

# Strategic Environmental Assessment (SEA) for the Kings Somborne Neighbourhood Plan

## Compliance Review

June 2022

## Quality information

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## Revision History

| Revision | Revision date | Details   | Name           | Position                           |
|----------|---------------|---|----------------|------------------------------------|
| V1       | April 2022    | First draft for<br>internal review                      | Cheryl Beattie | Principal Environmental<br>Planner |
| V2       | April 2022    | First draft for<br>discussion with<br>KS Parish Council | Graham Searle  | Kings Somborne Parish<br>Council   |
| V3       | June 2022     | Final draft   | Cheryl Beattie | Principal Environmental<br>Planner |

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# 1. Introduction

## Background

- 1.1 AECOM is commissioned to undertake a Compliance Review of the Strategic Environmental Assessment (SEA) work undertaken to date for the draft Kings Somborne Neighbourhood Plan (KSNP).
- 1.2 The KSNP is being prepared under the Neighbourhood Planning Regulations 2012 and in the context of the Test Valley Revised Local Plan 2011 – 2029 (adopted in January 2016). Once ‘made’ the KSNP will have material weight when deciding on planning applications, as part of the Test Valley local development framework.
- 1.3 SEA is a required process for considering and communicating the likely effects of an emerging plan, and alternatives, with a view to avoiding and mitigating negative effects and maximising positive effects.<sup>1</sup>
- 1.4 SEA for the KSNP was originally undertaken by the South Downs National Park Authority on behalf of Kings Somborne Parish Council, and this work was presented to the public at Regulation 14 consultation held over May and June 2018.
- 1.5 Work on the KSNP has progressed since 2018, which has necessitated both an update to the SEA work being undertaken, and a re-run of Regulation 14 consultation. The required updates to the SEA have been undertaken by Kings Somborne Parish Council themselves, and this independent Compliance Review aims to ensure that the work undertaken is robust and fit for subsequent submission and examination following consultation.

## This Compliance Review

- 1.6 It is a requirement that the SEA process is undertaken in-line with the Environmental Assessment of Plans and Programmes Regulations 2004 (hereby referred to as ‘the SEA Regulations’). This review aims to identify the stipulations of the SEA Regulations and whether they have been sufficiently met through the SEA process to date.
- 1.7 Should the Compliance Review identify potential areas that need further work prior to examination, it is the intention of the Parish Council to consider and address these recommendations where necessary prior to a re-run of Regulation 14 consultation.

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<sup>1</sup> Provision 15 of the Neighbourhood Planning Regulations (2012, as amended) requires that each Neighbourhood Plan is submitted to the Local Authority alongside either: A) an environmental report; or, B) a statement of reasons why SEA is not required, prepared following a ‘screening’ process.

## Consultation

1.8 There are a number of key stages involved in the SEA process, which is deemed an iterative process developing alongside the plan itself. **Table 1.1** summarises the plan and SEA documents which have been made available through consultation to date, including this current round of Regulation 14 consultation in 2022.

**Table 1.1: Plan and SEA documents**

| Date | KSNP       | SEA                  | Consultation  |
|------|------------|----------------------|---|
| 2018 |            | Screening opinion    | Screening consultation (statutory consultees only)    |
| 2018 |            | Scoping Report       | Scoping consultation (statutory consultees only)      |
| 2018 | Draft Plan | Environmental Report | Regulation 14 consultation (full public consultation) |
| 2022 | Draft Plan | Environmental Report | Regulation 14 consultation (full public consultation) |

## 2. Compliance review

### Overview

- 2.1 The KSNP is captured under the SEA Regulations as a plan which sets a framework for future development consent in Kings Somborne. On this basis, the responsible authority (Test Valley District Council) is required to determine whether the plan is likely to have significant environmental effects. This determination is referred to as the ‘Screening Opinion’, and the SEA Regulations require consultation with statutory consultees on this opinion. The statutory consultees in England are determined as Natural England, Historic England, and the Environment Agency.
- 2.2 As such, a Screening Opinion was produced in 2018 which, following consultation with statutory consultees, determined that SEA for the KSNP was required, given an identified potential for significant environmental effects.
- 2.3 Given the positive screening opinion, i.e., that SEA is required, Provision 12 of the SEA Regulations identifies the requirement for the preparation of an environmental report. An initial step in this process is outlined under Provision 12(5) which identifies that “*when deciding on the scope and level of detail of the information that must be included in the report, the responsible authority shall consult the consultation bodies*”. Provision 12(6) identifies that statutory consultees are expected to respond to scoping consultation within a period of five weeks.
- 2.4 As such, a ‘Scoping Report’ was produced by the South Downs National Park Authority in 2018, which set out the policy context and baseline information relating to the KSNP to identify key sustainability issues and arrive at SEA objectives which define the scope of the subsequent assessment. This Scoping Report was consulted upon with the statutory consultees. Scoping consultation responses are provided in Appendix 1 of the Environmental Report, which includes an SEA response identifying where relevant updates to scoping information have been made because of consultation.
- 2.5 Following scoping consultation, the environmental report is produced to “*identify, describe, and evaluate the likely significant effects*” of implementing the plan and reasonable alternatives, “*taking into account the objectives and geographical scope of the plan*”.<sup>2</sup> Effects are predicted taking into account the criteria presented within the SEA Regulations (Schedule 1).
- 2.6 Whilst an Environmental Report was produced and consulted upon originally in May 2018. This compliance review focuses on the updated version produced in 2022 by the Parish Council.

### Focused review

- 2.7 The overview above outlines how the initial steps in the SEA process have been met to date. **Table 2.1** explores the current Environmental Report in relation to the criteria outlined in Schedule 2 of the SEA Regulations.

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<sup>2</sup> Provision 12(2)

**Table 2.1: Schedule 2 requirements and how/ where they have been met**

| Regulatory requirement  | Discussion of how requirement is met   |
|---|--|
| An outline of the contents, main objectives of the plan or programme, and relationship with other relevant plans and programmes;  | Chapter 2 of the Environmental Report provides the context and vision for the KSNP.<br><br>[recommendation to improve clarity – see recommendations]   |
| The relevant aspects of the current state of the environment and the likely evolution thereof without implementation of the plan or programme;  | This information is provided in Chapter 3 ‘The Scope of the SA/ SEA’. A detailed overview of the current state of the environment is provided, which weaves in the likely evolution of the baseline without implementation of the plan where applicable.<br><br>These matters have been considered in detail through scoping work, which has involved dedicated consultation on a Scoping Report in December 2018.<br><br>[recommendation to improve clarity – see recommendations]  |
| The environmental characteristics of areas likely to be significantly affected;   | Chapter 3 provides a detailed overview of the characteristics of the neighbourhood area which have the potential to be affected by the proposals of the KSNP. A summary of the principal features of the Parish which are relevant to the study is also provided in Chapter 2, paragraph 2.3.<br><br>These matters have been considered in detail through scoping work, which has involved dedicated consultation on a Scoping Report in December 2018.  |
| Any existing environmental problems which are relevant to the plan or programme including, in particular, those relating to any areas of a particular environmental importance, such as areas designated pursuant to Directives 79/409/EEC and 92/43/EEC.;              | Chapter 3 provides a detailed overview of environmental problems relative to the neighbourhood area which have the potential to be affected by the proposals of the KSNP. A summary of the principal features of the Parish which are relevant to the study is also provided in Chapter 2, paragraph 2.3, which includes Mottisfont Special Area of Conservation.<br><br>These matters have been considered in detail through scoping work, which has involved dedicated consultation on a Scoping Report in December 2018.<br><br>A Habitat Regulations Assessment (HRA) has also been undertaken as part of the evidence base for the KSNP. The findings of the HRA have informed the findings of the SEA, as reported through Chapter 7 (Analysis of Proposed Site Allocation Policies) and Chapter 8 (Conclusion and Assessment Findings). |
| The environmental protection, objectives, established at international, Community or national level, which are relevant to the plan or programme and the way those objectives and any environmental considerations have been taken into account during its preparation; | Appendix 2 details a plans, programmes, and policy review, identifying the key issues/ messages arising from a range of national and local scale plans, programmes, and policies. These were supplemented following scoping consultation feedback.<br><br>Sustainability Appraisal Objectives are detailed in Chapter 4, which were developed following consideration of scoping information and the identified key issues.  |

| Regulatory requirement   | Discussion of how requirement is met   |
|--|--|
| The likely significant effects on the environment, including on issues such as biodiversity, population, human health, fauna, flora, soil, water, air, climatic factors, material assets, cultural heritage including architectural and archaeological heritage, landscape and the interrelationship between the above factors. (Footnote: These effects should include secondary, cumulative, synergistic, short, medium and long-term permanent and temporary, positive and negative effects); | Effects have been considered in detail as part of the alternatives work (Chapter 5), and in assessing the draft plan (Chapter 6 Analysis of Proposed Development Management Policies and Chapter 7 Analysis of the Proposed Site Allocations). Summary findings are provided in Chapter 8 and detailed findings are provided in appendices.<br><br>[recommendation to improve clarity – see recommendations]   |
| The measures envisaged to prevent, reduce and as fully as possible offset any significant adverse effects on the environment of implementing the plan or programme;  | Potential mitigation measures have been considered in detail as part of the alternatives work (Chapter 5), and in assessing the draft plan as a whole (Chapter 6 Analysis of Proposed Development Management Policies and Chapter 7 Analysis of the Proposed Site Allocations). Summary findings are provided in Chapter 8 and detailed findings are presented within appendices.<br><br>The assessment highlights certain tensions between competing objectives, which might potentially be actioned by the examiner, when finalising the plan. |
| An outline of the reasons for selecting the alternatives dealt with, and a description of how the assessment was undertaken including any difficulties (such as technical deficiencies or lack of know-how) encountered in compiling the required information;   | Chapter 5 (Assessment of Reasonable Alternatives) presents this information which is supported by detailed appendices.<br><br>[recommendation to improve clarity – see recommendations]  |
| Description of measures envisaged concerning monitoring in accordance with Art. 10;  | Measures concerning monitoring are outlined in Chapter 9. Monitoring is expected to be undertaken by Test Valley District Council to avoid duplication, as the envisaged measures align with the Council's existing monitoring proposals outlined in the Sustainability Appraisal of the Local Plan.   |
| A non-technical summary of the information provided under the above headings   | A non-technical summary is provided at the start of the Environmental Report.<br><br>[recommendation to improve clarity – see recommendations]   |

**Regulatory requirement**

**Discussion of how requirement is met**

**Schedule 2 of the regulations lists the information to be provided within the SA Report**

**The SA Report must be published alongside the Draft Plan, in accordance with the following regulations**

authorities with environmental responsibility and the public, shall be given an early and effective opportunity within appropriate time frames to express their opinion on the Draft Plan or programme and the accompanying environmental report before the adoption of the plan or programme (Art. 6.1, 6.2)

At the current time, this Environmental Report is published alongside the draft KSNP, with a view to informing a re-run of Regulation 14 consultation.

**The SA must be taken into account, alongside consultation responses, when finalising the plan.**

The environmental report prepared pursuant to Article 5, the opinions expressed pursuant to Article 6 and the results of any transboundary consultations entered into pursuant to Article 7 shall be taken into account during the preparation of the plan or programme and before its adoption or submission to the legislative procedure.

Assessment findings presented within the Environmental Report, and consultation responses received, will be considered prior to finalising the KSNP.

## 3. Summary and recommendations

3.1 This Compliance Review finds that the KSNP SA/ SEA Environmental Report is compliant with the relevant regulations, as demonstrated through the previous chapter. Despite this, some recommendations have been identified which seek to improve clarity and provide more detail in relation to the progression and rejection of sites. The recommendations are:

- The NTS is expanded to identify the key tensions (potential negative effects) arising in implementing the KSNP, which are summarised in the main report and for which consultation views are being sought.
- The specific scoping consultation dates are identified within the narrative on SA/ SEA scoping (Chapter 1 or Chapter 3)
- The Local Plan context in terms of numbers of homes required is added to Chapter 2 to better outline the relationship between the Local Plan and the KSNP.
- A response to the alternatives assessment (i.e., the rejection and selection of sites) is currently provided in Chapter 7. To improve clarity it is recommended that this is brought forward in the report as a final part of Chapter 5 – more clearly identifying the considerations that have led to the preferred approach, before then completing an assessment of the preferred approach (i.e., the draft plan) in Chapters 6 and 7.
- A key contentious site (Allotments – Site 186) that has been resubmitted to the planning authority for determination has been rejected from assessment within the SEA. It is recommended that the site is assessed in line with the rest of the alternatives identified, before reasons are given as to why it is not progressed as part of the preferred option. Following this it is recommended that the group's response to the potential scenario that the allotment site is approved for development, is included and presented to the public at Regulation 14 consultation (this could ideally form part of the response to alternatives discussed in the previous bullet point).
- Appendix 3 is supplemented with additional text in the findings table justifying the findings for likely significant effects. This would be like that provided in the findings table in Appendix 4. This would improve clarity. However, it is recognised that effects are discussed in the main report (and as such this base is covered/ compliant).
- It is recommended that Appendix 5 (Assessment of potential development sites against the sustainability objectives) is updated to reflect the most recent site assessment work. The Site Options Assessment has identified which sites are not considered suitable for allocation in the KSNP, and these are rejected from the outset. Other sites that were found to be suitable or potentially suitable for allocation should be considered as part of the alternatives.

3.2 Most of these recommendations have been incorporated in an updated version of the KSNP SA/ SEA Environmental Report. It is left with the Parish Council now to decide and implement any further changes to Appendix 3 to justify the overall findings, and, if possible, obtain consultation dates from SDNP.

