Strategic Environmental Assessment (SEA) Screening Report

Ninfield Neighbourhood Plan (Pre-Regulation 14)

May 2022

Prepared by Wealden District Council

1. Introduction

1.1 This screening report is designed to determine whether the draft Ninfield Neighbourhood Plan (NP) requires a Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/EC ("The SEA Directive")[1] and associated Environmental Assessment of Plans and Programmes Regulations 2004 (The "SEA Regulations")[2].

1.2 A neighbourhood plan may require a Strategic Environmental Assessment (SEA) to comply with the SEA Directive where it is likely to have significant environmental effects. It is the Council's responsibility to determine whether the plan is likely to have significant environmental effects taking account of the criteria set out in Schedule 1 of the Environmental Assessment of Plans and Programmes Regulations 2004, and in consultation with the Environmental Agency, Historic England and Natural England.

1.3 In order to determine whether a proposed neighbourhood plan is likely to have significant effects on the environment it is 'screened' at an early stage once the plan remit and objectives have been formulated. This report assesses the first draft of the Ninfield NP (pre-regulation 14 stage).

1.4 If, after the screening assessment and consultation with the statutory bodies, the responsible authority determines that the neighbourhood plan is likely to have significant environmental effects, then a full Strategic Environmental Assessment will be required. Conversely, if it is determined through screening and consultation with the statutory bodies that the neighbourhood plan is unlikely to have significant environmental effects, then the neighbourhood planning group need not concern itself with subsequent stages of the SEA process.

1.5 The Council advises neighbourhood plan groups to undertake a Sustainability Appraisal to assess the impact of the Neighbourhood Plan against social, environmental and economic factors. This is good practice and can provide evidence for how the neighbourhood plan meets the requirement to promote sustainable development.

[1] European Directive 2001/42/EC
[2] The Environmental Assessment of Plans and Programmes Regulations 2004

2. Overview of the Ninfield Neighbourhood Plan and Ninfield Parish

2.1 The Ninfield NP is at an early stage of production and has yet to go out to Regulation 14 consultation. The plan covers Ninfield Parish, which contains large areas of Ancient Woodland and a network of hedgerows. A considerable number of small ponds, ditches and streams are present within the Parish which feed into the Moorhill Stream to the south, Ninfield Stream to the north-west and Catsfield/Watermill Stream to the east. In heritage terms, Ninfield has 28 listed buildings.

2.2 There are no Special Protection Areas or National Nature Reserves within the neighbourhood area. Pevensey Levels is a SSSI, Special Area of Conservation, Biodiversity Opportunity Area and RAMSAR site that is located in the west of the parish along the border with the Wartling Parish. The High Woods SSSI is on the southern border of the parish with the Rother District outside the parish.

2.3 There are four Local Wildlife Sites within the parish these are: Ninfield Reservoir, Combe Wood, Long Wood and Wet Wood, Rough Wood and White Wood. Finally, the High Weald Area of Outstanding Natural Beauty covers the north-west portion of the parish.

2.4 The Plan sets out a vision, objectives and policies covering a plan period to 2035. The Plan **does not allocate sites for development**. The Plan sets out a vision statement:

> *"By 2035, Ninfield will have retained its character as a safe vibrant rural parish, protecting its special position between the High Weald AONB and Pevensey levels from inappropriate development whilst supporting small scale development opportunities for community, economic and residential use that meet the needs of its residents in an environmentally-sensitive and sustainable way; Development will have avoided sensitive landscapes and cherished countryside, whilst retaining the area's strong sense of community, green spaces, and thriving natural environment, respecting and preserving the heritage of the Parish."*

2.5 The plan's objectives are:

1. *To protect the distinctive landscape setting of the village - which includes the public enjoyment of the countryside with its important public viewpoints, the natural environment, biodiversity and dark skies - and conserve and enhance the AONB and its setting;*
2. *To enable Ninfield to make a contribution to reducing climate change and to build resilience, mitigate effects and exploit beneficial opportunities;*

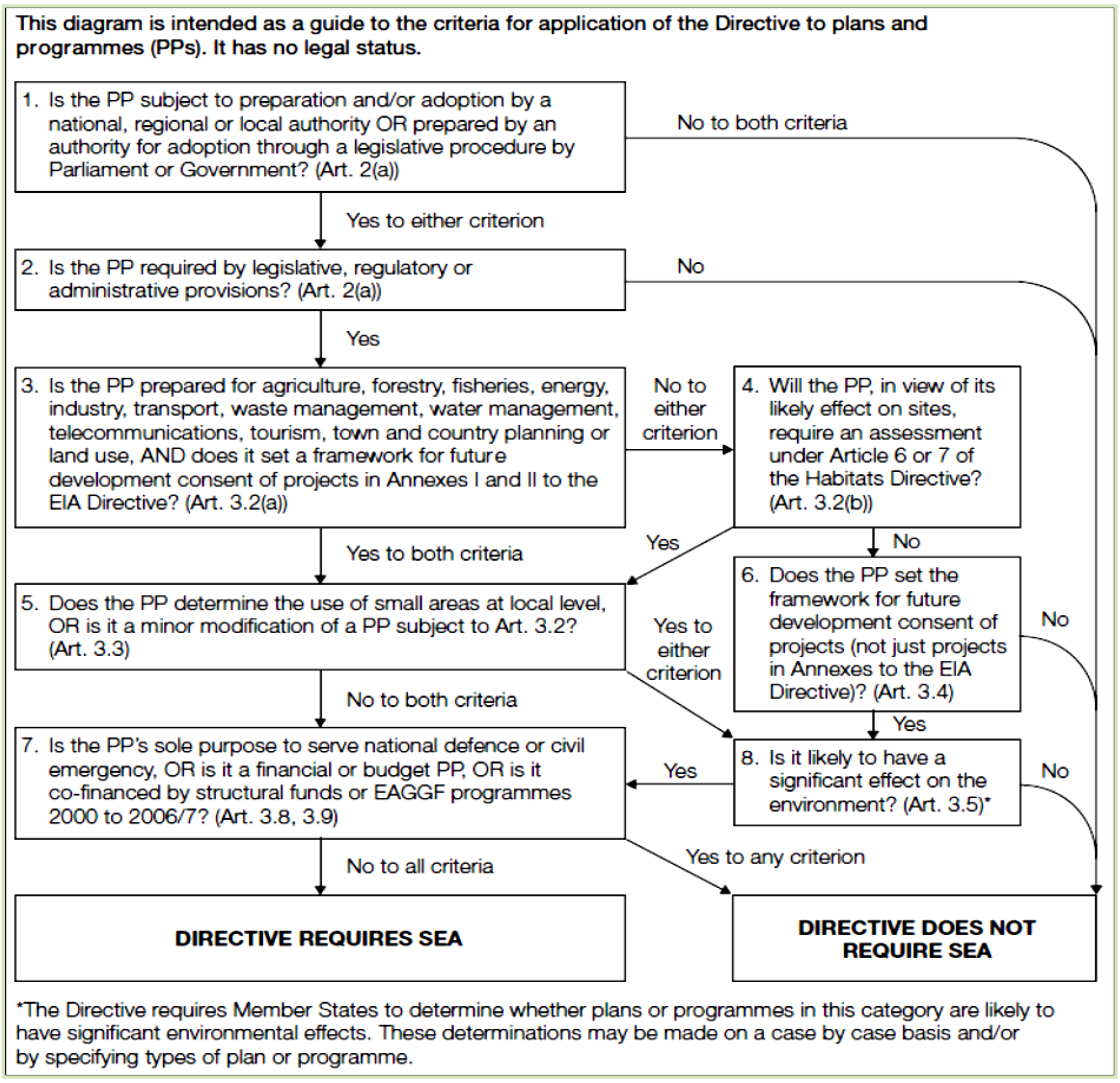
3. *To conserve and enhance the unique rural heritage and character of Ninfield including its historic buildings and their settings, through sensitive design of new development which reflects the needs of the Parish;*
4. *To encourage sustainable design in the construction of new development and alterations to existing buildings and their facilities;*
5. *To support the provision of a mix of dwelling types including in particular, affordable housing, smaller dwellings for young families or those downsizing and starter home;*
6. *To support proposals that provide local employment and are sustainable, environmentally appropriate and consistent with the rural location;*
7. *To retain, upgrade and expand facilities, infrastructure and communication networks to meet the social, leisure and health needs and interests of residents;*
8. *To promote safer and better access for residents to key facilities and locations by bus, cycle and on foot and ensure an adequate level of car parking is provided with new developments.*

3. SEA Screening Assessment

3.1 The screening assessment for the SEA is undertaken in two parts and will firstly assess whether the Ninfield NP requires an SEA as per the detailed guidance contained within 'A Practical Guide to the Strategic Environmental Assessment Directive' that is shown in Figure 1 that follows below[3]. The second element of the assessment will consider whether the Ninfield NP is likely, in its current form, to have a significant effect on the environment, using the criteria drawn from Schedule 1 of the SEA Regulations. Figure 1 below is a guide as to how the criteria for the application of the Directive should be assessed.

[3] See page 13 of 'A Practical Guide to the Strategic Environmental Assessment Directive' (2005) and Figure 2 – Application of the SEA Directive to plans and programmes for the original diagram.

Figure 1: Application of the SEA Directive to plans and programmes



3.2 The process in Figure 1 has been undertaken in terms of the Ninfield NP and the findings can be viewed in Table 1. This establishes whether this NP would require an SEA. The questions in Table 1 are drawn from the diagram above which sets out how the SEA Directive should be applied.

Table 1: Establishing the need for the SEA

Stage	Yes/No	Reason
1. Is the PP (plan or programme) 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	**Yes**	The NP has been prepared by Ninfield Parish Council under the provision of the Town and Country Planning Act 1990 as amended by the Localism act 2011 and the associated Neighbourhood Plan Regulations 2012 as amended. Once the NP

Stage	Yes/No	Reason
or Government? (Art. 2(a)).		is made it will adopted by Wealden District Council. Go to Stage 2
2. Is the PP required by legislative, regulatory or administrative provisions? (Art. 2(a))	**Yes**	The Ninfield NP is not a requirement and is optional under the provisions of the Town and Country Planning Act 1990 (as amended by the Localism Act 2011). However, once 'made' the Ninfield NP would form part of the statutory development plan, and will be used when making decisions on planning applications within the designated NP area. Therefore, it is considered necessary to establish whether there is a need for an SEA. Go to Stage 3
3. Is the PP 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 to the EIA Directive? (Art. 3.2(a))	**Yes**	The Ninfield NP is being prepared for both town and country planning and land use and therefore meets the first part of this question. The NDP contains a general framework for all future development consent, which could include projects that would be listed 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 under Article 6 or 7 of the Habitats Directive? (Art. 3.2(b))	**Not applicable (see flow chart above).**	
5. Does the PP determine the use of small areas at local level, OR is it a minor modification of a PP	**Yes**	The Ninfield NP does not allocate land for a specific purpose but does show

Stage	Yes/No	Reason
subject to Art. 3.2? (Art. 3.3)		preference for the type and form of development at a local level. 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 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)	**Not applicable**	
8. Is it likely to have a significant effect on the environment? (Art. 3.5)	**No**	This question is considered within the screening assessment itself that follows in Table 2 below.

3.3 Table 2 below sets out the Councils assessment on the likely environmental effects of the draft Ninfield NP with reference to the criteria specified in Schedule 1 of the SEA Regulations.

Table 2: Determining the likely significance of effects

SEA Directive criteria	Wealden District Council assessment	Likely significant environmental effect?
Characteristics of the Neighbourhood Plan, having regard to:		
(a) 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 of projects.	No

SEA Directive criteria	Wealden District Council assessment	Likely significant environmental effect?
	However, the neighbourhood plan must sit within a wider policy framework having regard to National Policy while also being in general conformity with the strategic policies of the District's Development Plan. The NP does not seek to allocate sites for development. It instead provides policies to help guide development by providing certain criteria in relation to the environment, sustainability, design, economy and transport. In general terms the framework of policies seeks to guide projects which are local in nature.	
(b) the degree to which the plan influences other plans and programmes including those in a hierarchy	The NP must have regard to the National Planning Policy Framework and must be in general conformity with the strategic polices of the Council's Development Plan. The NP may have a limited degree of influence over the formation of other documents and policies. However, the extent of impact is unlikely to be significant in this regard given the Plan's position within the policy hierarchy and its limited geographic scope.	No
(c) the relevance of the plan for the integration of environmental considerations in particular with a view to promoting sustainable development	The NP does not allocate sites for development. The criteria based policies and local designations are designed to promote sustainable development in line with the requirement that all neighbourhood plans	No

SEA Directive criteria	Wealden District Council assessment	Likely significant environmental effect?
	contribute to the achievement of sustainable development. It will be advised for the NP to be accompanied by a Sustainability Appraisal.	
(d) environmental problems relevant to the plan	The Ninfield NP area does not contain Special Protection Areas, LNRs or NNRs. However, the northern section of the Pevensey Levels SSSI, SAC and Ramsar site is located to the south-west of the Parish with the protected sites northern extent being located within the western tip of Ninfield Parish. Also, the whole of Ninfield parish is located within the Pevensey Levels hydrological catchment area. The plan does not allocate sites for development and it is not therefore considered that the policies in the plan will have a 'significant adverse effect' on the Pevensey Levels. This is considered in greater detail in the HRA screening report. The area does contain ancient woodland and four Local Wildlife Sites but this designation is unlikely to be affected by the policies in the plan. The NP does not allocate sites for development. It does however designate 12 Local Green Spaces. The NP includes policies to protect the natural environment, protect dark skies	No

SEA Directive criteria	Wealden District Council assessment	Likely significant environmental effect?
	and to encourage sustainable resource efficient developments. There are some policies that provide support for environment, sustainability, design, economy and transport subject to various criteria but if such development were to come forward it will be assessed in relation to any environmental issues as part of the planning application process. It is not possible to assess this now as there are no site specific locations or details available.	
(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 NP will not affect the implementation of environmental legislation. The Habitats Regulations screening assessment concludes that the NP will not result in a 'likely significant effect' on any SACs, SPAs or Ramsar sites.	No
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 NP plan period runs until 2035. The plan does not allocate sites for development but will set policies to help shape and guide development over that period. Development that comes forward in the NP area will be assessed as part of the normal planning application process against these policies. It is unlikely that there will be significant	No

SEA Directive criteria	Wealden District Council assessment	Likely significant environmental effect?
	environmental effects as a result of the policies and criteria in themselves.	
(b) the cumulative nature of the effects of the plan	The scope of the policies proposed within the NP are local in nature. There are criteria based policies. However, the scale, location, type and form of development is not known and will therefore be assessed as part of the normal planning application process should development come forward. The policies and criteria in themselves will not result in a significant cumulative environmental effect.	No
(c) the transboundary nature of the effects	There are not expected to be any trans-boundary effects on other parishes, local authority areas or wider.	No
(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. For example a policy seeks to improve human health by promoting walking and cycling.	No
(e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)	The NP covers an area of 10.6km with a population of 1,622 at the last census in 2011. The Plan therefore covers a relatively small geographic area with a modest population. The plan is not allocating sites for development and the effects of the plan are likely to be largely limited to the neighbourhood area.	No

SEA Directive criteria	Wealden District Council assessment	Likely significant environmental effect?
(f) the value and vulnerability of the area likely to be affected due to: • Special natural characteristics or cultural heritage; • Exceeded environmental quality standards or limit values; and • intensive land-use	The NP does not contain a conservation area. However there are 27 Grade II or Grade II* listed buildings, and one Grade 1 listed building. There is also a large number of non-designated heritage assets. The NP provides policies to identify and protect non-designated heritage assets in the Parish and to identify areas of 'heritage value'. The neighbourhood area includes a limited area of the Pevensey Levels SAC, SSSI and Ramsar site. In addition there are four local nature reserves. The NP does not allocate sites. It is not expected that criteria based policies in themselves will lead to an exceedance of environmental quality standards or limit values. Any development that does come forward will be considered through the normal planning application process. The NP through design policies seeks to restrict intensive land use by ensuring that new developments are in proportion and reflect the form of existing development in the Parish.	No
(g) the effects on areas or landscapes which have a recognised national, Community or international protection status	The HRA screening assessment has not identified any likely significant environmental effects on any national, community or international protected sites.	No

SEA Directive criteria	Wealden District Council assessment	Likely significant environmental effect?
	Part of the neighbourhood area is located within the High Weald AONB. Policy N3 is aimed at protecting the AONB therefore not likely to negatively impact. Policy N4 seeks to designate Locally valued landscapes including landscape within the AONB.	
Conclusion	**The Ninfield NP is not likely to have a significant effect on the environment and as such an SEA is not required.**	

4. SEA Screening Conclusion

4.1 As a result of the assessment at Section 3, it is considered by Wealden District Council that an SEA will not be required for the Ninfield Neighbourhood Plan.

4.2 This screening opinion is considered to be a 'snapshot in time' and if the scope and/or nature of the Ninfield Neighbourhood Plan should change or new policies be added, then a new screening process will need to be undertaken to determine whether an SEA would be required at that time.

4.3 This report was sent to the three statutory bodies for comment (Historic England, Environment Agency and Natural England). Each body agreed with the Council's conclusion that the Ninfield NDP is not likely to have significant effects on the environment and a SEA is therefore not required.

4.4 The consultee's responses are provided at Appendix 1.

APPENDIX 1: Statutory Consultee Responses

Historic England

Planning Policy
Wealden District Council
Council Offices
Vicarage Lane, Hailsham
East Sussex BN27 2AX

By email only to PlanningPolicy@wealden.gov.uk

Our ref: PL00767742
Your ref:

Telephone [redacted]
Email e-seast@historicengland.org.uk

Date 23 March 2022

Dear Sir or Madam

Ninfield Neighbourhood Plan Strategic Environmental Appraisal Screening Opinion

Thank you for your email dated 18 February 2022 consulting Historic England on your intention of carrying out a SEA for the above plan.

In light of the Environmental Assessment of Plans and Programmes Regulations 2004, our view is that a SEA is not required in this instance for the reason set out in paragraph 4.1 of the Screening Statement.

Yours sincerely

[redacted]
Historic Environment Planning Adviser

Hi [redacted]

Thank you for consulting the Environment Agency on the screening opinion for the emerging Ninfield Neighbourhood Plan.

The Screening Opinion document confirms that there will no site allocations coming forward as part of this plan. Therefore, having taken this into account, we do not consider there to be any Significant Environmental Impacts associated with this plan regarding issues within our remit, and therefore it is our view that a SEA will not be required.

Should you determine that a Neighbourhood Plan does require SEA, we should be consulted on the scope to ensure key environmental issues are addressed. We can also provide baseline information and data.

We hope you find these comments useful.

Kind regards
[redacted]

[redacted]
Sustainable Places
Solent and South Downs

Tel: [redacted]
Email: [redacted]@environment-agency.gov.uk

Date: 23 March 2022
Our ref: 384346
Your ref: Ninfield Neighbourhood Plan

Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

Mr [redacted]
Wealden District Council

BY EMAIL ONLY
[redacted]@wealden.gov.uk

Dear Mr [redacted]

Ninfield Neighbourhood Plan – Draft SEA Screening

Thank you for your consultation on the above dated and received by Natural England on 18 February 2022.

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

[redacted]
Consultations Team