‘Protection and provision of social infrastructure’, CP17 ‘Protection of open space, sport and recreation and built facilities’, CP18 ‘Provision of open space, sport and recreation and built facilities’, CP21 ‘Biodiversity’, CP23 ‘Gaps between settlements’, CP26 ‘Water resources/water quality’, CP28 ‘Green Infrastructure’, CP29 ‘Design’, CP30 ‘Historic environment’ and CP31 ‘Transport’ of the East Hampshire District Local Plan: Joint Core Strategy (adopted June 2014) and will apply to the parish of Bentley.
- 2.2 The Modified Plan will not include any site allocations for development, policies/proposals which could affect a designated heritage asset or a biodiversity asset, or new proposals that could affect the local environment:
- 2.3 In relation to the above proposals, this document presents a “screening” opinion as to whether they are likely to have significant environmental effects.

3. Strategic Environmental Assessment (SEA)

The SEA Screening Process

- 3.1 The process for determining whether or not an SEA is required is called screening. In order to conduct this screening exercise, it is necessary to determine if a plan will have significant environmental effects using the criteria set out in Schedule 1 of the 2004 Regulations. Table 2 provides details of the screening assessment for the Modified Plan. A determination cannot be made until the three statutory consultation bodies have been consulted: The Environment Agency, Natural England and Historic England.

- 3.2 Within 28 days of making its determination the authority must publish a statement such as this one, setting out its decision. If it determines that an SEA is not required, the statement must include the reasons for this.

SEA Determination and Reasons for Determination

- 3.3 Before making a determination under Regulation 9 of the Environmental Assessment of Plans and Programmes Regulations 2004, the three consultation bodies are being consulted. The responses received will be set out in Table 1 below:

Table 1 – Comments received by Consultation bodies

Consultation Body	Comments
Environment Agency	Acknowledged. No response.
Historic England	Concludes that an SEA is not required. See Appendix M2 for full response.
Natural England	Concludes that an SEA is not required. See Appendix M3 for full response.

Table 2 – Draft SEA Screening Determination for Bentley Modified Neighbourhood Plan 2021 - 2040

Criteria (from Annex II) of SEA Directive and Schedule I of the Regulations)	Neighbourhood Plan Qualifying Body Comments
Characteristics of the plan or programme	
a) The degree to which the plan or programme sets a framework for projects and other activities, either with regards to the location, nature, size and operating conditions or by allocating resources.	The Modified Plan only sets the framework for projects in a local context. The Modified Plan does not include site allocations for development, and its policies which are consistent with the development plan, will only apply to the village and parish of Bentley.
b) The degree to which the plan or programme influences other plans and programmes including those in a hierarchy.	The Modified Plan is required to be in general conformity with the strategic policies of the development plan and is effectively the lowest tier of the development plan hierarchy.
c) The relevance of the plan or programme for the integration of environmental considerations, in particular with a view to promoting sustainable development.	The Modified Plan will have regard to the objective of achieving sustainable development, in accordance with the strategic policies of the adopted East Hampshire District Local Plan: Joint Core Strategy.
d) Environmental problems relevant to the plan or programme.	The Modified Plan seeks to address environmental, economic and social issues in the neighbourhood area.
e) The relevance of the plan or programme for the implementation of Community (EU) legislation on the environment (for example plans and programmes linked to waste management or water protection).	The Plan is not relevant in this instance, as the matters described are guided by higher level legislation (and in some instances these matters fall under the category of 'excluded development' for Neighbourhood Development Plans).

Characteristics of the effects and of the area likely to be affected	
a) The probability, duration, frequency and reversibility of the effects.	The Modified Plan does not include any site allocations for development and is unlikely to have any significant environmental, social or economic effects.
b) The cumulative nature of the effects	As above
c) The transboundary nature of the effects	As above
d) The risks to human health or the environment (for example, due to accidents)	The Modified Plan does not contain any policies which are likely to cause risks to human health.
e) The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)	The Neighbourhood Area coincides with the parish boundary of Bentley Parish and has a population of approximately 1,400 (Census, 2021).
f) The value and vulnerability of the area likely to be affected due to: i) Special natural characteristics or cultural heritage; ii) Exceeding environmental quality standards or limit values; ii) Intensive land-use	i) There are some special natural characteristics and cultural heritage assets in the neighbourhood area, however, the policies of the Modified Plan are unlikely to have an effect on these characteristics/assets. ii) The conditions in the neighbourhood area are not exceeding environmental quality standards or limit values. iii) The neighbourhood area is not vulnerable as a result of intensive land-use.
g) The effects on areas or landscapes which have recognised national, community or international protection status.	The Modified Plan is unlikely to have any effect on areas or landscapes of recognised national, community or international protection status.

Other Considerations

3.4 In reviewing the criteria of Table 2 and coming to a conclusion, Bentley Parish Council has also had regard to the following:

- The draft Modified Plan has been written to support policies from the East Hampshire District Joint Core Strategy (adopted June 2014), which was subject to SEA (as part of a Sustainability Appraisal) at a higher tier.
- The draft Modified Plan has been prepared to have regard to national policies and advice contained in guidance issued by the Secretary of State.

SEA Conclusion

3.5 Having regard to the considerations above (Table 2), Bentley Parish Council considers that the Modified Plan is Unlikely to have any significant environmental effects and therefore will not require a Strategic Environmental Assessment.

3.6 This determination was made on **30/08/2023**