

SEA Screening Toolkit for Neighbourhood Plans OR Neighbourhood Development Orders

SEA Screening stage 1: Establishing the need for SEA - Generic application of SEA Directive to Ongar Neighbourhood Plan Submission Version August 2021

SEA Criteria	NP/NDO Outcome Y/N	Reason/Commentary NB instructions to officer completing tables in italic type. Standard response applicable in normal type
1. Is the NDP or NDO 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? (SEA Directive Art. 2(a))	Y	A local planning authority has a statutory obligation to “make” a Neighbourhood Plan (NP) once it has successfully gone through the relevant statutory preparation stages, culminating in a local referendum(s). This is allowed under the Town and County Planning Act 1990 as amended by the Localism Act 2011 and is prepared subject to The Neighbourhood Planning (General) Regulations 2012 and the Neighbourhood Planning (Referendums) Regulations 2012. To this extent, the NP process is directed through a legislative process.
2. Is the NP or NDO required by legislative, regulatory or administrative provisions? (SEA Directive Art. 2(a))	N	The preparation of a NP is not mandatory; i.e. a Parish Council or Neighbourhood Forum can choose to undertake either of these. However, once the relevant body decides to prepare a NP, then it is required to follow the set regulatory and administrative procedures.

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<p>3. Is the NP or NDO 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? (SEA Directive Art. 3.2(a)) EIA Directive 85/337/EEC has been updated and is codified in 2011/92/EU (Art 4 and Annexes).</p> <p>(The Annexes are reproduced at Appendix 3 of this toolkit)</p>	<p>N</p>	<p>A NP must relate to land use planning. Once made, it will form part of the statutory framework for the determination of planning applications. A NP therefore sets specific frameworks, for future development consents. However, the Ongar NDP does not set framework for the consents in Annex I and II to the EIA Directive.</p>
<p>4. Will the NP or NDO, in view of its likely effect on sites, require an assessment for future development under Article 6 or 7 of the Habitats Directive? (SEA Directive Art. 3.2(b)) (Habitats Directive 92/43/EEC Article 6 provides for special areas of conservation and Habitats in Annex I and species in Annex II – such sites are found within and neighbouring the district – see commentary column.</p>	<p>Not independently of the Local Plan.</p>	<p>In the case of Epping Forest District Council a NP may also be subject to a Habitat Regulations Assessment (HRA) if they impact on Epping Forest SAC, Lea Valley SPA and Ramsar Site and Wormley- Hoddesdonpark Woods SAC.</p> <p>Please refer to HRA screening which has concluded that the NDP can rely upon the HRA screening and assessment of the Epping Forest Local Plan Submission Version 2017 and Main Modifications proposed assuming the Local Plan is found sound in this respect.</p>
<p>5. Does the NP or NDO 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? (SEA Directive Art. 3.4)</p>	<p>Yes</p>	<p>The Ongar NDP sets out detailed, localised policies to reflect local aspirations and concerns and identifies local green space which is the use of a small area at a local level. On the whole the NDP is a minor modification to the LP which has been subject to sustainability appraisal incorporating Strategic Environmental Assessment. <i>(The current adopted District Plan has NOT been subject to this assessment and if</i></p>

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		<i>the NDP was to be taken forward under the current District plan then the acid test is whether the NDP is likely to have significant environmental impacts).</i>
6. Is the NP or NDO likely to have a significant effect on the environment? (Article 3 (5) Annex II of the SEA Directive)	No	This has been concluded via the HRA screening of this NDP.

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SEA Screening Stage 2: Testing whether the Ongar Neighbourhood Development Plan Submission Version August 2021 is likely to give rise to significant effects (*SEA Directive Article 3 (5) Annex II-Application of Criteria for determining the likely significance of effects on a Neighbourhood Plan or NDO.*)

	SEA Directive (Annex II)	Commentary NB instructions to officer completing tables in italic type. Standard response applicable in normal type	Conclusion- Significant environmental impact? [Y/N]
1	Characteristics of a Neighbourhood Plan		
A	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 plan would set a framework for future consent of development projects but within a hierarchy of plans.	NO
	Aims/ Objectives	The aims of the Plan contained within paragraph 4.1 include: ambition to enable the regeneration of the Parish; a more vibrant historic High Street; sustainable, well designed and distinctive development; the protection or enhancement of the historic, natural and rural environments	NO
	Site allocations for development	The plan proposes no allocations for development, only designations for protection.	NO
	Design policies/ standards/codes	The design policies contained in the plan seek lower	NO

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	SEA Directive (Annex II)	Commentary NB instructions to officer completing tables in italic type. Standard response applicable in normal type	Conclusion- Significant environmental impact? [Y/N]
		densities than the Submission Version of the Local Plan ONG -ED1, ONG -ED2, ONG -ED3, ONG – CT3, ONG-CT5	
	Landscape protection/ enhancement policies	Clauses in a number of policies seek to protect the landscape/ open rural nature of the area (ONG -RR1, ONG- ED 1)	NO
	Protected land designations	Policies seek protection for listed buildings ONG – ED3 and local green spaces ONG- CT1	NO
	Linkages/ Green infrastructure proposals	Policies seek to protect existing green infrastructure and wildlife - ONG ED 5, and define the location of a landscape - buffer ONG ED6	NO
	Community facilities	Policy seeks to protect community facilities ONG – CT2 and direct provision ONG-CT4, CT5	NO
B	Degree to which this influences other plans and programmes including those in a hierarchy	Neighbourhood Plans are locally driven and will, inevitably, cover a small, defined locality/neighbourhood. In practice, Neighbourhood Plans provide detailed policy, land use or development management direction at the smallest “neighbourhood” level. These should by definition have regard to and be in general conformity with, “higher level” policies/ programmes, but will not, by	NO

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	SEA Directive (Annex II)	Commentary NB instructions to officer completing tables in italic type. Standard response applicable in normal type	Conclusion- Significant environmental impact? [Y/N]
		themselves, influence other more strategic policies/ programmes.	
C	Relevance of the plan for the integration of environmental considerations in particular with a view to promoting sustainable development	The “basic conditions” (that a Neighbourhood Plan must meet) require that Neighbourhood Plans must “have regard” to sustainable development. For a plan to pass examination, an examiner must be satisfied that the effective implementation of a Neighbourhood Plan would give rise to sustainable developments. The policies in the plan seek to promote sustainable development	NO
D	Environmental problems relevant to the Neighbourhood Plan	Ongar parish contains two River valleys of the River Roding and Cripsey Brook. Some areas are subject to flood risk but there are no allocations in the plan.	NO
E	Relevance for the Implementation of Community Legislation (European Community) on the environment (e.g. plans and programmes linked to waste management or water protection)	Strategies/ policies relating to waste disposal or water protection are dealt with by Essex County Council. EFDC has strategies in place relating to waste collection and environmental protection. Community plans may identify specific local environmental concerns or issues, but	NO

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	SEA Directive (Annex II)	Commentary NB instructions to officer completing tables in italic type. Standard response applicable in normal type	Conclusion- Significant environmental impact? [Y/N]
		these are generally not issues which could be addressed through a Neighbourhood Plan. Ongar NDP does not address such matters.	
2	Characteristics of the effects and of the area likely to be affected having regard, in particular to:		
F	the probability, duration, frequency and reversibility of any effects	This NDP addresses only specific local development management issues, complementing the higher level strategic policy framework.	NO
G	the cumulative nature of any effects	No significant cumulative effects are expected from the plan	NO
H	the trans-boundary nature of any effects	No trans-boundary effects are likely to arise.	NO
I	the risks to human health or the environment (e.g. due to accidents, impact on air quality)	Strategies/ policies relating to waste disposal or water protection are dealt with by Essex County Council. EFDC has strategies in place relating to waste collection and environmental protection. The Ongar NDP makes no such provision.	NO
J	the magnitude and spatial extent of the effects (geographical area and size of the	No effects are expected to be of a magnitude or spatial	NO

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	SEA Directive (Annex II)	Commentary NB instructions to officer completing tables in italic type. Standard response applicable in normal type	Conclusion- Significant environmental impact? [Y/N]
	population likely to be affected)	extent that would be considered 'significant'	
K	Value and vulnerability of the area likely to be affected due to:		
	special natural characteristics (e.g. biodiversity, water resources) or cultural heritage; exceeded environmental quality standards or limit values; intensive land-use.	Epping Forest SAC lies approximately 6 miles away from Ongar Several local nature reserves/ Local Wildlife sites lie in proximity to the plan area Numerous Listed Buildings in the area including Ongar Castle. There is no significant impact expected from the NDP itself on any of the characteristics of the natural and built environment noted. There are no water or air quality management sensitivities in the immediate area, and no intensity of land use triggered by the NDP that could be harmful.	NO

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L	Effects on areas or landscapes which have a recognised national, community or international protection status.	Although there are some statutory designations as noted above there are no measures in the plan expected to have a significant effect upon them. There are no designated landscapes in the area.	NO
	Potential site allocations for development	There are no allocations	NO
	Potential design policies	None would significantly affect the assets identified above at K	NO

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	Linkages/ green infrastructure proposals	None would significantly affect the assets identified above at K	NO
	Community facilities	None would significantly affect the assets identified above at K	NO

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Appendix 1: SEA PRO-FORMA

Epping Forest District Council Strategic Environmental Assessment (SEA) Pro-forma for Neighbourhood Plans or Neighbourhood Development Orders.	
Name of Qualifying Body:	Ongar Parish Council
Name of Neighbourhood Plan:	Ongar Neighbourhood Plan Submission Version August 2021
Date:	12 October 2021
Stage 1: SEA screening process	
Can it be objectively demonstrated that the scope of the NP will:	
Q4. Not require an assessment for future development under Article 6 or 7 of the Habitats Directive? YES	
Q5. <u>Only</u> determine small scale land allocations/ designations, or detailed, locally distinctive design criteria? YES	
Q6 Not have a significant effect on the environment? YES	
Stage 2: SEA screening process	
Please explain the reasoning on Q4, 5 and 6 above.	
The NDP does not contain any allocations for development, the policies deal with addressing minimal aspects of development, largely either in terms of design, or protecting the existing natural and built assets. The plan is therefore not expected to have any significant effects on recognised environmental receptors. The effects of the plan relate largely to the preservation of existing features.	
Summary Conclusions	
No significant effects expected as policies deal with design and very small areas. No SEA required.	

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Will a full SEA be required [Y/N]	NO

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Appendix 2: Statutory Consultations

Natural England

Historic England

Environment Agency