

Carlby Neighbourhood Plan

Summary of the SEA Screening Assessment, undertaken in March 2018

The conclusion of the SEA Screening Assessment is that the Carlby Neighbourhood Plan will not have significant effects in relation to any of the criteria set out in Schedule 1 of the SEA Regulations, and therefore does not need to be subject to SEA. The main reasons for this conclusion are:

- The Carlby Neighbourhood Plan supports the implementation of policies in the adopted South Kesteven Local Plan (Core Strategy), which has already been subject to SEA and assessed as having no significant environmental effects.
- The Carlby Neighbourhood Plan represents a lower tier in the hierarchy of planning documents for South Kesteven, and therefore has no or limited influence on other plans or programmes
- The Carlby Neighbourhood Plan itself is unlikely to have environmental effects; rather it is the specific developments that come forward within the Neighbourhood Area that may result in environmental effects
- The Carlby Neighbourhood Plan seeks to avoid or minimise negative environmental effects of through the provision of guidance on issues which should be considered when making proposals within the Neighbourhood Area. It is, therefore, likely to have an indirect positive environmental effect by setting out how developers can avoid adverse effects on a number of environmental receptors.

HRA Screening Assessment

The HRA recognises that there are three SACs within 20km of the Carlby Neighbourhood Area. Two of these are within South Kesteven District (Baston Fen and Grimsthorpe) and the third, Barnack Hills and Holes (located within the boundary for City of Peterborough). In addition, Rutland Water SPA and Ramsar is also within 20km of the neighbourhood plan area. The Neighbourhood Plan must be in conformity with the adopted Local Plan, which has undergone HRA screening. This can be viewed here:

<http://www.southkesteven.gov.uk/CHttpHandler.ashx?id=13832&p=0>.

In addition to this, the Neighbourhood Plan does not propose development allocations and has no scope to influence development outside the Plan area. Whilst there are a number of Neighbourhood Area Designations in close proximity to Carlby, no plans have been produced in these areas and no cumulative effects can therefore be assessed. It is not considered that HRA is required for the Carlby Neighbourhood Plan.

People Over Wind Judgement

In April 2018 a notable legal judgement, in an unrelated case, centred around the role of mitigation measures when carrying out screening was issued (People Over Wind). People Over Wind, Peter Sweetman v Coillte Teoranta (April 2018) concerns a judgement by the Court of Justice of the European Union. The Court held that

Article 6(3) of the Habitats Directive requires that measures which are intended to avoid or reduce the harmful effects of a plan or project on a European Protected Site should not be taken into consideration at the screening stage. As such, it is considered that the Conservation of Habitats and Species Regulations 2017 should be construed and applied accordingly.

In consideration of the above judgement a review of the findings in regard to the SEA and HRA screening determination of March 2018 has been undertaken to explore whether the judgement would have any implications for the Carlby Neighbourhood Plan.

Review

The review findings are:

- The Screening Report does not identify any policies with the potential for cumulative effects or additional mitigation requirements;
- Government guidance remains that generally NDPs are unlikely to result in significant effects;
- Natural England raised no objections or concerns about the Carlby Neighbourhood Plan.

Conclusion

The Strategic Environmental Assessment and Habitat Regulations Assessment Screening Report remains appropriate and no changes are considered necessary in light of the *People Over Wind* judgement. The review concludes that the previous SEA and HRA screening determination of March 2018 was properly reached, remains valid and there is no need to progress to Appropriate Assessment.