

Strategic Environmental Assessment/ Habitats Regulations Assessment: Screening Statement - FINAL

Proposed Neighbourhood Development Plan (NDP)

Worsthorne with Hurstwood NDP

Burnley Borough Council
October 2024

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1. Introduction

1.1 This Screening Statement has been produced to consider whether a forthcoming Neighbourhood Development Plan (NDP) which is to be produced by Worsthorne with Hurstwood Parish Council, as a qualifying body, to sit alongside Burnley's Local Plan 2012-2032 is:

- likely to have significant environmental effects and therefore requires Strategic Environmental Assessment (SEA)
- likely to have a significant effect on a European Site and therefore must be subject to an Appropriate Assessment

1.2 This is necessary to ensure that the 'Basic Conditions' have been met when preparing the NDP.

1.3 This screening statement has been prepared for the following versions of the emerging NDP:

- Worsthorne with Hurstwood Neighbourhood Development Plan: Regulation 14 Plan First Draft – February 2024
- Worsthorne with Hurstwood Neighbourhood Development Plan: Draft Submission Version – v1 10.06.2024 (subject to suggested amendments by Burnley Council)

1.4 This Screening Statement finds that SEA and Appropriate Assessment are not required for the NDP.

2. The requirement for Strategic Environmental Assessment (SEA)

2.1 Strategic Environment Assessment is a requirement of the [Environmental Assessment of Plans and Programmes Regulations 2004](#) ('the SEA Regulations') which it applies to certain plans and programmes which are prepared for town and country planning or land use and those which set the framework for future development consent.

2.2 Detailed guidance on SEA can be found in the former Government's publication: [A Practical Guide to the Strategic Environmental Assessment Directive](#) (ODPM 2005) and specifically for neighbourhood plans through Locality's [Understand if your plan requires a Strategic Environmental Assessment \(SEA\)](#).

2.2 Burnley Council, as a Responsible Authority under the associated Regulations, is considered to be best placed to carry out a screening process to determine whether a neighbourhood development plan is likely to have significant environmental effects, and hence whether SEA is required. Where the Council determines that SEA is not required, Regulation 9(3) states it must prepare a statement setting out the reasons for this determination.

2.3 Before coming to its conclusion on this matter, the Council is required to consult with three specific consultation bodies namely: Historic England, Natural England and the Environment Agency.

3. The requirement for Habitats Regulations Assessment

3.1 Schedule 2 of the Neighbourhood Planning (General) Regulations 2012¹ makes provision in relation to the [Habitats Regulations 2010 \(As amended\)](#). The Regulations requires that any plan (including a neighbourhood plan) or project, either alone or in combination with other plans or projects, that is likely to have a significant effect on a 'European site' must be subject to an 'Appropriate Assessment'.

3.2 The neighbourhood planning body must provide such information as the competent authority (Burnley Council in consultation with Natural England) may reasonably require for the purposes of the assessment or to enable them to determine whether an appropriate assessment is required.

3.2 If the initial screening stage of the Habitats Regulations Assessment identifies a risk of a significant effect on a European site, then a detailed Appropriate Assessment will be required – to be commissioned and funded by the neighbourhood planning body, but prepared in consultation with the borough council and Natural England.

3.4 As the NDP is being prepared to sit alongside Burnley's Local Plan, it is important to take account of the HRA and Appropriate Assessment undertaken for the Local Plan.

¹ <https://www.legislation.gov.uk/uksi/2012/637/contents>

4. The Proposed Neighbourhood Development Plan

Worsthorne with Hurstwood NDP

4.1 When complete, the Worsthorne with Hurstwood NDP (WHNDP) will sit alongside Burnley's Local Plan adopted in July 2018. Neighbourhood plans must be in general conformity with the strategic planning policies contained in the development plan for their area.

4.2 Worsthorne with Hurstwood Parish Council, as a qualifying body, believe neighbourhood planning is an important power for local people to use and decided to prepare an NDP for their area. The Parish Council applied to Burnley Borough Council for the parish council area to be designated as a neighbourhood area. The application for designation was approved by Burnley Council on 31st March 2017.

4.3 Worsthorne with Hurstwood parish lies about 2.5 miles to the east of Burnley in the Burnley Borough Council and Lancashire County Council local planning authority areas.

4.4 There were 2,756 usual residents as at Census Day 2021. Just over 30% of the population were aged 65 and over, 13.7% aged 15 and under and 56% aged 16-64 years. The vast majority of the parish's 1,265 households, 99.5%, lived in private households and only 0.5% lived in communal establishments.

4.5 The WHNDP area covers 1,451.64 hectares giving a very low population density of 2 persons per hectare. Perhaps not surprisingly, in a neighbourhood area of this size, the geography is extremely varied, stretching from the lower lying land in the Brun Valley to the west through to the uplands of the South Pennine Moors. This latter area is protected as a Site of Special Scientific Interest (SSSI), Special Protection Area (SPA) and Special Area of Conservation (SAC).

4.6 The WHNDP area includes 4 distinct settlements/communities. The villages of Worsthorne and Hurstwood, and the urban fringe areas of Brownside and Pike Hill.

4.7 The Parish has 26 entries in the National Heritage List for England, mostly listed buildings. Both Worsthorne and Hurstwood villages have Conservation Areas. Separately, a number of other buildings are listed locally by Burnley Council

4.8 The different settlements/communities have varying access to local facilities and services. Pike Hill benefits from local shops and the Thornton Arms; Brownside has few facilities of its own; Worsthorne is home to the local primary school, village shop and two public houses; and the Chapel in Hurstwood provides a youth club, playgroup, worship and on Sundays a tearoom.

4.9 The WHNDP will help to address some of the key issues identified through initial consultation with the aim of achieving the Vision for Worsthorne in 2032. The Regulation 14 Plan First Draft Vision Statement below has been developed from the initial community consultations.

WHNDP 2032 Vision

“By 2032 the Parish of Worsthorne with Hurstwood will continue to be a vibrant and thriving community and a safe and pleasant place to live and visit. It will have retained its attractive and unique identity of strongly linked rural and semi-rural communities separated by valued open, green spaces. There will be a good range of local amenities and community services for residents and visitors.

The area will embrace sustainable innovation and small-scale economic development without greatly changing its inherent character and heritage. New building and housing will be well sited, proportional to the landscape and built to a high quality and design. Development that minimises the impact on the environment, supports carbon neutrality and limits climate change will be encouraged. Local infrastructure will be improved to support the demands of future development on residents and the landscape.

The natural environment, local ecology and open spaces will be preserved. Access to the countryside will be improved to promote the health and wellbeing of local residents and visitors.”

4.10 Following Regulation 14 Consultation, the Draft Vision was amended to:

“By 2032 the Parish of Worsthorne with Hurstwood will continue to be a vibrant and thriving community and a safe and pleasant place to live and visit. It will have retained its attractive and unique identity of strongly linked rural and semi-rural communities separated by valued open, green spaces. There will be a good range of local amenities and community services for residents and visitors.

The area will embrace sustainable innovation and small-scale economic development without greatly changing its inherent character and heritage. New buildings and housing will be well sited, proportional to the landscape and built to a high quality and design. Development will minimise its impact on the environment, support carbon neutrality and limit climate change. Local infrastructure will be improved to support the demands of future development on residents and the landscape.

The natural environment, local ecology and open spaces will be preserved. Access to the countryside will be improved to promote the health and wellbeing of local residents and visitors whilst protecting habitats and wildlife.”

4.11 To achieve this Draft Vision the Plan identifies the following objectives:

WHNDP Objectives

1. To protect the natural and built environment of the area.
2. To ensure that new development is of good quality design appropriate to its local context and setting.
3. To maintain the identity and distinct physical separation of each of the neighbourhood area's individual communities.
4. To ensure that future housing development meets the needs of the local area in terms of house type and tenure.

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5. To improve local connections to other areas for jobs, services, and other uses and to ensure that road traffic within the area is managed in a safe and respectful way of both residents and the environment within which it moves through.
 6. To support the development of small-scale renewable and community energy projects.
 7. To protect and enhance key community assets and services and to ensure the area is safe for all.

4.12 During early consultation, an objective had been identified by the steering group to support growth and rural diversification in the local economy. This generated little response, and the issue was considered to be adequately covered by Burnley's Local Plan EMP5: Rural Business and Diversification. National planning policy advises against duplicating policies within plans and for this reason this objective has not been included the Reg 14 WHNDP.

WHNDP Policies

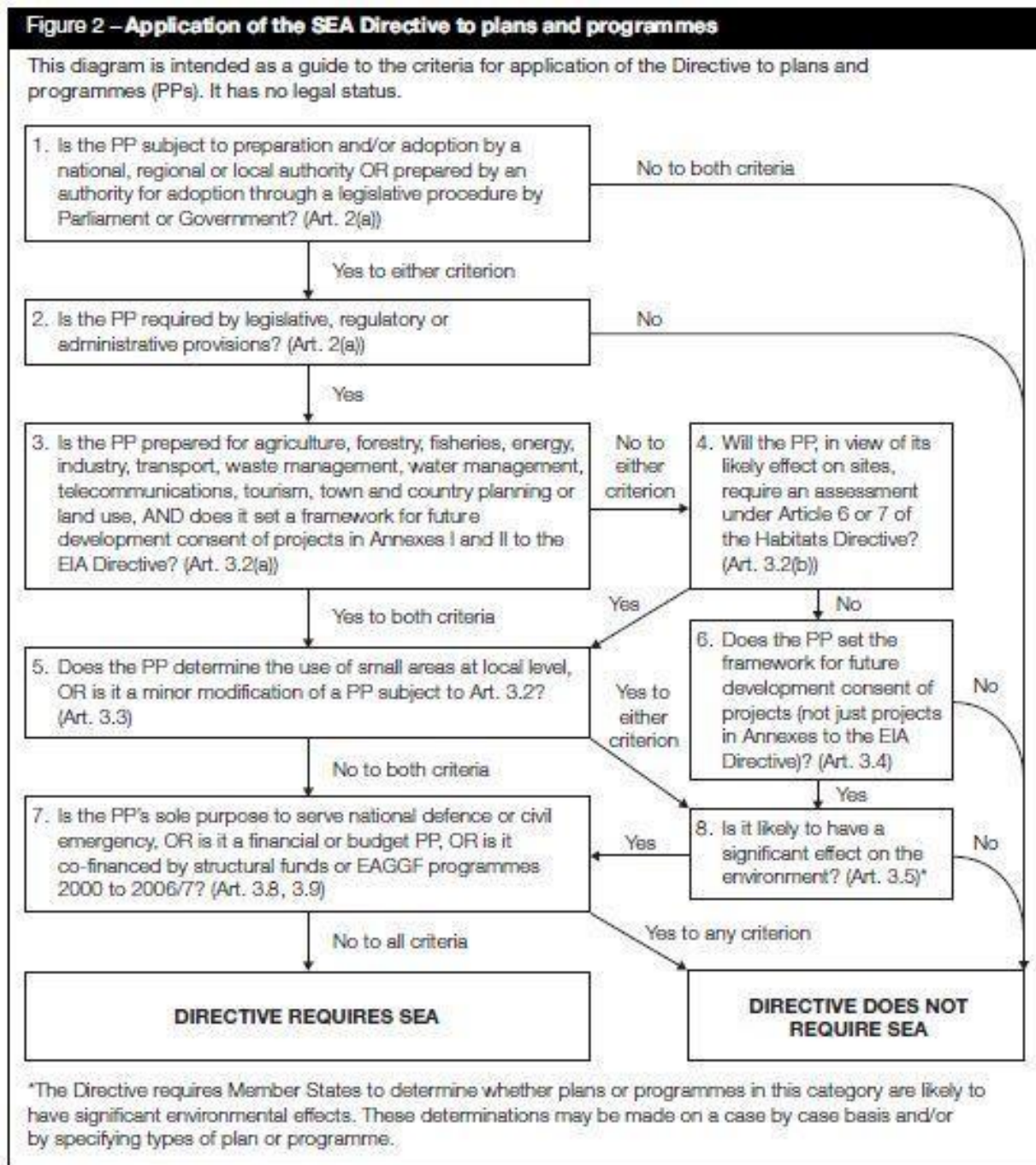
4.13 The WHNDP does not propose to allocate any sites for development.

4.14 In order to deliver the objectives identified, the Plan sets out a number of planning policies. These cover the following:

Policy WHNDP1A –	Landscape
Policy WHNDP1B –	Worsthorne and Hurstwood Conservation Areas
Policy WHNDP2 –	Worsthorne with Hurstwood Neighbourhood Design Guide
Policy WHNDP3 –	Separation
Policy WHNDP4 –	Housing Need and Mix
Policy WHNDP5 –	Transport
Policy WHNDP6 –	Renewable and Low Carbon Energy Projects
Policy WHNDP7 –	Community Facilities, Shops, Public Houses and Allotments

5. Applying the SEA Regulations to plans and programmes

5.1 The diagram is taken from the 2005 ODPM document: A Practical Guide to the Strategic Environmental Assessment Directive.



6. SEA Screening of Worsthorne Neighbourhood Plan

6.1 Table 1 overleaf sets out the eight questions detailed in the previous diagram and provides responses with regard to the planned NDP.

6.2 Table 2 following, then sets out the Council's assessment against the Strategic Environmental Assessment criteria for the proposed NDP to determine whether it will have a significant effect on the environment. This provides the reasoning behind the conclusions drawn in Table 1. The criteria against which the screening is carried out are taken directly from Annex II of the former SEA Directive.

Table 1 - Establishing the need for SEA for Worsthorne Neighbourhood Development Plan

Worsthorne with Hurstwood NDP (WHNDP)			
Stage	Y/N	Reason	Next step
1. Is the PP (plan or programme) 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? (Art. 2(a))	Yes	Neighbourhood development plans may be prepared under the provisions of the Town and Country Planning Act 1990, as amended by the Localism Act 2011. They are drawn up by a qualifying body, which, in the case of Worsthorne with Hurstwood, is the Parish Council. The neighbourhood plan is subject to independent examination and referendum. If the Plan receives 50% or more 'yes' votes at referendum, it will then be 'made' by the Council.	Go to Q2
2. Is the PP required by legislative, regulatory or administrative provisions? (Art. 2(a))	No	The preparation of a Neighbourhood Development Plan (NDP) is discretionary. However, once 'made', it will form part of the statutory development plan for the area and the Council will be required to use the NDP in the determination of planning applications. It is therefore considered necessary to answer the following questions to determine further if a SEA is required.	Go to Q3
3. Is the PP 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? (Art 3.2(a))	Yes	The WHNDP has been prepared for town and country planning and land use purposes. The NDP sets out a framework for future development in the parish. Once 'made', it will form part of the statutory development plan, and will be used when making decisions on planning applications which could include development which may fall under the Schedule of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.	Go to Q4
4. Will the PP, in view of its likely effect on sites, require an assessment for future development under Article 6 or 7 of the Habitats Directive?	Yes	The WHNDP could potentially have impacts on sites covered by the Habitats Regulations. However, this	Go to Q5

Worsthorne with Hurstwood NDP (WHNDP)			
Stage	Y/N	Reason	Next step
(Art. 3.2 (b))		requires individual assessment of a Plan (see section 7). To the east of the neighbourhood area is the South Pennine Moors SPA/SAC	
5. Does the PP Determine the use of small areas at local level, OR is it a minor modification of a PP subject to Art. 3.2? (Art. 3.3)	Yes	The overall scale and quantum of development is already set out and has been assessed in the Local Plan, as are the strategic and other site-specific policies. The WHNDP will be used to determine the use of development sites at the local (neighbourhood) level through the implementation of the plan's criterion-based development management policies	Go to Q6
6. Does the PP set the framework for future development consent of projects (not just projects in annexes to the EIA Directive)? (Art 3.4)	Yes	The WHNDP will form part of the development plan and will be used in the assessment of planning applications. It, therefore, helps to set, alongside other development plan documents and supplementary planning documents, the framework of policies for helping to determine future development at a local level.	Go to Q8
7. Is the PP's sole purpose to serve the national defence or civil emergency, OR is it a financial or budget PP, OR is it co-financed by structural funds or EAGGF programmes 2000 to 2006/7? (Art 3.8, 3.9)	-	-	-
8. Is it likely to have a significant effect on the environment? (Art. 3.5)	No	The WHNDP is not likely to have a significant effect on the environment. See Table 2 for detailed reasoning against the SEA criteria.	SEA not required

Table 2: Questions for determining the likely significance of effects (as taken from Annex II of the SEA Directive)

	Worsthorne with Hurstwood NDP (WHNDP)
1 The characteristics of plans and programmes, having regard, in particular to:	
a. The degree to which the plan or programme sets a framework for projects and other activities, with regard to the location, nature, size and operating conditions or by allocating resources	The WHNDP sets a local policy framework for development proposals. It supports the implementation of policies in the adopted Burnley's Local Plan which have already been subject to SEA as part of the combined Sustainability Appraisal. In terms of the South Pennine Moors SPA/SAC the criteria-based nature of policies in the WHNDP are considered such that in terms of the types of development to be managed via the NDP policies there will be no significant adverse impact on the SPA/SAC.
Is there a significant effect?	No
b. The degree to which the plans or programme influences other plan and programmes including those in a hierarchy,	The WHNDP must be in general conformity with the policies in Burnley's Local Plan. The WHNDP supports the implementation of these higher tier policies by setting more detailed policy at the neighbourhood level, and, as such, is not considered to have a significant influence on these higher-level plans and programmes.
Is there a significant effect?	No
c. The relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development	The WHNDP contributes to the achievement of sustainable development at the neighbourhood level. Policies set out in the WHNDP protect assets of local environmental value, including landscapes, designated and non-designated heritage assets, open land areas, local green spaces and mature trees and provide locally distinct planning policies to help protect these assets. The likelihood of significant effects on the environment is therefore minimised. From the nature of the policies proposed at this stage, it is concluded that there will be no significant effects on the South Pennine Moors SPA/SAC.
Is there a significant effect?	No
Environmental problems relevant to the plan or programme,	At this stage it is considered that the WHNDP will not introduce any environmental problems, rather it will seek to encourage sensitive development in relation to the environment.
Is there a significant effect?	No
d. The relevance of the plan or programme for the implementation of Community legislation on the environment (e.g. plans and programmes linked to waste-	The WHNDP is not relevant to the implementation of European Community legislation on the environment.

	Worsthorne with Hurstwood NDP (WHNDP)
management or water protection)	
Is there a significant effect?	No
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 WHNDP relates to specific, small-scale issues ensuring that any development coming forward will deliver the maximum local benefits. A Neighbourhood Development Plan addresses specific local development management issues, complementing the higher-level strategic policy framework already established through the adopted Burnley's Local Plan and national policies (NPPF). The overall impact of the WHNDP will be positive by maximising the positive environmental effects and minimising or avoiding negative impacts.
Is there a significant effect?	No
b. the cumulative nature of the effects,	The WHNDP will have a positive effect on the environment and no significant cumulative effects.
Is there a significant effect?	No
c. the trans-boundary nature of the effects,	There are no trans-boundary effects of the WHNDP
Is there a significant effect?	No
d. the risks to human health or the environment (e.g. due to accidents),	N/A There will be a positive albeit very limited effect on human health
Is there a significant effect?	No
e. the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)	The WHNDP is applicable only to developments within the designated area.
Is there a significant effect?	No
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 iii. intensive land-use	There are no significant effects on special nature conservation, cultural heritage, environmental quality standards or on the intensity of land-use.
Is there a significant effect?	No
g. the effects on areas or landscapes which have a recognised national, Community or international protection status.	The overall impact of the WHNDP will be positive by maximising the positive environmental effects of development and minimising or avoiding negative impacts.
Is there a significant effect?	No

7. Habitats Regulations Assessment of Worsthorne Neighbourhood Development Plan

HRA of Burnley's Local Plan

7.1 The HRA of the Proposed Submission Burnley Local Plan (March 2017), updated November January 2018, was based on a precautionary approach as required under the Habitats Regulations. The overall HRA conclusions and recommendations are summarised below:

7.2 Four policies and six proposals within the Proposed Submission Local Plan were identified as having a likely significant effect in their own right on one of more of the South Pennine Moors Phase 2 SPA, South Pennine Moors SAC and Rochdale Canal SAC and as such were subject to Appropriate Assessment. In combination effects were considered for South Pennine Moors Phase 2 SPA in relation to physical damage loss of offsite habitat, non-physical disturbance from development and erosion/trampling or general disturbance from increased recreation on the qualifying features and were subject to Appropriate Assessment. In combination effects were considered for the South Pennine Moors SAC in relation to erosion/trampling or general disturbance from increased recreation and were subject to Appropriate Assessment. No in-combination effects were identified for the Rochdale Canal SAC.

Appropriate Assessment Off-site habitat loss: South Pennine Moors Phase 2 SPA

7.3 The site allocations within 2.5km of the South Pennine Moors Phase 2 were identified by site survey as suboptimal for supporting foraging golden plover, not important for merlin and unlikely to be important in contributing to the maintenance of breeding migratory populations of SPA birds. However, without mitigation, a low residual risk of the sites HS1/9, HS1/15, HS1/20, HS1/31, HS1/36 and HS1/38 being used by golden plover that are breeding in the South Pennine Moors Phase 2 SPA was identified.

7.4 All of the site-specific policies for the sites listed above include the requirement for an ecological survey to accompany any planning application to address issues in accordance with Policy NE1. Furthermore, supporting text (paragraph 5.5.5) recognises that the six housing allocations in and around Worsthorne and Brownside are potentially used for foraging by qualifying bird species, and notes the requirement for ecological survey at the time of planning application for qualifying species of the SPA.

7.5 The supporting text for Policy NE1 identifies that ecological surveys and assessments should be carried out at the right time of year (paragraph 5.5.24), and that appropriate mitigation measures and /or compensatory habitat be provided as necessary (paragraph 5.5.23). With this mitigation in place, it is possible to conclude that the proposals alone and in-combination will not adversely affect the integrity of the South Pennine Moors Phase 2 SPA.

Appropriate Assessment Recreation impacts: South Pennine Moors Phase 2 SPA and South Pennine Moors SAC

7.6 There is likely to be an increase in overall trips to the South Pennine Moors SPA and SAC from the increased population within Burnley which could result in adverse effects on the

integrity of the SPA and SAC. It is recommended that, in conjunction with other neighbouring authorities and statutory advisors, Burnley Borough Council prepares and contributes to the implementation of a Visitor Management Plan for the SPA. This work is currently being progressed by Natural England.

7.7 With this mitigation in place it has been demonstrated that the proposals alone and in combination will not adversely affect the integrity of the South Pennine Moors Phase 2 SPA and South Pennine Moors SAC.

7.8 Full details on the HRA and Appropriate Assessment for Burnley's Local Plan are included in Section 3 of Habitats Regulations Assessment Report (2018).

HRA of Worsthorne Neighbourhood Development Plan

7.9 The initial screening stage of the HRA process determines if there are any likely significant effects as a result of the implementation of the plan and if therefore an Appropriate Assessment is needed. This stage should provide a description of the plan and an identification of the Natura 2000 sites which may be affected by the plan and assess the significance of any possible effects on the identified sites.

7.10 Within the neighbourhood area there is part of 1 Site of Special Scientific Interest (SSSI), part of 1 Special Area of Conservation (SAC) and part of 1 Special Protection Area (SPA). (South Pennine Moors SSSI, South Pennine Moors SAC, and South Pennine Moors SPA)

7.11 The following questions are used to help establish whether an Appropriate Assessment is required for the Worsthorne with Hurstwood NDP.

	Worsthorne with Hurstwood NDP
Is the Neighbourhood Development Plan directly connected with, or necessary to the management of a European site for nature conservation?	No
Does the Neighbourhood Development Plan propose new development or allocate sites for development?	No
Are there any other projects or plans that together with the Neighbourhood Development Plan could impact on the integrity of a European site, the 'in combination' impact?	No

7.12 The proposed Worsthorne with Hurstwood NDP does not seek to allocate any sites for development or contain any policies that would impact the sites identified above over and above the impacts considered when assessing Burnley's Local Plan. Therefore, it is not considered that an Appropriate Assessment is required

7.13 Before coming to its conclusion on this matter, the Council is required to consult with Natural England.

8. SEA and HRA Screening Outcomes

SEA

8.1 The three statutory consultation bodies for Strategic Environmental Assessment in England were consulted on 10th July 2024.

8.2 The following consultation responses were received:

Consultation Body	Consultee Response
Historic England	In the context of the criteria set out in Schedule 1 of the Environmental Assessment of Plans and Programmes Regulations 2004 [Annex II of SEA Directive], and on the basis of the information supplied, we concur that the draft plan is unlikely to have significant environmental effects upon the historic environment, and so Historic England are of the view that SEA is unlikely to be required.
Natural England	It is Natural England's advice, on the basis of the material supplied with the consultation, that significant effects on statutorily designated nature conservation sites or landscapes are unlikely.
Environment Agency	Having regard to the guidance on the application of the SEA directive to plans and programmes provided in the 2005 ODPM document A Practical Guide to the Strategic Environmental Assessment Directive, we concur with the conclusion of Burnley Council as the responsible authority that SEA is not required for the proposed Worsthorne with Hurstwood Neighbourhood Development Plan.

8.3 The responses concur with the Council's preliminary determination set out in the Preliminary Screening Assessment of July 2024 that Strategic Environmental Assessment is not required for the proposed NPD.

Determination and Reasons for Determination

8.4 An assessment against the SEA criteria to determine the likely significant effects of introducing the NPD has been carried out. It finds that it is unlikely that significant effects² on the environment will arise as a result of the NDP. Whilst some, mainly positive effects of introducing the NDP are noted, it is not felt that any of the effects are significant. Therefore, on the basis that the Council's comments on the emerging NDP are taken into account, the Council considers that Strategic Environmental Assessment is not required for the NDP.

HRA

8.5 In addition, after undertaking a Habitat Regulations screening assessment with regard to the need for an Appropriate Assessment, the Council is of the opinion this is not required for the NDP. as it does not contain any specific development allocations or policies or proposals that would significantly affect any European site alone or in conjunction with other plans projects that have not already been subject to appropriate assessment and appropriately mitigated,

² "Significant effects" in the context of the SEA Legislation and Regulations

8.6 It is Natural England's advice, on the basis of the material supplied with the consultation, that significant effects on Habitats sites, either alone or in combination, are unlikely.

8.7 **These determinations were made on 18th October 2024.**