

# **Wells Neighbourhood Plan**

## **Strategic Environmental Assessment and Habitats Regulations Screening Report**

**January 2022**

Strategic Environmental Assessment and Habitats Regulations Assessment Screening  
Report

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## 1. Introduction

- 1.1 One of the basic conditions is that a Neighbourhood Plan does not breach, and is otherwise compatible with, EU obligations. These obligations include the SEA Directive and Habitats Directive. The Habitats Directive requires that plans do not have significant effects on European sites (Special Areas of Conservation, Special Protection Areas and Ramsar sites).
- 1.2 A Strategic Environmental Assessment (SEA) is required under European legislation for all plans which may have a significant effect on the environment. This particularly relates to plans which designate sites for development such as the District Council's Local Plan and Neighbourhood Plans produced by parish councils.
- 1.3 A Habitats Regulations Assessment (HRA) is a process which looks at the potential impact of proposals within a plan on European sites.
- 1.4 Mendip District Council is required to determine whether or not the contents of the Wells Neighbourhood Plan require a Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/EC<sup>1</sup> and associated Environmental Assessment of Plans and Programmes Regulations 2004. If it is concluded that an SEA is required, the Qualifying Body are responsible for its production and it must form part of the material that is consulted on once the formal consultation stage is reached.
- 1.5 The draft neighbourhood plan of January 2022 proposes a series of policies concerning heritage, housing, retail and commercial buildings, tourism and environment. The plan acknowledges allocations of sites for housing made in the Mendip District Local Plan but does not make further site allocations. The aims of the emerging Wells Neighbourhood Plan are set out below:
  - To ensure that the character of Wells and its heritage assets are protected and enhanced.
  - To ensure the provision of the right kind of housing for a diverse community of varying ages and financial resources which respects Wells' character and reduces the impact on climate change
  - To ensure the provision of effective links into, out of and around the City which also encourage the use of sustainable alternatives to motor vehicles.
  - To maintain and regenerate the local economy of the city centre and promote its vitality and viability by not only protecting the retail economy and encouraging traders but also encouraging alternative uses which permit residential use and attract the local community to meet, eat and drink together
  - To support the visitor economy with a wide range of attractions and accommodation, strong links between major visitor attractions and other partners, and support for a wide range of cultural events and festivals
  - To develop, protect and enhance a green infrastructure network, which provides woodland, riparian (streams and brooks), grassland and hedgerow habitats and corridors for wildlife thus enhancing the linkages of the City to the surrounding countryside, and provides accessible open green space for people in the City and on its rural fringe.

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<sup>1</sup> 'SEA Directive'

- 1.6 The legislative background in the following section 2 outlines the regulations that determine the need for this screening exercise. Section 3 gives an overview of the screening process, whilst section 4 provides a screening assessment of the likely significant environmental effects of the emerging Wells Neighbourhood Plan and considers the need for a full SEA. The outcome of the screening assessment is set out in section 5.

## 2. Legislative Background

- 2.1 The basis for Strategic Environmental Assessments and Sustainability Appraisal legislation is European Directive 2001/42/EC as transposed into English law by the Environmental Assessment of Plans and Programmes Regulations 2004, or SEA Regulations 2004 (from here on referred to as “the Regulations”). Detailed Guidance of these regulations can be found in the Government publication ‘A Practical Guide to the Strategic Environmental Assessment Directive’ (ODPM 2005).
- 2.2 Schedule 2 of the Neighbourhood Planning (General) Regulations 2012 makes provision in relation to the Habitats Directive. The Directive requires that any plan or project likely to have a significant effect on a European site must be subject to an Appropriate Assessment, part of the Habitats Regulations Assessment process. To achieve this, paragraph 1 prescribes a basic condition that the making of a neighbourhood plan is not likely to have a significant effect on a European site. The SEA Directive requires that if an eligible plan or programme requires an appropriate assessment under the Habitats Directive<sup>7</sup>, then that plan or programme will also require an SEA.
- 2.3 The Planning and Compulsory Purchase Act 2004 (as amended) requires Sustainability Appraisal, incorporating SEA, to be carried out for Local Plans. The governments Planning Practice Guidance (PPG)<sup>2</sup> explains that there is no legal requirement for a neighbourhood plan to have a sustainability appraisal. However, a qualifying body must demonstrate how its plan or order will contribute to achieving sustainable development. A sustainability appraisal (SA) may be a useful approach for doing this and the guidance on sustainability appraisal of Local Plans should be referred to.
- 2.4 In some limited circumstances, where a neighbourhood plan could have significant environmental effects, it may fall within the scope of the Regulations and so require a strategic environmental assessment. One of the basic conditions that will be tested by the independent examiner is whether the making of the neighbourhood plan is compatible with European Union obligations (including under the Strategic Environmental Assessment Directive).<sup>3</sup>
- 2.5 Whether a neighbourhood plan requires a strategic environmental assessment, and (if so) the level of detail needed, will depend on what is proposed in the draft neighbourhood plan. A strategic environmental assessment may be required, for example, where:
- a neighbourhood plan allocates sites for development
  - the neighbourhood area contains sensitive natural or heritage assets that may be affected by the proposals in the plan
  - the neighbourhood plan may have significant environmental effects that have not already been considered and dealt with through a sustainability appraisal of the Local Plan.<sup>4</sup>

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<sup>2</sup> PPG Paragraph: 026 Reference ID: 11-026-20140306

<sup>3</sup> PPG Paragraph: 027 Reference ID: 11-027-20140306

<sup>4</sup> PPG Paragraph: 046 Reference ID: 11-046-20150209

- 2.6 To decide whether an emerging neighbourhood plan might have significant environmental effects, its potential scope should be screened at an early stage against the criteria set out in Schedule 1 the Regulations.<sup>5</sup>
- 2.7 This report focuses on screening the Wells Neighbourhood Plan for SEA and HRA.

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<sup>5</sup> NPPG Paragraph: 029 Reference ID: 11-029-20140306

### **3. An Overview of the Screening Assessment**

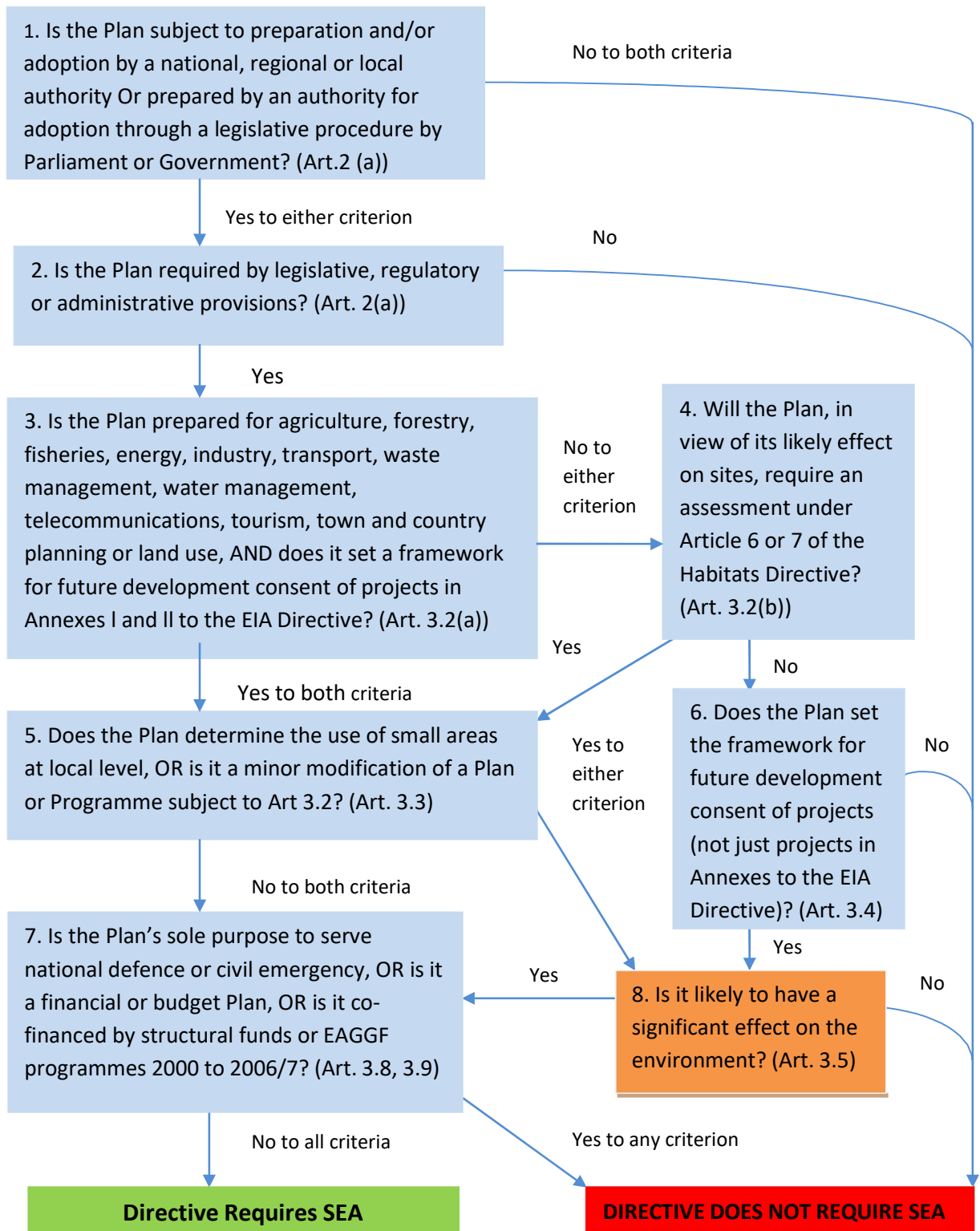
- 3.1 Figure 1 below reflects 'A practical guide to the Strategic Environmental Assessment Directive' and illustrates the process for screening a Neighbourhood Plan to ascertain whether a full SEA is required (Article numbers relate to European Directive 2001/42/EC).
- 3.2 In order to carry out the screening process it is necessary to consider each of the criteria set out in Figure 1 - this is done in Table 1. Table 2 explicitly addresses criterion 8 (coloured orange) by considering if the Neighbourhood Plan is likely to have a significant effect on the environment. This is done by considering the Plan against the criteria for determining the likely significance of effects referred to in the Directive<sup>6</sup> - these criteria are listed in Figure 2.
- 3.3 Once the process set out in Figure 1 has been completed a screening outcome can be reached and the conclusion can be found in section 5.

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<sup>6</sup> Article 3.5 of European Directive 2001/42/EC



**Figure 1: Application of the SEA Directive to Neighbourhood Plans**



\*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.

- 3.4 The criteria for determining the likely significance of effects referred to in the Directive<sup>7</sup> are set out in Figure 2.

**Figure 2: Criteria for Determining Likely Significance of Effects**

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.

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<sup>7</sup> Article 3.5 of European Directive 2001/42/EC (these criteria are replicated in Schedule 1 of the Regulations)

#### 4. Carrying out the Assessment of Wells Neighbourhood Plan

- 4.1 Wells Neighbourhood Plan Group have drafted a range of policies that support the objectives of the Neighbourhood Plan as set out in paragraph 1.5 of this document. Policies have been drafted which seek to protect heritage assets, respond to local housing needs, ensure high quality and sustainable design of new housing, provide play space, facilitate access, sustain the local retail economy, ensure commercial development responds to climate change, facilitate tourism and protect the environment.
- 4.2 The Somerset Levels and Moors are designated as a Special Protection Area (SPA) under the Habitat Regulations 2017 and listed as a Ramsar Site under the Ramsar Convention. Natural England have advised that there are high levels of phosphates in the Somerset Levels and Moors leading to the European sites being in “unfavourable condition”. The catchment area for the Levels and Moors includes a wide area across the western and central part of Mendip District, including Wells. There is risk that development in this area will cause additional phosphates will affect the European protected sites. A Habitats Regulations Assessment has been carried out alongside the Mendip Local Plan for allocations made in Wells within that plan. The Neighbourhood Plan does not allocate additional sites for development and will not therefore require SEA on the basis of the phosphates risk area.
- 4.3 Table 1 assesses whether the Wells Neighbourhood Plan will require a full SEA. The criteria within Table 1 are drawn from Figure 1 which sets out how the SEA Directive should be applied.

Table 1: Assessment of the Need for SEA

Assessment Criteria	Assessment	
1. Is the Plan 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))	<b>Yes</b>	Neighbourhood Plans are prepared by parish/town councils (as the “qualifying body”) under the provisions of the Town and Country Planning Act 1990 as amended by the Localism Act 2011. Once the Plan has been prepared, and subject to examination and referendum, it will be “made” by Mendip District Council as the Local Planning Authority.  <b>GO TO ASSESSMENT CRITERION 2</b>
2. Is the Plan required by legislative, regulatory or administrative provisions? (Art. 2(a))	<b>Yes</b>	Whilst producing a Neighbourhood Plan is not a requirement and is optional, it will if ‘made’ form part of the statutory Development Plan for the District and will be used when making decisions on planning applications. It is therefore important that the screening process considers whether it is likely to have significant environmental effects and hence whether SEA is required under the Directive.  <b>GO TO ASSESSMENT CRITERION 3</b>

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<p>3. Is the Plan 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? (Art 3.2(a))</p>	<p><b>Yes</b></p>	<p>Wells Neighbourhood Plan is prepared for town and country planning and land use purposes and does set out a framework for future development in Wells. Therefore this may fall under 10(a &amp; b) of Annex II of the EIA Directive.</p> <p><b>GO TO ASSESSMENT CRITERION 5</b></p>
<p>4. Will the Plan, 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))</p>	<p><b>No</b></p>	<p><b>The Plan does not allocate additional sites for development.</b></p>
<p>5. Does the Plan determine the use of small areas at local level, OR is it a minor modification of a Plan or Programme subject to Art. 3.2? (Art. 3.3)</p>	<p><b>Yes</b></p>	<p>Wells Neighbourhood Plan draft policies support new housing development. It seeks to ensure that housing permitted will meet local need and that retail and commercial activity will be supported and enhanced.</p> <p><b>GO TO ASSESSMENT CRITERION 8</b></p>
<p>6. Does the Plan set the framework for future development consent of projects (not just projects in annexes to the EIA Directive)? (Art 3.4)</p>		<p><b>NOT APPLICABLE (refer to Figure 1)</b></p>
<p>7. Is the Plan'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? (Art 3.8, 3.9)</p>		<p><b>NOT APPLICABLE (refer to Figure 1)</b></p>
<p><b>As a result of the response to assessment criterion 5 it is necessary to consider the Neighbourhood Plan under assessment criterion 8. Table 2: Determining the Likely Significant Effects of the Wells Neighbourhood</b></p>		

**Plan on the Environment does this by using the criteria set out in Figure 2 of this document.**

**Table 2: Determining the Likely Significant Effects of the Wells Neighbourhood Plan on the Environment**

Significant effect criteria	Assessment	Likely Significant Environmental effect
<b>The characteristics of the plans, having regard to:</b>		
The degree to which the plan sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources.	<p>Wells Neighbourhood Plan draft policies seek to protect heritage assets, respond to local housing needs, ensure high quality and sustainable design of new housing, provide play space, facilitate access, sustain the local retail economy, ensure commercial development responds to climate change, facilitate tourism and protect the environment.</p> <p>The Neighbourhood Plan sits within the wider framework of the National Planning Policy Framework (NPPF), and the Mendip Local Plan 2006-2028, which help to set the framework for projects that are localised in nature and are likely to have limited resource implications.</p>	No
The degree to which the plan influences other plans and programmes including those in a hierarchy.	The Neighbourhood Plan will be in general conformity with the NPPF and with the strategic policies of the Mendip Local Plan 2006-2028. The Neighbourhood Plan should not significantly influence other plans and programmes.	No
The relevance of the plan for the	A Neighbourhood Plan is required to contribute to the achievement of sustainable	No

<p>integration of environmental considerations in particular with a view to promoting sustainable development.</p>	<p>development and covers a parish wide geographical area. Therefore the likely significant effects on the environment are minimised as the Neighbourhood Plan should integrate environmental considerations and promote sustainable development. The plan includes policies to achieve this.</p>	
<p>Environmental problems relevant to the plan.</p>	<p>There a number of listed buildings in the City, a Conservation Area, a listed parkland, an Area of High Archaeological Potential, a Bat Consultation Zone and areas of Flood Zone 2 and 3. The AONB borders the area to the north. However, the Neighbourhood Plan introduces policies to protect these assets.</p>	<p>No</p>

<p>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).</p>	<p>The Neighbourhood Plan has to be in general conformity with the Local Plan. The Local Plan has had regard to European Community legislation on the environment and therefore the NP is not directly relevant to the implementation of other European legislation. Waste management issues are addressed in the Somerset Waste Core Strategy.</p>	<p>No</p>
<p><b>Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:</b></p>		
<p>The probability, duration, frequency and reversibility of the effects.</p>	<p>The draft neighbourhood plan allows for development to take place in Wells therefore some element of environmental change will take place. However, the Neighbourhood Plan aims to protect environmental assets and does not include site specific development proposals.</p>	<p>no</p>
<p>The cumulative nature of the effects.</p>	<p>The draft neighbourhood plan should not lead to significant cumulative impacts. The level of housing proposed accords with the Local Plan.</p>	<p>no</p>
<p>The transboundary nature of the effects.</p>	<p>There are no transboundary effects resulting from the draft Wells Neighbourhood Plan.</p>	<p>No</p>
<p>The risks to human health or the environment (e.g. due to accidents).</p>	<p>There is limited risk to human health or the environment as result of the draft Wells Neighbourhood Plan.</p>	<p>No</p>
<p>The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected) by the Plan.</p>	<p>The Neighbourhood Area (NA) covers the civil parish of Wells which has a resident population of 11,200 people (2011 Census) and covers a geographical area of around 324ha.</p>	<p>No</p>



<p>The value and vulnerability of the area likely to be affected by the Plan due to:</p> <ul style="list-style-type: none"> <li>- Special natural characteristics or cultural heritage,</li> <li>- Exceeded environmental quality standards or limit values,</li> <li>- Intensive land-use,</li> <li>- The effects on areas or landscapes which have a recognised national, Community or international protection status.</li> </ul>	<p>Wells Neighbourhood Plan area includes sites of national and local significance including a large Area of High Archaeological Potential, Conservation Area covering much of the centre of the town, numerous listed buildings including the Cathedral and Bishops Palace, Flood Zone 2 and 3 around watercourses across the plan area, bat consultation zone, a listed park and garden at Palace Fields. The Mendip Hills AONB adjoins the plan area to the north. The Plan area is also within the phosphates risk area associated with the unfavourable status of European designated wildlife sites on the Levels and Moors.</p> <p>The Neighbourhood Plan introduces policies to protect valued assets whilst meeting it's aims.</p>	<p>No</p>
<p><b>Criterion 8 Conclusion</b></p>	<p><b>The Wells Neighbourhood Plan is not likely to have a significant effect on the environment and does not require SEA.</b></p>	

## 5. Screening Outcome

- 5.1 As a result of the findings set out in Table 1: Assessment of the Need for SEA and Table 2: Determining the Likely Significant Effects of the Wells Neighbourhood Plan on the Environment, it is concluded that the draft Wells Neighbourhood Plan is not likely to have significant environmental effects; consequently **a full SEA is not required**.
- 5.2 The Plan is not likely to have an effect on a European site and **HRA is not required**. Whilst the Plan area is within the phosphates risk area, the Plan does not propose new development sites. It aims to protect environmental assets and meet community needs within the area.
- 5.3 The three statutory consultation bodies, Historic England, Natural England and the Environment Agency were consulted on 3rd February 2022 to determine if they agree with the screening outcomes of this report.

5.4

**Table 3: Summary of Consultation Responses from Statutory Bodies**

Statutory Consultee	Summary of Comments
Historic England	

Natural England	
Environment Agency	

5.5 In the light of the District Council's findings and the responses from the statutory consultees it is concluded that there is **no requirement to undertake HRA and a full SEA is not required.**

