

**Strategic Environment Assessment Screening
and
Habitats Regulations Assessment Screening
For the Draft Chesterfield HS2 Station Masterplan.**

14th January 2021

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1. Strategic Environment Assessment

1.1. Introduction

- 1.2. The requirement for a Strategic Environment Assessment (SEA) is set out in Government Planning Practice Guidance and Environmental Protection legislation (the Environmental Assessment of Plans and Programmes Regulations 2004). If the local planning authority determines that a plan is unlikely to have significant environmental effects through a screening process, then a SEA will not be required.
- 1.3. To assess whether a SEA is required the Local Authority must undertake a screening process based on a standard set of criteria. This must be subject to consultation with the three statutory consultees of; Historic England, the Environment Agency and Natural England. The preparation of the Draft Chesterfield HS2 Station masterplan (hereafter referred to as 'the masterplan') is at the stage of public consultation and during this the comments of the three statutory consultees will be sought.
- 1.4. Following consultation, the comments of the statutory consultees and others will be taken into account and the results of the screening process must be detailed in a Screening Statement, which is required to be made available to the public.
- 1.5. The final screening statement will show a decision and also how a decision has been reached (a determination), on whether or not the content of the masterplan 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.

Purpose of the Masterplan

- 1.6. The masterplan being prepared by Chesterfield Borough Council will set out how the Council thinks public and private investment could be best co-ordinated through new development within the station area. To do this it sets out a strategic framework containing a vision, aims and objectives within the context of wider strategy and policy.
- 1.7. The masterplan will not allocate sites itself nor will it contain formal policies and it will not form part of the statutory planning framework against which development consent applications will be assessed. Whilst it is intended to be used to inform a supplementary planning document which will contain design principles to guide those preparing proposals and planning applications, the masterplan will not be part of the statutory development plan system. However, the masterplan will show how the Council thinks development within the station area can achieve the strategic objectives of the recently adopted Chesterfield Borough Local Plan 2018-2035 and in this regard will be a material consideration when determining planning applications.
- 1.8. The Chesterfield Borough Local Plan 2018-2035 (Local Plan) contains strategic objectives and policies which are applicable to development within the station

masterplan area (specifically policy SS7 Chesterfield Railway Station (Strategic Policy)) and as part of the statutory town and country planning policy framework it provides the overarching strategy and policy framework for the masterplan. The Local Plan has been subject to the process of Strategic Environment Assessment and Sustainability Appraisal (SA).

2. Legal Background

- 2.1. The basis for SEA and SA come from European law¹ as written into English law² and the Government published guidance on applying this in 2005³. The requirements for SEA apply to plans or programmes which are subject to preparation and/or adoption by an authority at a local level, and are required by legislative, regulatory or administrative provision.
- 2.2. The guidance suggests that ‘administrative provision’ is likely to mean they are publicly available, prepared in a formal way, probably involving consultation with interested parties. The administrative provision must have sufficient formality such that it counts as a “provision” and it must also use language that plainly requires rather than just encourages a plan or programme to be prepared.
- 2.3. There is no statutory requirement for the masterplan to be prepared. Although Local Plan Policy SS7 reflects the Council’s intention to prepare a masterplan and sets out the key criteria for masterplanning of the area, it does not *require* a masterplan to be prepared nor does it *require* development to accord with the masterplan, with the emphasis being on the extent to which proposals deliver against the criteria set out within policy SS7. The Local Plan does not preclude development proposals being submitted (and determined) for the station masterplan area being submitted prior to any masterplan being adopted.
- 2.4. Despite the lack of an explicit requirement for the masterplan, based on the clear intention of the council to prepare a masterplan set out in the Local Plan (a statutory document), for the avoidance of doubt this report carries out a screening for SEA in order to establish if a full assessment is needed.

3. SEA Screening criteria and procedure

- 3.1. The SEA Directive requires SEA for plans when:
 - a) They “determine the use of small areas at local level or
 - b) Are minor modifications to the above plans or programmes...” and states that “...they should be assessed only where Member States determine that they are likely to have significant effects on the environment.”

¹ European Directive 2001/42/EC

² Environmental Assessment of Plans and Programmes Regulations 2004

³ Strategic Environmental Assessment Directive: Practical guidance on applying European Directive 2001/42/EC

3.2. The criteria for determining the significance of effects are listed in Schedule 1 (9 (2) (a) and 10 (4) (a) of the Environmental Assessment of Plans and Programmes Regulations 2004. They relate to:

- the scope and influence of the document and
- the type of impact and area likely to be affected

3.3. The Chesterfield Borough Council as the responsible authority under the Environmental Assessment for Plans and Programmes Regulations 2004 is required to determine whether the Masterplan is likely to have significant environmental effects taking into account Schedule 1 of the Regulations. It is also required to consult with the consultation bodies (Environment Agency, Historic England and Natural England).

3.4. Where the Responsible Authority determines that the plan or programme is unlikely to have significant environmental effects, and therefore does not need to be subject to full Strategic Environmental Assessment (SEA), it must prepare a statement showing the reasons for this determination. Regulation 11 of the Environmental Assessment for Plans and Programmes Regulations 2004 requires the Responsible Authority to send to each consultation body a copy of the determination and its reasons for the determination in those cases where it is determined that SEA is not required. The Responsible Authority is also required to take steps as it considers appropriate to bring the determination to the attention of the public. The Responsible Authority shall keep a copy of the determination and accompanying statement of reasons for public inspection.

3.5. Criteria for determining the likely significance of effects referred to in Article 3(5) of Directive 2001/42/EC are set out below:

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

- 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 degree to which the plan or programme influences other plans and programmes including those in a hierarchy,
- the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development,
- environmental problems relevant to the plan or programme,
- 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).

2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:

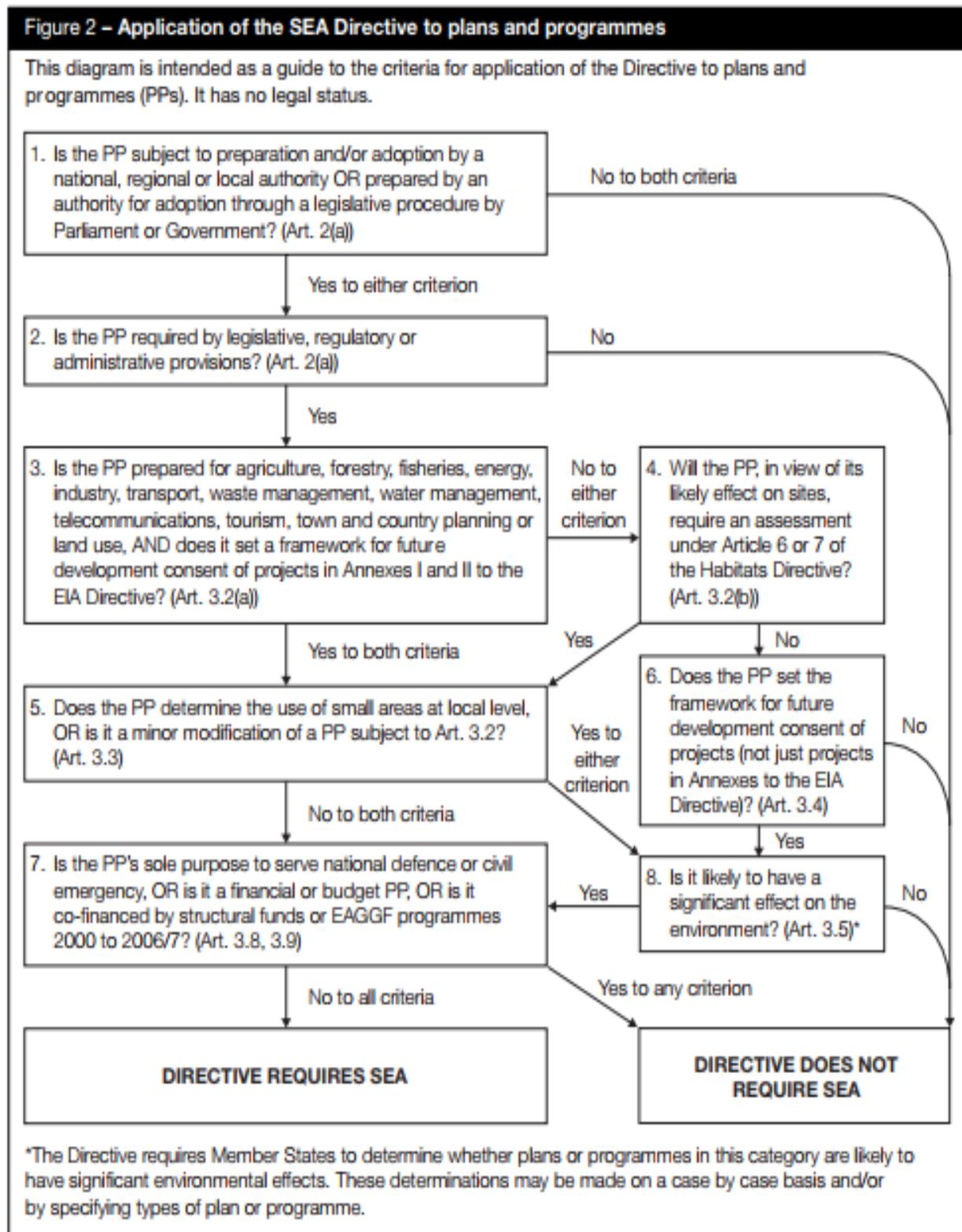
- the probability, duration, frequency and reversibility of the effects,
- the cumulative nature of the effects,
- the transboundary nature of the effects,
- the risks to human health or the environment (e.g. due to accidents),
- the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected),

- the value and vulnerability of the area likely to be affected due to:
 - o special natural characteristics or cultural heritage,
 - o exceeded environmental quality standards or limit values,
 - o intensive land-use,
 - o the effects on areas or landscapes which have a recognised national, Community or international protection status.

(Source: Annex ii of SEA Directive)

4. Assessment

4.1. The diagram⁴ below illustrates the process required for screening a planning document to ascertain whether a full SEA is required.



⁴ A Practical Guide to Strategic Environmental Assessment Directive (ODPM, 2005)

4.2. The table below shows the assessment of whether the masterplan requires a full SEA. The questions below are drawn from the diagram above which sets out how the SEA Directive should be applied.

Table 1: Establishing the Need for SEA		
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 masterplan is being prepared for/by Chesterfield Borough Council to show how public and private investment and development in the station area could be best done and co-ordinated to meet strategic aims and objectives in the Chesterfield Borough Local Plan 2018-2033 and Economic Strategy. The masterplan works within the parameters set by the Local Plan which has been subject to SEA.
2. Is the PP required by legislative, regulatory or administrative provisions? (Art. 2(a))	N	There is no legislative or regulatory requirement for the masterplan. There is no administrative provision that 'requires' the masterplan although one is seen as important to show how development and investment could be best done and co-ordinated. The masterplan will provide evidence that can be used for the preparation of an SPD or design code but is not part of a formal process to prepare a Development Plan Document or Supplementary Planning Document.
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 masterplan is being prepared to suggest how development and investment could be co-ordinated to achieve existing strategy including that contained in the Local Plan. It will set out a vision, aims, objectives, and design principles for the station area. As such it will provide evidence for the development of an SPD or a design code which relates to land use. Whilst it will be a material consideration for future development consents it will not allocate land for development and is not a development plan document or supplementary planning document and so is not a formal part of a framework for development consents.
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 masterplan does not allocate land for development. The adopted Local Plan 2018-2033 has this role. The adopted Local Plan has been subject to the requirements of the Habitats 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)	N	The masterplan identifies opportunities for small development areas and suggests how these might be best developed in terms of their characteristics but does not determine their use. The Local Plan (and any future SPD) has this role.
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)	N	The masterplan does not set the framework for future development consent of projects as the Local Plan and specifically policy SS7, does this. The masterplan will describe local highway network options based on the Local Plan which seeks the delivery of the Hollis Lane Link Road (HLLR). The masterplan will describe these local network options and suggest a preferred option in terms of junction arrangements and the layout of pedestrian and cycle routes.
7. Is the PP's sole purpose to serve the national defence or civil	N	N/A

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)		
8. Is it likely to have a significant effect on the environment? (Art. 3.5)	N	The developments shown in the masterplan are not likely to have a significant effect on the environment in isolation or cumulatively and fit within the parameters of the Local Plan and its SEA. The masterplan does not allocate land for development but does describe a reasonable land use scenario that sits within Local Plan policy SS7 for the Station Area. The opportunities and related options in the masterplan are suggestions and it will not contain policies. The Local Plan contains formal policies for the Station Area and has been subject to SEA. The Strategic Road option described in the masterplan broadly reflects that in the Local Plan which has been subjected to SEA.

4.3. The likely effects of the masterplan on the environment have been assessed and are summarised in the table in Appendix 1.

5. Screening Conclusions for Consultation

5.1. The screening for consultation currently concludes that a Sustainability Appraisal to meet the requirements of the SEA Directive is not going to be required for the masterplan. It also considers that there will not be significant environmental effects arising from the document given its non-statutory nature and the primacy of the Local Plan as a framework for development.

5.2. The opinion of the statutory consultees Historic England, the Environmental Agency and Natural England will be sought during the public consultation on the draft masterplan and their responses taken into account before a final determination is made concurrently with the preparation of a final version of the masterplan for adoption by the Council.

6. Appropriate Assessment for the Habitats Directive

6.1. Legal protection is afforded to habitats and species of European importance through Directive 92/43/EEC on the Conservation of Natural Habitats and Wild Flora and Fauna - known as the 'Habitats Directive'. Articles 6(3) and 6(4) of the Habitats Directive require Appropriate Assessment of plans to be undertaken. This involves assessing the contents of plans to ensure that their policies and proposals maintain the integrity of Natura 2000 sites. The assessment must determine whether the plan would adversely affect the nature conservation objectives of each site. Where negative effects can be identified, other options should be examined to avoid any potential damaging effects.

6.2. The application of the precautionary principle through the Habitats Directive means that plans can only be permitted once it is shown that there will be no adverse effect on the integrity of any Natura 2000 sites. In the rare case of

there being no alternatives available or over-riding reasons of public interest why a plan needs to be implemented, plans that do have negative impacts may still be approved.

7. Screening for Appropriate Assessment

- 7.1. The first stage in carrying out an Appropriate Assessment for the Habitats Directive is screening, by determining whether the plan is likely to have any significant effect on a European site, either alone or in combination with other plans and projects. Appendix 1 sets out the assessment for likely significant effects.
- 7.2. As above with the SEA screening, it is not considered that the masterplan would have any negative impact on sites covered by the Habitats Directive. A Habitats Regulation Assessment of the Local Plan including policies CLP 23 and SS7 (the station area strategic site) has been undertaken. The assessment mostly concluded that development in the Chesterfield Borough Local Plan will not have a likely significant effect on any internationally important wildlife sites either alone or in combination with other plans and projects. However, a more detailed assessment of the potential effects from air quality and visitor/recreational pressure were subject to more detailed 'appropriate assessments' in relation to each European site, taking into account policy-based measures incorporated into the plan. Following this more detailed assessment the conclusion reached was that 'Overall, the HRA [Habitats Regulations Assessment] of the draft Local Plan concluded it will have no adverse effects on the integrity of any European sites, alone or in combination'.
- 7.3. The masterplan will inform those seeking to invest and develop in the station area of the Council's aspirations and its suggested approach to best achieving the objectives of the Local Plan. The impact on specific habitats would be considered through the determination of development proposals when planning applications are made, and it is therefore considered at the current stage of consultation and given the informal nature of the masterplan a full Appropriate Assessment is not required.

Appendix 1: Assessment for Likely Significant Effects on the Environment

SEA Directive Criteria (Schedule 1 Environmental Assessment of Plans and Programmes Regulations 2004)	Summary of Significant Effects (Their Scope and the Influence of the Masterplan)	Will the Masterplan be likely to have a significant environmental effect? Yes/No
1. Characteristics of the masterplan having particular regard to:		
(a) The degree to which the masterplan sets out a framework for projects and other activities, either with regard to the location, nature, size or operating conditions or by allocating resources	The Local Plan provides the statutory development plan for the borough. In doing so it is the development framework for Chesterfield Borough and it has been subject to SEA/SA. The masterplan works within the parameters of the Local Plan and shows how the area could be development, rather than how it will be developed. It does not allocate sites nor contain formal policies to control development. It is intended to encourage the co-ordination of development and investment and further work will be needed through a separate SPD or design code to provide planning guidance.	N
(b) The degree to which the masterplan influences other plans and programmes including those in a hierarchy	The masterplan will help inform other plans or programmes and decisions but does not allocate sites or contain formal policies against which development must be assessed. It is not part of any formal hierarchy of planning policy.	N
(c) The relevance of the masterplan for the integration of environmental considerations in particular with a view to promoting sustainable development	The masterplan aims to promote sustainable development in terms of it showing how development could be carried out in accordance with the NPPF and the strategic objectives of the Local Plan e.g. identifying opportunities to: enhance biodiversity, improve cycle and walking accessibility to the town centre, reduce surface water run off rates, use sustainable construction methods and renewable energy.	N
(d) Environmental problems relevant to the masterplan	The Local Plan Sustainability Appraisal highlights the main environmental problems relevant to Chesterfield	N

	Borough and the masterplan and its evidence supplements this at a neighbourhood level, in terms of matters such as green infrastructure, air quality, built heritage and non-motorised transport.	
(e) The relevance of the masterplan for the implementation of Community legislation on the environment (for example plans and programmes related to waste management or water protection).	The masterplan is not directly relevant to the implementation of environmental plans such as the Derbyshire and Derby City Joint Municipal Waste Management Strategy 2013-2026 or the Humber river basin flood risk management plan and Humber river basin district river basin management plan.	N
2. Characteristics of the effects and area likely to be affected having particular regard to:		
a)The probability, duration, frequency and reversibility of the effects	The masterplan does not allocate sites or contain formal policies for development proposals. The Local Plan does this and the masterplan suggests detail of how the objectives of the Local Plan could be achieved with the station area.	N
(b)The cumulative nature of the effects of the masterplan	The masterplan does not allocate sites or contain formal policies for development proposals. The masterplan aims to show how development could help achieve the sustainability objectives of the Local Plan. The vision and suggested development scenario in the masterplan consider Chesterfield's environmental characteristics and set out an approach to protection and enhancement.	N
(c)The trans boundary nature of the effects of the masterplan	A Habitats Regulations Assessment was undertaken for the Local Plan and concluded that growth proposed in the Local Plan will not (alone or in combination with other projects) lead to likely significant effects on local sites (SSSI's, LNRs) and European Sites (existing and proposed) within 15km of the borough boundary, including the Bilhaugh and Birklands SAC, Gang Mine SAC, Peak District Dales SAC, Peak District Moors (South Pennine	N

	Moors Phase 1) SPA or South Pennine Moors SAC or Sherwood Forest ppSPA. The masterplan does not allocate sites or contain formal policies for development proposals. Trans-boundary effects will not be significant.	
(d)The risks to human health or the environment (e.g. due to accident)	No significant risks to human health or the environment have been identified in the preparation of the masterplan.	N
(e)The magnitude and spatial extent of the effects (geographic area and size of the population likely to be affected) by the masterplan.	The masterplan is of a neighbourhood scale and does not include significant areas of residential land uses but will see significant through flow of people. Nevertheless it does not contain site allocations or formal policies for development.	N
f)The value and vulnerability of the area likely to be affected by the masterplan due to: -Special natural characteristics or cultural heritage -Exceeded environmental quality standards or limit values -Intensive land use	The masterplan does not allocate sites or contain formal policies for development proposals. The strategy and opportunities in the Masterplan consider Chesterfield borough's environmental characteristics including SSSI's, LNR's, Conservation Areas, Listed Buildings settings and sets out an approach to protection and enhancement, in line with the policies of the Local Plan.	N
(g) The effects of the masterplan on areas or landscapes which have recognised national Community or international protected status.	The masterplan does not allocate sites or contain formal policies for development proposals. It suggests how development could achieve the objectives and accord with relevant policies in the Local Plan. In doing so it considers Chesterfield's environmental characteristics including SSSI's, LNR's, Conservation Areas, Listed Buildings settings and sets out an approach to protection and enhancement which accords with the policies of the Local Plan, including in respect of views to and from the crooked spire of St Marys and All Saints Church.	N