

**Hugglescote and Donington le Heath  
Neighbourhood Plan**

Strategic Environmental Assessment (SEA) &  
Habitat Regulations Assessment  
Screening Report  
(January 2021)

# Contents

1. Introduction
2. Legislative Background
3. SEA Screening
4. HRA Screening
5. Conclusions and recommendations of the Screening Assessments

Appendix 1 – Map showing boundary of Neighbourhood plan Area in relation to River Mease catchment

Appendix 2 – SEA & HRA Screening Opinion and Statutory Consultee Responses

## **1. Introduction**

- 1.1 A neighbourhood plan for Hugglescote and Donington le Heath in North West Leicestershire has been prepared. The Hugglescote and Donington le Heath Neighbourhood Plan (October 2020) (hereafter known as 'the Neighbourhood Plan') is the version of the plan which the Qualifying Body (Hugglescote and Donington le Heath Parish Council) intends to submit.
- 1.2 This screening report is an assessment of whether or not the contents of the Neighbourhood Plan require a Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/ EC and associated Environmental Assessment of Plans and Programmes Regulations 2004.
- 1.3 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. The only such area within North West Leicestershire is the River Mease which is designated as a Special Area of Conservation (SAC). The Neighbourhood Plan area lies outside of the SAC boundary but within a 10-15km distance of the boundary of the SAC, a distance which it is generally recognised as being a 'rule of thumb' whereby the possibility of the plan/project impacting upon the SAC should be considered. There are also a number of other sites beyond 15km distance of the boundary of the Neighbourhood Plan which are also considered.
- 1.4 The purpose of the Neighbourhood Plan is to provide a set of statutory planning policies to guide development within Hugglescote and Donington le Heath over the life of the plan. The Plan sets out the community's vision of how the area will look by 2031. The Neighbourhood Plan also provides support for improved facilities to serve the community and seeks to protect and enhance important elements of the local environment.
- 1.5 The legislative background set out in the following section outlines the regulations that require the need for this screening exercise. Section 3 provides a screening assessment of both the likely significant environmental effects of the Neighbourhood Plan and the need for SEA. Section 4 provides a screening assessment of both the likely significant effects of the implementation of the Neighbourhood Plan and the need for a Habitats Regulation Assessment.
- 1.6 A summary of findings and conclusions for both screening processes can be found in the conclusions chapter at section 5.

## **2. Legislative Background**

### **Strategic Environmental Assessment (SEA)**

- 2.1. The basis for Strategic Environmental Assessments and Sustainability Appraisal legislation is European Directive 2001/42/EC and was transposed into English law by the Environmental Assessment of Plans and Programmes Regulations 2004, or SEA Regulations. Detailed Guidance of these regulations can be found in the Government publication 'A Practical Guide to the Strategic Environmental Assessment Directive' (ODPM 2005).
- 2.2. The Planning and Compulsory Purchase Act 2004 required Local Authorities to produce Sustainability Appraisals (SA) for all local development documents to meet the requirement of the EU Directive on SEA. It is considered best practice to incorporate requirements of the SEA Directive into an SA as discussed within the

NPPF at paragraph 165. However, the 2008 Planning Act amended the requirement to undertake a Sustainability Appraisal for only development plan documents (DPD's), but did not remove the requirement to produce a Strategic Environmental Assessment. As a Neighbourhood Plan is not a development plan document it therefore does not legally require a Sustainability Appraisal. Where appropriate, however, an SEA still needs to be undertaken in line with the SEA regulations. The purpose of this report is to determine if SEA is required for the Hugglescote and Donington le Heath Neighbourhood Plan.

- 2.3. The District Council is required to consult three statutory consultation bodies designated within the regulations, these are; Historic England, Natural England and Environment Agency on whether a SEA is required, Details of the consultation bodies responses can be found at Appendix 2 [to be inserted when available].

### **Habitat Regulation Assessment (HRA)**

- 2.4. It is required by article 6 (3) of the EU Habitats Directive and by regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended) that an appropriate assessment is carried out with regard to the Conservation Objectives of the European Sites and with reference to other plans and projects to identify if any significant effect is likely for any European Site.
- 2.5. To fulfil the legal requirements to identify if likely significant effects will occur with the implementation of the BNP upon European Sites (Natura 2000 sites) a screening assessment has been undertaken and is set out in section 4 of this report.
- 2.6. The legislation requires where there is a "risk" of a significant effect on a European Site, either individually or in combination with other plans or projects then there will be requirement for the plan to progress from HRA screening to an Appropriate Assessment. This is known as the precautionary principle.

### **Description of the Plan or Programme**

- 2.7. The Neighbourhood Plan has been prepared by the Hugglescote and Donington le Heath Neighbourhood Plan Advisory Committee on behalf of the Qualifying Body (Hugglescote and Donington le Heath Parish Council). The Plan includes a number of policies within six policy themes.
- 2.8. The policies relate to the Neighbourhood Area and prioritise the protection and enhancement of the environment and character of Hugglescote and Donington le Heath. Other policies seek to provide support for small scale housing and employment development and new and improved community facilities.

## **3. SEA Screening**

### **Criteria for Assessing the Effects of the Hugglescote and Donington le Heath Neighbourhood Plan**

- 3.1. Criteria for determining the likely significant effects referred to in Article 3(5) of Directive 2001/42/EC are set out below:
1. The characteristics of plans and programmes, having regard, in particular, to
    - 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,
    - the degree to which the plan or programme influences other plans and programmes including those in a hierarchy,
    - the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development,
    - environmental problems relevant to the plan or programme,

- 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
- the probability, duration, frequency and reversibility of the effects,
  - the cumulative nature of the effects,
  - the transboundary nature of the effects,
  - the risks to human health or the environment (e.g. due to accidents),
  - the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected),
  - the value and vulnerability of the area likely to be affected due to:
    - special natural characteristics or cultural heritage,
    - exceeded environmental quality standards or limit values,
    - intensive land-use,
    - the effects on areas or landscapes which have a recognised national, Community or international protection status.

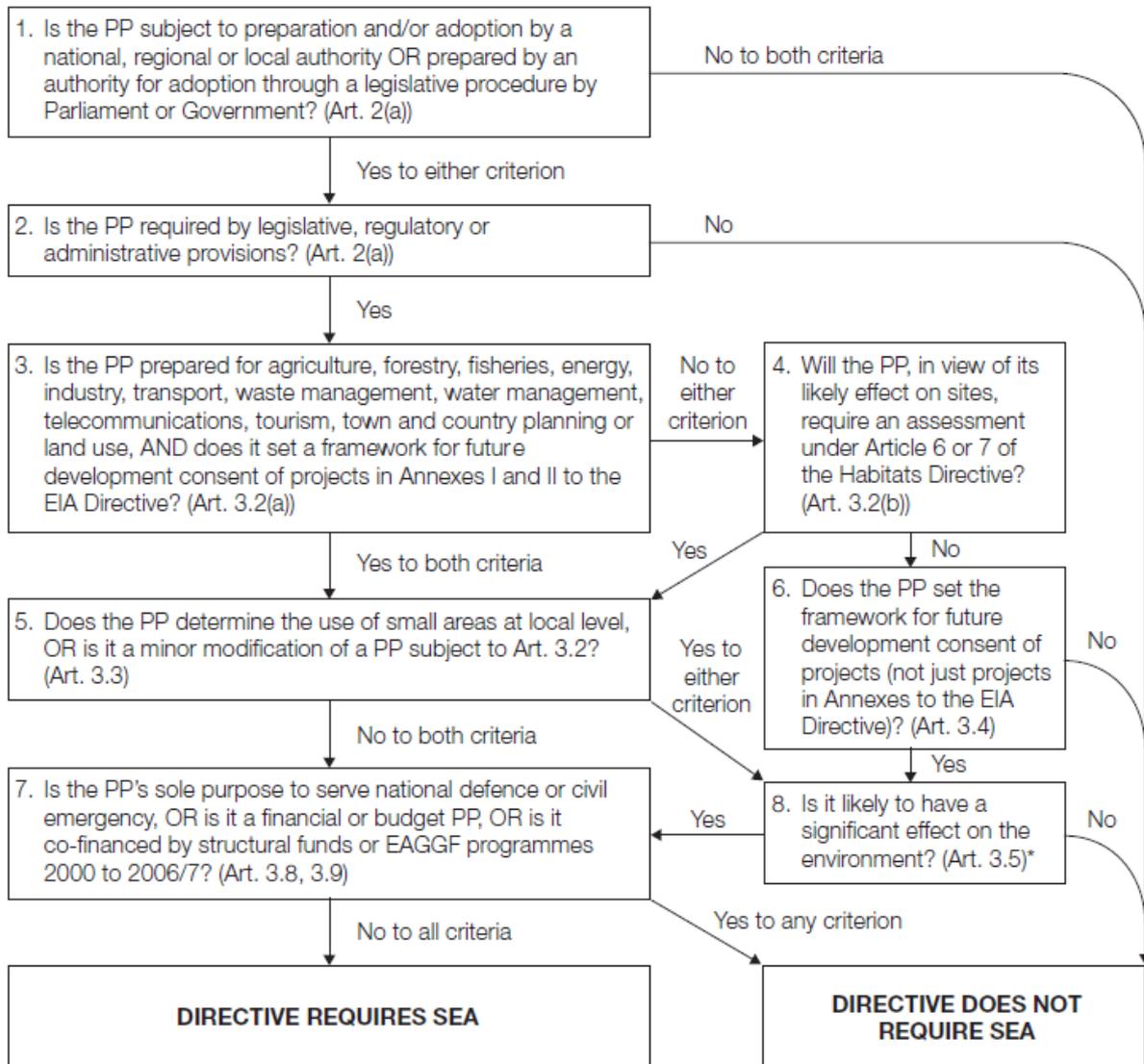
Source: Annex II of SEA Directive  
2001/42/EC

### **Assessment**

- 3.2. Neighbourhood Plans must be in general conformity with the strategic policies of the Local Plan, in this case the adopted North West Leicestershire Local Plan (Adopted November 2017). The Local Plan itself has been the subject of both a Sustainability Appraisal and a Habitats Regulations Assessment.
- 3.3. Guidance regarding SEA's written by the Department of the Environment produces a diagram to the process for screening a planning document to ascertain whether a full SEA is required, see figure1.

Figure 1. Application of the SEA Directive to plans and programmes (PPs)

This diagram is intended as a guide to the criteria for application of the Directive to plans and programmes (PPs). It has no legal status.



\*The Directive requires Member States to determine whether plans or programmes in this category are likely to have significant environmental effects. These determinations may be made on a case by case basis and/or by specifying types of plan or programme.

- 3.4. The process in figure 1 has been undertaken and the findings can be viewed in Table 1. Table 1 shows the assessment of whether the Neighbourhood Plan will require a full SEA. The questions in table 1 are drawn from the diagram above which sets out how the SEA Directive should be applied.

**Table 1: Establishing the Need for SEA**

<b>Stage</b>	<b>Yes/No</b>	<b>Reason</b>
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))	<b>Yes</b>	This Neighbourhood Plan is prepared by Hugglescote and Donington le Heath Parish Council (as the Qualifying Body) under the provisions of the Town and Country Planning Act 1990 as amended by the Localism Act 2011. Once the plan is 'made' subject to examination and having received 50%+ or more 'yes' votes through a referendum it will be 'made' by North West Leicestershire District Council and become part of the Statutory Development Plan for the area.
2. Is the PP required by legislative, regulatory or administrative provisions? (Art. 2(a))	<b>No</b>	Communities have a right to produce a neighbourhood plan; however communities are not required by legislative, regulatory or administrative purposes to produce a neighbourhood plan. However, once 'made' the Neighbourhood Plan would form part of the statutory development plan, and will 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.
3. Is the PP prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water 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))	<b>Yes</b>	The Neighbourhood Plan is prepared for town and country planning and land use. The plan sets out a framework for future development in the Hugglescote and Donington le Heath Neighbourhood Area. Once 'made' the Neighbourhood Plan would form part of the statutory development plan and will be

		used when making decisions on planning applications which may include development which may fall under Annex I and II of the EIA directive.
4. Will the PP, in view of its likely effect on sites, require an assessment for future development under Article 6 or 7 of the Habitats Directive?(Art. 3.2 (b))	<b>No</b>	The Neighbourhood Plan could potentially have an impact on internationally designated wildlife sites covered by the Habitats Regulations. See screening assessment for HRA in section 4 of this report which concludes that the Neighbourhood Plan would not affect such sites and so a HRA is not required.
5. 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)	<b>Yes</b>	There are a number of policies which could potentially determine the use of small areas of land at a local level: <ul style="list-style-type: none"> <li>• Policy G1 (Limits to Development);</li> <li>• Policy G2 (South East Coalville Development Scheme)</li> <li>• Policy H3 (Windfall sites)</li> <li>• Policy H4 (Brownfield development)</li> <li>• Policy T3 (Leicester to Burton railway line)</li> <li>• Policy CF1 (Community facilities and amenities)</li> <li>• Policy CF2 (Schools)</li> <li>• Policy CF3 (Doctors surgery)</li> <li>• Policy E2 (New small scale employment)</li> <li>• Policy E3 (Working from home)</li> </ul>
6. Does the PP set the framework for future development consent of projects (not just projects in annexes to the EIA Directive)? (Art 3.4)	<b>Yes</b>	The Neighbourhood Plan once the 'made' forms part of the statutory development plan and will be used to determine planning applications within the Neighbourhood Area. Therefore the Neighbourhood Plan will set the framework for future developments.
7. Is the PP's sole purpose to serve the national defence or civil emergency, OR is it a financial or budget PP, OR is it co-financed by structural funds or EAGGF	<b>No</b>	The Neighbourhood Plan does not deal with any of these categories of plan.

programmes 2000 to 2006/7? (Art 3.8, 3.9)		
8. Is it likely to have a significant effect on the environment? (Art. 3.5)	<b>Uncertain</b>	The Neighbourhood Plan could potentially have an effect on the environment. However, whether this is significant depends on the proposals within the Neighbourhood Plan. A detailed assessment of the potential for significant environmental effects is outlined in Table 2 (below).

3.5. A number of the criteria above suggest that SEA of the Neighbourhood Plan may be required. Criteria 5, 6 and 8 of the assessment in Figure 1 and Table 1 considered that the Neighbourhood Plan may have a significant effect on the environment.

3.6. The criteria for undertaking such an assessment are drawn from Article 3(5) of the SEA Directive as set out at paragraph 3.1 of this report. The following assessment considers the likelihood of the Neighbourhood Plan (as published at the date of this report) to have significant effects on the environment,

**Table 2: Assessment if likelihood of significant effects on the environment**

<b>Criteria for determining the likely significance of effects (Annex II SEA Directive)</b>	<b>Likely to have significant environmental effects</b>	<b>Summary of Significant effects</b>
<b>The characteristics of the plans having regard to;</b>		
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.	No	<p>Once 'made; the Neighbourhood Plan will set out the framework which will be used to determine proposals for development within the neighbourhood area along with national policies and those contained in other parts of the development plan.</p> <p>There is a number of policies which could potentially determine the use of small areas of land at a local level:</p> <ul style="list-style-type: none"> <li>• Policy G1 (Limits to Development);</li> <li>• Policy G2 (South East Coalville Development Scheme)</li> <li>• Policy H3 (Windfall sites)</li> <li>• Policy H4 (Brownfield development)</li> <li>• Policy T3 (Leicester to Burton railway line)</li> <li>• Policy CF1 (Community facilities and amenities)</li> <li>• Policy CF2 (Schools)</li> <li>• Policy CF3 (Doctors surgery)</li> <li>• Policy E2 (New small scale employment)</li> <li>• Policy E3 (Working from home)</li> </ul> <p>Policy G1 identifies Limits to Development. These are largely based on those in the adopted Local</p>

		<p>Plan, save for the inclusion of additional areas with the benefit of planning permission for housing development. The policy potentially allows for some development in the countryside but that such development "<i>will be carefully controlled in line with local and national strategic policies</i>". This approach is consistent with the adopted Local Plan which has been subject to both SEA and Habitats Regulations Assessment.</p> <p>Policy G2 relates to the South East Coalville Development Scheme. The South-East Coalville area already benefits from planning permission. As such any impact arising from this policy will be no greater than that already allowed for as part of the permission.</p> <p>Policy H3 allows for infill and redevelopment sites of up to 5 dwellings where such sites are located "<i>within the Limits to Development</i>". This approach is consistent with the adopted Local Plan which has been subject to both SEA and Habitats Regulations Assessment.</p> <p>Policy H4 supports redevelopment/ change of use on brownfield sites within the Limits to Development. This approach to development within the Limits to Development is consistent with the adopted Local Plan which has been subject to both SEA and Habitat Regulations Assessment.</p> <p>Policy T3 supports development of a new station and infrastructure associated with a re-opened Leicester to Burton railway line. This approach is anticipatory; there are no confirmed plans to reinstate the railway line at this time and investigative work is at an initial, feasibility stage. The necessity for associated infrastructure to be located within the plan area, and the timing of any such development, is highly uncertain at this point. The adopted Local Plan, which similarly supports the reinstatement of the line and the provision of stations (location not specified) been subject to both SEA and Habitat Regulations Assessment.</p> <p>Policy CF1 supports proposals that improve the quality and range of community facilities. The policy includes criteria relating to traffic, amenity and accessibility matters and directs that proposals should be of an appropriate scale.</p> <p>Policies CF2 and CF3 support the provision of new schools and GP premises respectively and the expansion of existing facilities subject to considerations including highways, accessibility,</p>
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		<p>recreational land loss, parking and amenity. This approach is consistent with the adopted Local Plan which supports the expansion of existing community facilities and the development of new ones (Local Plan Policy IF2). The Local Plan has been subject to both SEA and Habitats Regulations Assessment.</p> <p>Policy E2 supports new and expanded employment uses but this is specifically for “small scale employment-related development” only and is subject to the consideration of local character, amenity, emissions and highways impacts.</p> <p>Policy E3 supports new free-standing buildings to enable working from home provided they are “small scale” and subject to highways, amenity, emissions and design considerations.</p>
The degree to which the plan or programme influences other plans or programmes including those in a hierarchy.	No	<p>The Neighbourhood Plan is the lowest tier in the planning hierarchy and must conform to plans in the upper tiers, rather than influence them.</p> <p>The Neighbourhood Plan must conform to the adopted North West Leicestershire Local Plan, the National Planning Policy and European Directives.</p>
The relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development.	No	<p>The Neighbourhood Plan includes policies which provide protection to the character of the area, both natural and historic. These include policies which designate Local Green Space (ENV1) and protect sites of environmental significance (ENV2), important open space (ENV3), local heritage assets (ENV4), and safeguard and enhance biodiversity (ENV6).</p>
Environmental problems relevant to the plan.	No	<p>The Neighbourhood Plan identifies in section C that a significant proportion of the natural and hitherto agricultural environment in the Eastern half of the Parish has/is being lost to housing development as a result of building along Grange Road. It identifies that it is therefore important to retain and protect the remaining natural environmental areas in the Western half of the Parish.</p> <p>As the plan does not allocate any specific sites for development it is considered that the plan could not exacerbate any existing environmental problems.</p>
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	No	<p>The neighbourhood Plan is a land-use plan and sets the framework for future development consents within the Neighbourhood Plan Area through a range of policies.</p> <p>The Neighbourhood Plan is not directly relevant to the implementation of Community legislation and does not allocate potentially polluting development.</p>

protection).		
<b>Characteristics of the effects and of the area likely to be affected, having regard, in particular to;</b>		
The probability, duration, frequency and reversibility of the effects.	No	It is unlikely that there will be any irreversible damaging environmental impacts associated with the Neighbourhood Plan.
The cumulative nature of the effects.	No	The policies included within the Neighbourhood Plan are unlikely to result in likely significant effects given the nature of policies proposed and their conformity with existing policy provisions included in the adopted Local Plan. Whilst significant development is expected to take place within the Plan Area this has already been permitted. Any development which does take place as a result of the Neighbourhood Plan itself is likely to be limited.
The trans boundary nature of the effects.	No	It is likely that most effects arising from the Neighbourhood Plan will be limited to the plan area given the scope and localised nature of the plan.
The risks to human health or the environment (e.g. due to accidents).	No	There is limited risk to human health or the environment as a result of the Neighbourhood Plan.
The magnitude spatial extent of the effects (geographical area and size of the population likely to be affected).	No	It is likely that most effects arising from the Neighbourhood Plan will be limited to the plan area given the scope and localised nature of the plan.
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		There are 7 Listed Buildings within the plan area and the Neighbourhood Plan also identifies a number of non-designated heritage assets and seeks to protect their features and settings.  As the plan does not allocate any specific sites for development it is unlikely that the Plan would have any significant adverse effects on the historic or cultural assets.  There are a number of Local Wildlife Sites within the Plan Area, some of which are located within the South-east Coalville Development Area for which permission has been granted. The Neighbourhood Plan identifies a number of sites which are locally environmentally significant for their biodiversity and/or heritage, including the Local Wildlife Sites, and Policy ENV2 seeks to protect them from damage.  There are not any Air Quality Management Areas within the Plan Area.  The River Sence passes through the Plan Area

		before draining into the River Anker and on to the Trent. In 2019 the overall water body was judged as being in moderate condition.
The effects on areas or landscapes which have a recognised national, community or international protection status.	No	There are no national or local landscape designations within the plan area.

### Screening Outcome

- 3.7. Having regard to the assessment above it is considered that the Neighbourhood Plan is unlikely to have a significant environmental effect and accordingly will not require a Strategic Environmental Assessment. The Neighbourhood Plan does not allocate specific sites for development and where development might be supported by the policies in the plan it is likely to be small scale. Furthermore the Neighbourhood Plan has to be in conformity with the adopted local plan which has been through SEA and so it will have no (or little) influence on other plans or programmes.

### 4. HRA Screening

- 4.1. The Habitats Regulations Assessment (HRA) refers to the assessment required for any plan or project to assess the potential impacts against the conservation objectives of Natura 2000 wildlife sites. The assessment must determine whether the plans would adversely affect, or are likely to affect, the integrity of a site(s) in terms of its nature conservation objectives. Where negative effects are identified other options should be examined to avoid any potential damaging effects.
- 4.2. Under Criteria 4 of Figure 1 and Table 1 it was indicated that the Neighbourhood Plan may potentially have an impact upon internationally designated sites and as such a further assessment is required.
- 4.3. The HRA process is generally divided into three stages. The initial stage of the HRA process is called the screening stage and determines if there are any likely significant effects or risk of significant effects possible as a result of the implementation of the plan. If there are significant effects the plan will need to undertake an Appropriate Assessment. The screening process should provide a description of the plan and an identification of the Natura 2000 sites which may be affected by the plan and assess the significance of any possible effects on the identified sites.
- 4.4. This section of the report provides a “screening” assessment for the Neighbourhood Plan. It looks at the potential impacts of the plan’s proposals on European Sites within 15km of the Neighbourhood Plan area of which there is one which is the River Mease Special Area of Conservation.; this is illustrated at Appendix 1. The following screening assessment will determine if the Neighbourhood Plan will have any likely significant effects to determine whether the subsequent stages will be required. Much of the background information used is that taken from the Habitats Regulations Assessment undertaken for the adopted Local Plan.

## Relevant Natura 2000 sites

- 4.5. The SAC is about 7km from the western boundary of the Plan Area, whilst the River Mease catchment (and the area within which any development might potentially impact upon the River Mease itself) is about 1.7km (see Appendix 1). The Plan Area drains to the River Sence and then into the rivers Anker, Tame and Trent. There is no direct connection between the Neighbourhood Plan area and the River Mease SAC.
- 4.6. Other European sites are within a 45km radius of Hugglescote and Donington le Heath. These sites are listed below for purpose of clarification.
- Cannock Chase SAC (estimated 42km at closest point)
  - West Midland Mosses SAC
  - Midlands Meres and Mosses Ramsar
  - Pasturefields Salt Marsh SAC
  - Ensor's Pool SAC
  - Rutland Water SPA/Ramsar
- 4.7. In terms of the Cannock Chase SAC the site is currently subject to an agreed strategic approach implemented through a 'SAC Partnership' involving a coordinated approach across six local planning authorities. The Evidence base shows that development within 15km of the SAC boundary may have a significant impact on the site. Interim guidance, agreed with Natural England, identifies a 15km zone of influence. The agreed approach states that:
- "All development that results in a net increase in dwellings within 15km of Cannock Chase SAC is likely to have an adverse impact upon the SAC and therefore suitable mitigation, proportionate to the significance of the effect, will be required in line with ongoing work by partner authorities to develop a Mitigation and Implementation strategy SPD..."*
- Development proposals more than 15km from Cannock Chase SAC may be required to demonstrate that they will have no adverse effect on the integrity of the SAC."*
- 4.8. There are no direct connections between the Neighbourhood Plan area and any of the areas considered above. In the absence of any such links and the distance from Hugglescote and Donington le Heath there are no conceivable impact mechanisms through which the Neighbourhood Plan might present any credible risk of any adverse effects upon the integrity of these sites.
- 4.9. The adopted Local Plan has been the subject of a Habitats Regulations Assessment which concluded that *the Local Plan will have no likely significant effects, either alone or in combination with other plans and projects, upon any European sites. An appropriate assessment is not required.*

## 5. Conclusions and recommendations of the Screening Assessments

- 5.1. This report contains the detail of the assessment of whether the Hugglescote and Donington le Heath Neighbourhood Plan needs to be subject to a Strategic Environmental Assessment as required by the SEA Directive and Appropriate Assessment as required by the Habitats Directive.
- 5.2. The assessment of both of these requirements has been undertaken on the version of the Neighbourhood Plan which the Qualifying Body intends to submit. If there

should be subsequent significant changes to the plan, there may be the need for a further screening exercise to be undertaken on any modified version of the Neighbourhood Plan.

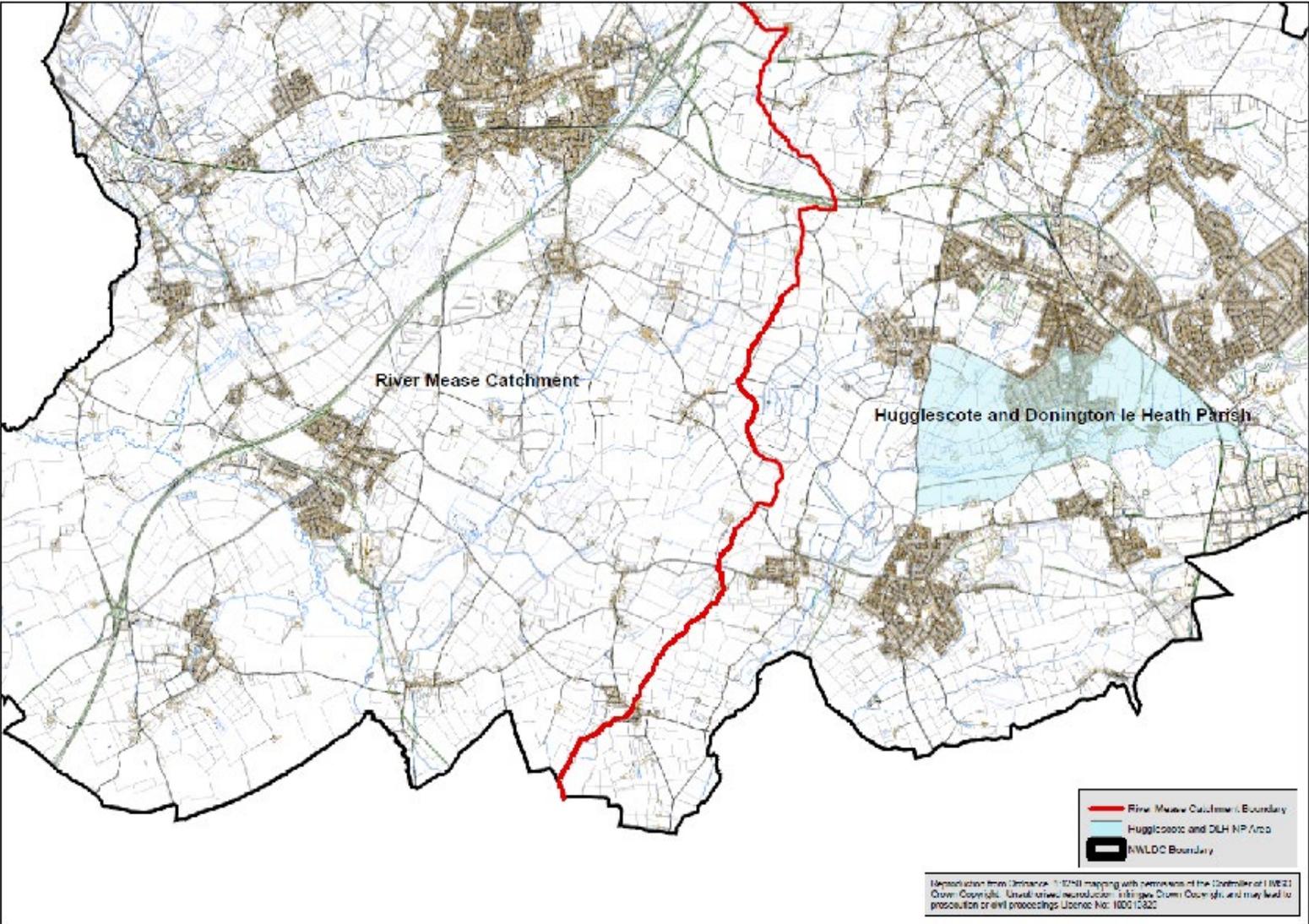
### **Strategic Environmental Assessment (SEA)**

- 5.3. In relation to the requirement for the Neighbourhood Plan to be subject to Strategic Environmental Assessment, the assessment detailed in Section 3 of this report concludes that the plan in its current form is unlikely to have significant environmental effects and therefore a SEA will not be required

### **Habitat Regulations Assessment (HRA)**

- 5.4. In relation to the requirement for the Neighbourhood Plan to be subject to Habitat Regulations Assessment, the assessment detailed at Section 4 of this report concludes that there are unlikely to be any significant effects upon the river Mease SAC or any other Natura 2000 sites and so as such a full HRA is not required.

**APPENDIX 1 – MAP SHOWING BOUNDARY OF NEIGHBOURHOOD PLAN AREA IN RELATION TO RIVER MEASE CATCHMENT**



## **APPENDIX 2 – CONSULTEE REPONSES**

Hello Sarah,

Thank you for your email.

Having reviewed the submitted information the Environment Agency does not disagree with the conclusion that further SEA and HRA are not required. We do note however that Bardon Hill Quarry SSSI, whilst not immediately adjacent to the Plan Area is relatively nearby and so we would advise you seek the views of NE (which I assume you will have done).

Regards

Nick

**Nick Wakefield**

Planning Specialist, Sustainable Places Team

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Historic England

Ms Sarah Lee

Direct Dial: 0121 625 6870

North West Leicestershire District Council

Planning Policy Team

Our ref: PL00735542

22 January 2021

Dear Ms Lee

## **HUGGLESCOTE & DONINGTON LE HEATH NEIGHBOURHOOD PLAN - SEA SCREENING REQUEST**

Thank you for your consultation of 21 January 2021 and the request for a Screening Opinion in respect of the Hugglescote & Donington Le Heath 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 'SEA' Directive], Historic England is of the view that the preparation of a Strategic Environmental Assessment is not likely to be required.

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://historicengland.org.uk/images-books/publications/sustainability-appraisal-and-strategic-environmental-assessment-advice-note-8/>

Should it be concluded that, overall, a SEA will be required for the Plan, Historic England would be pleased to discuss the scope of the assessment in relation to the historic



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*Historic England is subject to both the Freedom of Information Act (2000) and Environmental Information Regulations (2004). Any Information held by the organisation can be requested for release under this legislation.*



Historic England

environment in due course.

I hope that this information is of use to you at this time. Should you have any queries, please do not hesitate to contact me.

Yours sincerely,

C. Fletcher

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Date: 19 February 2021  
Our ref: 340810



North West Leicestershire District Council

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Dear Sarah Lee

**Hugglescote and Donington le Heath Neighbourhood Plan - Presubmission of draft plan consultation SEA/HRA Screening request**

Thank you for your consultation on the above dated 21 January 2021

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.

Natural England is a statutory consultee in neighbourhood planning and must be consulted on draft neighbourhood development plans by the Parish/Town Councils or Neighbourhood Forums where they consider our interests would be affected by the proposals made.

**Strategic Environmental Assessment - Screening**

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 (as amended). 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 [planning practice guidance](#).

Planning practice guidance also outlines that if an appropriate assessment is required for your neighbourhood plan this will also engage the need for a SEA. One of the basic conditions that will be tested by the independent examiner is whether the neighbourhood plan is compatible with European obligations, including those under the SEA Directive. Where a SEA is required it should be prepared in accordance with [regulation 12](#) of the SEA Regulations

**Habitats Regulations Assessment – screening and appropriate assessment requirements**

Where a neighbourhood plan could potentially affect a '[habitats site](#)', it will be necessary to screen the plan in relation to the Conservation of Habitats and Species Regulations (2017), as amended (the 'Habitats Regulations'). Where likely significant effects are identified, it will be necessary to undertake an appropriate assessment of the neighbourhood plan and, if needed, identify and secure appropriate mitigation measures to ensure the plan does not result in an adverse effect on the integrity of the habitats site.

**In accordance with Schedule 2 of The Neighbourhood Planning (General) Regulations 2012 (as amended), a neighbourhood plan cannot be made if it breaches the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017 (as amended).**

A screening exercise should be undertaken if there is any doubt about the possible effects of the plan on the habitats site(s). This will be particularly important if a neighbourhood plan is to progress **before** a local plan and/or the neighbourhood plan proposes development which has not been assessed and/or included in the Habitats Regulations Assessment for the local plan. Where mitigation is necessary to ensure no effects then this will need to be properly assessed via an appropriate assessment.

**Natural England agrees with your conclusions and does not have any other specific comments on this draft neighbourhood plan.**

However, we refer you to the attached annex which covers the issues and opportunities that should be considered when preparing a Neighbourhood Plan.

For any further consultations on your plan, please contact: [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

Yours sincerely

Gregory Shaw  
Planning Adviser – East Midlands

# Annex 1 - Neighbourhood planning and the natural environment: information, issues and opportunities

## Natural environment information sources

The [Magic](#)<sup>1</sup> website will provide you with much of the nationally held natural environment data for your plan area. The most relevant layers for you to consider are: **Agricultural Land Classification, Ancient Woodland, Areas of Outstanding Natural Beauty, Local Nature Reserves, National Parks (England), National Trails, Priority Habitat Inventory, public rights of way (on the Ordnance Survey base map) and Sites of Special Scientific Interest (including their impact risk zones)**. Local environmental record centres may hold a range of additional information on the natural environment. A list of local record centres is available [here](#)<sup>2</sup>.

**Priority habitats** are those habitats of particular importance for nature conservation, and the list of them can be found [here](#)<sup>3</sup>. Most of these will be mapped either as **Sites of Special Scientific Interest**, on the Magic website or as **Local Wildlife Sites**. Your local planning authority should be able to supply you with the locations of Local Wildlife Sites.

**National Character Areas** (NCAs) divide England into 159 distinct natural areas. Each character area is defined by a unique combination of landscape, biodiversity, geodiversity and cultural and economic activity. NCA profiles contain descriptions of the area and statements of environmental opportunity, which may be useful to inform proposals in your plan. NCA information can be found [here](#)<sup>4</sup>.

There may also be a local **landscape character assessment** covering your area. This is a tool to help understand the character and local distinctiveness of the landscape and identify the features that give it a sense of place. It can help to inform, plan and manage change in the area. Your local planning authority should be able to help you access these if you can't find them online.

If your neighbourhood planning area is within or adjacent to a **National Park** or **Area of Outstanding Natural Beauty** (AONB), the relevant National Park/AONB Management Plan for the area will set out useful information about the protected landscape. You can access the plans on from the relevant National Park Authority or Area of Outstanding Natural Beauty website.

General mapped information on **soil types** and **Agricultural Land Classification** is available (under 'landscape') on the [Magic](#)<sup>5</sup> website and also from the [LandIS website](#)<sup>6</sup>, which contains more information about obtaining soil data.

## Natural environment issues to consider

The [National Planning Policy Framework](#)<sup>7</sup> sets out national planning policy on protecting and enhancing the natural environment. [Planning Practice Guidance](#)<sup>8</sup> sets out supporting guidance.

**Your local planning authority should be able to provide you with further advice on the potential impacts of your plan or order on the natural environment and the need for any environmental assessments.**

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<sup>1</sup> <http://magic.defra.gov.uk/>

<sup>2</sup> <http://www.nbn-nfbr.org.uk/nfbr.php>

<sup>3</sup> <http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

<sup>4</sup> <https://www.gov.uk/government/publications/national-character-area-profiles-data-for-local-decision-making>

<sup>5</sup> <http://magic.defra.gov.uk/>

<sup>6</sup> <http://www.landis.org.uk/index.cfm>

<sup>7</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/807247/NPPF\\_Feb\\_2019\\_revised.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/807247/NPPF_Feb_2019_revised.pdf)

<sup>8</sup> <http://planningguidance.planningportal.gov.uk/blog/guidance/natural-environment/>

## Landscape

Your plans or orders may present opportunities to protect and enhance locally valued landscapes. You may want to consider identifying distinctive local landscape features or characteristics such as ponds, woodland or dry stone walls and think about how any new development proposals can respect and enhance local landscape character and distinctiveness.

If you are proposing development within or close to a protected landscape (National Park or Area of Outstanding Natural Beauty) or other sensitive location, we recommend that you carry out a landscape assessment of the proposal. Landscape assessments can help you to choose the most appropriate sites for development and help to avoid or minimise impacts of development on the landscape through careful siting, design and landscaping.

## Wildlife habitats

Some proposals can have adverse impacts on designated wildlife sites or other priority habitats (listed [here](#)<sup>9</sup>), such as Sites of Special Scientific Interest or [Ancient woodland](#)<sup>10</sup>. If there are likely to be any adverse impacts you'll need to think about how such impacts can be avoided, mitigated or, as a last resort, compensated for.

## Priority and protected species

You'll also want to consider whether any proposals might affect priority species (listed [here](#)<sup>11</sup>) or protected species. To help you do this, Natural England has produced advice [here](#)<sup>12</sup> to help understand the impact of particular developments on protected species.

## Best and Most Versatile Agricultural Land

Soil is a finite resource that fulfils many important functions and services for society. It is a growing medium for food, timber and other crops, a store for carbon and water, a reservoir of biodiversity and a buffer against pollution. If you are proposing development, you should seek to use areas of poorer quality agricultural land in preference to that of a higher quality in line with National Planning Policy Framework para 171. For more information, see our publication [Agricultural Land Classification: protecting the best and most versatile agricultural land](#)<sup>13</sup>.

# Improving your natural environment

Your plan or order can offer exciting opportunities to enhance your local environment. If you are setting out policies on new development or proposing sites for development, you may wish to consider identifying what environmental features you want to be retained or enhanced or new features you would like to see created as part of any new development. Examples might include:

- Providing a new footpath through the new development to link into existing rights of way.
- Restoring a neglected hedgerow.
- Creating a new pond as an attractive feature on the site.
- Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- Incorporating swift boxes or bat boxes into the design of new buildings.
- Think about how lighting can be best managed to encourage wildlife.
- Adding a green roof to new buildings.

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<sup>9</sup><http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

<sup>10</sup> <https://www.gov.uk/guidance/ancient-woodland-and-veteran-trees-protection-surveys-licences>

<sup>11</sup> <http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

<sup>12</sup> <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

<sup>13</sup> <http://publications.naturalengland.org.uk/publication/35012>

You may also want to consider enhancing your local area in other ways, for example by:

- Setting out in your plan how you would like to implement elements of a wider Green Infrastructure Strategy (if one exists) in your community.
- Assessing needs for accessible greenspace and setting out proposals to address any deficiencies or enhance provision.
- Identifying green areas of particular importance for special protection through Local Green Space designation (see [Planning Practice Guidance on this](#) <sup>14</sup>).
- Managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips in less used parts of parks, changing hedge cutting timings and frequency).
- Planting additional street trees.
- Identifying any improvements to the existing public right of way network, e.g. cutting back hedges, improving the surface, clearing litter or installing kissing gates) or extending the network to create missing links.
- Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition, or clearing away an eyesore).

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<sup>14</sup> <http://planningguidance.planningportal.gov.uk/blog/guidance/open-space-sports-and-recreation-facilities-public-rights-of-way-and-local-green-space/local-green-space-designation/>