

APPENDIX 4.6

DEVONSHIRE PARK NEIGHBOURHOOD PLAN – STRATEGIC ENVIRONMENTAL ASSESSMENT SCREENING ASSESSMENT REPORT

Screening Statement on the determination of the need for a Strategic Environmental Assessment (SEA) in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 and European Directive 2001/42/EC for the proposed Devonshire Park Neighbourhood Development Plan (November 2014)

Summary SEA Screening Determination

Wirral Metropolitan Borough Council, as the responsible authority under the terms of the Environmental Assessment of Plans and Programmes Regulations 2004, has determined that the proposed Devonshire Park Neighbourhood Development Plan is not likely to have significant environmental effects and accordingly will not require an environmental assessment.

Introduction

1. The Localism Act 2011 provided a new statutory regime for neighbourhood planning, with detailed provisions set out in the Neighbourhood Planning (General) Regulations 2012 (SI 2012/637). It is a 'basic condition', to be tested by an independent examiner, that a Neighbourhood Development Plan (NDP) should be compatible with European Union obligations, including Strategic Environmental Assessment (SEA).
2. The legislative basis for SEA is European Directive 2001/42/EC which was transposed into English law by the Environmental Assessment of Plans and Programmes Regulations 2004, ('SEA Regulations'). The SEA Regulations explain the process to be followed in undertaking an SEA in respect of relevant plans and programmes. Detailed guidance on the application of the Directive can be found in the Government publication 'A Practical Guide to the Strategic Environmental Assessment Directive' ('the Practical Guide', ODPM 2005).
3. An SEA is required to be undertaken for certain categories of plans and programmes where they are determined to be likely to have significant environmental effects. To assess whether an SEA is required, a screening process must be undertaken, based on a standard set of criteria. The screening process must be subject to consultation with the 'Consultation Bodies' English Heritage, the Environment Agency and Natural England. The results of the screening process must be set out in a screening statement which is available for public inspection.
4. The process set out in Appendix 1 of this report accords with the diagram (Figure 2) of the Practical Guide. Separate criteria for determining the likely significance

of effects referred to in Article 3(5) of Directive 2001/42/EC are set out in Schedule 1 of the SEA Regulations and in Appendix 2 to this report.

The Devonshire Park Neighbourhood Development Plan

5. The National Planning Policy Framework (March 2012, paragraph 183) advises that neighbourhood forums can use neighbourhood planning to set planning policies through neighbourhood plans to determine decisions on planning applications.
6. The Devonshire Park Neighbourhood Planning Forum was designated by the Council in April 2013, as authorised to act for the purposes of preparing a Neighbourhood Development Plan (NDP).
7. The Devonshire Park NDP is considered to be in general conformity with the Wirral Unitary Development Plan (adopted February 2000), the Joint Waste Local Plan for Merseyside and Halton (adopted July 2013) and the emerging Core Strategy for Wirral (last published in December 2012), which has been subject to its own SEA process as part of a wider statutory sustainability appraisal.

The Screening Process

8. The screening process set out in Regulation 9 and Schedule 1 of the SEA Regulations includes two sets of criteria for determining whether the NDP is likely to have significant effects on the environment. These relate to the likely characteristics of the NDP and to the characteristics of the effects and of the area likely to be effected. These criteria are set out in Appendix 2 of this report, alongside the findings in relation to the Devonshire Park NDP.
9. Regulation 14 also requires the Council to determine whether the Devonshire Park NDP is likely to have significant effects on the environment of another European Member State.

Consultation

10. To expedite the process, this SEA Screening Determination and an accompanying Sustainability Assessment Report are being published and consulted on in tandem. The sustainability assessment is being undertaken on the basis the proposed NDP will not have a significant effect on the environment when judged against the characteristics set out in Regulation 9 and Schedule 1 of the SEA Regulations.
11. The Consultation Bodies specified in the SEA Regulations that must be consulted on the SEA Screening Determination for the Devonshire Park NDP are:
 - Natural England
 - English Heritage

- Environment Agency

12. The comments received from the Consultation Bodies will be incorporated into the final SEA Screening Determination for the Devonshire Park NDP.

Draft Determination

13. On the basis of the criteria in Schedule 1 and Regulation 14 of the SEA Regulations and subject to the responses of the Consultation Bodies, the Council has determined that the Devonshire Park NDP is not likely to have significant environmental effects and that an additional environmental report will not be required.

Statement of Reasons for Determination

14. The reasons for this determination are:

- the assessment of the criteria set out in Schedule 1 of the SEA Regulations, set out in Appendix 2 of this screening determination, demonstrate that the proposed Devonshire Park NDP is not likely to have significant effects on the environment;
- the Consultation Bodies have each considered the potential environmental implications of the proposed NDP and have concluded that it is unlikely to have significant environmental effects in the terms of European Directive 2001/42/EC;
- the proposed Devonshire Park NDP will supplement existing planning policies in the adopted Wirral Unitary Development Plan (UDP) and the emerging Wirral Core Strategy Local Plan;
- the proposed Devonshire Park NDP will provide additional local context to assist in the application, within the Devonshire Park area, of UDP policies, Policy HS4 (*Criteria for New Housing Development*), Policy HS7 (*Sheltered Housing*), Policy HS8 (*Nursing Homes/ Residential Care Homes*) and Policy HS14 (*Houses in Multiple Occupation*)¹;
- the proposed Devonshire Park NDP would operate similarly to UDP Policy HS5 (*Density and Design Guidelines*) by providing additional detail to be taken into consideration in Devonshire Park alongside the other policies in the statutory Development Plan;
- the proposed Devonshire Park NDP will also operate alongside Policy WM8 (*Waste Prevention and Resource Management*) and Policy WM9

¹ UDP Policies can be viewed online at <http://www.wirral.gov.uk/my-services/environment-and-planning/planning/local-development-framework/unitary-development-plan>

(Sustainable Waste Management Design and Layout for New Development)
in the Joint Waste Local Plan for Merseyside and Halton²;

- the proposed Devonshire Park NDP will additionally support the delivery of the Spatial Vision, Strategic Objectives, Broad Spatial Strategy and Settlement Area Priorities set out in the emerging Wirral Core Strategy Local Plan, including Proposed Submission Draft Core Strategy policies, Policy CS6 (*Priorities for Suburban Birkenhead*), Policy CS21 (*Criteria for New Housing Development*), Policy CS23 (*Criteria for Specialist Housing*), Policy CS42 (*Development Management*) and Policy CS43 (*Design, Heritage and Amenity*)³;
- the emerging Core Strategy Local Plan has been subject to its own SEA process as part of a wider statutory sustainability appraisal. Devonshire Park is an established, previously developed, residential area which is small in size (18.06 ha), with a population of approximately 1,400 residents in 2011. Any environmental effects of the Devonshire Park NDP – which are likely to be positive in nature given its objectives - will therefore be localised and are not expected to extend beyond the Neighbourhood Plan area; and
- the proposed Devonshire Park NDP will not have any significant effects on the environment of another Member State.

² Joint Waste Local Policies can be viewed online at <http://www.wirral.gov.uk/my-services/environment-and-planning/planning/local-development-framework/joint-merseyside-waste-development-plan>

³ The policies of the emerging Core Strategy Local Plan can be viewed online at <http://www.wirral.gov.uk/my-services/environment-and-planning/planning/local-development-framework/core-strategy-development-plan>

Appendix 1

Application of the SEA Directive to the Devonshire Park NDP

Stage	Yes/No	Reason
<i>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))</i>	Yes	The preparation of and adoption of the NDP is enabled under the Town and Country Planning Act 1990 (as amended by the Localism Act 2011). The NDP has been prepared by the Devonshire Park Neighbourhood Planning Forum (as the 'relevant body') and will be made by a resolution of Wirral Council acting as the local planning authority. The preparation of NDPs is subject to the national Neighbourhood Planning (General) Regulations 2012 and the Neighbourhood Planning (Referendums) Regulations 2012.
<i>2. Is the NDP required by legislative, regulatory or administrative provisions? (Art. 2(a))</i>	No	Under the provisions of the Town and Country Planning Act 1990 (as amended by the Localism Act 2011), communities have the right to apply to produce an NDP but are not required by legislative, regulatory or administrative purposes to produce one. However, once made by a resolution of Wirral Council, the Devonshire Park NDP will form part of the statutory Development Plan for the Borough. 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.
<i>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 future development consent of projects in Annexes I and II (see Appendix 2) to the EIA Directive? (Art 3.2(a))</i>	No	Although the Devonshire Park NDP has been prepared to set out a framework for future residential development within Devonshire Park, it does not anticipate being a tool to manage development of the scale and nature envisaged by Annex I and Annex II.

Stage	Yes/No	Reason
<i>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))</i>	No	An accompanying HRA assessment has been prepared to ascertain whether an appropriate assessment is required under the Conservation of Habitats and Species Regulations 2010, which relate to Articles 6(3) and (4) of the Habitats Directive. The assessment has concluded that the Devonshire Park NDP is unlikely to have a significant effect on the Natura 2000 network of protected sites and that no further appropriate assessment is required.
<i>5. Does the NDP determine the use of small areas at local level, or is it a minor modification of a PP subject to Art. 3.2? (Art. 3.3)</i>	Yes	The Devonshire Park NDP determines the use of small areas at a local level for residential purposes.
<i>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)</i>	Yes	The Devonshire Park NDP is to be used for determining future planning applications
<i>7. Is the NDPs 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? (Art 3.8, 3.9)</i>	No	Not applicable
<i>8. Is it likely to have a significant effect on the environment? (Art. 3.5)</i>	No	Assessment against the criteria in Schedule 1 of the SEA Regulations 2004 (set out in Appendix 2 below) concludes that the Devonshire Park NDP is not likely to have significant effects on the environment. No further appropriate assessment under the Habitats Regulations is required.

Appendix 2

Assessment against the criteria for determining likely significance of effects on the environment set out in Schedule 1 of the Environmental Assessment of Plans and Programmes Regulations 2004

A - The Characteristics of the Proposed Neighbourhood Plan

Schedule 1 Criteria	Significant Environmental Effect likely?	Reasons
<i>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;</i>	No	The Devonshire Park NDP would, when made following a resolution of Wirral Council, form part of the statutory Development Plan for Wirral and as such will contribute to the framework for future development consent of projects. However, the Devonshire Park NDP will sit within and must be in conformity with the wider framework set by the National Planning Policy Framework, the saved policies in the adopted Wirral UDP, the policies in the adopted Joint Waste Local Plan for Merseyside and Halton and the policies in the emerging Core Strategy Local Plan. The geographical area for which the Devonshire Park NDP helps to set a framework is small in size (18.06 ha) and will have limited resource implications.
<i>(b) the degree to which the plan or programme influences other plans and programmes including those in a hierarchy;</i>	No	The Devonshire Park NDP is required to be in conformity with the higher tier National Planning Policy Framework, the saved policies in the adopted Wirral UDP, the policies in the adopted Joint Waste Local Plan for Merseyside and Halton and the policies in the emerging Core Strategy Local Plan. The Devonshire Park NDP policies will guide the consideration of planning applications in the plan area and are therefore unlikely to influence other plans or programmes outside the statutory land-use planning process.

Schedule 1 Criteria	Significant Environmental Effect likely?	Reasons
<i>(c) the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development;</i>	No	The Devonshire Park NDP aims to protect and enhance the environment of the existing developed residential area of Devonshire Park through additional controls over higher density residential development, especially flats and converted or shared houses, residential institutions and hostels, in multiple occupation. It is a “basic condition”, subject to independent examination, that the Devonshire Park NDP contributes to the achievement of sustainable development, which has been demonstrated through the preparation of an accompanying Sustainability Assessment Report.
<i>(d) environmental problems relevant to the plan or programme;</i>	No	The Devonshire Park NDP aims to address local environmental impacts arising from certain forms of higher density residential development, including flats and converted or shared houses, residential institutions and hostels in multiple occupation, without any negative effects.
<i>(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).</i>	No	The Devonshire Park NDP is not directly relevant to the implementation of any European legislation or initiative.

Appendix 2

Assessment against the criteria for determining likely significance of effects on the environment set out in Schedule 1 of the Environmental Assessment of Plans and Programmes Regulations 2004

B - The Characteristics of the Neighbourhood Development Plan's Effects and the Area Likely to be Affected

Schedule 1 Criteria	Significant Environmental Effect likely?	Council's Response
<i>a) the probability, duration, frequency and reversibility of the effects;</i>	No	The Devonshire Park NDP is likely to have positive and enduring but localised environmental effects on the plan area resulting from additional controls on certain forms of higher density residential development, especially flats and converted or shared houses, residential institutions and hostels in multiple occupation, which have often resulted in detrimental impacts on the built environment of a period-designed Villa Estate, such as the demolition of front garden walls, replacement of front gardens with off-road parking, loss of mature trees/shrubs and in some cases lack of property and garden maintenance. The Devonshire Park NDP will seek to minimise these effects throughout the lifetime of the plan to 2030.
<i>(b) the cumulative nature of the effects</i>	No	It is intended that the positive effects will have positive cumulative benefits for the area.
<i>(c) the transboundary nature of the effects</i>	No	There are no trans-boundary issues across member states, as the Devonshire Park NDP will only apply within Devonshire Park alone. Any effects on adjoining Wirral Council wards are likely to be positive.
<i>(d) the risks to human health or the environment (for example, due to accidents);</i>	No	There are no significant risks to human health or the environment. No significant strategic environmental effects are foreseen.

Schedule 1 Criteria	Significant Environmental Effect likely?	Council's Response
<p><i>(e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)</i></p>	No	<p>The Devonshire Park NDP relates only to the existing developed residential area of Devonshire Park in Birkenhead which has a land area of 18.06 hectares (compared with the Borough land area of 15,560 hectares) and a population estimated at approximately 1,400 people in 2011. The magnitude and spatial extent of the effects are therefore expected to be highly localised.</p>
<p><i>f) the value and vulnerability of the area likely to be affected due to:</i></p> <ul style="list-style-type: none"> <i>-special natural characteristics or cultural heritage;</i> <i>-exceeded environmental quality standards or limit values; or</i> <i>-intensive land-use; and</i> <p><i>(g) the effects on areas or landscapes which have a recognised national, Community or international protection status</i></p>	No	<p>Although the plan area is not designated as a Conservation Area, Devonshire Park is characterised by large, Victorian and early Edwardian housing. The Devonshire Park NDP aims to protect the distinctive character of the plan area through additional controls on certain forms of higher density residential development, especially flats and converted or shared houses, residential institutions and hostels in multiple occupation, which have often resulted in detrimental impacts on the built environment of the existing residential area. The Devonshire Park NDP will supplement and assist in the further application of environmental and related policies in higher tier plans with no negative effects.</p>