

Final Strategic Environmental Assessment Screening Determination

Gurnard Neighbourhood Development Plan

Isle of Wight Council

June 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 Gurnard Neighbourhood Development Plan (GNDP) 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 GNDP was submitted for examination on 16th March 2017. The council received the examiner's report on 20th June 2017. The report recommended a number of modifications in order to ensure the plan's compliance with the basic conditions. Following discussions between Gurnard Parish Council's GNDP 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 Gurnard 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 GNDP by the parish council and published in January 2017 and was one of the documents formally submitted to the examiner (listed under [Publicity Consultation \(Regulation 16\)](#)) as part of fulfilling Regulation 17. While the SA of the plan has not been designed to be a full SA (it is more properly described as a Sustainability Statement and aims to provide a context for the SEA and HRA and comply with the Basic Conditions that are to be met if the neighbourhood plan is to come into force) the SEA screening that forms section 4 of the appraisal document has been prepared for the purposes of meeting the requirements of SEA.

The SA of the proposed GNDP 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 Gurnard Neighbourhood Development Plan

Screening Outcome

As a result of the assessment ... and the responses received from the consultees, it is unlikely there will be any significant environmental effects arising from the GNP.

The GNP policies are in conformity with the Isle of Wight Core Strategy (2012) which has been subject to a full Sustainability Appraisal, incorporating a SEA. Due to the nature of the GNP the assessment of the policies identifies no significant negative effects and as such, the GNP does not require a full SEA to be undertaken.

SEA Screening Assessment of proposed policy changes to the Gurnard 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 Gurnard Neighbourhood Development Plan likely to have significant environmental effects which were not previously assessed?

Document Ref	Proposed change (Additions are shown with an <u>underline</u> and deletions with a strikethrough)	Reason for change	Scope of Proposed Changes (potential effects)
Policy H1, P17	<p>H1.1 New residential development should be designated to meet local need and be located within the settlement boundary where it shall be designated to reflect the character and density of the surrounding development or those Sites A and C which Policy E1 identifies as having the lowest landscape sensitivity. Residential development will not be permitted on any other site.</p> <p><u>H1.1 New residential development for Gurnard Parish falling within the Medina Valley Key Regeneration Area should be prioritised as follows:</u></p> <ul style="list-style-type: none"> • <u>located within the settlement boundary where it shall be designated to reflect the character and density of the surrounding development or</u> • <u>on Sites A and B which, Policy E1 identifies as having the lowest landscape sensitivity.</u> <p><u>Residential development will not be permitted on any other sites unless:</u></p> <ul style="list-style-type: none"> • <u>it is to meet identified local need or</u> • <u>is on a site immediately adjacent to the settlement boundary and necessary to meet an identified shortfall in the delivery of housing across the Plan period is identified.</u> 	Recommended by the examiner, and following discussions between the parish council and officers	0

Document Ref	Proposed change (Additions are shown with an <u>underline</u> and deletions with a strikethrough)	Reason for change	Scope of Proposed Changes (potential effects)
	<p><u>On sites in the Wider Rural Area residential development will only be supported where a local need can be demonstrated.</u></p> <p>H1.2 Proposals should demonstrate how they provide the housing types, design and tenures that <u>where appropriate</u> meet local housing need especially the most recent housing needs survey for Gurnard, in particular the need for housing suited to the needs of older people.</p> <p>H1.3 Development approved as meeting a local need...</p> <p>If no households that meet the above criteria have sufficient financial standing or are otherwise unable to complete a sale or rental agreement to fund the purchase or rental of a new build or home within three months of first being available for occupancy, households resident on the Isle of Wight will be considered provided they can meet the above criteria. If after a further three months there is no purchaser or renter able to complete a sale or rental agreement the property the dwelling may be offered on the open market.</p> <p><u>If after three months there is no purchaser or renter able to complete a sale or rental agreement the dwelling may be offered on the Local open market. If after a further three months there is no purchaser or renter able to complete a sale or rental agreement the dwelling may be offered on the open market.</u></p> <p>If the dwelling is designated for affordable need and is managed by a registered provider the dwelling may be offered to other households within</p>		

Document Ref	Proposed change (Additions are shown with an <u>underline</u> and deletions with a strikethrough)	Reason for change	Scope of Proposed Changes (potential effects)
	<p>the Island's housing register if the dwelling remains unlet after six weeks.</p> <p>In the case of essential agricultural dwellings, these are to be occupied by person(s) employed in the agricultural business that controls the land and buildings on the land in perpetuity, <u>or by persons employed as rural workers.</u></p>		
Policy LE1, P19	<p>LE1.1 The provision of business and retail uses through new build within the settlement boundary or conversion of redundant buildings <u>other than those changes of use allowed under Permitted Development,</u> will be supported provided that the proposal would not have significant harmful impacts on the uses would not be detrimental to the amenity of residents, the landscape or on other neighbouring uses, <u>or harmful impact upon the landscape.</u></p> <p>LE1.2 Change of use of business and retail uses to non-employment uses, <u>other than those allowed through Permitted Development,</u> will not be permitted supported unless the existing use can be shown to be no longer financially viable. Prospective developers...</p>	Recommended by the examiner, and following discussions between the parish council and officers	0
Policy LE2, P19	LE2.2 The loss of visitor facilities to non-tourism uses, <u>other than those allowed through Permitted Development</u> will not be permitted unless it can be demonstrated that the facility is no longer viable or the proposed alternative use would provide equal or greater benefits for the local economy and community.	Recommended by the examiner, and following discussions between the parish council and officers	0

Document Ref	Proposed change (Additions are shown with an <u>underline</u> and deletions with a strikethrough)	Reason for change	Scope of Proposed Changes (potential effects)
Policy CS1, P22	<p>Proposals for appropriate health facilities to support the needs of local residents, new sport, community or recreational facilities will be supported subject to compliance with other policies in the development plan. There will be a presumption against the loss of any existing health, sport, community or recreational facility, <u>unless it can be demonstrated that the facility is no longer viable or the proposed alternative use would provide equal or greater benefits for the local economy and community.</u></p>	Recommended by the examiner, and following discussions between the parish council and officers	0
Policy CS2, P22	<p>The following sites are designated as local green space. Development will not be permitted on these areas other than in exceptional <u>very special circumstances</u>, for example, it is <u>essential to meet specific necessary utility infrastructure needs and it can be demonstrated there are no reasonable alternative sites available.</u></p> <ul style="list-style-type: none"> • The old Gurnard Primary School orchard and playing fields off Hilton Road/ Cockleton Lane • Gurnard Green on Gurnard seafront 	Recommended by the examiner, and following discussions between the parish council and officers	+
Policy CS3, P23	<p>Proposals that will enhance the viability and/ or the community value of any property that is included in the Register of Assets of Community Value will be supported.</p> <p>Proposals that result in either the loss of the asset or will result in significant harm to the community's value of an asset will be resisted, unless it can be demonstrated that the operation is no longer economically viable. Developers will be expected to provide evidence that the building/ site has been actively marketed for at least 12 months and that no sale or let has been achieved.</p>	Recommended by the examiner, and following discussions between the parish council and officers	+

Document Ref	Proposed change (Additions are shown with an <u>underline</u> and deletions with a strikethrough)	Reason for change	Scope of Proposed Changes (potential effects)
Policy E1, P33	Any New <u>development within Gurnard's settlement setting which will could have a negative detrimental impact on the character and landscape of Gurnard Village and Gurnard Pines will <u>not be resisted supported</u>.</u>	Recommended by the examiner, and following discussions between the parish council and officers	+
Whole plan	<i>Consequential page re-numbering following the changes identified above and amendments to contents page</i>	Consequential	0
Whole plan	<i>A number of minor typographical and grammatical amendments</i>	To correct typographical/ grammatical errors	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 into a series of standard reasons 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 Gurnard 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 Gurnard 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 Gurnard, 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 GNP 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 ‘1. Air Quality’, ‘4. Landscape, archaeology and heritage’, ‘5. Biodiversity, fauna and flora’, ‘8. Climate Change

Criteria (Schedule 1 of the Environmental Assessment of Plans and Programmes Regulations 2004)	Isle of Wight Council Response
	<i>Mitigation</i> , '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 Gurnard 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).

Gurnard 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, “... *likely significant effects can be ruled out for the GNP, either alone or in-combination with other plans and projects, and therefore a more detailed Appropriate Assessment under the Habitats Regulations is not required.*”

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 the protection of local green space, protection of landscape and green gaps and supporting the provision of alternative (to road) transport route (e.g. footpaths and cycleways etc.). None of the Examiner’s suggested amendments affect this assessment.

¹ Gurnard Neighbourhood Development Plan Summary Sustainability Assessment and Screening Reports for Strategic Environmental Assessment and Habitats Regulations Assessment, Version 2, September 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

9. Compliance with the Basic Conditions

Documents brought to my attention by the Isle of Wight Council for my examination include: ...

(d) Sustainability Statement: This is an appraisal of how well the Gurnard Neighbourhood Plan policies contribute to achieving sustainable development objectives. These reports also cover the screening for the Strategic Environmental Assessment and Habitat Regulations Assessment requirements for the Gurnard Neighbourhood Plan.

Comment on Documents submitted

I am satisfied having regard to these documents and other relevant documents, policies and legislation that the Gurnard Neighbourhood Plan does, subject to the recommended modifications, meet the Basic Conditions.

Conclusions and Recommendations

4. The Sustainability Assessment and SEA/HRA Screening Report meets the EU Obligation.

5. The policies and plans in the Gurnard Neighbourhood Plan, subject to the recommended modifications would contribute to achieving sustainable development.

Based on the above screening the council has determined that the proposed amendments to the Gurnard 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.