

DARLEY DALE NEIGHBOURHOOD PLAN

SUSTAINABILITY APPRAISAL AND STRATEGIC ENVIRONMENTAL ASSESSMENT SCREENING REPORT

Prepared by Derbyshire Dales District Council

On behalf of Darley Dale Neighbourhood Plan Steering Group on behalf of
Darley Dale Town Council, residents and businesses

June 2018

Sustainability Appraisal and Strategic Environmental Assessment Screening Report Darley Dale Neighbourhood Plan

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Table 1 Determination of likely significant environmental effects.

1. Introduction

- 1.1 This screening report is designed to determine whether or not the contents of the Darley Dale Neighbourhood Plan (hereafter known as DDNP) 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 Darley Dale Town 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 Darley Dale for the period 2017-2033. The Neighbourhood Plan is intended to complement the policies in the Derbyshire Dales Local Plan (2017). The designation of the area as a Neighbourhood Area was approved under the District Council's Scheme of Officer Delegation on 18th August 2014.
- 1.3 The Neighbourhood Plan Steering Group (NPSG) and the Town Council recognise that over the next 15 years there will be growth in the Parish of Darley Dale to meet the District's housing requirements. The NPSG has undertaken consultations throughout preparation of the DDNP to ensure that local views can shape and influence the scope and content of the Plan. The DDNP has been drafted in the context of the outcomes of public consultation and also within the context of the National Planning Policy Framework (NPPF) and National Planning Policy Practice Guidance (NPPG), the policies from the Derbyshire Dales Local Plan (2017) and the evidence base reports used to support the Derbyshire Dales Local Plan.
- 1.4 The purpose of the Neighbourhood Plan is to seek to positively influence the land use planning policies in the Parish of Darley Dale by:
 - Promoting a constructive dialogue with developers before a planning application is submitted;
 - Providing design policies that recognise the distinctive character of the separate settlements that make up Darley Dale Parish;
 - Identifying areas of separation between the settlements that will ensure that future development does not erode this character;
 - Protecting the landscape character of the area including the views out of the settlements and the views to and from the Peak District National Park.

1.5 The community vision for the DDNP has been prepared and endorsed by the NPSG based on the consultation events and feedback. The Vision of the DDNP is as follows:

“In 15 years’ time Darley Dale Parish will be a welcoming and thriving community for all ages. It will still be a predominantly rural area but it will also provide a high-quality environment in which to live, work and spend leisure time. New development will have blended sensitively with the existing character of the settlements. Great care will have been taken to protect the special landscape which defines the Parish so that the buildings and landscape continue to inspire local people and visitors alike”.

1.6 In order to deliver the vision, and following the outcomes of the community consultation a series of ‘Community Objectives’ have been identified by the Neighbourhood Plan Group which reflect the greatest concerns and the area of focus for the Neighbourhood Plan. The five objectives are listed below:

- **Community Objective 1** – ensuring that all new development is designed and located so that it minimises its impact on the natural and built environment, whilst providing direct benefit to local people by:
 - a) Being suitable to meet Parish needs, and
 - b) Being informed by the Darley Dale Place Analysis (as well as other District and County Studies), and
 - c) Being underpinned by extensive local consultation
- **Community Objective 2** – Ensuring that all new development is designed so that it
 - a) Respects the materials, style and layout of the existing settlement (where applicable), and
 - b) Enhances, rather than diminishes, the existing character of Darley Dale Parish
- **Community Objective 3** – Protecting the landscape character of Darley Dale, like the green gaps that keep the settlements separate and the wide public vistas across to the Peak District National Park.
- **Community Objective 4** – Seeking opportunities, whenever possible, to maintain and enhance the community facilities within Darley Dale.
- **Community Objective 5** – Encouraging pre-application community engagement so the community and developers can work together to produce schemes designed to a high standard and in the most appropriate locations.

1.7 Further information on the DDNP and work undertaken by the Neighbourhood Plan Steering Group (NPSG) is available on the Neighbourhood Plan tab of the Darley Dale Town Council website at www.darleydale.gov.uk.

- 1.8 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](#)
- 1.9 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 DDNP and determines 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 Darley Dale 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) reaffirms that it is considered best practice to incorporate the requirements of the SEA Directive into an SA. The NPPF further advises 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 DDNP 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 DDNP 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 DDNP.

3. Criteria for Assessing the Effects of Neighbourhood Plans

3.1 To determine whether the DDNP 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 DDNP. The table below has been used to determine whether the DDNP 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 Darley Dale Neighbourhood Plan
1. The characteristics of plans and programmes, having regard, in particular, to:	
(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>The DDNP 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 DDNP 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 DDNP 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.</p> <p>The Neighbourhood Plan contains policies that; seek to protect the landscape character of Darley Dale, protect the setting of the National Park, set out design principles for residential development and enhance the provision of community facilities. It does not allocate sites for development and contains no proposals for development. It will 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>It is considered that the policies in the Neighbourhood Plan sit within the strategic framework of the policies in the adopted Derbyshire Dales Local Plan.</p>
(b) The degree to which the plan or programme influences other plans and programmes including those in a hierarchy;	The DDNP is considered unlikely to influence other Plans or Programmes within the Statutory Development Plan.
(c) The relevance of the	The DDNP aims to provide sustainable development, seeking to preserve and enhance the character of the natural, built and historic

<p>plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development;</p>	<p>environment within the DDNP area.</p> <p>The Neighbourhood Plan places a strong emphasis on protection of the distinctive landscape character of the Parish. Policies N1-10 consider the impact of development on the landscape and the setting of the National Park. The policies draw upon work undertaken as part of the Darley Dale Place Analysis and seek to ensure development is guided by and integrates with the local distinctiveness and environmental qualities and the character of each settlement within Darley Dale.</p> <p>Policies N11-19 are intended to promote good design with principles established for the design of residential development, including a requirement to use industry standards for good design such as Building for Life 12 or the most recent national standards.</p> <p>There are no specific policies relating to ecology or biodiversity.</p> <p>It is considered that the DDNP will support policies for environmental protection in the adopted Derbyshire Dales Local Plan which has been subject to a comprehensive Sustainability Appraisal and Habitats Regulations Assessment and therefore promote sustainable development.</p>
<p>(d) Environmental problems relevant to the plan or programme; and</p>	<p>The estimated resident population of Darley Dale is 5,125 (2011 Census). Darley Dale has a wide range of services and facilities including community hall, convenience store, GP surgery and pharmacy, primary schools, post office and public houses. Darley Dale includes a number of employment generating premises operating within the Parish. Public Transport services run frequently along the A6. The level of population within Darley Dale has been sufficient to maintain the viability of all key services and facilities; these however only provide day to day needs, with nearby Matlock providing those essential services not currently available within Darley Dale.</p> <p>Darley Dale is situated in the valley of the River Derwent, north west of Matlock and on the edge of the Peak District National Park which overlooks the valley from the west and south west. The river floodplain contains the settlement on its south western side. The main part of the settlement extends along either side of the A6 and also comprises several linear settlements that extend up the hillside to the north east, beyond which are some of the highest quality landscapes in Derbyshire. Of these settlements the largest is Oker/Parkway which sits along the A6. Churchtown is also to the south of the A6, with the other remaining settlements in clusters up the valley side to the north east.</p> <p>The Peak District National Park is situated to the west (outside the Parish) and at its nearest viewpoint is less than 60 metres from the Darley Dale Parish boundary. Darley Dales location on the northern and eastern slopes of the Derwent Valley means that it is visible from the Peak District National Park research undertaken as part of the preparation of the Derbyshire Dales Local Plan identified the landscapes that can be seen from the Park as having ‘high</p>

	<p>landscape sensitivity’.</p> <p>The River Derwent passes through the valley within which Darley Dale sits, consequently the majority of land to the west and south of the settlement is located within Flood Zone 3. To the south west and west of Darley Dale the railway acts as a strong limit to development, and in addition the majority of land beyond the railway line is located within Flood Zone 3.</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)	The Neighbourhood Plan is not directly relevant to the implementation of European legislation.
2. Characteristics of the effects and of the area likely to be affected, having regard, in particular to:	
(a) The probability, duration, frequency and reversibility of the effects;	The DDNP 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 and appearance of development, protection the landscape character of Darley Dale and the wider setting of the Peak District National Park. Policies on design principles for residential development will have positive outcomes through ensuring that the overall design and layout of development respects the local character of each settlement within the Parish and therefore enhance local distinctiveness. The DDNP policies will additionally have positive effects in terms of enhancing the provision of community facilities within the Plan area.
(b) The cumulative nature of the effects;	It is intended that the environmental effects will have positive, cumulative benefits for the area, for example through the protection of open spaces – with associated benefits for biodiversity and landscape character, through promoting high quality design and the protection of the countryside through policies to ensure development preserves and enhances the areas local distinctiveness (i.e. landscape and settlement character, pattern and setting of the Peak District National Park.)
(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, settlement and landscape character and through the promotion of high quality design in new development.
(d) The risks to human health or	In undertaking the screening exercise no significant risks to human health or the environment have been identified.

<p>the environment (for example due to accidents);</p>	<p>The vision and policies of DDNP are likely to have positive effects and improve human health by supporting the protection and enhancement of open spaces and community facilities and promoting well designed development that maximises opportunities to integrate development into existing settlements, allowing for easy and direct movements, thus encouraging walking/cycling and promoting development in sustainable locations with access to local amenities.</p>
<p>(e) The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);</p>	<p>The DDNP area covers the parish of Darley Dale, which at the 2011 census had a population on 5,125. The parish of Darley Dale covers approximately 6.5 square miles and lies to the north west of the market town of Matlock. The parish includes areas to the west of Matlock such as the locally known Hooleys and Moorledge developments and also a number of smaller settlements which sit either alongside the A6 or in distinct clusters up the valley side to the north east of the A6.</p> <p>The DDNP 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 DDNP is comparatively small, particularly when compared to the scale likely to be effected by the Derbyshire Dales Local Plan for instance.</p>
<p>(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</p>	<p>The DDNP covers the Parish of Darley Dale. The parish is rich in natural, environmental and heritage assets.</p> <p>With regard to the historic environment the area does not include a designated Conservation Area, however there are 35 listed buildings, notably including for instance Darley Bridge, Holt House and St Helen's Church which are Grade II*. The area also includes three Scheduled Monuments (Darley Bridge, Ring Cairn & Cairn at Bumper Castle and Cairnfield at Bumper Castle). The Plan area also contains two Registered Historic Parks and Gardens at Whitworth Park and Sydnope Hall.</p> <p>In respect of other environmental assets the plan area includes an area of land to the north designated as a Site of Special Scientific Interest (SSSI), and European site Special Area of Conservation (South Pennine Moors SAC) and Special Protection Area (South Pennine Moors Phase 1) at Big and Little Bumper Piece. Numerous areas of the neighbourhood plan area are also designated as local wildlife sites most notably Halldale Wood which runs northwards along either side of the valley to the Halldale Brook. 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 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</p>

	<p>and enhancement of landscape character, biodiversity, geological interests and the built and historic environment. The Habitats Regulations Report of the Derbyshire Dales Local Plan Post Submission Modifications considered the likely significant effects on each of the European sites in turn of the Local Plan policies and allocations. No likely significant effects were identified. This document can be seen here: http://www.derbyshiredales.gov.uk/images/documents/D/Derbyshire%20Dales%20SA%20Report%20Modifications%20Submission%20Part%201-3%20FINAL.pdf</p> <p>The DDNP does not allocate any sites or have any site specific proposals therefore the sensitive natural and heritage sites identified are not affected by the proposed policies.</p>
<p>g) The effects on areas or landscapes which have a recognised national, community or international protection status.</p>	<p>Darley Dale is located in the valley of the River Derwent north west of Matlock and on the edge of the Peak District National Park which overlooks the valley from the west and south west. The river floodplain contains the settlement on its south western side, to the north east steeply sloping valley sides rise up to moorland at Sydnope Hill, Round Hill and Black Hill. The majority of land surrounding the settlement, particularly to the north and east is visible from the Peak District National Park. The land surrounding the settlement is of high landscape sensitivity. The landscape character of the area contributes significantly to the distinctive and visual amenity of the DDNP area and surrounding hinterland. The DDNP area falls within the Dark Peak landscape character type. In addition there are numerous designated wildlife sites within the Plan area including a SSSI, SAC and SPA, see g). The area also includes a number of heritage assets which contribute the historic landscape, see g).</p> <p>The vision of the DDNP states ...<i>Great care will have been taken to protect the special landscape which defines the parish.....</i>pg 21 it is this principle which underpins the approach and all policies included in the DDNP.</p> <p>The DDNP has drawn on the Landscape Character assessment of Derbyshire Dales originally carried out by the County Council and extracted for the Local Plan evidence base, (http://www.derbyshiredales.gov.uk/images/documents/L/Landscape%20Character%20Derbyshire%20Dales.pdf) and the Derbyshire Dales Landscape Sensitivity Study (http://www.derbyshiredales.gov.uk/images/documents/C/Committee/Local_Plan_Advisory/Full%20Landscape%20Sensitivity%20Study%20Sept%202015%20-%20Reduced.pdf) In addition the DNPG commissioned a Darley Dale Place Analysis in September 2015. The policies in the DDNP are based on these three documents.</p> <p>The DDNP policies will dovetail with the policies of the Local Plan with no significant negative effects anticipated on the protected landscapes.</p>

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 Darley Dale Neighbourhood Plan, (as submitted and assessed as part of this screening exercise (DDNP – Submission Version – March 2018), that have not been considered in the Sustainability Appraisal and Habitats Regulations Assessment of the Derbyshire Dales Local Plan, adopted in December 2017.
- 5.2 The DDNP 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 DDNP.
- 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 In conclusion it is considered that a strategic environmental assessment will not be required.**
- 5.5 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 DDNP group and may result in revisions to this screening exercise being necessary.
- 5.6 It should be noted that if the issues, policies and objectives of the DDNP should change from those within the March 2018 version of the DDNP as screened then a new screening process will need to be undertaken.

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