

Somerset West and Taunton

West Monkton and Cheddon Fitzpaine Neighbourhood Development Plan HRA and SEA determination

Introduction:

The making of the neighbourhood plan must not breach, and is otherwise compatible with, retained European Union (EU) obligations, as incorporated into United Kingdom law, in order to be legally compliant. This includes Environmental Assessment of Plans and Programmes Regulations 2004 which was transposed into domestic law Directive 2001/42/EC (Strategic Environmental Assessment), Conservation of Habitats and Species Regulations 2017 which was transposed into domestic law Directive 92/43/EEC (the 'Habitats Directive') as well as 2009/147/EC (Wild Birds), 2008/98/EC (Waste), 2008/50/EC (Air Quality), 2000/60/EC (Water), and the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018.

PPG indicates that it is the responsibility of local planning authority (as the competent authority) to ensure that the Plan is compatible with EU obligations (including obligations under the Strategic Environmental Assessment Directive - Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment transposed into UK law through the Environmental Assessment of Plans and Programmes Regulations 2004 (the Regulations)) when it takes the decision on a) whether the Plan should proceed to referendum and b) whether or not to make the Plan.

Neighbourhood Area:

The West Monkton and Cheddon Fitzpaine Neighbourhood Development Plan Review (WM&CF NDRP) area includes:

The Hestercombe House & Gardens Special Area of Conservation and Site of Special Scientific Interest is in the Cheddon Fitzpaine Parish. There is one Local Nature Reserve: Children's Wood & Hankridge Riverside. A small corner of West Monkton Parish is in the Quantocks Area of Outstanding natural Beauty. The Curry and Hay Moors are approximately 2.6 miles east of the

NPA. Most of the agricultural land is Grade 3. There are significant areas of Grade 2 and two pockets of Grade 1, north of Taunton and east near Walford.

Whilst there are no other statutory land-based designations (i.e. Natura 2000 sites, Special Protection Areas (SPA) or Ramsar sites) within the Parishes or nearby, the NPA is within the River Tone catchment which flows into the Somerset Levels and Moors Ramsar and SPA.

The NDP does not allocate sites. It does have a number of criteria-based policies.

The higher tier DPD's, Taunton Deane Core Strategy and Site Allocations and Development Management Plan, were subject to Habitat Regulations Assessment and Strategic Environmental Assessment.

SEA:

The SEA process considers 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.

The Screening Report concluded that the NDPR was unlikely to cause significant adverse effects on the environment. The Statutory Consultees agreed.

The Scoping Stage set the criteria for the Environmental Report. Drawing on the information from the earlier Screening the scope was focussed purely on biodiversity. Both reached the conclusion that no further SEA related work was needed. The statutory consultees agreed with this conclusion. The consultation also included all SWT Neighbourhood Plan Consultation Database and all persons who submitted representations during the Regulation 16 consultation stage.

The Independent Examiner's view was that the ER deals with the issues appropriately for the content and level of detail in the Review Plan and with respect to compliance with the relevant basic condition SWT have met their retained EU obligations in relation to the SEA process.

HRA:

The HRA process assesses the potential effects of a plan or project on the conservation objectives of European sites designated under the Habitats and Birds Directives.

HRA Screening concluded that an Appropriate Assessment (AA) was required. This concluded that the Review Plan would have no adverse impact on the integrity of any European site, either alone or in combination. The statutory consultees agreed with this conclusion.

The Independent Examiner considered that the prescribed basic condition is complied with, namely that the making of the Plan does not breach the requirements of Chapter 8 of Part 6 of the Habitats Regulations.

Conclusion:

Based on the work on SEA and HRA, SWT, as the competent authority, has considered the compatibility of the Plan in regard to retained EU obligations and does not raise any concerns in this regard.

01 August 2022