
Project Title: Newborough Neighbourhood Development Plan (NNDP)

Date: April 2016

Purpose: To set out how the plan meets the requirement of the Environmental Assessment of Plans and Programmes Regulations 2004

1. This statement is designed to set out how the Newborough Neighbourhood Development Plan (NNDP) meets the requirements of the *Environmental Assessment of Plans and Programmes Regulations 2004*. The regulations require any plan or policy to determine whether it is likely to have significant of environmental effects, and as necessary mitigate for or avoid, these effects.
2. Regulation 9(1) requires the responsible authority - in this case the Parish Council who have taken on the role of the Neighbourhood Forum as described under regulation 8 of the *Neighbourhood Planning (General) Regulations 2012* - to determine whether or not the plan or programme is likely to have significant environmental effects.
3. In preparing their response, the Parish Council have been assisted by East Staffordshire Borough Council (ESBC). ESBC undertook to prepare and consult upon a screening opinion in regard of a Strategic Environmental Assessment (SEA) for the NNDP. This was finalised in March 2016 and is appended to this statement for completeness. It is based on the guidance set out in the National Planning Policy Guidance (PPG). The Plan has also been subjected to a wider Sustainability Appraisal undertaken by the Parish Council and their consultants which is submitted alongside the NNDP.
4. Regulation 6 of the Environmental Assessments Regulations (2014), states that an environmental assessment need not be carried out for a plan or programme which determines the use of a small area of land at a local level unless it is determined under regulation 9(1) that the plan or programme is likely to have significant environmental effects.
5. One of main environmental considerations for this plan was the plethora of heritage assets, both above ground, and below ground which are within the plan area, and specifically Newborough village itself. These include a number of above ground and below ground assets, which require specific safeguarding and consideration s part of the plan making.

6. A previous version of the draft NNDP (October 2015 draft for regulation 14 consultation) included a policy which allowed for significant linear development to the north of the village of Newborough. This was considered by Historic England (and to a lesser extent by the County Council), to likely require SEA under the tests set by the regulations outlined above as a result of possible impacts on the Scheduled Ancient Monument of Newborough Hall Farm and other historic assets in that area.
7. During subsequent analysis of the feedback on the plan (from regulation 14) and discussions with the steering group and Parish Council, this policy and others within the plan have been amended. As such it is no longer considered necessary to undertake an SEA. This position has been confirmed by Historic England.
8. It is determined, by the Parish Council, and supported by the Borough Council, that the NNDP does not require Environmental Assessment under regulation 9(1). The following paragraphs demonstrate why this is considered to be the case:
 - a. The plan is considered to be in complete accordance with the strategic policies of the adopted East Staffordshire Local Plan (2015) and the National Planning Policy Framework (2012);
 - b. That the scale of any anticipated change and the area which the plan covers are considered to be minimal and that any changes are unlikely to be irreversible and in many cases would impact positively on the local population; and;
 - c. Feedback from the statutory bodies has been used extensively to improve the references to environmental protection within the plan since feedback was received on both the SEA scoping report and on regulation 14 consultation.
9. In reaching these broad determinations, the following key issues have been considered:
 - a. The Borough Council have prepared and consulted upon a SEA screening opinion based on the draft Neighbourhood Plan (prepared in accordance with regulation 14 of the *Neighbourhood Planning (General) Regulations 2012*) which confirmed that the Neighbourhood Plan would not have significant environmental effects;
 - b. A detailed response to the criterion within the Planning Policy Guidance (PPG) is set out within chapter 2 of the accompanying SEA Screening Report, which assess the potential environmental impacts, finding that an SEA was not required;

- c. This position was confirmed and agreed by the statutory consultation bodies (Historic England, The Environment Agency and Natural England) as set out in section 7 of the appended SEA Screening Report;
 - d. It is considered that other plans and policies at the national and Borough level, and those which are included within the remainder of the NNDP (specifically those pertaining to the protection of the historical environment), are sufficient in all regards to mitigate any possible residual negative environmental effects from the areas identified for residential development;
 - e. Notwithstanding the lack of a requirement for an SEA, each policy has been tested against sustainability objectives as part of the Sustainability Appraisal submitted with this Neighbourhood Plan.
10. As a result it is concluded that no SEA is required under the provisions of regulation 9(1) of the 2004 Regulations. This statement is considered to satisfy the requirements of Regulation 9(3) and states the reasons for this determination.

BP: 11 April 2016



SECOND SCREENING OPINION ON:

**STRATEGIC ENVIRONMENTAL ASSESSMENT OF A
NEIGHBOURHOOD PLAN**

HABITAT REGULATIONS ASSESSMENT

NEWBOROUGH

NEIGHBOURHOOD DEVELOPMENT PLAN

(INCLUDING POLICY CHANGES FOLLOWING FIRST
REGULATION 14 CONSULTATION AND FURTHER CHANGES TO
ACCOMMODATE OBJECTIONS FROM HISTORIC ENGLAND)

March 2016

Introduction

1. Each Neighbourhood Development Plan (NP) must meet the Basic Conditions in accordance with para. 8 of Schedule 4B to the Town and Country Planning Act 1990 Act, which was inserted by the Localism Act 2011. The local planning authority needs to be satisfied that the Basic Conditions are met. Amongst these Basic Conditions are the following:

- a) The NP contributes to sustainable development;
- b) The NP does not breach or is otherwise compatible with EU obligations – this includes the Strategic Environmental Assessment (SEA) Directive of 2001/42/EC; and
- c) The making of the NP is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2010 or a European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats &c) regulations 2007 (either alone or in combination with other plans or projects) (inserted by Regulation 32 of The Neighbourhood Planning (General) Regulations 2012).

2. Planning Practice Guidance (PPG) contains specific assistance on sustainability appraisal/SEA requirements for NPs. Whilst a Local Plan-style sustainability appraisal is not required, the PPG advises that, by producing a specific statement of how the Plan contributes to the achievement of sustainable development, the requirement under criterion (a) above would be demonstrated. A sustainability appraisal may be a useful way of producing this statement, the PPG advises. (Ref ID: 11-026-20140306)

3. An NP meets the criteria for an SEA as set out in The Environmental Assessment of Plans and Programmes Regulations 2004 if any of its proposals or policies could have 'significant environmental effects'. Defining what are 'significant environmental effects' is not straightforward, but PPG offers the following examples:

"An SEA may be required, for example, where:

- (a) a NP allocates sites for development;
- (b) the neighbourhood area contains sensitive natural or heritage assets that may be affected by the proposals in the plan; or
- (c) the neighbourhood plan may have significant environmental effects that have not already been considered and dealt with through a sustainability appraisal of the Local Plan."

(Ref ID: 11-027-20140306)

4. Schedule 1 of the 2004 Regulations sets out criteria for determining the likely significance of effects on the environment. The criteria are:

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, either with regard to the location, nature, size and operating conditions or by allocating resources,

(b) the degree to which the plan or programme influences other plans and programmes including those in a hierarchy,

(c) the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development,

(d) environmental problems relevant to the plan or programme,

(e) the relevance of the plan or programme for the implementation of Community legislation on the environment (e.g. plans and programmes linked to waste-management or water protection).

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,

(b) the cumulative nature of the effects,

(c) the transboundary nature of the effects,

(d) the risks to human health or the environment (e.g. due to accidents),

(e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected),

(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, and

(g) the effects on areas or landscapes which have a recognised national, Community or international protection status.

4. It is the responsibility of the local authority to decide whether or not any of the proposals of the NP are significant enough for the Plan to require an SEA. The Parish Council submits their NP (and any subsequent version where there have been significant additions or deletions) to the local authority and the latter produces this screening report, with a statement as to whether or not it considers that an SEA needs to be prepared.

5. The Council will also state whether it considers that there will be a significant effect on a nature conservation site of European significance, as in paragraph 1(c) above.

6. The Council has analysed the NP's policies and proposals against the criteria above, and the results are set out in the chart below.

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2. ASSESSMENT OF FOR SIGNIFICANT ENVIRONMENTAL EFFECTS NEWBOROUGH NEIGHBOURHOOD PLAN, REVISED VERSION, POST- FIRST REGULATION 14 CONSULTATION

Planning Practice Guidance Criterion or Environmental Regulation Criterion	Significant Effect Identified	Comment
PPG Criteria	No	
(1) NP allocates sites for development	No	The Plan does not allocate sites for development; Policy HE3 sets out criteria for where housing development would be acceptable.
(2) The neighbourhood area contains sensitive natural or heritage assets that may be affected by the proposals in the plan	No	The Plan is mindful that part of the parish lies within the National Forest designation (CF3). The parish lies within the 15km buffer around the Cannock Chase SAC. It is considered that any potentially adverse effects are adequately addressed by the NP.
(3) the NP may have significant environmental effects that have not already been considered and dealt with through a sustainability appraisal of the Local Plan	No	The Newborough NP policies promote environmental protection, but there are no significant environmental effects envisaged from development that have not been identified in the SA of the recently adopted Local Plan.
Environmental Regulation Criteria		
<i>The characteristics of plans and programmes, having regard, in particular, to:</i>		
(4) the degree to which the NP sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources;	No	Policy SP2 recognises that the flood risk area of the River Swarbourn will dictate the location of development. None of these are significant effects.
(5) the degree to which the NP influences other plans and programmes including those in a hierarchy;	No	The Local Plan makes provision for Neighbourhood Plans to influence decision making in the Neighbourhood Plan area. The NP accords with National Planning Policy Framework and policies of the East Staffordshire Local Plan 2012-31.

(6) the relevance of the NP for the integration of environmental considerations in particular with a view to promoting sustainable development;	No	Most policies in the Newborough NP contribute positively to the integration of environmental considerations with a view to promoting sustainable development, with SP1 in particular setting Sustainable development as an overarching principle.
(7) environmental problems relevant to the NP;	No	The Newborough NP recognises and addresses the following environmental problems: accommodation of the strategic housing allocation, without damaging the character of the village (Policies SP1, HE2, HE3); not exacerbating the flood risk within those parts of the NP area affected by this problem (Policy SP2); protecting heritage sites and buildings by good design (Policy SP4); protecting the landscape and views (Policies SP3 and CF3); renewable energy (Policy CF4); public realm, leisure routes and parking issues (Policies TA2, TA3, TA4). However, none of these effects are significant.
(8) the relevance of the NP for the implementation of Community legislation on the environment (e.g. plans and programmes linked to waste-management or water protection).	No	The NP is in general conformity with the Waste Management and Minerals Local Plans produced by Staffordshire County Council and with the Water Framework Directive, having incorporated the views of the Environment Agency on this as expressed in response to the emerging Local Plan. The Environment Agency has also responded directly on the NP with no adverse comment in this respect. The NP includes a policy specifically dealing with flooding and drainage.
<i>Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:</i> (9) the probability, duration, frequency and reversibility of the effects;	No	It is unlikely that, as a result of the policies within the Neighbourhood Plan, that there will be any significant environmental impacts that are highly likely, long-term, of frequent occurrence or irreversible.
(10) the cumulative nature of the effects;	No	However, there is no evidence that emissions levels are at a significant and critical level locally.
(11) the transboundary nature of the effect;	No	The flood risk consequences downstream of new development have been addressed (see (7) above). Whilst the village lies within the 15 km hinterland around the Cannock Chase SAC, the proposals of the

		NP do not involve development which is significant to be likely to cause any effect, positive or negative, on this SAC.
(12) the risks to human health or the environment (e.g. due to accidents);	No	None of the policies will create hazards to human health. Health and safety standards on developments arising within the plan areas will be governed by relevant statutory codes such as the Construction (Design and Management) Regulations 2007.
(13) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);	No	Both the spatial area and population covered by these policies are relatively small as it is for one parish.
(14) 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	No	Local built heritage assets have been protected by Policy SP4. The only environmental quality standard likely to be exceeded is that relating to flood risk. Policy SP2 addresses this matter with regard to new development not exacerbating the problem, or being at risk itself. There is no evidence that air quality levels are at a significant and critical level locally. No intensive uses are proposed by the NP, and there are no known existing or proposed intensive uses in the parish.
(15) the effects on areas or landscapes which have a recognised national, Community or international protection status;	No	Whilst the village lies within the 15km hinterland around the Cannock Chase SAC, the proposals of the NP do not involve development which is significant to be likely to cause any effect, positive or negative, on this SAC.
Additional specific environmental criterion from Basic Conditions: (16) The NP would have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2010. 'Appropriate' Habitat Regulations Assessment required?	No	Whilst the village lies within the 15 km hinterland around the Cannock Chase SAC, the proposals of the NP do not involve development which is significant to be likely to cause any effect, positive or negative, on this SAC.

7. The Government's PPG advises that the local planning authority should consult the statutory consultation bodies. The three consultation bodies whose responsibilities cover the environmental considerations of the Regulations (Environment Agency, Natural England and English Heritage) were consulted by ESBC in January 2015 on the first Regulation 14 consultation version, and an SEA Screening Opinion produced.

8. Following this consultation, the Parish Council decided to significantly revise the policies regarding housing provision in the village, and so consulted again under Regulation 14 on a second draft Plan. This Screening Opinion relates to the second draft. ESBC have again consulted the three consultation bodies. They commented as follows:

Environment Agency:

“As requested we have reviewed the screening assessment prepared in support of the Newborough Neighbourhood Plan. We agree with the report's conclusions and do not consider further work on the SEA and HRA necessary for the plan to progress as it is unlikely to have any significant environmental impacts.”

Natural England:

“Natural England confirms that our advice letter dated 22 January 2015 still applies i.e. no further action is required in respect of SEA or HRA for this re-run of the Regulation 14 stage of consultation.”

Historic England:

The comments below were sent direct to the Parish Council's consultants:

“Regrettably, Historic England cannot support the Plan in its current form. We consider that the Plan should not proceed further without considerable modification to ensure that the highly significant heritage of Newborough is appropriately recognized and protected. This is necessary to ensure conformity with the National Planning Policy Framework (NPPF).

Our concerns principally relate to deficiencies in the Historic Environment evidence base whereby the status of Newborough as a failed medieval planned town founded by Robert De Ferrers (III) in 1263 has not at all been recognized. The Newborough Hall Farm complex contains listed buildings and a medieval moated site scheduled as an ancient monument (the Manor House?). As an indication of the scale of the planned town it is notable that in 1313-14 the Manor accounts record the rentals of 101 burgages (building plots) in Newborough.

This is highly significant in the context of the proposed linear limits set for new development in the Plan, as depicted on the Proposals Map. Clearly no account has been taken of the high archaeological potential of the areas delimited and indeed of the conservation area itself. There appears every possibility that these areas may be extremely sensitive to new development, both as regards potential physical impacts and the possibility of negative effects on the setting of both the conservation area and nationally designated heritage assets (in particular Newborough Hall Farm). It

should be noted that the local planning authority has a statutory duty to have special regard to these issues when determining proposals for development.

In this context we strongly advise you to contact the archaeological advisers to East Staffordshire Council, Staffordshire County Council, who can provide suitable professional advice as to a more appropriate way forwards. To these ends I have spoken to Suzy Blake the County Historic Environment Record Officer who confirms that she can supply you with relevant information and advice, you will note I have also copied her in to the e-mail accompanying this response.

In the light of the foregoing, Historic England is clear that in order for the historic environment to be properly taken into account the Neighbourhood Plan requires considerable revision.”

9. As a result of the above comments from Historic England, the NP has been modified further. The main changes made have been to Policies HE3 and CF3 - addition of references to considering Historic Environment Records, where relevant, where they refer to landscape features, including those underground. Policy HE3 limits the extent of any linear extension of the village along the north-south axis.

10. These changes do not bring forward new proposals on which EA and NE should be consulted, and so they have not been contacted a third time.

31st March 2016 – HE response on amended plan and SEA screening opinion:

On the basis of the information supplied, including that set out in the revised draft plan, and in the context of the criteria set out in Schedule 1 of the Environmental Assessment Regulations [Annex II of 'SEA' Directive], Historic England are of the opinion that the preparation of a Strategic Environmental Assessment **is not** likely to be necessary.

11. With the above changes, Historic England has confirmed that their concerns have been addressed therefore East Staffordshire Borough Council believes that the above Neighbourhood Plan would NOT have significant environmental effects and, as a result, a Strategic Environmental Assessment of the Plan will NOT be required.

Habitat Regulations Assessment

12. An 'appropriate assessment' is required if a policy or plan is likely to have a 'significant effect' on a Special Area of Conservation (SAC) or Special Protection Area (SPA) or Ramsar site. The main site which may be affected by development in East Staffordshire is the Cannock Chase SAC.

13. In their response to consultation on this screening report, Natural England have stated that it “does not consider the NDP need be accompanied by a HRA as proposals are unlikely to result in significant effects on the SAC.”

14. East Staffordshire Borough Council concludes that a Habitat Regulation Assessment would not need to be carried out as it is not considered to be a large enough plan area or involve any policies which are likely to lead to a level of development significant enough to have a negative impact on a SAC, SPA or Ramsar site.