

North Somerset Council

**Strategic Environmental Assessment (SEA)
and
Habitats Regulation Assessment (HRA)
Screening Report**

Congresbury Neighbourhood Development Plan

December 2018



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Strategic Environmental Assessment (SEA) and Habitats Regulation Assessment Screening Report

Congresbury Neighbourhood Plan

1. Introduction - purpose of this report

- 1.1. The National Planning Practice Guidance (NPPG) states that one of the basic conditions that will be tested at examination stage is to see if the Neighbourhood Plan is compatible with the European Union obligations (including under the Strategic Environmental Assessment Directive).
- 1.2. As the Neighbourhood Plan will become a statutory development plan document, there is a legal requirement to assess the policies and proposals in the Neighbourhood Plan against the requirements of European Union Directive 2001/42/EC; also known as the “Strategic Environmental Assessment (SEA) Directive”. The objective for SEA is: “to provide for a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes with a view to promoting sustainable development, by ensuring that, in accordance with this Directive, an environmental assessment is carried out on certain plans and programmes which are likely to have significant effects on the environment.” (SEA Directive, Article 1). A full SEA is only required if the plan proposals are likely to have significant environmental effects. This screening report assesses the likelihood of this.
- 1.3. The Habitats Regulations (2010) requires an assessment of land use planning proposals associated with neighbourhood plans. The assessment process examines the likely significant effects of the different spatial options on the integrity of the European wildlife sites of nature conservation importance within, close to or connected to the plan area. European wildlife sites are areas of international nature conservation importance that are protected for the benefit of the habitats and species they support. This assessment is known as a Habitat Regulation Assessment (HRA). For the purposes of the HRA, international designated wildlife sites are Special Protection Areas (SPA), Special Areas of Conservation (SAC), and Ramsar wetland sites.
- 1.4. A Strategic Environmental Assessment (SEA) will only be required for a Neighbourhood Plan if it is likely to cause significant environmental effects. Neighbourhood Plans that are located near to a European wildlife site may also trigger the Habitats Directive depending on how complex the proposed policies are. The Duty to Cooperate requires the Local Planning Authority alongside Natural England, Environment Agency, and English Heritage to advise and assist on SEA and HRA requirements. This involves the Local Planning Authority undertaking a screening assessment of the emerging Neighbourhood Plan proposals at an early stage to ascertain whether they will trigger any EU directives or Habitat directives and thus to avoid the community and local authority undertaking unnecessary work.
- 1.5. A draft screening report was sent to the Natural England, the Environment Agency and Historic England on 8 August 2018 at the same time that Congresbury Parish Council were consulting on their draft plan (Reg 14 stage). This first consultation on the draft screening report raised some issues with regard to the impact on heritage

assets of the proposed housing allocations. Historic England advised that further work should be undertaken to fully assess the impact of the proposed housing allocation sites on heritage assets (see Appendix 6). This has resulted in the Council's Conservation Officer undertaking an assessment of the potential impact of proposed housing allocations on surrounding heritage assets as set out in Appendix 7 to this report.

- 1.6. This assessment, along with some new archaeological evidence on this site, has led to the proposed housing site at Glebelands, off Church Drive being removed from the plan as a housing allocation. The advice from North Somerset Council's Conservation Officer regarding mitigating against the impacts on heritage assets on the other proposed housing sites has also now been incorporated into the policy text for those sites on the advice of Historic England and the assessment matrix included as Appendix J to the plan. The Council's Conservation Officer does not feel that the cumulative impact of the remaining proposed housing allocations would cause likely significant effects.
- 1.7. This screening report is assessing the submitted version on the Congresbury Neighbourhood Plan (Dec 2018) which includes the amendments as set out above. The report is in two parts. Section 3 sets out whether or not the contents of the Congresbury Neighbourhood Plan (NP) requires a Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plans and Programmes Regulations 2004. Section 4 looks at whether a full HRA is required.

2. Scope of the Congresbury Neighbourhood Plan

- 2.1. The Congresbury Neighbourhood Plan area (see Map 1) is the parish of Congresbury in North Somerset. The Plan is being prepared by the Congresbury Neighbourhood Plan steering group and this screening report has been undertaken by North Somerset Council on the submitted version of the plan.
- 2.2. The duration of the Neighbourhood Development Plan is up to 2036. It aligns with the emerging North Somerset Local Plan which covers the plan period 2018-2036. The strategic planning context is provided by the adopted North Somerset Core Strategy (2017) and the emerging Joint Spatial Plan. The Congresbury Neighbourhood Development Plan will be in general conformity with the adopted and emerging policies contained within these plans to meet the basic conditions. Policies in the plan do not wholly replace North Somerset Councils existing Local Plan policies (Core Strategy, Development Management Policies and Site Allocations Plan). It seeks to add local context to the existing policy framework. Where silent on an issue it is the existing adopted planning policies which will be used in consideration of development proposals.
- 2.3. The Plan specifically considers the following:
- Housing
 - Policy H1 - Sustainable Development Location principles
 - Policy H2 - Sustainable development site principles
 - Policy H3 - Potential housing site allocations
 - Policy H4 – Affordable Housing Site
 - Policy H5 – Changes to settlement boundaries
 - Transport and Highways
 - Policy T1 - Strawberry line
 - Policy T2 - Parking, walking and cycling solutions
 - Policy T3 - Mitigating traffic problems and enhancing sustainable solutions
 - Facilities
 - Policy F1 - Community facilities
 - Policy F2 - Protecting and enhancing community services
 - Environment and heritage
 - Policy EH1 - Enhance the conservation area
 - Policy EH2 - Area of separation designation
 - Policy EH3 - Local Green Space
 - Policy EH4 - Landscape and wildlife prevention measures
 - Policy EH5 - Renewable energy
 - Employment
 - Policy E1 - Retention of business and employment within the parish
- 2.4. The aim set out at the beginning of the Congresbury NP states:
“Congresbury Neighbourhood Plan aims to ensure Congresbury remains a thriving and safe community in which to live now and for the future. It covers the period up to 2036.

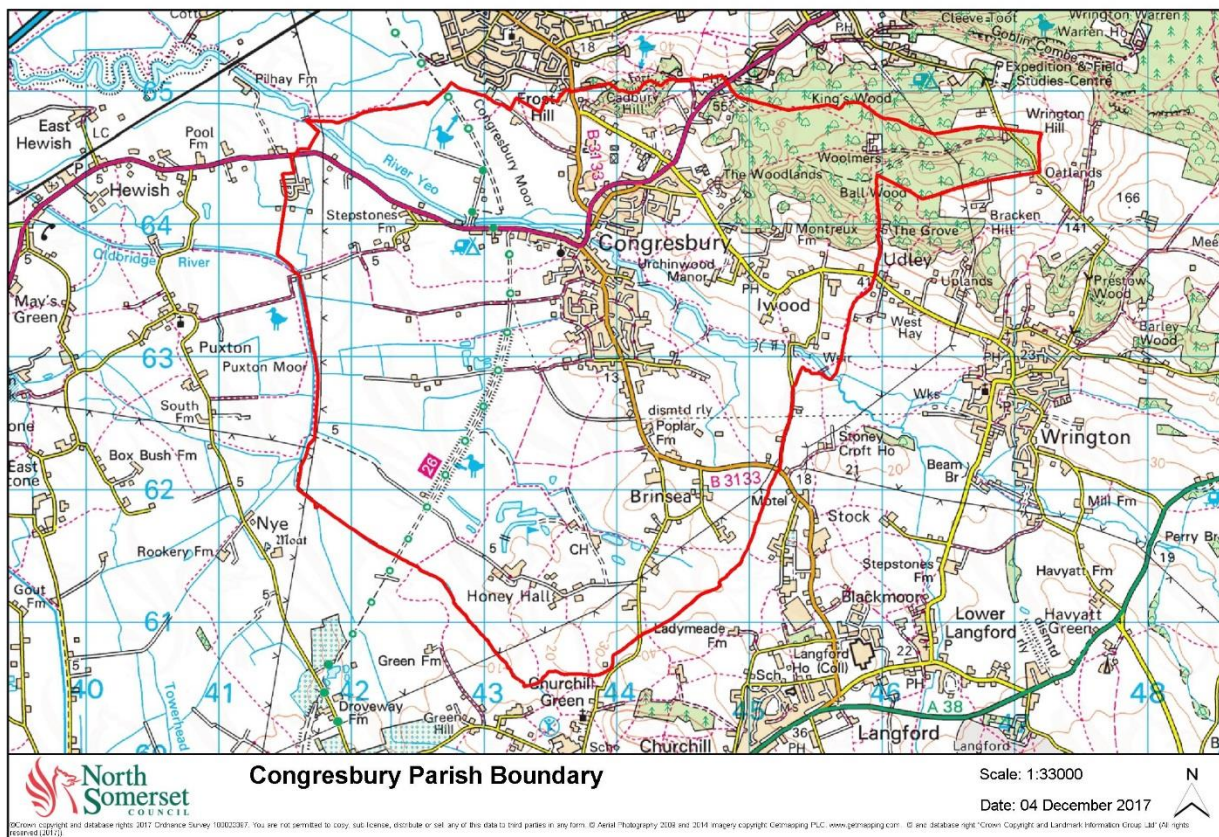
The Neighbourhood Development Plan process enables communities to better shape the place where they work and live, to inform how development takes place

and help influence the type, quality and location of that development, ensuring that change brings local benefit..”

2.5 The vision for Congresbury is:

- Congresbury will continue to be a welcoming, vibrant, independent village surrounded by green fields and with a conservation area at its heart.
- The village will remain a place where small businesses can thrive and the residents will continue to benefit from a full range of quality services, amenities and facilities.
- The community will embrace the aspirations of all its members and promote an environment where these aspirations can be realised.
- All residents of our village will feel that they can fully participate in village life; that their wellbeing is seen to be important and they feel a genuine sense of pride in where they live.
- Congresbury will continue to be a safe and pleasant place to live, and will aspire to achieving a sustainable infrastructure that minimises its carbon footprint and maximises the opportunity for recycling. The green spaces within the village will be made accessible and will be maintained for the benefit of all.
- Any future developments should be appropriate to the existing character and needs of the village.

Map 1: Congresbury Neighbourhood Area



3 SEA requirements

- 3.1 Neighbourhood Plans must be in general conformity with the strategic policies of the Local Plan which in this case is taken to be the North Somerset Core Strategy and the emerging Joint Spatial Plan. The Core Strategy was subject to a full Sustainability Appraisal which included a SEA assessment. This ensured that there were no likely significant effects which would be produced from the implementation of the Core Strategy and if so ensured mitigation measures were in place. A draft Sustainability Appraisal has been prepared for the JSP.
- 3.2 The Congresbury NDP aligns with the plan period of the JSP which is up to 2036 and as such has allocated housing sites to meet housing need beyond that of the Core Strategy plan period. In doing so it has allocated a housing site which would not be in general conformity with the current Core Strategy policies, but does address some of the need for non-strategic housing sites identified for North Somerset in the emerging JSP. As part of this process the Congresbury NDP has also amended the settlement boundary for Congresbury to incorporate the proposed housing allocations.
- 3.3 The council considers that there is general conformity between the Congresbury Neighbourhood Plan, the Core Strategy and the emerging JSP and North Somerset Local Plan 2036 and that there are no significant changes introduced by the Congresbury Plan. **It can therefore be concluded that the implementation of the Congresbury Neighbourhood Plan would not result in any likely significant effects upon the environment.**
- 3.4 This screening report also follows the ODPM guidance on SEA's on ascertaining whether a full SEA is required. That guidance is set out in a flow diagram which is reproduced in appendix 5.
- 3.5 Criteria for determining the likely significance of effects referred to in Article 3(5) of Directive 2001/42/EC are set out in appendix 4.
- 3.6 The process followed in completing the assessment accords with the diagram (Figure 2) of the Practical Guide to the Strategic Environmental Assessment (reproduced below). The table which follows sets out the assessment undertaken in accordance with the diagram.

Table 1 Application of SEA Directive to Congresbury Neighbourhood Plan

Application of SEA Directive to Congresbury Neighbourhood Plan		
Stage	Y/N	Reason
1. Is the PP (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	The preparation of and adoption of the NP is allowed under The Town and Country Planning Act 1990 as amended by the Localism Act 2011. The NP is prepared by Congresbury Parish Council (as the "relevant body") and will be "made" by NSC as the local authority. The preparation of NPs is subject to The Neighbourhood Planning (General) Regulations 2012 and The Neighbourhood Planning (referendums) Regulations 2012.
2. Is the PP required by legislative, regulatory or administrative provisions? (Art. 2(a))	N	Communities have a right to be able to produce a Neighbourhood Plan, however communities are not required by legislative, regulatory or administrative purposes to produce a Neighbourhood Plan. This plan however if adopted would form part of the statutory development plan, therefore it is considered necessary to answer the following questions to determine further if an SEA is required.
3. Is the PP 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))	N	The Congresbury NP is prepared to set out a framework for town and country planning and the future development of a number of land uses within the parish of Congresbury including housing and employment uses, although it does not anticipate being the tool to manage development of the scale and nature envisaged by Annex I and Annex II of the EIA Directive.
4. Will the PP, 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))	N	The HRA screening assessment is undertaken at Section 4 of this report (to ascertain whether an Appropriate Assessment is required under Conservation of Habitats and Species Regulations 2010, which relate to Articles 6(3) and (4) of the Habitats Directive). It concludes that an Appropriate Assessment will not be required as the implementation of the plan will not have likely significant effects on protected species or their habitats (Also appendix 1, 2 and 3).
5. Does the PP 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)	Y	Determines the use of small areas at a local level including housing, employment, retail, local green space and valued landscape.
6. Does the PP set the framework for future development consent of projects (not just projects in annexes to the EIA Directive)? (Art 3.4)	Y	The NP is to be used for determining future planning applications.
7. Is the PP'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)	N	n/a
8. Is it likely to have a significant effect on the environment? (Art. 3.5)	N	The HRA screening assessment is undertaken at Section 4 of this report (to ascertain whether an Appropriate Assessment is required under Conservation of Habitats and

		Species Regulations 2010, which relate to Articles 6(3) and (4) of the Habitats Directive). It concludes that an Appropriate Assessment will not be required as the implementation of the plan will not have likely significant effects on protected species or their habitats (Also appendix 1, 2 and 3).
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3.7 Criteria for determining the likely significance of effects referred to in Article 3(5) of Directive 2001/42/EC are set out below, together with a commentary on whether the draft NP would trigger the need for a full assessment.

Table 2 Criteria for determining the likely significant effects referred to in Article 3 (5) of Directive 2001/42/EC and assessment of these.

Criteria in Annex II of the SEA Directive	Response	Is there a significant effect
(1) Characteristics of the plan 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.	The Plan will set a framework for development proposals within the Congresbury Neighbourhood Area of a level which conforms with the North Somerset Core Strategy, emerging JSP and emerging North Somerset Local Plan 2036. This is as a Service Village where small scale development of an appropriate scale is appropriate. The plan allocates five housing sites, but draft Policy H2 states "New development should not exceed more the 25 dwellings on any one site to ensure sustainable small scale residential development that respects and enhances the character of the village". The Plan also proposed the designation of three new areas of Local Green Space, two employment sites and contains policies for protection of landscape and local wildlife, retail services, employment uses, community facilities and the historic environment.	No
The degree to which the plan or programme influences other plans and programmes including those in a hierarchy	The Neighbourhood Plan is subordinate to the Core Strategy and emerging JSP. It will sit alongside the Sites and Policies Development Management Plan and Site Allocations Plan and the emerging Local Plan 2036. It does not set the framework for lower order plans or programmes.	No
The relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting	The Neighbourhood plan is required to contribute to the achievement of sustainable development. The Plan itself contains policies to promote sustainable development and protection of important environmental assets.	No

sustainable development		
Environmental problems relevant to the plan or programme	There are not considered to be any significant environmental problems which are specific to the area. The Congresbury Neighbourhood Plan may include policies to provide additional environmental protection such as foul and surface water drainage, highway safety, sustainable drainage, renewable and low carbon energy generation.	No
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)	The implementation of community legislation is unlikely to be significantly compromised by the Congresbury Neighbourhood Plan.	No
(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.	In light of the scale and nature of the proposals it is considered unlikely that significant effects will result. The plan policies and proposals support only small scale housing and safeguarding and promoting employment uses through the allocation of two employment sites which are currently in use for retail uses. It is unlikely therefore that there will be any significant effects on the environment. Any small scale impacts will be the subject of mitigation.	No
b) The cumulative nature of the effects.	The neighbouring village of Yatton within the same parish (Yatton), but with a different neighbourhood area, is the subject of development pressure with 696 new houses proposed within the emerging Site Allocations Plan. The Congresbury NP identifies the potential allocation of five housing sites equalling approximately 85 new houses across the plan area. Any planning proposals for these sites, can be subject to relevant impact studies to identify appropriate levels of development and so avoid significant cumulative effects of housing or other development in conjunction with proposed development levels at Yatton. Proposals can be adjusted accordingly and given the scale of likely development at Congresbury there are unlikely to be significant environmental effects.	No
c) The trans boundary nature of the effects.	Any trans boundary impacts beyond the Congresbury Neighbourhood Plan area are unlikely to be significant given the nature and scale of the proposals within the plan. Any	No

	development at the proposed housing sites will be subject to relevant impact studies as necessary to determine the appropriate level of development.	
d) The risks to human health or the environment (e.g. due to accidents).	The Congresbury Neighbourhood plan is unlikely to introduce significant risks to human health in light of the nature and scale of proposals.	No
e) The magnitude and spatial extent of the effects (geographical area and size of the population likely)	The scale of development proposed in the Neighbourhood Plan is small scale housing sites and therefore the potential for environmental effects is also likely to be small and localised. It is unlikely that the effects of the proposals within the Plan will be large scale and extensive in themselves in the context of the SEA. See also c) and d) above.	No
f) The value and vulnerability of the area likely to be affected due to: i) Special natural characteristics or cultural heritage	<p>The neighbourhood plan offers the opportunity to enhance the natural environment and the cultural heritage of the area through the proposals being considered, particularly policy EH1 which aims to Enhance the Conservation Area and protect the Village Cross.</p> <p>Where the plan is silent on an issue then Sites and Policies (Development Management) Plan Part 1, or Core Strategy will prevail, which contain policies for the protection of the natural and built environment including cultural heritage.</p> <p>There are a number of nationally or locally protected areas or buildings falling partly within the neighbourhood area (SSSI, SNCI, listed buildings and conservation area).</p> <p>An assessment of the proposed housing allocations has shown that development of those sites would have a low-medium impact which can be mitigated against. These mitigation measures have been included in the policy text for each site to ensure they are incorporated as part of any future development.</p> <p>The councils Conservation Officer does not feel that there will be a cumulative impact of the proposed housing allocation on the heritage assets within the plan area.</p>	No
ii) Exceeded environmental quality standards or limit values	The Congresbury NP is unlikely to result in the exceedance of environmental quality standards, such as those relating to air, water and soil quality, due to the nature and scale of the development.	No
iii) Intensive land use	The Plan is unlikely to bring forward development of an extent which would result in significant intensification of local land use.	No
g) The effects on areas or landscapes which have a	There are no areas of landscape designation within the Congresbury neighbourhood area.	No

recognised national, Community or international protection status.		
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4. HRA screening

- 4.1. The screening exercise considered whether significant effects would be likely regarding one of the four European Sites within North Somerset, namely the North Somerset and Mendip Bats SAC. The other three Sites are the Severn Estuary European Marine Site (SAC, SPA and Ramsar), Mendip Limestone Grasslands SAC and Avon Gorge Woodlands SAC. These were considered too remote from the area affected by the policies within the Congresbury Neighbourhood Plan.
- 4.2. There are European Sites outside North Somerset. However it was assessed that there would not be likely significant effects on these due also to the distance involved.
- 4.3. Consistent with the regulations, the screening exercise has taken account of whether significant effects are likely from the Congresbury Neighbourhood Plan alone, and also whether in-combination effects are likely (taking account of other plans and projects in combination with it).
- 4.4. A description of the Mendip Bats SAC, its qualifying features and conservation objectives and a map showing the location of all the European Sites is included in Appendix 2. The 5km consultation zone around the Bat SAC extends across the majority of the Congresbury Neighbourhood Area. There is also a maternity roost at Brockley Hall stables which is 3.5km from the north eastern edge of Congresbury village which could potentially be affected by proposals within the Congresbury Neighbourhood Development Plan.
- 4.5. The North Somerset Core Strategy was adopted in April 2012 and was subject to a high level HRA assessment. The Congresbury Plan is in conformity with the strategic policy approach of the Core Strategy, in terms of nature and location of development, apart from one proposed site for 20 dwellings which is approximately 300m from the existing settlement boundary and therefore not in conformity with policies CS32 or CS33 of the Core Strategy. However, it is considered that the allocation of this site would not have any significant effects on the North Somerset and Mendip Bat SAC, particularly as it is furthest from the European Site. Therefore, it is broadly considered that the Congresbury NDP broadly complies with the HRA undertaken for the Core Strategy.
- 4.6. The Congresbury Neighbourhood Plan looks at a much more local level than the Core Strategy and therefore it is necessary to consider whether any policies or proposals arising from the Plan differ materially from the Core Strategy. Policy CS4 of Core Strategy seeks to protect, connect and enhance important habitats, particularly designated sites, ancient woodlands and veteran trees. Policy DM8 of the Development Management Policies Plan provides a comprehensive framework for ensuring that nature conservation implications of development, particularly for protected species and their habitats, are fully considered and detailed HRA's of sites undertaken as necessary as part of the planning application process. The Congresbury Neighbourhood plan does not seek to replicate these policies.
- 4.7. Paragraph 2.2 above sets out the scope of the Congresbury Plan. Considering the existing policy context and scope of the plan, Policies H1, H2, H3, H4, H5 and

Policy E1 within the Congresbury NP could potentially have a significant impact as they propose new housing sites and sites for employment and community uses around the village.

4.8. The screening assessment of each policy is shown below in table 4 with an explanation of the categorisation of effects in table 3.

Table 3 Category for assessing likely effects - North Somerset and Mendip Bats SAC

Category	Sub category	Description
1. No negative effect	A	Policy will not lead to development in that it relates to design or other qualitative criteria, or it is not a land-use planning policy.
	B	Policy intended to conserve or enhance the natural, built or historic environment, where enhancement measures will not be likely to have any negative effect on a European Site.
	C	Policy is similar to existing Local Plan policy which has been assessed as having no negative effects by a HRA.
2. No significant effect	N/A	No significant effect either along or in combination with other plans or projects, because effects are trivial or minimal.
3. Likely significant effect alone	N/A	Policy could indirectly affect a European Site, because it provides for, or steers, a quantity or type of development that may be very close to it, or ecologically, hydrologically or physically connected to it, or it may increase disturbance as a result of increased recreational pressure.
4. Likely significant effect in combination	N/A	The policy alone would not be likely to have significant effects but its effects are combined with the effects are combined with the effects of other policies or proposals provided for or coordinated by the relevant plans or projects the cumulative effects would be likely to be significant.

Table 4

Assessment of likely significant effects on North Somerset and Mendip Bat SAC, including the Brockley Stables Maternity roost through implementation of the Congresbury Neighbourhood Plan

Plan policies and proposals	Effect
H1: Sustainable Development Location Principles	2
H2: Sustainable Development Site Principles	2
H3: Potential Housing Site Allocation	2
H4: Affordable Housing Site	2
H5: Changes to the Settlement Boundary	2
T1: Strawberry Line	1
T2: Parking, Walking and Cycling Solutions	1
T3: Mitigating Traffic Problems and Enhancing Sustainable Travel	1
F1: Community Facilities	1
F2: Protecting and Enhancing Community Services	1
EH1: Enhance the Conservation Area and Protect the Village Cross	1
EH2: Area of Separation	1
EH3: Local Green Space	1
EH4: Landscape and Wildlife Preservation Measures	1
EH5: Renewable Energy	1
E1: Retention of Business and Employment within the Parish	2

5. Conclusions - Screening Outcome

- 5.1 As a result of the assessment above and feedback from the initial consultation on the draft SEA and HRA screening with Natural England, the Environment Agency and Historic England it can be concluded that the Congresbury Neighbourhood Development Plan is unlikely to have significant environmental effects.
- 5.2 Proposed housing sites C and D lie within the Horseshoe Bat Zone A, and would result in the loss of greenfield land if developed, however and other developments proposed by the Neighbourhood Development Plan will be subject to the requirements of the North Somerset Councils 'North Somerset and Mendip Bats Special Area of Conservation Guidance on Development SPD' which should ensure significant effects on the SAC do not occur.
- 5.3 It is felt that the Plan does not require a full SEA to be undertaken as the scale of development is such that it will not cause significant environmental effect either in isolation or cumulatively. The impact of the plan on heritage assets has been assessed further following comments from Historic England on the draft SEA/HRA screening on the draft plan. The councils Conservation Officer has assessed of the potential impact of proposed housing allocations on surrounding heritage assets. This assessment, along with some new archaeological evidence on the site, has led to the proposed housing allocation off Church Drive being removed from the plan.
- 5.4 The advice from North Somerset Council's Conservation Officer regarding mitigating against the impacts on heritage assets on the other proposed housing sites has also now been incorporated into the policy text for those sites on the advice of Historic England and the assessment matrix included as Appendix J to the plan. The Councils Conservation Officer does not feel that the cumulative impact of the remaining proposed housing allocations would cause likely significant effects.
- 5.5 The response from Natural England on the draft screening report (see Appendix 8) stated:
- "We have reviewed the draft HRA and SEA screening assessments. Based on the information provided we consider the Council's conclusion that the Congresbury Neighbourhood Plan is unlikely to have significant environmental effects is reasonable, including with respect to national and European designated sites, and agree that further assessment is not necessary.*
- In reaching our view we have noted that two proposed housing sites (sites D and E) lie within the Horseshoe Bat Zone A, and would result in the loss of greenfield land if developed; however these and other developments proposed by the Neighbourhood Plan will be subject to the requirements of the 'North Somerset and Mendip Bats Special Area of Conservation Guidance on Development SPD' which should ensure significant effects on the SAC do not occur".*
- 5.6 Changes to the submitted plan reduce the size of what was Site D (now site C) and removed the Glebelands housing allocation so the likelihood of significant environmental effects is reduced further.

5.7 The Environment Agencies response (see Appendix 9) recommended that development is steered to low flood risk areas and that Flood Risk Assessments would be required for any new development that is sited within the floodplain. In relation to the draft SEA/HRA Screening report the Environment Agency concluded:

“that it is noted that North Somerset Council have applied the SEA and HRA directives to the Congresbury Neighbourhood Plan. Therefore, we have no comments to make in respect of this matter”.

5.8 In conclusion, based on the amendments that have been made to the submitted Congresbury Neighbourhood Development Plan since the consultation draft, which reduces the size of one of the housing allocations and removes another due to the significant impact development of it would have on heritage assets, it is felt that the Plan does not require a full SEA to be undertaken as the scale of development is such that it will not cause significant environmental effect either in isolation or cumulatively.

APPENDIX 1:
European Sites in North Somerset



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North Somerset Council, 2014

APPENDIX 2:

North Somerset and Mendip Bats SAC

North Somerset and Mendip Bats Special Area of Conservation (SAC) comprises seven component SSSIs located approximately 5km to the north west of the Mendip Hills and immediately south of the Mendip Hills. This SAC (561.19ha) comprises a number of component areas.

The Cheddar complex and Wookey Hole areas support a wide range of semi-natural habitats including *Tilio-Acerion* forest and semi-natural dry grasslands, which support a large number of rare plants. Kings and Urchin's Wood has a large block of *Tilio-Acerion* forest which has developed over limestone which out crops in parts of the site and forms a steep scarp to the south-east.

The limestone caves of the Mendips in this area provide a range of hibernation sites for horseshoe bat species. The SAC represents 3% of the UK greater horseshoe bat population, comprising an exceptional range of sites used by the population, including two maternity sites in lowland North Somerset and a variety of cave and mine hibernation sites in the Mendip Hills.

Qualifying Interests:

North Somerset and Mendip Bats SAC was primarily selected as a SAC for:

1. Its ***semi-natural dry grasslands and scrubland facies: on calcareous substrates (Festuco-Brometalia)*** for which this is considered to be one of the best areas in the UK. *Festuco-Brometalia* grasslands are found on thin, well-drained, lime-rich soils associated with chalk and limestone. Often maintained by grazing, a large number of rare plants are associated with this habitat, including the *Annex II* species *Gentianella anglica* (early gentian). The invertebrate fauna is also noteworthy and includes rarities such as the Adonis blue *Lysandra bellargus* and silver-spotted skipper *Hesperia comma*.
2. ***Tilio-Acerion forests of slopes, screes and ravines*** for which this is considered to be one of the best areas in the UK. *Tilio-Acerion* forests are woods of ash *Fraxinus excelsior*, wych elm *Ulmus glabra* and lime (mainly small-leaved lime *Tilia cordata* but more rarely large-leaved lime *T. platyphyllos*). Introduced sycamore *Acer pseudoplatanus* is often present and is a common part of the community in mainland Europe, where it is native.
3. ***Natural caves that are not routinely exploited for tourism***, and which host specialist or endemic cave-dwelling species (cavernicoles) or support important populations of *Annex II* species. Cavernicoles in the UK include bacteria, algae, fungi and various groups of invertebrates (e.g. insects, spiders and crustaceans). Some caves are important hibernation sites for bat species, including all four *Annex II* species found in the UK.

Annex II species present on the site:

Lesser Horseshoe Bat (*Rhinolophus hipposideros*) and Greater Horseshoe Bat (*Rhinolophus ferrumequinum*) are *Annex II* species present as a qualifying feature here, but not a primary reason for site selection. They still need to be considered however, when assessing the qualifying interests and conservation objectives of the site.

Conservation Objectives:

The Conservation Objectives for the North Somerset and Mendip Bats SAC are focussed on the component SSSIs, which within North Somerset are:

- Banwell Caves
- Banwell Ochre Caves
- Brockley Hall Stables
- Kings Wood and Urchin Wood
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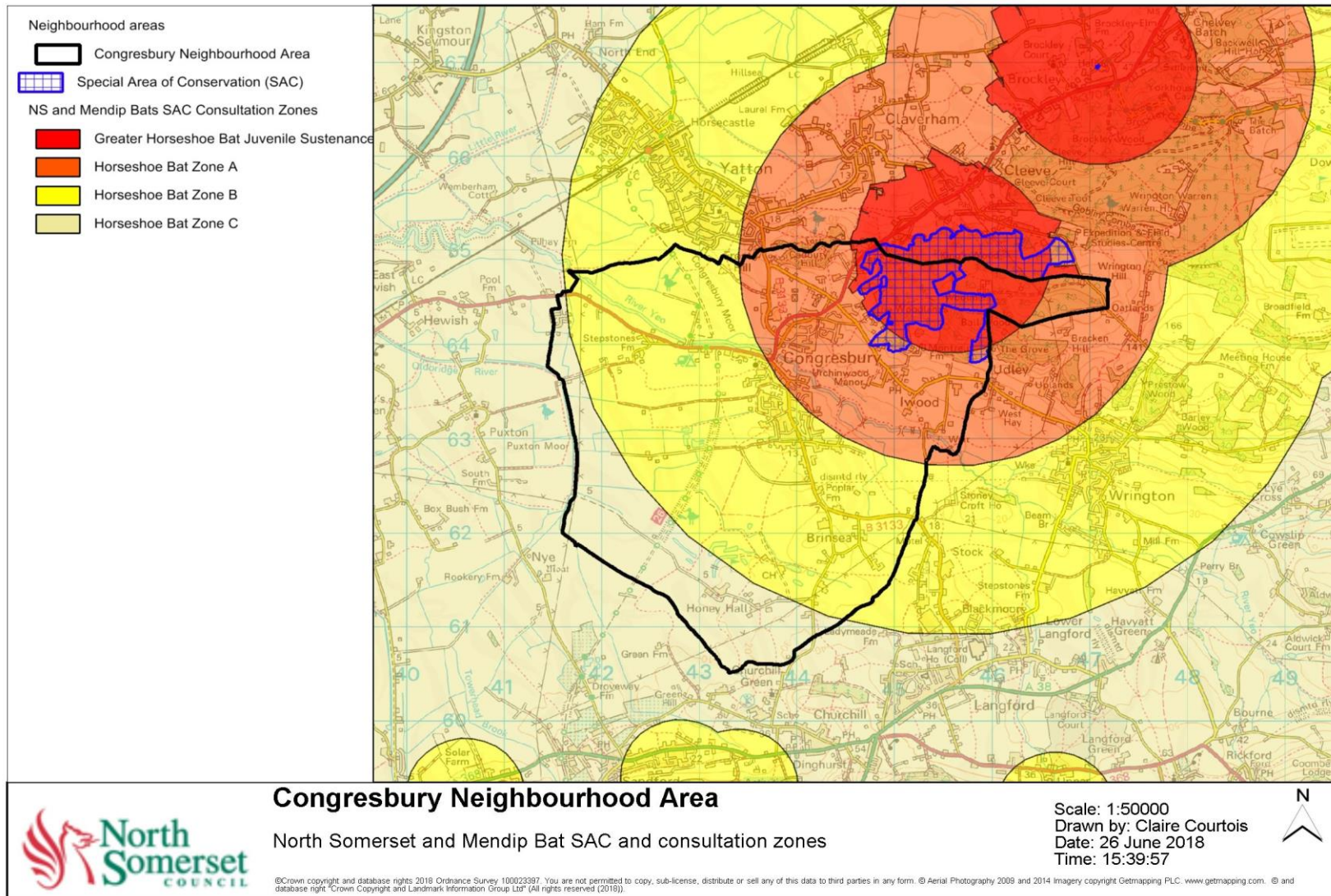
The conservation objectives are to maintain in favourable condition the *Rhinolophus ferrumequinum* (Greater Horseshoe Bat), for which this is considered one of the best areas in the UK, and the *Rhinolophus hipposideros* (Lesser Horseshoe Bat).

Additional Information:

There are significant management problems associated with both the grassland and woodland elements of the SAC. Low levels of grazing have led to scrub invasion and the development of secondary woodland. The woodland has been badly managed in the past and requires a considerable amount of restoration.

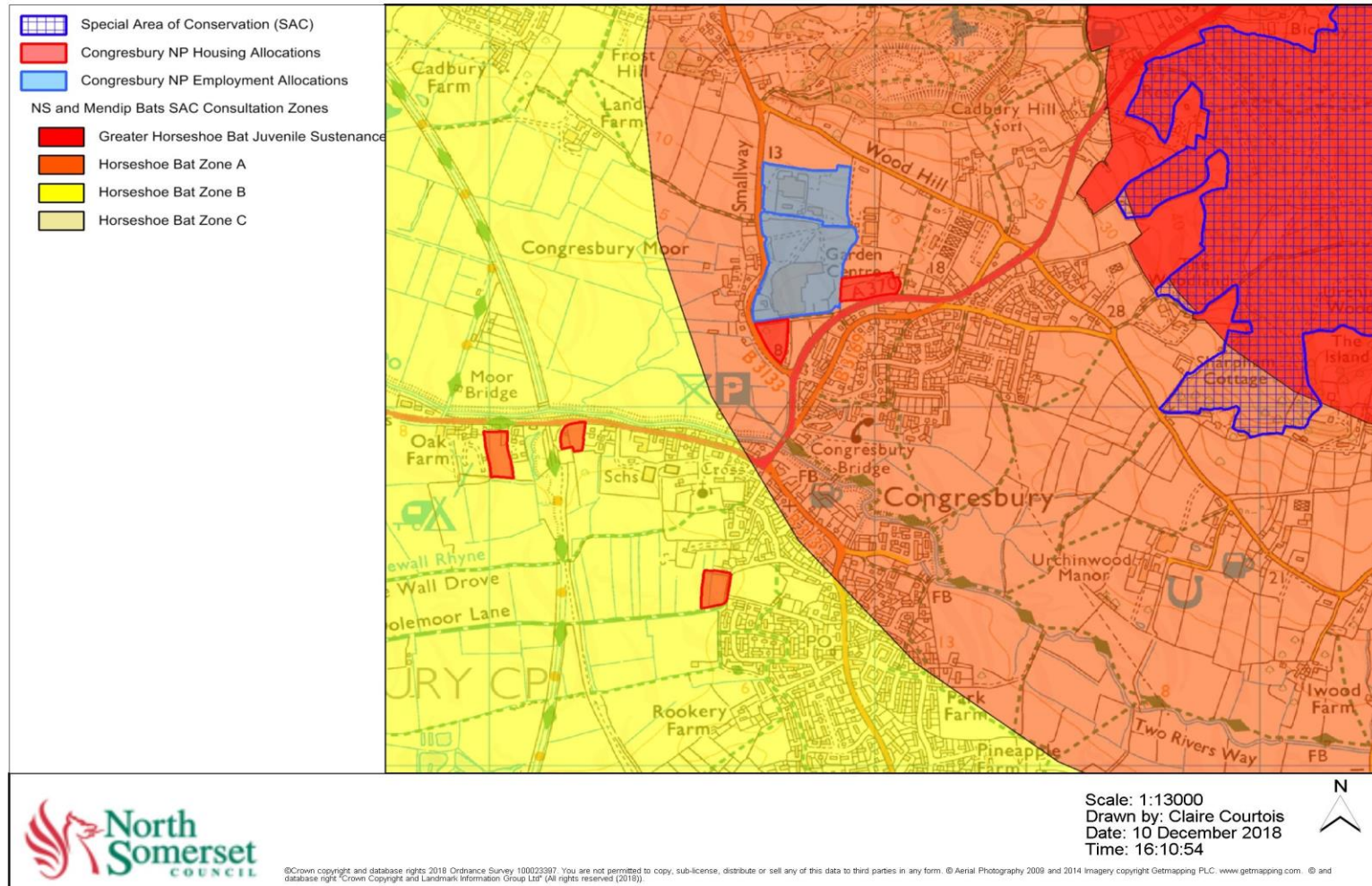
APPENDIX 3:

Congresbury Neighbourhood Area with proximity of North Somerset and Mendip Bat SAC and consultation zones



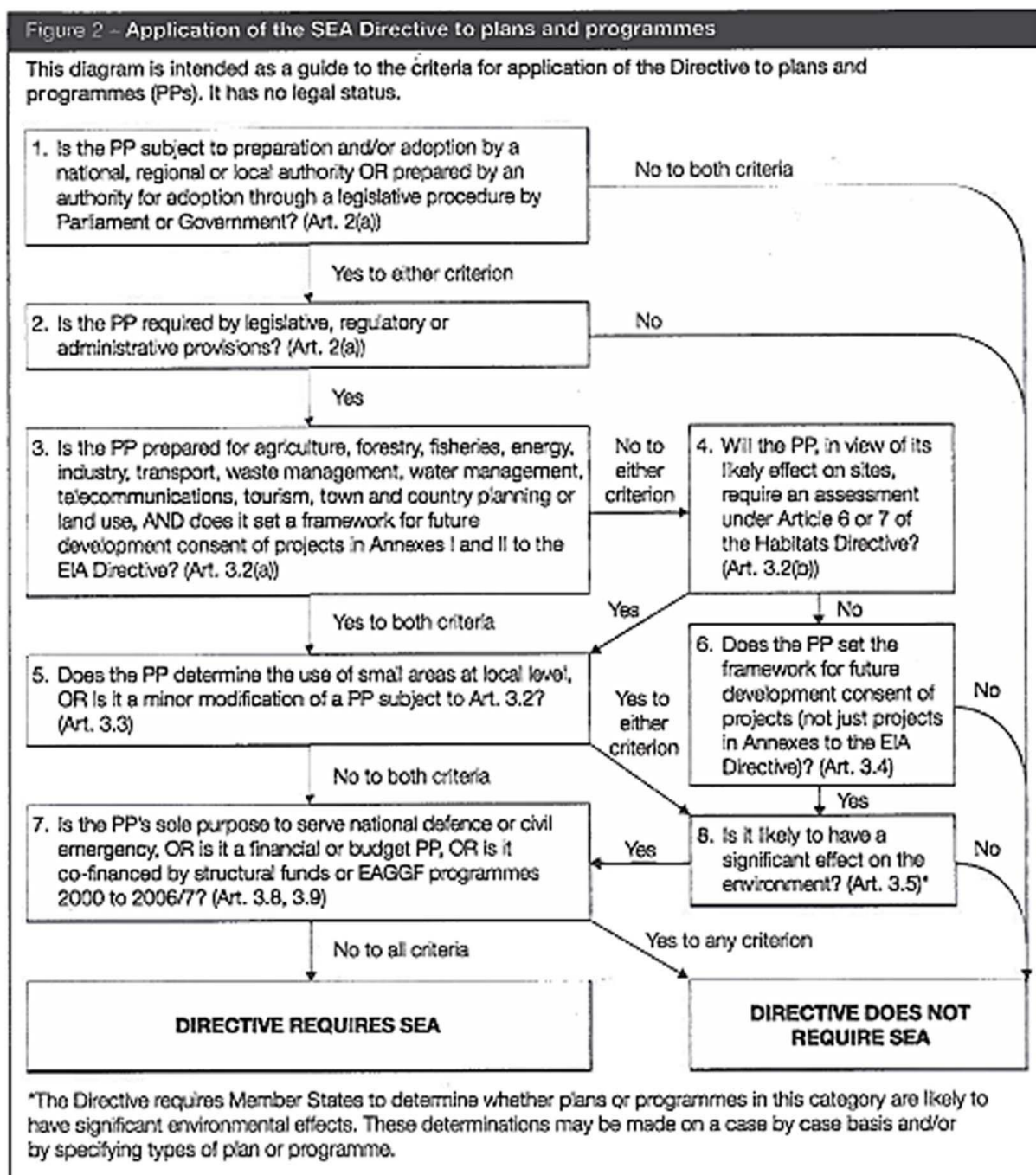
APPENDIX 4:

Congresbury Neighbourhood Area with proximity of North Somerset and Mendip Bat SAC and consultation zones



APPENDIX 5

Application of the SEA directive to the Congresbury Neighbourhood Plan



APPENDIX 6:

15/10/2017 – E-mail Correspondence from Historic England.

Thank you for your consultation on the SEA Screening for the Congresbury Neighbourhood Plan.

Your consultation coincided with that from the community on a draft version of its Plan. I attach our response to that consultation for information.

You will see that we have advised that we consider that the methodology used to assess possible heritage asset considerations and potential for impact upon their significance is in need of greater substantiation. As offered we do not believe that it provides adequate evidence to demonstrate conformity with national and local policy for the protection and enhancement of the historic environment.

On this basis we are not sure how the Council's Screening Report can assert in section (2)b) of Table 2 (p10) that there is an improbability of significant environmental effects, or in f) (p11) that though there are a number of Listed Buildings within the neighbourhood area none of the Plan's policies or proposals will have a direct influence upon them.

We are therefore unable to agree with the assertions within the Report, especially given that case law has established that the threshold for determining whether significant environmental effects are likely is in fact pretty low.

We have advised the community to provide more robust evidence in support of its Plan and are prepared to review our position and advice on its receipt. Until that time we must advise your authority that in the absence of evidence to demonstrate that an SEA is not required its preparation must be seen as a default outcome.

At the same time, we appreciate that the production of an SEA may ultimately prove to be unnecessary so a deferral on any Screening decision until further information is forthcoming would seem to be a sensible approach.

Kind regards

David

David Stuart | Historic Places Adviser South West

Historic England | 29 Queen Square | Bristol | BS1 4ND

<https://historicengland.org.uk/southwest>



APPENDIX 7:

Congresbury Neighbourhood Development Plan – Assessment of impact of housing allocation on heritage assets.

All advice has been drawn up by NSC Heritage Officers in line with paragraph 190 of the NPPF:

<u>Site</u>	<u>Assets</u>	<u>Impact</u>
A	<p>Non-designated heritage assets: Oak Farm, Prince of Wales Pub</p> <p>Archaeology: There is low-moderate potential for archaeology in that area – surrounding evidence of Roman and Medieval activity</p>	<p>Low Impact</p> <p>These assets are of local importance but need to be given consideration under paragraph 197 of the NPPF and Development Management policies DM6 & DM7.</p> <p>Designs here should respect the setting of these non-designated heritage assets and integrate into the character of Congresbury village both in terms of scale and materials. Site layout should maintain key views towards these assets, enhancing the area rather than separating it from the core village.</p> <p>Due to the potential of archaeology on this site an archaeological DBA will be required with any application in accordance to paragraph 189 of the NPPF, with the potential for further field evaluation.</p>
B	<p>Archaeology: There is potential for archaeology within the site particularly railway archaeology as this is the site on the old Congresbury station</p>	<p>Low to Medium Impact</p> <p>These assets are of local importance but need to be given consideration under paragraphs 189 & 190 of the NPPF and Development Management policy DM6.</p> <p>There is known archaeology on the site associated with the old railway. Enhancement project should be encouraged to potentially provide some interpretation of the old rail way.</p>

		Due to the potential of archaeology on this site an archaeological DBA will be required with any application in accordance to paragraph 189 of the NPPF.
C	<p>Scheduled monument: Cadbury Camp hillfort</p> <p>Listed buildings: Grade II – Rhodyate House Grade II- Clarence Court</p> <p>Archaeology: Due to its proximity to the scheduled Iron Age hillfort there is potential for archaeology</p>	<p>Low – Medium Impact</p> <p>These assets are of National importance this will need to be given consideration under paragraphs 190 and 196 of the NPPF and will need to be in line with Development Management policies, DM4 and DM6/DM7.</p> <p>The site is within the setting of the scheduled monument and within the setting of 2 listed buildings. The development is likely to impact their setting but providing the scheme is well designed in keeping with the character of Congresbury and providing any development on the site is no more than 2 – 3 storeys this should reduce the impact of the potential development on the setting of the listed buildings.</p> <p>Due to the potential of archaeology on this site an archaeological DBA will be required with any application in accordance to paragraph 189 of the NPPF. Further investigations are likely based on the moderate potential here.</p>
D	<p>Scheduled monument: Cadbury Camp hillfort</p> <p>Listed buildings: Grade II – Rhodyate House Grade II- Clarence Court</p> <p>Archaeology: Due to its proximity to the schedule hillfort there is potential for archaeology</p>	<p>Low – Medium Impact</p> <p>These assets are of National importance this will need to be given consideration under paragraphs 190 and 196 of the NPPF and will need to be in line with Development Management policies, DM4 and DM6/DM7.</p> <p>The site is within the setting of the scheduled monument and within the setting of 2 listed buildings. The development is likely to impact their setting but providing the scheme is well designed in keeping with the character of Congresbury and providing any development on the site is no more than 2 – 3 storeys this should reduce the impact of the potential development on the setting of the listed buildings.</p>

		There is potential for further archaeology on this site and a DBA will be required.
E	<p>Scheduled monuments: Churchyard Cross</p> <p>Listed buildings: Grade I – Sr Andrews Church Grade I – Vicarage and Refectory As well as a number of Grade II listed monuments within the churchyard Grade II - The Court House</p> <p>Conservation Areas: Congresbury Conservation Area</p> <p>Archaeology: Low-moderate potential for archaeology as on the periphery of the historic core settlement.</p>	<p>Low Impact</p> <p>These assets are of National importance this will need to be given consideration under paragraphs 190 and 196 of the NPPF and will need to be in line with Development Management policies DM3, DM4 and DM6 and DM7.</p> <p>The site is potentially within the setting of particularly the grade I listed buildings. The development will also be within views to and from the conservation area. The site layout should match the urban grain of the village and the design should also be in keeping with the village rather than being segmented off from the remaining village style.</p> <p>Due to the potential of archaeology on this site an archaeological DBA will be required with any application in accordance to paragraph 189 of the NPPF</p>

Assessment was also undertaken on a proposed housing allocation at Glebelands, off Church Drive to the north west of the village next to the church. The initial assessment (set out below) along with some additional archaeological evidence that emerged since the consultation led to the site being removed from the plan:

Glebelands, off Church Drive	<p><u>Scheduled monuments:</u> Churchyard Cross</p> <p><u>Listed buildings:</u> Grade I – St Andrew’s Church Grade I – Vicarage and Refectory</p>	<p>High Impact</p> <p>This is a highly sensitive site in terms of heritage both in terms of the built heritage and the potential archaeology as it contains several nationally important assets. This will need to be taken into consideration under paragraphs 190 and 196 of the NPPF and will need to be in line with Development Management policies DM3, DM4 and DM6/DM7.</p>
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	<p>As well as a number of Grade II listed monuments within the churchyard</p> <p><u>Conservation Areas:</u> Congresbury Conservation Area</p> <p><u>Archaeology:</u> High potential for archaeology as known significant archaeology has been found in this location</p>	<p>Any development here will need to respect the character of the listed buildings, taking a subservient role. They will need to be well designed to not harm the character or setting of both the listed buildings and the conservation area.</p> <p>Any new development should not compete with the highly significant heritage assets. There is known archaeology in the immediate vicinity to this site and a high potential for further archaeology within this area – heritage impact statements and field evaluations will be required here.</p>
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APPENDIX 8

Response from Natural England on the draft screening report.

Date: 20 August 2018
Our ref: 255001
Your ref: -



Claire Courtois
Principal Planning Policy Officer
Development & Environment
North Somerset Council
BY EMAIL ONLY
Claire.Courtois@n-somerset.gov.uk

Customer Services
Hombeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

Dear Ms Courtois

Planning consultation: Congresbury Neighbourhood Development Plan - SEA and HRA Screening Report

Thank you for your consultation on the above dated 08 August 2018 which was received by Natural England on the same date.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

The Congresbury Neighbourhood Plan appears to be a well-researched and generally positive document that reflects local aspirations for the area and accords with other relevant policies.

The Plan recognises that Congresbury Parish contains European and nationally designated sites. Natural England welcomes *Policy EH4 – Landscape and Wildlife Preservation Measures*, which should help to protect the interests of these sites and secure wider benefits for wildlife and the natural environment.

Habitats Regulation Assessment (HRA) and Strategic Environmental Assessment (SEA)

We have reviewed the draft HRA and SEA screening assessments. Based on the information provided we consider the Council's conclusion that the Congresbury Neighbourhood Plan is unlikely to have significant environmental effects is reasonable, including with respect to national and European designated sites, and agree that further assessment is not necessary.

In reaching our view we have noted that two proposed housing sites (sites D and E) lie within the Horseshoe Bat Zone A, and would result in the loss of greenfield land if developed; however these and other developments proposed by the Neighbourhood Plan will be subject to the requirements of the '*North Somerset and Mendip Bats Special Area of Conservation Guidance on Development SPD*' which should ensure significant effects on the SAC do not occur.

We would be happy to comment further should the need arise but if you have any queries relating to the advice in this letter please do not hesitate to contact me on 07900 608311.

Yours sincerely

Amanda Grundy
Somerset, Avon & Wiltshire Area Team

APPENDIX 9:

Response from Environment Agency on draft screening report.

Ms C Courtois
North Somerset Council
Local Plans
Town Hall
Walliscote Grove Road
Weston-super-Mare
North Somerset District Council
BS23 1UJ

Our ref: WX/2006/000025/OR-
25/IS1-L01
Your ref:
Date: 26 September 2018

Dear Ms Courtois

CONGRESBURY NEIGHBOURHOOD DEVELOPMENT PLAN

Thank you for providing notification of the preparation of the above Neighbourhood Plan, which was received on 8th August 2018, and apologies for the delay in responding.

The Environment Agency can now make the following comments relating to our interests within the boundary;

Within this plan are areas of Flood Zone 3 and 2 which are at high and medium probability of flooding. Flood Zone 3 has an indicative annual probability of flooding in 1 in 100 years or less from river sources (i.e. it has a 1% or greater chance of flooding in any given year).

We would recommend that new development does not occur within these areas and is steered to low flood risk areas. We would expect this to be encouraged through the planning process and Sequential Test as stated in the National Planning Policy Framework (NPPF).

Flood Risk Assessment's would also be required for any new development that is sited within the floodplain. The FRA would be required to demonstrate the proposal is not at risk from flooding, and that there is no increase in risk for any third parties. This would be for the lifetime of development and include an allowance for climate change.

Sustainable drainage systems/techniques (SuDs) should be used for any development to reduce runoff, improve water quality, and benefit biodiversity and aesthetics. The Lead Local Flood Authority should now be consulted on this as it falls under their remit.

Please see the attached flood maps for your information.

Please note that any development may require a permit under the Environmental Permitting (England and Wales) Regulations 2010 from the Environment Agency for any proposed works or structures, in, under, over or within eight metres of the top of the bank of a designated 'main river'. This was formerly called a Flood Defence Consent. Some activities are also now excluded or exempt. A permit is separate to and in addition to any planning permission granted. Further details and guidance are available on the GOV.UK website: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.

River corridors should be valued for wildlife and amenity reasons

In addition, it is noted that North Somerset Council have applied the SEA and HRA directives to the Congresbury Neighborhood Plan. Therefore, we have no comments to make in respect of this matter.

If you wish to discuss any of the above I can be contacted on 020302 50287.

Please quote the Agency's reference on any future correspondence regarding this matter.

Yours sincerely

Richard Bull
Sustainable Places - Planning Advisor

Direct dial 02030 250287
Direct fax 01278 452985
Direct e-mail nwx.sp@environment-agency.gov.uk