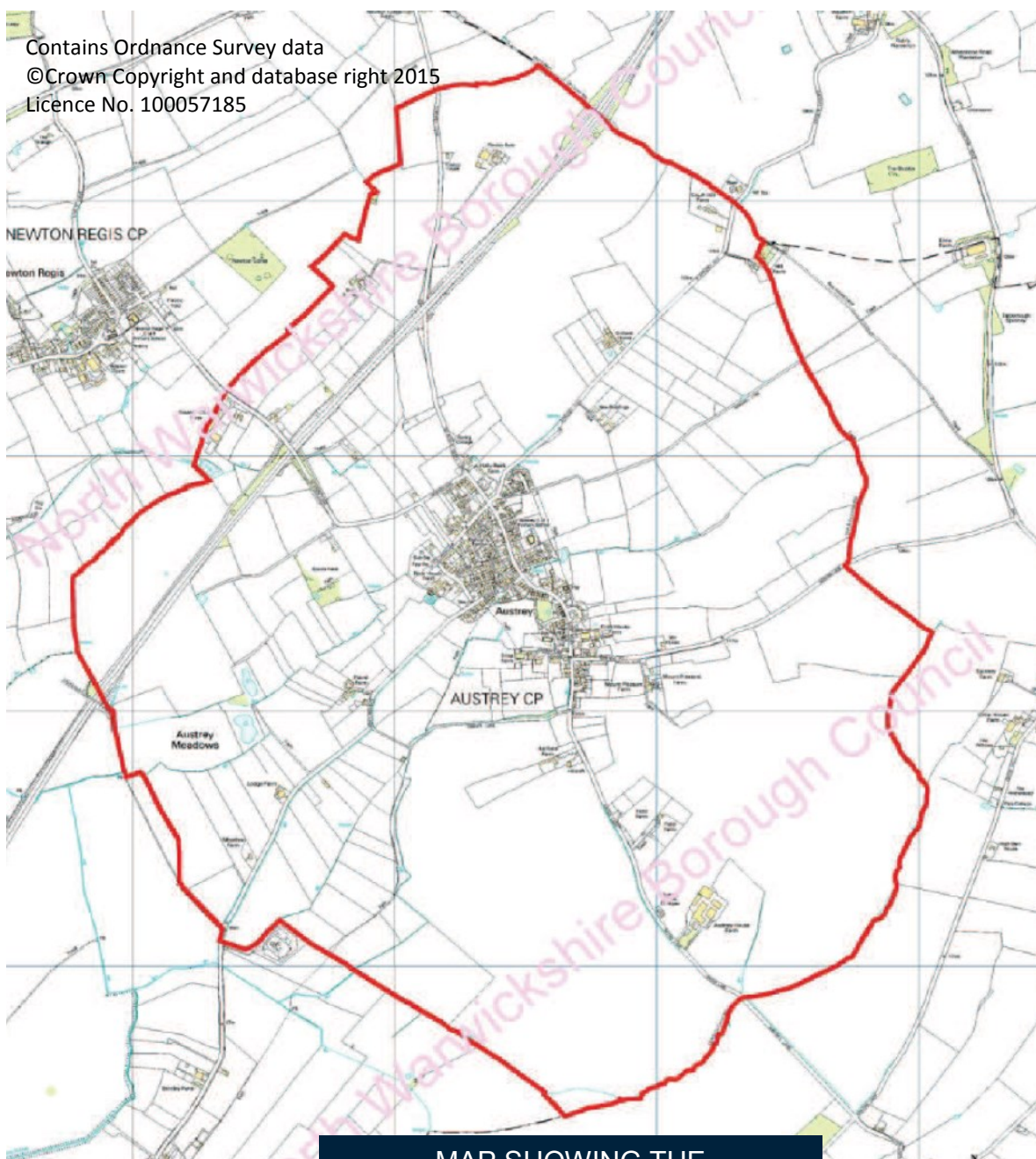


Austrey
Neighbourhood
Plan
2014-2029

**Environmental
Report**

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MAP SHOWING THE
NEIGHBOURHOOD AREA COVERED
BY THIS PLAN: THE PARISH OF
AUSTREY

Introduction

This Environmental Report should be read in conjunction with the Austrey Neighbourhood Plan and associated Consultation and Basic Conditions Statements.

The requirement for a Strategic Environmental Assessment (SEA) to be carried out on development plans likely to have a significant environmental impact is outlined in European Union Directive 2001/42/EC.

The Environmental Assessment of Plans and Programmes Regulations of 2004 state that such impact should be determined by a screening process which follows a specified set of criteria, as detailed in Schedule 1 of the Regulations. The outcome of this screening process must be set out in a Strategic Environmental Assessment Screening Statement, and this Statement is to be made public.

As the responsible authority under Regulation 9 of the SEA Regulations 2004, North Warwickshire Borough Council (NWBC) has carried out this screening process. Having assessed the contents of the draft Austrey Neighbourhood Plan against the criteria provided under Schedule 1 of the Regulations, NWBC has concluded that the Austrey Neighbourhood Plan in its current form will not have any significant impact on the environment and that a full environmental assessment is not necessary.

This Environmental Report has been prepared in accordance with the Neighbourhood Planning (General) Amendment Regulations 2015 (SI 2015 No. 20) that state “where it has been determined under regulation 9 of those Regulations that the plan proposal is unlikely to have significant environmental effects (and, accordingly, does not require an environmental assessment), a statement of reasons for the determination” should be provided.

This report explains why NWBC and its statutory consultees do not consider that the Austrey Neighbourhood Plan will have any significant environmental impact or that a full environmental assessment is required.

Consultation

On October 17, 2014, NWBC informed Austrey Parish Council by email (see Appendix 1) that “the government’s current advice is that **there is no legal requirement for a neighbourhood plan to have a sustainability appraisal** as set out in Section 19 of the Planning and Compulsory Purchase Act, 2004. However, a qualifying body must demonstrate how its plan or order will contribute to achieving sustainable development”. The contribution to sustainable development made by the Austrey Neighbourhood Plan is clearly laid out in pages 12, 15 and 26 of the Plan, and pages 10-13 of the associated Basic Conditions Statement.

NWBC went on to point out that “as the Neighbourhood Plan is proposing to include sites already allocated in the Site Allocations Plan, **much of the information needed to address any sustainability issues raised, queries or impact assessment in a Strategic Assessment or Strategic Assessment Review/Summary is already available.**”

NWBC concludes, saying “**There is nothing in the Plan I can see that will be significant enough to require a Strategic Environmental Assessment** as set out in Schedule 1 to the Environmental Assessment of Plans and Programmes Regulations, 2004”.

Nevertheless, NWBC decided to carry out a screening process and on October 23, 2014, sent out an SEA screening request to the main statutory consultees: English Heritage, English Nature and the Environment Agency (Appendix 2).

Consultation continued

NWBC received the following responses:

English Heritage

In a letter dated November 11, 2014 (Appendix 3), English Heritage responded, saying “English Heritage concurs with the Council that **the preparation of a Strategic Environmental Assessment is currently unlikely to be necessary**” .

Natural England

In their letter dated November 27, 2014 (Appendix 4), Natural England replied, saying “Natural England welcomes the production of an SEA Screening Report and is satisfied that the Local Planning Authority’s conclusion that **an SEA is not required** is appropriate” .

Environment Agency

As the Environment Agency did not respond to NWBC’s screening request, it is assumed that they do not consider it necessary for Austrey to conduct a full SEA.

Criteria for determining the likely significance of environmental impact (Annex II, SEA Directive)	Will the Austrey Neighbourhood Plan have a significant environmental	Details
1a The degree to which the Plan sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions, or by allocating resources.	No	<p>The Austrey Neighbourhood Plan sets out a vision for the parish of Austrey and provides a framework for development. It seeks to protect and enhance the environment, encourage a strong sense of community, give priority to high quality housing that meets local needs, improve village infrastructure, protect village assets and facilities, and improve employment opportunities.</p> <p>The Austrey Plan conforms with NWBC's Core Strategy and with the National Planning Policy Framework (NPPF). See Plan for details.</p>
1b The degree to which the Plan influences other plans and programmes, including those in a hierarchy	No	<p>The Austrey Neighbourhood Plan, where possible, will respond to rather than influence other plans and programmes. It only provides policies that affect the designated area. None of the policies in the Austrey Neighbourhood Plan have a direct impact on other plans in neighbouring areas.</p>
1c The relevance of the plan for the integration of environmental considerations in particular with a view to promoting sustainable development.	No	<p>The Austrey Neighbourhood Plan promotes sustainable development within the designated area, while balancing environmental, social and economic needs. Residents have expressed the desire to retain the rural character of the village but support the development of appropriate housing.</p> <p>The Austrey Plan will have a positive impact on the local environment and community assets valued by the residents. Its policies seek to protect, enhance and improve the local environment and quality of life, and to drive sustainable development for the benefit of future generations.</p>

1d Environmental problems relevant to the Plan.	No	Any impact the Austrey Neighbourhood Plan has on the environment will be positive. The policies seek to protect and enhance environmental assets through careful management and the promotion of sustainable development.
1e The relevance of the Plan for the implementation of Community legislation on the environment.	No	The Austrey Neighbourhood Plan fully supports and is fully aligned with the Local Plan which, in turn, has taken into account existing any European or national legislation relating to environmental protection. It will therefore have no detrimental effect on the implementation of such legislation.
2a The probability, duration, frequency and reversibility of the effects.	No	<p>It is not anticipated that there will be any irreversible or damaging environmental impact resulting from the Austrey Neighbourhood Plan. Its policies seek to ensure any new development is carried out in a sustainable way, in the interests of protecting and enhancing the environment and quality of life for new and existing residents.</p> <p>The Plan will be reviewed on a regular basis by the qualifying body and any unforeseen impact will be addressed and corrected during such reviews.</p>
2b The cumulative nature of the effects	No	It is anticipated that the policies laid out in the Austrey Neighbourhood Plan will bring only positive effects on the environment, and that all impact will be at a local level.
2c The trans-boundary nature of the effects	No	It is not anticipated that the policies laid out in the Austrey Neighbourhood Plan will have any impact on neighbouring areas outside the parish of Austrey.

2d The risks to human health or the environment (for example, due to accidents).	No	No risks have been identified. The overall aim of the policies laid out in the Austrey Neighbourhood Plan is the enhancement and protection of environmental and heritage assets in the designated area, improving the quality of life and social well-being of residents.
2e The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected).	No	The designated area is the parish of Austrey (see map on page 2) which has a population of around 928 (2011 Census).
2f 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; or iii) intensive land use	No	<p>The Austrey Neighbourhood Plan will have no adverse effect on the value or vulnerability of the area in relation to its natural or cultural heritage. It will support the setting, the rural character and the distinctiveness of the area by enhancing its heritage, environmental and community assets.</p> <p>The Plan provides guidance on the design of sustainable housing, ensuring that any new development improves existing residential areas. It is important to the residents that all new development is in keeping with the local character, and that it maintains the balance between the natural and the built environment.</p> <p>The Plan does not provide specific policies relating to intensive land use, but the density of any new housing development will reflect that seen in other parts of the designated area.</p>
2g The effects on areas or landscapes that have a recognised national, Community or international protection status.	No	The Austrey Neighbourhood Plan will have no adverse impact on areas of landscape which have national, Community or international protection as it seeks to protect and enhance all local assets.

CONCLUSIONS

A formal SEA has already been carried out by NWBC for the sites referenced in the Austrey Neighbourhood Plan, as they were highlighted as preferred sites for development in the Local Plan Site Allocations document. Much of the information needed to address any sustainability issues or impact assessment is therefore already available.

As a result of this, the assessment on pages 5-7 above, and the consultation carried out by NWBC, it is concluded that the Austrey Neighbourhood Plan will have no significant negative impact on the environment. A full SEA is therefore not considered necessary.

Appendix 1

COPY OF EMAIL SENT BY MIKE DITTMAN, NWBC, TO AUSTREY PARISH COUNCIL ON OCTOBER 17, 2014

From: Dittman, Mike [<mailto:MikeDittman@NorthWarks.gov.uk>]
Sent: 17 October 2014 17:24
To: 'pete@austrey.co.uk'; Barratt, Dorothy
Cc: planning@austrey.co.uk; 'Glen Baker'; Robert Keith; 'Louise Kirkup'; Brown, Jeff
Subject: RE: AustreyPlan Ready to Go

Hi again Pete

Further to your query and our brief conversation on the need or a sustainability appraisal or environmental audit for the Neighbourhood Plan I have had a chat with Jeff Brown our Development Management manager and earlier advice from Dorothy Barratt the Forward planning manager.

The current guidance from the localism Bill states/indicates that Neighbourhood Plans are **not required** to have a Sustainability Appraisal undertaken on them.

See weblink - http://www.google.co.uk/url?q=http://www.northlincs.gov.uk/EasySiteWeb/GatewayLink.aspx%3FallId%3D6091&sa=U&ei=oThBVJGCEoie7AaYi4D4Cw&ved=0CCUQFiAD&usg=AFQjCNEW5etarBdq8KHwf2QSPdyM05b_fQ

to another LA's guidance notes and specifically page 12, which notes as follows;

"Under the Localism Act 2011, Neighbourhood Plans are not classed as "local plans" or "development plan documents" like those prepared by the council.

What is advisable is a review of the sustainability impact of a neighbourhood development plan, which could be necessary and useful for a lot of neighbourhood plans that are being produced to meet the basic conditions checked at examination.

This does not mean that sustainability appraisals as used on local plans are required. It is nevertheless good planning practice to check what the potential impacts of a planning policy will be on an area, helping to advise which potential options might be best; and doing this against the topics of social, environmental and economic impacts would make a lot of sense."

I did note, however, that on the Derby Council guidance, page 10, the advice is that an SA is required? See - <http://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/policiesandguidance/planning/Neighbourhood%20Planning%20Guide.pdf>

However, this may be out of date as the Government's **current advice** is that "*There is no legal requirement for a neighbourhood plan to have a sustainability appraisal as set out in section 19 of the Planning and Compulsory Purchase Act 2004. However, a qualifying body must demonstrate how its plan or order will contribute to achieving sustainable development. A sustainability appraisal may be a useful approach for doing this and the guidance on sustainability appraisal of Local Plans should be referred to.*"

See link as follows;


<http://planningguidance.planningportal.gov.uk/blog/guidance/strategic-environmental-assessment-and-sustainability-appraisal/sustainability-appraisal-requirements-for-neighbourhood-plans/>

As the neighbourhood plan is proposing to include sites already allocated in the Site Allocations Plan, and two additional sites which have been assessed in the Site Allocations Plan Sustainability Appraisal as reasonable alternatives, much of the information needed to address any sustainability issues raised, queries or impact assessment in an SA or SA Review/Summary is already available and can be linked to via the links below;

- [Sustainability Appraisal Main Report](#) - Sustainability Appraisal Report - Non Technical Summary
- [Sustainability Appraisal Annex 1 and Associated Maps/Figures](#) - Sustainability Appraisal Annex 1 and Associated Maps/Figures
- [Sustainability Appraisal Report - Non Technical Summary](#) - Sustainability Appraisal Report - Non Technical Summary
- [Reasonable Alternatives Maps June 2014](http://www.northwarks.gov.uk/download/downloads/id/5430/site_allocations_reasonable_alternatives_june_2014) - http://www.northwarks.gov.uk/download/downloads/id/5430/site_allocations_reasonable_alternatives_june_2014

You may need to put this information into context and provide your own SA review summary, and it might be useful to get your consultants views on this, and how to do it?

Nevertheless, as your consultants are fairly comfortable with not including a separate specific Sustainability Appraisal and you have included throughout the

Neighbourhood plan an indicator of Sustainability for the issue/objective proposal being discussed – e.g.  sustainability benefits of the policies indicated by leaf motif and included a section on Sustainability in Chapter/Section 5 this should be sufficient to address the Localism Bill and regulations. The Local Authority is unlikely to be in a situation of insisting on a SA in view of the lack of clarity in the guidance, Bill and Regs and the support we have for delivering/producing Neighbourhood Plans. The only caveat I would add is that there may be the opportunity for competing sites to make challenges at the examination stage, but hopefully these will have been addressed by the work already undertaken in the Site Allocations Plan SA and in the relevant section of the Neighbourhood Plan (Section 5).

There is also nothing in the plan I can see that will be significant enough to require a "strategic environmental assessment" set out in Schedule 1 to the [Environmental Assessment of Plans and Programmes Regulations 2004](#).

I hope the above information is helpful but if you require any further clarification to the above please do not hesitate to call or e-mail me.

Regards,

Mike Dittman

Forward planning team

North Warwickshire Borough Council

Appendix 2

COPY OF EMAIL SENT BY MIKE DITTMAN, NWBC, TO STATUTORY CONSULTEES ON OCTOBER 23, 2014

From: MikeDittman@NorthWarks.gov.uk
To: clare.saint@english-heritage.org.uk; consultations@naturalengland.org.uk; paul.gethins@environment-agency.gov.uk; enquiries@environment-agency.gov.uk.
CC: SteveMaxey@NorthWarks.gov.uk; SusanWilson@NorthWarks.gov.uk
Subject: Austrey Draft Neighbourhood Plan. Scoping requirement for Assessment of need for an SEA prior to formal consultation on the Draft Austrey Neighbourhood Plan
Date: Thu, 23 Oct 2014 16:47:27 +0100

Dear Sir/Madam,

For the attention of the Planning Liaison officer/Neighbourhood planning Consultations at English Heritage, Natural England and the Environment agency for the West Midlands/North Warwickshire Borough area

I am contacting you on behalf of the Borough Council in order to obtain your views and comments as to whether the Austrey Draft Neighbourhood Plan (see attached Draft of the Plan) covering the Parish of Austrey within the North Warwickshire Borough Council area will require a formal Strategic Environmental Assessment (SEA), prior to the Borough Council forming a view.

As you are aware, Schedule 2 of the Neighbourhood Planning (General) Regulations 2012 makes provision in relation to the Habitats Directive. The Directive requires that any plan or project likely to have a significant effect on a European site must be subject to an Appropriate Assessment. To achieve this, paragraph 1 prescribes a basic condition that the making of a neighbourhood plan is not likely to have a significant effect on a European site. Paragraphs 2 to 5 of the Schedule amend the Conservation of Habitats and Species Regulations 2010 so as to apply its provisions to neighbourhood development orders and neighbourhood plans. In particular, paragraph 4 inserts new regulation 78A which provides that a neighbourhood development order may not grant planning permission for development which is likely to have a significant effect on a European site.

Schedule 3 of the Neighbourhood Planning (General) Regulations 2012 makes provision in relation to the Environmental Impact Assessment (EIA) Directive. The Directive requires that EIA development must be subject to a development consent process. To enable this, Schedule 3 prescribes a basic condition that applies where development which is the subject of a proposal for a neighbourhood development order is of a type caught by the EIA Directive, and applies to the relevant provisions of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011(3) ("the EIA Regulations") with appropriate modifications (regulation 33 and paragraphs 1 to 4 and 6 of Schedule 3). Paragraphs 5 and 7 to 13 of Schedule 3 correct errors in the EIA regulations.

For information the Neighbourhood Plan does include a number of site allocations for Housing development, which reflect those **already** identified and Allocated in the Borough Councils Site Allocations Plan **or** are identified as reasonable Alternatives, both have which have already undergone formal Sustainability Appraisal addressing issues affecting the SEA Directive. See link to Site Allocations SA -

http://www.northwarks.gov.uk/download/downloads/id/5428/sustainability_appraisal_for_site_allocations_plan_june_2014

And consultation page with documents for download -

http://www.northwarks.gov.uk/info/200297/forward_planning/965/planning_consultations

(See documents at bottom of page for Site Allocations Plan)

However, current guidance also indicates it is not necessary for a Neighbourhood Plan to undertake a full SA. Nevertheless, the Neighbourhood Plan has been drafted using the guidance in the DIY guide -

<http://www.levett-therivel.co.uk/DIYSA.pdf> to may help address the issues of Sustainability in drafting the Plan.

It would therefore be appreciated if you can provide your screening comments and views as to whether a full SEA assessment is needed in light of the Draft Neighbourhood Plan information above,

the Borough council's own SA on the Core Strategy and Site Allocations Plan previously undertaken and noted above and the work undertaken and noted in chapter 5 of the Plan during the preparation of the Neighbourhood Plan (see weblink to Plan page- <http://www.austrey.co.uk/NeighbourhoodPlan>).

If this e-mail has not been received by the appropriate relevant officer it would be appreciated if you can forward the e-mail and its attachments to the relevant officer for their comments/consideration
thanks.

Best regards,

Mike Dittman

Forward planning team

North Warwickshire Borough Council

Appendix 3

COPY OF LETTER FROM ENGLISH HERITAGE TO NWBC DATED NOVEMBER 11, 2014



ENGLISH HERITAGE
WEST MIDLANDS

Mr Mike Dittman
Forward Planning Team
North Warwickshire District Council
The Council House
South Street
Atherstone
Warwickshire
CV9 1DE

Our ref: 1225
Your ref:
Telephone 0121 625 6887
Email

11 November 2014

Dear Sir

AUSTREY NEIGHBOURHOOD PLAN- SEA/HRA ASSESSMENT CONSULTATION

Thank you for the above consultation.

For the purposes of consultations on SEA, English Heritage confines its advice to the question, "Is the Plan or proposal 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 by the LPA in their consultation to us.

On the basis of the information supplied, including that set out in the draft plan, and in the context of the criteria set out in Schedule 1 of the Environmental Assessment Regulations [Annex II of 'SEA' Directive], English Heritage concurs with the Council that the preparation of a Strategic Environmental Assessment is currently unlikely to be necessary, but we would advise that you ensure that any recommendations from the overarching Sustainability Appraisal are carried through into the Neighbourhood Plan.

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 English Heritage 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: <http://www.english-heritage.org.uk/publications/strategic-envirn-assessment-sustainability-appraisal-historic-environment/>.

Appendix 3 continued

COPY OF LETTER FROM ENGLISH HERITAGE TO NWBC DATED NOVEMBER 11, 2014

As regards the HRA Assessment English Heritage does not wish to comment in detail and would defer to Natural England and other statutory consultees, however, we have no adverse comments to make on the report.

I hope this is helpful.

Yours faithfully



Pete Boland
Historic Places Adviser
E-mail: peter.boland@english-heritage.org.uk

Appendix 4

COPY OF LETTER FROM NATURAL ENGLAND TO NWBC DATED NOVEMBER 27, 2014

Date: 27th November 2014
Our ref: 135400 Austrey NP SEA Screening
Your ref:



Mike Dittman - Forward Planning Team,
North Warwickshire Borough Council,
South St, Atherstone,
Warwickshire,
CV9 1DE
By email only: MikeDittman@NorthWarks.gov.uk

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

T 0300 060 3900

Dear Mr Dittman,

Austrey Neighbourhood Plan: Strategic Environmental Assessment and Habitats Regulation Assessment Screening

Thank you for your consultation on the above dated the 23rd October 2014.

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.

Strategic Environmental Assessment

Where Neighbourhood Plans could have significant environmental effects, they may require a Strategic Environmental Assessment (SEA) under the Environment Assessment of Plans and Programmes Regulations 2004. Further guidance on deciding whether the proposals are likely to have significant environmental effects and the requirements for consulting Natural England on SEA are set out in the National Planning Practice Guidance at:

<http://planningguidance.planningportal.gov.uk/blog/guidance/strategic-environmental-assessment-and-sustainability-appraisal/does-a-neighbourhood-plan-require-a-sustainability-appraisal/>

Natural England welcomes the production of an SEA Screening Report and is satisfied that the Local Planning Authorities conclusion that **an SEA is not required** is appropriate.

Habitat Regulations Assessment

Where a Neighbourhood Plan could potentially lead to significant environmental effects it will be necessary to screen the Plan in relation to the Habitats and Species Regulations (2010), as amended (the 'Habitats Regulations'). One of the basic conditions that will be tested at Examination is whether the making of the plan is compatible with European obligations and this includes requirements relating to the Habitats Directive.

In relation to the Habitats Regulations, a Neighbourhood Plan cannot progress if the likelihood of significant effects on any European Site, either alone (or in combination with other plans and projects) cannot be ruled out (see Schedule 2, The Neighbourhood Planning (General) Regulations 2012). Therefore measures may need to be incorporated into the Neighbourhood Plan to ensure that any likely significant effects are avoided in order to secure compliance with the Regulations. A screening exercise should be undertaken if there is any doubt about the possible effects of the Plan on European protected sites. This will be particularly important if a Neighbourhood Plan is to progress before a Local Plan has been adopted and/or the Neighbourhood Plan proposes development which has not been assessed and/or included in the

Appendix 4 continued

COPY OF LETTER FROM NATURAL ENGLAND TO NWBC DATED NOVEMBER 27, 2014

Habitats Regulations Assessment for the Local Plan.

Natural England welcomes the consideration given to the Habitats Regulations. We are satisfied that the conclusion of the Local Planning Authority (as competent authority) that there are no likely significant effects on European sites is appropriate, and therefore advise that **further Habitats Regulations Assessment is not required.**

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries relating to the specific advice in this letter only please contact Jamie Melvin on 2497. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

We really value your feedback to help us improve the service we offer. We have attached a feedback form to this letter and welcome any comments you might have about our service.

Yours sincerely

Mr Jamie Melvin
Planning Adviser
South Mercia Team