

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

Wolvey 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 Wolvey Neighbourhood Plan and is made in accordance with the regulations. Within 28 days of making its determination, Rugby Borough Council and Wolvey 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 Wolvey 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 11th October 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 Wolvey Parish Council's website.

Appendix 1- SEA and HRA Screening Report

Wolvey Neighbourhood Plan

Strategic Environmental Assessment and Habitat Regulations

Assessment

Screening Report

11th October 2019

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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 Wolvey 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.

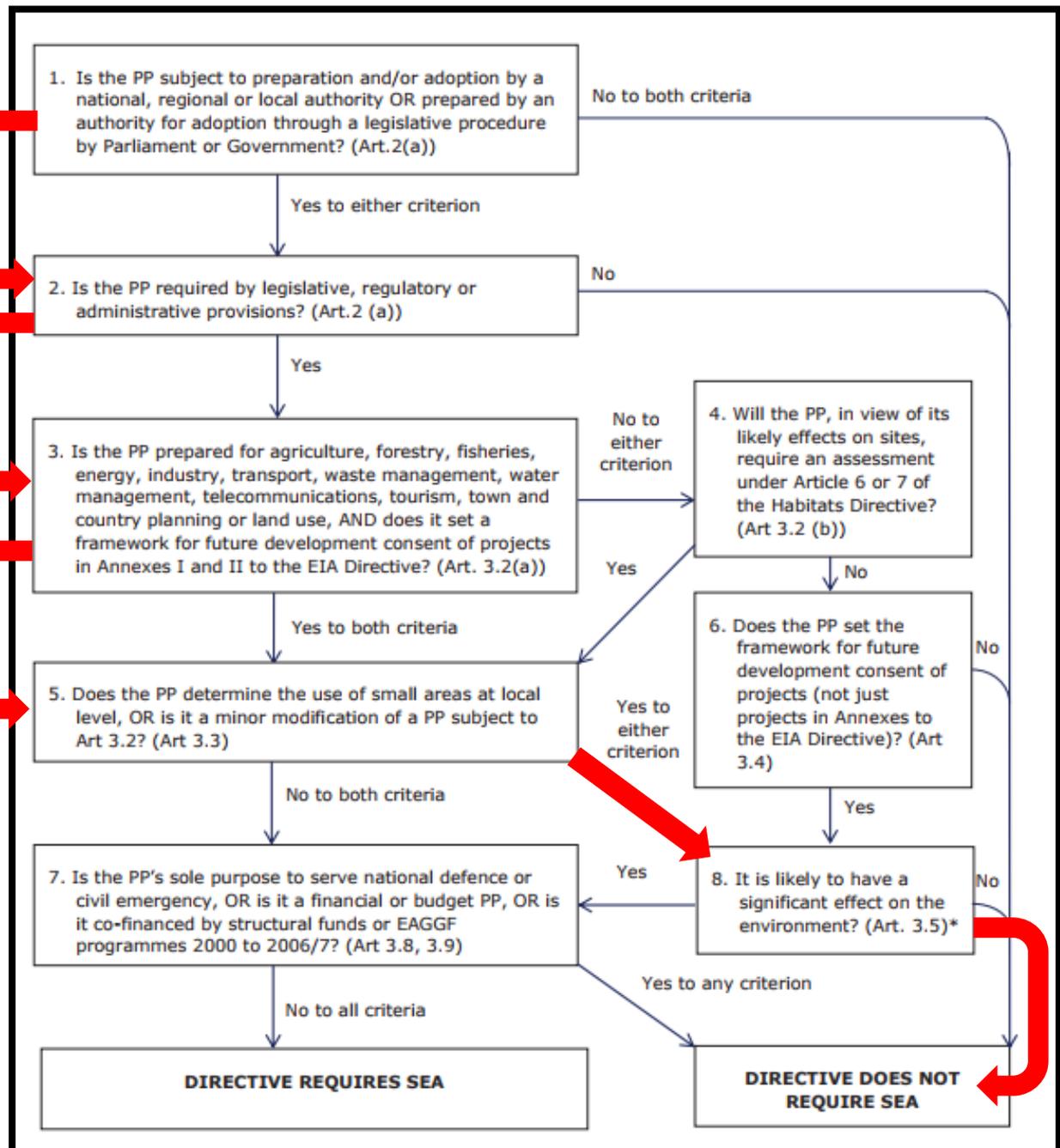
These are:

- 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 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 Parliament or Government? (Art. 2(a))	Yes	If the final Neighbourhood Plan is successful at referendum and is subsequently Made by the Local Planning Authority it will become a Development Plan Document with equal status to the Local Plan.
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 Wolvey 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 Wolvey 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 Wolvey Neighbourhood Area. Once 'made' the Wolvey 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 the 'made', forms part of the statutory development plan and will be used to determine planning applications within the designated Neighbourhood Area. Therefore the Neighbourhood Plan will set the framework for future developments.
7. 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 7 in table one. The assessment considers the likelihood of the Wolvey 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 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 ENV 1, ENV 2, ENV 3, ENV 4, ENV 5, ENV 6 of the Wolvey Neighbourhood Plan include elements of environmental protection. This includes: <ul style="list-style-type: none"> • Protection of local green spaces • Protection for natural sites of significance • Protection of ridge and furrow

	<ul style="list-style-type: none"> • Biodiversity and wildlife corridors • Safeguard locally significant habitats and species • Protection of key views and special landscapes • Minimising light pollution; • Sustainable drainage systems and reducing flood risk; <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 Wolvey include traffic volumes and protecting the special character of Wolvey in light of development pressures. However it is not felt that this plan would have any increased impact on these issues as no sites have been allocated for development. The Rugby Borough Local Plan 2011-2031 includes two housing allocations in Wolvey which have already been subject to full assessment.</p> <p>The key environmental issues from the Rugby Borough 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; 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>
<p>The relevance of the plan or programme for the implementation of Community legislation on the environment (e.g. plans</p>	<p>The Local Plan has regard to European community legislation on the environment and the Wolvey Neighbourhood Plan has to be in general conformity with the strategic policies of the Local Plan.</p>

and programmes linked to waste management or water protection).	
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Source: Criteria taken from Schedule 2, Paragraph 1&2 of the Environmental Assessment of Plans and Programmes Regulations 2004

	criteria in Policy H3. This is in line with the Local Plan.	criteria in Policy H3. This is in line with the Local Plan.	criteria in Policy H3. This is in line with the Local Plan.	criteria in Policy H3. This is in line with the Local Plan.	criteria in Policy H3. This is in line with the Local Plan.	criteria in Policy H3. This is in line with the Local Plan.
The probability, duration, frequency and reversibility of the effects.	Any proposal would have to comply with transport policies at National and Local level. The Highways Authority would be consulted on this. Additionally there may be no development proposals put forward. Therefore the probability would be very low.	Applications would have to comply with National and Local Policy on flooding which would minimise probability. Additionally there may be no development proposals put forward.	DS3.12 is a brownfield site. Therefore the probability of a negative impact would be low. Any proposal would have to comply with biodiversity policies at National and Local level as well as the policies within this Neighbourhood Plan. Additionally there may be no development proposals put forward. Therefore the probability of a	Any proposal which impacts a Listed Building or Scheduled Monument would be subject to National Policies on the historic environment. Policies in this plan identify further historic features important to the village and also cover the importance of retaining the character of the village. Additionally there may be no development proposals put forward.	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. Additionally there may be no development proposals put forward. As such the potential for negative impacts is very low.	Any proposal would have to have regard to National policy on agricultural land. Additionally there may be no development proposals put forward. Therefore the potential for negative impacts is low.

			negative impact would be low. Under these policies there is scope for positive impacts.	As such the probability of a negative impact is low.		
The cumulative nature of the effects.	Any impacts of additional traffic would be an addition to that which already passes through the village.	Additional development in a flood zone would have a negative cumulative effect on flooding.	Impacts on one species could impact further species.	Any detraction or deterioration of important historic features could lead to further deterioration in future.	If the quality of the relationship between the village and the wider landscape deteriorates this could lead to further deterioration in future.	This would impact only specific land parcels.
The trans boundary nature of the effects.	Air pollution from traffic may have a trans boundary effect.	Flooding would generally be localised	These would generally be 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 Wolvey.	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.

<p>The magnitude spatial extent of the effects (geographical area and size of the population likely to be affected).</p>	<p>These would be very localised impacts.</p>	<p>Localised impacts.</p>	<p>Localised impacts.</p>	<p>Localised impacts.</p>	<p>Impacts could be perceived to extend beyond the Neighbourhood Area.</p>	<p>Generally impacts would be local but could feed into a larger scale picture if good quality agricultural land is also being lost elsewhere.</p>
<p>The value and vulnerability of the area 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>This would be dependent on the location of any proposed development. Within the village boundary are 5 listed buildings and two scheduled ancient monuments.</p> <p>Full assessments of DS3.11 and DS3.12 have been undertaken (SHLAA site references S14011 and S16039).</p>					
<p>The effects on areas or landscapes which have a recognised national, community or international protection status.</p>	<p>There are no nationally or internationally protected areas or landscapes within the Neighbourhood Area. Please see below for details on nearby SAC's.</p>					

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

Assessment for HRA

5.1

Ensors Pool Special Area of Conservation (SAC) and the River Mease SAC are considered to sit within 15km of the Neighbourhood Area. The Wolvey Neighbourhood Plan is not allocating any sites, so it is not considered that there would be any detrimental impacts on Ensors Pool or the River Mease.

Two Local Plan allocations within Wolvey were assessed within the Rugby Borough Local Plan 2011-2031 Habitats Regulation Assessment Stage 1 Screening Report. A full HRA was not deemed necessary.

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 Wolvey Neighbourhood Plan.

Appendix 2- Consultation Body Responses

Mr Rauri McKee
Rugby Borough Council
Development Control
PO Box 16
Rugby
Warwickshire
CV21 2LA

Our ref: UT/2007/101479/SE-
06/SC1-L01
Your ref:
Date: 09 October 2019

Dear Mr McKee

**Wolvey Neighbourhood Plan
Strategic Environmental Assessment and Habitat Regulations
Assessment Screening Report (11th September 2019)**

Thank you for referring the above screening request, which was received on 19 September 2019.

Having reviewed the proposals the Environment Agency concurs with the findings of the above report, in that the plan itself is unlikely to have significant environmental effects, therefore a SEA is not required in this instance.

Yours sincerely

**Mrs Jane Field
Planning Specialist**

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



Historic England

Mr Ruari McKee
6887

Direct Dial: 0121 625

Rugby Borough Council

Town Hall
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Our ref:

Evreux Way

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Warwickshire

CV21 2RR
2019

20 September

Dear Mr McKee

WOLVEY 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



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Historic England

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

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

Yours sincerely,

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

cc:



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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.

Date: 09 October 2019
Our ref: 269471
Your ref: Wolvey Neighbourhood Plan



Ruari McKee
Planning Officer
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BY EMAIL ONLY

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T 0300 060 3900

Dear Mr McKee,

Wolvey Neighbourhood Plan - SEA Screening

Thank you for your consultation on the above dated 19th September 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

Natural England considers that, based on the material supplied with the consultation, in so far as our strategic environmental interests are concerned, significant environmental effects resulting from the neighbourhood plan are unlikely. We therefore agree with the conclusion of the SEA screening report that a Strategic Environmental Assessment would not be required.

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