



New Forest District Council Local Plan

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Hythe & Dibden Neighbourhood Plan

**Screening Statement on the determination of the  
need for a Strategic Environmental Assessment /  
Habitat Regulations Assessment**

**(in accordance with the Environmental Assessment of Plans and Programmes  
Regulations 2004 and European Directive 2001/42/EC, and  
Conservation of Habitats and Species Regulations 2010 for the emerging  
Hythe & Dibden Neighbourhood Development Plan)**

**November 2018**

## Introduction

- 1.1 This screening report is used to determine whether or not the emerging Hythe & Dibden Neighbourhood Development Plan requires a Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plans and Programmes Regulations 2004. These require an SEA to be undertaken on any land use plan or programme 'which sets the framework for future development consent of projects'.
- 1.2 There are exceptions to this requirement for plans 'which determine the use of a small area at local level' or which only propose 'minor modifications to a plan', if it is determined that the plan is unlikely to have significant environmental effects.
- 1.3 The National Planning Policy Framework (2018), paragraph 31, advises that assessments should be proportionate, and should be focussed tightly on supporting the policies concerned.
- 1.4 To assess whether an SEA is required a screening process must be undertaken based on a standard set of criteria. This must be subject to consultation with Historic England, the Environment Agency and Natural England. The results of the screening process must be detailed in a Screening Statement, available to the public.

## The Screening Process

- 1.5 The key to the screening decision is the determination of whether the Plan is likely to have significant environmental effects, using the criteria set out in Annex II of the Directive and Schedule 1 of the 2004 Regulations. These criteria are set out in the table in Appendix 1, alongside the response in relation to the Hythe & Dibden Neighbourhood Development Plan (NDP).
- 1.6 The extract from 'A Practical Guide to the Strategic Environmental Assessment Directive' in Appendix 1 provides a flow diagram to demonstrate the SEA screening process. This process has been set out and followed in Table 1 to ascertain whether a Strategic Environmental Assessment is required for the Hythe & Dibden NDP.
- 1.7 Also part of the screening process is the Habitat Regulations Assessment Screening, which can be found in Appendix 2, and the assessment of likely significance of effects on the environment, which can be found in Appendix 3. This screening will determine whether an Appropriate Assessment of the Neighbourhood Plan is required. These two assessments feed-in to Table 1 and the SEA screening assessment.

## Hythe & Dibden Neighbourhood Plan

- 1.8 The emerging Hythe & Dibden NDP will not contain policies which allocate development sites, but will likely contain policies that support sustainable development (e.g. design policies).
- 1.9 New Forest District Council, as the 'Responsible Authority', considers that the emerging Hythe & Dibden Neighbourhood Plan will likely fall within the scope of the SEA Regulations on the basis that it:
  - a) is subject to preparation or adoption by an authority at national, regional or local level (Regulation 2);

b) is prepared for town and country planning or land use and it is a plan that sets the framework for future development consent of projects generally (Regulation 5, para.4); and  
c) will likely apply to the use of small areas at local level but is deemed to have (cumulative) significant effects on the environment (Regulation 5, para. 6).

- 1.10 A determination under Regulation 9 is therefore required as to whether the emerging Hythe & Dibden Neighbourhood Plan is likely to have significant effects on the environment. The screening requirements set out in Regulation 9 and Schedule 1 of the SEA Regulations includes two sets of characteristics for determining the likely significance of effects on the environment. See Appendix 3 for an assessment of the likely significance of effects on the environment.

### **Statutory Consultees**

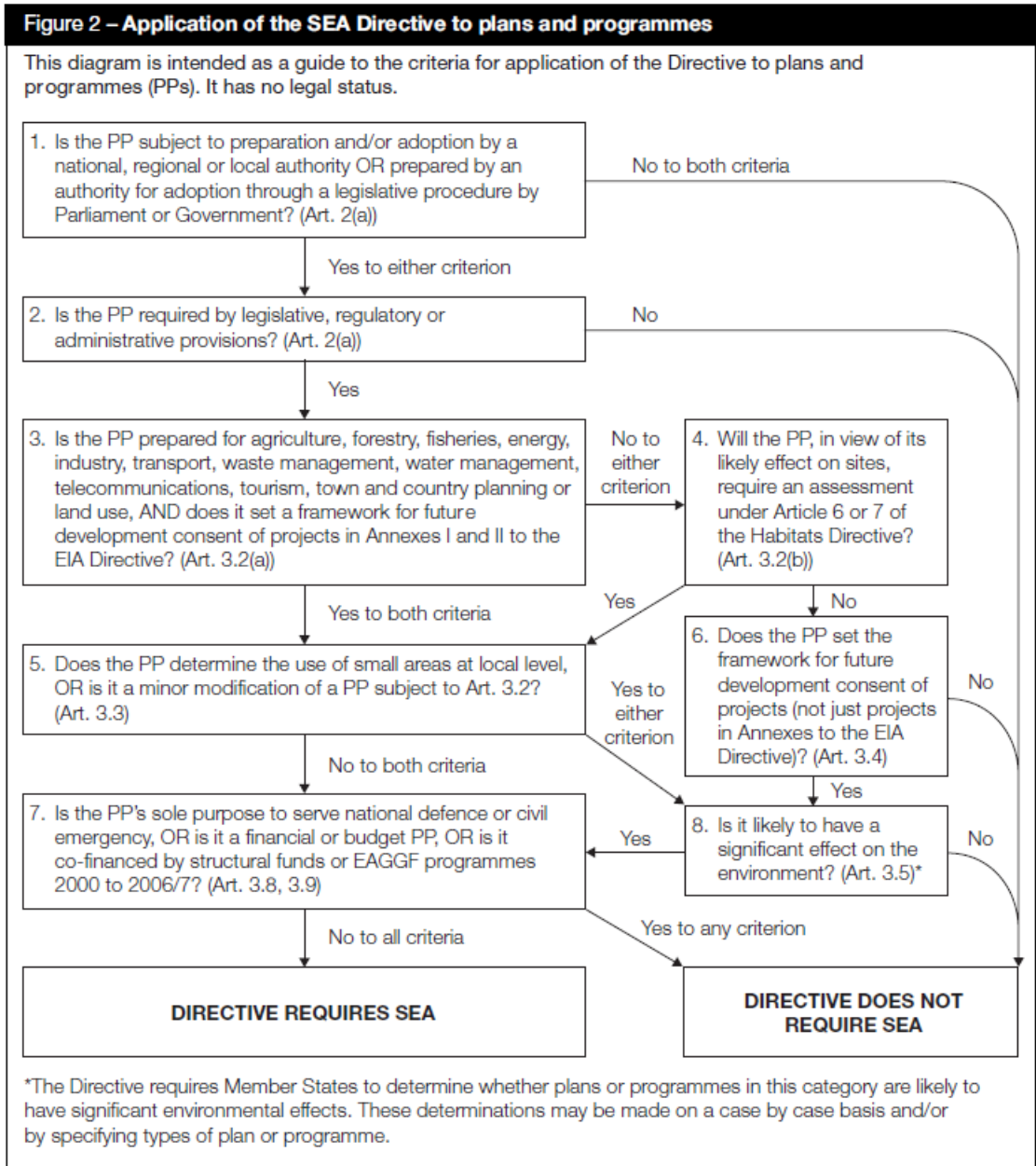
- 1.11 A draft Screening Opinion was sent to Natural England, Environment Agency and Historic England (as statutory consultation bodies under Regulation 9 of the SEA Regulations) on 23<sup>rd</sup> October 2018. A response was received from all three consultees, and all of them concurred with the council's (draft) conclusion that SEA/HRA is not required.

### **Conclusion**

- It is determined that as a result of the screening undertaken by the Council that a Strategic Environmental Assessment and Habitat Regulations Assessment is not required for the Hythe & Dibden Neighbourhood Plan.

# Appendix 1

## Extract from 'A Practical Guide to the Strategic Environmental Assessment Directive', DCLG (2005)



**Table 1: Application of SEA Directive as shown in Appendix 1**

Stage	Yes / No	Explanation
1. Is the Neighbourhood Plan 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	<p>The preparation of and adoption of the Neighbourhood Development Plan is allowed under the Town and Country Planning Act 1990 as amended by the Localism Act 2011. The Neighbourhood Plan will be prepared by the Hythe &amp; Dibden Neighbourhood Planning Group, a working group that reports to the Hythe &amp; Dibden Town Council (as the “relevant body”) and will be “made” by New Forest District Council as the local authority. The preparation of Neighbourhood Plan is subject to the following regulations:</p> <ul style="list-style-type: none"> <li>• Neighbourhood Planning (General) Regulations 2012;</li> <li>• Neighbourhood Planning (referendums) Regulations 2012;</li> <li>• Neighbourhood Planning (General) (Amendment) Regulations 2015.</li> </ul>
2. Is the NP required by legislative, regulatory or administrative provisions? (Art. 2(a))	Yes	<p>Whilst the Neighbourhood Development Plan is not a requirement and is optional under the provision of the Town and Country Planning Act 1990 as amended by the Localism Act 2011, it will, if “made”, form part of the Development Plan for the District. It is therefore important that the screening process considers whether it is likely to have significant environmental effects and hence whether SEA is required under the Directive.</p>
3. Is the Neighbourhood Plan prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water 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 (see Appendix 2) to the EIA Directive? (Art 3.2(a))	No	<p>The Hythe &amp; Dibden NDP will be prepared for town and country planning and land use but will not set out a framework for future development in Hythe &amp; Dibden.</p>
4. Will the Neighbourhood Plan, 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	<p>The Hythe &amp; Dibden NDP is unlikely to have uncertain or significant effects on Natura 2000 sites. See Habitat Regulations Assessment (HRA) Screening Opinion for the Hythe &amp; Dibden NDP in Appendix 2.</p>
5. Does the Neighbourhood Plan 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)	No	<p>The Hythe &amp; Dibden NDP will refer to small areas at a local level but will not determine the use.</p>

6. Does the Neighbourhood Plan set the framework for future development consent of projects (not just projects in annexes to the EIA Directive)? (Art 3.4)	No	N/A.
7. Is the Neighbourhood Plan'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)	No	N/A
8. Is it likely to have a significant effect on the environment? (Art. 3.5)	No	See assessment of the likely significance of effects on the environment in Appendix 3.

# Appendix 2 - Habitat Regulations Assessment (HRA)

## Screening Opinion for the Hythe & Dibden Neighbourhood Development Plan

### Introduction

1. The Local Authority is the “competent authority” under the Conservation of Habitats and Species Regulations 2010, and needs to ensure that Neighbourhood Plans have been assessed through the Habitats Regulations process. This looks at the potential for significant impacts on nature conservation sites that are of European importance, also referred to as Natura 2000.

2. This Screening Assessment relates to a Neighbourhood Development Plan that will be in general conformity with the strategic policies within the development plan (the higher level plan for town and country planning and land use). This Screening Assessment uses emerging work on the Habitats Regulations Assessment of New Forest District Council’s emerging Local Plan Review as its basis for assessment. From this, the Local Authority will determine whether the Hythe & Dibden Neighbourhood Development Plan is likely to result in significant impacts on Natura 2000 sites either alone or in combination with other plans and policies and, therefore, whether an ‘Appropriate Assessment’ is required.

### Legislative Basis

3. Article 6(3) of the EU Habitats Directive provides that:

*“Any plan or project not directly connected with or necessary to the management of the [European] site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site’s conservation objectives. In the light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public.”*

### Assessment

4. A Habitat Regulations Assessment (HRA) is being prepared for the submission version of the Local Plan Review 2016-2036 Part 1. Following further consultations with Natural England and other bodies, the development set out in the New Forest District Local Plan Review will likely lead to significant effects on European sites, either alone or in combination with other projects or plans.

5. The latest HRA of the Local Plan Review has been undertaken by consultants (Land Use Consultants) and assesses the potential effects of the Local Plan on one or more European sites, including Special Protection Areas (SPAs) and Special Areas of Conservation (SACs) as well as Ramsar sites<sup>1</sup>. HRA found that effective avoidance & reduction measures (through adopted policies and those put forward) have been secured. Therefore the Local Plan Part 1 will not have an adverse effect on the integrity of any European site, either alone or in combination with other plans and projects.

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<sup>1</sup> Habitats Regulations Assessment of New Forest District Local Plan Part 1 June 2018

## Appendix 3 - Assessment of the likely significance of effects on the environment

<b>Characteristics of the plan, having regard to:</b>	
(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;	The Hythe & Dibden NDP would, if adopted, form part of the Statutory Development Plan and as such does contribute to the framework for future development consent of projects. However, the Plan will sit within the wider framework set by the National Planning Policy Framework, the strategic policies of the New Forest District Local Plan Part 1 Core Strategy (2009) and Local Plan Part 2 Sites and Development Management (2014); and the emerging Local Plan (2016-2036).
(b) the degree to which the plan or programme influences other plans and programmes including those in a hierarchy;	The Hythe & Dibden NDP (when adopted) must be in conformity with the National Planning Policy Framework. The policies within the document must also conform with the Council's strategic policies and complement the adopted Local Plan 2009 and the emerging Local Plan (2016-2036).
(c) the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development;	The Hythe & Dibden NDP might contain policies relating to environmental considerations such as biodiversity, the historic environment and sustainability. These policies must be in conformity with national and local policies as required by the basic conditions. The Neighbourhood Plan will also have to contribute to the achievement of sustainable development to be approved at examination and "made" by the district council. Development would also be subject to the policies in the adopted Local Plan 2009 and/or the emerging Local Plan Part 1 2016-2036 and therefore all environmental considerations would be covered by policy.
(d) environmental problems relevant to the plan or programme; and	<p><u>International nature conservation designations, in particular:</u></p> <ul style="list-style-type: none"> <li>- The New Forest Special Protection Area (SPA)</li> <li>- The New Forest Special Area of Conservation (SAC)</li> <li>- The New Forest Ramsar</li> <li>- The Solent and Southampton Water SPA</li> <li>- The Solent Maritime SAC</li> <li>- The Solent and Southampton Water Ramsar</li> <li>- National SSSI designations (The New Forest SSSI, Dibden Bay SSSI, Hythe to Calshot Marshes SSSI)</li> <li>- Flooding (groundwater, fluvial and coastal) are known issues in parts of the Hythe &amp; Dibden parish and have been considered by the SEA of the Local Plan in determining suitable sites to allocate. The Hythe &amp; Dibden NDP will take this assessment into account as its policies develop.</li> </ul> <p>On this basis the Hythe &amp; Dibden NDP has the potential to have significant effects on the environment, which</p>



	should be assessed in relation to the NDP (see Section 2 below).
(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).	The Hythe & Dibden NDP is not directly relevant to any of these.
<b>2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:</b>	
(a) the probability, duration, frequency and reversibility of the effects;	None are expected to be significant.
(b) the cumulative nature of the effects;	Deemed unlikely to be significant.
(c) the transboundary nature of the effects;	The effects of the Plan are unlikely to have transboundary impacts (i.e. other Member States).
(d) the risks to human health or the environment (for example, due to accidents);	There are no significant risks to human health or the environment.
(e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);	The Designated Area covers a medium sized town (Hythe with Dibden Purlieu) and smaller adjoining hamlets (e.g. Dibden) with a total area of approximately 1,250 Ha. A combined population of approximately 20,400 residents (2016 Small Area Population Forecasts, Hampshire County Council). Significant effects due to the geographic size of the area and population size are considered likely.
(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	There are a number of international nature conservation sites within or adjoining the area, but as the NDP does not allocate any sites for development it is judged that it is unlikely to result in significant impacts on environmental assets. See 2(a) above. The area contains a number of listed buildings, particularly along Prospect Place and St Johns Street within the Hythe Conservation Area which are of important cultural heritage to the locality. The Designated Area also includes archaeological interests and other non-designated heritage assets such as those recorded on the Hampshire County Historic Environment Record and the wider character of the historic environment.

<p>(g) the effects on areas or landscapes which have a recognised national, Community or international protection status.</p>	<p>The Designated Area is partly within the New Forest National Park, where great weight is given to conserving landscape and scenic beauty.</p>
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