

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

**Brinklow 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 Brinklow Neighbourhood Plan and is made in accordance with the regulations. Within 28 days of making its determination, Rugby Borough Council and Brinklow 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 Brinklow 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 14<sup>th</sup> January 2022**.

**Further Information**

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

**Appendix 1- SEA and HRA Screening Report**

Brinklow Neighbourhood Plan

Strategic Environmental Assessment and Habitat Regulations

Assessment

Screening Report

14<sup>th</sup> January 2022

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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 Brinklow Neighbourhood Development Plan to 2041 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).

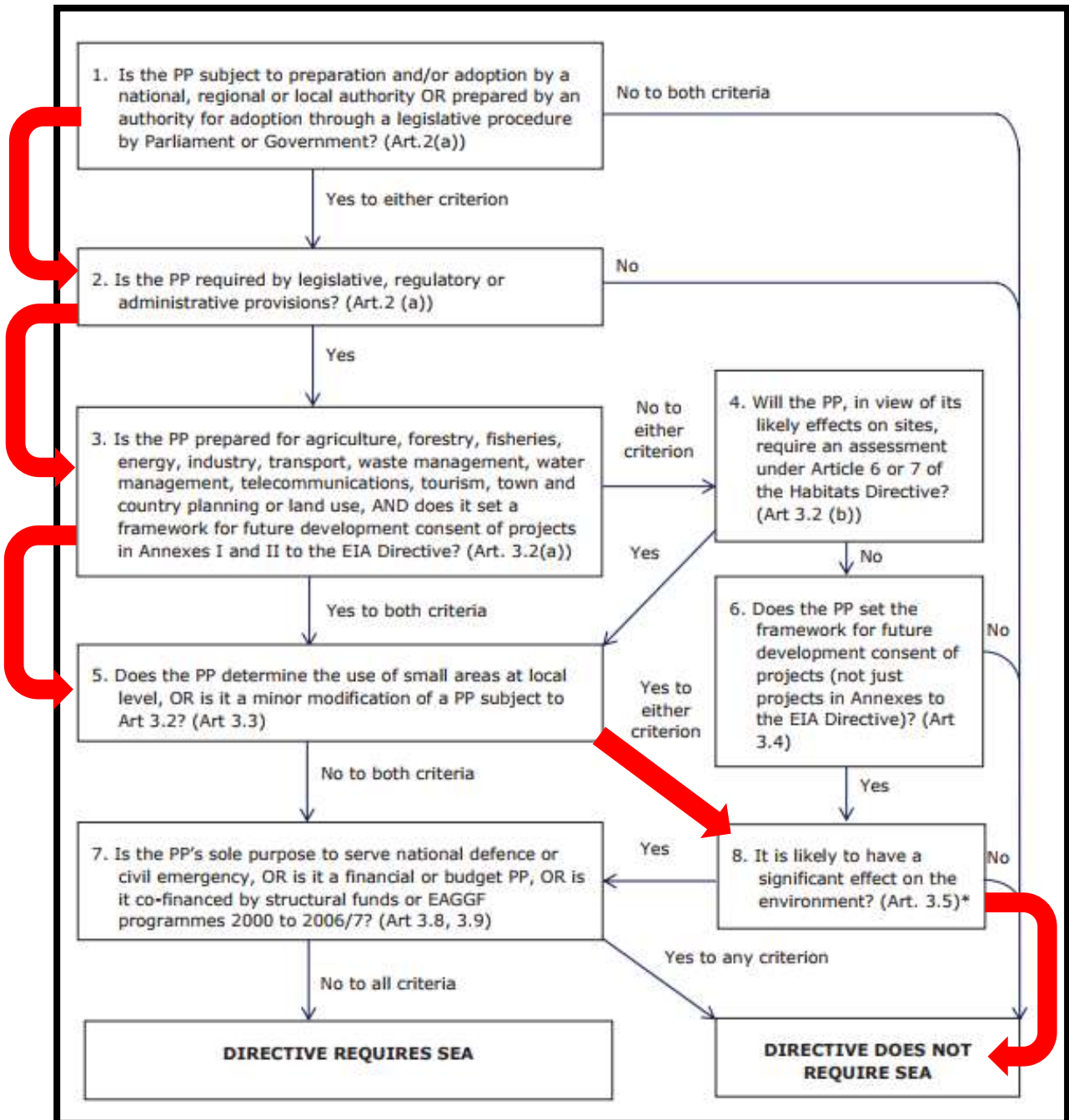
2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to

- 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 Brinklow 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 Brinklow 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 Brinklow Neighbourhood Area. Once 'made' the Brinklow 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 Brinklow Neighbourhood Plan to have significant effects on the environment.

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

<b>Characteristics of the Plan</b>	<b>Summary of Effects</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.	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 E3, E4, E5, E7, E9, E10, E11 of the Brinklow Neighbourhood Plan include elements of environmental protection. This includes: <ul style="list-style-type: none"> <li>• Protection of Areas of Local Green Space</li> <li>• Protecting and Enhancing Non-Historic Green Open Spaces</li> </ul>



	<ul style="list-style-type: none"> <li>• Agricultural Land</li> <li>• Minimising Pollution</li> <li>• Biodiversity and Habitats</li> <li>• Hedgehogs and Other Wildlife Protection</li> <li>• Local Wildlife Sites</li> </ul> <p>Brinklow Neighbourhood Plan Policy HO4 Lutterworth Road Brinklow identifies a preferred site for a Rural Exception Site. This is not allocating the site, it is seeking to give it weight prior to a planning application being submitted. Local Plan Policy H4 (Rural Exception Sites) prevents the allocation of a Rural Exception Site because the Policy requires detail on the management of dwellings and viability, which is beyond the scope of a Neighbourhood Plan.</p> <p>Former Local Plan site DS3.7 for 100 homes was subject to SEA Screening as part of the Local Plan. The site was removed by the Planning Inspector. The former allocation was located directly opposite the preferred site. The preferred site would have a lesser impact than the former Local Plan allocation which was already assessed.</p> <p>Should the preferred site come forward (the site could be advanced without the Neighbourhood Plan through the Planning Application process) the upto 20 dwellings would form part of the annual 45 windfall dwellings assessed as part of the 2019 Local Plan SEA. The proposed site is 0.89ha so any potential impacts (picked up through the planning application process) would be considered then and are likely to be minor and localised.</p> <p>The preferred site is not considered to require an SEA</p>
<p>Environmental problems relevant to the plan.</p>	<p>Current issues in Brinklow include protecting the special character of Brinklow in light of development pressures.</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"> <li>1. Protection and enhancement of biodiversity</li> <li>2. The effects of development on the historic environment;</li> <li>3. The effects of development on the wider landscape;</li> <li>4. The protection of the best and most versatile agricultural land;</li> </ol> <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 and programmes linked to waste management or water protection).</p>	<p>The Local Plan has regard to European community legislation on the environment and the Brinklow Neighbourhood Plan has to be in general conformity with the strategic policies of the Local Plan.</p>

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





	the village boundary. This is in line with the Local Plan.	the village boundary. This is in line with the Local Plan.	the village boundary. This is in line with the Local Plan.	the village boundary. This is in line with the Local Plan.	the village boundary. This is in line with the Local Plan.	the village boundary. This is in line with the Local Plan.
<b>The probability, duration, frequency and reversibility of the effects.</b>	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.	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 negative impact would be low.  Under these policies there is scope for positive impacts.	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.

				As such the probability of a negative impact is low.		
<b>The cumulative nature of the effects.</b>	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 detracting 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.
<b>The trans boundary nature of the effects.</b>	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.
<b>The risks to human health or the environment (e.g. due to accidents).</b>	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 Brinklow.	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.
<b>The magnitude spatial extent of the effects (geographical area)</b>	These would be very localised impacts.	Localised impacts.	Localised impacts.	Localised impacts.	Impacts could be perceived to extend beyond	Generally impacts would be local but

<p><b>and size of the population likely to be affected).</b></p>					<p>the Neighbourhood Area.</p>	<p>could feed into a larger scale picture if good quality agricultural land is also being lost elsewhere.</p>
<p><b>The value and vulnerability of the area likely to be affected due to:</b></p> <ul style="list-style-type: none"> <li>- special natural characteristics or cultural heritage</li> <li>- exceeded environmental quality standards</li> <li>- intensive land use</li> </ul>	<p>This would be dependent on the location of any proposed development. Within the village boundary are 26 listed buildings, a Conservation Area and 1 scheduled ancient monument. (The preferred site is not considered to be close to the ancient monument)</p>					
<p><b>The effects on areas or landscapes which have a recognised national, community or international protection status.</b></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 not considered to sit within 15km of the Neighbourhood Area. The Brinklow Neighbourhood Plan is not allocating any sites (please see previous comments on the preferred site, which could be subject to a separate planning application), so it is not considered that there would be any detrimental impacts on Ensors Pool or the River Mease.

The Rugby Borough Local Plan 2011-2031 was subject to a 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 Brinklow Neighbourhood Plan.



## **Appendix 2- Comments made by the consultation bodies**

### **BRINKLOW 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/>

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

Yours sincerely,

**Name redacted**

Historic Places Advisor

## **Brinklow Neighbourhood Plan – Review SEA & HRA Screening**

Thank you for your consultation on the above dated and received by Natural England on 23 November 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.

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.

#### Habitats Regulations Assessment (HRA) Screening

Natural England agrees with the report's conclusions that the Brinklow Neighbourhood Plan would not be likely to result in a significant effect on any European Site, either alone or in combination and therefore no further assessment work would be required.

For any new consultations, or to provide further information on this consultation please send your

Yours sincerely

**Name redacted**

Consultations Team