**Hoo St Werburgh Neighbourhood Plan Regulation 14 Consultation version**

**April 2023**

**Draft Strategic Environment Assessment and Habitats Regulations Assessment Screening Report**

# Introduction

* 1. The need for environmental assessment of plans is set out in the EU Directive 2001/42/EC – known as the SEA Directive. Under this Directive, Neighbourhood Plans (NPs) may require an SEA – but this will depend on the content of each NP. Similarly, the need for Habitats Regulations assessment is set out within Article 6 of the EC Habitats Directive 1992, and interpreted into British law by the Conservation of Habitats and Species Regulations 2010.

1.2. One of the basic conditions that will be tested by the independent examiner of a NP is whether the making of the plan is compatible with European Union obligations such as the Habitats Directive, as implemented into UK legislation. Where an NP could have significant environmental effects on a European Site, it may fall within the scope of the Habitats Directive and therefore require full appropriate assessment to ascertain the effect on those sites’ integrity. Where effects are assessed, mitigation measures and alternative solutions would then be required to be identified.

1.3. The ultimate aim of the Directive is to “maintain or restore, at favourable conservation status, natural habitats and species of wild fauna and flora of Community interest” (Habitats Directive, Article 2(2)). This aim relates to habitats and species, not the European sites themselves, although the sites have a significant role in delivering favourable conservation status. The Habitats Directive applies the precautionary principle to European sites. Plans and projects can only be permitted having ascertained that there will be no adverse effect on the integrity of the site(s) in question. Plans and projects with predicted adverse impacts on European sites may still be permitted if there are no alternatives to them and there are Imperative Reasons of Overriding Public Interest (IROPI) as to why they should go ahead. In such cases, compensation would be necessary to ensure the overall integrity of the site network. In order to ascertain whether or not site integrity will be affected, a Habitats Regulations Assessment should be undertaken of the plan or project in question.

1.4. Whether an NP requires a Habitat Regulations Assessment, and (if so) the level of detail needed, will depend on what is proposed in the draft NP. An HRA may be required, for example, where:

* the NP allocates sites for development;
* the neighbourhood area contains sensitive natural or heritage assets that may be affected by the proposals in the plan;
* the NP may have significant environmental effects that have not already been considered and dealt with through the HRA of the Local Plan.

1.5 The main determining factor as to whether an HRA is required on an NP is if the policies and proposals it contains are likely to have a significant effect on the environment. Those NPs containing land allocations for development, whose impacts have not been tested in the local authority’s plan, may require an HRA. NPs which do not contain such allocations (or simply reflect allocations already identified as part of a local authority plan) are less likely to require an HRA.

1.6 Medway Council is legally required to determine whether the Hoo St Werburgh and Chattenden NP will require a HRA in consultation with statutory bodies. However, if it is concluded that a full appropriate assessment is required, those preparing the plan are responsible for its production and it must form part of the material that is consulted on once the formal consultation stage post-submission to the LPA is reached (Regulation 16 Consultation).

# SEA Screening Process

* 1. Hoo St Werburgh and Chattenden Neighbourhood Planning group requested an SEA and HRA screening opinion of its pre-submission Hoo St Werburgh Neighbourhood Plan. It is Medway Council’s responsibility to assess whether the policies and proposals in the Draft Regulation 14 NP are likely to have ‘significant environmental effects’.
  2. The national Planning Practice Guidance in relation to strategic environmental assessments sets out the approach to producing an SEA Figure 1 (below). This guidance recommends that an assessment be undertaken in the early stages of plan making.

2.3. The first stage is the screening process (Stage A in Figure 1 below) to determine whether the NP is likely to have significant environmental effects. The screening process includes a 5 week consultation with the statutory consultees. If the screening process concludes that the Hoo St Werburgh and Chattenden NP requires an environmental report, the group is responsible for preparing the scoping report (Stage B) and must consult the statutory consultees. Stages B and C would need to include consideration of reasonable alternatives, to inform the selection and refinement of the preferred options. The preparation of the Environmental Report (Stage D) would need to identify, describe and evaluate the likely significant effects on the environment of implementing the policies in the NP and of the reasonable alternatives taking into account the objectives and geographical scope of the plan.

Figure 1: SEA Process for NPs

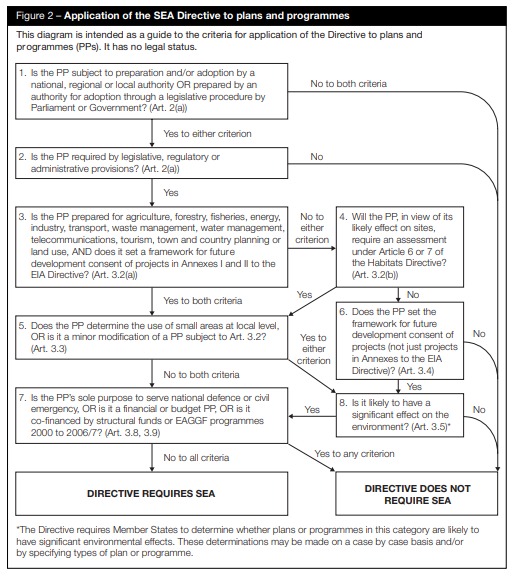
Diagram showing the process for carrying out Strategic Environmental Assessment for Neighbourhood Plans. 

*Source: Planning Practice Guidance, Paragraph: 033 Reference ID: 11-033-20150209*

Available at: <https://www.gov.uk/guidance/strategic-environmental-assessment-and-sustainability-appraisal#strategic-environmental-assessment-requirements-for-neighbourhood-plans>

* 1. The SEA Directive aims to integrate environmental considerations into the preparation of plans and secure a high level of protection for the environment as well as promoting sustainable development. This Screening Report seeks to determine whether or not a Strategic Environmental Assessment (SEA) is required for the Hoo St Werburgh and Chattenden NP in accordance with European and national legislation. To establish if an NP needs to be accompanied by a full SEA, a “screening” assessment is required against a series of criteria set out in the SEA Directive. A Practical Guide to the Strategic Environmental Assessment Directive sets out in a diagrammatic form the series of criteria, reproduced in Figure 2 below.

**Figure 2: Application of the SEA directive to plans and programmes**



Source: A Practical Guide to the Strategic Environmental Assessment Directive

# Screening Opinion

* 1. **Assessment 1: Establishing the Need for SEA**

|  |  |  |
| --- | --- | --- |
| **Stage** | **Yes/ No** | **Reason** |
| 1. Is the Neighbourhood Plan (NP) 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 preparation and adoption of the NP is allowed under the Town and Country Planning Act 1990 (as amended). The NP has been prepared by Hoo St Werburgh and Chattenden Parish Council (as the ‘relevant body’) and subject to the outcome of Examination and referendum will be ‘made’ by Medway Council as the local authority. The preparation of NPs is subject to the following regulations: The Neighbourhood Planning (General) Regulations 2012 (as amended) and The Neighbourhood Planning (referendums) Regulations 2012 (as amended).  *GO TO STAGE 2* |
| 2. Is the NP required by legislative, regulatory or administrative provisions? (Art. 2(a)) | Yes | Whilst the NP is not a requirement and is optional under the provisions of the Town and Country Planning Act (as amended), it will if ‘made’, form part of the Development Plan for Medway Council. The NPPF states that neighbourhoods should develop plans that support the strategic development needs set out in Local Plans, including policies for housing and economic development and plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of the Local Plan.  *GO TO STAGE 3* |
| 3. Is the NP 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)) | Yes | The NP is being prepared for town and country planning and land use. The NP will therefore provide policies which aim to ensure development is sustainable and retains distinctive identities, policies that promote sustainable forms of transport as well as employment. The plan does not include site allocations but does include a design code document, setting out guidance for future development projects. |
| 4. Will the NP, 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 | A Habitats Regulations Assessment Screening of the Hoo St Werburgh and Chattenden NP is included below. |
| 5. Does the NP determine the use of small areas at local level OR is it a minor modification of a plan or programme subject to Art. 3.2? (Art. 3.3) | Yes | The NP is expected to determine the use of small sites at a local level only. The NP will also contribute to the determination of planning applications.  *GO TO STAGE 8.* |
| 8. Is it likely to have a significant effect on the environment? (Art 3.5) | No | See Assessment 2: Likely significant effects on the environment:  Summary:  The plan does not allocate any sites for development. Given the geographic area and population of the plan area, the effects of the plan will be relatively localised. The plan should not significantly impact on any habitat of European designation, and it promotes sustainable development, as well as setting out policies setting out the way future development should be assessed. In doing so it will seek to minimise the impacts of future development on the environment.  *DIRECTIVE DOES NOT REQUIRE SEA* |

* 1. **Assessment 2: Likely Significant Effects on the environment**

|  |  |  |
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| **SEA Directive criteria and Schedule 1 of Environmental Assessment of plans and programmes Regulations 2004** | **Medway Council assessment** | **Likely significant environmental effect?** |
| **Characteristics of the Neighbourhood Plan, having regard to:** | | |
| The degree to which the Plan sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources. | The NP would, if made, form part of the statutory Development Plan and as such does contribute to the framework for future development consent. The plan itself does not allocate sites for development but sets a framework within which any allocations or development should be assessed. The NP sits within the wider framework of the NPPF and the current and emerging Medway Local Plan. As such, the projects for which this NP helps to set a framework are localised in nature and will have a geographically restricted local impact on the environment and resource implications. While it is acknowledged that there are environmentally sensitive sites within the plan area and policies for their protection, the plan does not allocate sites for development and therefore its local impact will be limited. | No |
| The degree to which the Plan influences other plans and programmes including those in a hierarchy. | The NP must take into account the National Planning Policy Framework and the plan should be in general conformity with the current Medway Local Plan and the strategic policies/evidence base of the emerging Medway Local Plan. | No |
| The relevance of the Plan for the integration of environmental considerations in particular with a view to promoting sustainable development. | An NP is required to contribute to the achievement of sustainable development and therefore the likelihood of significant effects on the environment is minimised. The Hoo St Werburgh and Chattenden NP seeks to promote sustainable forms of development including housing and employment development; to encourage sustainable travel options and enhance community facilities. Given the geographic area of the NP and the location of facilities within and close to the plan area, development is likely to be sustainably located in relation to services. It is therefore considered that the NP integrates environmental considerations with a view to promoting sustainable development. |  |
| Environmental problems relevant to the Plan. | The NP area includes areas of national and international importance for nature, which can face a range of pressures. There is a designated Air Quality Management Area at Four Elms Hill, and there are areas in the parish that are at risk of flooding. | No |
| The relevance of the Plan for the implementation of Community legislation on the environment (for example, plans and programmes linked to waste management or water protection). | The NP is not directly relevant to the implementation of European legislation, albeit it will seek to address environmental, economic and social issues in the neighbourhood area and is linked to issues such as environmental protection. The NP includes policies to protect environmental assets. | No |
| **Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:** | | |
| The probability, duration, frequency and reversibility of the effects. | The NP does not allocate development sites, but includes policies by which development proposals would be judged. | No |
| The cumulative nature of the effects of the Plan. | The NP does not allocate development sites, but includes policies and guidance by which development proposals would be judged and their design code sets out design principles that new development is expected to meet, such as ensuring mix of housing, supporting local facilities, and sustainable transport. | No |
| The trans-boundary nature of the effects of the Plan. | Hoo St Werburgh and Chattenden borders other parishes in Medway. The plan promotes connectivity and pedestrian access routes and improved public transport facilities to create good linkages. The NP is not expected to have any significant trans-boundary effects. | No |
| The risks to human health or the environment (e.g. due to accidents). | No significant risks to human health have been identified, nor have risks to the environment. The plan seeks to conserve the natural environment in the area. | No |
| The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected) by the Plan. | Given the geographic area and population of the plan area, which makes up only a small proportion of Medway’s population overall, the effects of the plan will be relatively localised. No development is proposed directly in the NP, therefore the potential for environmental effects is also likely to be localised to this Parish. It is very unlikely that the effects of the proposals within the NP will be extensive or have any spatial impact. | No |
| The value and vulnerability of the area likely to be affected by the Plan due to:  (i) Special natural characteristics or cultural heritage;  (ii) Exceeded environmental quality standards or limit values; or  (iii) Intensive land use | Hoo St Werbugh and Chattenden Parish includes a number of environmental designations, including the Medway Estuary and Marshes Special Protection Area (SPA) and Ramsar sites, and Sites of Special Scientific Interest (SSSI) in/adjacent to the estuary and Chattenden Woods and Lodge Hill. It borders the Medway Estuary Marine Conservation Zone.  There are also a range of designated heritage assets, including significant military heritage.  Much of the land in the parish is of the best and most versatile agricultural land quality.  There is a designated Air Quality Management Area at Four Elms Hill.  The NP contains policies to protect the area’s natural and built heritage, and most productive agricultural land.  Medway Council is a member of the North Kent Strategic Access Management and Monitoring Scheme (SAMMS), known as Birdwise. This seeks to mitigate any disturbance to protected species as a result of recreational use of protected areas.  There are no additional site allocations within the NP, and cumulative impacts will be assessed through the emerging local plan process. The special natural characteristics and cultural heritage of Hoo St Werburgh and Chattenden will not be significantly adversely affected by the NP, and the NP is not expected to exceed environmental quality standards relating to flood zones, WFD standards, or AQMAs, or limit values, and no additional intensive land uses are proposed in the plan. | No |
| The effects of the Plan on areas or landscapes which have recognised national, community or international protection status. | The NP does not impact adversely on the Medway Estuary and Marshes SPA and Ramsar site, or the Chattenden Woods and Lodge Hill SSSI, Tower Hill and Cockham Wood SSSI, or Great Chattenden Wood, Deangate Wood and Cockham Wood Ancient & Semi-Natural Woodland. The NP is not likely to have a significant impact on any sites, area or landscapes with national or community protection status. There will be no likely significant effects on any European Sites, as demonstrated in Section 4 below. | No |
| **Assessment 2 Conclusion** | **The Hoo St Werburgh and Chattenden NP is not likely to have a significant effect on the environment.** |  |

# Habitats Regulations Assessment Screening

* 1. The Habitats Regulations Assessment (HRA) screening tests whether the Hoo St Werburgh and Chattenden Neighbourhood Plan, in view of its likely effect on sites of European Importance, will require an assessment for future development under Article 6 or 7 of the Habitats Directive (Article 3.2(b)).
  2. There are a number of sites both within Medway, and in close proximity and within 10km, that are designated for their environmental features as Special Protection Areas and Special Areas of Conservation. These include:
  + Medway Estuary and Marshes Special Protection Area (SPA) (and Ramsar) site
  + Thames Estuary and Marshes SPA (and Ramsar) site
  + The Swale SPA (and Ramsar) site
  + North Downs Woodland SAC
  + Queendown Warren SAC and Peters Pit SAC (+10km)

4.3 Hoo St Werburgh and Chattenden Parish contains within its boundaries the Medway Estuary and Marshes SPA (and Ramsar) site.

4.4 New development that is delivered within Medway over the next two decades is likely to place additional pressure on these areas, including through increased recreational pressure on European sites in the area.

4.5 Medway Council is working in partnership with neighbouring local planning authorities to implement a strategic approach to manage the impact of recreational disturbance on the European sites of the Thames, Medway and Swale Estuary and Marshes SPAs/Ramsar sites. Medway Council works in collaboration with local planning authorities in North Kent to contribute to the delivery of a strategic access mitigation scheme to address potential damage from population increases on the designated habitats of the Thames, Medway and Swale Estuaries and Marshes. This is known as Birdwise, and Medway has an agreed [policy position](https://www.medway.gov.uk/info/200149/planning_policy/146/current_planning_policies/5) in place.

4.6 Work on the emerging Medway Local Plan has included SA and HRA scoping reports and [interim HRA assessments](ttps://www.medway.gov.uk/info/200542/medway_local_plan_2040/1681/about_the_local_plan/6) to accompany Regulation 18 consultations in 2017 and 2018. This work has identified the potential for impacts arising from the proposals in the emerging Local Plan, which will need to be further considered in the plan making process.

4.7 The Hoo St Werburgh and Chattenden Neighbourhood Plan allocates no specific sites for residential development (though it includes some policies by which development would be appraised). While Hoo St Werburgh and Chattenden Parish contains areas designated as international importance (SPA and Ramsar site), on balance, there is sufficient evidence to suggest that the Hoo St Werburgh and Chattenden Neighbourhood Plan is not likely to cause a significant effect on any European site, including cumulatively, in combination with other plans or proposals, and will not require a full appropriate assessment for future development under Article 6 or 7 of the Habitats Directive (Art. 3.2(b)).

# Consultations with Statutory Consultees

***Natural England***

Date: 06/03/2023

**Hoo St Werburgh and Chattenden Neighbourhood Plan - Neighbourhood Plan and SEA - Regulation 14 consultation**

Thank you for your consultation on the above dated and received by Natural England on 23 January 2023.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

**Screening Request: Strategic Environmental Assessment**

It is our advice, on the basis of the material supplied with the consultation, that, in so far as our strategic environmental interests (including but not limited to statutory designated sites, landscapes and protected species, geology and soils) are concerned, that there are unlikely to be significant environmental effects from the proposed plan.

**Neighbourhood Plan**

Guidance on the assessment of Neighbourhood Plans, in light of the Environmental Assessment of Plans and Programmes Regulations 2004 (as amended), is contained within the National Planning Practice Guidance. The guidance highlights three triggers that may require the production of an SEA, for instance 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 may have significant environmental effects that have not already been considered and dealt with through a sustainability appraisal of the Local Plan.

We have checked our records and based on the information provided, we can confirm that in our view the proposals contained within the plan will not have significant effects on sensitive sites that Natural England has a statutory duty to protect.

We are not aware of significant populations of protected species which are likely to be affected by the policies / proposals within the plan. It remains the case, however, that the responsible authority should provide information supporting this screening decision, sufficient to assess whether protected species are likely to be affected.

Notwithstanding this advice, Natural England does not routinely maintain locally specific data on all potential environmental assets. As a result the responsible authority should raise environmental issues that we have not identified on local or national biodiversity action plan species and/or habitats, local wildlife sites or local landscape character, with its own ecological and/or landscape advisers, local record centre, recording society or wildlife body on the local landscape and biodiversity receptors that may be affected by this plan, before determining whether an SA/SEA is necessary.

Please note that Natural England reserves the right to provide further comments on the environmental assessment of the plan beyond this SEA/SA screening stage, should the responsible authority seek our views on the scoping or environmental report stages. This includes any third party appeal against any screening decision you may make.

For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours sincerely

Consultations Team

***Environment Agency***

Date: 09/02/2023

We appreciate that a neighbourhood development plan may require a strategic environmental assessment (SEA) under the Directive and early SEA screening is advised.

The Environment Agency may be able to assist the Local Planning Authority at this stage by advising on whether your plan will result in significant environmental impacts within our remit. However please note that we do not advise on whether the plan falls under the requirements of the SEA Directive. Should the local authority determine that a Neighbourhood Plan does require SEA, we must be consulted on the scope to ensure our key environmental issues are addressed. We can also provide baseline information and data.

We will provide comments on future documents where necessary.

Planning Specialist

Sustainable Places – Kent and South London

***Historic England***

Date: 04/06/2024

Dear Sir or Madam

**RE: Hoo St Werburgh and Chattenden Neighbourhood Plan SEA Screening**

Thank you for your email regarding the above consultation. As the Government’s adviser on the historic environment Historic England is keen to ensure that the protection of the historic environment is fully considered at all stages and levels of the local planning process. Therefore, we welcome the opportunity to review the Hoo St Werburgh and Chattenden Neighbourhood Plan in terms of a SEA Screening Opinion.

The supporting information supplied with the consultation indicates that within the plan area there is a range of designated historic environment assets. There is also likely to be other features of local historic, architectural or archaeological value, and consideration should also be given to the wider historic landscape.

However, on the basis of the all information supplied, including due consideration by the team of recent additional provisions and discussion, and in the context of the criteria set out in Schedule 1 of the Environmental Assessment Regulations [Annex II of ‘SEA’ Directive], Historic England that the preparation of a Strategic Environmental Assessment is not required.

The views of the other two statutory consultation bodies should be taken into account before the overall decision on the need for a SEA is made.

Historic England strongly advises that the conservation and archaeological staff of the relevant local authorities are closely involved throughout the preparation of the plan and its assessment. They are best placed to advise on; local historic environment issues and priorities, including access to data held in the Historic Environment Record (HER), how the allocation, policy or proposal can be tailored to minimise potential adverse impacts on the historic environment; the nature and design of any required mitigation measures; and opportunities for securing wider benefits for the future conservation and management of heritage assets.

We should like to stress that this opinion would be based on the information provided by you. To avoid any doubt, this does not reflect our obligation to provide further advice on later stages of the SA/SEA process and, potentially, object to specific proposals which may subsequently arise (either as a result of this consultation or in later versions of the plan/guidance) where we consider that, despite the SA/SEA, these would have an adverse effect upon the environment.

Please do contact me, if you have any queries.

Yours sincerely

**Historic Places Advisor**

# Conclusions

As a result of the assessment above it is unlikely there will be any significant environmental effects arising from the proposals in the Hoo St Werburgh and Chattenden NP, and as such, no SEA or appropriate assessment is required. The views of the Environment Agency, Natural England and Historic England) were sought for a screening opinion. If the issues addressed in the Neighbourhood Plan should change then a new screening process will need to be undertaken determine whether an SEA will be required.