

KIRK IRETON NEIGHBOURHOOD PLAN

SUSTAINABILITY APPRAISAL AND STRATEGIC ENVIRONMENTAL ASSESSMENT SCREENING REPORT

Prepared by Derbyshire Dales District Council

On behalf of Kirk Ireton Neighbourhood Plan Steering Group on behalf of Kirk
Ireton Parish Council, residents and businesses

January 2019

Sustainability Appraisal and Strategic Environmental Assessment Screening Report Kirk Ireton Neighbourhood Plan – January 2019

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1. Introduction

- 1.1 This screening report is designed to determine whether or not the contents of the Kirk Ireton Neighbourhood Plan (hereafter known as KINP) requires a Strategic Environmental Assessment in accordance with European Directive 2001/42/EC and the associated Environmental Assessment of Plans and Programmes Regulations 2004.
- 1.2 Kirk Ireton Parish Council has resolved to support the preparation of a Neighbourhood Plan that will guide development and land use in the whole of the Parish of Kirk Ireton in the future. The Neighbourhood Plan is intended to complement the policies in the Derbyshire Dales Local Plan (2017)¹. The designation of the area as a Neighbourhood Area was approved under the District Council's Scheme of Officer Delegation on 5th September 2014.
- 1.3 The Neighbourhood Plan Steering Group (NPSG) and the Parish Council recognise that the preparation of a Neighbourhood Plan for Kirk Ireton will give the local community recognised input into what happens in their area and provide guidelines for planning applications within the Parish in the future. The Neighbourhood Plan Steering Group have worked with the community and undertaken consultation throughout the preparation of the KINP to ensure that local views can shape and influence the content of the Plan. The KINP has been drafted in the context of the outcomes of public consultation and also within the context of the National Planning Policy Framework (NPPF)² and National Planning Policy Practice Guidance (NPPG)³, the policies from the Derbyshire Dales Local Plan (2017) and the evidence base reports used to support the Derbyshire Dales Local Plan.
- 1.4 Following consultation with the community of Kirk Ireton the vision for the Neighbourhood Plan is as follows:

“From consultation with the community of Kirk Ireton the following vision of where we want our community to be in 2030 was developed:

- *Kirk Ireton will be an active rural community with a balanced population comprising mixed ages. Village amenities will include a thriving school, a well-supported shop and village pub, church, chapel and a village hall capable of providing the facilities expected of a modern village.*

¹ http://www.derbyshiredales.gov.uk/images/L/DDDC_Planning_Doc_2018_vweb2.pdf

² <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

³ <https://www.gov.uk/government/collections/planning-practice-guidance>

- *There will have been minimal development in the existing built framework of the village which has been constructed or renovated appropriately for its location.*
- *The village's heritage, including the surrounding countryside, views, open spaces and recreational facilities will have been preserved and enhanced where possible. There will have been no substantial increase in through traffic and the village will have provided adequate off-street parking.*
- *The community will have the most up-to-date, high speed, internet and mobile communication facilities."*

1.5 In order to deliver the vision the Neighbourhood Plan has identified five policies which seek to guide development within the village and will form part of the statutory development plan and be used in the determination of planning applications. For each of the five policies in the KINP the Plan outlines supporting objectives. The objectives and resultant policies in the Plan seek to address the greatest concerns and areas of focus for the Neighbourhood Plan, identified through the community consultation undertaken to date. The Neighbourhood Plan policies and supporting objectives are set out below:

Neighbourhood Plan Policy 1 – Development

Supporting Objectives

- To meet local housing need within the existing built framework
- Protect the historic nature of Kirk Ireton
- Retain the quiet and safe environment
- Retain views and vistas both from and of the village

Neighbourhood Plan Policy 2 – Protecting Views

Supporting Objective

- To protect the valued views of the village from the surrounding countryside and the views from the village to surrounding countryside in all directions

Neighbourhood Plan Policy 3 – Conservation Area

Supporting Objective

- This policy is to protect the whole of the Kirk Ireton Conservation Area from inappropriate development

Neighbourhood Plan Policy 4 – Business Development

Supporting Objective

- To encourage suitable development in the Neighbourhood Plan area

Neighbourhood Plan Policy 5 – Parking

Supporting Objective

- This policy is to ensure that any new development does not have a detrimental effect on the already stretched parking facilities in the village
- 1.6 Further information on the KINP and work undertaken by the Neighbourhood Plan Steering Group is available on the Neighbourhood Plan area of the Kirk Ireton Parish Council website at <http://www.kirkiretonparishcouncil.co.uk/home.html>.
- 1.7 Derbyshire Dales District Council Adopted the Local Plan on 7th December 2017. The Adopted Derbyshire Dales Local Plan has been subject to both Sustainability Appraisal (SA) and Habitats Regulations Assessment (HRA). The Derbyshire Dales Local Plan and accompanying assessments are available to view from the following link: [Local Plan - Derbyshire Dales District Council](#)
- 1.8 The legislative background set out in the following section outlines the Regulations that require the need for a screening exercise to be undertaken. Section 4 provides a screening assessment of the likely significant effects of the KINP to determine whether a full SEA is required. Section 5 outlines the outcomes of the screening exercise and sets out whether a SEA is deemed necessary.

2. Legislative Background

- 2.1 The basis for Strategic Environmental Assessment and Sustainability Appraisal legislation is European Directive 2001/42/EC, which was transposed into English Law by the Environmental Assessment of Plans and Programmes Regulations 2004 or SEA Regulations.
- 2.2 The Planning and Compulsory Purchase Act 2004 requires Local Authorities to produce Sustainability Appraisals (SA) for all local development documents to meet the requirements of the EU Directive on SEA.
- 2.3 However, the 2008 Planning Act amended the requirement to undertake a Sustainability Appraisal for only development plan documents, but did not remove the requirement to produce a Strategic Environmental Assessment (SEA). The Kirk Ireton Neighbourhood Plan is not a development plan document and therefore does not legally require a sustainability appraisal. Where appropriate, however an SEA assessment still needs to be undertaken in line with the SEA regulations.
- 2.4 The SEA Directive only requires SEA where plans and programmes are likely to have significant environmental effects, screening is needed to determine whether such plans are likely to have significant environmental effects. Advice within the National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG) reaffirms that it is considered best practice to incorporate the requirements of the SEA Directive into an SA. The NPPF and NPPG further advise that assessments should be proportionate and should not repeat policy assessment that has already taken place.
- 2.5 Guidance contained within the National Planning Practice Guidance (NPPG) states that there is no legal requirement for a neighbourhood plan to have a sustainability appraisal, however where a neighbourhood plan is likely to have significant environmental effects, it may fall within the scope of the Environmental Assessment of Plans and Programmes Regulations 2004 and require a Strategic Environmental Assessment. The NPPG further advises that whether a neighbourhood plan requires a strategic environmental assessment, and (if so) the level of detail needed will depend on what is proposed, a strategic environmental assessment may be required, for example where:
 - A neighbourhood plan allocates sites for development
 - The neighbourhood area contains sensitive natural or heritage assets that may be affected by proposals in the Plan
 - The neighbourhood plan is likely to have significant environmental effects that have not already been considered and dealt with through a sustainability appraisal of the Local Plan.(NPPG ID Reference 11-046-20150209)

2.6 To fulfil the legal requirement to identify whether the KINP requires a SEA a 'screening' assessment has been undertaken in accordance with the requirements set out in regulation 9 of the Environmental Assessment of Plans and Programmes Regulations 2004. Annex II of the European Directive 2001/42/EC provides the criteria for determining the likely significance of the environmental effects of plans to be implemented in the screening exercise. Screening of the KINP has been undertaken and the outcomes provided in section 5. It is recognised best practice that the findings of the screening exercise must be subject to consultation with the SEA bodies – Historic England, Natural England and the Environment Agency. The views of the SEA bodies have been sought on the conclusions of the screening exercise of the KINP.

3. Criteria for Assessing the Effects of Neighbourhood Plans

3.1 To determine whether the KINP may have significant environmental effects, its scope and content should be assessed against the criteria set out in Schedule 1 to the Environmental Assessment of Plans and Programmes Regulations 2004, these regulations implement the Strategic Environmental Assessment Directive in England. Criteria for determining the likely significance of effects referred to in Article 3(5) of Directive 2001/42/EC are set out below:

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

- The degree to which the plan or programmes 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 programmes
- 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)

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 trans- boundary 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 – special natural characteristics or cultural heritage, exceeded environmental quality standards or limit values, intensive land use, the effects on areas or landscapes which have a recognised national, community or international protection status.

(Source: Annex II of SEA Directive 2001/42/EC)

4. Assessment

4.1 Table 1 below sets out the criteria for determining the likely significance of effects on the environment and the results of the assessment of the KINP. The table below has been used to determine whether the KINP is likely to have significant effects on the environment. If the Plan is not likely to have significant effects, SEA is not required under the Directive.

| Significance Criteria set out in SEA Directive (Annex ii) and Schedule 1 of Environmental Assessment of Plans and Programmes Regulations 2004 | Impact of the Kirk Ireton Neighbourhood Plan |
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| 1. The characteristics of plans and programmes, having regard, in particular, to: | |
| <p>(a) The degree to which the plan or programmes sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources;</p> | <p>The KINP would, if made, form part of the Statutory Development Plan and as such would contribute to the framework for future development consents for projects. Should the KINP be made its policies would form part of the Development Plan and be used to inform decisions on development proposals and planning applications. However, the KINP would sit within a wider framework set by the National Planning Policy Framework (NPPF); National Planning Practice Guidance (NPPG) and the Derbyshire Dales Local Plan (2017).</p> <p>The Neighbourhood Plan contains policies that seek to protect the historic nature of Kirk Ireton, retain the quiet and safe environment and protect the landscape around the village. The Plan seeks to protect the existing Conservation Area of Kirk Ireton and encourage appropriate business development. The Plan also seeks to protect existing valued areas of car parking within the village. The Neighbourhood Plan does not allocate sites for development and contains no proposals for development. It seeks to establish policies that can be used by the District Council in the determination of planning applications; however it does not refer to size and operating conditions or allocate resources.</p> <p>As currently drafted the KINP (Regulation 14 Version - September 2018) raises issues of non-conformity with the adopted Derbyshire Dales Local Plan, these concerns have been raised with the Neighbourhood Plan Steering Group separately from the SA/SEA Screening process. It has been recommended to the Neighbourhood Plan Steering Group that the reference to an existing built framework referred to in Policy 1 is removed from the KINP. The provision of a built framework to the settlement of Kirk Ireton is contrary to the provisions of the Adopted Derbyshire Dales</p> |

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| | Local Plan. |
| (b) The degree to which the plan or programme influences other plans and programmes including those in a hierarchy; | The KINP is considered unlikely to influence other Plans or Programmes within the Statutory Development Plan. |
| (c) The relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development; | <p>The KINP aims to provide sustainable development, seeking to preserve and enhance the character of the natural, built and historic environment within the KINP area.</p> <p>The Neighbourhood Plan places a strong emphasis on the protection of the existing character of Kirk Ireton, particularly the landscape, historic character and views both to and from the village. <i>Policy 1 – Development, Policy 2 – Protecting Views and Policy 3 – Conservation Areas</i> provide a framework for considering the impact of development proposals on the environmental character of Kirk Ireton. The policies seek to draw upon the outcomes of public consultation which concluded a strong desire by the local community to protect the Conservation Area, the landscape and fields surrounding the village from inappropriate development and raised concerns about the impact of development on local views, loss of green fields and wildlife habitats. The policies additionally draw upon the Landscape Sensitivity Study undertaken by Wardell Armstrong in 2015 to support the preparation of the Local Plan and also upon the Conservation Area Character Appraisal prepared by Derbyshire Dales District Council.</p> <p>It is considered that the KINP will support policies for environmental protection in the adopted Derbyshire Dales Local Plan which have been subject to a comprehensive Sustainability Appraisal and Habitats Regulations Assessment and therefore promote sustainable development.</p> <p>The KINP is not proposing the allocation of sites, other than the protection of existing village car parking. The policies in the Neighbourhood Plan are designed to address the impact of development proposals and as such have integrated environmental considerations with a view to promoting sustainable development.</p> |
| (d) Environmental problems relevant to the plan or programme; and | Kirk Ireton is a rural village situated approximately 4 miles south west of Wirksworth in an elevated position overlooking the lower Derwent and Trent Valleys. The approaches to the settlement are rural in character and the land surrounding the settlement predominantly comprises smaller fields enclosed by tree belts, forming a strong vegetated edge. The majority of the land surrounding the village is regarded as high landscape sensitivity. Due to the villages elevated location it is situated within Flood Zone 1. |

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| | <p>Kirk Ireton is a settlement with a long history, with some of the oldest historic buildings dating back to the 17th Century. The village of Kirk Ireton and surrounding land is designated as a Conservation Area. The extent of the current Conservation Area is circa 75ha of land and within its boundary there are 18 listed entries, including the Grade I listed Holy Trinity Church, and Grade II* Barley Mow Inn on Main Street.</p> <p>In terms of the natural environment the designated Neighbourhood Area has no SSSIs, although to the east of the village lie two designated local wildlife sites at Greenhill Woods and Bottoms Wood.</p> <p>The estimated resident population of Kirk Ireton is 518 (2011 Census).</p> <p>Kirk Ireton has a vibrant local community with a number of local groups and activities in the village. The village has minimal facilities with a limited range of employment opportunities, services and facilities. The village does however have a community hall, convenience store, primary school and public house which are all well used. There are limited employment opportunities within the village. Consequently a degree of out commuting to nearby Derby, Ashbourne and Wirksworth is required to access a wider range of services and facilities. There is no GP surgery or Pharmacy in Kirk Ireton. The village is served by public transport, although the frequency of services is limited.</p> |
| <p>(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 of water protection)</p> | <p>The Neighbourhood Plan is not directly relevant to the implementation of European legislation.</p> |
| <p>2. Characteristics of the effects and of the area likely to be affected, having regard, in particular to:</p> | |
| <p>(a) The probability, duration, frequency and reversibility of the effects;</p> | <p>The KINP if made is considered likely to have modest and longstanding positive environmental effects. Positive effects are predicted to be achieved through particular policies in the Plan, notably upon the design of development, protection of the landscape character and historic environment of Kirk Ireton. Policy to protect and enhance valued views to and from the village is likely</p> |

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| | to have positive environmental effects. Further positive economic and social effects are considered likely as a result of the intentions of <i>Policy 4 - Business Development</i> and seeking to ensure economic development contributes to the sustainability of the local economy of the plan area. Additional positive effects are predicted through the policy on conservation areas to ensure that development proposals promote, reinforce and enhance the areas local distinctiveness. |
| (b) The cumulative nature of the effects; | It is intended that the environmental effects will have positive cumulative benefits for the area, through the protection and enhancement of the areas distinctive character, landscape character, historic environment and open views, with associated benefits for biodiversity. Policies to ensure development proposals promote, reinforce and enhance the plan areas local distinctiveness with have cumulative positive effects. |
| (c) The trans boundary nature of the effects; | There are no trans-boundary issues across member states. Any effects on adjoining Derbyshire Dales parishes are likely to be positive, for instance through the protection of countryside, open spaces and views, settlement and landscape character and through the promotion of high quality design in new development. |
| (d) The risks to human health or the environment (for example due to accidents); | In undertaking the screening exercise no significant risks to human health or the environment have been identified. The vision and policies of KINP are likely to have positive effects and improve human health by supporting the protection and enhancement of open spaces, particularly existing views, areas of high landscape value and promoting well designed development. |
| (e) The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected); | The KINP covers the Parish of Kirk Ireton which at the 2011 Census had a population of 518. The KINP area includes the settlement of Kirk Ireton and surrounding countryside, which is predominantly rural in nature and in agricultural use. The KINP is predicted to directly affect the immediate population of the designated neighbourhood area, accordingly the magnitude, spatial extent and geographical area likely to be affected by the KINP is comparatively small, particularly when compared to the scale likely to be effected by the newly adopted Derbyshire Dales Local Plan. |
| (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 | The KINP covers the Parish of Kirk Ireton. The parish is rich in natural, environmental and heritage assets. With regard to the historic environment the area includes the Kirk Ireton Conservation Area which includes 18 listed entries, including the Grade 1 Holy Trinity Church and Grade II* Barley Mow Inn on Main Street. There are no SSSI's within the KINP area however there are two Local Wildlife Sites to the east of village at Greenhill Woods Complex and Bottoms Wood. These sites have been designated as they provide areas of ecological significance and are of importance for natural habitats and biodiversity. Numerous group and individual Tree Preservation Orders are present within the parish, seeking to protect local trees, woodland and hedgerows |

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| land use; and | <p>that make an important contribution to the beauty, diversity and distinctiveness of the area.</p> <p>The Derbyshire Dales Local Plan includes policies for the protection and enhancement of landscape character, biodiversity, geological interests and the built and historic environment. The proposed policies within the KINP seek to reinforce these policies with no significant negative effects. Environmental quality is not predicated to be exceeded or negatively impacted.</p> |
| g) The effects on areas or landscapes which have a recognised national, community or international protection status. | <p>The KINP area comprises the settlement of Kirk Ireton and surrounding countryside. Kirk Ireton is rural in character, with narrow winding roads and a wooded character created by strong tree belts and woodland belts. All approaches to the settlement are rural, and land immediately surrounding the settlement predominantly comprises smaller fields enclosed by tree belts, forming a vegetated edge. The village and surrounding land is located within the Kirk Ireton Conservation Area. The Landscape Sensitivity Study undertaken for the Derbyshire Dales Local Plan concluded “the field to the east of Hardings Close is of low sensitivity and the adjacent fields to the east are of medium sensitivity. The field west of Wirksworth Road is also of medium sensitivity. Small fields adjacent to the south-western edge of the settlement, north and south of Blackwell lane, are of low sensitivity. All remaining land surrounding the settlement is of high sensitivity.”</p> <p>The Derbyshire Dales Local Plan policies include policies for the protection of landscape character, the countryside, natural, heritage and environmental assets. The KINP will reinforce these policies with no significant negative effects.</p> |

Table 1 – Determination of the likely significance of environmental effects

5. Screening Outcome

- 5.1 As a result of the assessment set out in Section 4 - Table 1, it is considered unlikely that there will be considerable significant environmental effects arising from the Kirk Ireton Neighbourhood Plan, (as submitted and assessed as part of this screening exercise KINP – Pre Submission Version – September 2018), that have not been considered in the Sustainability Appraisal and Habitats Regulations Assessment of the Derbyshire Dales Local Plan, adopted in December 2017 as set out in the SEA/SA Adoption Statement.
- 5.2 The KINP does not allocate any sites, or propose projects or development. Therefore sensitive natural or heritage sites cannot be affected by the proposals contained within the KINP.
- 5.3 The National Planning Practice Guidance clearly states “*whether a neighbourhood plan proposal required a strategic environmental assessment, and (if so) the level of*

detail needed, will depend on what is proposed. A strategic environmental assessment may be required, for example 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; and the neighbourhood plan is likely to have significant environmental effects that have not already been considered and dealt with through a sustainability appraisal of the Local Plan.” (Para reference ID 11-046-20150209).

- 5.4 The assessment shows, that in the view of the District Council, the impacts of the KINP will not result in significant environmental effects and therefore there is no need for a Strategic Environmental Assessment (SEA) in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 and European Directive 2001/42/EC. **In conclusion it is considered that a strategic environmental assessment will not be required.**
- 5.5 However, as noted in Table 1 above the KINP includes *Policy 1- Development* which sets out the designation of a built framework around the village. The designation of a built framework is contrary to the provisions of the Adopted Derbyshire Dales Local Plan. The KINP policy restricts development to within a framework boundary, inferring that only ‘sensitive development’ within it will be supported and that all development outside the boundary would be rejected, this is more restrictive than the Adopted Local Plan and not in conformity. Accordingly it has been recommended to the Kirk Ireton Neighbourhood Plan Steering Group that revisions to the KINP are made.
- 5.6 It should be noted that if the issues, policies and objectives of the KINP should change from those within the Pre – Submission September 2018 version of the KINP as screened then a new SEA/SA screening process will need to be undertaken.
- 5.7 This screening assessment has been sent to the three statutory SEA consultation bodies – Historic England, Natural England and the Environment Agency. The screening outcome is subject to comment from the SEA Bodies. The response received from the SEA bodies will be provided to the KINP group and may result in revisions to this screening exercise being necessary.
- 5.8 A sustainability appraisal may help KINP group to demonstrate that the neighbourhood plan is sustainable and may make it more likely that it will be supported by the Examiner who will check it for compliance. The key stages for sustainability appraisal involve; considering whether the plan has been prepared to take account of effects on the environment and economy and improves the area for the community. Further information and advice on sustainability appraisal can be obtained from the Planning Advisory Service and from the online National Planning Practice Guidance.

Links

Derbyshire Dales Local Plan 2017

http://www.derbyshiredales.gov.uk/images/documents/L/Local_Plan_7_Dec_2017_-_Final.pdf

Derbyshire Dales Local Plan – Post Submission Modifications Sustainability Appraisal Report – Part 1 June 2017

http://www.derbyshiredales.gov.uk/images/documents/L/Local%20Plan%20Examination%20Library/DerbyshireDales_SARreport_PostSubmission_Part%201-3%20FINAL.pdf

Derbyshire Dales Local Plan - Post Submission Modifications Habitats Regulations Report June 2017

<http://www.derbyshiredales.gov.uk/images/documents/D/Derbyshire%20Dales%20SA%20Report%20Modifications%20Submission%20Part%201-3%20FINAL.pdf>

Derbyshire Dales Local Plan Sustainability Appraisal Adoption Statement December 2017

http://www.derbyshiredales.gov.uk/images/documents/L/Sustainability_Appraisal_Adoption_Statement_December_2017.pdf