

Delegated Officer Report

Decision Maker: Emma Barton, Deputy Chief Executive (Place)

Date of Decision: 27 March 2024

Subject: Saddleworth Neighbourhood Plan: Determination Statement

Report Author: Georgina Brownridge

Ward (s): Saddleworth South, Saddleworth North and Saddleworth West and Lees

Reason for the decision: The reason for the decision is to approve the Determination Statement which screens the Saddleworth Neighbourhood Plan to determine whether a Strategic Environmental Assessment is required. Appendix 1 contains the Determination Statement.

Summary: Saddleworth Parish Council are preparing a Neighbourhood Plan for Saddleworth.

Once adopted the Saddleworth Neighbourhood Plan would become part of the statutory development plan and be used to determine planning applications (alongside plans such as Places for Everyone (PfE), the Oldham Local Plan and the Peak District National Park Local Plan) for the designated neighbourhood area.

To be 'made', a Neighbourhood Plan must meet certain Basic Conditions. These include that the making of the plan "does not breach, and is otherwise compatible with, assimilated obligations" (i.e. former EU obligations). One of these obligations relates to Directive 2001/42/EC 'on the assessment of the effects of certain plans and programmes on the environment'.

The Directive requires the Council to determine whether or not the plan is likely to have significant environmental effects. This is often referred to as the strategic environmental assessment (SEA) Directive.

The SEA Directive seeks to provide a high level of protection of the environment by integrating environmental considerations into the process of preparing plans and programmes. The SEA Directive is transposed into English law through the Environmental Assessment of Plans and Programmes Regulations (the 'SEA Regulations') and it is these regulations that the plan will need to be compatible with.

In accordance with the provisions of the SEA Directive and The Environmental Assessment of Plans and Programmes Regulations (2004) (Regulation 9(1)), the Council must determine if a plan requires an environmental assessment.

Where the Council determines that SEA is not required, then the Council must, under Regulation 9(3), prepare a statement setting out the reasons for this determination.

The Regulations sets out criteria to be considered before making a determination. This is included within Appendix 1.

Before making the final determination the Environment Agency, Natural England and Historic England were consulted.

Oldham Council, in consultation with the Peak District National Park Authority, considers that after having regard to the Environmental Assessment of Plans and Programmes Regulations 2004 the Saddleworth Neighbourhood Plan does not require a Strategic Environmental Assessment (SEA) provided that the recommendations from the Habitats Regulations Assessment (prepared by Greater Manchester Ecology Unit) are incorporated.

Oldham Council, in consultation with the PDNPA has come to this view as:

- The neighbourhood plan sits beneath a hierarchy of plans which provide a policy

framework for the location, nature and scale of growth and link to retained EU law. These plans have been through the SEA process and any required mitigation is already identified;

- The neighbourhood plan is not allocating sites for development; and
- The neighbourhood plan seeks to achieve sustainable development and will be tested to ensure that it meets the 'basic conditions'.

The statutory consultation bodies have agreed with the conclusion that, based on the information received, the neighbourhood plan does not require a SEA.

What are the alternative option(s) to be considered? Please give the reason(s) for recommendation(s):

Option 1 - To approve the Determination Statement and send a copy to each of the statutory bodies and publicise in line with the regulations. This will ensure that the Environmental Assessment of Plans and Programmes Regulations are met, which will inform whether Basic Conditions are met when the plan is inspected. Approving the statement will also demonstrate the council is fulfilling its statutory duty to advise and assist.

Option 2 – To not approve the Final Determination Statement and send a copy to each of the statutory bodies and publicise in line with the regulations. This will mean that the Environmental Assessment of Plans and Programmes Regulations are not met. The Plan would not be able to meet necessary conditions tested at examination without a screening. Oldham Council has a statutory duty to advise and assist.

Consultation: including any conflict of interest declared by relevant Cabinet Member consulted.

In drafting the Determination Statement prior to sending it to statutory consultation bodies the council liaised with the Peak District National Park Authority (PDNPA), who also cover the neighbourhood plan area to ensure that the PDNPA were satisfied with the screening.

The Environment Agency, Natural England and Historic England were consulted on the draft screening between 31 January 2024 and 23 February 2024. The statutory consultation bodies have agreed with the conclusion that, based on the information received, the

neighbourhood plan does not require a SEA.

Natural England stated significant effects on statutorily designated nature conservation sites or landscapes are unlikely.

The Environment Agency stated they agree with the environmental issues that have been included and do not have any further comments to make.

Historic England stated that the plan is unlikely to have significant environmental effects upon the historic environment, and so Historic England concur with the conclusion that SEA is not required.

Recommendation(s):

Option 1 - To approve the Determination Statement and send a copy to each of the statutory bodies and publicise in line with the regulations. This will ensure that the Environmental Assessment of Plans and Programmes Regulations are met, which will inform whether Basic Conditions are met when the plan is inspected. Approving the statement will also demonstrate the council is fulfilling its statutory duty to advise and assist.

Implications:

*What are the **financial** implications?*

The cost for the printing and publication of the determination statement, which will include sending copies to each of the statutory bodies, is expected to be minimal to the Service.

This will be funded using existing resources from within the Planning Service.

(John Edisbury)

*What are the **legal** implications?*

In accordance with Schedule 4B of the Town and Country Planning Act 1990 the Saddleworth Neighbourhood Plan will have to be submitted for independent examination and the examiner is required to consider whether the Plan meets the basic conditions, which include whether it does not breach or is compatible with the requirements of the Environmental Assessment of Plans and Programmes Regulations (2004).
(A Evans)

What are the procurement implications?	N/A
<i>What are the Human Resources implications?</i>	N/A
Equality Impact attached or not required because (please give reason)	The Parish Council will consider whether the Saddleworth Neighbourhood Plan has equality impacts. The determination has been made in line with the schedule referenced within the regulations.
<i>What are the property implications</i>	Property support the approval of the Determination Statement, this will have no direct impact on Council assets but will support the Council's aspirations for future land use and planning policy. (Alison Evans – Interim Estates Team Leader)
Risk assessments:	There appear to be limited risk associated with this report as the statutory consultation bodies have agreed that the neighbourhood plan does not require a Strategic Environmental Assessment. The only risk is that when future decisions are taken the new plan is not taken into consideration, this is mitigated as the plan is being sent to each of the statutory bodies and publicised in line with the regulations. Vicki Gallacher (Head of Insurance and Information Governance)
Co-operative implications	The proposals set out in this report including working cooperatively with Saddleworth Parish Council to create a neighbourhood plan. This kind of cooperative working, along with bottom-up decision making are strong components of our cooperative agenda. (James Mulvaney, Policy Manager)
IT implications	The council will need to make a copy of the Determination Statement available to download on the council's website.
Environmental and Health and Safety implications Community cohesions, including crime and disorder implications	The Statement considers potential impacts and concludes a SEA is not required.

Has the relevant Legal Officer confirmed that the recommendations within this report are lawful and comply with the Council's Constitution? Yes

Has the relevant Finance Officer confirmed that any expenditure referred to within this report is consistent with the Council's budget? Yes

Are any of the recommendations within this report contrary to the Policy Framework of the Council? No

There are no background papers for this report

Report Author Sign-off:	
G. Brownridge	
Date: 19 March 2024	

Please list and attach any appendices:-

Appendix number or letter	Description
1	Saddleworth Neighbourhood Plan: Determination Statement

In consultation with Deputy Chief Executive



Signed:

Date: 27.03.2024