

**NEIGHBOURHOOD PLAN FOR MALTON & NORTON**  
**EUROPEAN UNION (EU) SCREENING OPINION**  
**IN RESPECT OF STRATEGIC ENVIRONMENTAL ASSESSMENT (SEA)**  
**& HABITAT REGULATION ASSESSMENT (HRA)**

**BRIEFING FOR STEERING GROUP 14<sup>TH</sup> MAY, 2019**

**BACKGROUND**

As indicated in the Neighbourhood Plan Project Plan, dated 8<sup>th</sup> May 2019, it is necessary, under Regulations, to obtain a EU screening opinion of the Pre-Submission Neighbourhood Plan, in respect of the need (or not) to carry out full SEA and/or HRA, prior to the carrying out of a formal Regulation 14 consultation on the Neighbourhood Plan. The Regulation 14 consultation cannot proceed without either a screening opinion concluding no need for SEA/HRA or a screening opinion, together with SEA and/or HRA dependent on screening opinion conclusions.

EU screening opinions are typically prepared by local planning authorities under the 'duty to support' provisions, but are in fact the responsibility of the Qualifying Body, i.e. the town councils in the case of Malton and Norton. As such, they may also be prepared by the Qualifying Body or in practice their agents, i.e. specialist consultants.

EU screening in respect of HRA is particularly significant in the Malton and Norton situation, due to the location of the River Derwent Special Area of Conservation (SAC) running through the Neighbourhood Area – a European designated nature conservation site.

The absence of any site allocations in the Malton and Norton Pre-Submission Neighbourhood Plan is also a significant (positive) factor in respect of both SEA and HRA screening.

**STATE OF PLAY IN MALTON & NORTON**

The Neighbourhood Plan has reached Pre-Submission 1<sup>st</sup> Draft stage – consideration of the 1<sup>st</sup> draft is an earlier item on the 14<sup>th</sup> May steering group agenda.

Once a draft plan has been fully agreed by the steering group and both town councils, it will then need to proceed to EU screening opinion stage. It is anticipated that this stage will be reached by the end of June 2019, ready for screening to take place over the period July-September 2019. Screening involves statutory consultation with Natural England, the Environment Agency and Historic England.

In anticipation of this stage being reached – in some 6 to 7 weeks' time – the steering group (and town councils) need to make a decision as soon as possible regarding who should prepare the EU screening opinion, i.e. Ryedale District Council (RDC) as the local planning authority, or specialist consultants.

RDC's services in this respect would come free of charge, but while it is understood that RDC would be willing to prepare the screening opinion, it is also understood that there are severe capacity issues within RDC's planning department and that as such it may not be possible to carry out the work within the timescale which the town councils require. The town councils are understandably

keen to avoid any further delays in the Neighbourhood Plan preparation process, given that this process has already been underway for some 8 years.

The specialist consultant option has the advantage of both speed and complete independence, but will incur a cost to the town councils. Based on past experience, the likely cost is anticipated to be at least £2,500. Given a projected July start date for this work, the process of procuring a consultant would need to begin as soon as possible if the town councils are minded to go down this route.

## **POST-SCREENING OPINION**

If the screening opinion concludes that the Neighbourhood Plan can be 'screened out' in respect of the need for both SEA and HRA, then the plan can proceed to Regulation 14 consultation stage.

If the screening opinion concludes that the Neighbourhood Plan must be 'screened in' in respect of either or both of SEA/HRA, then the plan must be subject to full SEA and/or HRA dependent on the screening opinion conclusions.

The carrying out of SEA/HRA would be the responsibility of the Qualifying Body, i.e. the town councils. The work can be carried out either at no cost, through the Government's Locality administered 'Neighbourhood Plan Support Scheme' (NB in practice by their 'in-house' consultants AECOM under the 'technical support' regime), subject to application and approval, or by specialist consultants, at a further cost to the town councils.

Provided that SEA and HRA conclude no significant environmental effects and no adverse effects on the integrity of European sites respectively, the Neighbourhood Plan may then proceed to Regulation 14 consultation. If not, consent for the plan to proceed in its current form will not be given.

## **RECOMMENDATIONS**

- 1. That the steering group recommend a course of action to the town councils in respect of the preparation of an EU screening opinion.**
- 2. That the course of action be the initiation of the procurement of specialist consultants to prepare the EU screening opinion and the allocation of a budget to meet the costs of both procurement and screening opinion preparation.**
- 3. That the procurement process commences as soon as possible following the next available round of town council meetings.**