

# Slyne with Hest Neighbourhood Plan 2017 - 2031



## Basic Conditions Statement



Submitted by the qualifying body:  
Slyne with Hest Parish Council

For:  
Slyne with Hest Neighbourhood Plan



# Contents

1. Introduction
2. Statement of General Legal Compliance
3. Conformity with National Planning Policy
4. Contribution to Sustainable Development
5. General conformity with the strategic policies of the Lancaster Local Plan
6. Does not breach, and is compatible with, EU Obligations and Human Rights Requirements
7. Prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan

## Appendices

1. Letter confirming designation of Neighbourhood Plan area.
2. Table showing conformity of Neighbourhood Plan with National and Local Policies
3. Screening opinion from Lancaster City Council.

# Introduction

Only a neighbourhood plan that meets each of the 'basic conditions' and other legal tests can be put to a referendum and, if successful, be used as the basis for determining planning applications. This document shows how the Slyne with Hest Neighbourhood Plan meets the requirements of each legal test.

There are five basic conditions that are relevant to a neighbourhood plan. These are:

1. The plan must have regard to national policies and guidance issued by the Secretary of State; this includes the NPPF, Ministerial Statements and other government guidance and legislation
2. The 'making' of the neighbourhood plan contributes to the achievement of sustainable development
3. The 'making' of the neighbourhood plan is in general conformity with the strategic policies contained in the Lancaster Local Plan Strategic Policies and its supporting documents
4. The 'making' of the neighbourhood plan does not breach, and is otherwise compatible with EU obligations
5. Prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan.

## Statement of General Legal Compliance

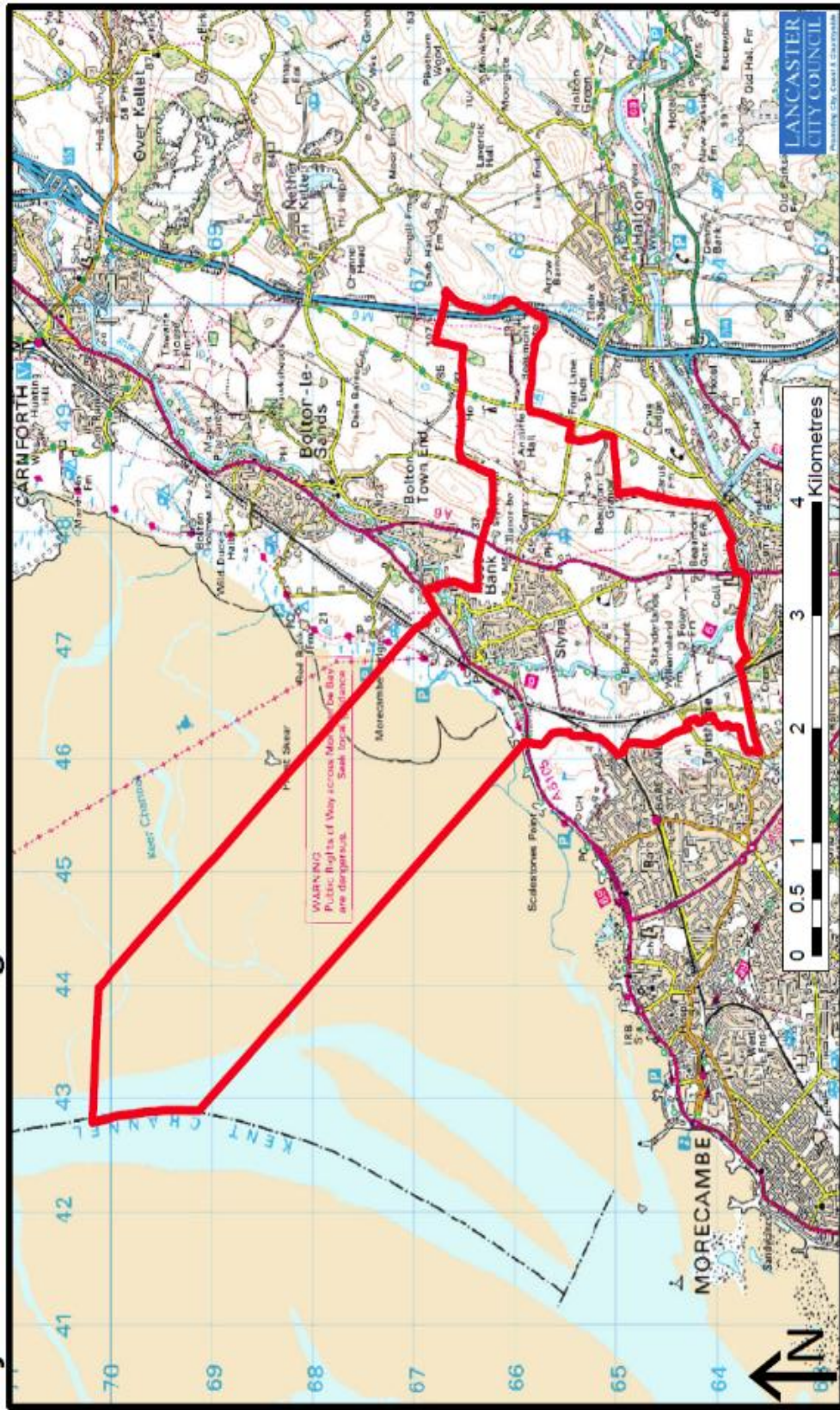
- This draft Plan is submitted by Slyne with Hest Parish Council, which, as a qualifying body, is entitled to submit a Neighbourhood Plan for its own parish.
- The Plan has been prepared by the Slyne with Hest Neighbourhood Plan (NP) Steering Group, with the support of Slyne with Hest Parish Council.
- The whole parish of Slyne with Hest has been formally designated as a Neighbourhood Area through an application made on 22<sup>nd</sup> January 2016 under the Neighbourhood Planning Regulations 2012 (part2 S6) and approved by Lancaster City Council on 12<sup>th</sup> April 2016.

A copy of the formal notice of designation is included at Appendix 1.

- The draft Plan contains policies relating to the development and use of land within the neighbourhood area. Proposals relating to planning matters (the use and development of land) have been prepared in accordance with the statutory requirements and processes set out in the Town and Country Planning Act 1990 (as amended by the Localism Act 2011), the Neighbourhood Planning Regulations 2012 and the Neighbourhood Planning Act 2017.
- The draft Plan identifies the period to which it relates as 2017 to 2031.
- The draft Plan does not deal with county matters (mineral extraction and waste development), nationally significant infrastructure or any other matters set out in Section 61K of the Town and Country Planning Act 1990.
- The Draft Slyne with Hest Neighbourhood Plan in its present and emerging forms has been made available for consultation in accordance with Regulation 14 of the Neighbourhood Plan Regulations. Some amendments have been

made to the document based on the comments received and these are summarised in the document entitled 'Consultation Statement'.

- The draft Plan relates only to the parish of Slyne with Hest as shown on the map below. It does not relate to more than one neighbourhood area and there here are no other neighbourhood plans in place for Slyne with Hest.



Date: 27/01/2016  
 © Crown copyright and database rights 2016 Ordnance Survey 100025403.

Map showing Slynne with Hest Neighbourhood Plan area.

## Conformity with National Planning Policy

All of the policies in this neighbourhood plan have been drafted with consideration of the national planning policies set out in the revised NPPF (updated on 19<sup>th</sup> February 2019) and associated guidance.

## Contribution to the Achievement of Sustainable Development

The UK Government's interpretation of the concept of sustainable development builds on that of the UN resolution 24/187, which is 'meeting the needs of the present without compromising the ability of future generations to meet their own needs.'

There are three elements to sustainable development: economic, social and environmental. These require the planning system to ensure that development performs a number of roles:

- an economic role -contributing to building a strong responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- a social role -supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
- an environmental role -contributing to protecting and enhancing our natural, built and historic environment; and as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

The Slyne with Hest Neighbourhood Plan aims to maintain and enhance Slyne with Hest's distinct rural feel, identity and vibrant community; by ensuring that appropriate development is in keeping with and of benefit to the community and its natural environment.

## General conformity with the strategic policies of the Lancaster Local Plan

The Submission Neighbourhood Plan is in general conformity with strategic Local Plan policies contained in the Lancaster Local Plan (adopted 29<sup>th</sup> July 2020).

## Does not breach, and is compatible with, EU Obligations and Human Rights Requirements

The Submission Neighbourhood Plan is fully compatible with the European Convention on Human Rights. It has been prepared with full regard to national statutory regulation and policy guidance, which are both compatible with the Convention. The Plan does not contain policies or proposals that would infringe the human rights of residents or other stakeholders over and above the existing strategic policies at national and district-levels, as demonstrated below.

The Human Rights Act 1998 incorporated into UK law the European Convention on Human Rights (“The Convention”). The Convention includes provision in the form of Articles, the aim of which is to protect the rights of the individual.

The Plan has been produced in full consultation with the local community, (see Summary Report – Stage One Consultation and Summary Statement- Stage Two Consultation and Consultation Statement following Regulation 14 Consultation), has been inclusive, with particular efforts made to seek input via questionnaires, newsletters, at events, having an open section at the start of steering group meetings, through our Neighbourhood Plan page on the Slyne with Hest website and Facebook page to discuss the emerging policies with a range of local people of all ages. There is a widely publicised contact email address for any comments or queries and a member of the steering group replies to all emails. There was extensive consultation and engagement early on in the process and later in identifying issues and options.

Events and steering group meetings are fully accessible. The steering group has attempted to use ‘non jargon’ language to make communications and documents accessible to all.

## Prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan

It is the view of Slyne with Hest Parish Council that the Neighbourhood Plan has shown that it meets the Basic Conditions as set out in Schedule 4B to the Town and Country Planning Act 1990.

The Plan has given appropriate regard to the NPPF, will contribute to the achievement of sustainable development, is in general conformity with strategic policies contained in the Lancaster Local Plan adopted 29th July 2020 and does not breach, and is compatible with, EU obligations and human rights requirements.



# Appendix 1

Letter confirming designation of Neighbourhood Plan area.

## LANCASTER CITY COUNCIL

Town and Country Planning, England

The Neighbourhood Planning (General) Regulations 2012

In accordance with Part 2 of the Neighbourhood Planning (General) Regulations 2012, Lancaster City Council recently consulted on an application made by Slyne-with-Hest Parish Council for the designation of Slyne with Hest Parish as a Neighbourhood Area for the purposes of Neighbourhood Planning. Following consultation, Lancaster City Council have resolved (on 12 April 2016) to approve the application and designate the Parish as a Neighbourhood Area.

In accordance with the above regulations, in particular Regulation 7(1) the Council must publicise the following information about the designation to bring it to the attention of people who live, work or carry on business in the area to which the designation relates.

Name of the Neighbourhood Area

The name of the Neighbourhood Area is the Slyne-with-Hest Neighbourhood Area.

A Map Identifying the Area Designated

Please see the accompanying map.

The Name of the Relevant Body who applied for the Designation

Slyne-with-Hest Parish Council is the relevant body that applied for the designation.

These details are published on the City Council's website at

[www.lancaster.gov.uk/planningpolicy](http://www.lancaster.gov.uk/planningpolicy) and can be inspected during normal opening hours at Morecambe Town Hall, Marine Road, Morecambe, LA4 5AF and at Slyne-with-Hest Memorial Hall, Hanging Green Lane. More information about Neighbourhood Planning can also be found via the City Council's website.

If you have any queries about this designation, or any other neighbourhood planning issues within the district, please contact the Planning and Housing Policy Team by email at [planningpolicy@lancaster.gov.uk](mailto:planningpolicy@lancaster.gov.uk) or by phone at 01524 582383 or by post via the Planning and Housing Policy Team, Lancaster City Council, PO Box 4, Lancaster Town Hall, Dalton Square, Lancaster, LA1 1QR.

Andrew Dobson, Chief Planning Officer (14th April 2016)

## Appendix 2

### DETAILED CONSIDERATION OF SLYNE WITH HEST PARISH NEIGHBOURHOOD PLAN POLICIES

This table sets out how each policy reflects the aims of local and national policy and supports the achievement of sustainable development.

Policy	Promoting sustainable development	NPPF	Lancaster Local Plan
Policy HRA1 Protecting Ecologically Sensitive Sites		Policy HRA1 contributes to NPPF Section 15 Pars 170,171 and 176 on protection of International Ecological Sites	The Policy is in line with SPLA DPD Policies EN9 and SR8.
Policy HE1 Local Housing need	Provides the opportunity to meet the sustainable development needs of the Parish	Policy HE1 seeks to help in delivering a sufficient supply of homes - Page 18 para 5 .60 to 566. with particular reference to .66 where no indicative figure has been given by local authority	New Development and Meeting Housing Needs DM1 that has taken into account the characteristics and needs of the village. Affordable Homes DM3 recognises the need to deliver affordable homes. The plan recognises the constraints of the Parish to do this but has still tried to address this in a small way.
Policy HE2 Site for new development	Maintains the economic and social sustainability of the village, whilst protecting and enhancing aspects of wildlife in local environment with trees and planting. Sustainable growth is a key aim of the NP and this is to be provided through extra housing on a small scale, dwelling that are efficient to live in and that should free up larger dwellings within the village.	Policy HE2 seeks to change the Green Belt boundary, having full regard for the five purposes in Para 134 and with particular reference to the enabling statement for Neighbourhood Plans in Para 136, this plan having argued that it presents an 'exceptional circumstance' for a boundary change. The Policy follows the requirements of Paras 59-66 and Para 125 in proposing delivery of approximately 30 dwellings on one allocated site, favouring smaller, adaptable dwellings, based on assessment of community need and a proportion of affordable dwellings in line with the LPA's	Policy HE2 is the contribution of this Parish to Policy SP6 'The Delivery of New Homes', Policy SP9 'Maintaining Strong and Vibrant Communities' and DM1 I and II of the Local Plan: 'New Residential Development and Meeting Housing Needs'. Policy HE2 1 broadly references the relevant stipulations of DM29. Policy HE2 2 is relevant to DM29 I and II Policy HE2 3 complies with DM3 Housing Affordability thresholds. Policy HE2 4 references DM29 II Policy HE2 5 allows for Sustainable Drainage as in DM29 XVII and DM33 VI and on

	<p>The new housing should use environmentally sustainable materials and, through good design and innovation, help lower the carbon footprint of the residents. Social sustainability will also feature as Design plans will include spaces and thoroughfares to encourage residents to meet each other.</p>	<p>guidance (criteria 2 and 3). Paras 67-72, particularly 69, were referenced in the process of identifying and allocating sites, outlined in Appendix 5 regarding Policy HE2. Policy HE2 1 and 2 follow from Paras 124-126 about achieving good design. Policy HE2 2 complies with Para127(c) concerning sympathy with surrounding development . Policy HE2 3 references Paras 62 and 64 Policy HE2 4 reflects a response to community feeling about the visual impact of the development as advised in Para 125 Policy HE2 5 complies with Para 165 in encouraging efficient disposal of surface water. Policy HE2 6 references Para 174(a). Policy HE2 7 references Para189 after consultation with the Canal and River Trust. Policy HE2 8 complies with Para 91 providing cycle ways, pathways and social interaction Policy HE2 10 and 11 comply with Para 8(c) 'an environmental objective' and with Paras 150 and 151 in encouraging lower carbon emissions.</p>	<p>permeable surfaces is informed by DM33 Policy HE2 6 refers in its text to DM44 and DM45 Policy HE2 7 references Policy T3 of the Local Plan.</p> <p>Policy HE2 9 Extends the policy within DM2 and DM29V by having all dwellings in the development built to M4(2) standards. Policy HE2 10 seeks to extend the proposals of DM30 I regarding energy efficiency and DM30 V regarding efficiency materials. Policy HE2 11 refers directly to DM29 XVIII on electric car charging points. Policy HE2 12 complies with Appendix E of the Local Plan on Car Parking Standards.</p> <p>Policy HE(2) 13 refers to Policy T3 III</p>
Policy HE3 Future Housing Development	<p>Describes how future development should be influenced by the design character of existing building.</p>	<p>HE3 agrees with Para 125 and with Para 127(c) and (d). The section on the Conservation Area meets the requirements of 185(c) and (d)</p>	<p>Policy 3 is particularly relevant to the section on 'Housing Needs' in DM1 I and V, and DM29 I The section on the Conservation Area relates to DM38 and DM39</p>
Policy BE1 Design	<p>The sustainability implications of Policy BE1 are mainly environmental, concerning optimal use of available land, disposal of surface water and lowering of carbon emissions by careful use of materials and design, but design will impact on social sustainability by</p>	<p>Policy BE1-1 follows from Para 124 in demanding clear design expectations referencing the National Design Guide, published after the current NPPF document. Policy BE1-2 on the Conservation Area complies with clear guidelines from Paras184-202. Policy BE1-3 (See Policy HE3) Policy BE1-4 and 5 relate to Paras 131, 148, 150(b) and 154(a) Policy BE1 -5 refers to repeated</p>	<p>Policy 4 provides a good match with the stipulations of DM 29 of the Local Plan which apply to Housing. Policy 4.3 is about Conservation Area developments as in DM38. Policy 4.4 covering features of building design and their relationship to their setting and 4.5 covering use of appropriate materials'Policy 4.5 and 4.7 relate to DM30 I and V on the subject of lowering carbon emissions. Policy 4.9 and 4.10 refer to</p>

	providing residents with high quality spaces to live and meet with each other.	references to carbon emissions in Paras 149-154. Policy BE1-6 See BE1-3. Policy BE1-7 derives from Paras 155-165 but not explicitly.. Policy BE1-8 derives from Para 127 (a) and (f). Policy BE1-9 is covered in Paras 124-128 and Para 131	DM33 IV, VI and VII and DM34 regarding Surface Water and Sustainable Drainage. Policy 4.11 references EN9 and SP8 in the text, but also relates to DM36 'Protecting Water Resources and Infrastructure'.
Policy NE1 Flooding	Protects the existing assets within the community and minimises the adverse impact of flooding on any new developments	Planning and Flood Risk Page 44 Para14. Points 155,156,158. Policies will support appropriate measures to improve any new development has better future resilience to the impact of flooding.	Development and Flood Risk DM33 page 72 New developments will be required to minimise the risk of flooding to people and property by taking a sequential approach which directs development proposals to the areas at the lowest risk of flooding. Consideration should be given to all sources of flood risk. Elsewhere in the plan DM34, 35, and 36 have been considered.
Policy B1 Business development	Has regard to the specific location requirements and Policy 6 Achieving Sustainable Development , Chapter 2 Within the limited options for Business Development in the Parish reference to Policy 6, DM15 Small Business  Business development supports local business development that contributes to maintaining a sustainable community	Policy B1 Achieving Sustainable Development , Chapter 2  Aims to contribute to meeting the overarching principle described on Page 5, 2.8a, an economic objective	Policy B1 Achieving Sustainable Development , Chapter 2  Within the limited options for Business Development in the Parish reference to Policy 6, DM15 Small Business  Business development supports local business development that contributes to maintaining a sustainable community. Aims to contribute to meeting the overarching principle described on Page 5, 2.8a, an economic objective
Policy NE2 Views	Protecting views is an essential part of sustaining the landscape for the long-term benefit of residents and has the economic benefit of drawing visitors in to the locality.	Policy NE2 contributes to Para170 (a,b and c) in Section 15 'Conserving and Enhancing the Natural Environment'.	Policy NE2 conforms to the aims of DM46 'Development and Landscape Impact' from a different but related perspective.

Policy NE3 The coastline and development	Protecting and enhancing the natural environment for future generations of the community and wider public..	174a Protection and enhancement of biodiversity and geodiversity 175 b Development on land within or outside a Site of Special Scientific Interest 177. Plan or project likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects).	Compliance with DM44 The protection and Enhancement of Biodiversity, DM45 Protection of Trees, Hedgerows and Woodland, DM46 Development and Landscape Impact.
Policy COM1 Community facilities	Supports further enhancement to existing facilities and supports the building and development of modern multi-use community facilities in order to support and maintain a sustainable community.	Policy COM1. Follows para. 92 a, b, c, d and e in Section 8. Promoting healthy and safe communities	Complements DM57 Health and Well-being.
Policy COM2 Recreational facilities	Supports improvements to existing and future indoor & outdoor facilities provided for the sustainable settlement including:- play, sports and the voluntary/charitable groups that run them.	Policy COM2 Follows para. 96 & 97 in Section 8. Promoting healthy and safe communities	Complements DM57 Health and Well -being and DM27 Open Space and Recreational Facilities.

## Appendix 3

### Screening opinion from Lancaster City Council.

#### Habitats Regulation Assessment Screening of Slyne-with-Hest Neighbourhood Plan

##### 1. Introduction

- 1.1 Lancaster City Council has prepared this screening report to support Slyne-with-Hest Parish Council in determining whether or not the contents of the proposed Slyne-with-Hest Neighbourhood Plan is likely to require a Habitats Regulation Assessment (HRA).
- 1.2 Habitats and species of European nature conservation importance are protected by the European Directive (92/43/EEC) on the Conservation of Natural Habitats and Wild Flora and Fauna (The Habitats Directive). The Habitats Directive establishes a network of internationally important sites designated for their ecological value. These sites are often referred to as Natura 2000 sites or European sites and comprise Special Areas of Conservation (SACs), Special Protection Areas (SPAs) and Ramsar sites. This is translated into UK law via the Conservation of Habitats and Species Regulations 2010.
- 1.3 Under Article 6 of the Habitats Directive (and Regulation 61 of the Habitats Regulations), an assessment is required where a plan or project may give rise to significant effects upon a European site.
- 1.4 The overarching aim of HRA is to determine, in view of a site's conservation objectives and qualifying interests, whether a plan or project, either in isolation and/or in combination with other plans would have a significant adverse effect on a European site. If the screening concludes that a significant adverse effect is likely, then Appropriate Assessment must be undertaken to determine whether there will be adverse effects on site integrity.
- 1.5 There are 3 European site within the proposed neighbourhood boundary, a further 7 sites are noted to be within a 15km radius of the boundary and could potentially be affected by the Slyne-with-Hest Neighbourhood Plan. Further information on these designations is provided below.

## **2. HRA process**

- 2.1 The requirements of the Habitats Directive comprises four distinct stages:

### *Stage 1: Screening.*

This is the stage which initially identifies the likely impacts upon a European site of a project or plan, either alone or in-combination with other projects or plans, and considers whether these impacts may have a significant effect on the integrity of the site's qualifying habitats and/or species. Where a significant effect is identified the assessment moves onto stage 2.

### *Stage 2: Appropriate Assessment.*

This provides the detailed consideration of the impact on the integrity of the European site of the project or plan, either alone or in combination with other projects or plans, with respect to the site's conservation objectives and its structure and function. This is to determine whether or not there will be adverse effects on the integrity of the site. This stage also includes the development of mitigation measures to avoid or reduce any potential impacts.

### *Stage 3: Assessment of alternative solutions.*

This examines alternative ways of achieving the objectives of the plan or project that would avoid adverse impacts on the integrity of the European site, should avoidance or mitigation measures be unable to cancel out adverse effects.

*Stage 4: Assessment where no alternative solutions exist and where adverse impacts remain.*

In such circumstances it must be demonstrated that the development is necessary for imperative reasons of overriding public interest.

### **3. Background**

- 3.1 Neighbourhood Planning gives local communities the opportunity to prepare planning documents for their area, enabling them to shape the future of where they live and giving them greater ownership of the plans and policies that affect them. Introduced under the Localism Act in 2011 Neighbourhood Plans provide a new tier of planning policy.
- 3.2 Current planning policy for the district is established in the Lancaster District Local Plan. This currently consists of saved policies within the 2004 adopted Lancaster District Local Plan as Saved by the Secretary of State under paragraph 1(2) of Schedule 8 to the Planning and Compulsory Purchase Act 2004 (where not superseded by policies within the Core Strategy, Development Management Document or Morecambe Area Action Plan), the Core Strategy adopted in July 2008, the Development Management Document adopted in December 2014 and the Morecambe Area Action Plan adopted in December 2014.
- 3.3 The council is continuing to progress preparation of its new Local Plan, in the form of the Strategic Policies and Land Allocations DPD and the Review of the Development Management DPD. These documents were submitted to the Planning Inspectorate for examination in May 2018 with the examination hearing sessions currently scheduled to take place in late October.
- 3.4 The Neighbourhood plan area for Slyne-with-Hest Parish Council was formally designated in April 2016. This confirmed the Parish Council's commitment to preparing a Neighbourhood Plan and identified the proposed Neighbourhood Plan area.
- 3.5 Following on-going discussions with the city council Slyne-with-Hest Parish Council have submitted a draft plan for consideration (Appendix 1). Lancaster City Council have used this information to undertake initial HRA screening of the Neighbourhood Plan.

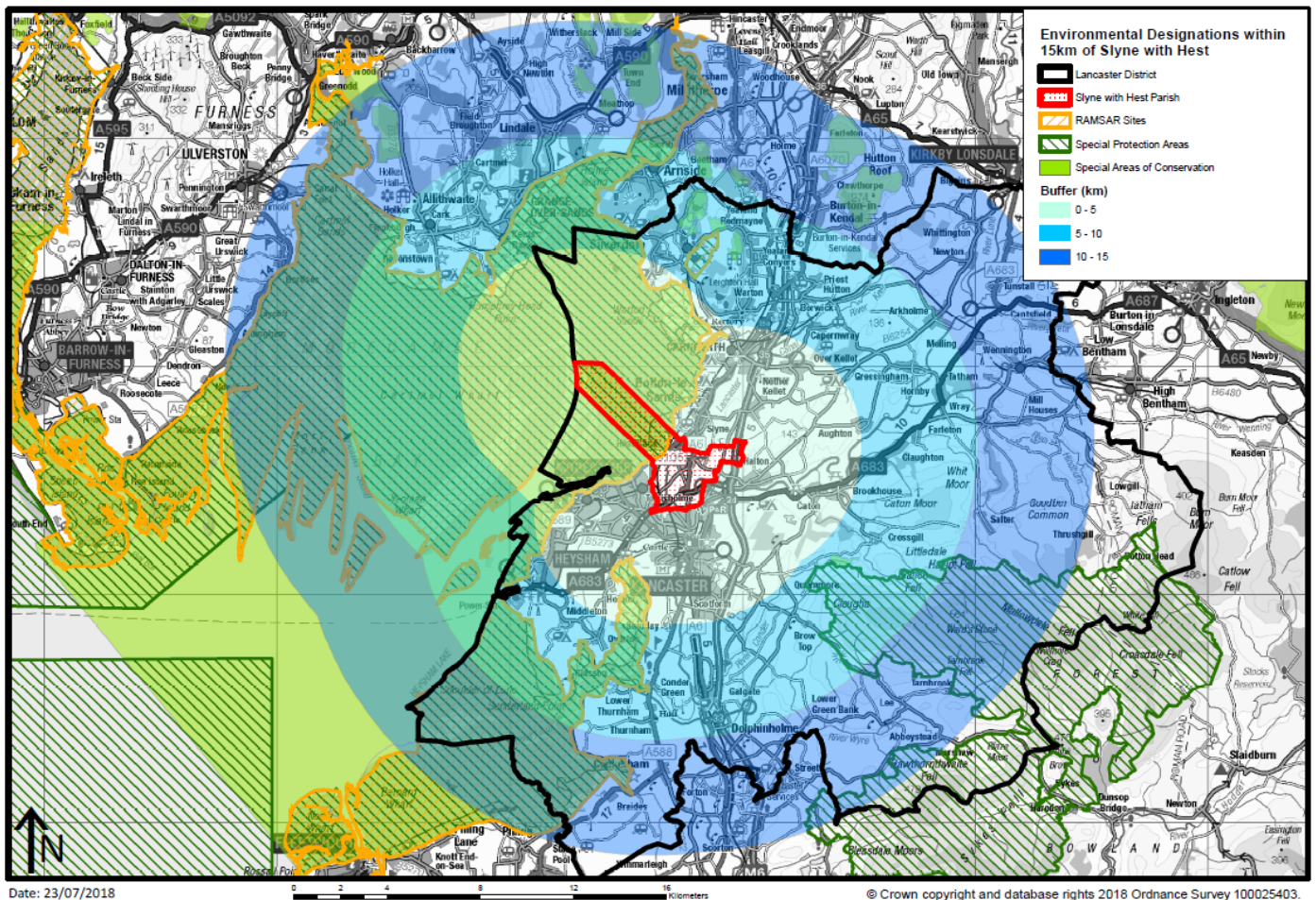
### **4. Relevant European Sites**

- 4.1 There are a number of European designated sites that could potentially be affected by the Slyne-with-Hest Neighbourhood Plan. This includes sites within the plan boundary and a number outside of the boundary of the plan area. As a general rule of thumb best practice indicates that sites with pathways of 10-15km of the plan/project should be included within a HRA.

Site Name	Identification Number	Approximate Distance from the Neighbourhood Plan Boundary (km)
<b>Special Protection Areas</b>		
Morecambe Bay and Duddon Estuary	UK9020326	Within 5km Buffer (within the neighbourhood plan)
Bowland Fells	UK9005151	6km
Leighton Moss	UK9005091	6km
<b>RAMSAR</b>		
Morecambe Bay	UK11045	Within 5km Buffer (within the neighbourhood plan)
Leighton Moss	UK11035	8km
<b>Special Areas of Conservation</b>		
Morecambe Bay	UK0013027	Within 5km Buffer (within the neighbourhood plan)
Morecambe Bay Pavements	UK0014777	7km
Calf Hill & Cragg Woods	UK0030106	6km
Roudsea Wood & Mosses	UK0019834	13km
Witherslack Mosses	UK0030302	11.5km

Table 1 – Summary of European Sites

Figure 1 – International and national environmental designations within 15km of Slyne-with-Hest Parish





4.2 Further details on the description and character of the European sites is provided below (appendix 2). The conservation of objections for the designations are also provided in appendix 2. This information was obtained from Natural England's website and also informed by the wider Local Plan HRA assessment.

## 5. HRA Screening

5.1 The location of a number of European sites within and within 15km of the Neighbourhood Plan boundary indicate that there could be potential for the plan, depending on its content, to have a significant adverse effect on a European site.

5.2 The draft Neighbourhood Plan has been screened for likely significant effects on European sites. During the HRA screening stage, the likely nature, magnitude, frequency, timing, duration, location and spatial extent of changes resulting from implementation of the Neighbourhood Plan was assessed. As part of this, mechanisms through which the plan could impact upon designated sites were considered.

5.3 The main impact pathways could be:

- Physical loss of habitat/damage to habitat
- Non-physical disturbance
- Recreational pressure
- Contamination
- Biological disturbance
- Loss of functionally linked land

5.4 The conclusions of the initial assessment are described in table 2 below.

5.5 Policies that were screened out were generally those that could not lead to a direct pathway to any of the identified designated sites. These were generally policies that looked to protect and enhance the natural environment, protection of historic assets, promotion of sustainable transport and the design of new development.

5.6 Of the ten designated sites, two were ruled out completely on the basis that there are no potential impact pathways which are likely to give rise to significant effects on the sites. These are:

- Roudsea Wood and Mosses SAC
- Witherslack Mosses SAC

5.7 Whilst considered unlikely significant effects on the Bolwand Fells SPA, Leighton Moss SPA, Leighton Moss Ramsar, Morecambe Bay Pavements SAC and Calf Hill and Crag Woods SAC cannot be ruled out at this stage.

5.8 6 policies can also not be ruled out at this stage: Policies 3, 5, 6, 7, 8 and 11.

5.9 A more detailed assessment of the screened policies is provided in table 3.

Table 2 – Initial Screening Assessment													
Designated Site	Policy												Comments
	1	2	3	4	5	6	7	8	9	10	11	12	
Bowland Fells SPA	N	N	Y	N	Y	Y	Y	N	N	N	N	N	Further assessment is required to determine whether policies 3, 5, 6 and 7 would lead to likely significant effects on the identified designated sites
Morecambe Bay and Duddon Estuary SPA	N	N	Y	N	Y	Y	Y	Y	N	N	Y	N	Further assessment is required to determine whether policies 3, 5, 6, 7, 8 and 11 would lead to likely significant effects on the identified designated sites
Leighton Moss SPA	N	N	Y	N	Y	Y	Y	N	N	N	N	N	Further assessment is required to determine whether policies 3, 5, 6 and 7 would lead to likely significant effects on the identified designated sites
Morecambe Bay SPA	N	N	Y	N	Y	Y	Y	Y	N	N	Y	N	Further assessment is required to determine whether policies 3, 5, 6, 7, 8 and 11 would lead to likely significant effects on the identified designated sites
Morecambe Bay Pavements SAC	N	N	Y	N	Y	Y	Y	N	N	N	N	N	Further assessment is required to determine whether policies 3, 5, 6, 7, 8 and 11 would lead to likely significant effects on the identified designated sites
Calf Hill and Craggs Wood SAC	N	N	Y	N	Y	Y	Y	N	N	N	N	N	Further assessment is required to determine whether policies 3, 5, 6 and 7 would lead to likely significant effects on the identified designated sites
Roudea Wood & Mosses SAC	N	N	N	N	N	N	N	N	N	N	N	N	
Withersclack Mosses SAC	N	N	N	N	N	N	N	N	N	N	N	N	
Morecambe Bay Ramsar	N	N	Y	N	Y	Y	Y	Y	N	N	Y	N	Further assessment is required to determine whether policies 3, 5, 6 and 7 would lead to likely significant effects on the identified designated sites
Leighton Moss Ramsar	N	N	Y	N	Y	Y	Y	N	N	N	N	N	Further assessment is required to determine whether policies 3, 5, 6 and 7 would lead to likely significant effects on the identified designated sites

Table 3 – Detailed screening of policies

Neighbourhood Plan Policy	Designated Site Potentially affected	Development and Land Use Change and Potential Effects	Avoidance Potential	Recommendation/Conclusion
3	Bowland Fells SPA Morecambe Bay and Duddon Estuary SPA Leighton Moss SPA Morecambe Bay SAC Morecambe Bay Pavements SAC and Calf Hill and Craggs Wood SAC Morecambe Bay Ramsar Leighton Moss Ramsar	Policy 3 states that new development will be supported where it contributes to the identified needs of the Parish. New development has the potential to impact on designated sites through increased recreational pressure, loss of habitat, disturbance to species as a result of construction activities/operational stage, changes in water quality where there are hydrological links to the Designated Site.	The Policy is concerned with meeting the development needs of the village and on that basis is unlikely to lead to significant levels of development. That said development of any level does have the potential to impact on designated sites. Compliance with the wider Local Plan ensures safeguards for protecting designated sites. There is however currently no wording within this Policy relating to protection of Designated sites.	We are unable at this point to conclude for certain that the policy would not have a significant effect on designated sites. It is therefore recommended that this policy be taken forward to the next stage of HRA to ensure no likely significant effects on designated sites. The policy would benefit from additional wording being included to ensure the protection of the designated sites. This could be a cross-reference to the relevant policy in the Development Management document.
Policy 5	Bowland Fells SPA Morecambe Bay and Duddon Estuary SPA Leighton Moss SPA	The Policy proposes a number of allocations within the village. New development has the potential to impact on the designated site through increased recreational pressure, loss of habitat, disturbance to species as a result of construction activities/operational stage, changes in	The Plan would be required to be read alongside the wider Local Plan for the area. This together with improved wording to other areas of the Neighbourhood Plan would help to ensure that appropriate safeguards are in place for the protection of Designated Sites.	We are unable at this point to conclude for certain that the policy would not have a significant effect on designated sites. On this basis it is recommended that the policy be taken forward to the next stage of HRA assessment. The policy would benefit from additional wording being

	<p>Morecambe Bay SAC  Morecambe Bay Pavements SAC  and Calf Hill and Craggs Wood SAC  Morecambe Bay Ramsar  Leighton Moss Ramsar</p>	<p>water quality where there are hydrological links to the Designated Site.</p>	<p>There is however currently no wording within this Policy relating to protection of Designated sites or non-designated ecological assets.</p>	<p>included to ensure the protection of the designated sites. This could be a cross-reference to the relevant policy in the Development Management document.</p>
<p>Policy 6</p>	<p>Bowland Fells SPA  Morecambe Bay and Duddon Estuary SPA  Leighton Moss SPA  Morecambe Bay SAC  Morecambe Bay Pavements SAC  and Calf Hill and Craggs Wood SAC  Morecambe Bay Ramsar  Leighton Moss Ramsar</p>	<p>The Policy sets out the policy for economic development. Development has the potential to impact on the designated site through loss of habitat, disturbance to species as a result of construction activities/operational stage, changes in water quality where there are hydrological links to the Designated Site.</p>	<p>The Plan would be required to be read alongside the wider Local Plan for the area. This together with improved wording in the Neighbourhood Plan itself would help to ensure that appropriate safeguards are in place for the protection of Designated Sites. There is however currently no wording within this Policy relating to protection of Designated sites or non-designated ecological assets.</p>	<p>We are unable at this point to conclude for certain that the policy would not have a significant effect on designated sites. On this basis it is recommended that the policy be taken forward to the next stage of HRA assessment. The policy would benefit from additional wording being included to ensure the protection of the designated sites. This could be a cross-reference to the relevant policy in the Development Management document.</p>
<p>Policy 7</p>	<p>Bowland Fells</p>	<p>The policy seeks to protect land</p>	<p>The Plan would be required to be</p>	<p>We are unable at this point to</p>

	<p>SPA Morecambe Bay and Duddon Estuary SPA Leighton Moss SPA Morecambe Bay SAC Morecambe Bay Pavements SAC and Calf Hill and Craggs Wood SAC Morecambe Bay Ramsar Leighton Moss Ramsar</p>	<p>between the sea and the west coast rail line noting that development will be resisted unless it can be clearly demonstrated that any threat of damage or negative impact on the undeveloped coastal area and its ecosystems are identified and mitigated. Whilst looking to restrict development the policy would potentially allow some development in exceptional circumstances at this location. On this basis there is potential for development to impact on the designated site through loss of habitat, disturbance to species as a result of construction activities/operational stage, changes in water quality where there are hydrological links to the Designated Site and recreational pressure as a result of increased visitors.</p>	<p>read alongside the wider Local Plan for the area. This together with improved wording in the Neighbourhood Plan itself would help to ensure that appropriate safeguards are in place for the protection of Designated Sites.</p> <p>The policy should be amended to recognise the statutory protection that the designated sites benefit from.</p>	<p>conclude for certain that the policy would not have a significant effect on designated sites. On this basis it is recommended that the policy be taken forward to the next stage of HRA assessment. The policy would benefit from additional wording being included to ensure the protection of the designated sites. This should also include cross-reference to the relevant policy in the Development Management document.</p>
Policy 8	<p>Morecambe Bay and Duddon Estuary SPA Morecambe Bay SAC Morecambe Bay Ramsar</p>	<p>The policy states that sites identified for development will be required to work with the parish council in the provision and future maintenance of additional signage/information boards showing all known local and national footpaths, the canal towpath, cycle tracks and bridleways. Whilst this is supported there is potential unless correctly managed to result in increased recreational disturbance to the designated sites through increased</p>	<p>The Plan would be required to be read alongside the wider Local Plan for the area. This together with improved wording in the Neighbourhood Plan itself would help to ensure that appropriate safeguards are in place for the protection of Designated Sites.</p>	<p>Through improved wording to the policy officers are satisfied that this policy is unlikely to result in significant effects on designated sites.</p>

		visitors.		
Policy 11	Morecambe Bay and Duddon Estuary SPA Morecambe Bay SAC Morecambe Bay Ramsar	The policy states that improvements to existing outdoor recreational facilities and the provision of new outdoor recreational space will be supported. On this basis there is potential for development to impact on the designated site through loss of habitat, disturbance to species as a result of construction activities/operational stage, changes in water quality where there are hydrological links to the Designated Site and recreational pressure as a result of increased visitors.	The Plan would be required to be read alongside the wider Local Plan for the area. This together with improved wording in the Neighbourhood Plan itself would help to ensure that appropriate safeguards are in place for the protection of Designated Sites.	Through improved wording to the policy officers are satisfied that this policy is unlikely to result in significant effects on designated sites.

## **6. Screening Conclusion**

- 6.1 The initial screening of the Slyne-with-Hest Neighbourhood Plan has considered the potential implications for European designated sites within and near the Neighbourhood Plan area boundary.
- 6.2 The screening of policies has indicated the potential for a number of suggested policies and allocations to have a significant effect on designated sites. On this basis it is recommended that a more detailed assessment is required.
- 6.3 Whilst identifying potential for significant effects it is felt that with improved wording the concerns raised may be addressed. This would include greater cross-referencing to the district wide Local Plan and improved recognition of the designated sites within the Plan.
- 6.4 The views of the three statutory bodies is required to confirm this conclusion.

## **SEA of Slyne-with-Hest**

### **Introduction**

- 1.1 Lancaster City Council has prepared this screening report to support Slyne-with-Hest Parish Council in determining whether or not the contents of the proposed Slyne-with-Hest Neighbourhood Plan is likely to require a Strategic Environmental Assessment (SEA).
- 1.2 The requirement to undertake environmental assessment of plans and programmes is established in the EU Directive 2001/42/EC (SEA Directive), transposed into English law in the Environmental Assessment of Plans and Programmes Regulations 2004. Under the SEA Directive an SEA is required where a plan or programme is likely to have a significant effect on the environment. The assessment provides the main mechanism for ensuring that the environmental implications of decisions are taken into account before decisions are made and should be an integral part of plan preparation where potential for significant effects on the environment have been identified.
- 1.3 Under its 'duty to support' Lancaster City Council has been requested to determine whether, based on the preparation of the draft Neighbourhood Plan, the Slyne-with-Hest Neighbourhood Plan requires a SEA.

## **2. Background**

- 2.1 Neighbourhood Planning gives local communities the opportunity to prepare planning documents for their area, enabling them to shape the future of where they live and giving them greater ownership of the plans and policies that affect them. Introduced under the Localism Act in 2011 Neighbourhood Plans provide a new tier of planning policy.
- 2.2 Current planning policy for the district is established in the Lancaster District Local Plan. This currently consists of saved policies within the 2004 adopted Lancaster District Local Plan as Saved by the Secretary of State under paragraph 1(2) of Schedule 8 to the Planning and Compulsory Purchase Act 2004 (where not superseded by policies within

the Core Strategy, Development Management Document or Morecambe Area Action Plan), the Core Strategy adopted in July 2008, the Development Management Document adopted in December 2014 and the Morecambe Area Action Plan adopted in December 2014.

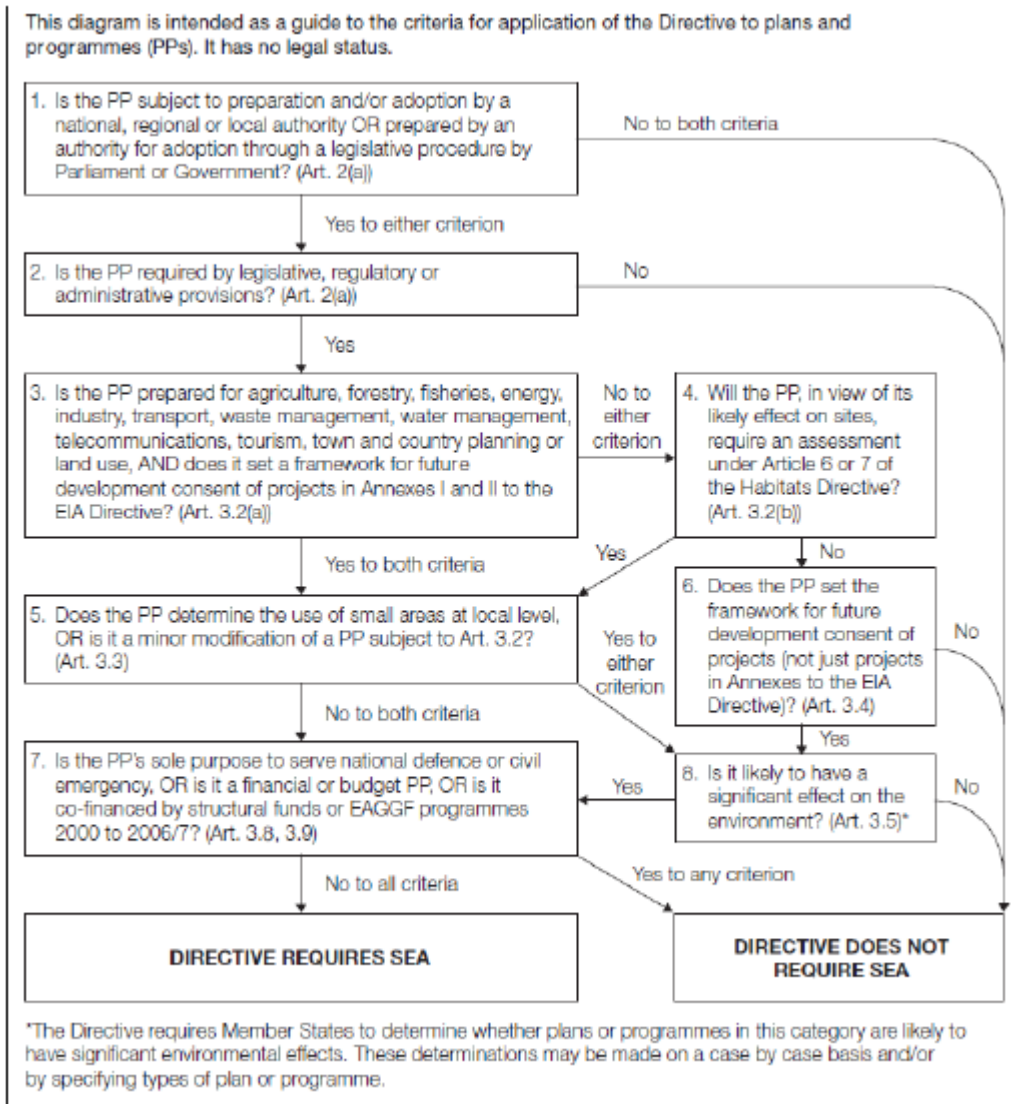
- 2.3 The council is continuing to progress preparation of its new Local Plan, in the form of the Strategic Policies and Land Allocations DPD and the Review of the Development Management DPD. These documents were submitted to the Planning Inspectorate for examination in May 2018 with the examination hearings currently scheduled to take place in late October.
- 2.4 The Neighbourhood plan area for Slyne-with-Hest Parish Council was formally designated in April 2016. This confirmed the Parish Council's commitment to preparing a Neighbourhood Plan and identified the proposed Neighbourhood Plan area.
- 2.5 Following on-going discussions with the city council Slyne-with-Hest Parish Council have submitted a draft plan for consideration (Appendix 1). Lancaster City Council have used this information to undertake initial SEA screening of the Neighbourhood Plan.

### **3. SEA Screening**

- 3.1 The draft Neighbourhood Plan has been assessed using guidance provided in the Department of the Environment 'A Practical Guide to the Strategic Environmental Assessment Directive' (September 2005) (Figure 1). This describes the process through which plans and programmes should be assessed.

Figure 1 – Application of the SEA Directive to plans and programmes





3.2 The city council has followed this process with the findings of the assessment described in table 1.

**Table 1 – SEA Assessment**

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	Y	The Neighbourhood Plan is not a Development Plan Document, however if the document received 50% or more 'yes' votes through a referendum it will be adopted by Lancaster City Council.

through a legislative procedure by Parliament or Government? (ART. 2 (a))		
2. Is the PP required by legislative, regulatory or administrative provisions (ART. 2 (a))	N	Communities have a right to prepare a Neighbourhood Plan, however they are not required by legislative, regulatory or administrative purposes to produce one. The Plan however if adopted would form part of the Development Plan and as such it is considered necessary to answer the following questions to determine further if 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 of the EIA Directive? (Art 3.2 (a))	Y	The Neighbourhood Plan is being prepared for town and country planning and land use and will when adopted set out a framework for future development in the Neighbourhood Plan designated area. This could potentially include uses detailed in Annexes I and II of the EIA Directive.
4. Will the PP, in view of its likely effects on sites, require an assessment for future development under Article 6 or 7 of the Habitats Directive? (Art 3.2 (b))	N	The proximity of a number of European sites within 15km indicate that there could be potential for the plan to have a significant adverse effect on a European site. The Plan does propose the allocation of a number of sites for housing. Whilst the plan does include policies for the protection and enhancement of the natural and historic environment the Local Authority, on the basis of the potential for a number of allocations for development, are unable to confirm that the plan would not have a likely significant effect on these assets and for this reason is

		likely to require further assessment under the Habitat Directive.
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	The Neighbourhood Plan has potential to determine the use of small areas at a local level, whether that is through the application of detailed criteria or the allocation of land.
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 Neighbourhood Plan contains policies through which planning applications within the designated area will be determined.
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 2006/07? (Art 3.8, 3.9)	N	N/A
8. Is it likely to have a significant effect on the environment? (Art 3.5)	Y	<p>The Neighbourhood Plan will need to be in full conformity with national planning policy and general conformity with local planning policy. This includes policies contained in the adopted Core Strategy and adopted Development Management Document.</p> <p>Both documents have been subject to Sustainability Appraisal incorporating SEA assessment. The Sustainability Appraisal of both documents concluded that there were likely to be no significant effects from implementation of the Plan.</p> <p>Provided that the Neighbourhood Plan remains in conformity with these documents it is considered unlikely that there will be any significant effects emerging from the Neighbourhood Plan.</p>

		That said the Plan does propose the allocation of a number of sites for housing. Whilst it is recognised that these will be caveated by the need to protect the historic and natural environment the local authority is unable to confirm with certainty that the Plan will not have a significant effect on the natural and/or historic environment.
--	--	---

3.3 Further analysis on the likely significant effects of the Neighbourhood Plan in relation to Schedule 1 of the Regulations is provided below.

Table 2- Schedule 1 of the Environmental Assessment of Plans and Programmes Regulations 2004.

SEA Requirement	Comments
<b>The characteristics of plans and programmes, having regard, in particular, to:</b>	
(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 Neighbourhood Plan has potential to determine the use of small areas at a local level, whether that is through the application of detailed criteria or the allocation of land.
b) the degree to which the plan or programme influences other plans and programmes including those in a hierarchy	The Plan sits in a hierarchy and must be in conformity with strategic policies in the development plan. It is unlikely to influence other plans and programmes.
(c) the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development	The Neighbourhood Plan will promote sustainable development. It has a strong focus on environmental protection and the protection of heritage assets. This could be strengthened in final drafts of the plan especially in relation to designated assets.
(d) environmental problems relevant to the plan or programme	There are no environmental problems relevant to this plan.
(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).	The Neighbourhood Plan has no relevance to the implementation of Community legislation.
<b>Characteristics of the effects and of the area likely to be affected, having regard, in particular, to</b>	
-	
(a) the probability, duration, frequency and reversibility of the effects	The Neighbourhood Plan covers a 19 year plan period and seeks to support sustainable development to meet the needs of existing and future residents whilst at the same time protecting the environment, its green spaces and wildlife habitats.

	<p>Whilst the plan provides a strong focus for the protection of the natural and historic environment it would benefit from increased reference to these assets especially in relation to internationally designated assets.</p> <p>The plan should include reference to how it will be monitored and how action will be taken if required. This is required to ensure compliance with the SEA requirements.</p>
(b) the cumulative nature of the effects	<p>The Plan proposes the potential allocation of a number of housing sites. The individual impacts of these assets will need to be assessed as will the cumulative impacts.</p> <p>To ensure compliance with SEA regulations it is recommended that reference to the need to consider the cumulative impacts of potential proposals be included.</p>
(c) the transboundary nature of the effects	There are no transboundary effects. The Plan applies to the Neighbourhood Plan only.
(d) the risks to human health or the environment (for example, due to accidents)	The Plan poses no risk to human health.
(e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)	Effects are considered to be limited to the Neighbourhood Plan area only, although this will need to be confirmed through a Habitats Regulation Assessment given the proximity of international designated sites and the proposed allocation of a number of sites.
(f) the value and vulnerability of the area likely to be affected due to - (i) special natural characteristics or cultural heritage; (ii) exceeded environmental quality standards or limit values; or (iii) intensive land-use; and	Whilst there is potential for impacts to environmental and historic assets the wording of the plan make this unlikely. The Plan is very much focussed on ensuring that the special qualities of this area are protected although it would benefit from increased reference to the protection and enhancement of internationally designated sites.
(g) the effects on areas or landscapes which have a recognised national, Community or international protection status.	Given the potential allocation of a number of sites the effects of these will need to be assessed.

#### 4. Screening Outcome

- 4.1 Initial internal screening of the Neighbourhood Plan concludes that on the basis of the Plan provided and given the potential for a number of allocations within it the Council is unable to conclude with certainty that it would not result in a significant environmental effect.
- 4.2 On this basis it is recommended that the Plan be subject to SEA. This should commence with the scoping stage setting out the context for the assessment, objectives for on-going assessment

and the establishment of the baseline and scope of the assessment. This will need to be prepared in consultation with the three SEA bodies of Natural England, Historic England and the Environment Agency. It is recommended that you allow a five week period for this consultation.

- 4.3 Following this you will need to assess the Plan against the SEA objectives identified through the initial scoping work. This will allow you to determine the effects of the plan and the appropriateness of the strategy and policies proposed. If adverse effects are viewed to be likely appropriate mitigation measures should be considered and a view taken as to whether these are sufficient to reduce or eliminate these effects.
- 4.4 An Environmental Report should be prepared to detail the assessment process with this then made available for consultation at the same time as the draft Plan.
- 4.5 The views of the three SEA bodies have been sought in order to confirm whether this initial screening report is correct.