Clifton upon Dunsmore Neighbourhood Plan

Strategic Environmental Assessment and Habitat Regulations

Assessment

Screening Report

September 2024 Updated November 2024 (to incorporate the consultation responses from the statutory bodies)

1. Introduction

1.1 This screening report has been prepared to determine whether the Clifton upon Dunsmore Neighbourhood Development Plan should be subject to a Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/EC (SEA Directive) and associated Environmental Assessment of Plans and Programmes Regulation 2004 (SEA Regulations).

2. Legislative Background

- 2.1 The basis for Strategic Environmental Assessments and Sustainability Appraisal legislation is European Directive 2001/42/EC. This was transposed into English law by the Environmental Assessment of Plans and Programmes Regulations 2004, or SEA Regulations.
- 2.2 This report will also screen to determine whether the Neighbourhood Plan requires a Habitats Regulations Assessment (HRA) in accordance with Article 6(3) and (4) of the EU Habitats Directive and with Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended). A HRA is required when it is deemed that likely adverse significant effects may occur on protected European Sites (Natura 2000 sites) as a result of the implementation of a plan/project. As a general 'rule of thumb' it is identified that sites with pathways of 10-15km of the plan/project boundary should be included with a HRA.
- 2.3 This report focuses on screening for SEA and HRA, and considers criteria for establishing whether a full assessment is needed.

3. SEA Screening Opinion

3.1 The assessment has been made by Rugby Borough Council as to whether the Clifton upon Dunsmore Neighbourhood Plan is likely to have any significant environmental effects. This assessment has been undertaken bearing in mind the following context:

- The neighbourhood plan has been developed to be in general conformity with the strategic policies of the adopted development plan together with the NPPF
- The Local Plan was subject to a Sustainability Appraisal that sets the framework for growth and development within the borough until 2031.

Table 1: Application of the SEA Directive

Environmental Assessment of Plans and Programmes Regulations 2004	No/Yes	Reason
Regulation 2(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	If the final Neighbourhood Plan is successful at referendum and is subsequently 'made' by the Local Planning Authority it will become part of the Development Plan with similar status to the Local Plan.
Is the PP required by legislative, regulatory or administrative provisions? (Art. 2(a))	Yes	Communities have a right to produce a Neighbourhood Plan, but are not required by legislative, regulatory or administrative purposes to produce a Neighbourhood Plan. Once 'made' the Clifton upon Dunsmore Neighbourhood Plan would form part of the statutory development plan and would be used when making decisions
		on planning applications within the Neighbourhood Area. Therefore, it is considered necessary to answer the following questions to determine further if an SEA is required.
Regulation 5(2) Is the PP prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water	Yes	The Clifton upon Dunsmore Neighbourhood Plan is prepared for town and country planning and land use. The plan sets out a framework for some aspects of future development in the

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))		Clifton upon Dunsmore Neighbourhood Area. Once 'made' the Clifton upon Dunsmore Neighbourhood Plan would form part of the statutory development plan and would be used when making decisions on planning applications which may include development which falls under Annex I and II of the EIA directive.
Regulation 5(3) Will the PP, in view of the likely effect on sites, require an assessment pursuant to Article 6 or 7 of the Habitats Directive? (Article 3.2(b))	No	There are no Special Areas of Conservation or Special Protection Areas in close proximity to the neighbourhood area. Some of the neighbourhood area is within the outer impact zones of two SSSIs which are outside the neighbourhood area. However, there are no site allocation proposals in the draft neighbourhood plan.
Regulation 5(6) 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	Once 'made' the Neighbourhood Plan would form part of the statutory development plan and be used when making decisions on planning applications in the defined area. The neighbourhood plan does not propose any development allocations, but does seek to guide the design of development to respect the village context and maintain its discrete identity from strategic development at Houlton, which also falls within the defined neighbourhood area.
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 Neighbourhood Plan, once the 'made', forms part of the statutory development plan and will be used to determine planning applications within the designated Neighbourhood Area. Therefore the Neighbourhood Plan will set the framework for future developments.

Reg 9	No	See
Is it likely to have a significant effect on the environment,		Sur
taking into account the views		res
of the consultation bodies		in f
and the criteria set out at		
Schedule 1 of the Regulations? (Art. 3.5)		Nat
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See table 2 below for further detail.

Summary of statutory consultee responses (see appendix 1 for response in full).

Natural England has advised that:

- Significant effects on statutorily designated nature conservation sites or landscapes are unlikely
- Significant effects on habitats sites, either alone or in combination are unlikely.

Historic England stated:

For the purposes of consultations on SEA Screening Opinions, Historic England confines its advice to the question, "Is it likely to have a significant effect on the environment?" in respect of our area of concern, cultural heritage.

Our comments are based on the information supplied with the screening request. On the basis of the information supplied and in the context of the criteria set out in Schedule 1 of the Environmental Assessment Regulations [Annex II of the 'SEA' Directive], Historic England concurs with your view that the preparation of a Strategic Environmental Assessment is not required.

Regarding HRA Historic England does not disagree with your conclusions but would defer to the opinions of the other statutory consultees.

The Environment Agency stated:

Having reviewed the Screening Report submitted, and in consideration of the matters

within our remit, we concur with the conclusion that, given the lack of specific site
allocations within the Neighbourhood Plan, the Clifton upon Dunsmore
Neighbourhood Plan is unlikely to have significant environmental impacts and a Strategic Environmental Assessment is not therefore required Having reviewed the submitted
Screening report, and in consideration of the matters within our remit, we concur the Clifton upon Dunsmore
Neighbourhood Plan is considered unlikely to have significant effects on the European designated sites.

3.2 The following assessment in table 2 provides further detail on the response to criteria 7 in table one. The assessment considers the likelihood that the Clifton upon Dunsmore Neighbourhood Plan would have significant effects on the environment.

Table 2: Likelihood of significant effects on the environment (Schedule 1 of Environmental Assessment of Plans and Programmes Regulations 2004)

Characteristics of the Plan	Summary of Effects
The degree to which the	Once 'made; the Neighbourhood Plan will set out
plan or programme sets a	the framework which will be used to determine
framework for projects and	proposals for development within the neighbourhood
other activities, either with	area.
regard to the location,	
nature, size and operating	The neighbourhood plan does not propose any
conditions or by allocating	development allocations. It seeks to guide change
resources.	within the village settlement of Clifton upon
	Dunsmore, to protect and enhance its character. It
	aims to maintain its distinctiveness from the urban
	extension at Houlton, which falls within the
	neighbourhood area. Houlton was allocated in a
	previous Rugby local plan, and already benefits from
	outline consent.

	The neighbourhood plan is generally supportive of small scale renewable energy developments, but does not seek to allocate any land for this purpose.	
The degree to which the plan or programme influences other plans or programmes including those in a hierarchy.	The Neighbourhood Plan must be (and is considered to be) in general conformity with the strategic policies of the currently adopted Rugby Local Plan and the National Planning Policy Framework. All proposals within the Neighbourhood Area would need to demonstrate compliance with the policies of all three policy documents once the neighbourhood plan is made.	
The relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development.	The draft Clifton upon Dunsmore neighbourhood plan seeks to guide development within the neighbourhood area, and sets out specific design policies and advice for the settlement of Clifton upon Dunsmore. It does not propose any site allocations, but does include policies and community actions to make Clifton upon Dunsmore and its surrounds a more sustainable place.	
	Section 5 (Natural, Historical and Social Environment) of the draft plan most specifically addresses environmental considerations. It describes local conditions and acknowledges two SSSI which are not within the neighbourhood area, but parts of the neighbourhood area are within the outer risk zones for these sites (see pages 30-31).	
	Policies in this section address: Local green space designations Important open spaces Sites and features of natural environment significance Biodiversity across the neighbourhood area Sites of historical environment significance Ridge and furrow Important views Footpaths, bridleways and cycleways Flood risk resilience and climate change Renewable energy generation infrastructure	

Section 6 (Sustainability) incorporates a range of policy topics which broadly contribute to the sustainability of the village of Clifton upon Dunsmore and the wider parish, including: The canal · Community facilities Schools Transport and traffic. Environmental problems The neighbourhood area is continuing to undergo significant change, due to the urban extension at relevant to the plan. Houlton. This urban extension was allocated in a previous Rugby local plan, and benefits from outline consent. It is coming forward on a phased basis, and will continue to do so beyond the plan period. The neighbourhood plan does not seek to allocate further development sites, but does include policies designed to maintain a distinct identity for the village of Clifton upon Dunsmore, whilst also mitigating issues such as increased traffic. It seeks to create sustainable active travel links across the neigbourhood area. The key environmental issues from the Rugby Borough Local Plan which are relevant to this plan include: 1. Protection and enhancement of biodiversity 2. The effects of development on the historic environment: 3. The effects of development on the wider landscape The Local Plan contains policies to tackle these issues. The Neighbourhood Plan adds additional support to this. The relevance of the plan or The Local Plan has regard to European community

> legislation on the environment and the Clifton upon Dunsmore Neighbourhood Plan is considered to be

programme for the

implementation of

Community legislation on

the environment (e.g. plans	in general conformity with the strategic policies of
and programmes linked to	the Local Plan.
waste management or water	
protection).	

Table 3: Likelihood of significant effects on the environment part 2 (Schedule 2, Paragraph 1&2 of the Environmental Assessment of Plans and Programmes Regulations 2004)

	Traffic	Flooding	Biodiversity	Historic	Landscape	Agricultural Land
				Environment		
Characteristics of the effects and of the area likely to be affected.	The draft Neighbourhood Plan does not propose any site allocations, though is supportive of development on infill sites within the village boundary. This is in line with the Local Plan. The urban extension called 'Houlton' falls within the neighbourhood area, though it already benefits from outline planning consent.	The draft Neighbourhood Plan does not propose any site allocations. Policy ENV11 addresses flood resilience and climate change	The draft Neighbourhood Plan does not propose any site allocations. Policy ENV4 seeks to protect and enhance biodiversity across the neighbourhood area. Any planning application on this site would also now be subject to a minimum 10% biodiversity net gain requirement.	The draft Neighbourhood Plan supports development on infill sites within the village boundary. It does not propose any site allocations. Policy ENV6 identifies and seeks to protect sites of historical environment significance, whilst policy ENV7 identifies areas of ridge and furrow as non-designated heritage assets.	The Neighbourhood Plan supports development on infill sites within the village boundary. This is in line with the Local Plan (policy GE2). Policy ENV12 supports small scale renewable energy generation infrastructure, but a condition of the policy is the minimisation and mitigation of landscape impact.	The draft Neighbourhood Plan does not propose any site allocations. There are unlikely to be notable effects on agricultural land therefore. Whilst policy ENV12 encourages small scale renewable energy generation infrastructure, it specifically does not support medium-large scale proposals. A policy condition for

	Policy ENV10 seeks to take any opportunities to enhance and expand the network of footpaths, bridleways and cycleways to encourage active travel. Policy TR1 seeks to minimise additional traffic and manage vehicle speed and parking.					small scale infrastructure is the protection of the best quality agricultural land.
The probability, duration, frequency and reversibility of the effects.	Any planning proposal would have to comply with transport policies at National and Local level. The Highways Authority would be consulted on this.	Any planning application would have to comply with National and Local Policy on flooding which would minimise the probability of unacceptable impacts.	Any proposal would have to meet the statutory requirement for a minimum 10% biodiversity net gain, and comply with biodiversity policies at national and local level.	Any proposal which impacts a Listed Building or Scheduled Monument would be subject to National Policies on the historic environment, including the neighbourhood	Any proposal which has an impact on the wider landscape would be subject to National and Local policies as well as policies within this Neighbourhood Plan.	Any proposal would have to have regard to National policy on agricultural land, and none of the proposed allocations appear to directly impact agricultural land.

	Therefore the probability of significant effects would be very low.		Under these requirements and policies there is scope for positive impacts.	plan policies identified above.	As such the potential for negative impacts is very low.	Therefore the potential for negative impacts is low.
The cumulative nature of the effects.	Any impacts of additional traffic would be an addition to that which already passes through the village.	Additional development in a flood zone would have a negative cumulative effect on flooding.	Impacts on one species could impact further species.	Any detraction or deterioration of important historic features could lead to further deterioration in future.	If the quality of the relationship between the village and the wider landscape deteriorates this could lead to further deterioration in future.	This would impact only specific land parcels.
The trans boundary nature of the effects.	Air pollution from traffic may have a trans boundary effect.	Flooding would generally be localised	These would generally be localised.	These would be localised.	This could have an impact on the wider landscape.	These would be localised.
The risks to human health or the environment (e.g. due to accidents).	Potential for a decrease in air quality, increase in noise and potential for car accidents.	Potential for impacts to human health and damage to habitats.	Very little risk to human health. Potential impacts on individual plants and animals, their habitats and the wider ecosystem.	Very little risk to human health. Risk to the quality of the historic environment and deterioration of the character of Clifton.	Very little risk to human health. Risk to the relationship between the village and the wider landscape.	Very little risk to human health. Some risk to flora and fauna that benefit from the agricultural land.

The magnitude spatial extent of the effects (geographical area and size of the population likely to be affected).	These would be very localised impacts.	Localised impacts.	Localised impacts.	Localised impacts.	Impacts could be perceived to extend beyond the Neighbourhood Area.	Generally impacts would be local but could feed into a larger scale picture if good quality agricultural land is also being lost elsewhere.
The value and vulnerability of the area likely to be affected due to: - special natural characteristics or cultural heritage - exceeded environmental quality standards - intensive land use	neighbourhood ard draft plan. The draft neighbourhood ard draft neighbourhood	ea is within the oute urhood plan does n	er impact zones of to	area, but in reason hese SSSIs. These allocations, therefor ne adopted local plan	e are identified on page are identified on page are impacts of dev	ages 31-32 of the
The effects on areas or landscapes which have a recognised national, community or international protection status.	See above regarding SSSIs with impact zones extending into parts of the neighbourhood area. There are no Special Protection Areas in or close to the neighbourhood area. There are no Special Areas of Conservation in or close to the neighbourhood area.					

4. Assessment for HRA

- 4.1 Ensors Pool Special Area of Conservation (SAC) and the River Mease SAC are not considered to sit within 15km of the Neighbourhood Area, and there are no Special Protection Areas in or close to the neighbourhood area.
- 4.2 The Clifton upon Dunsmore neighbourhood plan does not propose any development allocations, but rather seeks to guide development within the village settlement boundary, and where applicable influence detailed or amended proposals on the Houlton urban extension, which was allocated in a previous local plan, and benefits from outline planning consent.
- 4.3 Development within settlement boundaries is supported within the strategy of adopted local plan. It is not considered that there would be any detrimental impacts on Ensors Pool or the River Mease arising from the Clifton upon Dunsmore Neighbourhood Plan.
- 4.4 The Rugby Borough Local Plan 2011-2031 was subject to a Habitats Regulation Assessment Stage 1 Screening Report. A full HRA was not deemed necessary.

5. Screening Outcomes

- 5.1 As a result of the assessment in section 3, it is unlikely that there will be any significant environmental effects arising from the emerging proposals to be contained within the Clifton upon Dunsmore Neighbourhood Plan. As a result, <u>it</u> <u>is concluded that an SEA is not necessary</u>.
- 5.2 As a result of the assessment outlined in section 4, it is concluded that a HRA is not necessary.

Appendix 1 – statutory consultee responses

Ms Hayley Smith	Direct Dial: 0121 625 6887
Rugby Borough Council	
Town Hall	Our ref: PL00796990
Evreux Way	
Rugby	
Warwickshire	
CV21 2RR	28 October 2024

Dear Ms Smith

CLIFTON UPON DUNSMORE NEIGHBOURHOOD PLAN SEA & HRA SCREENING OPINION CONSULTATION

Thank you for your consultation and the invitation to comment on the SEA Screening Document for the above Neighbourhood Plan.

For the purposes of consultations on SEA Screening Opinions, Historic England confines its advice to the question, "Is it likely to have a significant effect on the environment?" in respect of our area of concern, cultural heritage.

Our comments are based on the information supplied with the screening request. On the basis of the information supplied and in the context of the criteria set out in Schedule 1 of the Environmental Assessment Regulations [Annex II of the 'SEA' Directive], Historic England concurs with your view that the preparation of a Strategic Environmental Assessment is not required.

Regarding HRA Historic England does not disagree with your conclusions but would defer to the opinions of the other statutory consultees.

The views of the other statutory consultation bodies should be taken into account before the overall decision on the need for a SEA is made. If a decision is made to undertake a SEA, please note that Historic England has published guidance on Sustainability Appraisal / Strategic Environmental Assessment and the Historic Environment that is relevant to both local and neighbourhood planning and available at: https://www.historicengland.org.uk/images-books/publications/sustainability-appraisal-and-strategic-environmental-assessment-advice-note-8/

I trust the above comments will be of help in taking forward the Neighbourhood Plan.

Yours sincerely,

P. Boland.

Peter Boland Historic Places Advisor peter.boland@HistoricEngland.org.uk

CC:

Date: 25 October 2024

Our ref: 488820

Your ref: Clifton upon Dunsmore Neighbourhood Plan

Ms Hayley Smith Rugby Borough Council

BY EMAIL ONLY LocalPlan@rugby.gov.uk



Hornbeam House Crewe Business Park Electra Way Crewe Cheshire CW1 6GJ

T 0300 060 3900

Dear Ms Smith

Clifton upon Dunsmore Neighbourhood Plan - SEA & HRA Screening Opinion Consultation

Thank you for your consultation on the above dated and received by Natural England on 24 September 2024.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Screening Request: Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA)

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; and,
- significant effects on Habitats sites¹, either alone or in combination, are unlikely.

The proposed neighbourhood plan is unlikely to significantly affect any Site of Special Scientific Interest (SSSI), Marine Conservation Zone (MCZ), Special Areas of Conservation (SAC), Special Protection areas (SPA), Ramsar wetland or sites in the process of becoming SACs or SPAs ('candidate SACs', 'possible SACs', 'potential SPAs') or a Ramsar wetland. The plan area is unlikely to have a significant effect on a National Park, Area of Outstanding Natural Beauty or Heritage Coast, and is unlikely to impact upon the purposes for which these areas are designated or defined.

Guidance on the assessment of Neighbourhood Plans, in line with the Environmental Assessment of Plans and Programmes Regulations 2004 is contained within the <u>Planning Practice Guidance</u>. This identifies three triggers that may require the production of an SEA:

- · a neighbourhood plan allocates sites for development
- the neighbourhood area contains sensitive natural or heritage assets that may be affected by the proposals in the plan
- 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.

Natural England does not hold information on the location of significant populations of protected

¹ Habitats sites are those referred to in the <u>National Planning Policy Framework</u> (Annex 2 - glossary) as "any site which would be included within the definition at regulation 8 of the Conservation of Habitats and Species Regulations 2017 for the purpose of those regulations, including candidate Special Areas of Conservation, Sites of Community Importance, Special Areas of Conservation, Special Protection Areas and any relevant Marine Sites".

species, so is unable to advise whether this plan is likely to affect protected species to such an extent as to require an SEA. Further information is included in Natural England's <u>standing advice</u> on protected species.

Furthermore, Natural England does not routinely maintain locally specific data on all environmental assets. The plan may have environmental impacts on priority species and/or habitats, local wildlife sites, soils and best and most versatile agricultural land, or on local landscape character that may be sufficient to warrant an SEA. Information on ancient woodland, ancient and veteran trees is set out in Natural England/Forestry Commission standing advice.

We therefore recommend that advice is sought from your ecological, landscape and soils advisers, local record centre, recording society or wildlife body on the local soils, best and most versatile agricultural land, landscape, geodiversity and biodiversity receptors that may be affected by the plan before determining whether a SEA is necessary.

Natural England reserves the right to provide further advice on the environmental assessment of the plan. This includes any third party appeal against any screening decision you may make. If a SEA is required, Natural England must be consulted at the scoping and environmental report stages.

Please send any new consultations, or further information on this consultation to consultations@naturalengland.org.uk

Yours sincerely

Sally Wintle Consultations Team FAO Hayley Smith Rugby Borough Council Development Strategy Team Town Hall Evreux Way

Rugby CV21 2RR

Our ref: SV/2023/111853/SE-

02/SC1-L01

Your ref: Clifton NDP SEA/HRA

Date: 18 October 2024

Dear Hayley

Clifton upon Dunsmore Neighbourhood Plan – Strategic Environmental Assessment (SEA) & Habitats Regulation Assessment (HRA) Screening Opinion consultation

Thank you for consulting us on the above SEA and HRA Screening Report, our comments are as follows.

Strategic Environmental Assessment:

The European Union directive 200142/EC requires a SEA to be undertaken for certain types of plans and programmes that would have 'significant' environmental effect(s).

Paragraph: 046 in the Strategic Environmental Assessment and Sustainability Appraisal Guidance (Reference ID: 11-046-20150209) states "a strategic environmental assessment may be required, for example, where:

- a neighbourhood plan allocates sites for development,
- the neighbourhood area contains sensitive natural or heritage assets that may be affected by the proposals in the plan.
- the neighbourhood plan is likely to have significant environmental effects that
 have not already been considered and dealt with through a sustainability
 appraisal of the Local Plan or other strategic policies for the area".

Having reviewed the Screening Report submitted, and in consideration of the matters within our remit, we concur with the conclusion that, given the lack of specific site allocations within the Neighbourhood Plan, the Clifton upon Dunsmore Neighbourhood Plan is unlikely to have significant environmental impacts and a Strategic Environmental Assessment is not therefore required.

Habitats Regulation Assessment:

Article 6(3) of the European Habitats Directive (1992) requires that any plan (or project), which is not directly connected with or necessary to the management of a European site (also known as a "Natura 2000" site), but would be likely to have a significant effect on such a site, either individually or in combination with other plans or projects, shall be subject to an 'appropriate assessment' of its implications for the European site in view of the site's conservation objectives.

Environment Agency Worcester Road, Kidderminster, Worcestershire, DY11 7RA. Customer services line: 03708 506 506 Having reviewed the submitted Screening report, and in consideration of the matters within our remit, we concur the Clifton upon Dunsmore Neighbourhood Plan is considered unlikely to have significant effects on the European designated sites.

We note that no European or Ramsar Sites have been identified within the plan area and there does not appear to be any obvious pathways to sites in neighbouring plan areas.

I trust that the above is of assistance.

Yours sincerely

Miss. Fiona Flower Planning Officer

Direct e-mail westmidsplanning@environment-agency.gov.uk