

# Thanet District Council

**Broadstairs & St Peter's 2nd Ed  
Neighbourhood Plan**

**Strategic Environmental Assessment  
and Habitats Regulations**

**Assessment Screening Report**

**April 2022**

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## Section 1

# Strategic Environmental Assessment Screening Report

## Introduction

This screening report is designed to determine whether or not the contents of the Broadstairs & St Peter's 2nd Edition Neighbourhood Development Plan require a Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plans and Programmes Regulations 2004.

The purpose of the Broadstairs & St Peter's 2nd Edition Neighbourhood Development Plan is to update the Broadstairs & St Peter's Neighbourhood Plan of June 2021 to align with the plan period for the review of the Thanet Local Plan (to 2040), and reflect changes in national and local policy.

The legislative background set out below outlines the regulations that require the need for this screening exercise. A screening assessment of the likely significant environmental effects of the Neighbourhood Plan and the need for a full SEA has been undertaken.

## Legislative Background

The basis for Strategic Environmental Assessments and Sustainability Appraisal legislation is European Directive 2001/42/EC and was transposed into English 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' (ODPM 2005).

The Planning and Compulsory Purchase Act 2004 required Local Authorities to produce Sustainability Appraisals (SA) for all local development documents to meet the requirement of the EU Directive on SEA. It is considered best practice to incorporate requirements of the SEA Directive into an SA.

However, Neighbourhood Plans are not Local Development Documents and are not required to be subject to sustainability appraisal by legislation (although it is advisable to carry out some form of sustainability assessment). Neighbourhood Plans are produced under the Localism Act 2011. The Localism Act requires neighbourhood plans to be compatible with EU and Human Rights Legislation, therefore, depending on their content, neighbourhood plans may trigger the Strategic

Environmental Assessment Directive and Habitats Directive and unless they choose to complete a full SA plans will need to be screened for SEA separately.

This section of the report focuses on screening for SEA and the criteria for establishing whether a full assessment is needed.

### **Criteria for Assessing the Effects of the Neighbourhood Plan**

Criteria for determining the likely significance of effects referred to in Article 3(5) of Directive 2001/42/EC are set out below:

1. The characteristics of plans and programmes, having regard, 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.

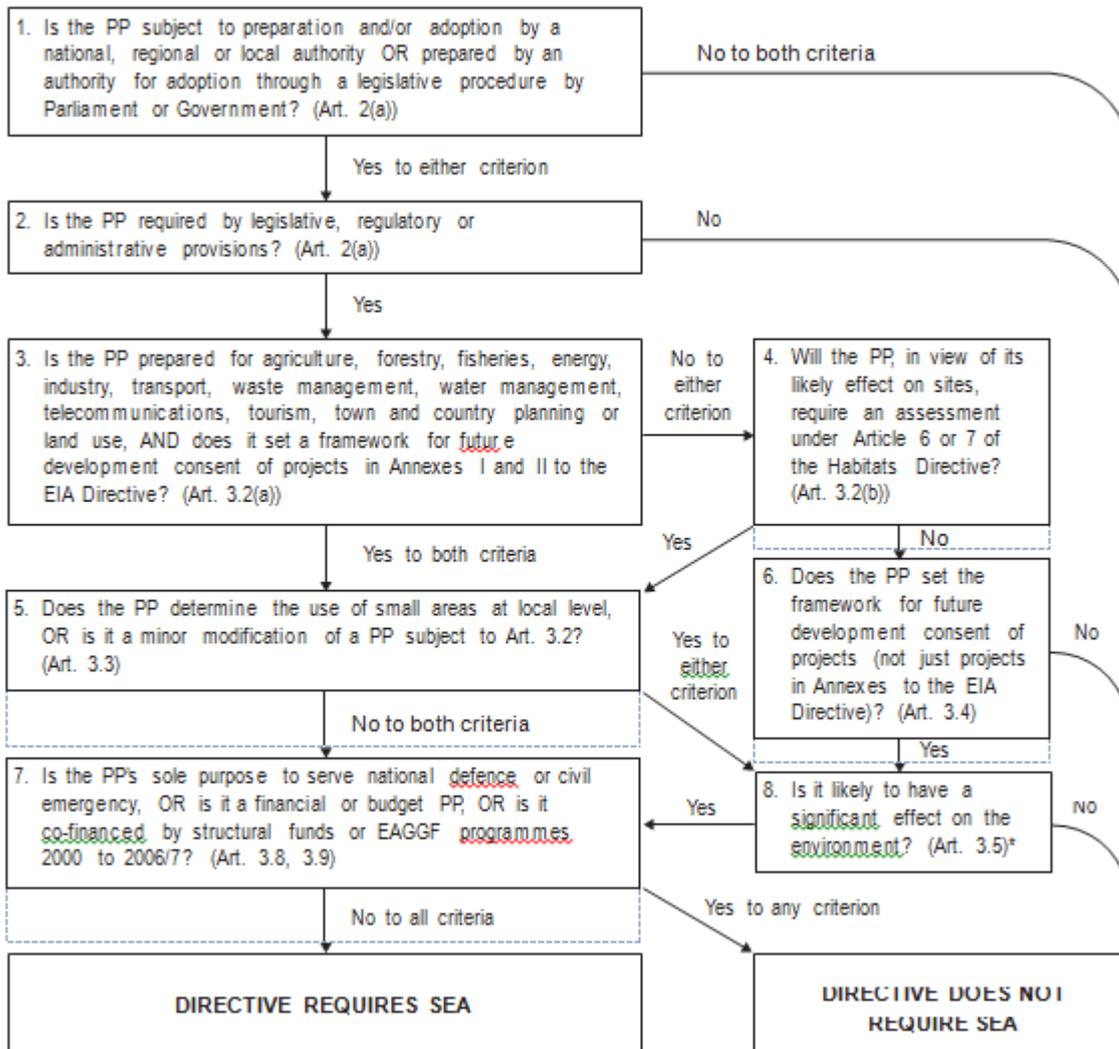
Source: Annex II of SEA Directive 2001/42/EC

# Assessment

The diagram below illustrates the process for screening a planning document to ascertain whether a full SEA is required.

**Figure 2 – Application of the SEA Directive to plans and programmes**

This diagram is intended as a guide to the criteria for application of the Directive to plans and programmes (PPs). It has no legal status.



\*The Directive requires Member States to determine whether plans or programmes in this category are likely to have significant environmental effects. These determinations may be made on a case by case basis and/or by specifying types of plan or programme.

The table below shows the assessment of whether the Neighbourhood Plan will require a full SEA. The questions below are drawn from the diagram above which sets out how the SEA Directive should be applied.

**Table 1: SEA Screening Stage 1 – Application of the SEA Directive to the Neighbourhood Plan**

Stage	Y/N	Reason
1. Is the plan or programme subject to preparation and/or adoption by a national, regional or local authority OR prepared by an authority for adoption through a legislative procedure by Parliament or Government? (Art. 2(a))	Y	Neighbourhood Plans may be prepared under the provisions of the Town and Country Planning Act 1990, as amended by the Localism Act 2011. They are drawn up by a qualifying body, which, in the case of Broadstairs & St Peter's, is the Town Council. It will be subject to examination and may be subject to a referendum, depending on the Examiner's conclusions on the significance of the changes made since to the 2nd Edition. If the Plan receives 50% or more 'yes' votes at referendum, or directly after the Examination if a referendum is not necessary, it will be 'made' by the local planning authority (Thanet District Council).
2. Is the plan or programme required by legislative, regulatory or administrative provisions? (Art. 2(a))	N	The preparation of a Neighbourhood Development Plan is optional. However, once 'made', it will form part of the statutory Development Plan for the area and will be used in the determination of planning applications. It is therefore considered necessary to answer the following questions to determine further if a SEA is required.
3. Is the plan or programme prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use, AND does it set a framework for future development consent of projects in Annexes I and II to the EIA Directive? (Article 3.2(a))	Y	The Neighbourhood Plan 2nd Edition has been prepared for town and country planning and land use and sets out a framework for future development in Broadstairs & St Peter's. Once 'made', it would form part of the statutory development plan, and will be used when making decisions on planning applications which could include development which may fall under Annex I and II of the EIA Directive.
4. Will the plan or programme, in view of its likely effects on sites, require an assessment for future development under Article 6 or 7 of the Habitats Directive? (Article 3.2(b))	N	The Neighbourhood Plan could potentially have impacts on sites covered by the Habitats Directive. However, this requires individual assessment of a Plan (see Section 2).
5. Does the plan or programme determine the use of small areas at local OR is it a minor modification of a PP subject to article 3.2? (Article 3.3)	Y	The Neighbourhood Plan determines the use of small sites at the local (neighbourhood) level.
6. Does the plan or programme set the framework for future development	Y	A Neighbourhood Plan forms part of the Development Plan and will be used in the

consent of projects (not just projects in annexes to the EIA Directive)? Article 3.4)		assessment of planning applications. It therefore sets the framework for future developments at a local level.
7. Is the plan or programme'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? (Article 3.8, 3.9)	N	Not Applicable
8. Is it likely to have a significant effect on the environment? (Article 3.5)	N	A Neighbourhood Plan could potentially have an effect on the environment. However, whether this is significant depends on the proposals in the Plan. An individual screening assessment of the Neighbourhood Plan is required (see Table 2)

The results of the preceding assessment indicate that, depending upon the content of a Neighbourhood Plan, a Strategic Environmental Assessment may be required. For this reason, Neighbourhood Plans should be assessed individually in order to determine their likely significant effects on the environment. Therefore it was necessary to complete stage 2 of the SEA screening assessment.

The table below sets out the assessment against the Strategic Environmental Assessment criteria for the Broadstairs & St Peter's 2nd Edition Neighbourhood Plan. This is to determine whether the implementation of the Neighbourhood Plan will have a significant effect on the environment. This criteria against which the screening is carried out are taken directly from Annex II of the European Union Directive 2001/42/EC (also known as the SEA Directive), as required by Article 3(4), as outlined above.

The Consultation draft document for the Broadstairs & St Peter's 2nd Edition Neighbourhood Plan (28 March - 16 May 2022) has been used to undertake this screening assessment. If the conclusion of the screening exercise is that a SEA is not required, any major changes to the existing policies or introduction of new ones should be subject to a further screening assessment to ensure that significant effects are not likely.

**Table 2: SEA Screening Stage 2 – Assessment of Likelihood of Significant Effects on the Environment**

Criteria for Determining the Likely Significant Effects	Is the Broadstairs & St Peter's 2nd Edition Neighbourhood Plan Likely to Have a Significant Environmental Effect	Justification for Screening Assessment
The degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location,	No	The Broadstairs & St Peter's 2nd Edition Neighbourhood Plan updates a local policy framework for development proposals. It still supports the

nature, size and operating conditions or by allocation of resources		implementation of policies in the adopted Thanet Local Plan 2020 which have already been subject to SEA and HRA as part of the Sustainability Appraisal.
The degree to which the plan or programme influences other plans and programmes including those in the hierarchy	No	The Broadstairs & St Peter's 2nd Edition Neighbourhood Plan must be in general conformity with the Strategic Policies within the adopted Thanet Local Plan 2020. It therefore supports the implementation of higher tier policies at the neighbourhood level and, as such, is not considered to have a significant influence on other plans and programmes. Should a project emerge from the objectives this may need further separate screening.
The relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development	No	The Broadstairs & St Peter's 2nd Edition Neighbourhood Plan contributes to the achievement of sustainable development at the neighbourhood level. Policies set out in the plan protect assets of local environmental value, and provide locally distinct planning policies to protect them. The likelihood of significant effects on the environment is, therefore minimised.
Environmental problems relevant to the plan or programme	No	The Broadstairs & St Peter's 2nd Edition Neighbourhood Plan includes policies to improve identified environmental problems including climate change, clean air and biodiversity. The likelihood of significant detrimental effects on the environment is, therefore, minimised.
The relevance of the plan or programme for the implementation of European Community legislation on the	No	The Broadstairs & St Peter's 2nd Edition Neighbourhood Plan must be in conformity with higher level plans i.e.,

environment (e.g. plans and programmes linked to waste management or water protection)		the adopted Thanet Local Plan 2020. This has had regard to European Community legislation on the environment. Consequently, the policies of the neighbourhood plan are not considered to be relevant to the implementation of EC legislation.
The probability, duration, frequency and reversibility of the effects	No	The Plan policies are designed to ensure that any new development will be sustainable and any environmental impacts minimised.
The cumulative nature of the effects	No	The Neighbourhood Plan's policies are unlikely to have significant cumulative impacts on the local environment.
The trans-boundary nature of the effects	No	The policies in the Broadstairs & St Peter's 2nd Edition Neighbourhood Plan are unlikely to have significant environmental impacts on neighbouring areas.
The risks to human health or the environment (e.g. due to accidents)	No	No significant risks to human health or the environment as a result of the Plan's policies have been identified. The plan is likely to improve human health by improving access to green infrastructure and amenity areas.
The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)	No	The Broadstairs & St Peter's 2nd Edition Neighbourhood Plan is concerned with development within the neighbourhood area. The potential for environmental impacts is likely to be limited and minimal.
The value and vulnerability of the area likely to be affected due to: -special natural characteristics or cultural heritage;	No	The Broadstairs & St Peter's 2nd Edition Neighbourhood Plan is unlikely to adversely affect the value and vulnerability of the area in relation to its natural or cultural heritage or areas and

<p>-exceeded environmental quality standards or limit values; -intensive land use</p> <p>The effects on areas or landscapes which have a recognised national, Community or international protection</p>		<p>landscapes which have a recognised national, Community or international protection.</p> <p>In fact, its policies provide greater support to enhance the natural and cultural assets of the area.</p>
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On the basis of the SEA Screening Assessment set out in Table 2 above, the conclusion is that the Broadstairs & St Peter's 2nd Edition 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 Broadstairs & St Peter's 2nd Edition Neighbourhood Plan supports the implementation of policies in the adopted Thanet Local Plan which has already been subject to SEA through the Sustainability Appraisal and assessed as having no significant environmental effects.
- The Broadstairs & St Peter's 2nd Edition Neighbourhood Plan does not allocate sites for development.
- The Broadstairs & St Peter's 2nd Edition Neighbourhood Plan is a lower tier plan in the hierarchy of planning documents for the area, and therefore has limited influence on other plans or programmes.
- The plan is concerned with development at the neighbourhood level. Its impacts are therefore unlikely to be strategic.
- Through its policies, the Broadstairs & St Peter's 2nd Edition Neighbourhood Plan seeks to avoid or minimise negative environmental effects.

# Section 2

## Habitats Regulations Assessment Screening Report

In addition to the screening of the Neighbourhood Plan in relation to SEA, there is a requirement to assess if the proposals within the Neighbourhood Plan could have an adverse impact on internationally designated wildlife sites. The Habitats Regulation Assessment (HRA) is required by the European Habitats Directive (The Conservation of Habitats and Species Regulations 2017 (2017) SI No. 2017/1012, as amended by The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 (SI 2019/579)).

The HRA involves an assessment of any plan or project to establish if it has potential implications for European wildlife sites. The HRA will consider if the proposals in the Neighbourhood Plan have the potential to harm the habitats or species for which European wildlife sites are designated. European wildlife sites are often known as Natura 2000 sites and include:

- Special Protection Areas (SPA) designated under the Birds Directive (79/409/EEC)
- Special Areas of Conservation (SAC) designated under the Habitats Directive (92/43/EEC)

In addition to SPA and SAC sites Ramsar sites are designated under the Ramsar Convention (Iran 1971 as amended by the Paris Protocol 1992). Although they are not covered by the Habitats Regulations, as a matter of Government Policy, Ramsar sites should be treated in the same way as European wildlife sites. European wildlife sites and Ramsar sites are collectively known as internationally designated wildlife sites.

The legislation sets out a process to assess the potential implications of a plan on internationally designated sites. The first stage of this process is a 'screening' exercise where the details of nearby internationally designated sites within a reasonable distance from the Neighbourhood Plan Area are assessed to see if there is any potential for the Neighbourhood Plan proposals to have an impact on the site. For the purposes of this HRA screening assessment a 'reasonable distance' will be taken to be sites within 15km of the designated Neighbourhood Plan Area.

For the HRA 'screening' assessment the Neighbourhood Plan Area was checked to see if any Special Protection Areas, Special Areas of Conservation Sites, or Ramsar sites were located within its area. The assessment also checked to see if any of these internationally important sites were located within a 15km radius from the Neighbourhood Plan Area.

# Section 3

## SEA and HRA Screening Conclusion

This report sets out the assessment of the need for the Broadstairs & St Peter's 2nd Edition Neighbourhood Plan to be subject to Strategic Environmental Assessment as required by the SEA Directive and Appropriate Assessment as required by the Habitats Directive.

The assessment of both these requirements has been undertaken on the Consultation Draft document for the Neighbourhood Plan 28 March - 16 May 2022. As such if the content of the Neighbourhood Plan is significantly changed there may be the need for a further screening exercise to be undertaken on any modified version of the Neighbourhood Plan.

### Strategic Environmental Assessment

In relation to the requirement for the Broadstairs & St Peter's 2nd Edition Neighbourhood Plan to be subject to Strategic Environmental Assessment, it is concluded in the assessment set out in Stages 1 and 2 above that the plan in its current form is unlikely to have significant environmental effects and therefore SEA will not be required.

### Habitats Regulations Assessment

HRAs published to date have typically considered European sites with a 15km radius around the plan area. Using this approach of a 15km radius, based on the information available, it is concluded that the Broadstairs & St Peter's 2nd Edition Neighbourhood Plan will not have an adverse effect on the integrity of internationally designated sites either on its own or in combination with other plans and therefore does not require a Habitat Regulation Assessment to be undertaken.

This Screening Report was submitted to the relevant Statutory Consultees (Natural England, Environment Agency, Historic England) for consultation between 6 April - 11 May 2022. All of the consultees responded within the consultation period and confirmed that no further SEA or HRA is required.