

**THE ENVIRONMENTAL ASSESSMENT OF PLANS AND PROGRAMMES REGULATIONS 2004
REGULATION 9 SCREENING DETERMINATION**

Ryton on Dunsmore Neighbourhood Plan

Introduction

European Union Directive 2001/42/EC requires a Strategic Environmental Assessment to be undertaken for certain types of plans or programmes that would have a significant environmental effect. The Environmental Assessment of Plans and Programmes Regulations 2004 (the regulations) require that this is determined by a screening process, which should use a specified set of criteria (set out in Schedule 1 of the Regulations). The results of this process must be set out in an SEA Screening Statement, which must be publicly available. Before the Council make a formal determination, there is a requirement to consult three statutory consultation bodies designated in the regulations (Historic England, Environment Agency & Natural England) on whether an environmental assessment is required.

This document is the Screening Determination of the need to carry out a Strategic Environmental Assessment for the Ryton on Dunsmore Neighbourhood Plan and is made in accordance with the regulations.

Within 28 days of making its determination, Rugby Borough Council and Ryton on Dunsmore Parish Council will publish a statement, setting out this decision. If it is determined that an SEA is not required, the statement must include reasons for this.

Determination

In accordance with Regulation 9 of the SEA Regulations 2004, Rugby Borough Council has determined that an environmental assessment of the emerging Ryton on Dunsmore Neighbourhood Plan is not required as it is unlikely to have significant environmental effects. In making this determination, Rugby Borough Council has had regard to Schedule 1 of the Regulations and has carried out consultation with the consultation bodies. An assessment against Schedule 1 of Regulations forms **Appendix 1** to this determination and comments made by the Consultation bodies form **Appendix 2**.

This determination has been made on **Friday 31st May 2019**.

Further Information

A copy of this determination will be sent to the Consultation Bodies and made available on the Rugby Borough Council website and Parish Council's website.

Appendix 1- SEA and HRA Screening Report

Ryton-on-Dunsmore Neighbourhood Plan- SEA & HRA Screening Report

Ryton-on-Dunsmore Neighbourhood Plan
Strategic Environmental Assessment and Habitat Regulations
Assessment
Screening Report

15th April 2019

Contents

1. Introduction	4
2. Legislative Background	4
3. Criteria for Assessing the Effects of Neighbourhood Planning Documents	5
4. Assessment	6
5. Screening Outcome	8

1. Introduction

- 1.1 Under the requirements of the European Union Directive 2001/42/EC and Environmental Assessment of Plans and Programmes Regulation (2004) certain types of plans that set the framework for the consent of future development projects, must be subject to an environmental assessment.
- 1.2 This screening report has been prepared to determine whether the Ryton-on-Dunsmore Neighbourhood Development Plan to 2031 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. Detailed Guidance on these regulations can be found in the Government publication 'A Practical Guide to the Strategic Environmental Assessment Directive' (ODPM 2005).
- 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 the criteria for establishing whether a full assessment is needed.

3. Criteria for Screening for SEA

- 3.1 Criteria for determining the likely significance of effects are set in Schedule 1 of The Environmental Assessment of Plans and Programmes Regulations 2004. These are:

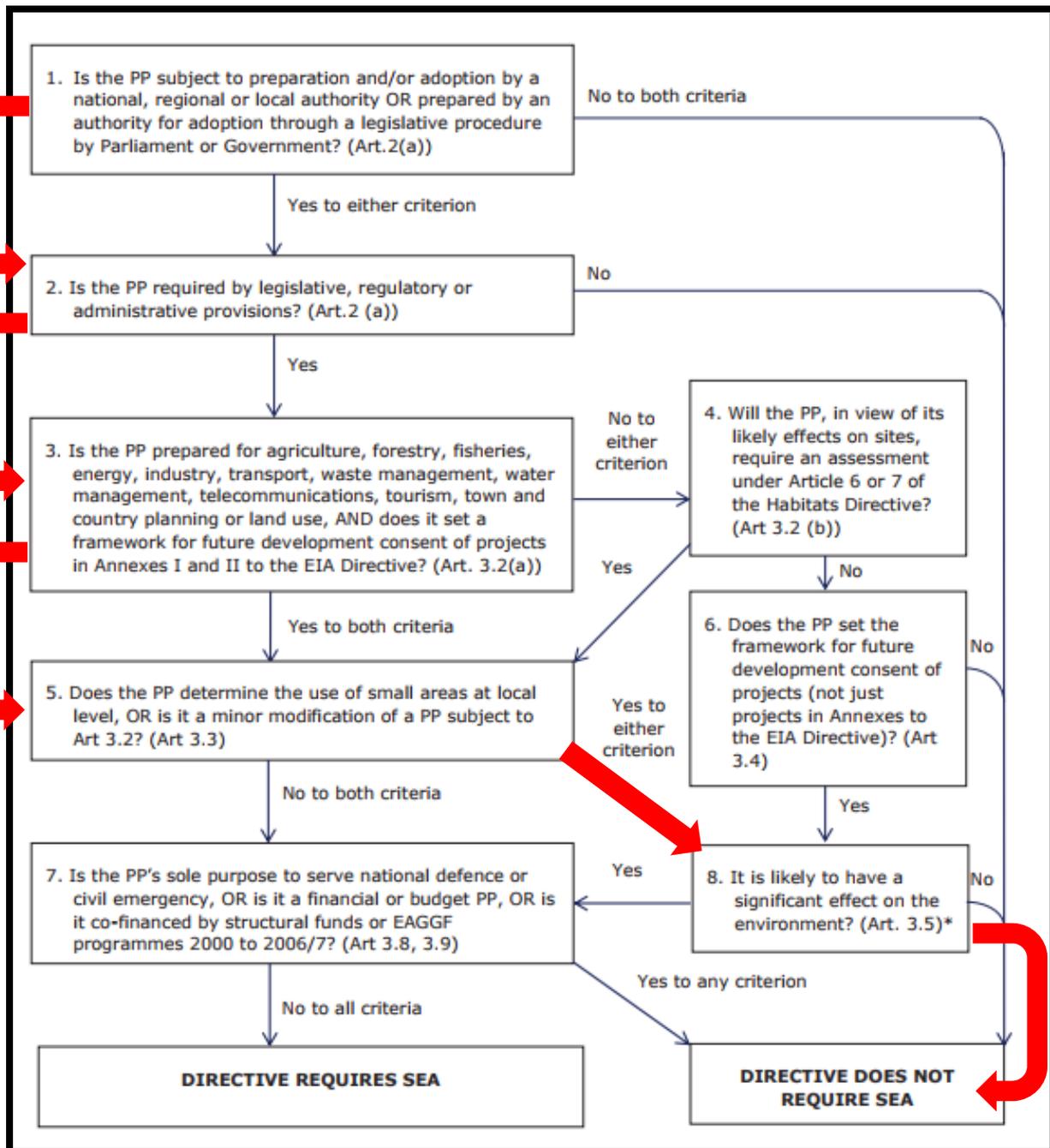
1. The characteristics of plans and programmes, having regard, in particular, to

- 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: Schedule 1 of the Environmental Assessment of Plans and Programmes Regulations 2004

4. Assessment for SEA

4.1 The red arrows indicate the Ryton-on-Dunsmore Neighbourhood Plan SEA screening route.



Source: Practical Guide to the Strategic Environmental Assessment Directive (2005)

Table 1: Establishing the need for an SEA

Stage	No/Yes	Reason
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	Yes	If the final Neighbourhood Plan is successful at referendum and is subsequently 'made' by the Local Planning Authority it will become a Development Plan Document with equal status to the Local Plan.

Ryton-on-Dunsmore Neighbourhood Plan- SEA & HRA Screening Report

Parliament or Government? (Art. 2(a))		
2. Is the PP required by legislative, regulatory or administrative provisions? (Art. 2(a))	Yes	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 Ryton-on-Dunsmore 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))	Yes	The Ryton-on-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 Ryton-on-Dunsmore Neighbourhood Area. Once 'made' the Ryton-on-Dunsmore 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.
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)	Yes	Once 'made' the Neighbourhood Plan would form part of the statutory development plan and be used when making decisions on planning applications of small areas at the local level.
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)	Yes	The Neighbourhood Plan, once '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.

8. Is it likely to have a significant effect on the environment? (Art. 3.5)	No	See table 2 below for further detail.
---	----	---------------------------------------

Source: Stages taken from the Practical Guide to the Strategic Environmental Assessment Directive (2005)

4.2 The following assessment in table 2 provides further detail on the response to criteria 8 in table one. The assessment considers the likelihood of the Ryton-on-Dunsmore Neighbourhood Plan to have significant effects on the environment.

Table 2: Likelihood of significant effects on the environment part 1

Characteristics of the Plan	Summary of Effects
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.	Once 'made; the Neighbourhood Plan will set out the framework which will be used to determine proposals for development within the neighbourhood area.
The degree to which the plan or programme influences other plans or programmes including those in a hierarchy.	The Neighbourhood Plan must be in general conformity with the strategic policies of the currently adopted Rugby Core Strategy (or any subsequently adopted Local Plan) and the National Planning Policy Framework and all proposals within the Neighbourhood Area must comply with the policies of all three documents.
The relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development.	Draft policies GD2, H4, H9, ENV1, ENV2, ENV3, ENV6, ENV7, ENV8, T2 and BE2 of the Ryton-on-Dunsmore Neighbourhood Plan include elements of environmental protection. This includes: <ul style="list-style-type: none"> • A preference for retaining trees, hedges and streams on site; • The use of indigenous trees and shrubs on site; • Encouragement to include measures which meet high standards in energy and water efficiency, including infrastructure for electric vehicle charging;

	<ul style="list-style-type: none"> • Support for reuse of brownfield sites and remediation of land; • Requirement for protection of Biodiversity; • Protection for Local Green Spaces; • Protection for sites of Environmental Significance; • Protection for important open spaces; • Protection and enhancement of biodiversity, woodland, hedges and habitat connectivity; • Protection of important views; • Support for renewable energy generation infrastructure; • Promotion of new footpath and cycleways; and • Limit noise and light pollution from new business; <p>Any proposal would have to comply with the principle of Sustainable Development as laid out in the NPPF and has to comply with the environmental protection policies of both the NPPF and the Local Plan.</p>
<p>Environmental problems relevant to the plan.</p>	<p>Current issues in Ryton-on-Dunsmore raised during the initial public consultation included traffic volume. However it is not felt that this plan would have any increased impact on these issues as no additional sites have been allocated for development.</p> <p>The key environmental issues from the Rugby Core Strategy and the draft Rugby Local Plan which are relevant to this plan include:</p> <ol style="list-style-type: none"> 1. The risk of flooding; 2. Protection and enhancement of biodiversity; 3. The effects of development on the historic environment; 4. The effects of development on the wider landscape; and 5. The protection of the best and most versatile agricultural land; <p>The Local Plan contains policies to tackle these issues. The Neighbourhood Plan adds additional support to this.</p>

Ryton-on-Dunsmore Neighbourhood Plan- SEA & HRA Screening Report

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).	The Local Plan has regard to European community legislation on the environment and the Ryton-on-Dunsmore Neighbourhood Plan has to be in general conformity with the strategic policies of the Local Plan.
---	--

Source: Criteria taken from Schedule 2, Paragraph 1&2 of the Environmental Assessment of Plans and Programmes Regulations 2004

Table 3 looks at the specific issues and assesses the likelihood of a significant environmental impact.

Table 3: Likelihood of significant effects on the environment part 2

	Traffic	Flooding	Biodiversity	Historic Environment	Landscape	Agricultural Land
Characteristics of the effects and of the area likely to be affected.	<p>The Neighbourhood Plan allocates one site for development however this site has already been allocated through the new Local Plan. Coventry training ground is a site allocated through the Local Plan which has been subject to a full SA and HRA. There is a second site referenced in Policy H1; the former British Legion site. However this is not a full allocation but a broad support for development which allows restoration of the listed building on site. As such further environmental work would be carried out if any specific plans came forward through the Development Management process. A third site which is safeguarded for development is covered in Policy H2 which would only come forward if there were issues with the first allocated site. Again further environmental work would be carried out at a later stage if a more detailed proposal came forward.</p> <p>The Neighbourhood Plan does support development on infill sites within the village boundary. This is in line with the Local Plan.</p>					
The probability, duration, frequency and reversibility of the effects.	<p>Any proposal would have to comply with transport policies at National, Local and Neighbourhood level. The Highways Authority would be consulted on this.</p> <p>The site allocated in the Local Plan has already been</p>	<p>There are areas of flood zones 2 and 3 within the village boundary. Applications would have to comply with National and Local Policy on flooding which would minimise probability.</p> <p>The allocated sites are within flood zone 1. As</p>	<p>Any proposal would have to comply with biodiversity policies at National and Local level as well as the policies within this Neighbourhood Plan.</p> <p>The Coventry training ground site is a brownfield site.</p>	<p>Any proposal which impacts a Listed Building or Scheduled Monument would be subject to National Policies on the historic environment.</p> <p>Development of the British Legion site would impact a Listed Building and Registered</p>	<p>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.</p> <p>The Coventry training ground is a brownfield site with existing buildings on the</p>	<p>Any proposal would have to have regard to National policy on agricultural land. There are only small amounts of agricultural land which sit within the village boundary.</p> <p>The sites covered in Policies H1 and</p>

Ryton-on-Dunsmore Neighbourhood Plan- SEA & HRA Screening Report

	<p>subject to discussions with Warwickshire Highways who are satisfied impacts can be mitigated.</p> <p>Therefore the probability of significant impacts from traffic would be very low.</p>	<p>such the probability of significant impacts from flooding is low.</p>	<p>Therefore the probability of a negative impact would be low.</p> <p>Under these policies there is scope for positive impacts.</p>	<p>park and garden. However the policy has been developed with Historic England, and they would be consulted as part of any application to ensure that impacts are not unacceptable.</p> <p>The policy also ensures that any development is done to facilitate the restoration of the Listed Building.</p> <p>As such the probability of a negative impact is medium to low with the requirement for positive impacts</p>	<p>site. This will lessen the impact on the landscape of any new development. It has also been subject to a landscape assessment as part of the Local Plan process.</p> <p>As such the potential for negative impacts is very low.</p>	<p>H2 are not on agricultural land.</p> <p>Therefore the potential for negative impacts is low.</p>
<p>The cumulative nature of the effects.</p>	<p>Any impacts of additional traffic would be an addition to that</p>	<p>Additional development in a flood zone would have a negative</p>	<p>Impacts on one species could impact further species.</p>	<p>Any detraction or deterioration of important historic features</p>	<p>If the quality of the relationship between the village and the</p>	<p>This would impact only specific land parcels.</p>

Ryton-on-Dunsmore Neighbourhood Plan- SEA & HRA Screening Report

	which already passes through the village.	cumulative effect on flooding.		could lead to further deterioration in future.	wider landscape deteriorates this could lead to further deterioration in future.	
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 fairly 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 Ryton-on-Dunsmore.	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	This would be dependent on the location of any proposed development.					

Ryton-on-Dunsmore Neighbourhood Plan- SEA & HRA Screening Report

<p>likely to be affected due to:</p> <ul style="list-style-type: none"> - special natural characteristics or cultural heritage - exceeded environmental quality standards - intensive land use 	<p>Within the village boundary are four listed buildings, two scheduled ancient monuments and one registered park and garden.</p> <p>The Coventry training ground site is a brownfield site with no specific special natural or cultural characteristics. The Environment Agency, Historic England and Natural England were all consulted on the Local Plan and Warwickshire County Council departments raised no concerns with the allocation.</p> <p>The former British Legion site is within a registered park and garden and within the vicinity of a listed building. This policy has been developed with the input of Historic England and the development management process will provide a robust framework for ensuring any development that comes forward on the site is acceptable in terms of its impact on heritage assets.</p> <p>The safeguarded site would require further investigations into its special characteristics, however this would take place if it became more likely that the site would be required.</p> <p>Policies within the Neighbourhood and Local Plans will ensure environmental quality standards are met and that the sites are not developed to have an unacceptable impact on biodiversity.</p>
<p>The effects on areas or landscapes which have a recognised national, community or international protection status.</p>	<p>Within the Neighbourhood Area there are SSSIs. These are Ryton and Brandon Gravel Pits, Brandon Marsh and Ryton Wood. The two covered in Policy H1 sit within the Impact Risk Zones for these sites meaning that Natural England would need to be consulted on applications for these sites.</p>

Source: Criteria taken from Schedule 2, Paragraph 1&2 of the Environmental Assessment of Plans and Programmes Regulations

2004

4.3 In addition to the evidence presented above the EIA regulations can be used as a guide for the thresholds for assessment. In this instance development on the sites covered in Policy H1 are very likely to total less than 150 dwellings and the cumulative

area of allocated sites is less than 5ha. This would make the allocations less likely to have significant effects than if the sites were larger.

5. Assessment for HRA

5.1 There are no European sites within 15km of the Neighbourhood Area.

6. Screening Outcomes

6.1 As a result of the assessment in section 4, it is unlikely that there will be any significant environmental effects arising from the emerging proposals to be contained within the Ryton-on-Dunsmore.

Appendix 2- Consultation Body Responses

Ms Sophie Leaning
Rugby Borough Council
Development Control
PO Box 16
Rugby
Warwickshire
CV21 2LA

Our ref: UT/2007/101479/SE-
05/SC1-L01
Your ref: Ryton-on-Dunsmore
Date: 30 April 2019

Dear Ms Leaning

Ryton-on-Dunsmore Neighbourhood Plan SEA/HRA Screening Report

Thank you for your email which was received on 15 April 2019.

As requested we have reviewed the Screening Assessment prepared in support of the Ryton-on-Dunsmore Neighbourhood Plan. Having reviewed the proposals we do not consider there to be significant environmental impacts as a result of this plan, therefore we concur with the conclusions of the report and do not require a SEA or HRA to be undertaken in support of the plan. We advise that consultation is undertaken with Natural England amongst other statutory bodies prior to making any final decision.

Yours sincerely

Miss Lauren Millward
Planning Advisor

Direct dial 020 3025 2642
Direct e-mail Lauren.Millward@environment-agency.gov.uk



Historic England

Ms Sophie Leaning
Rugby Borough Council
Town Hall
Evreux Way
Rugby
CV21 2RR

Direct Dial: 0121 625 6887

Our ref: PL00576444

24 April 2019

Dear Ms Leaning

RYTON-ON-DUNSMORE NEIGHBOURHOOD PLAN- SEA AND HRA SCREENING

Thank you for your consultation and the invitation to comment on the SEA and HRA 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/>](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,

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

cc:



THE AXIS 10 HOLLIDAY STREET BIRMINGHAM B1 1TF

Telephone 0121 625 6870
HistoricEngland.org.uk





Historic England



THE AXIS 10 HOLLIDAY STREET BIRMINGHAM B1 1TF

Telephone 0121 625 6870
HistoricEngland.org.uk



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.

Date: 29 May 2019
Our ref: 281842
Your ref: Ryton-on-Dunsmore SEA Screening



Sophie Leaning
Senior Planner
Development Strategy Team
Rugby Borough Council

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

BY EMAIL ONLY

sophie.leaning@rugby.gov.uk

T 0300 060 3900

Dear Ms Leaning,

SEA Screening for Ryton-on-Dunsmore Neighbourhood Development Plan

Thank you for your consultation on the above dated 15th April 2019 which was received by Natural England on the same day.

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 Screening

We welcome the production of this SEA Screening report. Natural England notes and concurs with the screening outcome i.e. that 'it is unlikely that there will be any significant environmental effects arising from the emerging proposals...'.

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](#).

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 new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours sincerely

Victoria Kirkham
Consultations Team