

# **Strategic Environmental Assessment Screening Determination Statement**

Houghton Regis Neighbourhood Plan 2020 – 2035

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#### **Executive Summary**

This statement sets out the reasons for the Council's determination that the Houghton Regis Neighbourhood Plan proposal is unlikely to result in significant environmental effects and therefore does not require a Strategic Environmental Assessment. In addition, this statement determines that the Houghton Regis Neighbourhood Plan is unlikely to result in significant effects on any European sites and consequently the plan does not require a Habitat Regulation Assessment.

This determination statement is intended to support Houghton Regis Town Council in demonstrating that the Houghton Regis Neighbourhood Plan proposal is compatible with certain European Union obligations as required by the basic conditions, namely:

- Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment; and
- Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora.

This determination has been made on 29<sup>th</sup> March 2023. Within 28 days of this determination, the Council will publish a statement, setting out its decision. Central Bedfordshire Council will publicise this determination statement in accordance with regulatory requirements. A copy of the statement will be available for inspection at the Council website at:

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It will also be available on request at: Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford, SG17 5TQ.

If you require any further information, then please contact Sian Farrier by email at sian.farrier@centralbedfordshire.gov.uk.

#### 1. Introduction

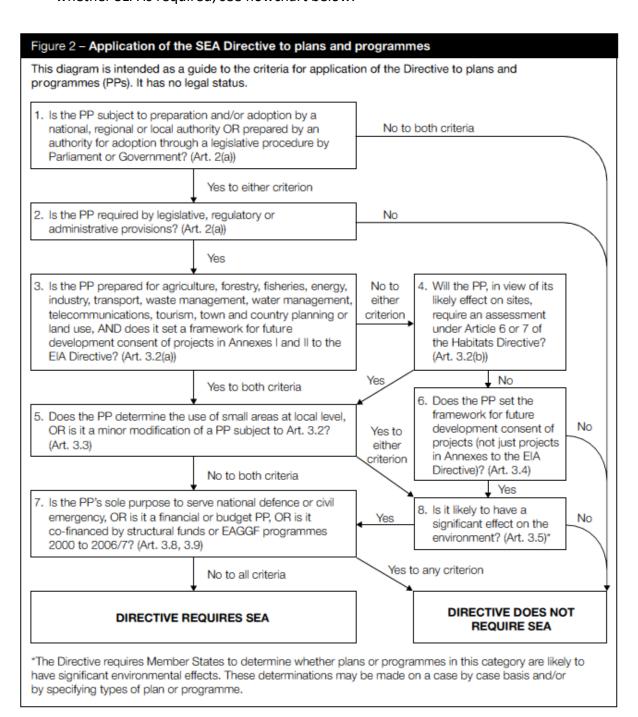
- 1.1 Houghton Regis Town Council have requested a Strategic Environmental Assessment (SEA) screening opinion of their Neighbourhood Plan (NP). Central Bedfordshire Council is legally required to determine whether the Houghton Regis NP will require SEA.
- 1.2 This document is a final Screening Determination Statement which is being issued to Houghton Regis Town Council and the statutory bodies.
- 1.3 The Council undertook a screening exercise to determine whether or not the content of the Houghton Regis NP 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 for:
  - 1.3.1 Plans which are prepared for town and country planning or land use and which set the framework for future development consent of projects listed in the Environmental Impact Assessment (EIA) Directive; or
  - 1.3.2 Plans which have been determined to require an assessment under the Habitats Directive.
- 1.4 Following the screening process, the Council determined that the Houghton Regis NP is unlikely to result in significant effects on the environment. The Council consulted the findings with the statutory consultation bodies: Historic England, Natural England and Environment Agency.
- 1.5 Section 2 of this report outlines the regulations that set the need for this screening exercise. Process and criteria of the assessment are set out in Section 3.
- 1.6 A summary of the Houghton Regis NP is provided in Section 4.
- 1.7 The screening assessment of the likely significant environmental effects of the NP is set out in Sections 5 & 6 and the justification for the determination that the Houghton Regis NP does not require a full SEA with further recommendations is provided in Section 7.

#### 2. Legislative Background

- 2.1 The basis for Strategic Environmental Assessment legislation is the European Directive 2001/42/EC and was transposed into English law by the Environmental Assessment of Plans & Programmes Regulations 2004, or SEA Regulations. Detailed guidance of these regulations can be found in the Government publication 'A Practical Guide to the Strategic Environmental Assessment Directive' (ODPM 2005).
- 2.2 The Planning & Compulsory Purchase Act 2004 requires that a Sustainability Appraisal (SA) is prepared for spatial plans. It is considered best practice to incorporate requirements of the SEA Directive into an SA.
- 2.3 The Government has stated that SAs are not needed for NPs, but it must be demonstrated how the NP contributes to achievement of sustainable development in the area.
- 2.4 The Localism Act 2011 requires NPs to not breach and be otherwise compatible with EU and Human Rights obligations. Ambitious and complex NPs may trigger the EU Strategic Environmental Assessment Directive and Habitat Directive and may need to undertake SEA and Appropriate Assessment depending on the scale and the impact of the plan proposals.
- 2.5 Schedule 2 of the Neighbourhood Planning (General) Regulations 2012 refers to the Habitat Directive. The Directive requires that any plan or project likely to have a significant effect on European sites must be subject to an appropriate assessment. Paragraphs 2-5 of Schedule 2 amend the Conservation of Habitats and Species Regulations 2010 so that its provisions apply to Neighbourhood Development Orders (NDOs) and NPs. The Regulations state that NPs are not likely to have significant effects on a site designated at European level for its biodiversity, however, this needs to be ascertained through Habitat Regulations Assessment's screening process.
- 2.6 This report focuses on screening for both HRA and SEA and the criteria for establishing whether a full assessment is needed.

#### 3. Screening Assessment Process

- 3.1 The screening opinion assessment is undertaken in two parts: the first part will assess whether the plan falls into a category of plans requiring SEA; and the second part of the assessment will consider whether the NP is likely to have a significant effect on the environment, using criteria drawn from Schedule 1 of the EU SEA Directive and the UK Environmental Assessment of Plans and Programmes Regulations 2004.
- 3.2 The Government guidance 'A Practical Guide to the Strategic Environmental Assessment Directive' sets out the following approach to be taken in determining whether SEA is required, see flowchart below.



- 3.3 Criteria for determining the likely significance of effects referred to in Article 3(5) of Directive 2001/42/EC are set out below:
  - 1. The characteristics of plans and programmes, having regard to:
    - 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 degree to which the plan or programme influences other plans and programmes including those in a hierarchy
    - the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development,
    - environmental problems relevant to the plan or programme
    - the relevance of the plan or programme for the implementation of Community legislation on the environment (e.g. plans and programmes linked to wastemanagement or water protection)
  - 2. Characteristics of the effects and of the area likely to be affected, having regard to:
    - the probability, duration, frequency and reversibility of the effects
    - the cumulative nature of the effects
    - the transboundary nature of the effects
    - the risks to human health or the environment (e.g. due to accidents)
    - the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)
    - 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
      - intensive land-use
      - the effects on areas or landscapes which have a recognised national, Community or international protection status

Source: Annex II of SEA Directive 2001/42/EC

#### 4. Summary of Neighbourhood Plan

- 4.1 Houghton Regis NP covers the administrative boundary of Houghton Regis Town Council. Houghton Regis is a small town with a historic core in the south of Central Bedfordshire and includes the hamlets of Bidwell, Thorn and Sewell. The town sits between the M1, A5 and A505 main roads, is partly inset from the Green Belt and falls just north of the Chilterns Area of Outstanding Natural Beauty (AONB), sitting adjacent to the towns of Dunstable and Luton and approximately 7 miles east of Leighton Buzzard.
- 4.2 Houghton Regis is home to one Conservation Area, three Scheduled Ancient Monuments and several County Wildlife Sites. Houghton Regis is located only 8km from the Chiltern Beechwoods Special Area of Conservation (SAC), which is a Natura 2000 site, and the neighbourhood plan area is within the Chiltern Beechwoods SAC Zone of Influence. The town is mostly a mix of residential, commercial and retail uses.
- 4.3 The draft Houghton Regis Town NP covers a number of land use and environmental issues that relate to the town. These are addressed through a number of policies to guide development in the Parish. The policies cover the following areas:
  - Town Centre & Local Centres
  - Housing & Development
  - Open Space, Recreation & Natural Environment
  - Heritage
  - Business & Employment
  - Access, Connectivity and Infrastructure
- 4.4 Town Centre & Local Centres policies aim to: resist changes of use that could harm the vitality and viability of the Town and Local Centres, support existing uses, encourage new development which will support the vitality of the Town Centre and Local Centres and assist in the delivery of the Houghton Regis Masterplan.
- 4.5 Housing & Development policies aim to: ensure the right mix and tenure of housing is developed, support the redevelopment of brownfield sites and in-fill development, when and where appropriate, and promote sustainable development, targeting net zero carbon emissions.
- 4.6 Open Space, Recreation & Natural Environment policies aim to: protect existing and support new open play and recreation spaces, support the provision of a boundary trail around the parish and protect natural features and nature reserves.
- 4.7 Heritage policies aim to: protect local heritage and features of historical and architectural interest.
- 4.8 Business & Employment policies aim to: protect employment sites from change of use and support the expansion of existing and the development of new employment facilities.

4.9 Access, Connectivity & Infrastructure policies aim to: ensure development proposals demonstrate sustainable development in relation to movement to services and facilities, improve car parking provision and ensure any new development provides the necessary infrastructure to support the needs of the community.

### 5. Assessment (Part 1)

5.1 The first part of the assessment is to establish the need for the SEA. The table below shows the assessment determining whether the Houghton Regis NP falls into a category of plans requiring SEA.

Table 1 – Assessment to determine whether Houghton Regis NP requires an SEA

Stage	Y/N	Reasons
1. Is the NP subject to preparation and/or adoption by a national, regional or local authority OR prepared by an authority for adoption through legislative procedure by Parliament or Government? [Art. 2(a)]	Y	The preparation and adoption of the NP is allowed under the Town & Country Planning Act 1990 as amended by the Localism Act 2011. The Neighbourhood Plan will be prepared by Houghton Regis Town Council (as the 'relevant body') and will be 'made' by the Central Bedfordshire Council as the local authority. The preparation of NPs is subject to the following regulations: The Neighbourhood Planning (General) Regulations 2012 and The Neighbourhood Planning (Referendums) Regulations 2012
2. Is the NP required by legislative, regulatory or administrative provisions?  [Art. 2(a)]	Y	Whilst the 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, it will, if 'made', form part of Local Plan for the unitary area. It is therefore important that the screening process considers whether it is likely to have a significant effect on environment and hence whether SEA is required under the Directive  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 framework for future development consent of projects in Annexes I and II to the EIA Directive? [Art. 3.2(b)]	Υ	The NP is being prepared for town and country planning and land use. The plan supports certain types of development, including small-scale housing and employment sites through the reuse of brownfield land and infill development, but does not allocate any sites and does not set a framework for future development consent for projects in Annexes I and II to the EIA Directive
<b>4.</b> Will the NP, in view of its likely effect on sites, require assessment under Article 6 or 7 of the Habitats Directive? [Art. 3.2 (b)]	N	The plan supports certain types of development within the parish, as outlined in response to question 3, but the NP does not allocate any sites for development. There is one Natura 2000 site within close proximity of the parish boundary. This is the Chiltern Beechwoods site, 8km away.  In March 2022, following Chiltern Beechwoods Special Area of Conservation (SAC) visitor study by Dacorum Borough Council, Natural England

Stage	Y/N	Reasons
		determined that extra protection for this nationally important site was required, after the study identified that high visitation was causing significant damage to the site and that new development, such as housing development, has the potential to generate increased visitation and increased harm to the SAC. A Zone of Influence was determined by Natural England, whereby appropriate mitigation for new residential development within this zone is required. The Houghton Regis NP area is located within this Zone of Influence. However, Annex I of this report looked at the effects of the Houghton Regis NP on the Chiltern Beechwoods site and other sites in detail and concluded that there is no need for Appropriate Assessment, based on the findings of the Central Bedfordshire Local Plan HRA, the significant mitigation work already undertaken by Central Bedfordshire Council in regard to the Chiltern Beechwoods SAC, which covers the Houghton Regis NP area and the fact that the Houghton Regis NP does not allocate any sites for development. Therefore, it is not considered that the plan will result in an effect on the site which necessitates the requirement for an assessment under Article 6 or 7 of the Habitats Directive.
		GO TO STAGE 5
<b>5.</b> Does the NP 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]	N/A	NOT APPLICABLE
<b>6.</b> Does the NP set the framework for future development consent of projects (not just projects in annexes to the EIA Directive)? [Art. 3.4]	Y	The NP will set the framework for future development of projects not included in Annexes I and II to the EIA Directive  GO TO STAGE 8
7. Is the NP's sole purpose to serve national defence or budget PP, OR is it cofinanced by structural funds or EAGGF programmes 2000 to 2006/7? [Art. 3.8 & 3.9]	N/A	NOT APPLICABLE
8. Is the NP likely to have a significant effect on the environment? [Art. 3.5]	N	See Assessment Part 2: Likely significant effects on the environment.  DIRECTIVE DOES NOT REQUIRE SEA

## 6. Assessment (Part 2)

6.1 The next step in the screening assessment is to establish whether the Houghton Regis NP is likely to have a significant effect on the environment. The criteria for determining the likely significance of effects are drawn from Annex II of the SEA Directive 2001/42/EC.

<u>Table 2 – Screening assessment to establish whether the Houghton Regis NP is likely to have a significant effect on the environment</u>

Criteria for determining the likely significant effects (Annex II SEA Directive)	Summary of significant effects	Likely to have significant environmental effects Y/N
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 NP will contribute to the framework for considering future development consents of projects: it sets out policies to guide future development, but it does not allocate sites for development. The Plan and its policies sit within a wider framework of the NPPF (2021) and the CBC Local Plan (2021). The Plan's policies must be compliant with policies within the above documents. This NP sets a framework for development that is localised in nature and has limited resource implications.	N
<b>1b.</b> The degree to which the plan or programme influences other plans and programmes including those in a hierarchy	The NP will be in conformity with the NPPF. The policies within the NP are in general conformity with the Council's strategic policies and complement the adopted Local Plan policies. The NP is unlikely to significantly influence other plans and programmes.	N
1c. The relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development	The NP includes policies to protect heritage assets and their character and setting, promote sustainable travel practices and protect open spaces. All potential development will need to comply with Central Bedfordshire Council planning policies and be in conformity with NPPF. Given the scope of the NP, it is considered that the Plan integrates environmental considerations and promotes sustainable development.	N

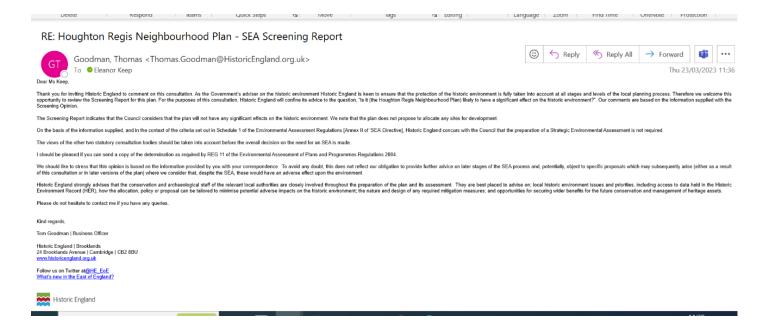
Criteria for determining the likely significant effects (Annex II SEA Directive)	Summary of significant effects	Likely to have significant environmental effects Y/N
<b>1d.</b> Environmental problems relevant to the plan	The NP includes policies to protect heritage assets and their character and setting, promote sustainable travel practices and protect open spaces. The Plan is not allocating sites for residential or commercial development, and therefore the Plan is unlikely to result in significant environmental effects. This is explored in more detail in Annex 1, in particular in relation to the closest Natura 2000 site (Beechwoods SAC) and the impacts of the plan upon this.	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 or renewable energy generation)	The NP sits within the wider framework of the National Planning Policy Framework (2021) and the CBC Local Plan (2021) and is not directly relevant to the implementation of European legislation.	N
<b>2a.</b> Probability, duration, frequency and reversibility of the effects	The NP may have short-term effects resulting from activity associated with improvements to local infrastructure, but they are likely to be very localised in their nature and not significantly negative for environmental factors.	N
<b>2b.</b> The cumulative nature of the effects	The impacts of the NP are likely to be very localised and unlikely to contribute significantly to impacts of other Plans in the hierarchy.	N
<b>2c.</b> The trans-boundary nature of the effects	Given the localised nature of the NP there are not expected to be any significant transboundary effects. Moreover, as the plan does not allocate any sites for development within the Chiltern Beechwoods Zone of Influence, the plan is not expected to have any significant transboundary effects on other Local Planning Authorities impacted by the Chiltern Beechwoods SAC Zone of Influence.	N
<b>2d.</b> The risk to human health or environment (e.g. due to accidents)	The NP is unlikely to pose significant risks to human health or the environment	N
<b>2e.</b> The effects on areas or landscapes which have a recognised national, Community or international protection status	The parish is partly washed over by Green Belt, with the urban areas inset. The town also sits just outside the Chilterns AONB and 8km from the Chiltern Beechwoods SAC. Given that the NP does not allocate sites for development and these designations provide a very high level of protection, it is considered the effects would be minimal.	N

Criteria for determining the likely significant effects (Annex II SEA Directive)	Summary of significant effects	Likely to have significant environmental effects Y/N
<b>2f.</b> The magnitude spatial extent of the effects (geographical area and size of the population likely to be affected)	The NP covers the area of Houghton Regis Town and it is unlikely to have impacts beyond its boundaries.	N
2g. The value and vulnerability of the area likely to be affected due to:  • Special natural characteristics or cultural heritage  • Exceeded environmental quality standards  • Intensive land use	Within the Parish there are several natural and cultural heritage designations and the NP policies are looking to protect and enhance them. However, impacts of the Plan are unlikely to have significant effects  The NP is not expected to exceed environmental quality standards or limit values  The NP does not propose development likely to result in intensive land use	N

#### 7. Screening Outcome

- 7.1 The screening assessment undertaken in Sections 5 & 6 concludes that, it is unlikely there will be any significant environmental effects arising from the Houghton Regis NP. As such, Houghton Regis NP does not require a full SEA to be undertaken.
- 7.2 The Council consulted on its findings with three statutory consultation bodies: Historic England, Natural England and Environment Agency. The consultation period was from 28<sup>th</sup> February 2023 to the 28<sup>th</sup> March 2023. The consultation email stated that if a response was not received it would be assumed that the consultee agrees with the Council's findings and conclusions.
- 7.3 The Council received a response from Historic England and Natural England, noting that they agreed with the Council findings that the Houghton Regis NP does not require a full SEA to be undertaken. No response was received from the Environment Agency. The received consultation responses can be found in Appendix 1.
- 7.4 Following the screening process and consultation, the Council determines that Houghton Regis NP does not require a full SEA to be undertaken.
- 7.5 As part of this screening, Habitat Regulations screening was undertaken because plans that are likely to have significant impact on European sites require a Strategic Environmental Assessment in addition to an Appropriate Assessment (Habitat Regulation Assessment). This screening concluded that the Houghton Regis NP is unlikely to have significant impact on European sites and therefore the Houghton Regis NP does not require a full HRA to be undertaken.
- 7.6 Although SEA is not required, Houghton Regis Town Council may wish to consider voluntarily undertaking a Sustainability Appraisal (SA) that covers all three aspects of sustainable development: environmental, social and economic. The advantage of undertaking an SA is that it can assess the impact of the NP on the environmental, social and economic factors and therefore demonstrate to an examiner how sustainable development has been considered in the preparation of the Plan and that the Plan as prepared is the most sustainable compared with any reasonable alternatives.

#### **Appendix 1: Consultation Responses**



Date: 13 March 2023 Our ref: 423290

Your ref: Houghton Regis Neighbourhood Plan

Central Bedfordshire Council Eleanor.Keep@centralbedfordshire.gov.uk

BY EMAIL ONLY



Hornbeam House Crewe Business Park Electra Way Crewe Cheshire CW1 89J

T 0300 080 3900

Dear Sir or Madam.

Houghton Regis Neighbourhood Plan SEA Consultation.

Thank you for your consultation on the above dated 28 February 2023 which was received by Natural England on 28 February 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 <u>National Planning</u> <u>Practice Guidance</u>. 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
- 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 <u>significant</u> 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 habitals, 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 queries relating to the specific advice in this letter <u>only</u> please contact Julian Clarke on 0300 060 3900. For any new consultations, or to provide further information on this consultation please send your correspondences to <u>consultations@naturalengland.org.uk</u>.

Yours faithfully

Julian Clarke Consultations Team