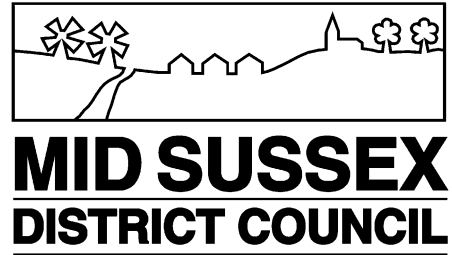


Mid Sussex



Copthorne
Neighbourhood Plan
Strategic Environmental Assessment

Screening Report

July 2020

1. Introduction

This document comprises the Screening Report to determine whether or not the Copthorne Neighbourhood Plan being prepared within the Mid Sussex District will require a Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plans and Programmes Regulations 2004.

2. Neighbourhood Plans and Relationship to the District Plan

Neighbourhood Development Plans are a tier of planning policy which can be produced by Town or Parish Councils in consultation with their communities. They are subject to independent examination and must among others comply with legislation, have regard to national policy and guidance such as the National Planning Policy Framework and be in general conformity with strategic planning policies for the area contained in the District Plan. Once adopted, such plans are used by local planning authorities to determine planning applications for the Neighbourhood Area that they cover and acquire the same weight as the District Plan.

Worth Parish Council has had its entire parish designated as a Neighbourhood Area which allow it to produce a Neighbourhood Development Plan. However, the Copthorne Neighbourhood Plan only covers Copthorne and Worth Ward (hereafter referred to as the 'Plan Area').

In March 2018, Mid Sussex District Council adopted their District Plan which have a plan period 2014 - 2031. The District Plan contains a number of planning policies, with its overall strategy to provide jobs and homes for local people in order for the District to become more self-sufficient and reduce out-commuting, as well as policies to protect and enhance the environment. The District Plan itself has been subject to Sustainability Appraisal (incorporating Strategic Environmental Assessment) (SA/SEA).

It has been decided that Neighbourhood Plans, being prepared by the Town and Parish Councils, will be able to allocate sites for development within their Neighbourhood Plan Areas should they wish to do. If it is established that an insufficient amount of sites are allocated through the neighbourhood plans, then the District Council will allocate sites through a Site Allocation Development Plan Document.

Copthorne Parish Councils have opted not to specifically allocate sites for housing within the Plan Area. Instead the Parish Council has opted to direct development to the existing Built up Area Boundaries in the settlement of Copthorne which is considered to be windfall development. This windfall development would be likely to occur even in the absence of a Neighbourhood Plan utilising District and National policies.

3. Strategic Environmental Assessment (SEA)

Strategic Environmental Assessment (SEA) involves evaluation of the environmental impacts of a plan or programme. The requirement for SEA is set out in the European Directive 2001/42/EC adopted into UK law as the “Environmental Assessment of Plans or Programmes Regulations 2004”. The SEA Directive sets out a legal assessment process that must be followed. Often within the planning context, the SEA requirements are met by incorporating it within a Sustainability Appraisal (SA), which is a requirement for Development Plan Documents.

Whilst it has been made clear (DCLG/PAS) that SA is not a requirement for Neighbourhood Plans, there is no harm in undertaking one as it can demonstrate the impact of the Neighbourhood Plan on social, environmental and economic factors and therefore demonstrate to an examiner that the plan that has been prepared is the most sustainable given all alternatives.

It is, however, less clear about the statutory requirement for SEA. The Planning Advice Service (PAS) and the Planning Practice Guidance state that a Neighbourhood Plan may require SEA but it is dependant on the content of the Neighbourhood Plan. It is for the District Council as the Local Planning Authority to determine the need for Neighbourhood Plans to be assessed under SEA.

Therefore, it seems wise to undertake SEA screening through this report in order to determine the requirement for SEA, and to ensure compliance with the Directive if they are required. Furthermore, the District is subject to a number of environmental constraints such as the High Weald Area of Outstanding Natural Beauty and a 7km zone of influence of an important European habitat. The Copthorne Neighbourhood Plan area is located outside the 7km zone of influence but within the High Weald AONB.

4. The Screening Process

The screening process is based upon consideration of standard criteria to determine whether the plan is likely to have “significant environmental effects”. The result of the screening process is included in section 5 of this report.

The three consultation bodies (Historic England, Environment Agency and Natural England) will be consulted to determine whether they agree with the conclusion of this report, in determining whether Neighbourhood Plans require SEA and whether they may have a “significant environmental effect”. Should it be determined by the local authority and consultation bodies that SEA does need to be undertaken, the Towns/Parishes preparing Neighbourhood Plans will need to undertake the Scoping stage of SEA.

The ODPM publication “A Practical Guide to the Strategic Environmental Assessment Directive” (2005) sets out the approach to be taken in order to determine whether SEA is required.

In addition, the National Planning Practice Guidance on strategic environment assessment and sustainability appraisal at Paragraph: 027 Reference ID: 11-027-20140306 states:

“In some limited circumstances, where a neighbourhood plan is likely to have significant environmental effects, it may require a strategic environmental assessment. Draft neighbourhood plan proposals should be assessed to determine whether the plan is likely to have significant environmental effects. This initial assessment process is commonly referred to as a ‘screening’ assessment and the requirements are set out in regulation 9 of the Environmental Assessment of Plans and Programmes Regulations 2004.

If it is concluded that strategic environmental assessment is required, an environmental report must be prepared in accordance with paragraphs (2) and (3) of regulation 12 of those regulations.

One of the basic conditions that will be tested by the independent examiner is whether the making of the neighbourhood plan is compatible with relevant legal obligations including Strategic Environmental Assessment. If a strategic environmental assessment is required, it will often be possible to make use of information and analysis that has been used in assessing the environmental impact of local plans or spatial development strategies covering the area. In doing so, it will be important to consider the relevance of this material to the neighbourhood area, as well as whether it remains up to date.”

Paragraph 046 Reference ID: 11-046-20150209 continue to say:

“Whether a neighbourhood plan proposal requires a strategic environmental assessment, and (if so) the level of detail needed, will depend on what is proposed. A strategic environmental assessment may be required, for example, 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 is likely to have significant environmental effects that have not already been considered and dealt with through a sustainability appraisal of the local plan or other strategic policies for the area.”

This approach has been taken in two parts, below. Part 1 follows the flow-chart in Figure 1, whilst Part 2 sets out whether it is considered that Neighbourhood Plans are likely to have a ‘significant effect on the environment’ (i.e. stage 8 of the above).

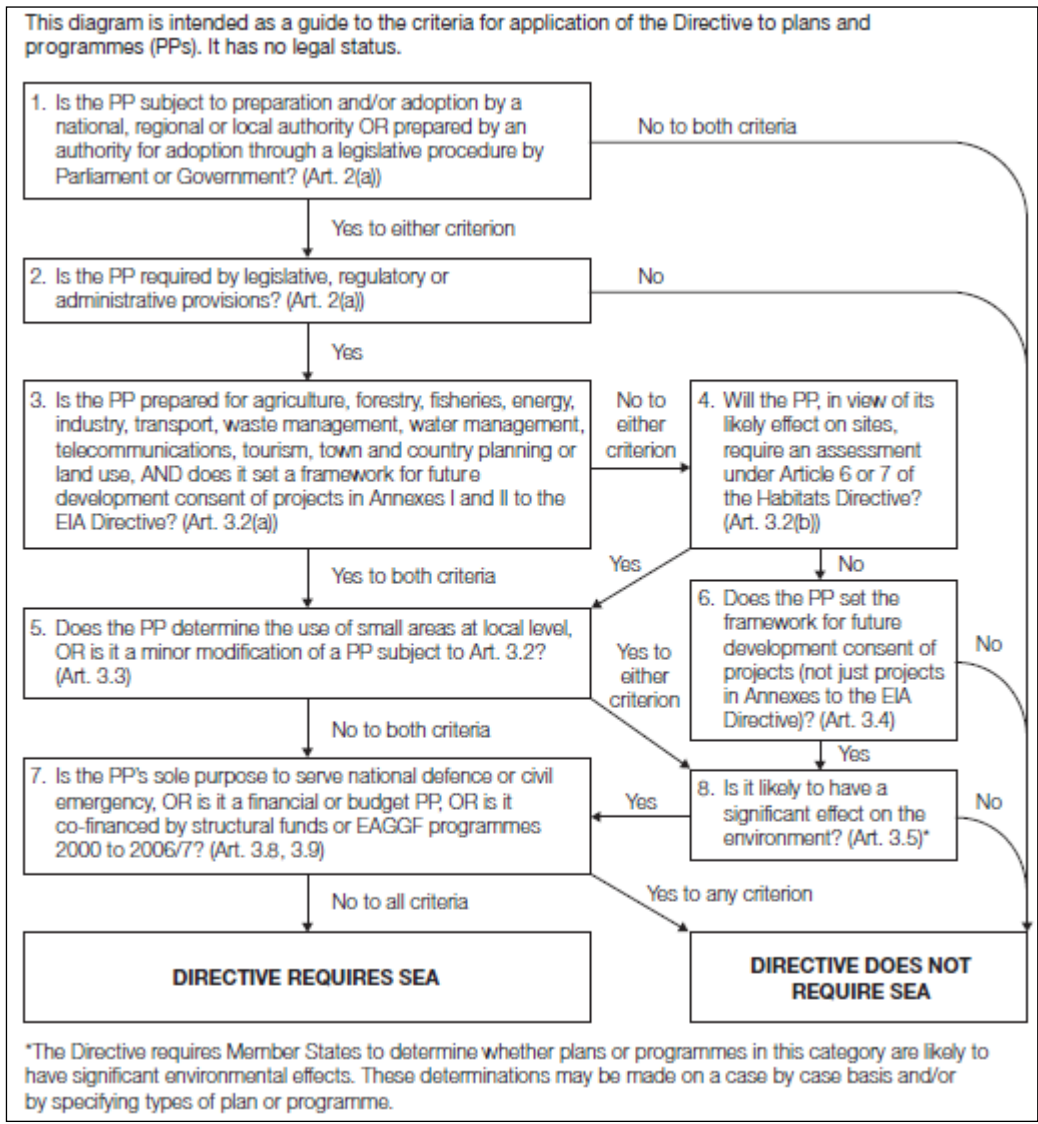


Figure 1: Application of the SEA Directive (from “A Practical Guide to the Strategic Environmental Assessment Directive”

Assessment Part 1 – Establishing the Need for SEA

Table 2 - Establishing the Need for SEA		
Stage	Y/N	Justification
1. Is the PP (plan or programme) subject to preparation and/or adoption by a national, regional or local authority OR prepared by and authority for adoption through a legislative procedure by Parliament or Government (Art. 2(a))	Y	The Neighbourhood Plans, following successful referendum and examination, will form part of the statutory Development Plan for Mid Sussex. GO TO STAGE 2
2. Is the PP required by legislative, regulatory or administrative provisions? (Art. 2(a))	Y	The Mid Sussex District Plan is required by legislative/regulatory provisions. The emerging District Plan itself relies on the Neighbourhood Plans to identify potential housing sites over the plan period. GO TO STAGE 3
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))	Y	The Neighbourhood Plans are being prepared for town and country planning or land use, as they can allocate land for different uses such as housing and employment. As such they contain a framework for future development consent for urban development projects (which can include strategic housing sites) which is listed as 10b in Annex II of the EIA Directive. GO TO STAGE 5
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))		Not applicable
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)	Y	The Neighbourhood Plans have the potential to allocate land for housing and employment. The Copthorne Neighbourhood Plan does not identify specific sites for housing but does direct windfall development to the built up area boundary of Copthorne. Windfall development would likely come forward without a neighbourhood plan in place in any event and so this is not considered to constitute significant environmental effect. Whilst the District Plan itself has been subject to SA/SEA, it did not appraise the individual locations and distribution of development across the various Neighbourhood Plan areas. GO TO STAGE 8
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)		Not applicable

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)	N	The Neighbourhood Plans do not fall into any of the criteria listed for Stage 7. DIRECTIVE REQUIRES SEA
8. Is it likely to have a significant effect on the environment? (Art. 3.5)	-	See Assessment Part 2: Y: GO TO STAGE 7 N: DIRECTIVE DOES NOT REQUIRE SEA

Assessment Part 2 - Likely Significant Effects on the Environment

Table 3 – Assessment of the Likely Significant Effects of the Lindfield and Lindfield Rural Neighbourhood Plan

SEA Directive Criteria	Response	Is there a likely significant environmental effect?
1. The Characteristics of Plans and Programmes, having regard, in particular, to:		
1a) 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.	The Neighbourhood Plan does not specifically allocate land for housing and employment, but does direct development to the Built up Area Boundary. This development is considered to be small scale windfall development and would take place without a neighbourhood plan in place in any event. Distribution of this potential development was not appraised through the District Plan process as it has always been the intention that these matters will be dealt with at the local level, a 'bottom-up' approach.	N
1b) The degree to which the plan or programme influences other plans and programmes including those in a hierarchy.	Neighbourhood Development Plans are influenced by other plans, such as the adopted District Plan, as well as national planning policy and guidance. Although Neighbourhood Plans are development plans documents with the same weight as the District Plan, the plan is at the base of the hierarchy of national policy and is not intended to influence other plans and programmes. The District Plan housing strategy identifies a residual amount housing requirement to be allocated in Neighbourhood Plans and alternatively within the Site Allocations DPD which will be subject to SEA.	N
1c) The relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting	The National Planning Policy Framework (NPPF) and District Plan promote sustainable development, and the Copthorne Neighbourhood Plan will need to accord with these higher-level plans.	N

sustainable development.		
1d) Environmental problems relevant to the plan or programme.	The state of the environment has been considered by those preparing the plan to help with such considerations. There are no specific environmental problems that are relevant to the Copthorne Neighbourhood Plan. It will need to consider the impact of the plan on flood risk, designated sites (SPA/SAC, SSSI, SNCI, etc) and other primary and secondary impacts on the environment.	N
1e) 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).	The Copthorne Neighbourhood Plan is not relevant to the implementation of EC legislation such as waste management or water protection, although will need to take the impact on the Water Framework Directive into account.	N
2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:		
2a) The probability, duration, frequency and reversibility of the effects.	The Copthorne Neighbourhood Plan does not allocate additional housing/employment sites to those that already exist. There will however be a short-term effect relating to development activity within the Built Up Area Boundary. As the status quo is effectively being maintained it is not anticipated that there will be additional significant impacts.	N
2b) The cumulative nature of the effects.	There are considered to be minimal cumulative effects of the Copthorne Neighbourhood Plan, although there could be some residual development pressure to intensify land use within the built-up area boundary which could impact upon the historic environment.	N
2c) The trans boundary nature of the effects.	There are not expected to be any significant trans-boundary effects.	N
2d) The risks to human health or the environment (e.g. due to accidents).	There are no significant risks to human health or the environment.	N
2e) The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected).	The Neighbourhood Plan area covers part of the Parish of Worth which includes the settlement of Copthorne. The Neighbourhood Plan is to be written for a small area and modest population. Its impacts are unlikely to be extensive.	N
2f) The value and vulnerability of the area likely to be affected due to:		
i) special natural characteristics or cultural heritage.	It is unclear what effect the plan will have on natural characteristics and cultural heritage. The Plan Area contains some listed buildings but is rural in nature with a wealth of biodiversity and natural habitats.	N

	The directing of development to the Built-Up Area Boundary may affect the setting of listed buildings but the Plan Area should be protected from significant development on greenfield sites. It should be noted that other policy considerations at District and National level will ensure no significant environmental issues in any event.	
ii) exceeded environmental quality standards or limit values.	It is not expected for the development proposed in Neighbourhood Plans to exceed environmental quality standards or limit values.	N
iii) intensive land-use.	The Neighbourhood Plan seeks to make efficient use of land by directing development to the Built Up Area Boundary. Other policies within the District Plan will however mitigate against over-development.	N
2g) The effects on areas or landscapes which have a recognised national, Community or international protection status.	<p>Whilst there are no areas within Mid Sussex that are EC or internationally protected, the Ashdown Forest SPA/SAC European designation is sited in an adjacent authority area (Wealden) which can be of concern for recreational impacts and air quality. With regard to recreational impacts, the Copthorne Neighbourhood Plan direct new development to the built-up area which is outside of the 7km zone of influence (as determined by the Habitats Regulations Assessment for the District Plan). Therefore, the Plan is unlikely to impact upon the designated site.</p> <p>In terms of atmospheric pollution, the Copthorne Neighbourhood Plan does not propose to allocate sites but provide additional policies to inform the planning application process within the Plan Area. It also directs new development to the built-up area at Copthorne. This is considered windfall which was accounted for within Habitat Regulations Assessment for the District Plan. It concluded that adverse effects on the designated site are unlikely and that no further measures were necessary at this stage.</p> <p>Air quality monitoring on the Ashdown Forest SAC is ongoing and if any future results change our understanding of the associated impacts that information will be fed into this report at a later stage.</p> <p>A large proportion of the district, including within the neighbourhood area is within a nationally designated landscape, the High Weald AONB. New development within the plan area is directed to the built-up area at Copthorne. Therefore, the proposal is unlikely to have adverse effects on the</p>	N

	designated landscape.	
Part 2 Overall Conclusion:	The Copthorne Neighbourhood Plan is unlikely to have a significant effect on the environment.	

5. Statement of Reasons for Determination

In reviewing the criteria in Part 1 and Part 2, the District Council is mindful of the following:

- That the Copthorne Neighbourhood Plan does not seek to allocate specific sites for development but to direct development to the existing Built Up Area Boundary (and that this maintains the status quo).
- Development that takes place is likely to be windfall development of a small scale and so unlikely to have a significant impact
- Other policies at District and National level will mitigate against any significant negative effects.
- No likely significant environmental effect is likely to occur and therefore SEA is not required.

As demonstrated by Part 1 and Part 2 above, it is considered by Mid Sussex District Council that **SEA will not be required** for the Copthorne Neighbourhood Plan as it does not specifically allocate additional land for housing or employment.

A draft of this screening report was subject to consultation with the three statutory bodies (Historic England, Environment Agency and Natural England) in July and August 2020. Comments were received from Historic England and Natural England. Both statutory bodies agreed with our conclusions.

Of particular note, Historic England commented:

“We are surprised at the comment at 2(g) on page 8 that the District does not contain nationally designated landscapes, where such a large proportion of the District lies within the High Weald AONB, including a part of the neighbourhood plan area. Is it possible that the methodology at this point has been restricted to consideration of factors relevant to HRA rather than the wider remit of SEA?”

Section 2(g) was amended to reflect this comment.