

Fontmell Magna Neighbourhood Plan

Strategic Environmental Assessment (SEA) Determination Statement

This determination statement has been produced to comply with Regulation 9 of the Environmental Assessment of Plans and Programmes Regulations 2004.

The Regulations implement European Directive 2001/42/EC. This requires that the effect on the environment of certain plans and programmes should be assessed, including plans prepared for town and country planning or land use. An exception is made for plans that determine the use of a small area at a local level, if the responsible authority has determined that the plan is unlikely to have significant environmental effects. This determination statement sets out the reasons why North Dorset District Council (the responsible authority) considers that a Strategic Environmental Assessment (SEA) is required with respect to the Fontmell Magna Neighbourhood Plan.

A Strategic Environmental Assessment Scoping Report for the Fontmell Magna Neighbourhood Plan was submitted to North Dorset District Council in December 2016. The Scoping Report takes into account the criteria specified in Schedule 1 of the Regulations. On 9 December 2016 this Report was made available to the statutory consultation bodies (Historic England, Natural England and Environment Agency), as required by Regulation 9(2)(b).

The District Council received responses from all of the statutory consultation bodies by 26 January 2017 (see Appendix). Natural England and Historic England both recommended that an SEA should be required. Having considered these responses, and taken into account the criteria specified in Schedule 1 to the regulations, as required by Regulation 9(2)(a), the District Council considers that an SEA of the Fontmell Magna Neighbourhood Plan is required for the following reasons:

- The Plan is likely to allocate land for 30 to 40 dwellings;
- Some of the proposed development sites are either in close proximity or in the Cranborne Chase Area of Outstanding Natural Beauty (AONB);
- The village, and surrounding land, is located in a Conservation Area.

NOTE: The statement is based on the information provided. If the contents of the plan are revised and/or there is a material change in the environmental characteristics in the locality (e.g. the designation of any additional nature conservation or other environmental sites), then the comments contained in this statement would need to be reconsidered in order to take account of the changes.

Habitats Regulations Assessment

Schedule 2, paragraph 1 of the Neighbourhood Planning (General) Regulations 2012 sets out the prescribed basic condition that the making of a neighbourhood plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2012) or a European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007) (either alone or in combination with other plans or projects).

The District Council has consulted Natural England as to the requirement for a habitats regulation assessment.

Natural England's response with regards to internationally and nationally designated wildlife sites stated:

Based on the information provided, we can confirm that the plan is unlikely to harm any Site of Special Scientific Interest (SSSI), or Special Area of Conservation (SAC), Special Protection Area (SPA), or Ramsar Site and is not likely to significantly affect the interest features for which they are notified. I can therefore confirm that Natural England has no concerns regarding this aspect of the proposals.

APPENDIX

SEA Statutory Consultation Bodies Responses

1. Natural England – received 12/1/17
2. Historic England – received 17/1/17
3. Environment Agency – received 26/1/17

Date: 12 January 2017



Philip Reese
Planning Policy Officer
Dorset Councils Partnership serving:
North Dorset District Council, West Dorset District Council and Weymouth &
Portland Borough Council

Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6JC

BY EMAIL ONLY

T 0300 060 3900

Dear Philip

Fontmell Magna NP - SEA screening / scoping consultation

Thank you for consulting Natural England on the SEA screening / scoping opinion for the Fontmell Down Neighbourhood Plan. Your email was received by Natural England on 9 December 2016.

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

Guidance on the assessment of Neighbourhood Plans in light of the SEA Directive is contained within the National Planning Practice Guidance. The guidance highlights three triggers that may require the production of an SEA, for instance where:

- a neighbourhood plan allocates sites for development
- the neighbourhood area contains sensitive natural or heritage assets that may be affected by the proposals in the plan
- the neighbourhood plan may have significant environmental effects that have not already been considered and dealt with through a sustainability appraisal of the Local Plan.

In this case given the plan is considering allocating development sites in close proximity, and potentially within, the Cranborne Chase Area of Outstanding Natural Beauty (AONB) Natural England recommends that the AONB is subject to an SEA. In the event it can be demonstrated that the plan will not harm the purposes of the AONB designation then Natural England would be happy to review this advice.

Internationally and Nationally Designated Wildlife Sites

Based on the information provided, we can confirm that the plan is unlikely to harm any Site of Special Scientific Interest (SSSI), or Special Area of Conservation (SAC), Special Protection Area (SPA), or Ramsar Site and is not likely to significantly affect the interest features for which they are notified. I can therefore confirm that Natural England has no concerns regarding this aspect of the proposals.

Nationally Designated Landscapes – Cranborne Chase Area of Outstanding Natural Beauty (AONB).

The plan area lies within close proximity and includes a part of the Cranborne Chase Area of Outstanding Natural Beauty. Furthermore, the proposed allocation site 9 lies within the AONB, site 12 may affect the setting of the AONB and site 12 may affect views to and from the village to the AONB. Natural England therefore advises that the Cranborne Chase AONB Team are consulted as early as possible during the site selection process. Given the proximity to the AONB we also advise that the

SEA for the Neighbourhood Plan includes a Landscape and Visual Impact Assessment of all the preferred site allocations.

Protected Species - Species protected by the Wildlife and Countryside Act 1981 (as amended) and by the Conservation of Habitats and Species Regulations 2010

Natural England does not hold comprehensive information regarding the locations of species protected by law, but advises on the procedures and legislation relevant to such species. Natural England notes and welcomes the reference to the Dorset Environmental Records Centre (DERC) and would expect the emerging Plan and SEA to be supported by a full records data search of the plan area.

Habitats and Species of Principal Importance

The SEA should thoroughly assess the potential impact of the proposals on habitats and/or species listed as 'Habitats and Species of Principal Importance' within the England Biodiversity List, published under the requirements of S41 of the Natural Environment and Rural Communities (NERC) Act 2006. Section 40 of the NERC Act 2006 places a general duty on all public authorities, including local planning authorities, to conserve and enhance biodiversity. Further information on this duty is available in the Defra publication 'Guidance for Local Authorities on Implementing the Biodiversity Duty'.

In order to identify any important habitats and species present Natural England advises that, in addition to the DERC data search, a phase 1 "walk over" survey is carried out on all sites short listed for potential development. Full botanical assessments (equivalent to Phase 2 surveys) completed at the appropriate time of year should be completed for all sites identified by the Phase 1 survey as supporting semi improved, or unimproved habitats. The plan should seek to avoid allocating sites supporting wildlife interests, and where possible provide opportunities for overall wildlife gain.

Local distinctiveness and visual impacts

In order to foster high quality development that respects, maintains, or enhances, local landscape character and distinctiveness, Natural England encourages all new development to consider the character and distinctiveness of the area, with the siting and design of the proposed development reflecting local design characteristics and, wherever possible, using local materials. The Neighbourhood Plan should detail the measures to be taken to ensure the building design will be of a high standard, as well as detail of layout alternatives together with justification of the selected option in terms of landscape impact and benefit.

Biodiversity, Flora and Fauna

In order to ensure all development in the plan area meets the requirements of the National Planning Policy Framework (NPPF) to enhance biodiversity Natural England also recommends that the emerging Neighbourhood Plan includes a policy requiring all new development proposals on greenfield sites greater than 0.1 ha to be supported by a Biodiversity Mitigation Plan (BMP), that has been approved by the Dorset County Council Natural Environment Team (NET). The Biodiversity Mitigation Plan should be prepared by a suitably qualified individual and follow the standard format available on the Dorset For You website. The BMP should be used to secure measures to provide new nesting / roosting sites for bats, barn owls, swifts, etc. as well as any necessary measures for mitigating / compensating for adverse impacts on biodiversity interests.

Other considerations

The Neighbourhood plan can offer opportunities to enhance the local environment. As the plan is proposing sites for development, we would recommend that the plan also sets out any features that should be retained, or enhanced, or new features should be created as part of any new development. Examples might include:

- Providing a new footpath through the new development to link into existing rights of way.
- Restoring a neglected hedgerow.
- Creating a new pond as an attractive feature on the site.
- Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- Incorporating swift boxes or bat boxes into the design of new buildings.

You may also want to consider enhancing the local area in other ways, for example by:

- Assessing needs for accessible greenspace and setting out proposals to address any deficiencies, or enhance provision. For example through the creation of a community orchard, new allotments, etc.
- Identifying green areas of particular importance for special protection through Local Green Space designation (see Planning Practice Guidance on this).
- Managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips in less used parts of parks, changing hedge cutting timings and frequency).
- Planting additional native trees.
- Identifying any improvements to the existing public right of way network, e.g. cutting back hedges, improving the surface, clearing litter or installing kissing gates) or extending the network to create missing links.
- Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition, or clearing away an eyesore).

Please note that Natural England reserves the right to provide further comments on this proposal beyond this SEA scoping opinion, should your authority seek our views on the planning application. This includes any third party appeal against any screening decision your authority may make.

For any queries relating to the specific advice in this letter please contact John Stobart [REDACTED]
[REDACTED] For any new consultations or issues, please contact consultations@naturalengland.org.uk.

Yours sincerely

John Stobart
Planning and Conservation Lead Advisor

[REDACTED]
[REDACTED]

Philip Reese

From: Stuart, David [REDACTED]
Sent: 17 January 2017 13:58
To: Philip Reese
Subject: Fontmell Magna NP - SEA screening / scoping consultation

Dear Philip

Thank you for your consultation on the SEA Screening and Scoping exercises for the emerging Fontmell Magna Neighbourhood Plan. I can summarise our response as follows:

SEA Screening

The Plan envisages allocating land for the delivery of some 30 – 40 dwellings. Sites have yet to be determined but the map shows initial locations which have been identified. Looking at their number and size there would appear to be more land than is necessary to accommodate the number of dwellings proposed so a site options evaluation will be necessary to determine whether, where and in what form sites can be allocated to supply the dwellings aspired to.

The majority of sites are clustered around the settlement of Fontmell Magna itself. The Conservation Area embraces a significant amount of the settlement's rural context, particularly to the east, and all the sites here fall wholly or significantly within its boundary. The settlement also contains the majority of the other designated heritage assets to be found in the Plan area.

The key consideration upon which the issue of whether an SEA will be required is the likelihood of significant environmental effects. Case law has determined that the threshold for "significant" environmental effects is actually quite low and it is our view that the promotion of even one of the possible housing sites within the Conservation Area could exceed it by virtue of its impact on the area's special architectural and historic interest – through development of currently undeveloped land which forms a key part of the rural context of the area, and possibly on the settings of relevant Listed Buildings.

Based on the information provided we would therefore concur with the view that an SEA will be required.

Scoping

We are broadly happy with the Scoping Report as presented.

There are no designated heritage assets on the national Heritage At Risk Register and we have no other data which might provide information/evidence on the heritage issues of the Plan area. The Report identifies the absence of a Conservation Area Appraisal and this represents a key omission of evidence in terms of comprehensively setting out how the area's special architectural and historic interest defines its character and appearance, and the issues associated with ensuring its preservation and enhancement.

This information, and understanding the significance of other relevant designated heritage assets in sufficient detail, will be key to the successful evaluation of the identified sites in accordance with the historic environment provisions of the NPPF. In addition, issues identified can help inform the regime of policies which the Plan might contain for tackling them as well as populate a schedule of projects deemed eligible for CIL funding in due course.

Our experience with neighbourhood plans proposing site allocations is that communities find the assessment of heritage significance difficult to master without the assistance of appropriate heritage expertise. There have been examples in North Dorset of Plans which have struggled in providing the necessary level and type of evidence to substantiate their proposals in accordance with the NPPF, but also those which have, eventually, successfully accomplished this task eg Shillingstone. As the Plan will ultimately form part of the Local Development Plan such exercises need to be undertaken with the same degree of rigour as site allocations within the Local Plan. In this respect, getting the assessment methodology right is all important and need to demonstrate an understanding of the specific significance of individual heritage assets. A simple traffic light approach, for example, or determination of impact based purely on distance of asset from site, is unlikely to prove satisfactory.

Individual guidance on Site Allocations, Setting of Heritage Assets, SEAs, Conservation Areas and Local Listing is available on our website at <https://historicengland.org.uk/advice/planning/planning-system/>

We would strongly recommend the above to the community and its advisers. We would also encourage the involvement of your authority's own conservation team, to capitalise on local knowledge and heritage expertise to help ensure an acceptable and cost-effective approach is adopted from the outset.

Kind regards

David

David Stuart | Historic Places Adviser South West



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

We have launched four new, paid-for Enhanced Advisory Services, providing enhancements to our existing free planning and listing services. For more information on the new Enhanced Advisory Services as well as our free services go to our website: HistoricEngland.org.uk/EAS



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Mr Philip Reese
Planning Policy Officer
North Dorset District Council
Nordon Salisbury Road
Blandford Forum
Dorset
DT11 7LL

Our ref: WX/2006/000033/OR-
13/IS1-L01
Your ref: SEA
Date: 26 January 2017

Dear Mr Reese

Fontmell Magna Neighbourhood Plan SAE Scoping

Thank you for consulting the environment Agency on the above mentioned planning application we have the following comments to make on the information submitted.

Plans and Programmes

We support that the SEA scoping document has referenced the appropriate plans and programmes. It has also identified the main planning issues and constraints.

Issues and Objectives

The scoping document has appropriately identified the main issues and its potential effects on the environment.

The objectives stated cover the areas that could be impacted on by new development. We would highlight the Local Authority are responsible for the historic landfill records therefore you should liaise with them over this source of information.

Policies

In regards to policies then we would recommend that the neighbourhood considers the following:

Flood Risk

Whether there is a need to deal with any local flood risk management issues within the plan. It could also look to deal with any surface water issues through development design to improve any existing local drainage issues. This may be setting green infrastructure and / or appropriate buffers to local watercourses or floodplain.

Biodiversity

The plan should consider policies to protect and enhance the biodiversity of the neighbourhood. This should consider the potential to enhance the watercourse to

Environment Agency
Rivers House, Sunrise Business Park, Higher Shaftesbury Road, Blandford, Dorset, DT11 8ST.
Customer services line: 03708 506 506
www.gov.uk/environment-agency

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provide improved riverine conditions.

Please contact us if you have any queries.

Yours sincerely

MR MICHAEL HOLM
Planning Advisor - Sustainable Places

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