



Strategic Environmental Assessment & Habitats Regulations Assessment Screening Report

January 2022

On behalf of Scopwick and Kirkby Green
Parish Council

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| Date of assessment: | December 2021 <i>(Draft Report Published for consultation December 2021)</i> |
| Date of Final Report: | January 2022 |
| Date/ version of neighbourhood development plan to which Screening Report applies: | Version dated 01/10/2021 |

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Overview

Neighbourhood Development Plan (NDP) to which this Screening Report applies:

Scopwick and Kirkby Green Neighbourhood Plan

Version/ date of NDP to which this Screening Report applies:

Version dated 01/10/2021

At the time NKDC received the SKGNP, 'Regulation 14' consultation had not yet taken place- NKDC are informed that this is the version the parish council intend to present for 'Regulation 14' consultation.

Neighbourhood area to which the NDP applies:

Scopwick and Kirkby Green Neighbourhood Area

Parish Council within the neighbourhood area:

Scopwick and Kirkby Green Parish Council

Acronyms

| | |
|--------|---------------------------------------------------------|
| CLJSPC | Central Lincolnshire Joint Strategic Planning Committee |
| CLLP | Central Lincolnshire Local Plan |
| DEFRA | Department for Environment, Food & Rural Affairs |
| ECJ | European Court of Justice |
| EIA | Environmental Impact Assessment |
| EU | European Union |
| HRA | Habitats Regulations Assessment |
| IIA | Integrated Impact Assessment |
| IRZ | Impact Risk Zone |
| NDP | Neighbourhood Development Plan |
| NKDC | North Kesteven District Council |
| NNR | National Nature Reserve |
| NPPF | National Planning Policy Framework |
| NPPG | National Planning Practice Guidance |
| SA | Sustainability Appraisal |
| SAC | Special Area of Conservation |
| SEA | Strategic Environmental Assessment |
| SKGNP | Scopwick and Kirkby Green Neighbourhood Plan |
| SPA | Special Protection Area |
| SSSI | Site of Special Scientific Interest |

1. Introduction

- 1.1. The purpose of this report is to undertake a screening exercise against various criteria to determine whether the Scopwick and Kirkby Green Neighbourhood Plan (SKGNP) requires a full Strategic Environmental Assessment (SEA) and / or Habitats Regulations Assessment (HRA). The screening exercise will therefore support the SKGNP in satisfying the basic conditions and will be submitted as part of the evidence base which will accompany the Neighbourhood Plan.
- 1.2. This version of the Screening Report is referred to as a Draft Screening Report. It has been prepared for consultation with statutory consultation bodies. Once consultation with the Statutory Bodies has been undertaken, the Screening Report will be finalised.
- 1.3. Neighbourhood Plans must meet the 'basic conditions' set out in 8(2) of Schedule 4B of the Town and Country Planning Act 1990. This includes (basic condition 'f') demonstrating that the Neighbourhood Plan does not breach, and is otherwise compatible with EU obligations¹ (which were transcribed into UK law and thus still apply despite the UK leaving the European Union) such as:
 - **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** (the Strategic Environmental Assessment Directive), transposed into UK law by The Environmental Assessment of Plans and Programmes Regulations 2004; and
 - **Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora**, which was initially transposed into UK law by The Conservation (Natural Habitats, &c.) Regulations 1994 with various amendments consolidated by The Conservation of Habitats and Species Regulations 2010.
- 1.4. In addition, basic condition 'g' requires:

prescribed conditions are met in relation to the Order (or plan) and prescribed matters have been complied with in connection with the proposal for the order (or neighbourhood plan).
- 1.5. Notably, this includes demonstrating that the making of the neighbourhood plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017, which set out the habitat regulation assessment process for land use plans, including consideration of the effect on habitats sites.
- 1.6. Following the United Kingdom's withdrawal from the European Union (i.e. Brexit), EU law no longer has supremacy over British laws. Whilst initially introduced by EU Directives, the processes for SEA and HRA have been transposed into UK law, namely The Environmental Assessment of Plans and Programmes Regulations 2004 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended).

¹ https://www.gov.uk/guidance/neighbourhood-planning--2?mc_cid=e09f0934ad&mc_eid=c5e5a6ab4a#basic-conditions-for-neighbourhood-plan-to-referendum

- 1.7. In light of Brexit, to enable the continued operation of the HRA processes The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019² made a number of changes to the 2017 Regulations. Most of these changes involved transferring functions from the European Commission to the appropriate authorities in England and Wales, with all other processes or terms in the 2017 Regulations remaining unchanged and existing guidance remaining relevant. The obligations of competent authorities (i.e. NKDC) for the protection of sites or species do not change.
- 1.8. Special Areas of Conservation (SACs) were originally designated under the Habitats Directive and target particular habitats (Annex I) and/or species (Annex II) identified as being of European importance. Special Protection Areas (SPAs) are classified under the European Council Directive “on the conservation of wild birds” (79/409/EEC; ‘Birds Directive’) for the protection of wild birds and their habitats.
- 1.9. SPAs and SACs in the UK no longer form part of the EU’s Natura 2000 ecological network. The 2019 Regulations have created a ‘national site network’ on land and at sea, including both the inshore and offshore marine areas in the UK, and includes existing SPAs and SACs.
- 1.10. Ramsar sites are designated wetlands of international importance. Ramsar sites do not form part of the new national site network. Many Ramsar sites overlap with SPAs and SACs, and are designated for the same or different species and habitats. All Ramsar sites remain protected in the same way as SPAs and SACs.
- 1.11. This Scoping Report uses European site when referring collectively to SPAs, SACs, and Ramsar sites.
- 1.12. In general terms, a Neighbourhood Plan may require full SEA following screening, where its policies and proposals could potentially result in significant effects on the environment, particularly where such effects have not already been considered and dealt with, such as through a Sustainability Appraisal (SA) (incorporating SEA) or Integrated Impact Assessment (IIA) (incorporating SEA) of a Local Plan.
- 1.13. In the context of neighbourhood planning, following screening, should a Neighbourhood Plan be deemed likely to result in a significant impact occurring on a protected European Site as a result of the plan’s implementation, the HRA proceeds to Appropriate Assessment.
- 1.14. The aim of the HRA process is to assess the potential effects arising from a plan against the nature conservation objectives of any European site designated for its nature conservation importance.
- 1.15. The National Planning Policy Framework (NPPF) also expects candidate SACs, potential SPAs and Ramsar sites to be included within the assessment.

2. Strategic Planning Context

- 2.1. The basic conditions require a Neighbourhood Plan to be in *general conformity* with the strategic policies contained in the Development Plan (the Local Plan) for the area.

² <https://www.legislation.gov.uk/ukxi/2019/579/contents/made>

- 2.2. Through its strategic policies, the Local Plan effectively defines the parameters within which a Neighbourhood Plan may operate. Throughout their preparation, Local Plans are subject to SEA (often incorporated through a SA, or in the case of the Central Lincolnshire Local Plan, an IIA) and HRA. Where a Neighbourhood Plan is in general conformity with the strategic policies of the Local Plan, it is likely that many of the environmental effects of the plan will have already been considered through the Local Plan-making process.
- 2.3. National planning policy states that evidence should be proportionate and should not repeat policy assessment already undertaken. It is therefore relevant to consider the strategic policy context for the purpose of avoiding duplication and to identify environmental effects not already considered and addressed through the Local Plan-making process.

Central Lincolnshire Local Plan 2012-2036

- 2.4. The adopted Development Plan for the District of North Kesteven is the Central Lincolnshire Local Plan (adopted 24th April 2017). The Local Plan defines strategic (and more locally specific) policies for the growth and regeneration of the Central Lincolnshire area.
- 2.5. Central Lincolnshire refers to the combined area covered by the City of Lincoln, North Kesteven and West Lindsey. These three councils have come together in a formal partnership with Lincolnshire County Council for the purpose of Local Plan preparation.
- 2.6. Preparation of the adopted Local Plan, and of the current emerging Local Plan, has been the responsibility of a Joint Committee established by Parliamentary Order in 2009. The Committee has representatives from each of the four partner Councils and has full decision-making powers on planning policy matters.
- 2.7. The responsibility for processing and decision-making on planning applications remains with the individual local authorities.
- 2.8. At the time at which the SKGNP will likely be examined, the 2017 Local Plan is likely to remain the adopted Development Plan for North Kesteven. However, attention should be paid to paragraph 2.13 onwards below, which relates to the emerging Local Plan for Central Lincolnshire.
- 2.9. The current Local Plan directs the majority of new development to the Lincoln Urban Area and the main towns of Gainsborough and Sleaford. Policy LP2 The Spatial Strategy and Settlement Hierarchy, sets out a settlement hierarchy for the whole of the Central Lincolnshire area, to assist decisions on investment in services and facilities, and on the location and scale of development. Within this hierarchy, Scopwick and Kirkby Green are both defined as 'Small Villages', while RAF Digby, which lies partly in the parish, is not defined in the settlement hierarchy given its RAF status. As small villages, Scopwick and Kirkby Green do not have any site allocations and policy LP2 states that 'proposals will be considered on their merits but would be limited to around 4 dwellings, or 0.1 hectares per site for employment uses'.
- 2.10. As an RAF location, RAF Digby is covered by policy LP57 Ministry of Defence Establishments of the Local Plan. Policy LP57 supports, in principle, defence related

development within or adjoining an operational MOD site that is required for operational purposes. Policy LP57 also sets out various criteria for the determination of proposals relating to the development of MOD sites that are surplus to MOD requirements.

- 2.11. The Local Plan does not set settlement boundaries around each of the settlements. Instead, proposals will be determined on a case-by-case basis, using the criteria-based policies in the Local Plan: this is to enable to the organic natural growth of settlements, especially more rural settlements.
- 2.12. During its preparation, the Local Plan was subject to both a full Integrated Impact Assessment (incorporating SEA)³ and HRA⁴. These Local Plan assessments will be taken into account in reaching a screening opinion as to whether the SKGNP requires a SEA and/or HRA.

Emerging Central Lincolnshire Local Plan

- 2.13. The Central Lincolnshire authorities are currently preparing a new Local Plan, which will replace the current Local Plan adopted in 2017. The 'Regulation 18' consultation on the Draft Local Plan took place 30 June to 24 August 2021. The next stages, as set out in the Local Development Scheme, have been delayed, due in part to the Covid pandemic. The revised timetable is anticipated to be:
- Regulation 19 Consultation Spring 2022
 - Submission Summer 2022
 - *Examination dates subject to Planning Inspectorate*
- 2.14. The Regulation 18 consultation Local Plan proposes retaining the classification of both Scopwick and Kirkby Green as 'small villages' (draft policy S2). Draft policy S2, Growth Levels and Distribution, proposes that *'beyond site allocations made in this plan or any applicable neighbourhood plan, development will be limited to that which accords with Policy S4: Housing Development in or Adjacent to Villages or other policies relating to non-residential development in this plan as relevant'*.
- 2.15. The Draft Local Plan does not propose to allocate any development sites in Scopwick or Kirkby Green. As required by the NPPF (para 66), the Draft Local Plan sets out a housing requirement for designated neighbourhood areas which reflects the overall strategy for the pattern and scale of development and any relevant allocations. In the case of the Scopwick and Kirkby Green neighbourhood area (parish), the requirement is 10 dwellings (see Appendix A of Draft Local Plan for Regulation 18 Consultation).
- 2.16. Like the current Local Plan, the emerging Local Plan does not propose to implement settlement boundaries and instead proposes to rely primarily on allocations and policies to determine appropriate locations for development.

³ <https://www.n-kesteven.gov.uk/central-lincolnshire/local-plan/sustainability-appraisal-and-habitats-regulation-assessment/>

<https://www.n-kesteven.gov.uk/central-lincolnshire/local-plan/local-plan-examination/examination-library/> - see document E001D

⁴ <https://www.n-kesteven.gov.uk/central-lincolnshire/local-plan/sustainability-appraisal-and-habitats-regulation-assessment/>

- 2.17. As stated at paragraph 2.8 above, the 2017 Central Lincolnshire Local Plan is likely to remain the Development Plan for North Kesteven at the time of the examination of the SKGNP. However, should the production of the SKGNP be delayed significantly, and the new Central Lincolnshire Local Plan be adopted ahead of the submission of the SKGNP to NKDC, then Scopwick and Kirkby Green Parish Council are advised to contact NKDC to discuss whether or not their neighbourhood plan needs to be re-screened against the newly adopted Local Plan.

Central Lincolnshire Local Plan Integrated Impact Assessment (April 2017)

- 2.18. The Integrated Impact Assessment (IIA) Report, which incorporated Sustainability Appraisal (SA), was prepared to accompany the Central Lincolnshire Local Plan version for Adoption (April 2017). The IIA included a Sustainability Appraisal, an assessment process that is carried out as an integral part of developing the Local Plan, with the aim of promoting sustainable development. Sustainability Appraisal is a mandatory requirement and is subject to the same level of public consultation and scrutiny as the Local Plan. The Sustainability Appraisal is also an ongoing process; an updated version of the Integrated Impact Assessment was made available for comment alongside every stage of the Local Plan.
- 2.19. IIA is an approach that assesses the potential impact of proposals (strategies, policies, programmes, projects, plans or other developments) on issues that previously may have been assessed separately, such as economic, environmental, sustainability, equal opportunities and health and well-being. IIA therefore attempts to cover more than one type of impact assessment in a single process. It recommends how to maximise benefits and minimise negatives of a proposal to inform decision making and improve joined-up working.
- 2.20. The IIA for the Central Lincolnshire Local Plan integrated and fulfilled the requirements for the following impact assessments: Sustainability Appraisal (SA); Strategic Environmental Assessment (SEA); Equalities Analysis (EqA); and Health Impact Assessment (HIA).
- 2.21. The SEA Directive and the SEA Regulations state that the SEA must consider the following topic areas: biodiversity; population; human health; flora and fauna; soil; water; air; climatic factors; material assets; cultural heritage, including archaeological and built heritage; and landscape.
- 2.22. The Directive defines 'environmental assessment' as a procedure comprising:
- Preparing an environmental report on the likely significant effects of the plan;
 - Carrying out consultation on the draft plan and the accompanying environmental report;
 - Taking into account the environmental report and the results of consultation in decision making;
 - Providing information when the plan is adopted and showing how the results of the SEA have been taken into account.
- 2.23. The IIA used 15 objectives against which to assess the Local Plan policies and site allocations.
- 2.24. The IIA demonstrated that a number of significant positive impacts are likely as a result of the implementation of the Local Plan, however, the scale of new homes and job growth proposed means there is potential for negative impacts on the environmental objectives,

such as climate change effects and energy, climate change adaptation and flood risk and land use and soils. The Local Plan includes a range of criteria-based policies that are designed to protect and enhance the social, environmental and economic characteristics of the Central Lincolnshire area. The plan also includes policies to ensure that the necessary infrastructure to support growth is provided and in a timely manner. The IIA concluded that this suite of policies should help to mitigate potential negative impacts arising from the level and distribution of growth, although with any development, it is likely that some negative effects may still occur.

Central Lincolnshire Local Plan Habitats Regulations Assessment (April 2016)

- 2.25. Central Lincolnshire's Habitats Regulations Assessment Report¹ (HRA 2016) was prepared to accompany the adopted Local Plan on submission for independent examination. The purpose of the HRA report was to set out the methodology, assessment and conclusions of the HRA of the submitted Central Lincolnshire Local Plan. The HRA was carried out by the CLJSPC in consultation with Natural England.
- 2.26. The following European sites, within 30km of the Central Lincolnshire boundary, were scoped into the HRA 2016 for consideration. There are no European sites within the Central Lincolnshire area:
- The Wash SPA, Ramsar
 - The Wash and North Norfolk Coast SAC
 - The Humber Estuary, Flats, Marshes and Coast SPA, SAC, Ramsar
 - Baston Fen SAC
 - Thorne Moor SAC
 - Hatfield Moor SAC
 - Thorne and Hatfield Moors SPA
 - Grimsthorpe Park SAC
 - Birklands and Bilhaugh SAC
 - Rutland Water SPA, Ramsar
 - Saltfleetby-Theddlethorpe Dunes and Gibraltar Point SAC
 - Gibraltar Point SPA, Ramsar
 - Sherwood Forest Region, Prospective SPA
- 2.27. The potential impacts identified as a result of the implementation of the Local Plan were:
- Direct land take of sites: habitat and species fragmentation and loss;
 - Change in water level supplies;
 - Changes in water quality;
 - Recreational disturbance;
 - Changes in air quality.
- 2.28. Following initial screening, the HRA identified 7 Local Plan policies with potential for significant adverse effects on the European sites identified for consideration. These policies included the allocation of the overall housing and employment growth levels for the whole Central Lincolnshire area, and the distribution of this growth between the three main urban areas (Lincoln, Gainsborough and Sleaford) and elsewhere. However, the HRA found that, when taking into account mitigation measures set out within other policies within the Local Plan and in other plans and programmes, none of these policies would be likely to lead to significant effects (alone or in combination) in relation to any of the identified impacts on any of the identified European sites.

2.29. The HRA concluded:

“The completion of Steps 2, 3 and 4 of Stage B, Screening, has identified that the Central Lincolnshire Local Plan policies, in combination with the other Local Plan policies and other relevant plans, policies and projects, are not likely to result in any significant negative effects on the European Sites identified at Stage A, Step 1.

As no policies remain likely to have significant negative effects, it is therefore not necessary to identify and apply mitigation measures (Step 5) and subsequently re-screen (Step 6).

The screening recommendation is therefore that the further Appropriate Assessment stage (Stage C) of the HRA is not necessary”.

2.30. Natural England confirmed the HRA followed accepted methodology and was in line with appropriate legislation and guidance and agreed with the conclusions of the HRA: *“We can confirm that we agree with the Report’s conclusions that the Local Plan would not be likely to have a significant effect on a European Site either alone or in combination with other plans or projects, and no further assessment work is required at this stage.”*

3. Summary of Scopwick and Kirkby Green Neighbourhood Plan

Overview of the Neighbourhood Plan

3.1. The subject of this screening report is the '01/10/2021' version of the Scopwick and Kirkby Green Neighbourhood Plan. The next stage of the SKGNP will be the Regulation 14 consultation: at the time the '01/10/2021' version was shared with NKDC, the Regulation 14 consultation had not commenced.

3.2. The SKGNP has been prepared by Scopwick and Kirkby Green Parish Council, the 'qualifying body' for the purposes of neighbourhood planning. The Scopwick and Kirkby Green Neighbourhood Area was formally designated by NKDC on 16 July 2018 and comprises the whole of Scopwick and Kirkby Green Parish. The designated area is shown in **Map 3.1** below.

3.3. The SKGNP sets out the following Vision for the Neighbourhood Area on page 14:

In 15 years' time Scopwick and Kirkby Green Parish will still be a historic, rural and peaceful place with easy and immediate access to the countryside. It will value its resident's well-being, the open spaces within the villages and the countryside around it that are integral to its character.

It will be a more environmentally friendly place to live. Development in the Parish will be small in scale and will be supported where it is sympathetic to the character of the Parish and necessary to meet local housing need and to secure social and economic prosperity for the community, its services and facilities.

3.4. The SKGNP identifies 13 overarching 'Community Objectives' to achieve the vision (note there are some errors in the numbering of these in the NP: the numbering below uses corrected numbering):

- Community Objective 1: To allow sustainable housing development that is limited in scale reflecting the size of the settlement and the capacity of local infrastructure (particularly drainage).
- Community Objective 2: To ensure that development minimises the impact on the landscape character of the Parish and protects and enhance the Significant Green Gaps within and around the villages.
- Community Objective 3: To ensure that development protects and where possible enhances biodiversity. The protection and enhancement of habitat corridors, hedges, trees, and the protection of Local Green Spaces will be a focus.
- Community Objective 4: To ensure that the heritage of the Parish is protected and where possible, enhanced.
- Community Objective 5: To ensure all development is designed to a high quality that reflects the density, local style and materials, to reinforce the distinctive rural character of the Parish.
- Community Objective 6: To ensure that future housing development meets local need particularly for smaller (2 and 3 bed) dwellings and provides a mix of tenures (market and affordable).
- Community Objective 7: To maintain and enhance the social vitality of the Parish by supporting and expanding the range of services and facilities (including indoor and outdoor facilities) within the Parish and improving transport links to neighbouring villages (to access health and retail services).
- Community Objective 8: To enhance economic opportunities in the Parish by improving telecommunications to enable more residents to operate their businesses from home.
- Community Objective 9: To ensure that future development minimises its impact on the environment by a) using energy efficient materials; b) a layout that benefits from passive solar gain; and c) encouraging small scale renewable energy.
- Community Objective 10: Development should not increase flood risk in the area. Innovative solutions to reduce the risk of future flooding events are supported and sustainable drainage systems should provide biodiversity benefits.
- Community Objective 11: To reduce car usage and promote health by encouraging accessibility on foot and bike within the villages, out to the countryside and to the wider area (specially to access the railway station at Metheringham) both for leisure and to access services.
- Community Objective 12: To ensure that new development is well connected so that it is integrated to the existing settlements. This means a layout that provides safe and direct access (on foot and cycle) to the existing settlement(s) and between them and to the wider countryside.
- Community Objective 13: To encourage developers to consult with the community early in the planning application process (at pre-application stage) via mechanisms outlined in this Neighbourhood Plan.

3.5. To deliver these objectives, the SKGNP proposes 22 policies in total (policies 13a- 13g are site allocations):

- Neighbourhood Plan Policy 1: Sustainable Development, Limited Infill and the Development Boundary
- Neighbourhood Plan Policy 2: Protecting the Landscape Character
- Neighbourhood Plan Policy 3: Protecting and Enhancing Biodiversity
- Neighbourhood Plan Policy 4: Designation of Local Green Spaces
- Neighbourhood Plan Policy 5: Conservation and Enhancement of Non-Vehicular Routes
- Neighbourhood Plan Policy 6: Flood Risk and Drainage
- Neighbourhood Plan Policy 7: Achieving High Quality Design
- Neighbourhood Plan Policy 8a: Provision of Affordable Housing
- Neighbourhood Plan Policy 8b: Rural Exception Site
- Neighbourhood Plan Policy 8c: A Mix of Housing Types
- Neighbourhood Plan Policy 8d: Specialist Accommodation for the Elderly
- Neighbourhood Plan Policy 9: Enhancing the Provision of Community Facilities
- Neighbourhood Plan Policy 10: Improving Broadband and Mobile Connectivity
- Neighbourhood Plan Policy 11: Protecting Heritage Assets
- Neighbourhood Plan Policy 12: Conversion of Redundant Agricultural Buildings
- Neighbourhood Planning Policy 13a: Frontage of SCOP3 and Western corner of SCOP4 Land to the West of Scopwick with public open space and footpath
- Neighbourhood Planning Policy 13b: SCOP7 Land to the north of Vicarage Lane
- Neighbourhood Planning Policy 13c: SCOP9 and SCOP11
- Neighbourhood Planning Policy 13d: SCOP10
- Neighbourhood Planning Policy 13e: Southern part of SCOP18
- Neighbourhood Planning Policy 13f: Land North of Main Street Kirkby Green KG6
- Neighbourhood Planning Policy 13g: Land to the east of the Poultry Farm, Kirkby Green

3.6. Each policy is briefly summarised in the table below.

| Policy Reference and Title | Brief Summary |
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| Neighbourhood Plan Policy 1: Sustainable Development, Limited Infill and the Development Boundary | Establishes development boundaries around both Scopwick and Kirkby Green. Support for infill development (residential and non-residential) within the development boundary, provided certain criteria are met. Residential infill is limited to 1/ 2 dwellings. Development outside the development boundary is limited to that permitted by the Central Lincolnshire Local Plan and national policy. |
| Neighbourhood Plan Policy 2: Protecting the Landscape Character | Identifies 'significant green gaps' and prevents development that would affect their openness/ undeveloped character: policy does allow for exceptions to this in some circumstances. Identifies 'key views' and sets out policy considerations in relation to these. Policy sets out various considerations in relation to boundary treatments. |
| Neighbourhood Plan Policy 3: Protecting and Enhancing Biodiversity | Requires proposals to accord with the most recent environmental legislation and sets out various potential options for enhancement. Seeks to protect mature trees and hedgerows. Permits loss of higher value trees (category A or B-BS5837) (does |

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| | not set out hierarchy or circumstances for loss) but requires mitigation via compensatory tree planting if there is loss. Stipulates that onsite tree planting is preferred and appropriate species for the site should be used. |
| Neighbourhood Plan Policy 4: Designation of Local Green Spaces | Designates 5 areas of Local Green Space (4 in Scopwick and 1 in Kirkby Green). |
| Neighbourhood Plan Policy 5: Conservation and Enhancement of Non-Vehicular Routes | Supports extension or improvement of non-vehicular routes across the parish. Requires development proposals to protect and enhance existing public rights of way and permissive routes, where applicable. |
| Neighbourhood Plan Policy 6: Flood Risk and Drainage | Requires that development does not result in net increase in flooding. Requirement for SuDs on major development. Requirement for demonstration that there is capacity within foul water network. Policy requires proposals to meet the water efficiency measurements of 110l / person/ day. |
| Neighbourhood Plan Policy 7: Achieving High Quality Design | Policy requires 'high design quality', and that the character of areas is reinforced. Refers to landscaping schemes and boundary treatment, as well as use of local materials. States that proposals should incorporate sustainable design features to reduce carbon emissions and mitigate and adapt to climate change. Support for low carbon construction- examples given. Retrofit of heritages assets is supported where significance of asset is retained. |
| Neighbourhood Plan Policy 8a: Provision of Affordable Housing | Requires major developments to deliver 20% affordable housing: to be delivered onsite. Particular support for home ownership affordable housing products. |
| Neighbourhood Plan Policy 8b: Rural Exception Site | Policy supports development of a small rural exception site of affordable housing to meet local housing need. Sets out various criteria in relation to such development, including need for community support, and requirement that any permission is conditioned so that the homes remain available to local people in perpetuity. |
| Neighbourhood Plan Policy 8c: A Mix of Housing Types | Policy requires that proposals deliver a housing mix in accordance with most recent Housing Needs Assessment and highlights the current need for 2-3 bed homes. Expresses particular support for homes which voluntarily provide a higher proportion of accessible M(4)2 and M(4)3 homes. |
| Neighbourhood Plan Policy 8d: Specialist Accommodation for the Elderly | Policy supports development of The Limes (formal residential care home, closed 2017) as residential care home provided certain criteria are met. |
| Neighbourhood Plan Policy 9: Enhancing the Provision of Community Facilities | Policy supports improved community facilities and resists the loss of community facilities unless operation not financially viable or necessary, or a replacement is being provided. |

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| | Policy supports development of a café if ancillary to an existing rural enterprise. |
| Neighbourhood Plan Policy 10: Improving Broadband and Mobile Connectivity | Policy requires superfast broadband connection on new residential development and supports the development of communications technology provided that there is no unacceptable harm to landscape character, local green spaces or obstruction of key views. |
| Neighbourhood Plan Policy 11: Protecting Heritage Assets | Appendix E of the SKGNP identifies 'locally valued heritage assets'. Policy sets out criteria in relation to these. |
| Neighbourhood Plan Policy 12: Conversion of Redundant Agricultural Buildings | Policy supports conversion of redundant agricultural buildings into residential or commercial use: supports subservient extensions. |
| Neighbourhood Planning Policy 13a: Frontage of SCOP3 and Western corner of SCOP4 Land to the West of Scopwick with public open space and footpath | One site allocation comprising of parts of two sites put forward in the Housing and Economic Land Availability Assessment (HELAA): SCOP3 and SCOP4. Site is currently agricultural use, adjoins Heath Road (B1191), on edge of built-up area. Allocated for up to 14 dwellings (including 3 affordable homes for sale) and public open space. Preferred site layout included at para 204 of SKGNP. |
| Neighbourhood Planning Policy 13b: SCOP7 Land to the north of Vicarage Lane | Currently in agricultural use. Site outside of, but adjoining, conservation area. Site put forward in HELAA. Allocated for 'in the region of two dwellings'. |
| Neighbourhood Planning Policy 13c: SCOP9 and SCOP11 | One site allocation comprising of parts of two sites put forward in the Housing and Economic Land Availability Assessment (HELAA): SCOP9 and SCOP11. Currently in agricultural use. Site outside of, but adjoining, conservation area. Allocated for 'in the region of two dwellings'. |
| Neighbourhood Planning Policy 13d: SCOP10 | Site put forward in the SKGNP call for sites. Site is previously developed land within the existing development footprint of the village. Site within conservation area. Allocated for 'in the region of two dwellings'. |
| Neighbourhood Planning Policy 13e: Southern part of SCOP18 | Site put forward in the SKGNP call for sites. Allocation is only part of the initial site outline put forward. Currently in agricultural use. Allocated for up to 8 bungalows. |
| Neighbourhood Planning Policy 13f: Land North of Main Street Kirkby Green KG6 | Site put forward in the SKGNP call for sites. Infill site within the development boundary. Currently in agricultural use. Allocated for 'in the region of 6 dwellings'. |
| Neighbourhood Planning Policy 13g: Land to the east of the Poultry Farm, Kirkby Green | Site put forward in the SKGNP call for sites: deemed unsuitable for housing. Outside development boundary in the open countryside. Site currently used as a plant nursery. Policy supports 'proposals that enable the sustainable growth of businesses both through the |

| | |
|--|---------------------------------------------------------------------------------------------------------------------------------|
| | <p>conversion of existing buildings and well-designed new buildings’ and supports development of a café on the site.</p> |
|--|---------------------------------------------------------------------------------------------------------------------------------|

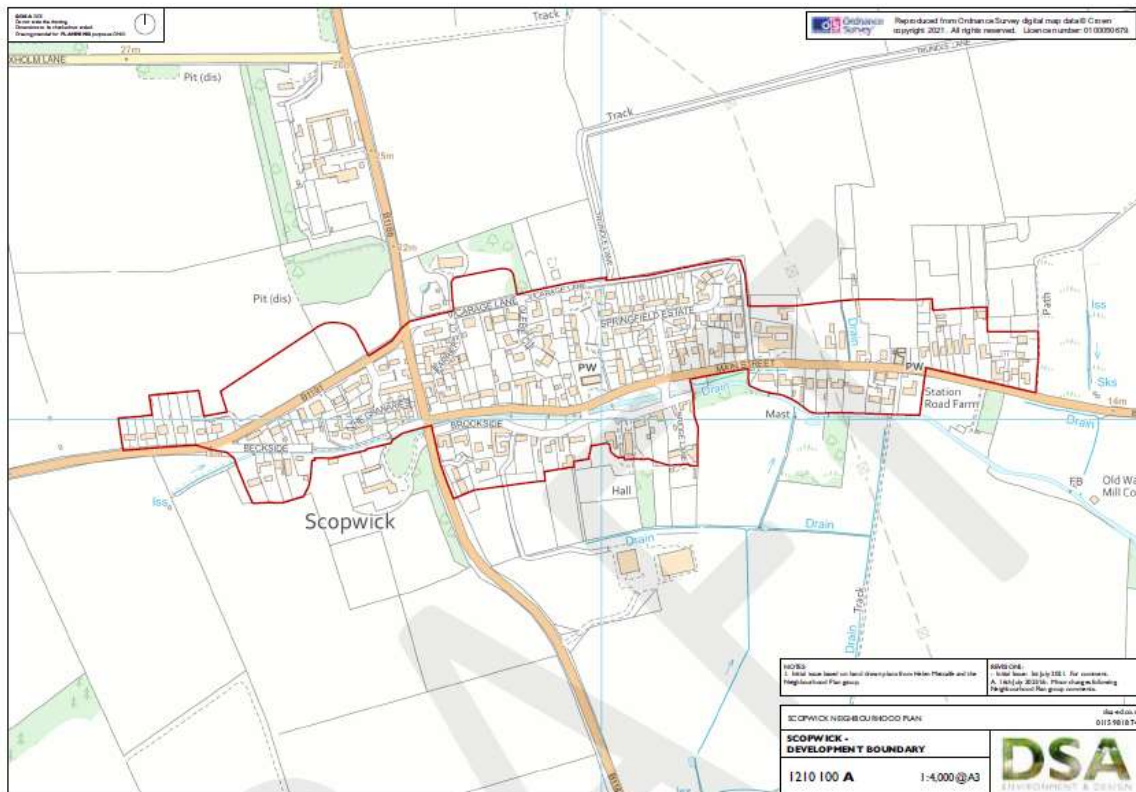
- 3.7. As set out above, the SKGNP allocates sites for development. This is in contrast to the CLLP which (as mentioned above in section 2) does not allocate any sites for development within the neighbourhood area.
- 3.8. The CLLP does not set development boundaries around settlements, and instead defines the ‘developed footprint of a settlement’ as ‘the continuous built form of the settlement’ (CLLP policy LP2, The Spatial Strategy and Settlement Hierarchy), setting out various exclusions to this, namely:
- a) *individual buildings or groups of dispersed buildings which are clearly detached from the continuous built-up area of the settlement;*
 - b) *gardens paddocks and other undeveloped land within the curtilage of buildings on the edge of the settlement where land relates more to the surrounding countryside than to the built up area of the settlement;*
 - c) *agricultural buildings and associated land on the edge of the settlement; and*
 - d) *outdoor sports and recreation facilities and other formal open spaces on the edge of the settlement.*
- 3.9. The SKGNP does, however, introduce development boundaries around both Scopwick village and Kirkby Green village.
- 3.10. The SKGNP has taken the CLLP’s use of ‘developed footprint of a settlement’ as a ‘starting point’, and has then included the boundaries of the sites allocated in the SKGNP to devise development boundaries around each of the villages. The development boundaries *‘identify the area within which a general presumption in favour of most forms of development will be applied, subject to certain criteria’.*
- 3.11. Paragraph 44 of the SKGNP sets out the criteria that were used to define the extent of the development boundaries.
- 3.12. Map 3.1 below shows the SKG neighbourhood area, while maps 3.2 and 3.3 show the extent of the development boundaries introduced by the SKGNP.

Map 3.1: Boundary of the designated Scopwick and Kirkby Green Neighbourhood Area (in blue)



Source: NKDC

Map 3.2: Scopwick Development Boundary (introduced by SKGNP)



Map 3.3: Kirkby Green Development Boundary (introduced by SKGNP)



Scopwick and Kirkby Green Neighbourhood Plan Site Options and Assessment

- 3.13. NKDC have obtained a copy of the ‘Scopwick and Kirkby Green Neighbourhood Plan Site options and Assessment’ Draft Report, dated August 2020. This report highlights that:
- The qualifying body wish to identify site allocations and exceed the housing growth level set by the CLLP in order to help deliver affordable housing.
 - The intention is for site allocations to help ensure that development within the parish is carried out in a manner which best serves the local community as a whole and preserves ‘all that is good about the two villages’.
- 3.14. The report assessed 31 potential sites: these sites were all identified via the neighbourhood plan call for sites. 11 of these 31 were also submitted as part of the Local Plan Housing and Economic Land Availability Assessment (HELAA). The sites were assessed against various considerations, and the report concluded with a recommendation as to whether each site was suitable for designation or not, for the qualifying body to consider further.
- 3.15. This Site Options Assessment Report demonstrates that various site options have been considered in the preparation of the SKGNP.

Summary of Scopwick and Kirkby Green Neighbourhood Area Characteristics

- 3.16. In order to determine the likely significant effects of the SKGNP on the environment, it is important to consider the characteristics of the area likely to be affected. A range of sources of information have been used to gather this information, including DEFRA Magic Maps⁵, Environment Agency Flood Risk Maps for Planning⁶, Nomis⁷, and CLLP interactive map⁸.

⁵ <https://magic.defra.gov.uk/>

⁶ <https://flood-map-for-planning.service.gov.uk/>

⁷ www.nomisweb.co.uk

⁸ <https://www.n-kesteven.gov.uk/central-lincolnshire/policies-map-and-interactive-map/>

Population, household information and health

- 3.17. Scopwick and Kirkby Green Parish covers a total area of 1,612ha⁹. The total population of the parish at the 2011 Census was 815 residents. There were 299 dwellings and of these, 164 were detached, 90 semi-detached, 26 terraced, 4 were flats, maisonettes or apartments, and 15 were caravans or other mobile or temporary structures (Nomis). Of the 299 dwellings, 282 had at least 1 usual resident.
- 3.18. The tenure split of the 282 households was 194 owned (105 outright, 89 with mortgage or loan); 1 shared ownership; 31 social rented (from local authority); 49 private rented (26 private landlord or letting agency, 23 'other'); and 7 living rent free.
- 3.19. The mean age of the population living in the Parish at the time of the Census was 42.5 years. This is higher than the national average of 39.3 years. The percentage of the population over 64 years of age was 20.4%. Again this is higher than the national average of 16.4% (Nomis).
- 3.20. In terms The health of the population residing within the SKG Neighbourhood Area is mostly 'good' or 'very good' (Nomis).

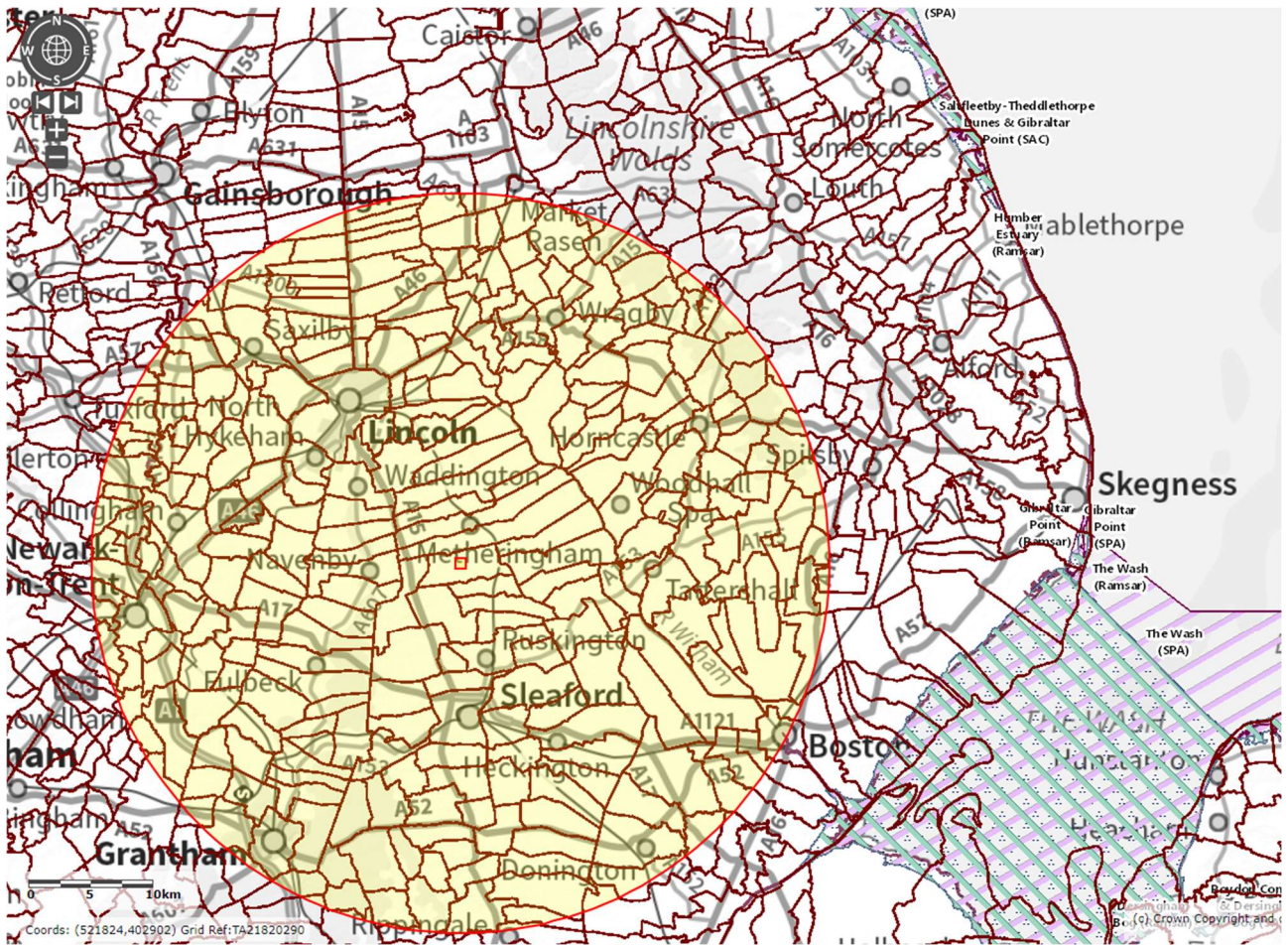
Designations

- 3.21. A search of the following sites within approximately 30km of Scopwick village was undertaken:
- Ramsar Sites (England)
 - Proposed Ramsar Sites (England)
 - Special Areas of Conservation (England)
 - Possible Special Areas of Conservation (England)
 - Special Protection Areas (England)
 - Potential Special Protection Areas (England)
- 3.22. The search revealed that there are no European designated sites of nature conservation interest within approximately 30km of Scopwick village. The nearest site is greater than 30km from Scopwick village (see **Map 3.4**).

⁹ Source: Nomis www.nomisweb.co.uk/reports/localarea?compare=E04005828

Map 3.4: Location of European sites

(yellow shaded area indicates 30km radius from approximate centre of Scopwick village)



Source: Magic Map

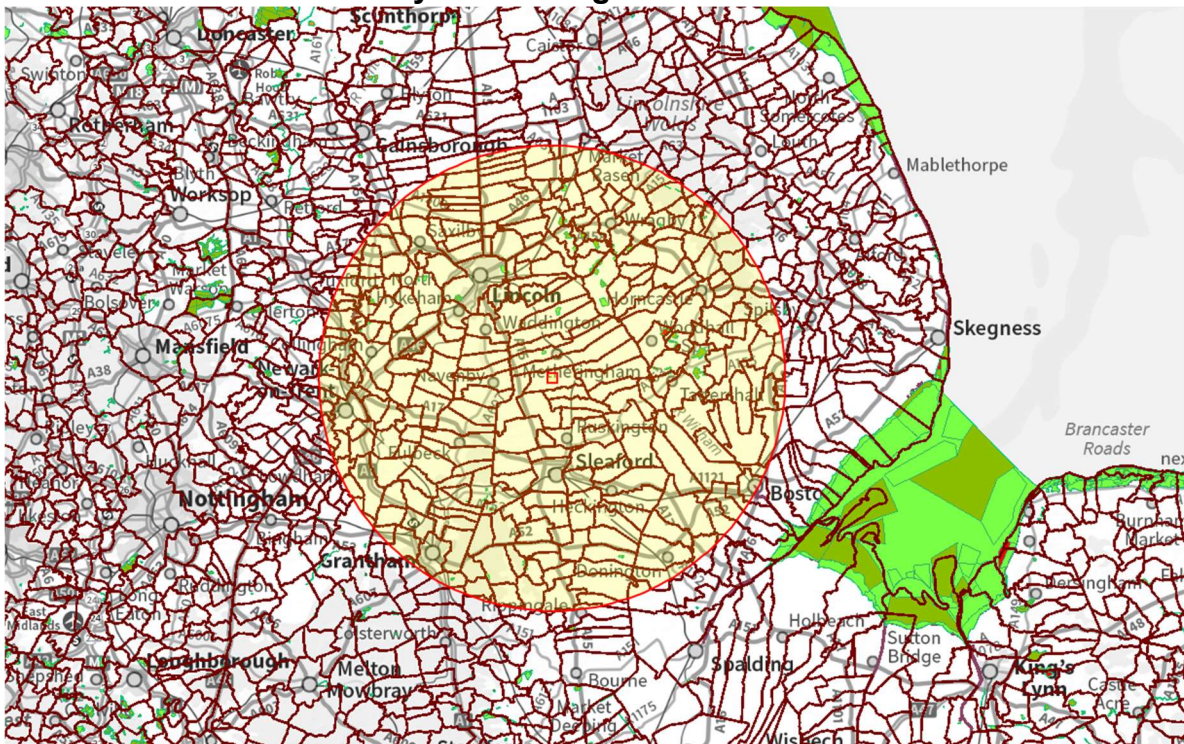
Legend

-  Ramsar Sites (England)
-  Proposed Ramsar Sites (England)
-  Special Areas of Conservation (England)
-  Possible Special Areas of Conservation (England)
-  Special Protection Areas (England)
-  Potential Special Protection Areas (England)

3.23. There are no Sites of Special Scientific interest (SSSI) within the SKGNP area, nor do any SSSI Impact Risk Zones (IRZs) fall within the NP area (**Map 3.6**). However, there are numerous SSSIs within a 30km radius of the Scopwick and Kirkby Green Neighbourhood Area (as shown on **Map 3.5**), including the following 4 which are in relatively close proximity:

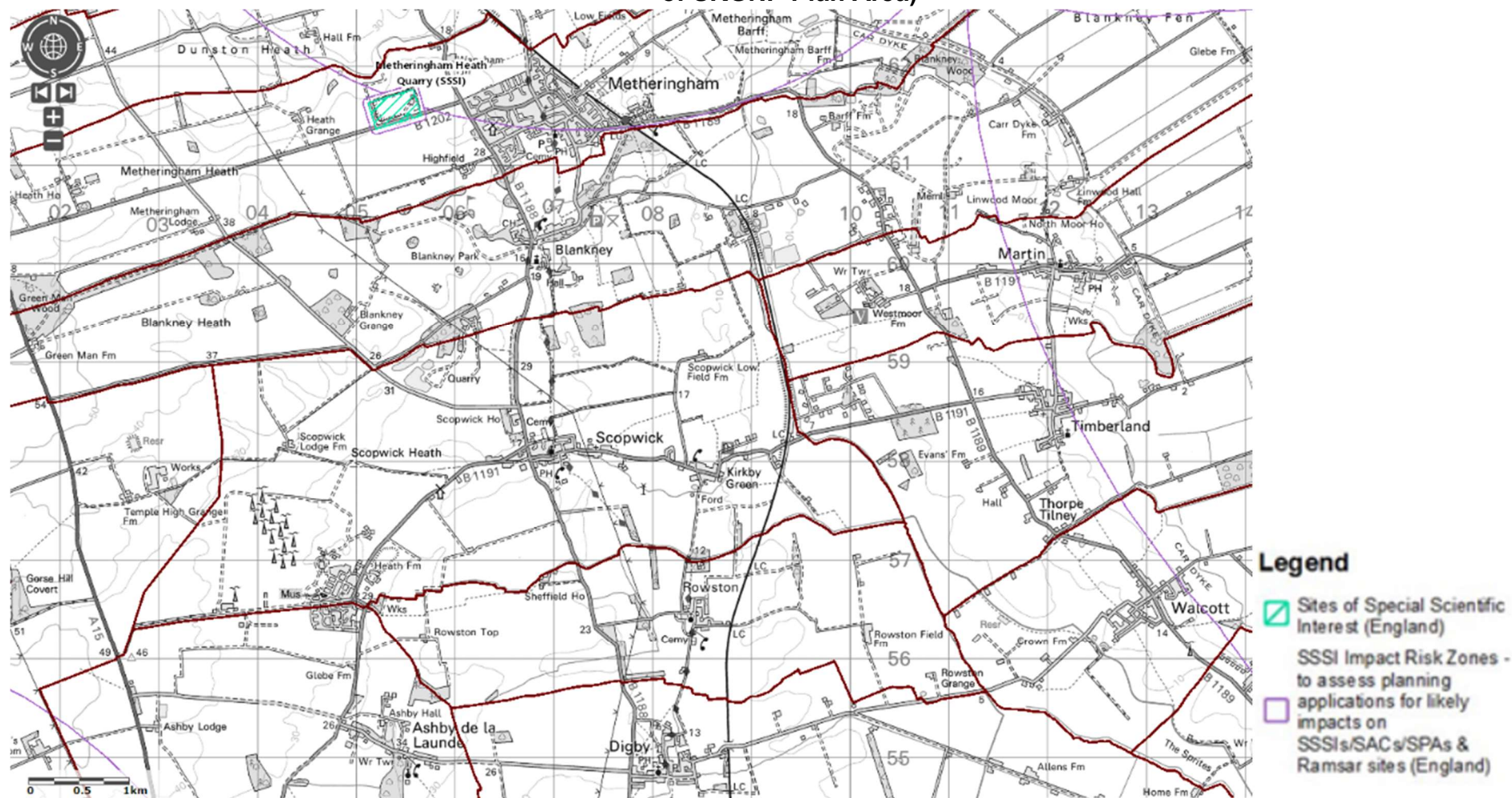
- Metheringham Heath Quarry SSSI is approximately 2.5km north of the northern boundary of SKGNP area: the IRZ of this SSSI does not extend far beyond the boundary of the SSSI itself (shown on Map 3.6)
- Potterhanworth Wood SSSI is approximately 7km north of the northern boundary of SKGNP area: the IRZ of this SSSI extends to within 2km of the northern boundary of SKGNP area (IRZ shown on Map 3.6)
- Tattershall Old Gravel Pits SSSI is approximately 10km east of the eastern boundary of the SKGNP area boundary (approximately 13km from the centre of the neighbourhood area): the IRZ of this SSSI extends to within 2.5km of the eastern boundary of SKGNP area (IRZ shown on Map 3.6)
- High Dyke SSSI is approximately 6.5km from the far south west boundary of the neighbourhood area (approximately 10km from the centre of the neighbourhood area): the IRZ of this SSSI extends to within 1.3km of the south west boundary (IRZ shown on Map 3.6).

Map 3.5: SSSIs within 30km radius of centre of Scopwick and Kirkby Green Neighbourhood Area



SSSIs shown in green; parish boundaries shown in red outline; yellow circle depicts 30km radius from approximate centre of neighbourhood area.

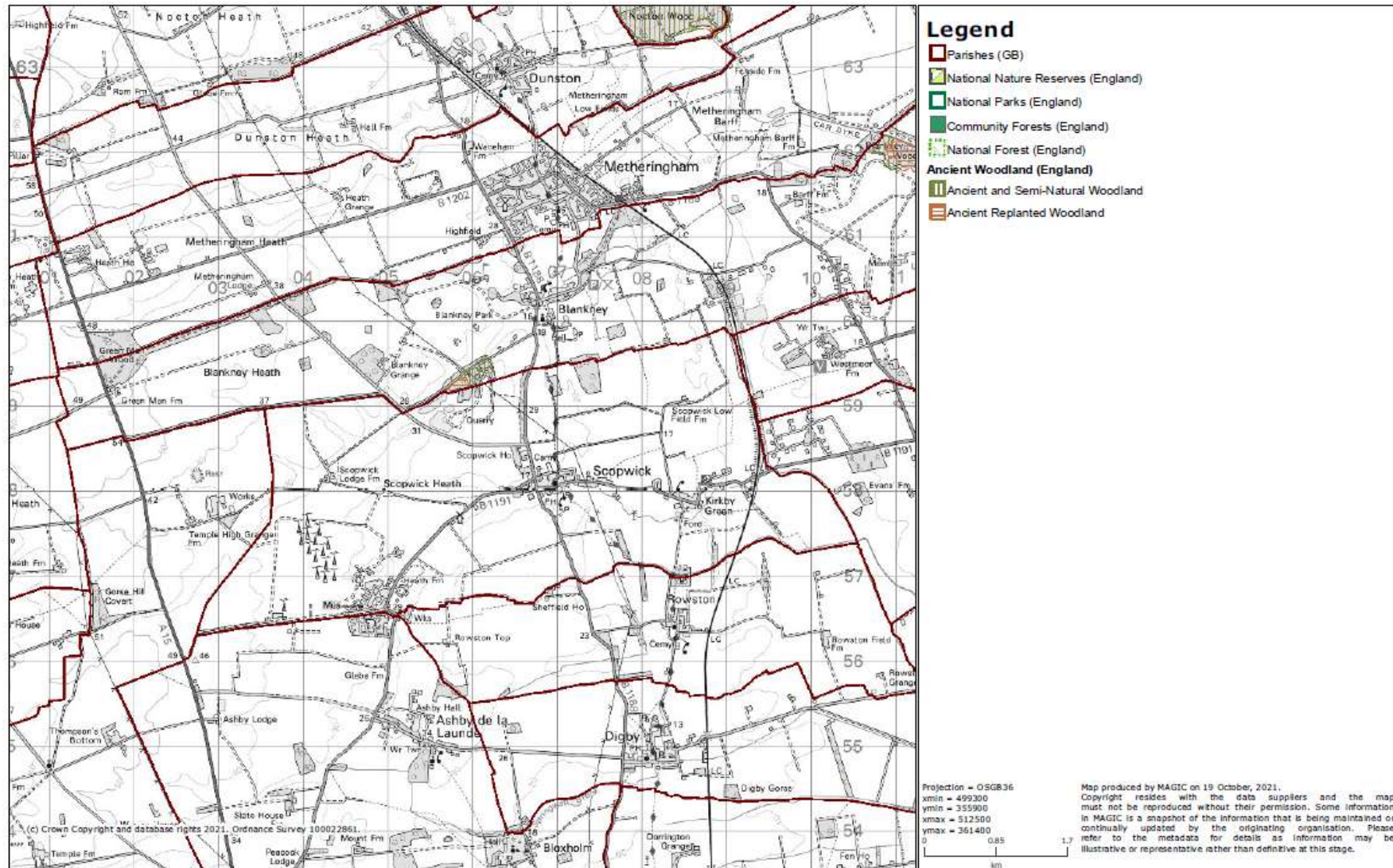
Map 3.6: Metheringham Heath Quarry SSSI and various IRZs near Scopwick and Kirkby Green Neighbourhood Area (all outside of SKGNP Plan Area)



Source: Magic Map

- 3.24. There are no other nationally designated sites of nature conservation interest *within* the SKGNP area, such as Ancient Woodland, National Nature Reserves, National Parks, Community Forests. However, Long Wood, which consists of an area of Ancient Replanted Woodland and an area of Ancient and Semi-Natural Woodland, lies immediately north of the neighbourhood area (partially adjoining it), in Blankney parish (**Map 3.7**).

Map 3.7: Nationally designated sites of nature conservation interest



Source: Magic Map

3.25. In terms of locally designated sites, **Maps 3.8, 3.9 and 3.10** below show the designations in and around the neighbourhood area. **Map 3.8** shows:

- A Local Geological Site- Longwood Quarry, Blankney (shown in purple: this lies within the neighbourhood area)
- A Local Wildlife Site- Scopwick Heath Old Quarry (shown in light green, within the neighbourhood area)
- Natural and Semi-Natural Greenspace (Not identified as Publicly Accessible)(light green areas);
- Amenity greenspace (shown in red);
- Two cemeteries / church yards/ disused burial grounds (shown in bright blue);
- Three areas of Important Open Space (shaded pale yellow).

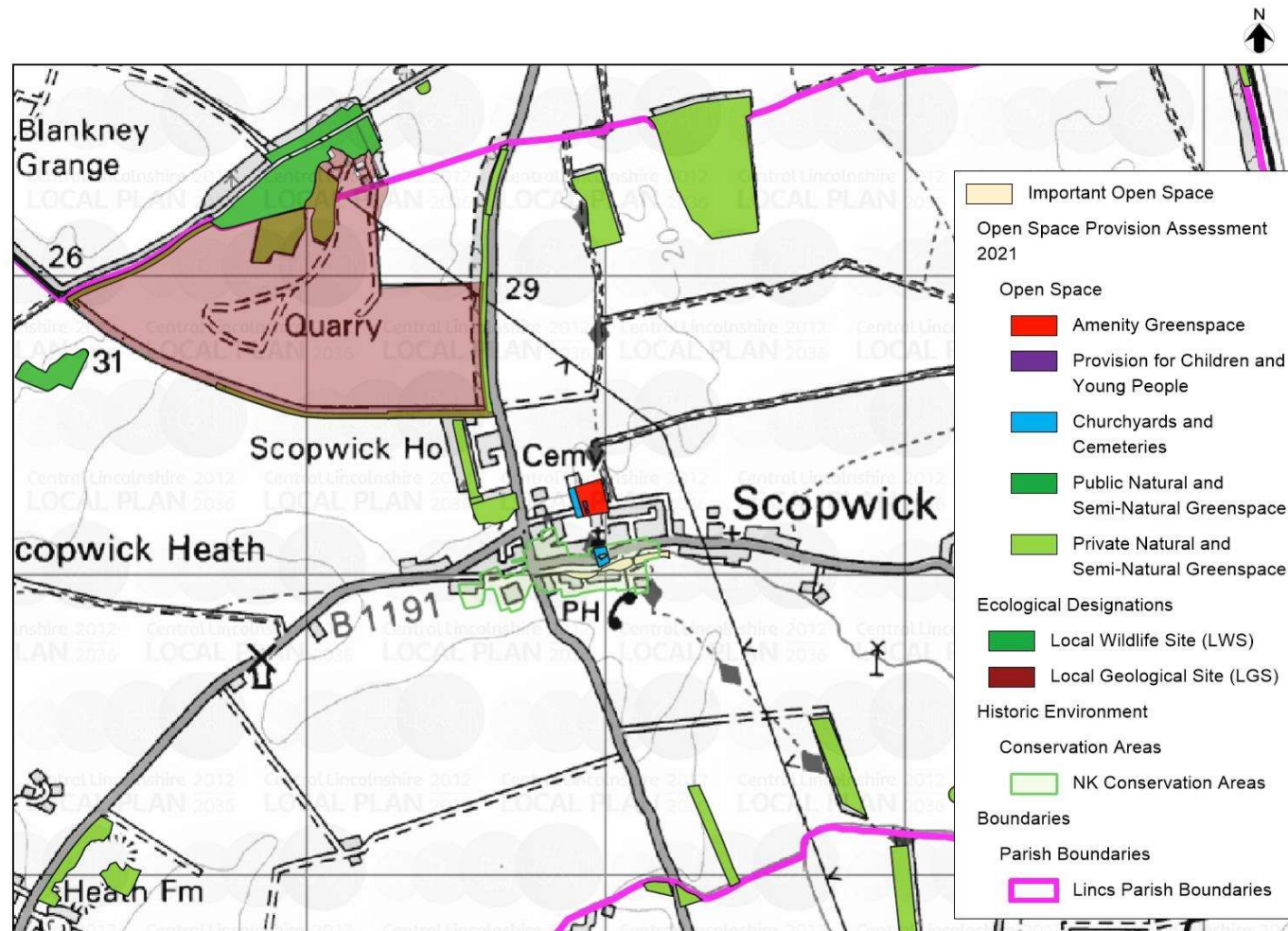
3.26. **Map 3.9** shows:

- A cemetery / church yard/ disused burial ground (shown in bright blue);
- An area that is Primary Use Natural and Semi-Natural Greenspace and Natural and Semi-Natural Greenspace (shown dark green: it is not clear if this land is publicly accessible);
- Natural and Semi-Natural Greenspace (Not identified as Publicly Accessible) (shown in bright green)

3.27. **Map 3.10** shows:

- a large 'Ecological Network and Opportunities, Opportunity for Creation' to the west of site allocation 13g (the large brown area);
- a small area of publicly accessible 'Natural and Semi-Natural Greenspace' (dark green area at top left of map);
- various areas of Ecological Network with 'opportunity for management' or 'opportunity for creation' and Natural and Semi Natural Greenspace (not identified as publicly accessible) (all shown in light green).

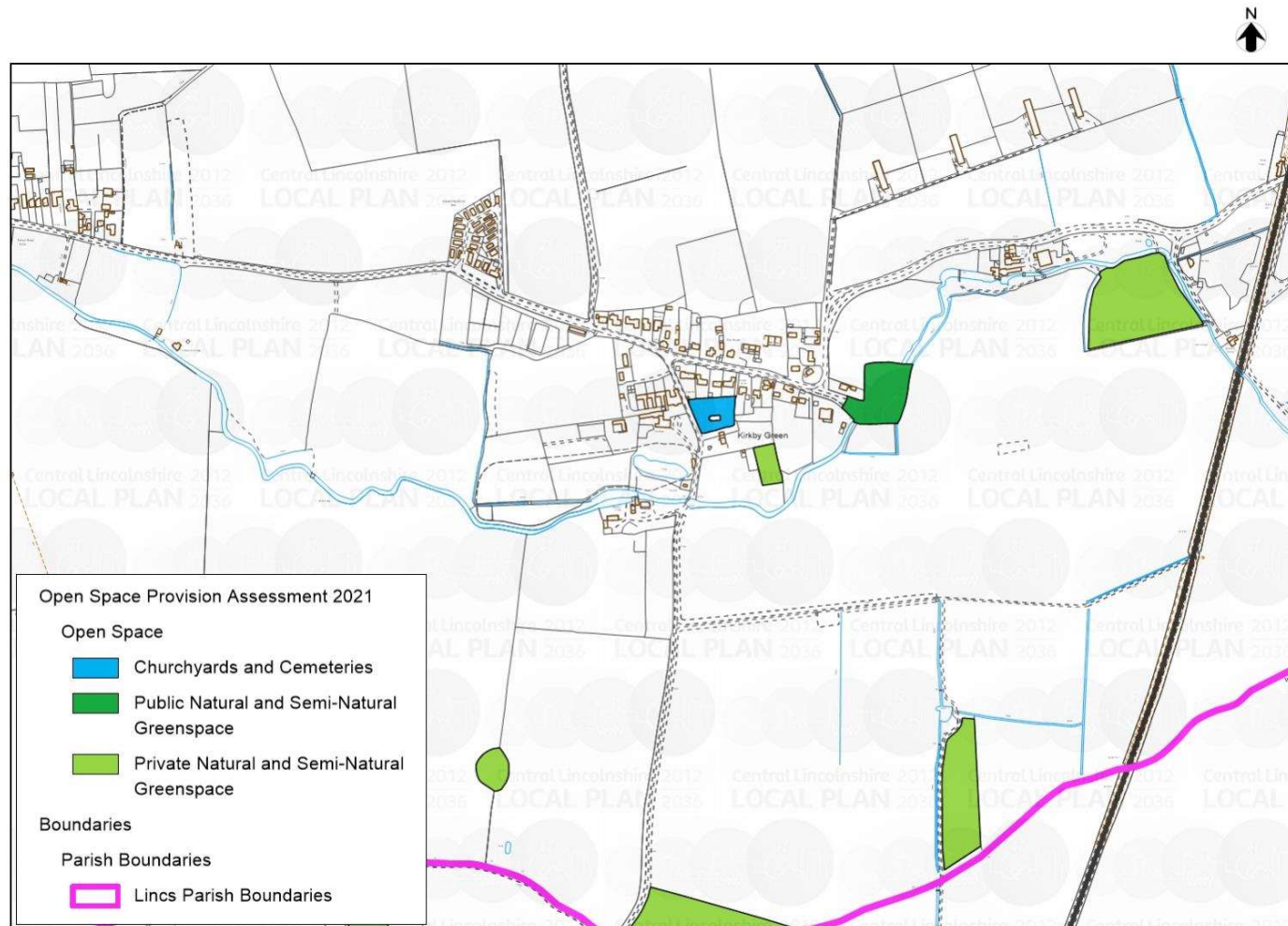
Map 3.8: Local Designations Scopwick



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Source: Central Lincolnshire Local Plan Interactive Map

Map 3.9: Local Designations Kirkby Green



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Map 3.10: Local Designations near Site 13g (non-residential site allocation)



Source: Central Lincolnshire Local Plan Interactive Map

Landscape Character

- 3.28. A Landscape Character Assessment¹⁰ (LCA) was undertaken for the North Kesteven District in 2007.
- 3.29. There are three broad landscape character types within North Kesteven, each elongated from north to south: the Central Plateau is in the middle of the 'Trent and Witham Vales' to the west, and 'The Fens' to the east. Within the 'Central Plateau' there are six Landscape Character Sub-Areas: Scopwick and Kirkby Green NA stretches across the 'Limestone Heath' and 'Central Clays & Gravel' of the Central Plateau (Map 7, page 160 of Landscape Character Assessment).
- 3.30. The key characteristics of the 'Limestone Heath' sub area are an open landscape with wide views of the skyline; a gently undulating landform; scattered and prominent woodland copses; intensive arable agriculture; large and rectilinear fields; and impact from utility infrastructure and RAF installations.
- 3.31. The key characteristics of the 'Central Clays and Gravel' sub area are: gently undulating lowland; smaller fields, or varied shapes; grazing as well as arable farming; well-kept hedgerows along roadsides; and three distinctive lines of settlements.
- 3.32. The LCA also sets out how the village of Scopwick follows the spring lines rising from the limestone heath plateau and highlights that there are several active stone quarries at a number of sites in the district including Scopwick, noting that the quarries are generally well screened by earth bund walls and landscaping and therefore not immediately obvious in the landscape.

Soils

- 3.33. The SKGNP area is composed of a mixture of Agricultural Land Grade 2 and 3 land (Natural England).
- 3.34. The predominant soil types within the SKGNP area are shallow lime-rich soils over chalk or limestone (freely draining) located on the western half of the neighbourhood area; freely draining lime-rich loamy soils to the central/ easterly part of the neighbourhood area; and loamy soils with naturally high groundwater (naturally wet), loamy and sandy soils with naturally high ground water and a peaty surface (naturally wet) and slowly permeable seasonally wet slightly acid but base-rich loamy and clayey soils (impeded drainage) all located at the far eastern part of the neighbourhood area.¹¹

Historic Environment

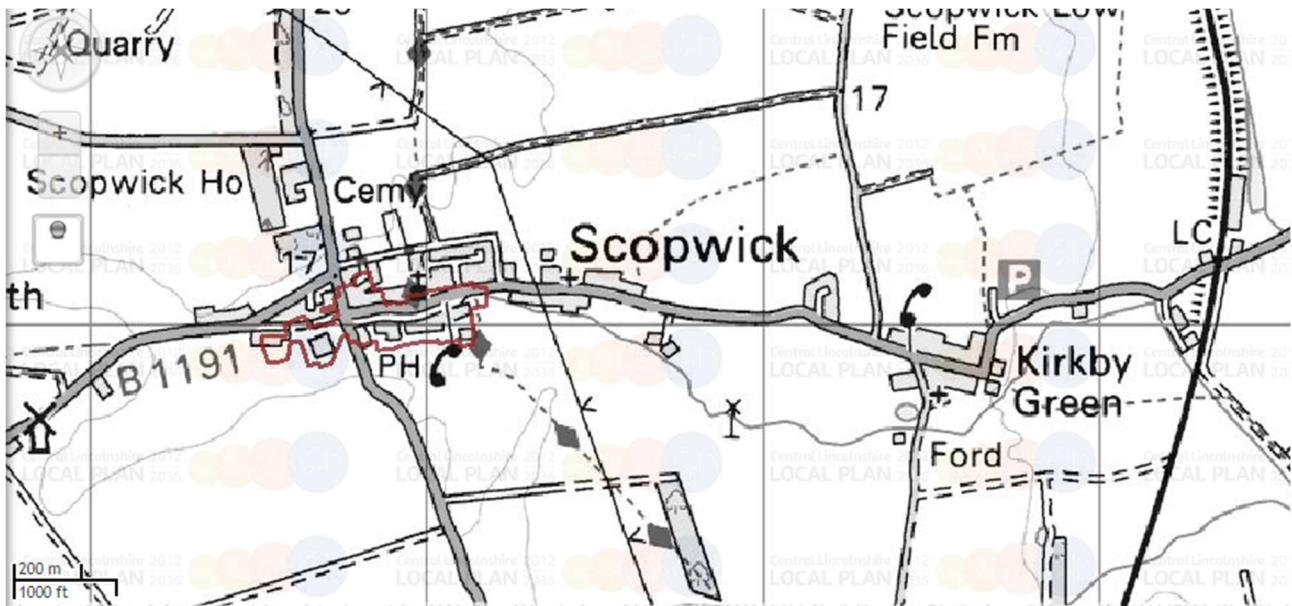
- 3.35. From a historic environment perspective, Scopwick Conservation Area (as shown on **Map 3.11**) is the heart of the village, stretching west to east along the B1191 and Brookside, and extending west to Beckside, with the boundary extending around various parts of the built environment to the north and south. No conservation area exists in Kirkby Green.

¹⁰ <https://www.n-kesteven.gov.uk/residents/planning-and-building/planning/planning-applications/north-kesteven-landscape-character-assessment/>

¹¹ National Soil Map of England and Wales, accessed online at www.magic.defra.gov.uk

Map 3.11: Location of Conservation Area within the Scopwick and Kirkby Green Neighbourhood Area

(Conservation area boundary shown in brown)



Source: Central Lincolnshire Local Plan Interactive Map

- 3.36. There are a number of listed buildings within the SKGNP area and their locations are shown on **Maps 3.12, 3.13 and 3.14**. The majority of the buildings are Grade II with the exception of the church of the Holy Cross in Scopwick which is II*. There are no Grade I listed buildings in the neighbourhood area.
- 3.37. There are no Scheduled Monuments within the neighbourhood area.




Map 3.12: Location of Listed Buildings within the Scopwick and Kirkby Green Neighbourhood Area



Source: Magic Map

Legend

Listed Buildings (England)

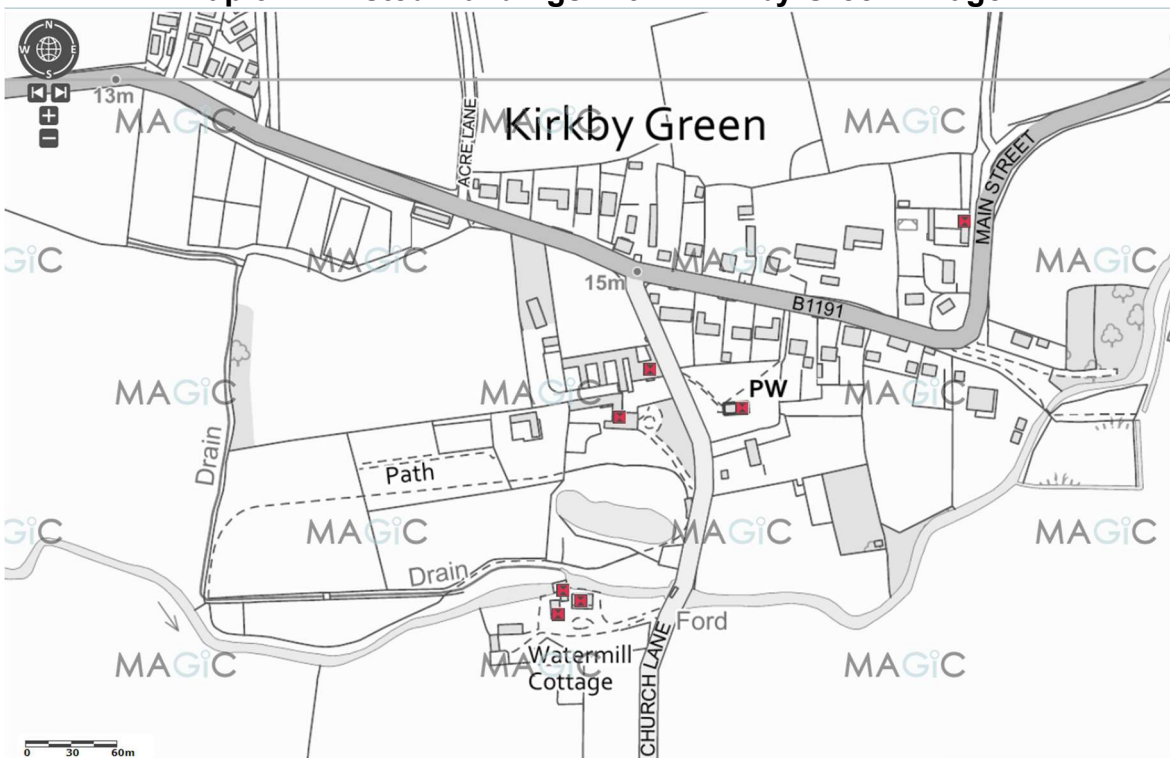
-  I
-  II
-  II*

Map 3.13: Listed Buildings within Scopwick village



Source: Magic Map

Map 3.14: Listed Buildings within Kirkby Green village



Source: Magic Map

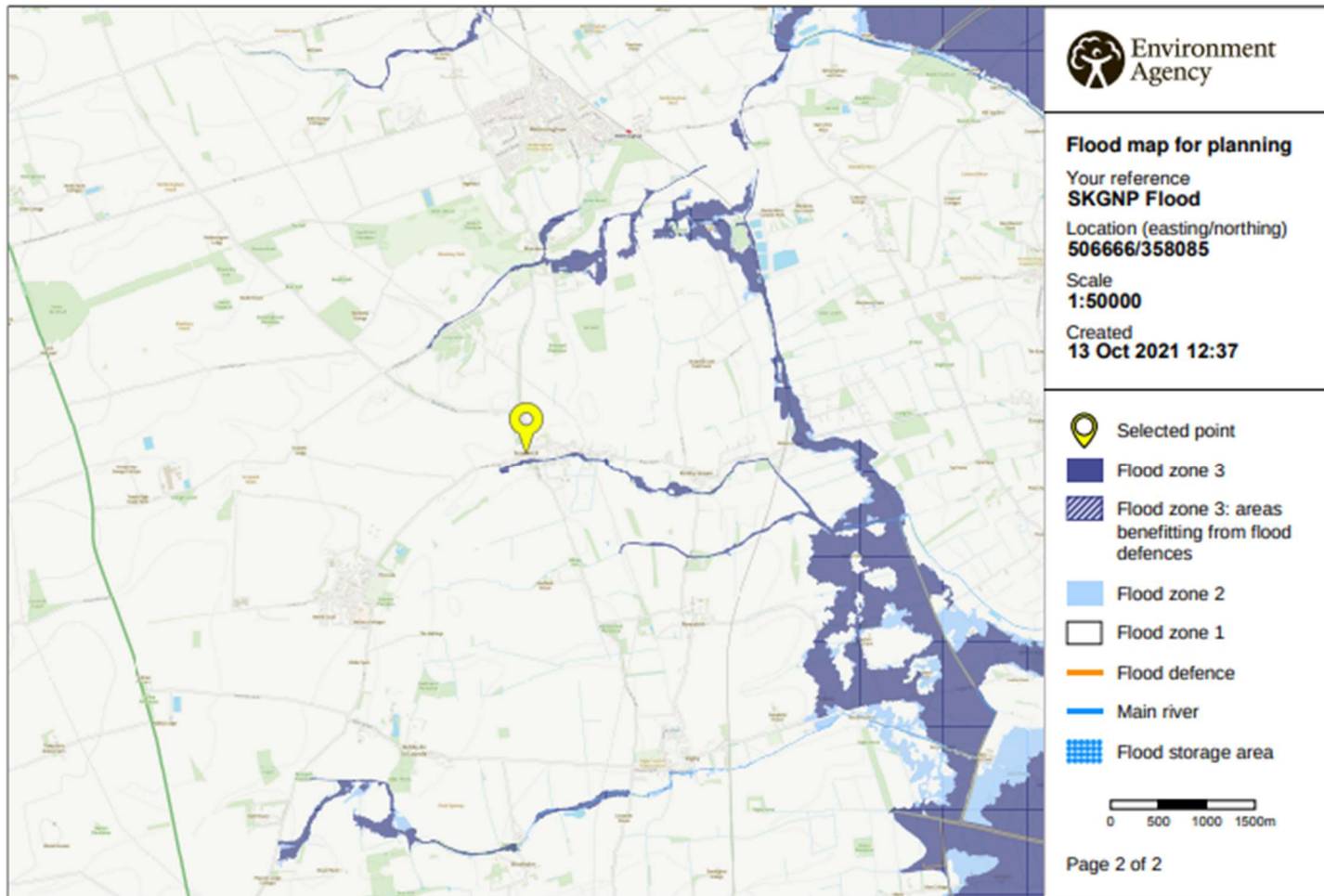
Air

- 3.38. In terms of air, there are no Air Quality Management Areas designations directly affecting Scopwick and Kirkby Green parish (there are no AQMAs in the District of North Kesteven). There are AQMAs in the neighbouring authority areas of City of Lincoln to the north, Boston Borough to the southeast, and South Kesteven to the southwest. These AQMAs are in the urban centres of Lincoln, Boston and Grantham respectively, and thus a notable distance from the neighbourhood area in question.

Water

- 3.39. In terms of the water environment, the SKGNP area falls within the Environment Agency's Anglian River Basin District: specifically, it lies in the 'Witham Lower Operational Catchment' area of the Witham Management Catchment area.
- 3.40. The SKGNP area is mostly of low flood risk (i.e. flood risk zone 1) according to the Environment Agency's Flood Risk Maps (see **Map 3.15**). However, there is a linear area of higher risk flood zones 2 and 3 which stretches along the beck that runs through Scopwick and Kirkby Green, and eastward beyond the neighbourhood area boundary. There is a second linear area of flood zone 2/3 which stretches along the eastern side of the southern boundary of the neighbourhood area.
- 3.41. Part of the SKGNP area falls within Source Protection Zone 1 (Inner Protection Zone) (see **Map 3.16**). The Source Protection Zone forms a circular area just off centre of the neighbourhood area. Source Protection Zones are defined around large and public potable groundwater abstraction sites, including wells, boreholes and springs. Groundwater Source Protection Zones are areas of groundwater where there is particular sensitivity to pollution risks due to the closeness of a drinking water source and groundwater flows. Generally, the closer the activity is to a groundwater source, then the greater the risk.

Map 3.15: Flood Risk Zones within the Scopwick and Kirkby Green Neighbourhood Area



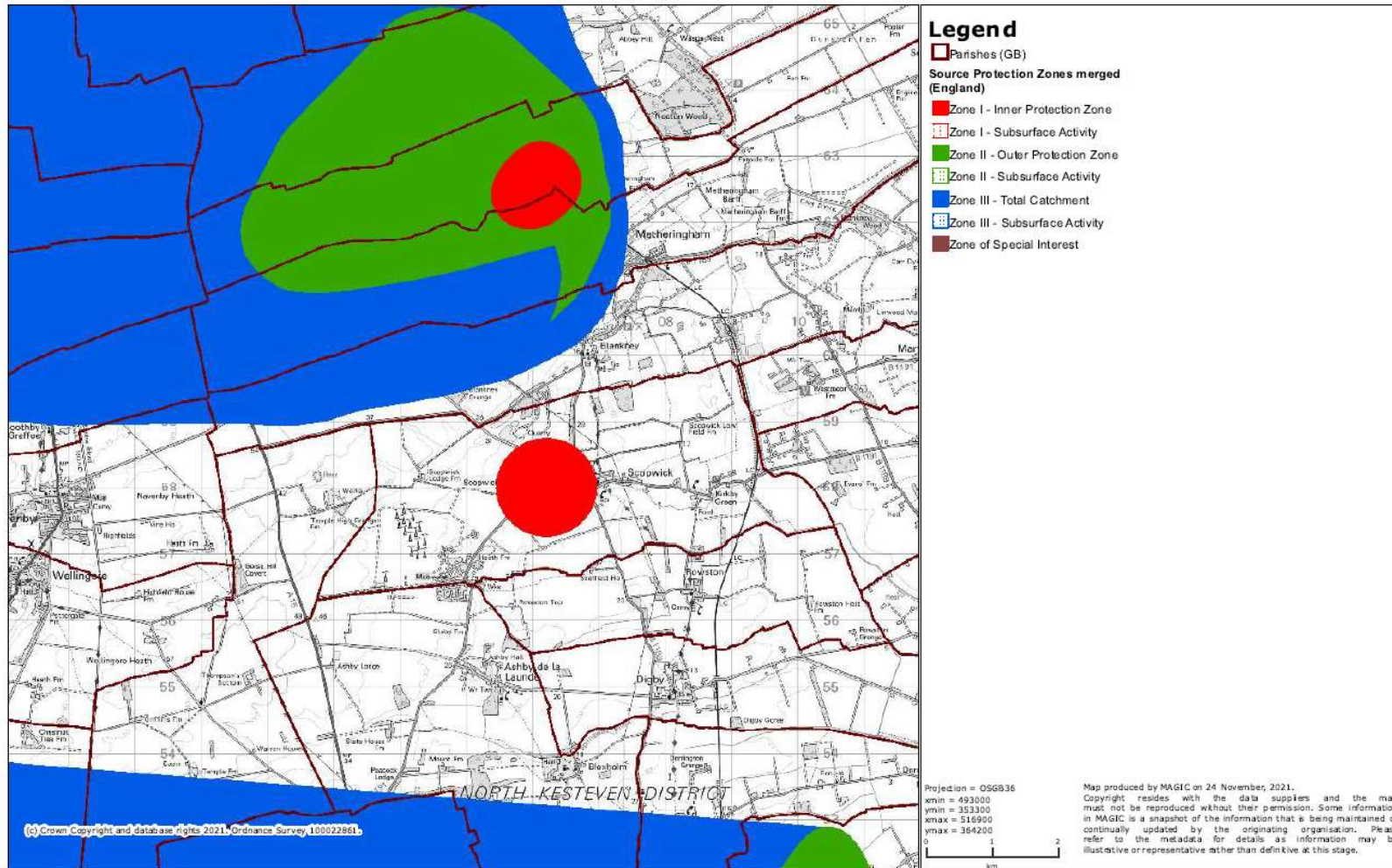
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Source: Environment Agency

Map 3.16: Source Protection Zones

MAGiC

SKG Neighbourhood Area: Source Protection Zones



4. Screening Methodology: Criteria for Assessing the Effects of Neighbourhood Plans

Strategic Environmental Assessment (SEA)

- 4.1. The Localism Act 2011 (Schedule 9) introduced neighbourhood planning into the Town and Country Planning Act 1990. The 1990 Act, as amended by Schedule 10 of the Localism Act 2011, requires that NDPs meet a set of basic conditions, one of which being that the making of the plan does not breach, and is otherwise compatible with, EU obligations.
- 4.2. To ensure that a NDP meets this basic condition, a SEA may be required to determine the likely significant environmental effects of implementing the Neighbourhood Plan. The basis for Strategic Environmental legislation is European Directive 2001/42/EC, which was initially transposed into domestic law by the Environmental Assessment of Plans and 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'¹² and paragraph 073 of National Planning Practice Guidance (NPPG) 'Neighbourhood Planning' section¹³. Paragraph 073 of the Neighbourhood planning section advises that a Neighbourhood Plan should be screened early. Whether a Neighbourhood Plan proposal requires a SEA, and (if so) the level of detail needed, will depend on what is proposed within the plan.
- 4.3. Where a proposed plan is likely to have a significant effect on a European site or European offshore marine site (in relation to the Habitats Regulations), this will trigger the need to undertake a SEA. Schedule 2 of the Neighbourhood Planning (General) Regulations 2012 makes provision in relation to the Habitats Regulations. The Regulations require that any plan or project likely to have a significant effect on a European site must be subject to an Appropriate Assessment. To achieve this, paragraph 1 of Schedule 2 of the Neighbourhood Planning (General) Regulations 2012 prescribes a basic condition that the making of a Neighbourhood Plan is not likely to have a significant effect on a European site or a European offshore marine site. Paragraphs 2 to 5 go on to amend the Conservation of Habitats and Species Regulations 2010 so as to apply its provisions to neighbourhood development orders and plans. A Neighbourhood Plan's (or Neighbourhood Development Order) requirements for Appropriate Assessment are clarified further by the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018.
- 4.4. Article 3(5) of Directive 2001/42/EC details the criteria for determining whether plans are likely to have significant environmental effects. These criteria are outlined in **Figure 1**.
- 4.5. The Department of the Environment produced a flow chart diagram¹⁴ which sets out the process for screening a planning document to ascertain whether a full SEA is required. The flow chart diagram is provided in **Figure 2**.

¹² Available at:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/7657/practicalguidesea.pdf

¹³ Available at: <https://www.gov.uk/guidance/neighbourhood-planning--2#basic-conditions-for-neighbourhood-plan-to-referendum>

¹⁴ Department of the Environment, A Practical Guide to the Strategic Environmental Assessment Directive (2005)

- 4.6. **Section 5** provides firstly, a screening assessment of the draft SKGNP, against the assessment criteria (in **Figure 1**) to identify the significance of effects which may arise as a result of the plan's implementation.
- 4.7. Secondly, Section 5 applies the SEA Directive to the draft SKGNP, as per the flow chart in **Figure 2**, to determine whether the principle of the neighbourhood plan would warrant the need for SEA.
- 4.8. In order to decide whether a SEA is required, the Council needs to consider the following:
- How the policies in the Neighbourhood Plan might affect the environment, community or economy;
 - Whether the policies are likely to adversely affect a "sensitive area", such as a SAC, SPA, Ramsar or a SSSI, NNR etc.;
 - Whether the policies propose a higher level of development than that set out in the Central Lincolnshire Local Plan and that has been assessed by the IIA of that Plan;
 - Whether the implementation of the policies is likely to lead to new development;
 - Whether the cumulative impact of the policies taken together may give rise to a significant effect.

Habitats Regulations Assessment

Case Law

- 4.9. A decision by the European Court of Justice (ECJ) (People Over Wind & Sweetman vs. Coillte Teoranta) in April 2018 has had a significant impact on the HRA process for both Neighbourhood Plans and Local Plans. In short, the ECJ ruled that in order to determine whether it is necessary to carry out a full HRA of the implications of a plan, it is not appropriate to take account of mitigation measures at the screening stage. Rather, consideration of mitigation will need to occur at the full Appropriate Assessment stage.
- 4.10. Following the UK's withdrawal from the EU, decisions by the ECJ are no longer legally binding but may continue to be relevant¹⁵.
- 4.11. A consequence of the ECJ's decision is that mitigation measures set out in a plan cannot be used at the screening stage to conclude there will be 'no likely significant effects' on European Sites. Therefore if a Neighbourhood Plan includes measures to counter the plan's effects on European Sites these should, in effect, be ignored at the screening stage.
- 4.12. Previously, plan-making in the UK has followed case law as set out in Application of Hart DC vs. Secretary of the State for Communities and Local Government in 2008, which concluded that: 'anything which encourages the proponents of plans and projects to incorporate mitigation measures at the earliest possible stage in the evolution of their plan or project is surely to be encouraged.'
- 4.13. The government has acknowledged that the ECJ's ruling has caused uncertainty in preparing Neighbourhood Plans, and could result in more plans requiring a full SEA or HRA. In December 2018, The Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018¹⁶ came into force,

¹⁵ [European Union \(Withdrawal\) Act 2018 \(legislation.gov.uk\)](https://www.legislation.gov.uk/uk/2018/1307/contents/made)

¹⁶ <http://www.legislation.gov.uk/uk/2018/1307/contents/made>

amending the basic conditions and allowing affected Neighbourhood Plans and Orders to proceed.

- 4.14. For the avoidance of doubt, this screening report has been undertaken in accordance with the ECJ's ruling, insofar that the effects of any mitigation measures set out in the policies of the SKGNP have not been considered.

Figure 1: SEA Assessment Criteria

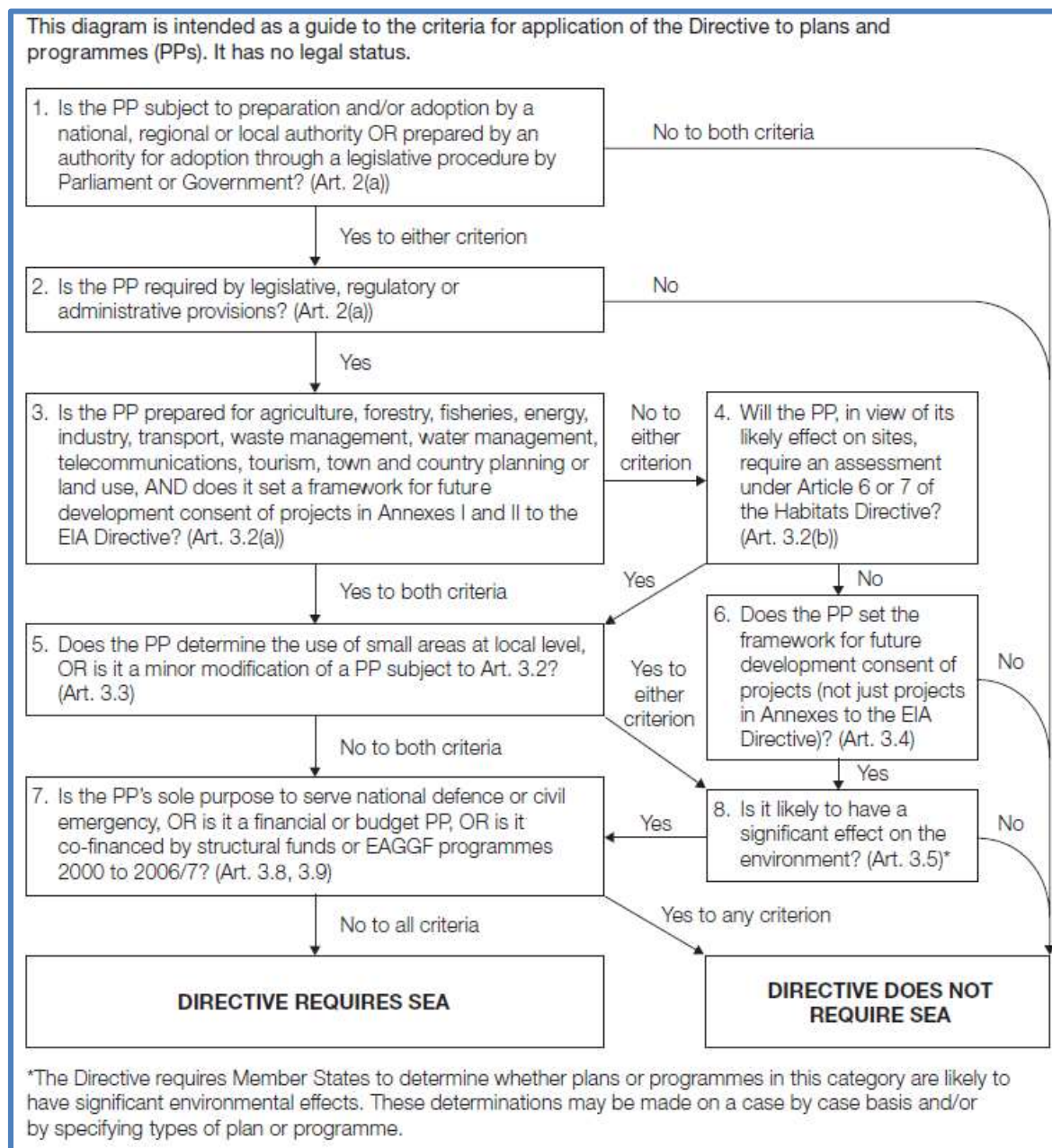
Article 3, Scope

5. Member States shall determine whether plans or programmes referred to in paragraphs 3 and 4 are likely to have significant environmental effects either through case-by-case examination or by specifying types of plans and programmes or by combining both approaches. For this purpose Member States shall in all cases take into account relevant criteria set out in Annex II, in order to ensure that plans and programmes with likely significant effects on the environment are covered by this Directive.

Annex II Criteria for determining the likely significance of effects referred to in Article 3(5)

1. The characteristics of plans and programmes, having regard, in particular, 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 waste-management or water protection).
2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, 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.

Figure 2: Application of the SEA Directive to plans and programmes¹⁷



¹⁷ Annexes I and II of Directive 2011/92/EU (as referred to in Figure 2, question 3) available at: <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32011L0092&from=EN> (see <http://ec.europa.eu/environment/eia/eia-legalcontext.htm> for details of amendments). Articles 6 and 7 of the Habitats Directive (as referred to in Figure 2, question 4) available at: <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:31992L0043&from=EN>.

5. SEA and HRA Screening Assessment of Scopwick and Kirkby Green Neighbourhood Plan

Introduction

- 5.1. The 'responsible authority' in the case of SEA and the 'competent authority' in the case of HRA, must determine whether a plan or programme, in this case the SKGNP, is likely to have a significant environmental effect with reference to specified criteria. The following section sets out an assessment of the SKGNP against this criteria.
- 5.2. The paragraphs that follow consider the likely environmental effects of the SKGNP policies in relation to the topics set out in Annex I (f) of the SEA Directive, and the likely significant effects of the SKGNP policies in relation to the conservation objectives for European Sites. **Figure 3** and **Figure 4** consider the SKGNP against the criteria from Annex II of the SEA Directive and Schedule 1 of the Environmental Assessment of Plans and Programmes Regulations 2004.

Determination of likely significant environmental effects - SEA Screening

- 5.3 As highlighted in paragraph 2.12 above, the Central Lincolnshire Local Plan was subject to IIA (incorporating SEA), documented in an IIA Report which fully considered the environmental, economic, social and health and equality impacts of each of the policies and site allocations within the CLLP. Table 3.1 (page 12 onwards) of the IIA Report¹⁸ signposts where the IIA Report meets the requirements of the SEA Directive. In the IIA Report, the site allocations and individual policies were assessed using the 15 IIA objectives that were developed through the IIA process.
- 5.4 The IIA highlighted no potential significant negative cumulative impacts on any of the IIA objectives. However, significant positive cumulative impacts were expected in relation to all of the IIA objectives except Pollution (IIA objective 8) and Waste (IIA objective 10).
- 5.5 Like the CLLP, the SKGNP supports infill development within the villages of Scopwick and Kirkby Green. Development of an exception site within the countryside is also supported, which aligns with policy LP11 of the CLLP. Taking these policies, and the other general policies within the SKGNP, overall, the NP aligns with the overarching strategic policies of the CLLP: as the CLLP has been recently adopted and subject to IIA, it can be feasibly concluded that, on the whole, the likely impacts of potential development in SKG neighbourhood area have already been suitably assessed and are not likely to result in significant effects.
- 5.6 The exception to the above is that the SKGNP goes beyond the CLLP in that it allocates six sites for residential development and one site for non-residential development. As the CLLP does not allocate sites in Scopwick and Kirkby Green, the impacts of these specific allocations have not been assessed as part of the CLLP IIA process. The paragraphs below therefore consider the impacts of these allocations in particular.

Biodiversity, flora and fauna

- 5.7 As identified in Section 3 above, there are no European sites (SACs, SPAs and Ramsars) within 30km of the neighbourhood area. There are several SSSIs within 30km radius of the neighbourhood area. There are 4 SSSIs within 10km of the boundary of the

¹⁸ Integrated Impact Assessment of the Central Lincolnshire Local Plan adopted 24 April 2017 - document E001D - <https://www.n-kesteven.gov.uk/central-lincolnshire/local-plan/local-plan-examination/examination-library/>

neighbourhood area and the impact risk zones of some of these extend to less than 2km of the neighbourhood area boundary.

- 5.8 The IRZs of the 4 SSSIs identified at para 3.20 do not identify rural residential and non residential development as potential for impact upon the SSSIs. This, combined with the distance of the SSSIs and their IRZs from the neighbourhood area and the specific site allocations, means that it can be reasonably concluded that it is unlikely that the SKGNP will have a significant impact upon the SSSIs.
- 5.9 There are no other nationally designated sites of nature conservation interest within the SKGNP area, such as Ancient Woodland, National Nature Reserves, National Parks, Community Forests. However, Long Wood, which consists of an area of Ancient Replanted Woodland and an area of Ancient and Semi-Natural Woodland, lies immediately north of the neighbourhood area (partially adjoining it), in Blankney parish.
- 5.10 In terms of local designations, there is a local wildlife site within the neighbourhood area: Scopwick Heath Old Quarry. There is also a Local Geological Site - Longwood Quarry, Blankney within the boundary. It is not clear from the information publicly available whether these sites are publicly accessible: if they are publicly accessible, the residential site allocations in the SKGNP have potential to increase recreational pressure on these sites given their proximity to the villages. Given the relatively small scale of the residential development proposed, it is considered that the impact upon the local sites is unlikely to be significant.
- 5.11 The SKGNP Community Vision states the parish “will value...the open spaces within the villages and the countryside around it...it will be a more environmentally friendly place to live”. To deliver the vision, there are a number of policy criteria in the SKGNP that seek positive outcomes for the natural environment.
- 5.12 Policy 2 sets out various considerations in relation to boundary treatments.
- 5.13 Policy 3 seeks to protect and enhance biodiversity.
- 5.14 Policy 4 designates five Local Green Spaces in order to protect them from development: 4 are in the village of Scopwick, 1 is in the village of Kirkby Green.
- 5.15 Overall, it is expected that the criteria based policies of the SKGNP will help to protect and enhance biodiversity, flora and fauna in the Neighbourhood Area. However, as the SKGNP allocates specific sites for development above what is set out in the CLLP, the potential impacts arising from the implementation of the NP have been considered. As set out above, it is not anticipated that the impact of the site allocations upon European and national sites will be significant. Nor is it considered likely that the impact upon local sites will be significant, given the scale of development proposed: however, the specialist input of the statutory consultees is particularly welcomed on this matter.**

Population and human health

- 5.16 The health of the population residing within the SKG Neighbourhood Area is mostly ‘good’ or ‘very good’ (Nomis).
- 5.17 The SKGNP includes various policy requirements that seek to have a positive impact on maintaining good physical and mental health, including: policy 5, which seeks to protect

and enhance non-vehicular routes; policy 8d which supports the development of a residential care home; policy 8c which supports the development of accessible homes; and policy 9, which supports the enhancement of or development of new community facilities.

5.18 Overall, the SKGNP is not likely to have significant negative impact on population and human health.

Soil, air and water

- 5.19 In terms of soil, Policy 8b Rural Exception Site permits development of a single exception site outside the development boundary introduced by the SKGNP for affordable housing. No site has been allocated for such development, an application would be made on a windfall basis: thus, the location of any future proposal is unknown, or indeed such an application may never arise. Should a proposal come forward, this could have an impact on agricultural land.
- 5.20 Given that policy 8b would permit only a 'small' rural exception site and the neighbourhood area comprises land of Grade 2 and 3 (not higher Grade 1 land), as well as overarching Local Plan policy (and the IIA work undertaken in the development of the Local Plan), it is not considered likely that this policy would have a significant impact upon soils.
- 5.21 The site allocations made in the SKGNP are on either agricultural land or previously developed land. Allocations on land currently in agricultural use vary from 2 dwellings up to 14 dwellings. Again, given that the neighbourhood area comprises land of Grade 2 and 3 (not higher Grade 1 land), as well as overarching Local Plan policy, it is not considered likely that this policy would have a significant impact upon soils. However, the specialist input of the statutory consultees is welcome on this matter.
- 5.22 There are no air quality management areas within the Neighbourhood Area and therefore no current air quality issues: significant impacts upon air quality are therefore not expected from the implementation of the SKGNP.
- 5.23 The majority of the Neighbourhood Area lies within Flood Zone 1. The SKGNP includes a policy on development and flood risk- policy 6 Flood Risk and Drainage. Policy 6, combined with CLLP policy LP14 Managing Water Resource and Flood Risk, will ensure that any future development does not exacerbate flood risk and surface water run-off within the Neighbourhood Area. While the SKGNP includes specific allocations for development, all of the residential allocations are within flood zone 1 and therefore are not anticipated to have any direct significant implications in relation to flooding. Allocation 13g (land to the east of the poultry farm Kirkby Green) is in zone 2 (medium risk) however this site is allocated for non-residential development: given policy 6 of the neighbourhood plan, and policy LP14 of the CLLP, it is not anticipated that the effects of this allocation are likely to be significant: however, we welcome the statutory consultees' specialist input on this matter.
- 5.24 While SKGNP allows for infill development within the development boundaries, and for the development of an exception site in the countryside, such development is likely to be small scale and would come forward on a windfall basis. Given the parameters put in place by policy 6 and LP14, it is considered unlikely that such development of this nature would result in significant impacts in terms of exacerbating flood risk and surface water run off.

- 5.25 Overall, it is anticipated that there are unlikely to be any significant adverse effects on soil, air or water as a result of implementing the policies in the SKGNP. However, the specialist input of the consultation bodies are welcomed.**

Climatic factors

- 5.26 Climatic factors involve the consideration of a plan or programme in relation to climate change. Climate change adaptation and mitigation are closely interrelated and are closely linked to other environmental issues.
- 5.27 CLLP policy LP18 Climate Change and Low Carbon Living supports development proposals that make a positive and significant contribution to: reducing demand for energy and water; minimising the need to travel; taking opportunities to use sustainable materials in the construction process; minimising construction waste; providing site based decentralised or renewable energy infrastructure; and carbon off-setting. Policy LP14 Managing Water Resources and Flood Risk, seeks to ensure that development does not place itself or others at increased risk of flooding.
- 5.28 Criteria 6 of SKGNP Policy 7, Achieving High Quality Design, requires that *'new development should incorporate sustainable design features to reduce carbon emissions and mitigate against and adapt to climate change'*.
- 5.29 Criteria 7 of the same policy states that *'innovative approaches to the construction of low carbon homes which demonstrate sustainable use of resources and high energy efficiency levels will be supported where the resultant built form respects the character of the setting'* and gives examples of how this criteria can be fulfilled.
- 5.30 Any future developments within the SKG Neighbourhood Area could lead to increases in greenhouse gas emissions associated with transport and with a greater number of car journeys.
- 5.31 Policy 8b Rural Exception Site stipulates that the location of such an exception site must be suitable in relation to the village and its services.
- 5.32 Policy 9, Enhancing the Provision of Community Facilities, supports development proposals that will improve community facilities, and seeks to resist proposals which would result in the loss of such facility.
- 5.33 Policy 13g allocates a site for non residential development and supports development that enables *'the sustainable growth of businesses'*.
- 5.34 Maintaining local services and facilities, and increasing local employment opportunities and services, may have a positive effect on reducing greenhouse gas emissions from transport by encouraging journeys by walking and cycling and reducing the need to travel as well as length of journeys.
- 5.35 Overall, it is considered unlikely that there would be any significant adverse impacts on climatic factors as a result of implementing the policies in SKGNP.**

Material assets

- 5.36 The SEA Directive does not define what is meant by 'material assets' and it can be interpreted in a number of ways. This screening report takes material assets to include a range of social, physical and environmental infrastructure, such as schools, health facilities, roads, railways, bus services, wastewater treatment works, flood defences etc. Impacts on materials assets are likely to relate to a number of other SEA topics.
- 5.37 In the CLLP, Policy LP12: Infrastructure to Support Growth, dictates that permission will only be granted if there is, or will be, sufficient infrastructure capacity to support and meet the needs arising from the proposal.
- 5.38 In terms of the SKGNP, Policy 9 supports proposals which will improve existing community facilities, and prevents the loss of several identified facilities.
- 5.39 Policy 5 supports the improvement or extension of non-vehicular routes across the neighbourhood area. The policy also requires applicable proposals to protect and where possible enhance existing rights of way and permissive routes.
- 5.40 While the allocation of sites in the neighbourhood plan will result in various demands on infrastructure, the provisions of the SKGNP and the CLLP should ensure that adequate infrastructure capacity exists, or is secured. It is therefore considered unlikely that that the SKGNP would have a significant adverse effect on material assets.**

Cultural heritage, including architectural and archaeological heritage

- 5.41 As identified above, there are a number of heritage assets within the Neighbourhood Area. One Community Objective of the SKGNP is *'to ensure that the heritage of the Parish is protected and where possible, enhanced'*. The Community Vision starts with *'in 15 years' time Scopwick and Kirkby Green Parish will still be a historic, rural and peaceful place with easy and immediate access to the countryside'*.
- 5.42 Policy 11 'Protecting Heritage Assets', identifies 'locally valued heritage assets'. The policy also sets policy for proposals to restore listed buildings at risk, and restricts development on gardens and open spaces in the conservation area.
- 5.43 While the SKGNP allocates various sites for development, most of these are outside the conservation area. One is within the conservation area- site 13d- and site 13c is outside, but adjacent to the conservation area. Both sites are proposed for in the region of two dwellings.
- 5.44 There are numerous listed buildings within the neighbourhood area, though none of the site allocations are directly adjacent to any of these, though it is noted that they could still have impact on the significance of a heritage asset from a distance.
- 5.45 Given the provisions of the SKGNP and the CLLP in relation to the historic environment, and that the site allocations closest to the conservation area are for very small scale development, overall, it is not felt that the delivery of the SKGNP would have a significant impact on any heritage assets and their settings.**

Landscape

- 5.46 Policy 1 'Sustainable Development and the Development Boundary', policy 2 'Protecting the Landscape Character' and policy 4 'Local Green Spaces' all aim to protect the landscape of the neighbourhood area. Policy 1 restricts development outside the development boundary and safeguards 'significant green gaps'. Policy 2 also protects 'significant green gaps' and key views, with an aim to protect landscape character. The policy also requires soft boundaries to the open countryside, so as to minimise impact on landscape character. The designation of 5 local green spaces will also have positive impacts, by protecting areas of valued landscape.
- 5.47 While the SKGNP allocates sites for both residential and non-residential development, given the small scale nature of the allocations (totalling around 34 dwellings across all residential sites), with the NP policies outlined above, combined with the provisions of the CLLP, it is considered unlikely that the SKGNP would result in a significant impact on the local landscape.**
- 5.48 **This SEA screening therefore considers the SKGNP is unlikely to have a significant effect on the environment. In summary, this conclusion is based on:**
- **the fact that recent IIA work undertaken for the CLLP has concluded that no significant effects are likely to result from the implementation of the CLLP and, on the whole, the SKGNP aligns with the CLLP¹⁹ ; and**
 - **While the SKGNP allocates multiple sites for development, these are relatively small scale and following consideration of their relationship with European, national and local sites and designations, the impacts resulting from the development of the sites are not considered likely to be significant.**

Determination of likely significant effects on European Sites- HRA Screening

- 5.49 There are no European Sites within the boundary of the SKGNP area.
- 5.50 The CLLP HRA (2016) was prepared to accompany the adopted Local Plan on submission for independent examination. The purpose of the report was to set out the methodology, assessment and conclusions of the HRA of the submitted CLLP. The HRA was carried out by the Central Lincolnshire authorities, in consultation with Natural England. This HRA is considered relevant and appropriate in the context of this screening assessment.
- 5.51 The following European sites, within 30km of the Central Lincolnshire boundary, were scoped into the HRA 2016 for consideration. There are no European sites within the Central Lincolnshire area:
- The Wash SPA, Ramsar
 - The Wash and North Norfolk Coast SAC
 - The Humber Estuary, Flats, Marshes and Coast SPA, SAC, Ramsar
 - Baston Fen SAC
 - Thorne Moor SAC
 - Hatfield Moor SAC
 - Thorne and Hatfield Moors SPA
 - Grimsthorpe Park SAC

¹⁹ NKDC reserve the right to make detailed comments on the SKGNP at future formal consultations. This Draft Screening Report should not be taken as formal support or objection to the detailed wording of the SKGNP.

- Birklands and Bilhaugh SAC
- Rutland Water SPA, Ramsar
- Saltfleetby-Theddlethorpe Dunes and Gibraltar Point SAC
- Gibraltar Point SPA, Ramsar
- Sherwood Forest Region, Prospective SPA

5.52 As set out in Section 2 of this Screening Report, the potential impacts identified as a result of the implementation of the Local Plan were:

- Direct land take of sites: habitat and species fragmentation and loss;
- Change in water level supplies;
- Changes in water quality;
- Recreational disturbance;
- Changes in air quality.

5.53 Following initial screening, the HRA identified 7 Local Plan policies with potential for significant adverse effects on the European sites identified for consideration. These policies included the allocation of the overall housing and employment growth levels for the whole Central Lincolnshire area, and the distribution of this growth between the three main urban areas (Lincoln, Gainsborough and Sleaford) and elsewhere. However, the HRA found that, when taking into account mitigation measures set out within other policies within the Local Plan and in other plans and programmes, none of these policies would be likely to lead to significant effects (alone or in combination) in relation to any of the identified impacts on any of the identified European sites.

5.54 The HRA concluded:

“The completion of Steps 2, 3 and 4 of Stage B, Screening, has identified that the Central Lincolnshire Local Plan policies, in combination with the other Local Plan policies and other relevant plans, policies and projects, are not likely to result in any significant negative effects on the European Sites identified at Stage A, Step 1.

As no policies remain likely to have significant negative effects, it is therefore not necessary to identify and apply mitigation measures (Step 5) and subsequently re-screen (Step 6).

The screening recommendation is therefore that the further Appropriate Assessment stage (Stage C) of the HRA is not necessary”.

5.55 Natural England confirmed the HRA followed accepted methodology and was in line with appropriate legislation and guidance and agreed with the conclusions of the HRA: *“We can confirm that we agree with the Report’s conclusions that the Local Plan would not be likely to have a significant effect on a European Site either alone or in combination with other plans or projects, and no further assessment work is required at this stage.”*

5.56 **Having regard to the nature of the policies in the SKGNP, the locations of the proposed site allocations in relation to the European Sites (all greater than 30km from the NA) and the safeguards in the adopted CLLP, this HRA screening therefore considers that the SKGNP is not likely to have a significant effect on a European Site, either alone or in combination, with other plans and projects. It is considered that requirement of a full HRA assessment would be disproportionate.**

5.57 **Figure 3** provides assessment of the SKGNP against the SEA Directive criteria to identify likely *significant* effects on the environment.

Figure 3. Assessment of the likely significant effects on the environment

| SEA Directive criteria and Schedule 1 of Environmental Assessment of plans and programmes Regulations 2004 | Assessment | Likely <i>significant</i> environmental effect |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. The characteristics of plans and programmes, having regard, in particular, to – | | |
| <p>(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.</p> | <p>The SKGNP has been prepared for town and country planning purposes and would, if adopted, form part of the statutory Development Plan and contribute to the framework for future development projects.</p> <p>The neighbourhood plan seeks to allocate a total of 7 sites, 6 for residential development, and 1 for business use (to 'enable the sustainable growth of businesses', with particular support for the development of a café).</p> <p>The Central Lincolnshire Local Plan (2017) does <u>not</u> allocate any sites in the Scopwick and Kirkby Green neighbourhood area: given the spatial strategy to not allocate sites in small villages, no site assessment work was undertaken for sites put forward in Scopwick or Kirkby Green.</p> <p>The CLLP does however, via policy LP2 The Spatial Strategy and Settlement Hierarchy, establish that individual proposals in Scopwick and Kirkby Green will be limited to around 4 dwellings, and growth in each settlement will be limited to 10% over the plan period.</p> <p>Therefore, the principle of development in the Neighbourhood Area has been assessed to some, limited, degree by the Local Plan process.</p> <p>However, the nature of development and location of specific sites, has <u>not</u> been determined by the CLLP process, and the potential impact of larger scale proposals has not been assessed. The cumulative impacts of the development of multiple sites has also not been assessed.</p> <p>Around 34 dwellings are proposed across the 6 residential allocations identified in the SKGNP.</p> | <p>Potential for effects, but unlikely to be significant given scale of development and relationship with European, national and local sites and designations.</p> |

| SEA Directive criteria and Schedule 1 of Environmental Assessment of plans and programmes Regulations 2004 | Assessment | Likely <i>significant</i> environmental effect |
|---------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|
| | <p>In allocating the sites, the SKGNP identifies specific locations for growth: the locations vary, including greenfield land in agricultural use; previously developed land within the existing footprint of Scopwick village; and infill sites.</p> <p>The SKGNP would only apply to a small geographical area (the Scopwick and Kirkby Green Neighbourhood Area), and the overall growth proposed by the SKGNP over the plan period is relatively small at around 34 dwellings (across the 6 residential sites).</p> <p>In relation to policy 13g 'Land to the east of Poultry Farm, Kirkby Green', the policy is flexible, stating that 'development proposals that enable the sustainable growth of businesses ...will be supported', including conversion and new build development, and expressly supporting the development of a cafe: therefore, the exact type, scale and nature of the development that may arise on this site is unknown. As such, the impacts of the development are also unknown.</p> | |
| (b) the degree to which the plan or programme influences other plans and programmes including those in a hierarchy; | <p>The SKGNP must be in general conformity with the strategic policies of the Central Lincolnshire Local Plan and the NPPF.</p> <p>The Neighbourhood Plan provides policies for the Neighbourhood Plan Area and are relevant to the that area (i.e. the parish area) only.</p> <p>While the SKGNP is likely to influence the new emerging Central Lincolnshire Local Plan, as any site allocations taken forward in the SKGNP will influence the Local Plan policy/ policies in relation to the villages of Scopwick and Kirkby Green in terms of growth permitted and allocations, this influence given the scale of the neighbourhood area compared to the Local Plan area (which spans the local authority areas of City of Lincoln, North Kesteven and West Lindsey) is very limited. It is therefore not anticipated that the policies and site allocations set out in the SKGNP will strongly influence other plans and programmes higher up the spatial planning hierarchy, other than the site allocations proposed in the SKGNP being mirrored in the Local Plan, and/or growth policies relating to the villages of Scopwick and Kirkby Green being influenced by the site allocations.</p> | No (not significant) |
| (c) the relevance of the plan or programme for the integration of environmental considerations in particular | It is a basic condition that a Neighbourhood Plan must contribute to the achievement of sustainable development. The SKGNP seeks to ensure that environmental considerations are taken into | No |

| SEA Directive criteria and Schedule 1 of Environmental Assessment of plans and programmes Regulations 2004 | Assessment | Likely <i>significant</i> environmental effect |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------|
| with a view to promoting sustainable development; | <p>account. It includes the following policies which promote environmental considerations with a view to promoting sustainable development:</p> <ul style="list-style-type: none"> • <i>Policy 1, Sustainable Development, Limited Infill and the Development Boundary</i> • <i>Policy 3, Protecting and Enhancing Biodiversity</i> <p>Policies in the plan also seek to address social and economic matters, such as meeting housing need and the retention of community facilities. These policies are compatible with the adopted Central Lincolnshire Local Plan, which was subject to IIA throughout the plan making process.</p> | |
| (d) environmental problems relevant to the plan or programme; and | There are no specific environmental problems relevant to the NP that have not been identified and assessed through the higher level Local Plan and its accompanying IIA. | No |
| (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 content of the SKGNP is not in conflict with any plans or programmes within the wider area for the implementation of Community legislation on the environment. | No |
| 2. 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; | <p>The SKGNP allocates 7 sites for development: 6 residential, 1 non-residential. As set out above (1(a)), the Central Lincolnshire Local Plan (2017) does <u>not</u> allocate any sites in the Scopwick and Kirkby Green neighbourhood area.</p> <p>The CLLP does however, via policy LP2 The Spatial Strategy and Settlement Hierarchy, establish that individual proposals in Scopwick and Kirkby Green will be limited to around 4 dwellings, and growth in each settlement will be limited to 10% over the plan period.</p> <p>Therefore, the principle of development in the Neighbourhood Area has been assessed to some, limited, degree by the Local Plan process.</p> <p>However, the nature of development and location of specific sites, has <u>not</u> been determined by the</p> | Potential for effects, but unlikely to be significant |

| SEA Directive criteria and Schedule 1 of Environmental Assessment of plans and programmes Regulations 2004 | Assessment | Likely <i>significant</i> environmental effect |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------|
| | <p>CLLP process, and the potential impact of larger sale proposals has not been assessed. The cumulative impacts of the development of multiple sites has also not been assessed.</p> <p>While it is likely that some policies may result in positive effects by helping to preserve and enhance the environmental features within the Neighbourhood Area, the site allocations in particular render the effects of the implementation of the SKGNP uncertain.</p> <p>However, given the scale of the proposed residential allocations, and that there are no European or national environmental designations in close proximity to the site allocations, the impacts on the environment are not predicted to be significant.</p> | |
| (b) the cumulative nature of the effects; | As above in 2(a) | Potential for effects, but unlikely to be significant |
| (c) the transboundary nature of the effects; | The SKGNP is not expected to give rise to any transboundary effects. | No |
| (d) the risks to human health or the environment (for example, due to accidents); | The SKGNP is not anticipated to give rise to any significant environmental effects that would pose risk to human health or the environment. | No |
| (e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected); | <p>The SKG Neighbourhood Area is coterminous with the boundary of the parish. This includes the villages of Scopwick and Kirkby Green, as well as part of RAF Digby, and the surrounding countryside, which is principally in agricultural use. The population of SKG parish at the time of the 2011 Census was 815 people.</p> <p>The spatial extent of any effects of the implementation of the SKGNP are expected to be limited to the immediate local area (i.e. the Neighbourhood Area), therefore the magnitude and spatial extent of the effects are expected to be limited in both the local and wider district context.</p> | No |
| (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 | <p>As highlighted in section 5, it is considered unlikely that the SKGNP would adversely impact the special natural characteristics or cultural heritage of the Neighbourhood Area. The SKGNP is not expected to exceed environmental quality standards or lead to intensive land use.</p> <p>Though the SKGNP allocates sites for development, the influence of such sites is likely to be limited to the locality. Furthermore, the SKGNP</p> | No |

| SEA Directive criteria and Schedule 1 of Environmental Assessment of plans and programmes Regulations 2004 | Assessment | Likely <i>significant</i> environmental effect |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------|
| | includes policies which promote environmental considerations and seek to provide greater protection for the character of the area. Therefore, it is not considered that there will be any significant adverse impacts in terms of criteria (f)(i to iii). | |
| (g) the effects on areas or landscapes which have a recognised national, Community or international protection status. | As above in 2(a) | Potential for effects, but unlikely to be significant |

5.58 **Figure 4** applies the SEA Directive criteria to the SKGNP as per the flow chart in **Figure 2**, to determine whether the *principle* of the SKGNP would warrant the need for SEA.

Figure 4: Application of the SEA Directive to Scopwick and Kirkby Green Neighbourhood Plan

| Criteria | Response: Yes/ No/ Not applicable | Details |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Is the NDP 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 | The preparation and adoption of the SKGNP is allowed under the Town and Country Planning Act 1990, as amended by the Localism Act 2011. Whilst the SKGNP has been prepared by Scopwick and Kirkby Green Parish Council it will be adopted by North Kesteven District Council as the local authority and will form part of the statutory development plan for the District. GO TO STAGE 2 |
| 2. Is the NDP required by legislative, regulatory or administrative provisions? (Art 2 (a)) | Yes | Whilst the production of a Neighbourhood Plan is not a requirement and is optional, it will, if made, form part of the statutory development plan for the District of North Kesteven. It is therefore important that this screening process considers the potential effects. GO TO STAGE 3 |
| 3. Is the NDP 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 | Yes – Town & Country Planning / land use; No - EIA Directive Annex I & II | The SKGNP is being prepared for town and country planning and land use, setting a framework for future development consents within the SKG Neighbourhood Area. |

| Criteria | Response: Yes/ No/ Not applicable | Details |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| future development consent of projects in Annexes I and II to the EIA Directive? (Art 3.2 (a)) | | However, the NDP does not set a framework for consent of projects in Annexes I and II to the EIA Directive. GO TO STAGE 4 |
| 4. Will the NDP, 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 | There are no European sites (SACs, SPAs or Ramsars) within 30km of the neighbourhood area. Furthermore, HRA was undertaken for the recently adopted CLLP (2017): given that this HRA is up to date, it is appropriate to apply the conclusions of the HRA to the SKGNP and would be disproportionate to undertake further assessment. GO TO STAGE 6 |
| 5. Does the NDP determine the use of small areas at local level, OR is it a minor modification of an NDP subject to Art. 3.2? (Art 3.3) | n/a | |
| 6. Does the NDP set the framework for future development consent of projects (not just projects in annexes to the EIA Directive)? (Art 3.4) | Yes | Once 'made' the SKGNP forms part of the Development Plan and will be used in the decision making process on planning applications. It therefore sets the framework for future developments at a local level. GO TO STAGE 8 |
| 7. Is the NDP'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? | n/a | |
| 8. Is it likely to have a significant effect on the environment? | No | See Section 5 and Figure 3, which identify that no likely significant effects are expected to arise through implementation of the SKGNP. |
| Outcome: SEA NOT REQUIRED | | |

6 Consultation with Statutory Bodies

- 6.1 The assessment in **Section 5** indicates that NKDC consider it unlikely that any significant environmental effects will arise from the implementation of the SKGNP (as submitted at the date of this assessment) and thus a SEA is not required. NKDC also consider, as a result of this screening exercise, that the SKGNP is not likely to have a significant effect on a European Site, either alone or in combination, with other plans and projects and therefore a full HRA assessment is not required.
- 6.2 Following the above assessment, and preparation of the Draft Strategic Environmental Assessment and Habitats Regulations Assessment Screening Report (December 2021), NKDC sought the specialist input of the relevant statutory consultation bodies, namely the Environment Agency, Historic England and Natural England.
- 6.3 NKDC contacted the aforementioned consultation bodies on the 9 December 2021, seeking opinions on the findings and conclusions of the Draft Screening Report.
- 6.4 NKDC received responses from all three bodies. Summaries of the responses are provided in the table below, with the full responses provided on subsequent pages.

| | |
|--------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Historic England | Of the view that the preparation of a SEA is not likely to be required. |
| Environment Agency | On the basis that future development is steered away from the sensitive aspects of the environment highlighted, (and the proposed allocations appear to be) we do not consider there to be potential significant environmental effects relating to these environmental constraints. |
| Natural England | We can confirm that it is considered unlikely that any significant environmental effects will result from the implementation of the Scopwick and Kirkby Green Neighbourhood Plan. Natural England also agrees with the report's conclusions that Scopwick and Kirkby Green Neighbourhood Plan would not be likely to result in a significant effect on any European Site either alone or in combination and therefore no further assessment work under the Habitats Regulations would be required. |

Response from Historic England (received 10 Dec 2021, via email)



Ms Anne-Marie Shepherd
North Kesteven District Council
District Council Offices
Kesteven Street
Sleaford
Lincolnshire
NG34 7EF

Direct Dial: 0121 625 6870

Our ref: PL00760825

10 December 2021

Dear Ms Shepherd

Scopwick and Kirkby Green Neighbourhood Plan - Screening Request

Thank you for your consultation of 09 December 2021 and the request for a Screening Opinion in respect of the Scopwick and Kirkby Green Neighbourhood Plan.

For the purposes of consultations on SEA Screening Opinions, Historic England confines its advice to the question, "Is it likely to have a significant effect on the environment?" in respect of our area of concern, cultural heritage. Our comments are based on the information supplied with the screening request.

On the basis of the information supplied and in the context of the criteria set out in Schedule 1 of the Environmental Assessment Regulations [Annex II of 'SEA' Directive], Historic England is of the view that the preparation of a Strategic Environmental Assessment is not likely to be required.

The views of the other statutory consultation bodies should be taken into account before the overall decision on the need for a SEA is made. If a decision is made to undertake a SEA, please note that Historic England has published guidance on Sustainability Appraisal / Strategic Environmental Assessment and the Historic Environment that is relevant to both local and Neighbourhood planning and available at:

<https://historicengland.org.uk/images-books/publications/sustainability-appraisal-and-strategic-environmental-assessment-advice-note-8/>

Should it be concluded that, overall, a SEA will be required for the Plan, Historic England would be pleased to discuss the scope of the assessment in relation to the historic environment in due course.

I hope that this information is of use to you at this time. Should you have any queries, please do not hesitate to contact me.

Response from Environment Agency (received 13 Dec 2021, via email)

From: LN Planning <LNplanning@environment-agency.gov.uk>

Sent: 13 December 2021 14:37

To: Anne-Marie Shepherd <Anne-Marie_Shepherd@N-KESTEVEN.GOV.UK>

Cc: Philip Hylton <Philip.Hylton@peterborough.gov.uk>

Subject: RE: Scopwick and Kirkby Green Neighbourhood Plan - SEA and HRA Screening - Consultation

CAUTION: This email originates outside of Peterborough City Council's network. Do **NOT** click on links or open attachments unless you recognise the sender and know the content is safe. Please report any concerns or issues to ICT

Dear Anne-Marie

Thank you for consulting us on the Strategic Environmental Assessment screening report for the Scopwick and Kirkby Green Neighbourhood Plan. Based on a review of environmental constraints for which we are a statutory consultee, we find that there are areas of fluvial flood risk and watercourses within the neighbourhood plan area. In particular, we note the plan includes areas which are located in flood zone 2 and 3. On the basis that future development is steered away from the sensitive aspects of the environment highlighted, (and the proposed allocations appear to be)we do not consider there to be potential significant environmental effects relating to these environmental constraints.

Nevertheless we recommend the inclusion of relevant policies to cover the management of flood risk.

If I can be of any further assistance please do not hesitate to contact me on the number below.

Kind regards,

Sharon Nolan

Planning Advisor

Environment Agency | Sustainable Places | Lincolnshire and Northamptonshire Area

✉ Nene House, Pytchley Lodge Road, Kettering, NN15 6JQ

☎ 020302 53525

☎ 07899 037263

✉ sharon.nolan@environment-agency.gov.uk

🌐 www.gov.uk/environment-agency

Response from Natural England (received 17 Jan 2022, via email)

Date: 17 January 2022
Our ref: 377570
Your ref: none



Anne-Marie.Shepherd@N-KESTEVEN.GOV.UK

BY EMAIL ONLY

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

T 0300 080 3900

Dear Anne-Marie

Planning consultation: SEA and HRA Screening Opinion on the draft Scopwick and Kirkby Green Neighbourhood Plan. North Kesteven District Council

Thank you for your consultation on the above document dated December 2021 and received on 14 December 2021.

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.

Natural England welcomes the Screening Report which assesses the requirement for Strategic Environmental Assessment (SEA) and Habitat Regulations Assessment (HRA) for the Scopwick and Kirkby Green Neighbourhood Plan.

We can confirm that it is considered unlikely that any significant environmental effects will result from the implementation of the Scopwick and Kirkby Green Neighbourhood Plan.

Natural England also agrees with the report's conclusions that Scopwick and Kirkby Green Neighbourhood Plan would not be likely to result in a significant effect on any European Site either alone or in combination and therefore no further assessment work under the Habitats Regulations would be required.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries relating to the specific advice in this letter only please contact Sandra Close on 020 8026 0676. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours sincerely

SANDRA CLOSE
Planning Adviser

7 Conclusions: SEA/HRA Screening Outcome

- 7.1 Having reviewed the environmental characteristics of the SKGNP area and the vision, objectives and policies against the criteria set out in Section 5 of this report, NKDC consider it is unlikely that there will be any significant environmental effects arising from the SKGNP and that the SKGNP can be screened out for further SEA.
- 7.2 The Environment Agency, Historic England and Natural England were consulted on the Draft Screening Report: NKDC specifically sought their opinion on the conclusion of the Draft Screening Report that further SEA was not necessary. As set out in section 6 above, all three statutory bodies concluded that they agreed with NKDC's conclusion.
- 7.3 Section 5 of this report also indicates that there are unlikely to be any significant effects on a designated European Site arising from the implementation of the SKGNP, and therefore further HRA assessment under the Habitats Regulations can be screened out.
- 7.4 As part of NKDC's consultation of the Environment Agency, Historic England and Natural England, NKDC sought the bodies' opinions on this conclusion also: all of the bodies either agreed, or raised no objection.
- 7.5 **NKDC therefore conclude that neither full Strategic Environmental Assessment nor Habitats Regulation Assessment need to be undertaken for the Scopwick and Kirkby Green Neighbourhood Plan.** Furthermore, NKDC consider that the preparation of a SEA and HRA would be disproportionate: this would be contrary to national planning policy.
- 7.6 In the event that the vision, objectives, policies and/or site allocations of the SKGNP should change significantly during the plan-making process, it is likely that the screening process will need to be repeated for the revised plan: the advice of NKDC should be sought.