

**Draft Strategic Environmental Assessment  
Screening Report  
Of the  
Swanwick  
Neighbourhood Development Plan**

**Prepared by Amber Valley Borough Council  
On behalf of  
Swanwick Parish Council**

September 2015

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## **1. Introduction**

This screening report determines whether or not the Swanwick Development Plan require a Strategic Environmental Assessment (SEA), and/or a Habitats Regulations Assessment (HRA) in accordance with the European Directive 2001/42/EC, and the requirements of the Conservation of Habitats and Species Regulations 2010 (as amended in 2012).

## **2. Relationship to other plans and programmes**

Once made the Neighbourhood Plan will form part of the development plan for Amber Valley. The policy framework once made will not work in isolation. The Neighbourhood Development Plan will work alongside the adopted Local Plan policies at the time it is made.

The Neighbourhood Plan must have regard to national policy (National Planning Policy Framework); be in general conformity with the strategic policies in the adopted Local Plan; must contribute to the achievement of sustainable development and meet EU Obligations and Human Rights requirements.

The current adopted Local Plan for the area is the Amber Valley Borough Local Plan Adopted 2006 although Amber Valley Borough Council is currently preparing a new plan for the Borough. This will be developed in two parts; Local Plan Part 1 Core Strategy and Part 2 Site Allocations and Development Management Policies Document. The preparation of the Local Plan Part 1 Core Strategy is well advanced and it sets out the overall vision, strategic objectives, spatial strategy and strategic planning policies for the Borough to 2028. Several of the policies within the existing Amber Valley Borough Local Plan are saved, to be retained alongside the Local Plan Part 1 Core Strategy until such time that they are to be replaced by Part 2 Site Allocations and Development Management Policies Document. Preparation of Part 2 is anticipated to begin in 2016.

### **3. Strategic Environmental Assessment Screening Legislative Background and Methodology**

European Directive 2011/42/EC requires a Strategic Environmental Assessment (SEA Directive) to be carried out for certain plans and programmes to assess their effects on the environment.

Neighbourhood Development Plans fall within the scope of legislation. They are a plan as defined by Article 3(2) of the SEA regulations and Regulation 5 paragraph 2 of the Environmental Assessment of Plans and Programmes Regulations 2004. However, Neighbourhood Plans are land use planning documents prepared at the local level to determine land use in a small area.

Under Article 3(2) of the SEA Directive and Regulation 5 paragraph 6 of the Environmental Assessment of Plans and Programmes Regulations 2004, Strategic Environmental Assessment (SEA) is only required for documents that determine land use in small areas at the local level where it is considered that they are likely to have 'significant environmental effects'. This is carried out through a screening determination.

### **4. Screening methodology**

The role of the screening exercise is to determine whether the effect of the implementation of a plan or programme is likely to have a significant effect on the environment.

The criteria for assessing whether a plan or programme is likely to have a significant environmental effect are set out in the SEA Directive and the Environmental Assessment of Plans and Programmes Regulations 2004.

The assessment criteria used to determine whether a plan or programme will have significant environmental effects are separated into two categories:

- Those relating to the characteristics of the plan; and
- Those relating to the characteristics of the plan's effects and of the area likely to be affected

## 5. Summary of Plan

| <b>Table 1: Details of Neighbourhood Plan</b> |   |
|---|---|
| <b>Name of Neighbourhood Plan</b>             | Swanwick Development Plan   |
| <b>Geographic Coverage of Plan</b>            | <p>The parish of Swanwick.</p> <p>The neighbourhood area centred on the village of Swanwick with which lies between the settlements of Alfreton and Ripley. The area has a population of 5084 with a total of approximately 2223 households. To the north lies an existing employment site and to the south lies an area of Green Belt.</p> <p>The neighbourhood area includes</p> <ul style="list-style-type: none"> <li>• 8 Listed Buildings</li> <li>• 2 Wildlife Sites</li> <li>• 1 area of Protected Open Land</li> <li>• 32 Tree Preservation Orders (single trees)</li> <li>• 1 Blanket Tree Preservation Orders covering several areas and woodlands</li> </ul>                 |
| <b>Key topics/scope of Plan</b>               | <p>The Plan contains the following themes:</p> <ul style="list-style-type: none"> <li>• Sustainable Development</li> <li>• Landscape and Environment</li> <li>• Protection of Open Land</li> <li>• Improvement of parks, open spaces and green corridors</li> <li>• Pedestrian and cycle links</li> <li>• Design</li> <li>• Village facilities</li> <li>• Mix and affordable Housing</li> <li>• Support for Local Businesses</li> </ul>   |
| <b>Key Objectives</b>                         | <p>Objectives for the Neighbourhood Area:</p> <ul style="list-style-type: none"> <li>• To ensure that all new development is located where it does not detract from the village's setting and maintains Swanwick's physical separation from Alfreton, Somercotes and Ripley.</li> </ul> <p>On land to the west of Derby Road secure a community park which is well connected by footpaths and cycle routes to Swanwick and ensure it will also provide structural landscaping to reduce the impact of any future development on the setting of the village.</p> <ul style="list-style-type: none"> <li>• To protect the land between Sleetmoor Lane and the Thornton's site.</li> </ul> |

|  |   |
|--|---|
|  | <ul style="list-style-type: none"><li>• To ensure that the design of new development enhances the character of the village.</li><li>• To ensure that views into the countryside from the village are retained and enhanced.</li><li>• To ensure that planning gain from all development is maximised for the benefit of the village.</li><li>• To protect and improve the parks and open spaces in the Parish.</li><li>• To support and enhance the provision of retail and community facilities in the centre of the village to meet local need</li><li>• To increase the provision of community facilities across the Plan area</li><li>• To ensure that the community is consulted early in the planning application process</li></ul> |
|--|---|

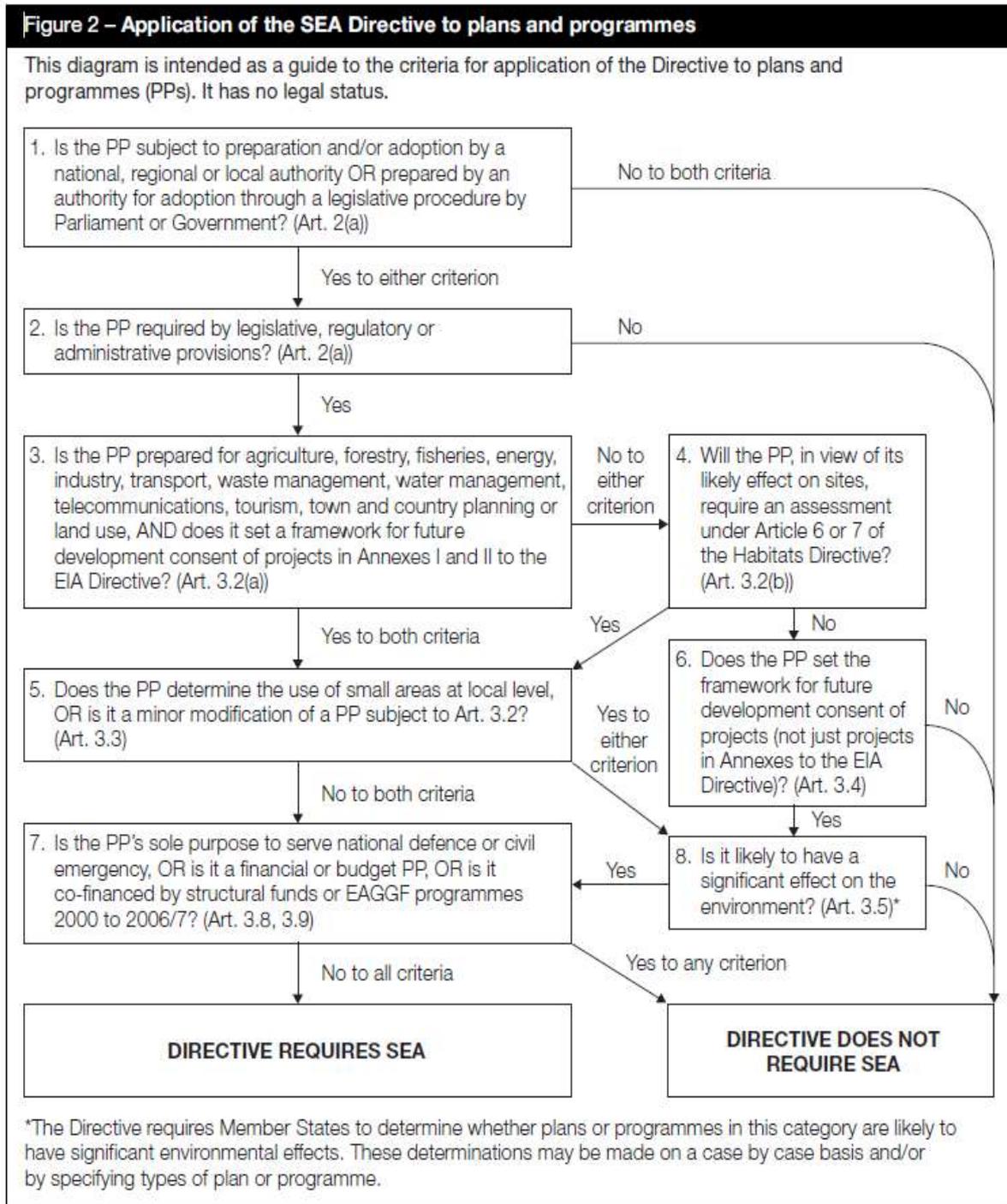
## 6. Assessment

| <b>1. Assessment of the significant environmental effects of the Idrighay &amp; Alton and Ashleyhay Draft Neighbourhood Development Plan</b>  |  |  |
|---|--|--|
| <b>Characteristics of the Plan</b>  | <b>Significant Environment Effect?</b> | <b>Summary of Significant Effects</b>  |
| <b>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</b> | No                                     | <p>The Neighbourhood Plan is a local level land use planning document to determine land use in a small area. Once made, it will work within the planning policy framework of the Local Plan for the borough.</p> <p>The Neighbourhood Plan will provide a local planning policy framework for Swanwick. It is required to be in general conformity with the strategic policies of the adopted Local Plan. The Neighbourhood Plan will not impact on the strategic location, nature, size and operating conditions of new development over and above that set by current adopted Local Plan or emerging Local Plan for the borough. It will however provide local level guidance within the strategic framework on the nature of development in the Neighbourhood Area should be brought forward and the mitigation and enhancement measures required in order to minimise impacts. The Neighbourhood Plan policies will work alongside the strategic policies in the development plan; other development management measures and environmental protection legislation.</p> |
| <b>The degree to which the plan or programme influences other plans and programmes including those in a hierarchy</b>   | No                                     | <p>The Neighbourhood Plan will be the lowest level of planning policy for the area. It has to be in general conformity with strategic policies of the adopted Local Plan and must contribute to the achievement of sustainable development. It will therefore have limited influence over changing the policies in the plans at the higher level or lead to the development of further plans below it.</p>   |
| <b>The relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development</b>  | No                                     | <p>The Neighbourhood Plan is required under legislation to contribute to the achievement of sustainable development. This is one of the basic condition tests. Whether this basic condition is met will be tested during the examination of the Neighbourhood Plan. However, the framework for the promotion of sustainable development is set by the Government's Strategy for Sustainable Development, the National Planning Policy Framework and the policies in the adopted and emerging Local Plan's for the borough. The Neighbourhood Plan will have limited influence over changing the sustainable development policies in the plans and policies at the higher strategic level.</p>  |

|  |           |   |
|--|-----------|---|
| <p><b>The relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development</b></p>                            | <p>No</p> | <p>The Neighbourhood Plan is required under legislation to contribute to the achievement of sustainable development. This is one of the basic condition tests. Whether this basic condition is met will be tested during the examination of the Neighbourhood Plan. However, the framework for the promotion of sustainable development is set by the Government's Strategy for Sustainable Development, the National Planning Policy Framework and the policies in the adopted and emerging Local Plan's for the borough. The Neighbourhood Plan will have limited influence over changing the sustainable development policies in the plans and policies at the higher strategic level.</p> |
| <p><b>What are the environmental problems relevant to the plan or programme?</b></p>   | <p>No</p> | <p>The Sustainability Appraisal documents produced for the Local Plan Part One (Core Strategy) is a comprehensive overview of the issues in Amber Valley. There are no specific additional environmental problems identified for the Swanwick area.</p>   |
| <p><b>The relevance of the plan or programme for the implementation of Community legislation on the environment (e.g. plans and programmes linked to waste-management or water protection)</b></p> | <p>No</p> | <p>The Neighbourhood Development Plan will have no direct role in the delivery of community legislation on the environment. It does not include policies on these matters.</p>  |

| <b>2. Characteristics of the effects and of the area likely to be affected, having regard in particular to:</b>  |                                |  |
|--|--------------------------------|--|
| <b>The probability, duration, frequency and reversibility of the effects</b>   | No                             | The Neighbourhood Plan will be used in the decision making process and resultant development is likely to have an impact on the environment. The impacts will vary but implementation of the policies and proposals in the Neighbourhood Plan are likely to be small-scale without significant impact.   |
| <b>The cumulative nature of the effects of the Plan</b>  | No                             | The Neighbourhood Plan is not allocating any sites for future development and the policies should be in general conformity with the strategic policies.  |
| <b>The trans-boundary nature of the effects of the Plan</b>  | No                             | There are not expected to be any significant trans-boundary effects.   |
| <b>The risks to human health or the environment (e.g due to accidents)</b>   | No                             | There are no significant risks to human health.  |
| <b>The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected) by the Plan.</b>   | No                             | The Neighbourhood Plan covers the parish of Swanwick only, therefore it is local and at a small scale.   |
| <b>The value and vulnerability of the area likely to be affected by the Plan due to:</b> <ul style="list-style-type: none"> <li>- <b>Special natural characteristics or cultural heritage</b></li> <li>- <b>Exceeded environmental quality standards or limit values; or</b></li> <li>- <b>Intensive land use</b></li> </ul> | No<br><br><br>No<br><br><br>No | <p>The Neighbourhood Plan area does not include any areas of special natural characteristics. The area does include heritage assets and the Neighbourhood Plan includes policies which seek to protect them.</p> <p>The proposals in the neighbourhood plan influence development at a local scale and there are no expectations that environmental quality standards or limit values will be exceeded.</p> <p>The neighbourhood plan is not allocating and sites for future development</p> |
| <b>The effects of the Plan on areas or landscapes which have recognised national, community or international protection status.</b>  | No                             | The plan is not allocating any sites for development and the policies within it seek to protect the distinctive areas of interest to the community.  |

The diagram below illustrates the process for screening a planning document to ascertain whether a full SEA is required.



The table below shows the assessment of whether the Neighbourhood Plan will require a full SEA. The questions below are drawn from the diagram above which sets out how the SEA Directive should be applied.

| Stage  | Y/N | Reason   |
|--|-----|--|
| 1. Is the PP (plan or programme) subject to preparation and/or adoption by a national, regional or local authority OR prepared by an authority for adoption through a legislative procedure by Parliament or Government? (Art. 2(a))   | Yes | The Neighbourhood Development Plan once independently assessed and subject to referendum, needs to be formally made by the Local Planning Authority to be brought into force.  |
| 2. Is the PP required by legislative, regulatory or administrative provisions? (Art. 2 (a))  | No  | The Plan is being undertaken voluntarily by the Parish Council in accordance with the provisions set out in the Localism Act 2011.   |
| 3. Is the PP prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, telecommunications, tourism, town and country planning or land use, AND does it set a framework for future development consent of projects in Annexes I and II to the EIA Directive? (Art. 3.2 (a)) | No  | The Plan has been prepared for town and country planning purposes however it sets a framework for future development consent but not for projects in Annexes I and II to the EIA Directive (Art. 3.(a))  |
| 4. Will the PP, in view of its likely effect on sites, require an assessment for future development under Article 6 or 7 of the Habitats Directive? (Art. 3.2 (b))   | No  | The closest Special Areas of Conservation and Special Protected Areas are outside of the Borough and the effects on these sites are not considered to be significant.  |
| 5. Does the PP determine the use of small areas at local level, OR is it a minor modification of a PP subject to Art. 3.2? (Art. 3.3)  | No  | The Neighbourhood Plan does not allocate any sites for land use and it is not a minor modification.  |
| 6. Does the PP set the framework for future development consent of projects (not just projects in annexes to the EIA Directive)? (Art.3.4)   | Yes | When adopted, Neighbourhood Plans will be statutory planning documents. They will form part of the Local Development Framework and so will have significant weight in planning decisions. The responsibility for development consent will remain with the Local Authority. |

|   |    |  |
|---|----|--|
| 7. Is the PP's sole purpose to serve the national defence or civil emergency, OR is it a financial or budget PP, OR is it co-financed by structural funds or EAGGF programmes 2000 to 2006/7? (Art. 3.8, 3.9) | No | N/A  |
| 8. Is it likely to have a significant effect on the environment? (Art. 3.5)   | No | The Neighbourhood Plan must be prepared in conformity with the Core Strategy. The development of the Core Strategy was subject to a detailed SA which complied with European Directive 2001/42/EC. No likely significant effects have been identified. |

## 7. Screening Outcome

As a result of the assessment, it is unlikely there will be any significant environmental effects arising from the Swanwick Neighbourhood Development Plan that were not covered in the Sustainability Appraisal of the Core Strategy.

## **8. Habitats Regulations**

### **Legislative Background**

The Conservation of Habitats and Species Regulations 2010 (as amended in 2012) transpose the requirement of the European Habitats Directive 92/43/EEC into UK law. The Habitats Directive and Regulations afford protection to plants, animals and habitats that are rare and vulnerable in a European context.

Habitats Regulations Assessment (HRA) is a systematic process through which the performance of a plan or project can be assessed for its likely impact on the integrity of a European Site. European Sites, also referred to as Natura 2000 sites, consist of Special Protection Areas (SPA), Special Areas of Conservation (SAC); Potential Special Protection Areas and candidate Special Areas of Conservation (pSPA and cSAC); and listed or proposed Ramsar sites.

Article 6(3) of the Habitats Directive states: 'Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans and projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives'.

The first stage of HRA is to screen a plan or programme to identify if there are likely to be any significant effects on Natura 2000 sites. This will indicate whether a full Appropriate Assessment is required. The regulations require that the impact and effects of any land use plan being assessed are considered in combination with other plans and projects that may also be affecting the relevant European site(s).

### **Context**

There are no European sites that occur within the neighbourhood area or Amber Valley Borough. The closest sites to the Borough are:

- Peak District Dales SAC;
- South Pennine Moors SAC;
- Peak District Moors (South Pennine Moors Phase 1) SPA;
- Gang Mines SAC; and
- Bees Nest and Green Clay Pits SAC

These sites are shown on Figure 1

### **Conclusion**

The Habitats Regulation Assessment that was carried out for the Amber Valley draft Core Strategy concluded that there would be no impacts other than recreational pressure and disturbance and those other effects, such as reduced air quality or changed in water availability, were scoped out of the assessment.

In relation to recreational pressure, it was concluded that the scale of development proposed in the emerging Local Plan Part 1 Core Strategy, alone and in combination

with other plans and projects, was unlikely to have a significant effect on the European Sites identified and were screened out of the Assessment.

It is considered that as the Swanwick Neighbourhood Development Plan would not lead to the allocation of additional housing sites and the requirements of the policies do not go beyond those contained in the emerging Local Plan Part 1 Core Strategy the Neighbourhood Development Plan would not therefore require an Appropriate Assessment.