



Lewes District Council

Peacehaven and Telscombe Neighbourhood Plan

Strategic Environmental Assessment Screening Opinion

December 2018

Introduction

1. Neighbourhood Plans are a relatively new tier of planning policy documents produced by local communities. When adopted, such plans will be used by local planning authorities to determine planning applications for the Neighbourhood Areas that they cover.
2. Peacehaven and Telscombe Town Councils have had their entire Parishes designed as a single Neighbourhood Area which allows them to produce a Neighbourhood Plan. It is Peacehaven Town Council which is the Qualifying Body for this process.
3. The Strategic Environmental Assessment (SEA) Regulations¹ transpose the European Union SEA Directive² into law. It requires those making plans that could impact on the environment to consider whether they are likely to have a significant effect or not.

Screening Opinion

4. As part of the process of making the Neighbourhood Plan, the Town Councils have requested a Screening Opinion to see whether a SEA is required as part of the plan-making process. Such a requirement can be screened out if it is felt, based on the information available, that the Neighbourhood Plan would not have a likely significant environmental affect. If the Neighbourhood Plan is considered likely to have a significant environmental effect, it will be screened in and a SEA will be required.
5. In order to assess the likely affect of the plan on the environment, the purpose of the plan has been appraised against the criteria detailed in the regulations and Directive. This analysis has been made in Table 1.
6. The District Council has based its screening opinion on the understanding that the Peacehaven and Telscombe Town Councils will prepare a Neighbourhood Plan that:
 - will have policies consistent with national policy;
 - will have policies in general conformity with existing and emerging local strategic policies;
 - will allocate sites for development;
 - will base policies on the evidence it has gained and will gain from supporting documents
7. If it is presented with additional information that changes its understanding as to what the Peacehaven and Telscombe Neighbourhood Plan will cover, the District Council reserves the right to

¹ Known fully as The Environmental Assessment of Plans and Programmes Regulations 2004

² Known fully as Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment

undertake another Screening Assessment which may have different conclusions.

Table 1: Screening Assessment

Criteria	Notes	Likely Significant Effect?
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;	<p>The Neighbourhood Plan does not set a framework for other projects or plans outside of the Neighbourhood Area but will be used to allocate and to guide development in the Neighbourhood Area until 2030.</p> <p>However, as the Plan is at an early stage of preparation and has not yet set a framework, it is not yet possible to measure the extent of potential impacts with regard to the location, nature, size and operating conditions or by allocating resources. As such, likely significant effects cannot be ruled out.</p>	Yes
(b) the degree to which the plan or programme influences other plans and programmes including those in a hierarchy;	<p>Neighbourhood Development Plans are influenced by other plans and should be in general conformity with the strategic policies of adopted Local Plans, such as the Lewes District Local Plan: Joint Core Strategy (adopted May 2016) as well as national planning policy and guidance. The emerging South Downs Local Plan (currently at examination) should also be a consideration once adopted as it contains draft strategic policies for areas within the SDNP.</p> <p>The policies of the Neighbourhood Plan are non-strategic and are intended to guide development within the Neighbourhood Area only, not to influence other plans and programmes. However, there will likely be instances where the policies of the Neighbourhood Plan will supersede non-strategic policies of the development plan, such as the 'saved' policies of the Lewes District Local Plan 2003 where they are relevant to specific sites/areas in the Neighbourhood Area.</p>	No
(c) the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development;	The Neighbourhood Plan, as directed by the National Planning Policy Framework, will help promote sustainable development and will consider the environment of the Neighbourhood Area.	No

Criteria	Notes	Likely Significant Effect?
(d) environmental problems relevant to the plan or programme; and	The state of the environment is being considered by those making the Plan to help with such consideration. It is likely that the Neighbourhood Plan will attempt to reduce environmental problems. However, as the Neighbourhood Plan seeks to allocate at least the minimum number of dwellings provided by the Lewes District Local Plan: Joint Core Strategy (adopted May 2016), but may exceed this number, at this stage a significant environmental effect cannot be ruled out.	Yes
(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).	Not applicable for the Neighbourhood Plan	No
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;	The Neighbourhood Development Plan will guide development in the Neighbourhood Area until 2030, with the aim of having a positive impact on the Neighbourhood Area and by promoting sustainable development.	No
(b) the cumulative nature of the effects;	The sustainability appraisal of the Core Strategy ³ considered the impact	No

³ [Lewes District Local Plan Part 1 Joint Core Strategy Sustainability Appraisal \(incorporating a Strategic Environmental Assessment\)](#)

Criteria	Notes	Likely Significant Effect?
(c) the trans-boundary nature of the effects;	<p>of development in the Parishes alongside development in other settlements and Parishes. Development in the Neighbourhood Plan is likely to be consistent with the amount of development proposed in the Core Strategy.</p> <p>The Habitats Regulations Assessment of the Core Strategy (including subsequent addendums and HRA of the Local Plan Part 2 & Neighbourhood Plans⁴, also considered the effects of development in neighbouring areas on protected sites. Further to this, this document concluded that in Peacehaven and Telscombe there are, <i>“No HRA implications. Due to the distances involved future allocations made within Neighbourhood Plans are unlikely to give rise to significant effects. There are no impact pathways present.”</i></p> <p>It is not anticipated that the Peacehaven and Telscombe Neighbourhood Plan will have direct negative trans-boundary impacts as it will only contain policies to guide development within the Parish up to 2030 and has not yet allocated sites for development. Nevertheless, it is possible that development close to the Neighbourhood Area boundary may have a negative visual impact on the character of the South Downs National Park and until further work is done to determine the extent of this possible impact, it is concluded that there may be significant environmental effects to adjoining areas.</p>	Yes
(d) the risks to human health or the environment (for example, due to accidents);	It is not thought that anything in the Neighbourhood Plan will increase risks to human health. In the documents submitted, it is stated that development should aim to achieve a high standard of safety and accessibility for all.	No
(e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);	The Neighbourhood Plan is to be written for a small area and a relatively modest population. Its impacts are unlikely to be extensive.	No

⁴ [Lewes Local Plan Part 2 & Neighbourhood Plans Habitat Regulations Assessment – August 2018](#)

Criteria	Notes	Likely Significant Effect?
<p>(f) the value and vulnerability of the area likely to be affected due to—</p> <p>(i) special natural characteristics or cultural heritage;</p> <p>(ii) exceeded environmental quality standards or limit values; or</p> <p>(iii) intensive land-use; and</p>	<p>In collecting information for the Neighbourhood Plan, information has been gained on the characteristics of the area – including information on land use, Listed Structures and any environmental designations. This information gathering will continue and will inform the content of the Neighbourhood Plan.</p> <p>There are no known environmental quality standards being exceeded. The plan is not likely to lead to a significant intensification of land use. However, development of land close to or inside the South Downs National Park may mean that the Neighbourhood Plan’s provisions are likely to harm natural and cultural characteristics of this area. In addition, as development sites and the amount of development have not yet been finalised, it is difficult to ascertain what impact the Neighbourhood Plan would have on the cultural heritage of the Neighbourhood Area, although it is noted that the Neighbourhood Plan seeks to promote the conservation and enhancement of the area’s heritage and community assets.</p>	Yes
<p>(g) the effects on areas or landscapes which have a recognised national, European Community or international protection status.</p>	<p>The Neighbourhood Area does include a part of the South Downs National Park. Although it is not envisaged that the provisions of the Neighbourhood Plan would seek to significantly affect the landscape of the South Downs National Park, as the Plan is at an early stage of preparation it cannot be ruled out. This is because the Plan is due to allocate development sites as well as provide policies to shape development within the Neighbourhood Area.</p>	Yes

8. The above analysis was undertaken by Lewes District Council on behalf of the Town Councils. In light of the analysis, it was considered that likely significant environmental effects could not be ruled out and hence a Strategic Environmental Assessment is required to comply with National and European Regulations and in order to meet the ‘Basic Conditions’⁵.

This decision has been based on the assumptions set out in paragraph (6) and for the following Statement of Reasons:

⁵ [The basic conditions that a draft neighbourhood plan or Order must meet if it is to proceed to referendum](#)

- The Peacehaven and Telscombe Neighbourhood Plan is likely to plan for development, including the allocation of housing development sites
 - As a precautionary measure to ensure that the requirements of the SEA Directive are met, which is a key component of meeting the ‘Basic Conditions’ against which a Neighbourhood Plan is examined
 - To ensure the Plan has regard to National Planning Practice Guidance⁶
 - To ensure that sustainability is at the heart of the Peacehaven and Telscombe Neighbourhood Plan, that all reasonable alternatives are assessed, that all environmental aspects are considered effectively within the Neighbourhood Plan policy and plan-making process and that the sustainable options are delivered whilst the integration of environmental considerations is optimised, particularly in light of the sensitive landscape setting and heritage assets of the Neighbourhood Area
 - Although a Sustainability Appraisal/Strategic Environmental Assessment of the Lewes District Local Plan Part 2 has been prepared, it is considered that such a document should accompany the Neighbourhood Plan in order to assess the specific characteristics and potential effects of this Plan.
9. This Screening Opinion was made following consultation with the three statutory environmental bodies (Natural England, Environment Agency and Historic England) and the South Downs National Park Authority.
10. Comments were welcomed between 16th November and 21st December 2018. The following comments were made:

Consultation Body/Organisation	Comments made
Natural England	
Historic England	In light of the Environmental Assessment of Plans and Programmes Regulations 2004, our view is that, based on the information provided, a SEA is likely to be required in this instance. The neighbourhood plan seeks to allocate sites for up to 900 houses, 2.3 hectares of land for employment uses, and 30 000ft of retail space but with little indication of where these will be accommodated. It is not possible, therefore, to predict that there will be no significant environmental effects on heritage assets arising from development, and an appraisal will be required to demonstrate that this is the case. If further information becomes available, for example details of site locations, extent of development and proximity to heritage assets, Historic England would be pleased to re-assess this opinion.
The Environment Agency	We recognise that allocations are proposed through this plan but we have minimal concerns regarding these proposals and as such they would not require an SEA in relation to the issues within our remit.
The South Downs National Park	We have the following comments: 1. Under question 2 it says ‘South Downs National Park / AONB’.

⁶ <http://planningguidance.planningportal.gov.uk/blog/guidance/strategic-environmental-assessment-and-sustainability-appraisal/sustainability-appraisal-requirements-for-neighbourhood-plans/>

Authority

The South Downs is a National Park and not an AONB and we therefore suggest reference not be made to AONB.

2. Under question 3 we would welcome the submitted South Downs National Park Local Plan and its evidence base to be used to inform development of the NDP.

3. Under question 5 draft objective 7 we would welcome greater clarity on what this objective means. Is the term 'open space' referring to public open space or the open downland character of the countryside in this NDP area? Is 'create high quality ecological and landscape areas' a reference to provision of green infrastructure and enhancing landscape character?

4. We note that sites are being considered close to the boundary of the South Downs National Park and also within the South Downs National Park itself. Due to the landscape sensitivity of these locations, the sites are likely to have a significant effect and we therefore consider that SEA would be required.

With regard to the potential impacts to the National Park, we are more than happy to provide advice and support to the NDP group as the plan develops.