

**THE ENVIRONMENTAL ASSESSMENT OF PLANS AND  
PROGRAMMES REGULATIONS 2004  
REGULATION 9 SCREENING DETERMINATION:  
Belper Neighbourhood Plan**

# **THE ENVIRONMENTAL ASSESSMENT OF PLANS AND PROGRAMMES REGULATIONS 2004**

## **REGULATION 9 SCREENING DETERMINATION:**

### **Belper Neighbourhood Plan**

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

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.

Following consideration of the above and the responses of the consultation bodies the Council, being the 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).

### **Reasons for the Decision**

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.

### **Habitats Regulations Assessment (HRA) Screening**

It is also necessary to consider whether a Habitats Regulations Assessment (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.

There are no Special Protection Areas (SPAs), Special Areas of Conservation (SACs) or Ramsar sites within Amber Valley Borough's boundary. The HRA Report 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.

### **Further Information**

A copy of this determination has been sent to the Consultation Bodies and made available on the Council's website at [www.ambervalley.gov.uk](http://www.ambervalley.gov.uk)

It will also be available on request during normal office hours at:

Amber Valley Borough Council  
Town Hall  
Market Place  
Ripley  
Derbyshire  
DE5 3BT

If you require any further information, then please contact the Planning Policy Team by e-mail: [LDF@ambervalley.gov.uk](mailto:LDF@ambervalley.gov.uk) or by calling 01773 841585.

Date: 09 November 2018

Date: 25 October 2018  
Our ref: 261524



Rachael Coates  
Amber Valley Borough Council

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Dear Ms Coates

### **Belper Neighbourhood Plan - SEA Screening Opinion**

Thank you for your consultation on the above dated 15 October 2018 which was received by Natural England on 15 October 2018.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

#### **Screening Request: Strategic Environmental Assessment**

It is our advice, on the basis of the material supplied with the consultation, that, in so far as our strategic environmental interests are concerned (including but not limited to statutory designated sites, landscapes and protected species, geology and soils) are concerned, that there are unlikely to be significant environmental effects from the proposed plan.

#### **Neighbourhood Plan**

Guidance on the assessment of Neighbourhood Plans in light of the SEA Directive is contained within the [National Planning Practice Guidance](#). The guidance highlights three triggers that may require the production of an SEA, for instance 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 may have significant environmental effects that have not already been considered and dealt with through a sustainability appraisal of the Local Plan.

We have checked our records and based on the information provided, we can confirm that in our view the proposals contained within the plan will not have significant effects on sensitive sites that Natural England has a statutory duty to protect.

We are not aware of significant populations of protected species which are likely to be affected by the policies / proposals within the plan. It remains the case, however, that the responsible authority should provide information supporting this screening decision, sufficient to assess whether protected species are likely to be affected.

Notwithstanding this advice, Natural England does not routinely maintain locally specific data on all potential environmental assets. As a result the responsible authority should raise environmental issues that we have not identified on local or national biodiversity action plan species and/or habitats, local wildlife sites or local landscape character, with its own ecological and/or landscape advisers, local record centre, recording society or wildlife body on the local landscape and biodiversity receptors that may be affected by this plan, before determining whether an SA/SEA is necessary.

Please note that Natural England reserves the right to provide further comments on the environmental assessment of the plan beyond this SEA/SA screening stage, should the responsible authority seek our views on the scoping or environmental report stages. This includes any third party appeal against any screening decision you may make.

Yours sincerely

David Allinton  
Consultations Team



Historic England

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Our ref: PL00489649

2 November 2018

Dear Ms Coates

### **BELPER NEIGHBOURHOOD PLAN - SEA SCREENING REQUEST**

Thank you for the consultation on the SEA Screening Report for the Belper Civic Parish Neighbourhood Plan.

For the purposes of consultation on SEA Screening Opinions, Historic England confines its advice to the question, "Is it likely to have a significant effect on the environment?" in respect of our area of concern, cultural heritage. Our comments are based on the information supplied with the screening request.

On the basis of the information supplied, including that set out in the draft neighbourhood plan, and in the context of the criteria set out in Schedule I of the Environmental Assessment Regulations [Annex II of 'SEA' Directive], Historic England is of the view that the preparation of a Strategic Environmental Assessment, at a level commensurate with the plan, is likely to be required should the proposed development sites be pursued as set out currently in the Draft Plan.

The sites are not included within the existing development plan, and the majority are not included in the emerging Local Plan so have not been subject to assessment through any SEA or SA. As such, it is not clear how any impact has been assessed in respect of heritage assets, designated or non-designated, including potential non-designated heritage assets of archaeological interest.

The views of the other statutory consultation bodies should be taken into account before the overall decision on the need for a SEA is made. If a decision is made to undertake a SEA, please note that Historic England has published guidance on Sustainability Appraisal/Strategic Environmental Assessment and the Historic Environment that is relevant to both local and neighbourhood planning and available at <https://historicengland.org.uk/images-books/publications/sustainability-appraisal-and-strategic-environmental-assessment-advice-note-8/>

Should it be agreed that an SEA is required Historic England would be pleased to



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input to scoping parameters as part of a further consultation.

We hope that this information is of use to you at this time. Do not hesitate to contact me should you have any queries.

Yours sincerely,



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*Historic England is subject to both the Freedom of Information Act (2000) and Environmental Information Regulations (2004). Any Information held by the organisation can be requested for release under this legislation.*

Ms. Rachael Coates - Principal  
Community Planning Officer  
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DE5 3SZ

**Our ref:** LT/2006/000231/OR-  
07/IS1-L01

**Your ref:**

**Date:** 16 October 2018

Dear Ms. Coates

## **Belper SEA Screening Opinion**

Thank you for consulting the Environment Agency on this SEA screening opinion. Whilst it is not the remit for the EA to decide upon whether an SEA is required or not, and is the requirement of the Local Planning Authority (LPA). However, we can highlight any environmental impacts that may impact upon any of the designated sites.

## **Proposed Housing Allocations**

The proposed housing allocations NPP16, NPP17, NPP18, NPP19, NPP20 & NPP21 all have some parts of their proposed site allocations within flood zones. Where the proposals are not for change of use applications then the sequential test will need to be undertaken. The NPPF and associated Planning Practice Guidance (PPG) is quite clear that the flood risk sequential test is not required for change of use proposals. However, any change of use applications still have to meet the other detailed requirements of the NPPF and PPG, namely that they will need to demonstrate the safety of the development and future occupants over the lifetime of the development. Given that NPP15, NPP16 & NPP17, are existing mills, and are also part of Amber Valley submitted Local Plan we would expect that that these sites are being classified as change of use. However, if the proposals are for any new development then this will require the sequential test being undertaken. Please note that NP15 & NP16 are situated in flood zones 3b, which would usually discount the majority of development as per the requirements of the NPPF. The PPG does propose exceptions of 'solid buildings' if they are already in an areas that would naturally flood'.

Some of the other allocations, NPP19 & NPP20 have parts of 3b within the proposed allocation area. The same comments would apply for these as well. The rest of the sites are also within flood zones and if new development is proposed then the sequential test will need to be undertaken where new development is proposed within the allocation areas.

We look forward to being consulted on the draft Belper Neighbourhood Plan in the future to go into more detail on the above comments.

Yours sincerely

**Mr Joseph Drewry**  
**Planning Specialist**

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End