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Head of Service

11th January 2023

Direct Line: (01283) 508630
Our Ref: AB NP Exam_Jan23

Intelligent Plans and Examinations (IPE) Ltd
3 Princes Street
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Dear Mr Freeman

Response to Question for East Staffordshire Borough Council

Thank you for your email of the 9th of January 2023 containing the Abbots Bromley NDP Examiner Procedural Matters and Questions, please see our responses below:

Question for East Staffordshire Borough Council

1. Does the Borough Council have any comments that it wishes to make on the draft Neighbourhood Plan other than those set out in the comments of policy officers (ABB10)?

No, no further comments

2. The Screening Opinion, at paragraph 8, indicates that Natural England (NE) will be consulted on the opinion. Is there any relevant response from NE other than its Regulation 16 response (ABB16)? If so, please supply a copy.

No, Natural England's reg 16 response was their only response that related to the updated screening opinion.

However, early in the production of the neighbourhood plan before the regulation 14 plan consultation, a draft of the screening opinion was commented on by NE on the 2nd of February 2021 by email. This email was in response to the December 2020 version of the document which was consulted on for 6 weeks until Thursday 28th January 2021. I enclose their letter of February 2021 and for reference the earlier screening opinion to which NE were responding.

Yours sincerely

Philip Stephenson

Phil Stephenson
Principal Planning Policy Officer
East Staffordshire Borough Council
Philip.Stephenson@eaststaffsbc.gov.uk

Date: [Click here to enter a date.](#)
Our ref: 339832
Your ref: Abbots Bromley



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Dear Ms Raine,

Abbots Bromley Neighbourhood Development Plan - SEA Screening

Thank you for your consultation on the above dated 17 December 2020 which was received by Natural England on the same date.

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

Screening Request: Strategic Environmental Assessment

It is our advice, on the basis of the material supplied with the consultation, that, in so far as our strategic environmental interests (including but not limited to statutory designated sites, landscapes and protected species, geology and soils) are concerned, that there are unlikely to be significant environmental effects from the proposed plan.

Neighbourhood Plan

Guidance on the assessment of Neighbourhood Plans, in light of the Environmental Assessment of Plans and Programmes Regulations 2004 (as amended), is contained within the [National Planning Practice Guidance](#). The guidance highlights three triggers that may require the production of an SEA, for instance where:

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

We have checked our records and based on the information provided, we can confirm that in our view the proposals contained within the plan will not have significant effects on sensitive sites that Natural England has a statutory duty to protect.

We are not aware of significant populations of protected species which are likely to be affected by the policies / proposals within the plan. It remains the case, however, that the responsible authority should provide information supporting this screening decision, sufficient to assess whether protected species are likely to be affected.

Notwithstanding this advice, Natural England does not routinely maintain locally specific data on all potential environmental assets. As a result the responsible authority should raise environmental issues that we have not identified on local or national biodiversity action plan species and/or habitats, local wildlife sites or local landscape character, with its own ecological and/or landscape advisers, local record centre, recording society or wildlife body on the local landscape and biodiversity receptors that may be affected by this plan, before determining whether an SA/SEA is necessary.

Please note that Natural England reserves the right to provide further comments on the environmental assessment of the plan beyond this SEA/SA screening stage, should the responsible authority seek our views on the scoping or environmental report stages. This includes any third-party appeal against any screening decision you may make.

Habitat Regulations Assessment

Based on the fact that no policies in the plan will lead to an increase in development that may impact on a SAC, SPA or Ramsar site and that the Local Plan has taken into account the impact on all relevant protected sites and the Plan's policies reflect the actions that will need to be taken, Natural England agrees with the conclusion of East Staffordshire Borough Council, that a Habitat Regulation Assessment is not necessary.

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

Yours sincerely

H McDowall

Hazel McDowall
West Midlands Area Team



SCREENING OPINION ON:

**STRATEGIC ENVIRONMENTAL ASSESSMENT OF A
NEIGHBOURHOOD PLAN**

HABITAT REGULATIONS ASSESSMENT

ABBOTS BROMLEY

NEIGHBOURHOOD DEVELOPMENT PLAN

December 2020

Introduction

1. Each Neighbourhood Development Plan (NP) must meet the Basic Conditions in accordance with para. 8 of Schedule 4B to the Town and Country Planning Act 1990 Act, which was inserted by the Localism Act 2011. The local planning authority needs to be satisfied that the Basic Conditions are met. Amongst these Basic Conditions are the following:

- a) The NP contributes to sustainable development;
- b) The NP does not breach or is otherwise compatible with EU obligations – this includes the Strategic Environmental Assessment (SEA) Directive of 2001/42/EC; and
- c) The making of the NP is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2010 or a European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats &c) regulations 2007 (either alone or in combination with other plans or projects) (inserted by Regulation 32 of The Neighbourhood Planning (General) Regulations 2012).

2. Planning Practice Guidance (PPG) contains specific assistance on sustainability appraisal/SEA requirements for NPs. Whilst a Local Plan-style sustainability appraisal is not required, the PPG advises that, by producing a specific statement of how the Plan contributes to the achievement of sustainable development, the requirement under criterion (a) above would be demonstrated. A sustainability appraisal may be a useful way of producing this statement, the PPG advises. (Ref ID: 11-026-20140306)

3. An NP meets the criteria for an SEA as set out in The Environmental Assessment of Plans and Programmes Regulations 2004 if any of its proposals or policies could have 'significant environmental effects'. Defining what are 'significant environmental effects' is not straightforward, but PPG offers the following examples:

"An SEA may be required, for example, where:

- (a) a NP allocates sites for development;
- (b) the neighbourhood area contains sensitive natural or heritage assets that may be affected by the proposals in the plan; or
- (c) the neighbourhood plan may have significant environmental effects that have not already been considered and dealt with through a sustainability appraisal of the Local Plan."

(Ref ID: 11-027-20140306)

4. Schedule 1 of the 2004 Regulations sets out criteria for determining the likely significance of effects on the environment. The criteria are:

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

(a) 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,

(b) the degree to which the plan or programme influences other plans and programmes including those in a hierarchy,

(c) the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development,

(d) environmental problems relevant to the plan or programme,

(e) 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

(a) the probability, duration, frequency and reversibility of the effects,

(b) the cumulative nature of the effects,

(c) the transboundary nature of the effects,

(d) the risks to human health or the environment (e.g. due to accidents),

(e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected),

(f) the value and vulnerability of the area likely to be affected due to:

(i) special natural characteristics or cultural heritage,

(ii) exceeded environmental quality standards or limit values,

(iii) intensive land-use, and

(g) the effects on areas or landscapes which have a recognised national, Community or international protection status.

5. It is the responsibility of the local authority to decide whether or not any of the proposals of the NP are significant enough for the Plan to require an SEA. The Parish Council submits their NP (and any subsequent version where there have been significant additions or deletions) to the local authority and the latter produces this screening report, with a statement as to whether or not it considers that an SEA needs to be prepared.

6. The Council will also state whether it considers that there will be a significant effect on a nature conservation site of European significance, as in paragraph 1(c) above.

7. The Council has analysed the early draft NP's policies and proposals against the criteria above, and the results are set out in the chart below.

2. ASSESSMENT OF ABBOTS BROMLEY NEIGHBOURHOOD PLAN, PRE-SUBMISSION VERSION (REGULATION 14), FOR SIGNIFICANT ENVIRONMENTAL EFFECTS.

Planning Practice Guidance Criterion or Environmental Regulation Criterion	Significant Effect Identified	Comment
PPG Criteria (1) NP allocates sites for development	No	The Plan generally supports development within the settlement boundary but does not specifically allocate any specific sites for development.
(2) The neighbourhood area contains sensitive natural or heritage assets that may be affected by the proposals in the plan	No	<p>The conservation of the parish's built heritage, and the protection and enhancement of the parish's landscape setting, green spaces, natural features and wildlife are identified within the plan's aims.</p> <p>There are no policies identifying either the statutorily protected assets or proposing other structures for local listing.</p> <p>The Abbots Bromley Conservation Area is covered under Policy DAH3. The Natural Environment is covered under Policy NGE1, and the Abbots Bromley School site (and associated playing fields are covered under Policy DEC4.</p>
(3) the NP may have significant environmental effects that have not already been considered and dealt with through a sustainability appraisal of the Local Plan	No	There are no proposals that would have significant environmental effects.
Environmental Regulation Criteria <i>The characteristics of plans and programmes, having regard, in particular, to:</i> (4) the degree to which the NP sets a framework for projects and other activities, either with regard to the location, nature, size	No	The Neighbourhood Plan does set a framework for projects in the parish, some of which will have environmental effects, but the scale of these is small, they are of a positive nature and their location is not sensitive. The Abbots Bromley School Site and its associated playing fields are identified.

and operating conditions or by allocating resources;		
(5) the degree to which the NP influences other plans and programmes including those in a hierarchy;	No	The East Staffordshire Local Plan 2013 – 2031 makes provision for Neighbourhood Plans to influence decision making in the Neighbourhood Plan area. (see Policy NP1).
(6) the relevance of the NP for the integration of environmental considerations in particular with a view to promoting sustainable development;	The NP is very relevant, but policies adequately promote sustainable development	<p>The Abbots Bromley NP contributes to the achievement of sustainable development.</p> <p>Policies DAH1 sets out that new development must be well-designed, sustainable and add to the distinctive identity of Abbots Bromley. Policy DEC3 states that development on brownfield land will be supported. Policy NGE3 sets out policy relating to flooding and drainage. Policy TIN1 sets put the policy for sustainable transport provision.</p> <p>Failure to meet this criterion would mean that one of the basic conditions could not be met, and the plan would not be able to proceed further.</p>
(7) environmental problems relevant to the NP;	The NP recognises the environmental problems and proposes policies to mitigate them when development is proposed.	The Abbots Bromley NP recognises the following environmental problems: protecting views of importance, protecting open space, ensuring development does not have a negative impact on highway safety and mitigation of flood risk.
(8) the relevance of the NP for the implementation of Community legislation on the environment (e.g. plans and programmes linked to waste-management or water protection).	No	The NP is in general conformity with the Waste Management and Minerals Local Plans produced by Staffordshire County Council and with the Water Framework Directive.
<i>Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:</i>	No	It is unlikely that, as a result of the policies within the Neighbourhood Plan, that there will be any significant environmental impacts that are highly likely, long-term, of frequent occurrence or irreversible.

(9) the probability, duration, frequency and reversibility of the effects;		
(10) the cumulative nature of the effects;	No	The types of development which can be accommodated in the parish – and which are covered in the policies - are unlikely to give rise to any significant cumulative effects.
(11) the transboundary nature of the effect;	No	It is not considered that there are any transboundary effects.
(12) the risks to human health or the environment (e.g. due to accidents);	No	None of the policies will in themselves create hazards to human health. Health and safety standards on developments arising within the plan areas will be governed by relevant statutory codes such as the Construction (Design and Management) Regulations 2007, and likewise any highway proposal will meet the relevant national regulations.
(13) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);	No	The magnitude and spatial extent of all the proposals is likely to be limited.
(14) the value and vulnerability of the area likely to be affected due to: (i) special natural characteristics or cultural heritage, (ii) exceeded environmental quality standards or limit values, (iii) intensive land-use	No	Local built heritage assets are referenced in the plan and there is a policy relating to flood risk. No intensive land uses are proposed.
(15) the effects on areas or landscapes which have a recognised national, Community or international protection status;	No	There are no areas or landscapes which have a recognised national, community or international protection status.
Additional specific environmental criterion from Basic Conditions: (16) The NP would have a significant effect on a European site (as defined in the Conservation of Habitats and Species	No	Cannock Chase Special Area of Conservation lies approximately 8k from Abbots Bromley. The impact of new development on the SAC has been considered as part of the Local Plan Habitat Regulations Assessment and there is a mitigation strategy in place. It is not considered that the Neighbourhood Plan alters the level of impact.

Regulations 2010. 'Appropriate' Habitat Regulations Assessment required?		
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8. The Government's PPG advises that the local planning authority should consult the statutory consultation bodies. The three statutory consultation bodies whose responsibilities cover the environmental considerations of the Regulations (Environment Agency, Natural England and Historic England) will be consulted on this document and the SEA Screening Opinion will be updated if necessary. It may also be necessary to update the Screening Opinion should the draft Neighbourhood Plan change.

9. As a result of the above, East Staffordshire Borough Council believes that the above Neighbourhood Plan would not have significant environmental effects and, as a result, a Strategic Environmental Assessment of the Plan will not be required.

Habitat Regulations Assessment

10. An 'appropriate assessment' is required if a policy or plan is likely to have a 'significant effect' on a Special Area of Conservation (SAC) or Special Protection Area (SPA) or Ramsar site. The Borough Council is not aware of any such site within a critical distance of the Parish

11. East Staffordshire Borough Council therefore concludes that a Habitat Regulation Assessment **would not** need to be carried out as it is not considered to be a large enough plan area or involve any policies which are likely to lead to a level of development significant enough to have a negative impact on a SAC, SPA or Ramsar site. The Habitat Regulations Assessment for the Local Plan has taken into account the impact on all relevant protected sites and the Plan's policies reflect the actions that will need to be taken.