Dear Ms Skippers

RE: Questions from the Examiner

I write in response to Question 4 e) of your Initial Questions as to whether we are satisfied the SEA Screening requirements have been carried out in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004. The LPA’s duty to formally check the need for any such assessments and their fitness, is done as part of the consideration as to whether the Basic Conditions have been met.

Regulation 9 requires the responsible authority to determine whether or not the neighbourhood plan is likely to have significant environmental effects taking account the criteria specified in Schedule 1 to the Regulations, consult the consultation bodies (Historic England, Natural England and the Environment Agency) and prepare a statement of its reasons for that determination.

The Environmental Assessment of Plans and Programmes Regulations 2004 define a ‘responsible authority’ in relation to a plan or programmes as the authority by which or on whose behalf it is prepared: In this case, as Croxley Green Parish Council have prepared the Croxley Green Parish Neighbourhood Plan, they are the ‘responsible authority’ for undertaking any environmental assessments.

Section 5.2 of the submitted Basic Conditions Statement (Final January 2017) sets out the SEA screening assessment undertaken against the criterion of Schedule 1 of the EAPPR and paragraph 5.2.3 concludes that in the light of that assessment an SEA is not required as the neighbourhood plan will not have any significant environmental effects.

Regulation 11 of the EAPPR requires that a copy of the determination and the statement of reasons, where it has been determined that an EA is not required, are sent to the consultation bodies (Historic England, Natural England and the Environment Agency) and made available to the public within 28 days of the determination.

Paragraph 5.2.1 of the Basic Conditions Statement advises that consultation with Historic England, Natural England and the Environment Agency was carried out at the pre-submission stage (28 June to 9 September 2016) and this implies that the regulations have been met.

However, paragraph 5.2.3 of the Basic Conditions Statement states that the conclusion that no SEA was required was based on the pre-submission consultation with the consultation bodies and the
screening assessment, rather than as a result of a consultation on the screening assessment with the consultation bodies.

In paragraph 3.1.1 of the Consultation Statement it states that only the neighbourhood plan and appendices were subject to the pre-submission consultation. There is no mention of a consultation on the screening assessment or on the Basic Conditions Statement that contains the screening assessment.

The Croxley Green Parish’s response to your Initial Questions (14 August 2017) confirms that consultation was only carried out on the neighbourhood plan.

Given the above, we are not satisfied the SEA Screening requirements have been carried out in accordance with Regulation 9 and Regulation 11 of the Environmental Assessment of Plans and Programmes Regulations 2004.

With regards to the Habitats Regulation Assessment (HRA) screening, we have offered to undertake this piece of work and should you determine that further work is required on the SEA, we will endeavour to assist the Parish Council as best we can.

Regards

Claire May MSc MRTPi
Principal Planning Officer