

Final Strategic Environmental Assessment Screening Determination

Freshwater Neighbourhood Development Plan

Isle of Wight Council

December 2017

Introduction

European Union Directive 2001/42/EC requires a strategic environmental assessment (SEA) to be undertaken for certain types of plans or programmes that would have a significant environmental effect. It is the Isle of Wight Council's responsibility to determine whether an SEA is required on plans within its authority area. The Environmental Assessment of Plans and Programmes Regulations 2004 (the regulations) require that this is determined by a screening process, which should use a specified set of criteria (set out in Schedule 1 of the Regulations). The results of this process must be set out in an SEA Screening Statement, which must be publicly available. Before the Council make a formal determination, there is a requirement to consult three statutory consultation bodies designated in the regulations (Historic England, Environment Agency and Natural England) on whether an environmental assessment is required.

The Isle of Wight Council consulted (to fulfil the requirements of Regulation 16) on the proposed Freshwater Neighbourhood Development Plan (FNDP) and supporting documents. This included the Sustainability Appraisal and the Strategic Environmental Assessment/Habitats Regulations Screening Report. The consultation ran from Friday 13th January 2017 to Monday 27th February 2016.

The FNDP was submitted for examination on 30th March 2017. The council received the examiner's report on 7th December 2017. The report recommended a number of modifications in order to ensure the plan's compliance with the basic conditions. Following discussions between Freshwater Parish Council's FNDP steering group and council officers, the examiner's proposed modifications were agreed. The council has carried out a screening of the proposed modifications in order to determine if any are likely to have significant environmental effects which were not previously assessed and, thereby, require further consideration of the likely effects of the plan through the Strategic Environmental Assessment process.

This document is the Screening Determination of the need to carry out a Strategic Environmental Assessment on the post-examination proposed changes for the Freshwater Neighbourhood Development Plan and is made in accordance with the regulations. Where the council determines that a SEA is not required then under Regulation 9(3) the council must prepare a statement setting out the reasons for this determination. **This statement is the Isle of Wight Council's Regulation 9(3) statement.**

What assessment work has been carried out so far?

A Sustainability Appraisal (SA) was carried out on the proposed FNDP by John Brownscombe Rural, Environmental and Landscape Consultancy, subsequently amended by the Isle of Wight and published in August 2017 and was one of the documents formally submitted to the examiner (listed under Publicity Consultation (Regulation 16)) as part of fulfilling Regulation 17.

The sustainability issues have been used to formulate the sustainability objectives which form the basis of the Sustainability Framework. The development of the Framework is set out in Table 1 of the full SA/SEA and is based on the Sustainability Framework for the Core Strategy of the Island Plan being the overarching spatial planning policy document for the area.

In order to comply with the SEA regulations, the environmental effects of options and approaches have also been tested for their significance against the criteria contained in Annex II of the Regulations. This was then further simplified into a table relevant to the Neighbourhood Plan by only including those elements identified as being relevant. The SA of the proposed FNDP determined that the neither the objectives of the plan, nor the plan itself, have any significant negative effects.

Figure 1: Conclusions of the Sustainability Appraisal of the proposed Freshwater Neighbourhood Development Plan

How has this assessment helped to shape the Draft Freshwater Neighbourhood Plan?

The Sustainability Appraisal has concluded that the implementation of the Freshwater Neighbourhood Plan will result in no negative impact on local sustainability objectives within Freshwater Parish. The overall effect of implementing the plan resulting in appropriate sustainable development in Freshwater, thereby contributing and conforming to the Island Plan and National Planning Policy.

SEA Screening Assessment of proposed policy changes to the Freshwater Neighbourhood Development Plan

Requirement for screening

National Planning Practice Guidance (NPPG) provides advice on the correct process to determine if the environmental report will have to be amended if modifications to the neighbourhood plan are proposed at examination. While it is the role of the independent examiner of a [neighbourhood plan](#) to test whether the plan meets (or can be modified to meet) the basic conditions and will make recommendations to the local planning authority; it is then up to the local planning authority to reach its own view, informed by the examiner's report.

The NPPG states that;

“If the local planning authority assesses that the proposed changes are likely to have significant environmental effects which were not previously assessed then the strategic environmental assessment should be continued and the environment report amended accordingly in consultation with the qualifying body”

Paragraph: 043 Reference ID: 11-043-20140306, Revision date 06 03 2014

Therefore the council in its role as the local planning authority has carried out a screening of the changes proposed in order to determine if any of these are likely to have significant environmental effects which were not previously assessed and thereby require further consideration of the likely effects of the plan through the Strategic Environmental Assessment process.

Approach

The strategic environmental assessment should only focus on what is needed to assess the likely significant effects of the [neighbourhood plan](#). It should focus on the environmental impacts which are likely to be significant. It does not need to be done in any more detail, or using more resources, than is considered to be appropriate for the content and level of detail in the neighbourhood plan.

To decide whether the proposed changes might have significant environmental effects, the potential scope of the changes should be assessed against the criteria set out in Schedule 1 to the [Environmental Assessment of Plans and Programmes Regulations 2004](#) (see Appendix 1). Table 1 assesses the scope of the proposed changes in terms of potential effects. Table 2 then considers the outcomes of Table 1 (i.e. potential effects) against the Schedule 1 criteria.

All of the proposed modifications considered in this screening report were recommended by the examiner.

Table 1: Are the proposed modifications to the proposed Freshwater Neighbourhood Development Plan likely to have significant environmental effects which were not previously assessed?

Document Ref	Proposed change (Where the Examiner recommend modifications they appear as bullet points in bold text . Where the Examiner suggested specific changes to the wording of the policies they appear in <i>bold italics</i> .)	Reason for change	Scope of Proposed Changes (potential effects)
4.0 Compliance with matters other than the basic conditions	<ul style="list-style-type: none"> • Add a sentence to the Plan to indicate the time period is 2015 – 2027 to align with the Island Plan. 	To align with the Island Plan.	0
6.0 Detailed comments on the Plan and its policies	<ul style="list-style-type: none"> • Add titles to each of the policies 	Help with clarity and user friendliness	0
Policy FNP 1	<ul style="list-style-type: none"> • Add the word “<i>sustainable</i>” after “future” and before “growth” in the policy 	Help to achieve sustainable development	+
Policy FNP 2	<ul style="list-style-type: none"> • Reword Policy FNP 2 to read: <i>“A new Town Centre area is defined and shown on Map XX [insert number/title] as: + Avenue Road, from Princes Road to Queens Road, including Avenue Road car park. + School Green Road, from Queens Road to Moa Place. Applications that result or contribute to a mix of Use Classes A1 to A5 uses will be encouraged and supported in this defined Town Centre area, reflecting changing retail patterns.</i> There will be a presumption against business uses converting to residential uses when the building or site in question is part of a <i>Primary Retail Frontage (as defined in the Island Plan).</i>” • Insert a plan showing the newly defined Town Centre • Delete the first sentence from the fifth bullet point on page 7 of the 	In the interests of clarity and providing a practical framework.	0

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	<p>Plan that reads: “In reaching this primary retail frontage (please see map in appendix) the community has been consulted.”</p> <ul style="list-style-type: none"> • Delete the sixth bullet point on page 7 of the Plan in its entirety 		
Policy FNP 3	<ul style="list-style-type: none"> • Add “<i>appropriately located</i>” after “...presumption in favour of...” and before “...small scale employment units...” 	To meet the basic conditions.	0
Policy FNP 4	<ul style="list-style-type: none"> • Amend Policy FNP 4 to read: <p><i>“The Neighbourhood Plan will not support applications which seek to remove public parking provision in the Town Centre unless it can be demonstrated that there is satisfactory and permanently available surplus or replacement parking spaces within reasonable walking distance of the Town Centre.”</i></p> <ul style="list-style-type: none"> • Change the reference to the “primary shopping frontage” in the first bullet point under Policy FNP 4 on page 8 of the Plan to “Town Centre” 	To address concern over clarity.	0
Policy FNP 5	<ul style="list-style-type: none"> • Reword the policy to read: <p><i>“New and enhanced high quality tourism and tourism related development, including a range of accommodation, will be encouraged across the Parish in suitable locations. Such development in the tourist destinations of Freshwater Bay, Colwell Bay and Fort Victoria will be particularly encouraged.”</i></p>	To meet the basic conditions.	0
Policy FNP 6	<ul style="list-style-type: none"> • Delete criterion a) in its entirety [renumber the remaining criteria in 	To ensure that	+

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	<p>the final version of the Plan]</p> <ul style="list-style-type: none"> • Reword criterion b) to read: “be compatible with the distinctive character of the area, respecting the local settlement pattern and building styles and materials <i>and with reference to the Freshwater Village Design Statement.</i>” • Reword criterion c) to read: “<i>conserve and enhance all heritage assets taking account of their significance.</i>” • Reword criterion d) to read: “protect, and take every available opportunity to enhance landscape and biodiversity including through the incorporation of landscaping appropriate to the site’s context and character of the local area.” • Reword criterion e) to read: “conserve and, where possible, enhance the views referred to in the evidence document “Most Valued Views”. Any development within these areas must ensure that key features of these views can continue to be enjoyed.” • Reword criterion g) to read: “allow for the provision of infrastructure requirements such as utility company structures and seek to minimise any adverse impact on the village amenities and services.” 	<p>attributes are always taken into account and through reference to the VDS where this applies.</p>	
FNP 7	<ul style="list-style-type: none"> • Change criterion b) to read: “<i>Any development proposals that generate</i>” 	<p>To meet the basic conditions.</p>	<p>0</p>

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	<p><i>an increased need for parking must provide a satisfactory amount of, and suitable, off-street parking. The specific amount of parking provision will be determined on a case by case basis taking into account the type, mix and use of the development and its location. In the case of residential development, satisfactory off-street parking provision should be provided taking into account the tenure and location of the site unless it can be satisfactorily demonstrated that alternative and appropriately located provision is permanently available.</i></p>		
FNP 8	<ul style="list-style-type: none"> • Reword the policy so it reads: <p><i>“Applicants must demonstrate that where development involves lighting, that lighting is necessary and the effect on the night sky is acceptable.”</i></p> <ul style="list-style-type: none"> • Change the reference to “(see map page 10)” in the first paragraph on page 14 of the Plan to “(see map page 4)” • Renumber Objective “FNP 11” “FNP 10” and “FNP 12” “FNP 11” 	In order then to take account of national policy and to provide additional clarity.	0
	<ul style="list-style-type: none"> • Change the reference to “(see map page 10)” in the first paragraph on page 14 of the Plan to “(see map page 4)” • Renumber Objective “FNP 11” “FNP 10” and “FNP 12” “FNP 11” 	In order to provide a practical framework, to avoid this confusion.	0
FNP 9	<ul style="list-style-type: none"> • Amend Policy FNP 9 to read: <p><i>“High quality and sympathetic conversion of rural buildings or well designed new buildings are supported where they would:</i></p> <ul style="list-style-type: none"> <i>a) be compatible with agricultural practices and</i> <i>b) have an acceptable visual impact and</i> 	Modifications of the policy so that it has more precision and is positively worded to take account of national policy and	+

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	<p><i>c) respect the local character and tranquility of the surrounding landscape and countryside and</i> <i>d) have an acceptable impact on the living conditions of neighbouring occupiers."</i></p>	<p>guidance recommended. Modification will also take account of comments from Historic England and IWC</p>	
FNP 10	<ul style="list-style-type: none"> Amend Policy FNP 10 to read: <i>"Applications outside the settlement boundary for employment and tourism must protect or enhance the rural character and tranquility of the area. Applicants will need to demonstrate how the development will impact on the character and tranquility of the area and set out how the design, materials and landscaping will contribute to the protection and enhancement of the area in which the development is located."</i> 	<p>Ensure that account is taken of national policy in the NPPF and CS Policy SP5, also takes account of comments made by Historic England.</p>	+
Policy FNP 11	<ul style="list-style-type: none"> Insert "<i>West Wight Coastal Strategy and</i>" before "latest Shoreline Management Plan if applicable." Revise justification text to include reference to the West Wight Coastal Strategy 	<p>Takes account of national policy and guidance and will help achieve sustainable development.</p>	+
Policy FNP 12	<ul style="list-style-type: none"> Change "land designation" in Objective FNP 12 to "land designations" and add "<i>as shown on the map on page 4 of the Plan</i>" after this phrase Reword Policy FNP 12 to read: 	<p>In order to meet the basic conditions, ... does not afford strong enough protection to biodiversity and the</p>	+

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	<p><i>“All development throughout the Parish should protect and, where possible, enhance biodiversity and ecological networks including wildlife corridors such as hedgerows and water courses.”</i></p>	natural environment.	
Policy FNP 13	<ul style="list-style-type: none"> • Add the word “<i>demonstrated to be</i>” before “not available” in criterion b) • Replace the Fort Victoria Country Park map on page 20 with a more detailed map that shows the full extent of the LGS 	Will help with clarity and ensure the policy provides a practical framework in line with the NPPF.	0
Policy FNP 14	<ul style="list-style-type: none"> • Change Objective FNP 14 to read: “<i>Development should achieve high standards of sustainable development through design, construction and operation.</i>” • Delete “Large scale” from the start of the policy • Add the words “<i>where appropriate</i>” before “demonstrate how design...” • Delete criterion e) from the policy 	Modifications to the policy will meet the basic conditions.	0
Next sections	<ul style="list-style-type: none"> • Add a new section title called “<i>Monitoring and review</i>” • Add a new paragraph explaining the Plan will be monitored and reviewed • Delete the table on page 23 of the Plan 	Section needs more clarity.	0

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	<ul style="list-style-type: none"> • Remove the “Freshwater Parish – Designated areas” map on page 25 of the Plan • Remove the “Freshwater Parish – SHLAA sites 2015” map on page 27 of the Plan • Add a note to the “Environment Agency modelled flooding map of Freshwater Parish” on page 28 of the Plan that reads: “<i>The information in this appendix is correct at the time of writing the Plan. Up to date information should be sought from the Environment Agency or other relevant organization.</i>” 	Modifications are made in the interests of clarity and providing a practical framework for decision-making.	0

Key: + positive - negative 0 neutral ? uncertain +/- minor ++/-- major

In her report the examiner recommended a number of proposed modifications to the policies to enable them to meet the basic conditions. The justification for these changes have been summarised in the ‘Reason for change’ column (above). Having determined the potential scope of the proposed changes (the potential effects) the next step is to assess the determined scope of the proposed changes against the criteria set out in Schedule 1 of the Regulations (2004). This is detailed in the following section, ‘SEA Screening’, below.

SEA Screening

The table below sets out the assessment against the Strategic Environmental Assessment criteria for the Freshwater Neighbourhood Development Plan. This is to determine whether the implementation of the proposed amendments of the Neighbourhood Plan will have a significant effect on the environment. The criteria against which the screening is carried out are taken directly from Annex II of the European Union Directive 2001/42/EC (also known as the SEA Directive), as required by Article 3(4).

Table 2: SEA Screening for the proposed changes to Freshwater Neighbourhood Development Plan

Criteria (Schedule 1 of the Environmental Assessment of Plans and Programmes Regulations 2004)	Isle of Wight Council Response
Characteristics of the plan or programme	
<i>(a) 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.</i>	The neighbourhood development plan becomes part of the development plan for the parish of Freshwater, alongside the Island Plan Core Strategy and the National Planning Policy Framework. The relevant policies of these documents will be used to determine planning applications. The policies of the FNP are required to be in general conformity with the strategic policies of the Isle of Wight Island Plan Core Strategy and have regard to national policy and guidance.
<i>(b) the degree to which the plan or programme influences other plans and programmes including those in a hierarchy.</i>	The approach set out in the neighbourhood development plan is in conformity with the strategic policies of the Isle of Wight Island Plan Core Strategy – which has been subject to full SA and SEA.
<i>(c) the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development.</i>	The plan aims to deliver the preferred option as identified through the ‘parent’ plan SA/SEA and is therefore likely to deliver certain sustainability benefits (primarily against the ‘4. Landscape, archaeology and heritage’, ‘5.

Criteria (Schedule 1 of the Environmental Assessment of Plans and Programmes Regulations 2004)	Isle of Wight Council Response
	<i>Biodiversity, fauna and flora</i> , '8. Climate Change Mitigation', '10. Cultural and local distinctiveness' and '11. Population', '13. Health', '16. Access', '17. Material Assets', SA Objectives of the Core Strategy)'.
(d) <i>environmental problems relevant to the plan or programme.</i>	The neighbourhood development plan will not introduce or increase any environmental problems.
(e) <i>the relevance of the plan or programme for the implementation of community legislation on the environment (for example, plans and programmes, linked to waste management or water protection).</i>	The plan has no direct relevance to the implementation of community legislation.
Characteristics of the effects and of the area likely to be affected	
(a) <i>the probability, duration, frequency and reversibility of the effects.</i>	There are no effects.
(b) <i>the cumulative nature of the effects.</i>	There are no effects.
(c) <i>the trans-boundary nature of the effects.</i>	There are no effects.
(d) <i>the risks to human health or the environment (for example, due to accidents).</i>	There are no effects.
(e) <i>the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected).</i>	The plan will apply only to Freshwater Parish, and will extend no further. It is not anticipated to have effects beyond the parish boundary.
(f) <i>the value and vulnerability of the area likely to be affected due to</i> <i>(i) special natural characteristics or cultural heritage</i>	There are potential positive effects.

Criteria (Schedule 1 of the Environmental Assessment of Plans and Programmes Regulations 2004)	Isle of Wight Council Response
<i>(ii) exceeded environmental quality standards or limit values; or (iii) intensive land-use.</i>	
<i>(g) the effects on areas or landscapes which have a recognised national, community or international protection status.</i>	There are potential positive effects.

Habitats Regulations Screening Assessment

In addition to SEA and SA, the council is also required to consider Habitats Regulations Assessment (HRA). HRA is the process used to determine whether a plan or project would have significant adverse effects upon the integrity of internationally designated sites of nature conservation importance, known as European sites or European offshore marine sites. The need for a HRA is set out within the Conservation of Habitats and Species Regulations 2010 (which transposed EC Habitats Directive 92/43/EEC).

Freshwater Parish Council carried out a screening assessment¹ on the need for a Habitats Regulation Assessment as part of the preparation of the Neighbourhood Development Plan. It concluded that, *"...no significant adverse effect on the European and Ramsar sites in or within 10km of Freshwater Parish is likely to result from the adoption and implementation of the Freshwater Neighbourhood Plan. There also exists the potential for positive environmental effects if the policies of the plan are adopted and implemented."*

Based on the screening assessments carried out as part of the development of the Neighbourhood Development Plan, the following statements can be made;

- The screening of the examiners suggested amendments (see Table 1 above) identified that the potential scope of the proposed changes (the potential effects) to be 'minor' or 'neutral', with all minor effects judged as potentially positive;
- None of the amendments suggested by the examiner have been screened as having potentially negative effects;
- The Neighbourhood Development Plan supports the mitigation measures summarised in the Isle of Wight Council's Habitats Regulations Assessment;
- None of the Statutory Consultees raised any environmental issues in relation to either SEA or HRA.

As the Neighbourhood Development Plan provides further detail on Core Strategy policies SP1 Spatial Strategy, SP2 Housing, SP3 Economic growth, SP4 Tourism, SP5 Environment, SP6 Renewables, SP7 Travel, DM7 Social and Community Infrastructure, and DM13 Green Infrastructure, through an approach already identified as preferable in the Core Strategy SA/SEA, the council has determined that a HRA is not required. Adopting a local plan that does not make any allocations and seeks to protect and potentially improve the existing environment will not lead to any significant adverse impacts on European and Ramsar sites. Furthermore, there is a likelihood that the majority of the policies of the Neighbourhood Development Plan, if adopted and implemented, may contribute positively such as through influencing the location of development away from areas of the coast where erosional coastal processes are active, improvements to local watercourses and reduction in diffuse pollution. None of the Examiner's suggested amendments affect this assessment.

¹ Freshwater Neighbourhood Plan Habitats Regulations Assessment Report, October 2016

Screening determination

It is the responsibility of the local planning authority to ensure that all the regulations appropriate to the nature and scope of a draft [neighbourhood plan](#) submitted to it have been met in order for the draft neighbourhood plan to progress. The local planning authority must decide whether the draft neighbourhood plan is compatible with EU obligations (including obligations under the Strategic Environmental Assessment Directive, the European Habitat Directive 1992, and the Wild Birds Directive 2009):

- when it takes the decision on whether the neighbourhood plan should proceed to referendum; and
- when it takes the decision on whether or not to make the neighbourhood plan (which brings it into legal force).

In making a determination on the potential effects of the proposed amendments to the plan, in addition to the above, the council has also considered the comments of the Examiner in her report to the Council on the plan as set out in Figure 2.

Figure 2: Extract from Examiner's Report on compliance with EU regulations

Strategic Environmental Assessment

The revised SAR of August 2017 is a comprehensive document that deals with the issues appropriately for the content and level of detail in the Plan. This in line with PPG advice that confirms the SEA does not have to be done in any more detail or using more resources than is considered to be appropriate for the content and level of detail in the Plan. In my view, it has been prepared in accordance with Regulation 12 of the Regulations. Therefore EU obligations in respect of SEA have been satisfied.

Habitats Regulations Assessment

Regulation 32 of the Neighbourhood Planning (General) Regulations 2012 (as amended) sets out a further basic condition in addition to those set out in primary legislation ... In my view, requirements relating to Habitats Regulations Assessment have been met and the Plan complies with this basic condition.

Based on the above screening the council has determined that the proposed amendments to the Freshwater Neighbourhood Development Plan are unlikely to have a significant effect on the environment and therefore are compatible with EU regulations.

Appendix 1: Criteria for determining the likely significance of effects on the environment

SEA (The Environmental Assessment of Plans and Programmes) Regulations (2004) Schedule 1 Criteria

SCHEDULE 1 CRITERIA FOR DETERMINING THE LIKELY SIGNIFICANCE OF EFFECTS ON THE ENVIRONMENT

1. The characteristics of plans and programmes, having regard, in particular, to—

- (a) 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) the degree to which the plan or programme influences other plans and programmes including those in a hierarchy;
- (c) the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development;
- (d) environmental problems relevant to the plan or programme; and
- (e) the relevance of the plan or programme for the implementation of Community legislation on the environment (for example, plans and programmes linked to waste management or water protection).

2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to—

- (a) the probability, duration, frequency and reversibility of the effects;
- (b) the cumulative nature of the effects;
- (c) the transboundary nature of the effects;
- (d) the risks to human health or the environment (for example, due to accidents);
- (e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);

(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; and

(g)the effects on areas or landscapes which have a recognised national, Community or international protection status.