

Revised SEA Screening Opinion / Determination under Regulation 9(1) as to whether the Cheddar Neighbourhood Development Plan is likely to have significant environmental effects.

Cheddar Parish Council is currently producing the Cheddar Neighbourhood Development Plan (NDP) which will supplement (and partially supersede) the adopted Sedgemoor Core Strategy and form part of the local development plan when finalised. As part of the production of a NDP the District Council is required to advise and assist the “qualifying body” (Parish Council), including in ensuring that the NDP does not breach, and is otherwise compatible with, European Union obligations.

This includes deciding whether the NDP requires a Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/EC (“SEA Directive”) and associated Environmental Assessment of Plans and Programmes Regulations 2004 (“SEA Regulations”).

The Cheddar NDP can be regarded as:

- i. a “plan or programme which, in view of the likely effect on sites, has been determined to require an assessment pursuant to Article 6 or 7 of the Habitats Directive.” (albeit the Appropriate Assessment concluded “no adverse effects” and the “small area” exemption applies to this Plan); and as
- ii. a “plan or programme which sets the framework for future development consent of projects” (albeit to a limited degree, and primarily because it seeks to allocate sites for residential development with an estimated capacity of circa 180 dwellings) it is potentially caught by SEA Regulation 5(4) [which could require an environmental assessment to be carried out].

Therefore, the District Council needs to determine (under the provisions of Regulation 9) whether, or not, the Cheddar NDP is “likely to have significant environmental effects”.

Regulation 9(2) requires that before making such a determination, the District Council shall:

- a) take into account the criteria specified in Schedule 1 to these Regulations; and
- b) consult the consultation bodies [Environment Agency, Historic England and Natural England].

Regulation 9(3) requires that if the Council’s conclusion is that the plan is unlikely to have significant environmental effects (and, accordingly, does not require an environmental assessment); it shall prepare a statement of its reasons for the determination.

Determination under SEA Regulation 9(1)

Having regard to the criteria set out in Schedule 1 of the SEA Regulations, and consultation with Environment Agency, Historic England and Natural England the District Council has made a determination under Regulation 9 that the Cheddar Neighbourhood Development Plan is unlikely to have significant environmental effects (and, accordingly, does not require an environmental assessment).

Statement of Reasons

The District Council has had regard to:

1. the characteristics of the plan, and
2. the characteristics of the potential effects and of the area potentially affected

- including all of the particular matters under each of these headings as set out in Schedule 1 of the SEA Regulations.

A response to each of the individual criteria is set out below in tabular form. This was shared in draft form with the consultation bodies and has been agreed by (following slight modification in response to their comments) Natural England and Historic England and has not been disputed by the Environment Agency.

This review of the individual criteria indicates that potential effects are limited / localised / negligible / totally absent and therefore the conclusion is that the plan is unlikely to have significant environmental effects.

1. The characteristics of plans and programmes, having regard, in particular, to —

(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;	Very limited degree - the Cheddar NDP is a localised (parish level) refinement of the framework set by the development plan (Core Strategy) for Sedgemoor District. The scale and location of housing development (180 houses) is wholly consistent with (and could potentially be granted planning permission under the provisions of) the Sedgemoor Core Strategy.
(b) the degree to which the plan or programme influences other plans and programmes including those in a hierarchy;	None - the Cheddar NDP is at the lowest level of the plan-making hierarchy.

<p>(c) the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development;</p>	<p>Minor and localised relevance - it is a “basic condition” of any NDP that it should “<i>contribute to the achievement of sustainable development</i>” but there is no requirement for NDPs to be subject to sustainability appraisal.</p> <p>The plan includes an indication of how it supports the sustainability objectives which were used to shape the overarching SDC Core Strategy.</p>
<p>(d) environmental problems relevant to the plan or programme; and</p>	<p>The Cheddar NDP is neither</p> <p>(a) primarily responding to, nor</p> <p>(b) heavily constrained by significant environmental problems.</p> <p>The aim of the Cheddar NDP is to address local concerns and issues – design and location of new development / affordable housing / road safety and parking / the local economy / local facilities.</p> <p>A review of potential environmental constraints reveals that:</p> <ul style="list-style-type: none"> • the majority of Cheddar village and environs are not a flood risk area (EA Flood Zone 1) • The Round Oak Farm site and part of the Helliars Lane site are located over a minor aquifer • The boundary of the Mendip Hills Area of Outstanding Natural Beauty is within 150m of the Round Oak Farm site. <p>In their responses to planning application 17/15/00095 the Mendip Hills AONB Unit and the SDC Landscape officer noted that the revised development would still have effects on the character and views to/from the AONB but did not conclude that these effects would be significant and proposed revisions to the plan to be taken in to consideration at the detailed design stage that would make the site acceptable in terms of landscape impacts. The SDC landscape officer agreed with the conclusions of the landscape appraisal that the Helliars Lane site was some distance from the AONB and was in an area where the view</p>

	<p>is already dominated by the existing built form of Cheddar.</p> <ul style="list-style-type: none"> • The Round Oak Farm Site is within the SSSI Impact Risk Zones for the Cheddar Reservoir SSSI (favourable condition) and the Perch SSSI (unfavourable recovering). In their response to planning application 17/15/00095, for Round Oak Farm, Natural England concluded that the development was unlikely to have a significant effect on the five SSSI sites within close proximity to the site. The Helliers Lane site is within the SSSI Impact Risk Zone for the Cheddar Reservoir SSSI and the scale of development is above the threshold for triggering consultation with Natural England. The developer has carried out an additional Ecological Survey which assessed the impacts on the Cheddar Reservoir SSSI and concluded there would be no significant impacts. <i>[Natural England has advised it is more appropriate to consider matters of recreational pressures on designated sites strategically at the Local Plan level].</i> • Data from Somerset Environmental Record Centre identifies five non-statutory local wildlife sites and one or more legally protected & priority species within 1km of the site. The County Ecologist has interpreted this data and the HRA has concluded that there are unlikely to be significant effects. • There is a County Wildlife Site within the Round Oak Farm preferred site that may be affected by the proposal in the plan. The County Ecologist has addressed these concerns through the Development Management process. • There is a “BAP priority habitat” (lowland meadows) within the preferred Round Oak Farm preferred site that may be affected by the proposal in the plan. • Agricultural Land Classification (provisional) of land at Round Oak Farm is Grade 2, the agricultural land classification of land at Helliers Lane is made up of Grades
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	<p>2, 3 (undifferentiated) and 4. The Helliars Lane application was supported by an Agricultural Land Classification and Soil Resources report which concluded that all of the land was in fact poor quality Grade 4.</p> <ul style="list-style-type: none"> • There is no record of contaminated land in the locality of the two preferred housing sites. • There is no scheduled monument in the vicinity of the two preferred housing sites. There is a conservation area in Cheddar but it is located in the east of the village over 500m from the nearest of the two preferred housing sites. • There are numerous listed buildings and TPOs in and around the village, and also sites which feature on the Somerset Historic Environment Record, but the presence of such features is not unusual and they are given appropriate protection in the context of any development proposals which may affect them. • The Archaeological Assessment for the Helliars Lane site noted the presence of scheduled monuments, listed buildings and conservation areas near to the site but did not conclude that the proposal would result in significant adverse effects on the designated heritage assets. • The Round Oak Farm application was supported by a heritage assessment, undertaken in Sept 2015, which focussed on a study area comprised of the site plus a 1km buffer. The report concluded that “Development within the site would not lead to physical harm to heritage assets, and would not lead to harm to the setting or significance of any designated heritage assets including Listed Buildings or the Conservation Area.” • A Historic Environment Assessment (Jan 2017) has been prepared by Somerset Heritage Centre as part of the evidence base for the Proposed Submission Sedgemoor Local Plan. The site-by-site assessment concluded that
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	<p>there were unlikely to be any impacts on buried archaeological remains or designated assets from development of either of the two sites identified in the Cheddar NDP.</p> <ul style="list-style-type: none"> • In their consultation response to planning application 17/15/00096, for Helliars Lane, the Somerset Heritage Centre concluded partial agreement with the submitted archaeological desk-based assessment in that any remains present are likely to be of local significance and they have advised that further pre-determination work is not required but the applicant will be required to archaeologically investigate the heritage asset and provide a report on any discoveries made. They had no concerns with regards to the Round Oak Farm site. The Somerset Heritage Centre has not disputed the conclusions of the archaeology and heritage assessments submitted in support of the two proposals. <p>The two sites proposed for housing allocations in the Cheddar NDP were also considered as strategic housing site options as part of the Sustainability Appraisal of the emerging Local Plan 2011 – 2032, undertaken in July 2015. The results of these appraisals did not indicate that development of these sites would result in significant effects. However, potential minor negative effects were identified for both sites in relation to water quality, biodiversity impacts, landscape impacts and loss of good quality agricultural land.</p> <p>No serious environmental problems</p>
(e) the relevance of the plan or programme for the implementation of Community legislation on the environment (for example,	<p>Not directly relevant to implementation of EC environmental legislation.</p> <p>[The plan does not contain policies linked to waste management or water protection.]</p>

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 —	
(a) the probability, duration, frequency and reversibility of the effects;	The potential for effects arises from housing development. There will be a direct permanent effect through land use change (loss of Grade 2 agricultural land) if either of the sites is developed for housing. Any indirect effects resulting from an increase in local population (emissions, traffic, recreational disturbance etc.) are negligible and have already been considered in the SA of the Sedgemoor Core Strategy. Therefore no significant environmental effects are anticipated.
(b) the cumulative nature of the effects;	None (No reason to anticipate the limited minor / negligible effects being significant cumulatively)
(c) the trans-boundary nature of the effects;	None
(d) the risks to human health or the environment (for example, due to accidents);	None
(e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);	The effects referenced at 2a are small scale and localised , and no effect on population is identified. [The Neighbourhood Plan affects the parish of Cheddar which is approximately 3470 Hectares in area and has a population of approximately 5800 people.]
(f) the value and vulnerability of the area likely to be affected due to— (i) special natural characteristics or cultural heritage;	No effect on valuable / vulnerable areas is predicted (see 1d).

<p>(ii) exceeded environmental quality standards or limit values; or</p> <p>(iii) intensive land-use; and</p>	
<p>(g) the effects on areas or landscapes which have a recognised national, Community or international protection status.</p>	<p>No effect on nationally / internationally protected sites. [There are a number of SSSI and SAC sites partly or wholly within the parish of Cheddar, including the Cheddar Woods SSSI, the Cheddar Reservoir SSSI, the Mendip Woodlands SAC, the Perch SSSI, the North Somerset and Mendip Bats SAC, the Axbridge Hill and Frys Hill SSSI and the Kingdown and Middledown SSSI. No significant effect is anticipated for any of the sites].</p>

17th September 2018

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