

Appendix 3.6 SEA Screening Report for Kelbrook and Sough

1. Introduction

This screening report is used to determine whether or not the content of the Kelbrook and Sough Neighbourhood Plan (KSNP) 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. These require an SEA to be undertaken for:

- i. Plans that are prepared for town and country planning or land use and which set the framework for future development consent of projects listed in the Environmental Impact Assessment (EIA) Directive; or
- ii. Plans that have been determined to require an assessment under the Habitats Directive.

Plans that determine ‘the use of a small area at local level’ or which only propose ‘minor modification to a plan’ might be exempt if they are unlikely to have significant environmental effects. Neighbourhood Plans containing land allocations for development that are not included in the local authority’s plan, are more likely to require an SEA. The main determining factor as to whether SEA is required for a Neighbourhood Plan is if it is likely to have a significant effect on the environment.

The final outcome of this assessment will subsequently inform what is submitted under Regulation 15 (1).

Section 2 of this report outlines the regulations that set the need for this screening exercise. Process and criteria of the assessment are set out in Section 3. A brief summary of the draft KSNP is provided in Section 4.

The screening assessment of the likely significant environmental effects of the KSNP is set out in Section 5 and the decision on the screening is provided in Section 6.

2. Legislative Background

2.1 The basis for Strategic Environmental Assessments legislation is European Directive 2001/42/EC and was transposed into English law by the Environmental Assessment of Plans and Programmes Regulations 2004, or SEA Regulations. Regulation 9 sets out the process as follows:

“Determinations of the responsible authority.

- 9 (1) The responsible authority shall determine whether or not a plan, programme or modification of a description referred to in –
 - (a) paragraph (4) (a) and (b) of regulation 5;
 - (b) paragraph (6)(a) of that regulation; or
 - (c) paragraph (6) (b) of that regulation, is likely to have significant environmental effects.

- (2) Before making a determination under paragraph (1) the responsible authority shall –
 - (a) take into account the criteria specified in Schedule 1 to these Regulations; and
 - (b) consult the consultation bodies

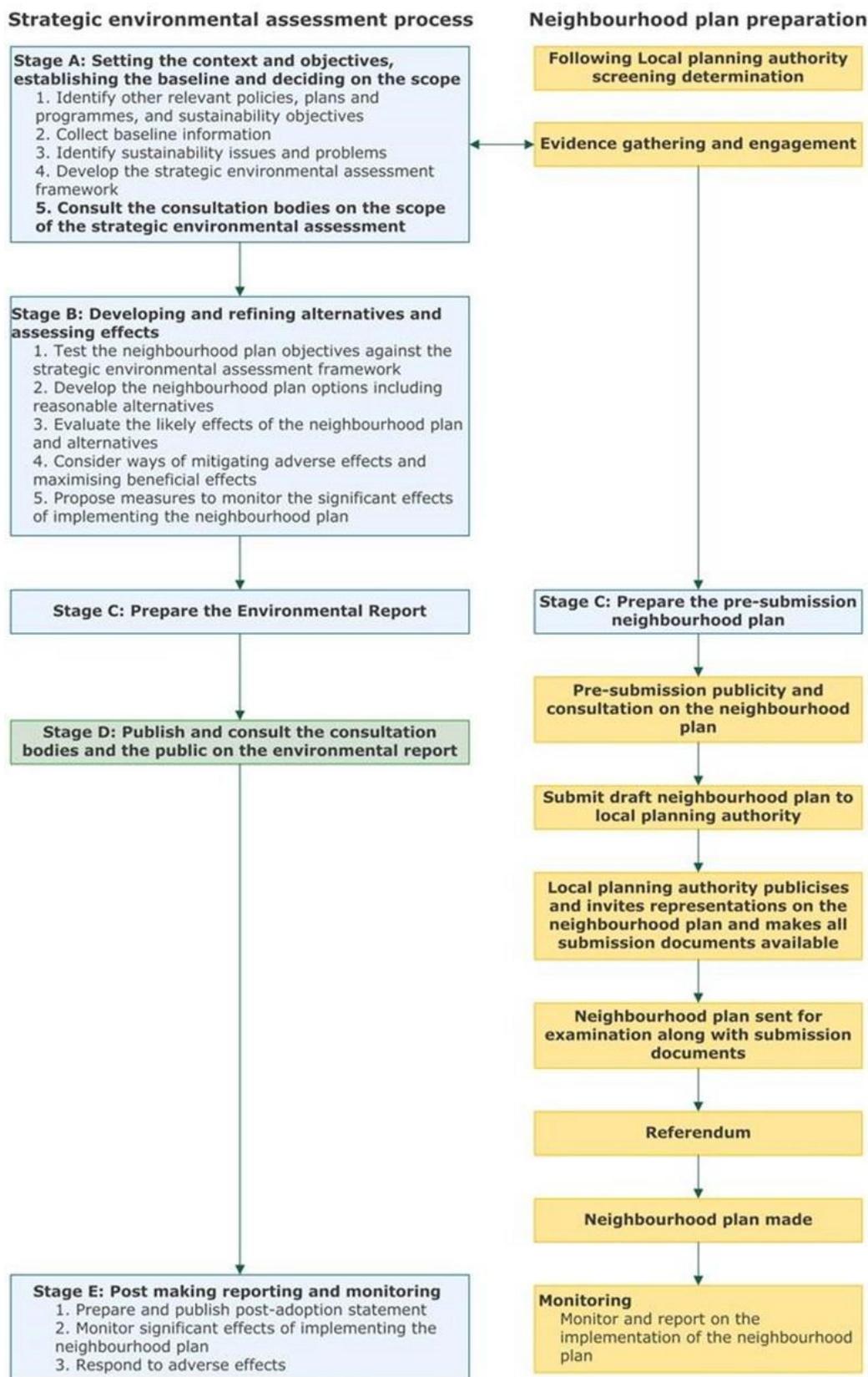
- (3) Where the responsible authority determines that the plan, programme or modification is unlikely to have significant environmental effects (and, accordingly, does not require an environmental assessment), it shall prepare a statement of its reasons for the determination.

The regulations define that a responsible authority in relation to a plan or programme as:

- (a) the authority by which or on whose behalf it is prepared; and*
(b) where, at any particular time, that authority ceases to be responsible, or solely responsible, for taking steps in relation to the plan or programme, the person who, at that time, is responsible (solely or jointly with the authority) for taking those steps;

2.2 The Government has stated that Sustainability Appraisals are not needed for Neighbourhood Plans (NPPG). It must however be demonstrated how the NP contributes to achievement of sustainable development in the area.

2.3 The diagram below shows the process to be followed relating the Strategic Environmental Assessment process to the Neighbourhood Planning process..



For Neighbourhood Plans SEA screening is a two-stage process:

1. Generic application of the SEA directive
2. SEA Directive Article 3(5) Annex II – Application of criteria for determining the likely significance of effects

This document contains two forms, in respect of stages 1 and 2 respectively:

1. For SEA Screening Stage 1, the form considers Neighbourhood Plans generically against the SEA Assessment criteria specified in the national guidance (“[A Practical Guide to the Strategic Environmental Assessment Directive](#)”, Figure 2), to determine whether each would require full SEA. Table 1 of this SA.
2. Where it is determined that there is potential for the KSNP to have a significant effect on the environment, then it is necessary to progress to Stage 2 in the SEA Screening process. This involves testing the relevant Neighbourhood Plan against the relevant criteria for determining the likely significance of environmental effects, as specified in SEA Directive Article 3(5) Annex II.

3 Overview of the Neighbourhood Plan

Kelbrook and Sough is a rural Parish high in the Lancashire Pennines near the Yorkshire border. It is primarily grazing farmland with two moors, Roger Moor and Kelbrook Moor and the two villages are located on the western edge of the Parish.

The A56 and B6383 are the main vehicle routes that connect the rural villages. They travel through a network of high quality open spaces, that consist of rolling landform and land cover. Travelling along these scenic routes of natural green open landscapes (corridors), it becomes obvious why these unspoilt natural surroundings are vitally important to the people who live in the area. This beautiful, tranquil, diverse and productive open countryside is fundamental to the quality of life. This includes the isolated settlements of 17th century farms, open rolling fields and land that demonstrates field patterns, with vast green flood plains rising to heather clad moorland. This diversity and space afford varied habitats of increasing biodiversity along ecological networks that are home to a wide range of species. Hedges, and stone walls mainly frame this vast beautiful open and undeveloped countryside to the borders of the A56 and B6383. It is little wonder that this open countryside attracts numerous tourists and visitors and is a recreational choice amongst ramblers and casual walkers.

3.1 Vision

Based on engagement with the Community the Plan's vision for Kelbrook and Sough is:

A thriving farming community based around two unique historical villages, Kelbrook and Sough, with a superior quality of life that encourages a greater sense of community, promotes sustainable economic activity for current and future generations. Kelbrook and Sough Parish is situated on the Pennines watershed with land stocked with sheep and cattle. Future development should maintain the unique character of the Parish based on the historic nature of the housing and other buildings and meet the needs of residents at different stages of their lives through the adoption of appropriate building styles and green spaces. It will be important to protect the beautiful landscape and biodiversity that surrounds us and to ensure sustainable development enhances the environment.

3.2 Objectives

To achieve this Vision, the following Objectives should be met:



<p>OBJ 1: To retain the historical look of Kelbrook village, maintain and enhance the physical character of the parish</p>	<p>Important village assets will be retained and enhanced through the use of character areas.</p> <p>To ensure that future housing maintains the look and characteristics of existing historic building through the use of stone and other specific building design.</p>
<p>OBJ 2: To minimise the impact of new development on the settlement areas and within the wider landscape that comprises the Parish</p>	<p>The NP will identify views that are important to preserve the environment, identify local green spaces and specify areas where wildlife diversity is important</p> <p>Protect natural existing ground water courses and their immediate surrounding vegetation in order to maintain essential ecosystem services, prevent water and soil pollution and to help retain the natural role in flood prevention provided by existing water courses.</p>
<p>OBJ 3: To protect local open and green spaces, in particular historic and valuable views, biodiversity, wildlife and cultural heritage and the natural environment, both habitats and landscapes.</p>	<p>The NP will identify the range of biodiversity and wildlife in the Parish.</p> <p>The NP will identify local green spaces and other areas that should be retained to preserve the environment, identify and specify areas where wildlife diversity is important</p>
<p>OBJ 4: To encourage tourism, leisure and small business enterprise within the Parish</p>	<p>The NP will encourage tourism and leisure through the creation of additional information identifying beautiful views, footpaths and accommodation. Small business enterprise will continue to be supported with a key requirement to improve internet access within the Parish.</p>
<p>OBJ 5: To provide homes that will meet the local need for housing.</p>	<p>Maintain a mix of house types as defined within the village character assessment.</p> <p>Integrate new housing into the Parish so that the current village and rural aesthetic and character is maintained.</p> <p>Potential sites to have been determined based on published criteria and policies within the NP</p>
<p>OBJ 6: To improve the infrastructure to support the Parish facilities</p>	<p>Reduce the negative impact of traffic and encourage safe walking and cycling.</p> <p>Retain bus services to reduce the requirement for residents to have a car</p> <p>Ensure that new development does not impact existing infrastructure services for current residents.</p> <p>Identify enhanced services such as internet access to ensure businesses can thrive.</p>
<p>OBJ 7: To support community services within the Parish</p>	<p>Ensure the key community services and facilities such as the Village Hall and church are maintained and supported</p>

3.3 Policies that relate to Environment and Habitats

POLICY - KS DEV 1 Protecting and Enhancing the Character of Kelbrook and Sough

All development must, by virtue of its design, siting, access, use, visual impact, layout, materials, height, scale and location, protect, enhance and respond positively to the character and heritage of the natural and built environment. To this end, all proposals will be considered against the Kelbrook and Sough Character Assessment or its successor and in the case that part or parts of the area are declared conservation areas in the future, any Conservation Area Appraisals that may be produced for the area.

In particular development should have regard to the following elements of character in the landscape, townscape and streetscape:

- The type and quality of materials - Materials of local distinctiveness such as local stone and compatible brick should be used
- Level and fine grain of detail
- Scale and height of buildings in the area including number of storeys
- Plot widths
- Level of enclosure
- Specific details such as chimneys, doors and windows including the vertical orientation of windows
- Rhythms of building elements such as doors and windows established through repetition in the streetscape
- Lines established by buildings such as on roofs, eaves, levels of windows, boundaries and where buildings meet back of pavement
- Key views e.g. of Moors and fields and key buildings such as the church including views from and of the village and to and from the surrounding moors and fields
- The contribution that greenery can make to enhancing an area in particular creating a visual link to the Moors and fields beyond
- Quality of public realm
- Boundary Treatments such as walls, fences, hedgerows and Gates
- Layout including block structure, alleys, whether houses backing onto fields or other houses, open spaces and their relationship with buildings, gaps between buildings and natural surveillance.
- Impact on Landscape including the separations of settlements and biodiversity
- Provisions of adequate bin storage designed so as to enable bins to be kept out of sight of the street on non-collection days and are in keeping with the character of the area.

The Character Assessment should be referred to for further explanation of the above and when interpreting Part 1 policies ENV 1 and ENV2 with respect to character. With respect to biodiversity Pendle Council's Green Infrastructure Strategy, 2019 and the Kelbrook and Sough Character Assessment should be used to help inform any green infrastructure

proposals to meet Part 1 Policy ENV1 Protecting and Enhancing Our Natural and Historic Environments but these should be supplemented by more site-specific assessment.

POLICY - KS DEV 2 Public Realm Improvements

Proposals for improvements to the public realm and environment including road, pavement, street furniture, squares, public gardens and other public areas as well as proposals which improve maintenance, cleaning, appearance, safety and/or condition will be supported provided they are in keeping with the character of the area as described in the Character Assessment.

POLICY - KS ENV 1 Green Infrastructure

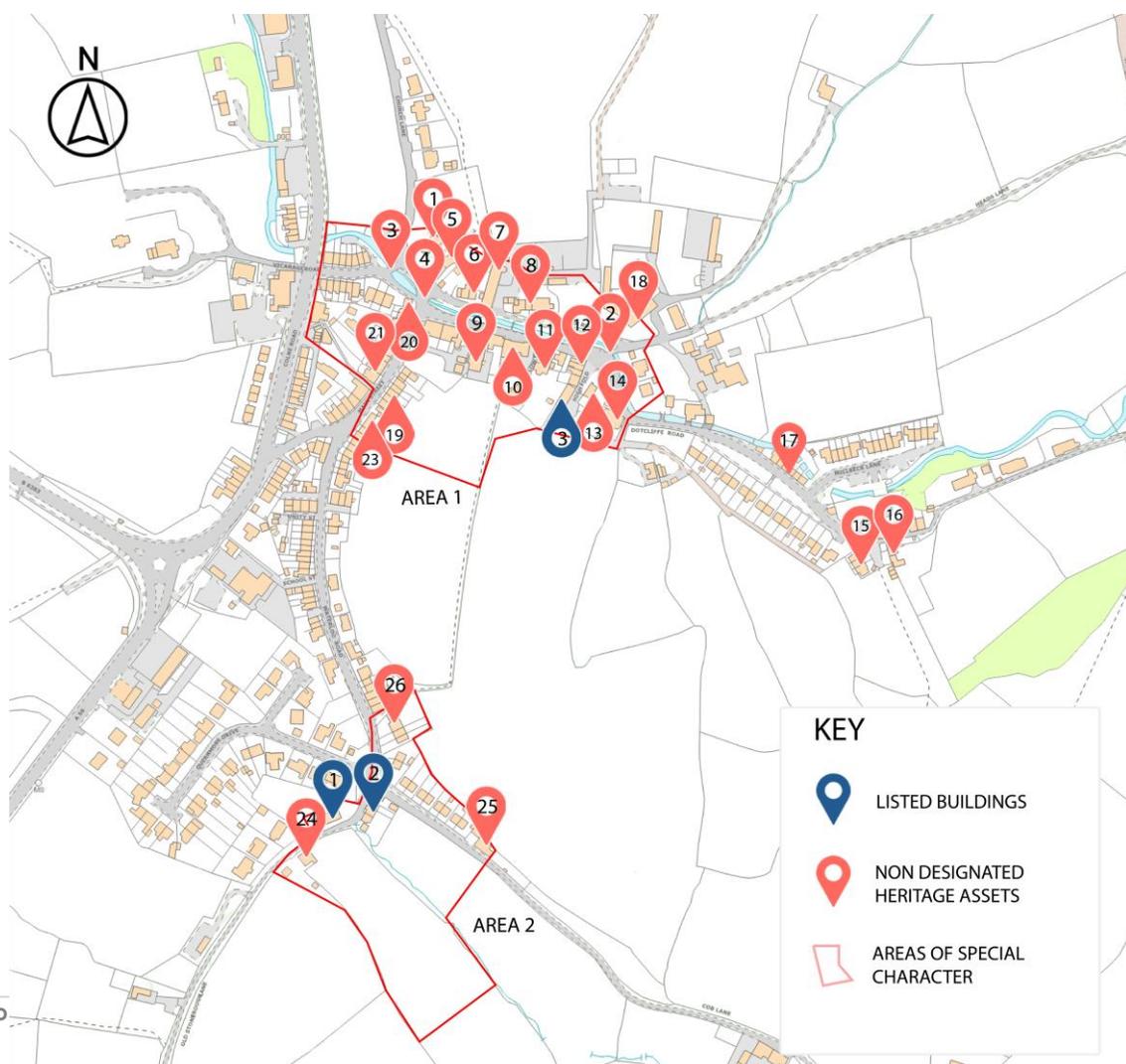
Improvements to the green infrastructure of the Parish will be supported. The Kelbrook and Sough Character Assessment should be considered when determining planning applications and interpreting any relevant Local Plan Policy with respect to green infrastructure, in particular the sections on Landscape and Topography, Biodiversity and Green and Natural Features, General Patterns of Built Form and Open Space, Main Uses and Mix of Uses and Views and Vistas and Enclosure

POLICY - KS HER 1 Non-designated Heritage Assets

1. The following should be regarded as Non-designated Heritage Assets and should be included on Pendle's emerging Local List

1. St Mary the Virgin Church at Kelbrook
2. High Bridge, Dotcliffe Road
3. Vicarage Road Bridge
4. Low Bridge, Dotcliffe Road
5. Barn to side of St Mary's Church now incorporated into the Old Co-op dwelling
6. House adjacent to Brook Barn on Harden Road now two dwellings
7. Brook Farm Barn now Brook Farm Nursery
8. Farmhouse, Harden Road now several separate dwellings and offices
9. National School now The Village Hall
10. Farmhouse and Barn now Ewe Time Holiday Barn, 5A Dotcliffe Road
11. Dwellings on Low Fold now Croft House Cottage, Goose Cottage and Low Fold Cottage
12. Dwellings at High Fold now Numbers 2-8

13. Dwelling at High Fold now Numbers 7-9
14. Detached House at second bend on Dotcliffe Road
15. Terrace on Dotcliffe Lane now 61 – 63 Dotcliffe Road
16. Terrace on Dotcliffe Lane now 65-67 & 69 Dotcliffe Road
17. Mitchell's Place, 8 -10 Dotcliffe Road
18. Catgate now Catgate Farm
19. Terrace on Main Street now 9 – 19 Main Street
20. Barn at the end of Main Street now double garage for a bungalow on Vicarage Road
21. Barn to Kelbrook Farm now 18 & 20 Main Street
22. Sough Mill
23. Kelbrook Pottery
24. Spring House
25. Close House now 20 Cob Lane
26. Faith, Hope and Charity, now 69 Waterloo Road, Hope Cottage and School House





2. Proposals which affect the significance of Non-designated heritage assets will be determined by considering the extent to which those aspects of the asset that contribute to its significance, are conserved or enhanced.

POLICY - KS HER 2 Historic Environment

Proposals affecting any part of the historic environment should be informed by an understanding of the site's context and heritage significance and proposals which impact, directly or indirectly, on a heritage asset or its setting, to be accompanied by a heritage statement which must

- a Explain how the proposal has taken into account the significance of any designated or non-designated heritage assets
- b Evaluate any effect that the proposal would have on the significance of a heritage asset, and support the proposal by:
 - i. Providing clear justification for any harm that would be caused
 - ii. Explaining how possible mitigation of any harm has been fully considered
 - iii. Identifying any public benefits that would arise. AND
- c. Demonstrate that the proposal has been informed by all available evidence

POLICY - KS PATH Improvements to Existing Footpaths, Bridleways, Cycleways, and Rights of Way

The improvement of the network of footpaths bridleways and cycleways, (See Map in Evidence below) including signage and provision or upgrading of crossing points will be supported to improve the connections for residents to the village facilities and to the countryside. New developments should ensure preservation of parish footpaths, bridleways and open space. Cycle routes and footpaths should be incorporated in new developments and link into the wider network and looking to grow it significantly. The closure of a route will be resisted unless a satisfactory alternative route is provided.

POLICY - KS TOUR Tourist and Visitor Facilities

Proposals for Tourism Development in the Parish must be in a location, and of a design and scale, that is in keeping with the rural character of the settlement and the wider landscape setting and protects local landscape character as defined in the Kelbrook and Sough Character Assessment

3.4 Potential Sites for Assessment

	Ref	Location	Site area (hectares)	Current Land Use	Site conditions	House no	Comments
1	P068	Land at Barnoldswick Road/Colne Road, Barnoldswick Road, Kelbrook	2	Sheep grazing and hay making	Greenfield	64	Access from Barnoldswick Road already available

2	P183	Dotcliffe Yard, Dotcliffe Road, Kelbrook	0.23	Caravan storage	Brownfield	7-10	Site suitable for regeneration
3	P243	Land at Cob Lane, Kelbrook	1.02	Sheep grazing and haymaking	Greenfield	10	Access through village and impact on flooding
4	P282	Land to rear of Church Lane/Brook Farm, Kelbrook	2.65	Sheep grazing and hay making	Greenfield	83	Access away from centre of village
5	P004	Land South of Quernmore Drive - access via Old Stone Trough Lane	2	Horse grazing	Greenfield	30	Access could be created off A56
6	N/A	Land at Heads Lane	0.5	Sheep grazing and haymaking	Greenfield	15-20	Access off Heads Lane

4. Screening assessment process

4.1 Table 1. SEA Screening Stage 1: Application of SEA Directive in the case of Neighbourhood Plans

	SEA Assessment Criteria	Commentary	N'hood Plan Outcome (Yes/No)
1	Is a Neighbourhood Plan 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?	<i>A local planning authority has a statutory obligation to adopt or “make” a Neighbourhood Plan once it has successfully gone through the relevant statutory preparation stages, culminating in a local referendum. At this stage, a Neighbourhood Plan becomes part of the statutory development plan for the relevant local authority area. To this extent, the Neighbourhood Planning process is directed by/ through a legislative procedure.</i>	Yes
2	Is a Neighbourhood Plan required by legislative, regulatory or administrative provisions?	<i>The preparation of Neighbourhood Plans is not mandatory; i.e. a Town/Parish Council or Neighbourhood Forum can choose whether or not to undertake either of these. However, if the relevant body decides to prepare a Neighbourhood Plan, that Town/ Parish Council or Neighbourhood Forum is required to follow the set regulatory and administrative procedures.</i>	No
3	Is a Neighbourhood Plan 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?	<i>A Neighbourhood Plan must relate to town and country, spatial and/ or land use planning. Once made, it will form part of the statutory framework (“development plan”) for the determination of planning applications. Neighbourhood Plans both, therefore, set specific frameworks for future development consents.</i>	Yes
4	Will a Neighbourhood Plan in view of its likely effect on sites, require an assessment under Article 6 or 7 of the Habitats Directive?	<i>The Neighbourhood Plan will not have any effect on any European Designated site.</i>	No

5	Does a Neighbourhood Plan determine the use of small areas at local level, OR is it a minor modification of an existing plan/ programme?	<i>The Kelbrook and Sough Neighbourhood Plan (KSNP) does allocate sites and does put forward sites for designation as protected Local Green Spaces.</i>	Yes
6	Is a Neighbourhood Plan likely to have a significant effect on the environment?	<p><i>The Neighbourhood Plan includes design and landscape character policies.</i></p> <p><i>The Neighbourhood Plan includes policies to protect the landscape including key views and vistas. All new development will need to take account of the sensitive nature of the surrounding landscape.</i></p> <p><i>The Neighbourhood Plan allocates sites as protected local green space in accordance with the criteria in the NPPF.</i></p> <p><i>The Neighbourhood Plan seeks to designate a new Character Area in Kelbrook village which could be considered as a future designated Conservation Area working with Pendle Borough Council.</i></p> <p><i>The Neighbourhood Plan includes a policy on Green Infrastructure including provision to protect and enhance networks and connections.</i></p>	No

4.2 SEA Screening Stage 1: Conclusions

Would the Kelbrook and Sough Neighbourhood Plan require a SEA?

The KSNP will not impact on any European Designated site.

The KSNP will be looking to allocate sites for development that are currently fields.

The KSNP policies seek to protect a number of key environmental assets, including landscape, heritage and local green spaces.

Based on the Stage 1 screening in Table 1 it is concluded that a full SEA is not required.

4.3 SEA Screening Stage 2: SEA Directive Article 3(5) Annex II – Application of Criteria for determining the likely significance of effects of a Neighbourhood Plan

The SEA Directive (Article 3(5)) requires the relevant body Kelbrook and Sough Parish Council to: “ensure that plans and programmes [i.e. their Neighbourhood Plan] with likely significant effects on the environment are covered by this Directive”.

In other words, the proposed scope and/ or range of themes, topics and/ or policies that a Neighbourhood Plan is intended to cover will form the basis for determining whether a full SEA will be required. Stage 2 of the SEA screening process will determine whether the emerging Neighbourhood Plan would:

- Only determine the use of small areas at local level – i.e. involves minor/ small scale land allocations/ designations, or detailed, locally distinctive design criteria [whereby a full SEA would not be required]; or
- Be likely to have a significant effect on the environment [whereby a full SEA would be required]?

	SEA Directive (Annex II)	Commentary	Conclusion – significant environmental impact? [Yes/No]
1	Characteristics of Neighbourhood Plan		
A	Degree to which this sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources	<p><i>The overarching framework for planning policy is set in the National Planning Policy Framework and Planning Practice Guidance. Once adopted, the Neighbourhood Plan will form part of the Development Plan and planning applications within the designated area must be determined in accordance with the Neighbourhood Plan Policies.</i></p> <p><i>The KSNP includes policies to protect the landscape including key views and vistas. All new development will need to take account of the sensitive nature of the surrounding landscape.</i></p> <p><i>The KSNP designates sites as protected green space in accordance with the criteria in the NPPF.</i></p> <p><i>The KSNP seeks to designate a new Character Area in Kelbrook village which could be considered as a future designated Conservation Area working with Pendle Borough Council.</i></p> <p><i>The KSNP includes a policy on Green Infrastructure including provision to protect and enhance networks and connections</i></p>	No
B	Degree to which this influences other plans and programmes including those in a	<p><i>The KSNP covers an area within the context of Pendle Councils Core Strategy. The KSNP must be in general conformity with the Development Plan in terms of the National Planning Policy Framework and Pendle’s Core Strategy which</i></p>	No

	hierarchy	<i>have been subject to full SEA and Sustainability Appraisals.</i>	
C	Relevance for the integration of environmental considerations in particular with a view to promoting sustainable development	<i>The KSNP will need to be in conformity with Pendle Council's Core Strategy which advocates sustainable development through its development strategy. It is also one of the Basic Conditions of producing a Neighbourhood Plan that it should contribute to the achievement of sustainable development.</i>	No
D	Environmental problems relevant to the Neighbourhood Plan	<i>At this stage it is considered that the Neighbourhood Plan will not introduce any environmental problems, rather it will seek to encourage sensitive development in relation to the environment.</i>	No
E	Relevance for the implementation of Community legislation on the environment (e.g. plans and programmes linked to waste-management or water protection)	<i>Strategies relating to waste disposal or water protection are mostly dealt with by Lancashire County Council. Pendle Borough Council itself has a number of policies in place, relating to waste collection and environmental protection. Community Plans may identify specific local environmental concerns or issues, but these are generally not issues which could be addressed through a Neighbourhood Plan.</i>	No
2	Characteristics of the effects and of the area likely to be affected		
F	Probability, duration, frequency and reversibility of any effects	<i>The KSNP relates to specific, small scale issues ensuring that any development coming forward will deliver the maximum local benefits. A Neighbourhood Plan addresses specific local development management issues, complementing the higher level strategic policy framework already established through the adopted Core Strategy and national policies (NPPF). The overall impact of the KSNP will be positive by maximising the positive environmental effects and minimising or avoiding negative impacts.</i>	No
G	Cumulative nature of any effects	<i>Development of such a magnitude/ quantum to cumulatively lead to effects of such significance that SEA would be required would, by definition, be of a "strategic" nature. Therefore, such development could not be appropriate to be</i>	No

		<i>brought forward through a Neighbourhood Plan. It is considered that the effect of the KSNP will be largely beneficial therefore any cumulative impacts will also be beneficial.</i>	
H	Transboundary nature of any effects	<i>Neighbourhood Plans are required to relate to discrete administrative areas. By definition, “transboundary” issues are “strategic” matters; therefore beyond the scope of a Neighbourhood Plan. Instead, the Local Plan is the correct forum for addressing any “trans-boundary” issues relating to spatial planning.</i>	No
I	Risks to human health or the environment (e.g. due to accidents)	<i>No significant risks to human health are envisaged through the application of the KSNP.</i>	No
J	Magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)	<i>The KSNP is applicable only to developments within the designated area.</i>	No
K	Value and vulnerability of the area likely to be affected	<i>The KSNP seeks to conserve a new Character Area in Kelbrook village and seeks to protect other key environmental assets, such as landscape and local green spaces.</i>	No
L	Effects on areas or landscapes which have a recognised national, Community or international protection status	<i>The overall impact of the KSNP will be positive by maximising the positive environmental effects of development and minimising or avoiding negative impacts</i>	No

4.4 SEA Screening Stage 2: Conclusions

Would the Kelbrook and Sough Neighbourhood Development Plan require SEA?

The Neighbourhood Development Plan will not impact on any European Designated site.

The Neighbourhood Development Plan policies seek to protect a number of key environmental assets, including landscape, heritage and local green spaces.

Based on the Stage 1 screening in Table 1 and Table 2 it is concluded that a full SEA is not required.

5. Statutory Consultation

The Statutory bodies have been consulted on this screening report for their views as to whether a full Strategic Environmental Assessment is required. They have responded that a full SEA is not required. Their responses have been noted in the Consultation Statement that accompanies this document.

- Natural England
- Historic England
- Environment Agency

6. SEA Screening conclusion – Will a full Strategic Environmental Assessment be required, in accordance with the SEA Directive; i.e. is the proposed Neighbourhood Plan likely to have a significant effect on the environment?

The need to ensure compliance with statutory legislation, including European Union Directives, is one of the major challenges associated with Neighbourhood Planning. The requirements of the SEA Directive are potentially far-reaching, but many aspects of this may not be applicable in the case of Neighbourhood Plans, given their “nonstrategic”/locally based context.

The area includes 3 listed buildings. There are no designated nature conservation areas within the area.

There is no requirement for a full Strategic Environmental Assessment.