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**The Neighbourhood Plan for  
Belper Civil Parish (NP4B)  
2017-2033**

**Strategic Environmental Assessment  
(SEA) Screening Report**

**September 2018**

*enfusion*



# The Neighbourhood Plan for Belper Parish Council (NP4B) 2017-2033

## Strategic Environmental Assessment (SEA) Screening Report

September 2018

date:	September 2018 v01 Draft v02 Final	
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## 1.0 INTRODUCTION

### Strategic Environmental Assessment (SEA) & Sustainability Appraisal (SA)

- 1.1 Strategic Environmental Assessment (SEA)<sup>1 2</sup> is a systematic process used during the preparation of plans and policies and it aims to provide a high level of protection for the environment; it contributes to the integration of environmental considerations in plan preparation with a view to promoting sustainable development. Sustainability Appraisal (SA) is a process that similarly investigates plans and policies, including consideration of socio-economic factors in the same way as environmental factors and to the same level of detail. SA incorporating SEA is a mandatory requirement for Local Plans in accordance with planning legislation<sup>3</sup> and paragraph 32 of the National Planning Policy Framework (2018). Government advises<sup>4</sup> that an integrated approach should be taken so that the SA process incorporates the requirements for SEA – and to the same level of detail.

### The Amber Valley Borough Local Plan Documents

- 1.2 The emerging new Amber Valley Local Plan<sup>5</sup> was submitted to the Secretary of State for examination in March 2018. As a result of issues and concerns raised and discussed at the initial hearing sessions, the Council is undertaking further work<sup>6</sup> including a Green Belt review and consideration of alternative sites, such that the current timetable for progression of the Plan indicates that this work will be published in spring 2019. This will require further sustainability appraisal work to be published in an SA Addendum Report to accompany the housing supply update and additional sites – prior to resuming the examination hearing sessions. Then Proposed Main Modifications will be published for consultation during the summer 2019; also, to be accompanied by SA.
- 1.3 The Submission Local Plan includes a spatial portrait of and a spatial vision for Amber Valley and 12 strategic objectives. It sets out a spatial strategy up to 2028 in relation to scale and location of housing and economic growth in the Borough, including site specific proposals for housing, business & industrial and mixed-use development; it further includes a range of policies to guide new development. When the Local Plan is adopted, the Development Plan for Amber Valley will consist of the following documents:

- Amber Valley Local Plan

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<sup>1</sup> EU Directive 2001/42/EC

<sup>2</sup> Environmental Assessment of Plans and Programmes Regulations, 2004  
<http://www.legislation.gov.uk/uksi/2004/1633/contents/made>

<sup>3</sup> Section 19(5) of the 2004 Planning & Compulsory Purchase Act and Regulation 22(a) of the Town & Country Planning (Local Planning) (England) Regulations 2012

<sup>4</sup> <https://www.gov.uk/guidance/strategic-environmental-assessment-and-sustainability-appraisal>

<sup>5</sup> <https://www.ambervalley.gov.uk/submissionlocalplan2018>

<sup>6</sup> Letter from Inspector to Council July 2018

- Derby & Derbyshire Minerals and Waste Local Plans
- Neighbourhood Plans

- 1.4 The Submission Local Plan aimed for a minimum of 9,700 dwellings between 2011 and 2028 in Amber Valley, with most of the growth taking place in and around the four urban areas of Alferton, Belper, Heanor and Ripley, and on the edge of Derby and as part of a comprehensive mixed-use development on land north of Denby Bottles (Policy SS2). Thus, Belper is defined as an Urban Area in the proposed settlement hierarchy (Policy SS3) and identified as one of the four towns that are the focus of much of the economic activity in the Borough (Policies SS4-SS6).
- 1.5 The preparation of the emerging new Local Plan for Amber Valley was informed by sustainability appraisal. Each element of the emerging plan, including strategic options for the amount and distribution of new development and site options for housing, employment and mixed-use were subject to SA. The Submission SA Report (March 2018)<sup>7</sup> with technical appendices was submitted as supporting evidence with the Local Plan.
- 1.6 The neighbourhood planning system was introduced by the Localism Act (2011) to give communities direct power to develop a shared vision and shape the development of their local area. A Neighbourhood Plan attains the same legal status as the Local Plan once it has been approved at referendum – and thus becomes part of the statutory development plan. Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. A Neighbourhood Plan must be in general conformity with the strategic policies of the development plan in force if it is to meet with the basic conditions as set out in the Town & Country Planning Act (1990)<sup>8</sup>.
- 1.7 The NP4B area is located within the Submission Local Plan area for Amber Valley and defined as one of four key towns. Land is allocated through the emerging Local Plan at Belper for housing growth (estimated at 65 dwellings) in Policy HGS5 at Belper Lane. Three sites within Belper are identified as mixed-use development areas – Land at East Mill & North Mill (Policy ED1), Land at West Mill (Policy ED2), and Land North & South of Derwent Street (Policy ED3). However, this could change as the further work arising from the examination so far includes a Green Belt Review and identifying/proposing additional sites for housing and other uses – all this will need to be subject to SA and public consultation. The Inspector has advised<sup>9</sup> that the Council should revisit its assessments of reasonable alternatives in its SA to ensure that they have been subject to equal examination.
- 1.8 SA/SEA is an iterative and ongoing process that informs the preparation of draft planning documents. Likely significant effects are identified and assessed for the emerging elements of the draft plan and judged against

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<sup>7</sup> Submission Document [CD02] available at - <https://www.ambervalley.gov.uk/9537.aspx>

<sup>8</sup> <https://www.gov.uk/guidance/neighbourhood-planning--2#preparing-a-neighbourhood-plan-or-order>

<sup>9</sup> Letter to Council July 2018 available at - <https://www.ambervalley.gov.uk/9537.aspx>

reasonable alternatives. Mitigation measures are suggested for any significant negative effects identified. The role of SA/SEA is to inform the Council as the planning authority; the SA/SEA findings do not form the sole basis for decision-making – this is informed also by other studies, feasibility and feedback comments from consultation.

- 1.9 There is a tiering of appraisal/assessment processes that aligns with the hierarchy of plans – from international, national and through to local. This tiering is acknowledged by the NPPF (2018) in paragraph 35 that states that evidence should be proportionate, supported by planning guidance<sup>10</sup> that advises the SA and SEA should be proportionate and relevant to the plan being assessed.
- 1.10 At each stage of plan preparation and consultation, the accompanying SA/SEA is also published; comments received are taken into account and considered at the next stage of plan-making and assessment. The stages of the Amber Valley Local Plan preparation and accompanying SA/SEA reports, together with formal and public consultation periods, are summarised in the following table:

**Table 1.1: Chronology of Amber Valley Local Plan Preparation, Accompanying SA/SEA, and Consultation**

AVBC Development Plan Document	SA/SEA Document
Core Strategy: Issues & Options 2010; Options for Housing Growth 2011; Preferred Growth Strategy 2012 Public consultation 2010, 2011, 2012	SA/SEA Scoping Report (2008) Public consultation & formal with the SEA consultation bodies
Local Plan: Draft Local Plan Public & Regulation 18 consultation March 2017 Pre-submission Local Plan Public & Regulation 19 consultation November 2017	SA/SEA Scoping Report (September 2016) Draft SA Report March 2017 Pre-Submission SA/SEA Report (November 2017) Public & Regulation 19 consultation 2017
Submission to the Secretary of State March 2018	SA/SEA Report March 2018
Independent Examination Ongoing 2018-2019	
Further studies on Green Belt and additional development sites Public consultation spring 2019	SA Addendum Report (2019) Public consultation spring 2019
Examination Hearings resumed April-May 2019	
Proposed Main Modifications Published for consultation summer 2019	SA Addendum Report on Main Mods Public consultation summer 2019

- 1.11 Thus the emerging Amber Valley Local Plan to date has been subject to SA/SEA and consultation in an iterative and ongoing way. This includes the

<sup>10</sup> <https://www.gov.uk/guidance/strategic-environmental-assessment-and-sustainability-appraisal#sustainability-appraisal-requirements-for-local-plans>

development of the key policies particularly relevant to the NP for Belper – one policy for housing - Policy HGS5 Land at Belper Lane and 3 mixed-use development areas Policy ED1 Land at East Mill & North Mill; Policy ED2 Land at West Mill; and Policy ED3 Land North & South of Derwent Street. However, these Policies and the other Policies in the emerging Plan could be subject to significant change, particularly as further work is being undertaken by the Council to investigate Green Belt release and additional development sites.

1.12.1 The Neighbourhood Plan for Belper Civil Parish (known as NP4B) area covers the parish area of Belper and was designated by the Amber Valley Borough Council on 12 February 2015<sup>11</sup>. Amber Valley Borough Council is the responsible authority for the NP4B in accordance with the SEA Regulations. Belper Town Council is the qualifying body, as defined by the Localism Act (2011), and responsible for the development of the Neighbourhood Plan. The location of the NP4B area is as follows:

**Figure 1.2: Location of Belper Neighbourhood Plan Area**



<sup>11</sup> <https://www.ambervalley.gov.uk/belperneighbourhoodplan>

## **This SEA Screening Report**

- 1.13 This document provides a screening determination of the need to carry out an SEA of the Neighbourhood Plan for Belper - whether the NP4B is likely to have any significant environmental effects and therefore, whether an SEA is required. The Borough Council, as the responsible authority, has commissioned independent SA/SEA specialists Enfusion Ltd to undertake the SEA screening on behalf of the Council. A draft SEA Screening Report was provided to AVBC and this SEA Screening Report reflects review checking and comments made by the Borough Council. The local planning authority must decide whether the neighbourhood plan proposal is compatible with EU obligations, including under the SEA Directive.

## 2.0 LEGISLATIVE REQUIREMENTS & GUIDANCE; METHOD

### SEA Requirements

2.1 Regulation 5 of the SEA Regulations requires an environmental assessment of plans which:

1. *are prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use (Regulation 5, para. (2)(a), and which set the framework for future development consent of projects listed in Annex I or II to Council Directive 85/337/EEC (EIA Directive) on the assessment of the effects of certain public and private projects on the environment (Regulation 5, para. (2)(b)*

2. *in view of the likely effect on sites, have been determined to require an assessment pursuant to Article 6 or 7 of the Habitats Directive (92/43/EEC) (Regulation 5, para. (3)*

3. *set the framework for future development consent of projects<sup>12</sup> (Regulation 5, para. (4)(b)*

4. *are determined to be likely to have significant environmental effects as determined under regulation 9(1) (Regulation 5, para. (4)(c)*

2.2 An environmental assessment need not be carried out for:

a) *plans which determine the use of a small area<sup>13</sup> at local level (Regulation 5, para. (6)(a); or*

b) *plans which are a minor modification<sup>14</sup> to a plan or programme (Regulation 5, para. (6)(b) unless it has been determined under regulation 9(1) that the plan is likely to have significant environmental effects.*

### SEA/SA Guidance

2.3 Extant UK Government guidance provides a flow diagram with questions/criteria for the SEA Directive and its application to the plan-making process as follows:

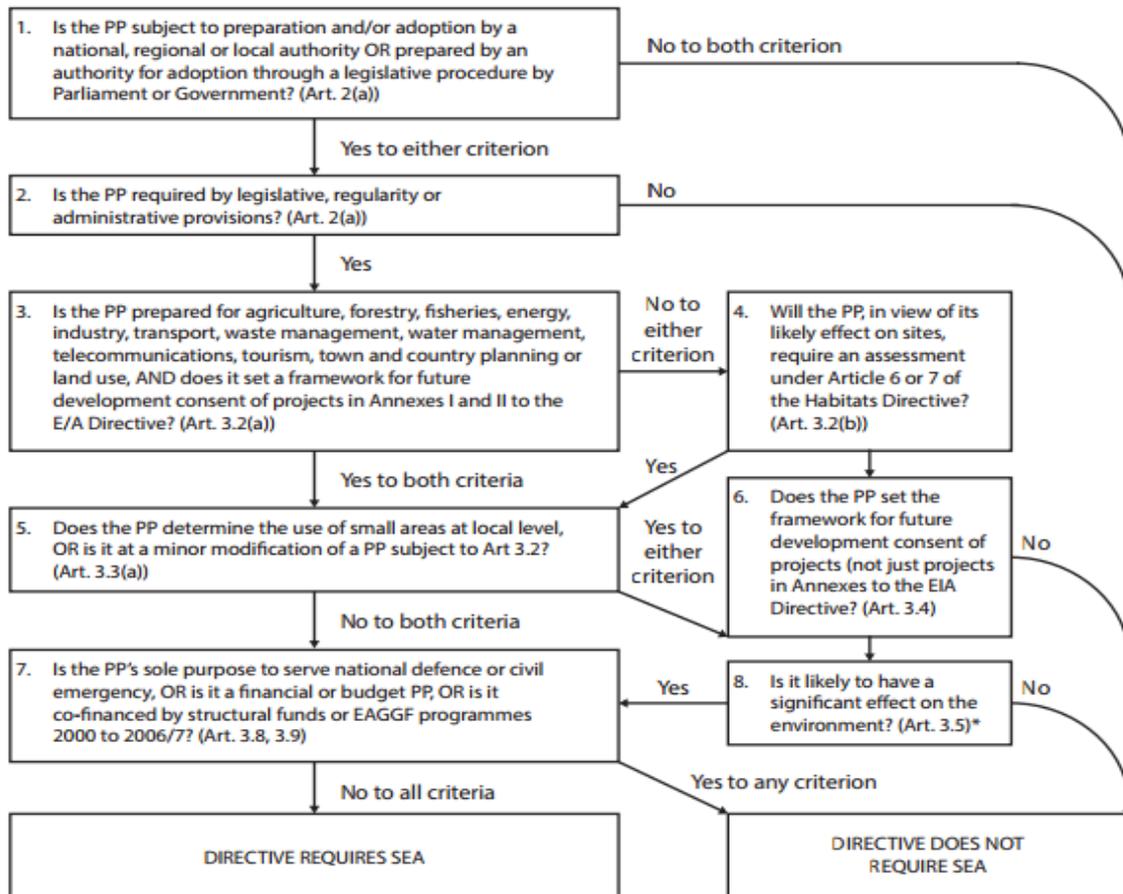
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<sup>12</sup> European Commission guidance states that plans and programmes which *set the framework for future development consent of projects* would normally contain 'criteria or conditions which guide the way a consenting authority decides an application for development consent'. *Development consent* is defined in the EIA Directive as "the decision of the competent authority or authorities which entitled the developer to proceed with the project" (Article 1(2) of the EIA Directive).

<sup>13</sup> European Commission guidance suggests that *plans which determine the use of small areas at local level* might include "a building plan which, for a particular, limited area, outlines details of how buildings must be constructed, determining, for example, their height, width or design"

<sup>14</sup> 'Minor modifications' should be considered in the context of the plan or programme which is being modified and of the likelihood of their having significant environmental effects. A modification may be of such small order that it is unlikely to have significant environmental effects.

**Figure 2.1: Flow Diagram<sup>15</sup> for Determining is a Plan is likely to have Significant Environmental Effects**



**Note:** The figure is intended as a guide to the criteria for application of the Directive to plans & programmes (PPs); it has no legal status. Where a plan is likely to have a significant effect on the environment, a strategic environmental assessment must be carried out and an Environmental Report (ER) prepared.

2.4 There is no legal requirement for a Neighbourhood Plan (NP)<sup>16</sup> to have a Sustainability Appraisal as set out in section 19 of the Planning & Compulsory Purchase Act 2004. Government advises that in some limited circumstances, where a Neighbourhood Plan is likely to have significant environmental effects, it may require a Strategic Environmental Assessment. In order to decide whether a draft NP might have significant environmental effects, it must be screened at an early stage according to the requirements set out in regulation 9 of the SEA Regulations. This includes a requirement to consult with the SEA consultation bodies (in England - Environment Agency, Historic

<sup>15</sup> Based on DCLG - National Planning Practice Guidance' 2014, ODPM - 'A Practical Guide to the SEA Directive' 2005; see also - Planning Advisory Service – 'The Principles of Plan Making Chapter 6 - The Role of Sustainability Appraisal' 2013 & other extant Government guidance <https://www.gov.uk/guidance/strategic-environmental-assessment-and-sustainability-appraisal>

<sup>16</sup> <https://www.gov.uk/guidance/strategic-environmental-assessment-and-sustainability-appraisal#strategic-environmental-assessment-requirements-for-neighbourhood-plans>

England, Natural England); each body is able to advise on particular topics relevant to its specific area of expertise and responsibility.

2.5 The National Planning Policy Framework (NPPF) and Planning Guidance (NPPG) advise that a Neighbourhood Plan:

- would need SEA “...in limited circumstances...”
- should be screened early
- screening should consult with the consultation bodies
- if ‘screened out’, should have a ‘statement of reasons’ prepared

2.6 Whether a Neighbourhood Plan proposal requires an SEA, and (if so) the level of detail needed, will depend on what is proposed. Government guidance advises that an SEA 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.

2.7 Government planning guidance further advises that before deciding whether significant environmental effects are likely, the local planning authority should take into account the criteria specified in Schedule 1<sup>17</sup> to the SEA Regulations (2004) and consult the statutory environmental consultation bodies. Schedule 1 sets out the criteria for determining likely significant effects on the environment taking into account the characteristics of plans and the characteristics of the effects and the area likely to be affected. The SEA consultation bodies in England are the Environment Agency, Historic England and Natural England.

## Method

2.8 In order to be able to decide whether an SEA will be required, the local planning authority needs to consider whether the policies and proposals in the Neighbourhood Plan for Belper are likely to have significant environmental effects that have not been already assessed through SA/SEA as part of the Local Plan preparation. In particular, the Council needs to consider the following:

- how they might affect the environment, community or economy
- whether they propose a higher level of development than is already identified in emerging Amber Valley Local Plan planning policies
- whether any of the proposals are likely to affect a “sensitive area”, such as a Site of special Scientific Interest (SSSI) or European Site for nature conservation (SAC, SPA)

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<sup>17</sup> <http://www.legislation.gov.uk/ukxi/2004/1633/schedule/1/made>

- whether implementation of policies in the plan might lead to new development in the future
- whether the cumulative impact of the policies and proposals when assessed together may give rise to a likely significant effect, for example, several relatively small housing proposals may have cumulative significant effects on a nearby important wildlife habitat

2.9 Available information from Defra MAGIC maps, Environment Agency flood risk maps, the Council's evidence base for the local plan documents, and the evidence base for the draft NP4B, together with professional judgment, was used to identify the sensitivity of the NP area environment and whether significant effects are likely that have not been previously assessed through SA, such that an SEA would be required.

### 3.0 THE NEIGHBOURHOOD PLAN for BELPER (NP4B) 2017-2033

- 3.1 The preparation of the NP4B has been ongoing and iterative since the decision to progress a NP by the Town Council in April 2014<sup>18</sup>; formal designation of the NP4B area following the Parish boundary was made by AVBC on 12 February 2015. The NP4B covers the whole Civil Parish of Belper, including Belper, Belper Land End, Milford, Makeney, Broadholme, Blackbrook, Farnah Green, Chevinside, Mount Pleasant, Far Laund, Whitemoor, Openwoodgate, Bargate, and including the farms and landscape.
- 3.2 The NP4B working group is comprised of 4 Belper Town Councillors and 9 members of the public. The neighbourhood working group meets monthly, members of the public are invited attend if they wish, and meeting agendas and minutes are published on the Town Council's Belper Neighbourhood Plan website<sup>19</sup>. The progress of the NB4B is reported to the Town Council as a standing item.
- 3.3 The NP4B working group has consulted widely using a range of methods from surveys and drop in sessions to workshops on specific topics. This sought to inform local people and ensure that local businesses, organisations and residents had the opportunity to contribute to plan-making from an early stage. A Consultation Statement will be available when the NP4B is submitted to AVBC and the examiner. Issues and opportunities were identified, and technical studies were undertaken on behalf of the Town council - including assessments for housing needs (September 2016), heritage and character (October 2016), brownfield site viability (April 2017) and site assessments (November 2017) – all available on the NP4B website.
- 3.4 The NP4B has been drafted in the absence of an uptodate Local Plan. There is considerable opposition on heritage grounds to the one strategic allocation HGS1 for 65 dwellings proposed in the Submission Amber Valley Local Plan. The NP4B seeks to assist AVBC in its prioritisation of brownfield sites by identifying potentially viable sites. The NP4B further seeks to guide development with design principles specific for Belper and criteria-based policies, recognising the special heritage and character.
- 3.5 The NP working group has developed a Community Vision and Objectives, investigated options, considered evidence and drafted the Pre-Submission version of the NP4B, approved by the Town Council on 10 July 2018. This draft NP4B has been submitted to the Amber Valley Borough Council for consideration and it is this version of the BN4B that has been reviewed to inform this SEA screening.

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<sup>18</sup> <http://www.belpertowncouncil.gov.uk/belper-neighbourhood-plan1.html>

<sup>19</sup> *ibid*

3.6 It is understood that the draft NP4B will be amended in the light of any comments made on the draft plan by AVBC. The NP4B will then be published for the statutory six-week Regulation 14<sup>20</sup> consultation. Representations will be considered, and the final Neighbourhood Plan will be submitted for formal submission to AVBC. It is assumed that the Council will undertake a further Regulation 16 consultation and then present the Plan to an independent planning expert for examination into its soundness and conformity with national and local planning policy.

3.7 The NP4B comprises introductory sections outlining the reasoning for and the scope of the plan, together with a description of the character, people and communities of the plan area. Sections 4-7 of the NB4B provides the background and legal context; section 8 presents an overview of the Parish and each element aligns with a Community Objective - further detailed evidence is in technical appendices. Section 9 sets out the Community Vision and Section sets out the Community Objectives. The NP Policies are in Sections 11-20 with section 21-22 showing how the NP Policies will be implemented and monitored.

3.8 The NP4B Vision is as follows:

*The NP4B will take a positive approach to sustainable development so long as it brings forward a balance of housing (to meet local as well as wider need), employment, retail, community and leisure development on suitable sites within the town.*

*The regeneration of the brownfield sites within the town (including the historic mills) will be a priority.*

*Development will reinforce the historic and rural character of the parish and will show due regard to its World Heritage Status. Development will maximise the environmental assets in and around Belper Parish particularly the river, access to the countryside and the parks and green spaces.*

*The local economy will thrive due in part, to the growth of Belper as a tourist destination. The refurbishment of the North and East Mills will provide a focus and the town centre will support a growing range of retail and leisure attractions.*

*Accessibility to the town and its services for all residents will be improved with more frequent public transport and easier movement due to extended walking/cycling routes.*

3.9 The NP4B Community Objectives are as follows:

Table 3.1: Community Objectives for the Neighbourhood Plan for Belper

No	Community Objective
1	Developers are encouraged to engage with the community early in the planning application process (at pre-application stage) on major development proposals via mechanisms outlined in NPP1.
2	New housing should meet local need (by providing smaller dwellings) to reflect the needs of an ageing population wishing to downsize and young people wanting to stay without having to move out of the parish.

<sup>20</sup> Neighbourhood Planning Regulations available at - [http://www.legislation.gov.uk/ukxi/2012/637/pdfs/ukxi\\_20120637\\_en.pdf](http://www.legislation.gov.uk/ukxi/2012/637/pdfs/ukxi_20120637_en.pdf)

3	The heritage of Belper defines its character. Development must not harm the World Heritage Site and development in the buffer zone must demonstrate a sensitivity to its impact on the World Heritage Site. The heritage of Belper defines its character. Development should not harm the heritage assets of local, national or international significance.
4	Development should reinforce the landscape character of the parish and should not be located in areas of high landscape sensitivity.
5	Development must not harm public open spaces and, where possible, the network of green spaces and allotments should be extended and enhanced.
6	Development must not harm public open spaces and, where possible, the network of green spaces and allotments should be extended and enhanced.
7	The provision of small to medium sized business and industrial units both within existing employment locations and as part of brownfield redevelopment is encouraged.
8	Close liaison between the owners of the North & East and the West Mills sites, and with the relevant local councils and other stakeholders, is encouraged to ensure site developments that satisfy the community and address the practical needs in the Bridgefoot area for enhancing the tourism offer.
9	The community support the redevelopment of the brownfield sites identified in the NP4B as a priority. Proposals for well designed residential and/or employment use will be supported.
10	The community strongly support the redevelopment of the North and East Mills where this is compatible with their location to draw shoppers and visitors to the area (and where the proposals protect their heritage).
11	The community strongly support the redevelopment of the North and East Mills where this is compatible with their location to draw shoppers and visitors to the area (and where the proposals protect their heritage).

3.10 The NP4B sets out 22 Neighbourhood Plan Policies (NPPs) and 2 Aspirational Plan Policies (APPs). NPP1 Pre-Application Community Engagement and NPP2 sustainable Development set the wider context. NPP3-9 provide detailed guidance for protecting the landscape character of the plan area and specific areas. NPP10 Design Principles, NPP11 Mix of Housing, NPP12 Protecting Heritage Assets, NPP13 Local Green Spaces, and NPP14 Car Parks provide topic specific guidance for proposed development. Development of brownfield sites is addressed through NPP15-22 that details requirements for redevelopment of sites. NPP23 provides guidance for supporting new and small businesses. APP1 encourages more sustainable modes of transport and APP2 address expanding tourism.

## 4.0 SEA SCREENING ASSESSMENT

- 4.1 The screening requirements set out in Regulation 9 and Schedule 1 of the SEA Regulations include two sets of characteristics for determining the likely significance of effects on the environment:
- the characteristics of the plan itself and
  - the characteristics of the effects and of the area likely to be affected by the plan

Therefore, this screening assessment is structured according to the criteria specified in Schedule 1 of the Regulations and the details are provided in the Appendix I.

- 4.2 The characteristics of the plan set a framework for projects and other activities; and it is relevant for integrating environmental considerations to promote sustainable development. The NP4B is not relevant as a plan for implementing Community legislation as this is undertaken by the higher-level plan, the Amber Valley Local Plan to 2028 (AVLP). The neighbourhood plan does not influence other plans in the development planning hierarchy – but it does influence project level assessments and activities.
- 4.3 There are no specific environmental problems relevant to this plan that have not been identified and assessed through the higher level Local Plan and its accompanying SA/SEA. However, although the SA/SEA of the emerging AVLP has been submitted and examined to date, the examination is ongoing. The Inspector has requested the Council to undertake further work, including consideration of additional development sites. The Borough Council proposed to undertake a Green Belt Review to inform the process of identifying and proposing additional housing sites for allocation in the Local Plan. This will require further SA/SEA work that will need to be subject to consultation before the examination hearings will resume. Therefore, there may be some significant changes to the new Local Plan, particularly with regard to allocated sites.
- 4.4 No significant environmental effects at the international or national level are considered likely to risk human health. The NP4B could have significant effects on environmental factors at international level, namely the designated World Heritage Site (WHS)<sup>21</sup> of Derwent Valley Mills. The geographical area likely to be affected is a local size with at least around 450 new residential units/dwelling. This is more than was allocated to Belper in the emerging Local Plan and as such, there is the potential for significant local environmental effects. There are no likely significant effects on biodiversity areas or landscapes that have recognised community or international protection status. However, the landscape does contribute to the WHS that is

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<sup>21</sup> <https://whc.unesco.org/en/list/1030>

of international importance. The NP4B area includes nationally designated biodiversity, cultural heritage, and locally sensitive landscapes.

- 4.5 Whilst 18 site options were tested through SA/SEA to inform the development of the AVLP and as reported in Table 7.2 of the Submission SA Report (March 2018), it is not clear whether these relate precisely to the options investigated through the emerging NP4B to inform the development of Proposed NP4B Policies NPP15-22. These NPP policies have certainly been informed by more detailed local studies and thus it is not clear whether all reasonable options for site allocations (whether in the AVLP or the NP4B) have been investigated using the same evidence and to the same level of detail – as is required by the SEA Regulations. Therefore, there is some uncertainty about the significance of any likely environmental effects.
- 4.6 The NP4B must be in conformity with the Amber Valley Local Plan Review to 2028 - in due course. The emerging AVLP has been subject to SA/SEA in an iterative and ongoing way, including formal and public consultations – and thus does carry some considerable weight, including policies that will provide mitigation measures for likely significant environmental effects. However, the new local plan is still at the examination stage and may be subject to change. The Council is undertaking further studies including work on Green Belt release and consideration of additional housing sites. It is noteworthy that the Inspector was concerned that the Council should revisit its assessments of reasonable alternatives in its SA to ensure that they have been subject to an equal examination. Therefore, there is likely to be change to the SA/SEA Report supporting the AVLP.
- 4.7 The Policies in the NP4B that align with those emerging Policies in the AVLP are likely to provide sufficient mitigation for any likely negative effects – as the Local Plan becomes refined. However, it is not clear that the new development that could arise through NP4B Policies NPP15-22 has been previously subject to SA/SEA through investigation of reasonable alternatives on an equal basis using sound evidence. Therefore, there is some uncertainty about the nature of the effects; and the element of the SEA process for investigating suitable alternatives on an equal basis has not been explicitly undertaken and reported.

## 5.0 SEA SCREENING DECISION

- 5.1 Regulation 9 of the SEA Regulations requires that the responsible authority shall determine whether or not a plan is likely to have significant environmental effects. The responsible authority shall:
- (a) take into account the criteria specified in Schedule 1 to these Regulations, and
  - (b) consult the consultation bodies
- 5.2 Where the responsible authority determines that the plan is unlikely to have significant environmental effects (and, accordingly, does not require an environmental assessment), or whether significant effects are likely that have been previously assessed through SA, it shall prepare a statement of its reasons for the determination.
- 5.3 The SEA screening undertaken for the Amber Valley Borough Council, as the NP4B responsible authority, considers that for the Belper Neighbourhood Plan there is some uncertainty regarding the likelihood of significant environmental effects that has not been explicitly tested through the SEA process, and thus it does require a Strategic Environmental Assessment (SEA) – but only a limited SEA to address the site allocations. This decision is made for the following key reasons:
1. The Neighbourhood Plan for Belper (NB4P) allocates sites for development that have not been previously subject to SA/SEA on an equal basis
  2. The Belper Neighbourhood Plan Area includes internationally important heritage, the World Heritage Sites; also, nationally and locally important biodiversity and cultural heritage
  3. There is some uncertainty about the likely significant environmental effects since the new development that could arise through the NP4B Policies NPP15-22 has not already been considered and dealt with through the Sustainability Appraisal of the Local Plan.

## 6.0 HABITATS REGULATIONS ASSESSMENT (HRA) SCREENING

- 6.1 Plan-makers are also required to consider whether a Habitats Regulations Assessment<sup>22</sup> (HRA) is required. The aim of the HRA process is to assess the potential effects arising from a plan against the nature conservation objectives of any site designated for its nature conservation importance. The HRA process has its own legislative drivers and requirements and, while the different processes can inform each other, it is important that the HRA remains distinguishable from the wider SA/SEA process.
- 6.2 There are no Special Protection Areas (SPAs), Special Areas of Conservation (SACs) or Ramsar sites within Amber Valley Borough's boundary<sup>23</sup>. The HRA Report<sup>24</sup> that accompanied the Amber Valley Local Plan to 2028 on submission concluded that the development proposed in the Local Plan will not lead to likely significant effects either alone or in-combination with other plans or programmes. In consideration of the small geographical area of the NP4B, and the scale of the development likely to arise and its distance from European sites outside the AVLP boundary, the HRA screening considers that the NP4B is not likely to have significant effects on EU designated sites beyond the AVBC boundary, either alone or in combination with other plans and projects.

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<sup>22</sup> The Conservation of Habitats & Species Regulations 2010  
<http://www.legislation.gov.uk/uksi/2010/490/contents/made>

<sup>23</sup> <http://www.natureonthemap.naturalengland.org.uk/>

<sup>24</sup> <https://www.ambervalley.gov.uk/environment-and-planning/planning/community-planning/local-plan-2016/amber-valley-borough-submission-local-plan-march-2018/examination-library.aspx> Ref: ED03 (2017)

Criteria (Schedule 1 SEA Regulations)	Are significant environmental effects likely? Yes/ No  Justification and evidence	
1.The characteristics of plans, having regard, in particular, to:		
(a) the degree to which the plan 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>The Neighbourhood Plan for Belper (NP4B) is a local level plan that will sit below the higher-level Amber Valley Local Plan Review (AVLP) 2017-2033 and as part of the local development framework for the Borough, the NP4B must be in conformity with the AVLP.</p> <p>The NP4B proposes to allocate sites for development through NPP15-22 and therefore, it does set a framework for projects and other activities.</p> <p>The Submission version of the AVLP includes a proposed allocation site for 65 dwellings in Belper Lane Policy HGS5 and proposes 3 mixed-use development areas Policy ED1 Land at East Mill &amp; North Mill; Policy ED2 Land at West Mill; and Policy ED3 Land North &amp; South of Derwent Street.</p> <p>The SA/SEA Report (March 2018)<sup>25</sup> accompanying the Submission Local Plan reported that 18 potential sites in the Belper Urban Area were considered. Of these, one site at Belper Lane was identified as a proposed housing allocation in the Pre-Submission Plan. The SA Report sets out the reasons for selection and rejection of site options in Table 7.2 – outlined in accordance with the SEA Regulations.</p> <p>The Pre-Submission AVLP and its accompanying SA/SEA were subject to formal Regulation 19 and public consultation in 2017; the Local Plan was submitted for examination March 2018. Examination is ongoing; further studies are required including further consideration of site options; and hearing sessions scheduled to be resumed in April-May 2019.</p>
(b) the degree to which the plan influences other plans and programmes including those in a hierarchy	No	<p>The NP is prepared by the local community to influence development at the parish level. It does not strongly influence strategic plans higher up in the spatial planning hierarchy, although the Borough Council does need to consider the proposals in the NP during preparation of the Local Plan.</p>
(c) the relevance of the plan for the integration of environmental considerations in particular with a view to promoting	No	<p>The NP is a spatial/land-use plan that seeks to promote the objectives of sustainable development. It is not specifically relevant as a plan for integrating environmental considerations.</p> <p>Any development proposed must be in accordance with the environmental protection policies in the emerging new Amber Valley Local Plan and the NPPF. The Policies in the new Local Plan have been subject to SA/SEA at the Regulation 19 stage.</p>

<sup>25</sup> CD02 <https://www.ambervalley.gov.uk/environment-and-planning/planning/community-planning/local-plan-2016/amber-valley-borough-submission-local-plan-march-2018/examination-library.aspx>

Criteria (Schedule 1 SEA Regulations)	Are significant environmental effects likely? Yes/ No	
	Justification and evidence	
sustainable development		
(d) environmental problems relevant to the plan	No	There are no specific environmental problems relevant to this Plan that have not been identified and assessed through the higher level Local Plan and its accompanying SA/SEA.
(e) the relevance of the plan for the implementation of Community legislation on the environment (for example, plans and programmes linked to waste management or water protection).	No	The NP is not relevant as a plan for implementing community legislation.
<b>2.Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:</b>		
(a) the probability, duration, frequency and reversibility of the effects	Yes?	<p><b>Biodiversity, Flora, Fauna:</b> There are no internationally designated Biodiversity sites within the Borough<sup>26</sup>. There are no National Nature Reserves in Amber Valley, but the Belper Parks is designated as a Local Nature Reserve<sup>27</sup>.</p> <p>There is a range of nationally and locally designated biodiversity sites in the area. There are 7 SSSIs in the Borough with SSSI impact zones<sup>28</sup> in the Belper area. There are a variety of Priority Habitats in the surrounding landscape and within/adjacent to the town, including floodplain grazing marsh, deciduous woodlands, and lowland dry grassland. The Peak Fringe Action Area includes the main town of Belper and is one of 3 action areas within the Lowland Derbyshire Biodiversity Action Plan (BAP)<sup>29</sup>.</p> <p>Biodiversity mitigation is provided through emerging AVLP Policy EN11 that protects and seeks net gains in biodiversity where possible. This is further supported by Policy IN4 Green Infrastructure and Open Space that seeks to protect and enhance the GI network, including for wildlife.</p>

<sup>26</sup> Defra (2018) Magic Map [accessed September 2018]

<sup>27</sup> <https://designatedsites.naturalengland.org.uk/SiteLNR>

<sup>28</sup> Defra (2018) Magic Map [accessed September 2018]

<sup>29</sup> <https://www.derbyshire.gov.uk/environment/conservation/ecology/lowland-derbyshire-biodiversity-action-plan/lowland-derbyshire-biodiversity-action-plan.aspx>

Criteria (Schedule 1 SEA Regulations)	Are significant environmental effects likely? Yes/ No  Justification and evidence	
		<p><b>Human Health:</b> The NP4B will have likely positive effects on human health by supporting additional housing and local green spaces. New and upgraded infrastructure, such as footpaths and cycle paths will encourage residents to live more active lifestyles, with associated human health benefits.</p> <p>Emerging AVLP Policy IN1 promotes safety, security and a healthy lifestyle by maximising opportunities to walk and cycle. This is further supported by Policy IN4 Green Infrastructure and Open Space that seeks to protect and enhance the GI network.</p> <p>AVLP Policy EN12 protects against pollution including to air, water, noise, light, soil or other forms. Policy EN13 protects against potential negative effects from derelict, unstable or contaminated land.</p> <p><b>Cultural Heritage:</b> The Belper Mills complex lies at the north end of Belper on the A6; Belper North Mill is at the centre of the UNESCO Derwent Valley Mills World Heritage Site (WHS)<sup>30</sup>.</p> <p>As well as containing such parts of the WHS, the NP4B includes a range of designated heritage assets with some 250 listed buildings and 2 registered parks and gardens. There is also the Belper and Milford Conservation Area<sup>31</sup> covering Belper, Milford and Makeney.</p> <p>Belper is a popular tourist destination which is influenced by the historic character of the settlement<sup>32</sup>.</p> <p>AVBC Policy EN3 recognises the outstanding value of the WHS and includes a buffer zone requiring all development to protect or enhance the WHS, including requirements for a Heritage Impact Statement and that there should be no cumulative adverse effects. This provides mitigation measures, together with the Belper Conservation Area document and requirements set out in emerging AVLP Policies EN4 to EN7. Policy EN17 on quality and design of development should further support mitigation measures.</p> <p><b>Natural resources (soil, water, air):</b> There is no known best and most versatile agricultural land within the town, although the agricultural landscape around the town is important<sup>33</sup>. The Belper area is located within a Drinking Water Surface Water Safeguard Zone and a Source Protection Zone<sup>34</sup>. The river to the west of the town is within Flood Zone 3 and thus subject to flood risk<sup>35</sup>.</p>

<sup>30</sup> <https://whc.unesco.org/en/list/1030>

<sup>31</sup> <https://www.ambervalley.gov.uk/environment-and-planning/planning/community-planning/conservation-areas/conservation-areas-in-amber-valley.aspx>

<sup>32</sup> For example, <https://www.visitpeakdistrict.com/explore/towns-and-villages/belper-p683211>

<sup>33</sup> Defra (2018) Magic Map

<sup>34</sup> Ibid

<sup>35</sup> <https://flood-map-for-planning.service.gov.uk/>

Criteria (Schedule 1 SEA Regulations)	Are significant environmental effects likely? Yes/ No  Justification and evidence	
		<p>There are no designated AQMAs in Amber Valley<sup>36</sup>.</p> <p>Emerging AVLP Policy EN1 Flood Risk should protect/mitigate the NP4B areas from significant effects. Policy EN13 protects against potential negative effects from derelict, unstable or contaminated land.</p> <p><b>Material Assets:</b> The NP4B area does not contain any natural assets, such as commercial forestry/woodlands, and is not located within a designated Mineral Safeguarded Area.</p> <p>AVLP Policies IN1-IN13 address provision and accessibility to supporting infrastructure.</p> <p><b>Landscape:</b> There is no AONB designation within or adjacent to the Parish<sup>37</sup>. Belper Parish is located within the Derbyshire Peak Fringe and Lower Derwent National Character Area, which is described as an undulating, well-wooded, pastoral landscape on rising ground between the Derbyshire Coalfield and the Peak District.</p> <p>The combination of the WHS and topography means that most of the land around the built-up area is classed as high landscape sensitivity with only small areas classified as of medium sensitivity<sup>38</sup>.</p> <p>Much of Belper NP area is located within the Green Belt and these areas are considered to make significant contributions to the Green Belt purposes, including performing a wider function in preventing the coalescence of Derby and Belper along the Derwent Valley. A Green Belt Review has been proposed by the Borough Council to inform identification and consideration of additional sites for proposed allocation in the Local Plan.</p> <p>Emerging AVLP Policy EN10 protects landscape character which should provide strong mitigation for any negative effects and supported by Policy EN17 that sets out details for quality and design of development.</p>
(b) the cumulative nature of the effects	No	AVLP emerging Policy EN17 requires all development to be in scale and character with their surroundings; other policies such EN3 make explicit reference to cumulative impacts.
(c) the transboundary	No	No significant transboundary effects with other EU countries are likely from the proposals.

<sup>36</sup> <https://www.ambervalley.gov.uk/environment-and-planning/pollution/air-pollution/local-air-quality-management.aspx>

<sup>37</sup> Defra (2018) Magic Map

<sup>38</sup> Landscape Sensitivity Study Wardell Armstrong for AVBC 2016 <https://www.ambervalley.gov.uk/environment-and-planning/planning/community-planning/local-plan-2016/landscape-sensitivity-study.aspx>

<b>Criteria (Schedule 1 SEA Regulations)</b>	<b>Are significant environmental effects likely? Yes/ No  Justification and evidence</b>	
nature of the effects		
(d) the risks to human health or the environment (for example, due to accidents)	No?	<p>There is no known contaminated land within the NP4B area, which could pose a risk to human health, although the proposed sites include previously developed land. There is no designated AQMA, indicating that poor air quality is not an issue.</p> <p>There are areas of land within flood risk zones in the NP4B area and these potential risks/effects should be mitigated by national policy and the regulatory regime through the environmental regulator, but they are of concern at the local planning level. Emerging AVLP Policy EN1 addresses the sequential approach to Flood Risk Management and this should provide adequate mitigation.</p> <p>AVLP Policy EN12 protects against pollution including to air, water, noise, light, soil or other forms. Policy EN13 protects against potential negative effects from derelict, unstable or contaminated land.</p>
(e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);	Yes	<p>The geographical size and numbers of dwellings proposed through NP4B Policies NPP15-22 are significant to the spatial extent and the population of the NP area that are likely to be affected.</p> <p>Whilst some of these proposed site allocations have been tested through SEA as part of the SA/SEA process of assessing the reasonable options for potential allocation in the emerging AVLP, it is not clear that all sites have been subject to previous SA/SEA. Furthermore, the sites proposed within the NP4B have been informed by more detailed studies and evidence than was available to SA of the AVLP.</p>
(f) 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;	Yes	<p>The NP4B includes international heritage designation with the Derwent Valley Mills WHS.</p> <p>There are no international biodiversity designations within the NP area.</p> <p>The area also does include national and local cultural heritage value.</p> <p>There are features of national importance, including a Conservation Area, Listed Buildings, SSSIs, Priority Habitats together with high sensitivity for the local landscape.</p>
(g) the effects on areas or landscapes	Yes?	As stated above, the NP4B is within the internationally designated World Heritage Sites and includes

Criteria (Schedule 1 SEA Regulations)	Are significant environmental effects likely? Yes/ No  Justification and evidence	
which have a recognised national, Community or international protection status.		<p>landscape/townscape features that could be affected by development through the NP4B.</p> <p>The NP4B area includes the locally designated Conservation Area and there are Listed Structures in the area.</p> <p>There is protection and mitigation provided in the emerging AVLP Policies to protect the landscape and historic environment; whilst these have been through consultation – and examination is ongoing - and thus carry considerable weight, they have not yet been adopted and so could be subject to change.</p>