

1. Introduction

This report sets out a draft Screening Determination for the Barkway and Nuthampstead Parish Council's Neighbourhood Plan and has been prepared by North Hertfordshire District Council. The purpose of the screening is to assess if the Neighbourhood Plan will require a Strategic Environmental Assessment (SEA). More detail is given in the following sections on SEA (section 2) and Neighbourhood Plans (section 3), and Barkway and Nuthampstead Neighbourhood Plan specifically (section 4).

The assessment of the Barkway and Nuthampstead Neighbourhood Plan and the draft Determination is included in sections 5, 6 and 7.

2. Strategic Environmental Assessment context

European Union Directive 2001/42/EC requires a SEA to be undertaken for certain types of plans or programmes that could have significant environmental effects. The Directive has been transposed into law for England and Wales in the Environmental Assessment of Plans and Programmes Regulations 2004 (the Regulations). The purpose of Strategic Environmental Assessment is to promote sustainable development through assessing the extent to which the plan will help to achieve relevant environmental, economic and social objectives.

Habitats Regulations Assessment (HRA) is a systematic process through which the performance of a plan or project can be assessed for its likely impact on the integrity of a European Site (European Sites, also referred to as Natura 2000 sites, consist of Special Protection Areas (SPA), Special Areas of Conservation (SAC); Potential Special Protection Areas and candidate Special Areas of Conservation (pSPA and cSAC); and listed or proposed Ramsar sites).

Paragraph 177 of the National Planning Policy Framework (NPPF) 2019 states that "The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site". According to the NPPF, a habitats site is "Any site which would be included within the definition at regulation 8 of the Conservation of Habitats and Species Regulations 2017 for the purpose of those regulations, including candidate Special Areas of Conservation, Sites of Community Importance, Special Areas of Conservation, Special Protection Areas and any relevant Marine Sites" (p.67).

Under Regulation 9 of the Regulations, the responsible body is required to determine whether a plan or programme is likely to have significant environmental effects, and therefore whether a SEA/HRA is required. This process is called screening and is undertaken using a specified set of criteria (set out in Schedule 1 of the Regulations). The Regulations require that the results of this process are set out in a SEA Screening Determination (this document), which must be publicly available. This document should be submitted with the Neighbourhood Plan proposal and made available to the independent examiner.

Under Regulation 9 of the Regulations, the responsible body (local parish or town council or neighbourhood forum) is required to determine whether a plan or programme is likely to have significant environmental effects, and therefore whether a SEA is required. This process is called screening and is undertaken using a specified set of criteria (set out in Schedule 1 of the Regulations). The Regulations require that the results of this process are set out in a SEA Screening Determination (this document), which must be publicly available. This document should be submitted with the Neighbourhood Plan proposal and made available to the independent examiner.

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Before the responsible body makes a formal determination, there is a requirement to consult three statutory consultation bodies designated in the regulations (Historic England, the Environment Agency & Natural England) on whether an environmental assessment is required. This draft document has been produced to facilitate that consultation.

3. Neighbourhood Plans and Strategic Environmental Assessment

Planning Practice Guidance states that *“to decide whether a draft Neighbourhood Plan might have significant environmental effects, it must be assessed (screened) at an early stage of the plan’s preparation according to the requirements set out in regulation 9 of the Environmental Assessment of Plans and Programmes Regulations 2004”*¹.

The Guidance also suggests that *“The local planning authority, as part of its duty to advise or assist, should consider putting in place processes to determine whether the proposed Neighbourhood Plan will require a strategic environmental assessment.”*² In this case North Hertfordshire District Council (NHDC) is providing assistance by undertaking the screening determination.

The Guidance notes particular circumstances which may require a SEA³:

“A strategic environmental assessment may be required, for example, 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 is likely to have significant environmental effects that have not already been considered and dealt with through a sustainability appraisal of the Local Plan”.*

The Determination has taken account of the Guidance in reaching its conclusions, and it notes that the particular circumstances described above are encompassed by the criteria outlined in Schedule 1 of the Regulations.

4. Barkway and Nuthampstead Neighbourhood Plan

The parishes of Barkway and Nuthampstead are located in the North Hertfordshire District of Hertfordshire. They are contiguous villages approximately 4 miles from both Royston (to the west) and Buntingford (to the south). Both parishes cover the village and surrounding countryside. At the 2011 census the population of the parish of Barkway was 775 living in 315 dwellings; for Nuthampstead the population was 142 in 52 dwellings.

There are 65 listed buildings and structures within Barkway, mostly located within the designated Conservation Area. One building, the church of St Mary Magdalene, is Grade I and four buildings – 2, High Street, 93/95 and 97 High Street, Cokenach House and The Gables are Grade II*, with the remaining 60 being Grade II. There are 12 Grade II listed buildings in Nuthampstead.

The Neighbourhood Plan has been produced by the Qualifying Body, Barkway Parish Council, and covers the period 2011 to 2031. In November 2013, Barkway Parish Council and representatives of the

¹ Paragraph: 028 Reference ID: 11-028-20150209

² *ibid*

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Parish Meeting of Nuthampstead agreed to establish a joint Neighbourhood Plan Steering Group which has included Parish Council members and community volunteers. The Neighbourhood Plan area was designated in August 2014 and is shown in the map below.

The Plan is the result of consultation within the community through questionnaires and consultation events. It has also involved liaison with NHDC and the wider community, either through direct communication or through the Barkway and Nuthampstead Neighbourhood Plan dedicated web site.

The Plan does not include proposals for housing or other development. Its overall approach is to support appropriate development which protects the character of the village and the environment. The Plan's objectives are shown below.

Living in Barkway and Nuthampstead - Objectives

Objective 1: To ensure that new development, including infill development, within or adjacent to and outside site allocations, is well designed and sympathetic to its surroundings in terms of style, layout and design, and benefits the community.

Objective 2: To preserve the character, appearance and settings of all designated and non-designated heritage assets in Barkway and Nuthampstead, including those within and outside the boundaries of the conservation area.

Objective 3: To promote biodiversity by protecting green spaces within the parish and to support ecosystem services by ensuring new-builds are as eco-friendly as possible.

Objective 4: To increase opportunities to foster a sense of community through the development, preservation and maintenance of community facilities.

Objective 5: To promote access to nature through preserving and creating footpaths, cycle routes and bridleways leading to the countryside, and their settings.

Objective 6: To have a sustainable local economy through the preservation and creation of local employment opportunities.

Objective 7: To improve road safety throughout the parish especially at several potentially dangerous road junctions, and to develop safer routes between settlements.

Objective 8: To support local educational institutions.

Objective 9: To promote health, wellbeing and sustainability in the villages and their communities.

Objective 10: To preserve the priority views within and around the parish.

5. Screening assessment

As noted above, the Regulations specify a set of criteria which must be used to assess whether any plan covered by the Regulation is likely to have a significant environmental effect and therefore require a SEA. The table below considers each of these criteria in turn.

Table 1: Assessment of likelihood of significant effects on the environment

Criteria for determining the likely significance of effects	Likely to have significant	Justification for assessment
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	effects?	
1 (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	No	The framework for development in Barkway and Nuthampstead is currently set by the saved policies of the existing North Hertfordshire Local Plan and the NPPF. A new Local Plan is currently being developed, with adoption timetabled for 2020. The Barkway and Nuthampstead Neighbourhood Plan does not include site allocations or provide for any other projects which are likely to have significant effects.
1 (b) the degree to which the plan or programme influences other plans or programmes including those in a hierarchy.	No	A Neighbourhood Plan is at the bottom of the planning hierarchy and must be in general conformity with the strategic policies of the Local Plan
1 (c) the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development	No	The Neighbourhood Plan focuses on protecting the quality of the neighbourhood and its environment, particularly in the case of any development which arises out of the existing planning framework or the emerging new Local Plan. The emerging Local plan has been subject to sustainability appraisal at all stages, and the outcomes of those assessments have been considered with regard to this Neighbourhood Plan. It is considered that the Neighbourhood Plan's likely impact will be to have a positive effect on the environment by providing an additional layer of policy protection.
1(d) environmental problems relevant to the plan	No	None have been identified.
1 (e) 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)	No	The Plan will be in conformity with the saved Local Plan Policies, the NPPF and the emerging Local Plan which have taken account of existing legislation for environmental protection. As noted above it is likely to have a positive effect by improving environmental protection policies.
2 (a) the probability, duration, frequency and reversibility of the effects	No	No significant effects have been identified
2 (b) the cumulative nature of the effects	No	No significant effects have been identified
2 (c) the trans-boundary nature of the effects	No	No significant effects have been

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		identified
2 (d) the risks to human health or the environment (e.g. due to accidents)	No	No significant effects have been identified
2 (e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)	No	No significant effects have been identified
2 (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 (iii) intensive land-use	No	<p>The neighbourhood area does contain sensitive features, as noted above, but there are no proposals in the Plan which are likely to have significant environmental effects on these features. In fact, key Plan policies are designed to protect these features.</p> <p>The following specific policies protect heritage assets, the environment and development design:</p> <p>BN H1: Design of New Homes BN H2: Layout of New Development BN H4: Framework for BK3 BN H5: Infill Development BN H6: Building Extensions BN NE1: Local Green Space BN NE2: River Quin Protection BN NE3: Conserve and Enhance Biodiversity BN NE4: Priority Views BN NE5: Chestnut Avenue Protection BN HA1: Designated Heritage Assets BN HA2: Non-designated heritage assets BN HA3: Barkway Conservation Area BN L1: Valued Community Assets BN L2: Existing Pubs BN L4: Protected Recreational Open Space BN T1: Sustainable Transport Provision BN T2: Mitigating Traffic Impact BN T3: Public Rights of Way BN T4: Safe & Accessible Walking and Cycling Routes BN T5: Vehicle Parking</p>

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<p>2 (g) the effects on areas or landscapes which have a recognised national, community or international protection status</p>	<p>No</p>	<p>Barkway and Nuthampstead are located on the edge of the Chilterns surrounded by open countryside. The views of the AONB from the village will be protected by Policy BN NE4: Priority Views.</p> <p>In addition, Barkway and Nuthampstead have several woods including Earls Wood, Rokey Wood and Scales Wood</p> <p>There is also a Registered Park and Garden at Cokenach.</p> <p>In addition, the river Quin, a rare chalk river, runs through the area and is given specific protection under policy BN NE2: River Quin Protection</p> <p>Any other effects are likely to be positive. The Habitats Regulation Assessment screening report produced by NHDC in February 2013 concluded that in combination, there is not likely to be any significant combined impact on European sites from any plans or projects developed for the District.</p>
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6. Screening determination

In summary, it is concluded that the Barkway and Nuthampstead Neighbourhood Plan is not likely to have significant environmental effects and therefore a SEA/HRA is not required. The principal reasons for this conclusion are:

- i. No sites are allocated for development in the Plan.
- ii. The Plan focuses on protecting the quality of the villages and their environment, particularly in the case of any development which arises out of the existing District planning framework or the emerging Local Plan. It is considered that the Neighbourhood Plan's likely impact will be to have a positive effect on the environment by providing an additional layer of protection.
- iii. The neighbourhood area does contain sensitive features, particularly heritage features as noted above, but there are no proposals in the Plan which are likely to have significant environmental effects on these features. In fact, as already noted, key plan policies are designed to protect these features.