Burntwood Neighbourhood Plan

Strategic Environmental Assessment (SEA) & Habitat Regulations Assessment (HRA)

Screening Report (January 2017)

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Contents

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

Appendix

- Appendix 1 Map of Natura 2000 sites within 15km of Neighbourhood Plan Boundary
- Appendix 2 HRA review of Proposed Policies in Burntwood Neighbourhood Plan
- Appendix 3 SEA & HRA Screening Opinion and Statutory Consultee Responses

1. Introduction

- 1.1 This screening report is an assessment of whether or not the contents of the Burntwood Neighbourhood Plan (hereafter known as 'BNP') requires a Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/ EC and associated Environmental Assessment of Plans and Programmes Regulations 2004. This screening assessment has taken place on the 'Burntwood Neighbourhood Plan Regulation 14 Draft (December 2016)' as provided by Burntwood Town Council for the purposes of this screening assessment in December 2016.
- 1.2 This report will also screen to determine whether the BNP 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. Cannock Chase Special Area of Conservation (SAC), Cannock Extension Canal SAC, Pasturefields Saltmarsh SAC, and Humber Estuary are within a 15km radius of the plan boundary. Whilst the River Mease SAC is within 15km of the BNP boundary, the BNP boundary is outside the water catchment area. Appendix 1 shows the Plan Boundary in relation to the 15km radius of Natura 2000 sites.
- 1.3 The purpose of the BNP is to provide a set of statutory planning policies to guide development within Burntwood Neighbourhood Area over the life of the plan. The Plan provides a series of policies under eight themes/areas which it hopes will guide development.
- 1.4 The legislative background set out in the following section outlines the regulations that require the need for this screening exercise. Section 3, provides a screening assessment of both the likely significant environmental effects of the BNP and the need for SEA. Section 4, provides a screening assessment of both the likely significant effects of the implementation of the BNP and the need for a Habitats Regulation Assessment.
- 1.5 This report will be split into two parts. The first will cover the screening for the SEA (see section 3) and the second will cover the screening process for the HRA (see section 4). A summary of findings and conclusions for both screening processes can be found in the conclusions chapter at section 5.

2. Legislative Background

Strategic Environmental Assessment (SEA)

- 2.1 The basis for Strategic Environmental Assessments and Sustainability Appraisal legislation is European Directive 2001/42/EC and was transposed into English law by the Environmental Assessment of Plans and Programmes Regulations 2004, or SEA Regulations. Detailed Guidance of these regulations can be found in the Government publication 'A Practical Guide to the Strategic Environmental Assessment Directive' (ODPM 2005).
- 2.2 The Planning and Compulsory Purchase Act 2004 required Local Authorities to produce Sustainability Appraisals (SA) for all local development documents to meet the requirement of the EU Directive on SEA. It is considered best practice to incorporate requirements of the SEA Directive into an SA as discussed within the NPPF at paragraph 165. However, the 2008 Planning Act amended the requirement to undertake a Sustainability Appraisal for only development plan documents (DPD's), but did not remove the requirement to produce a Strategic Environmental Assessment. As a Neighbourhood Plan is not a development plan document it therefore does not legally require a Sustainability Appraisal. Where appropriate, however, an SEA still needs to be undertaken in line with the SEA regulations. The purpose of this report is to determine if SEA is required for the Armitage with Handsacre Neighbourhood Plan.
- 2.3 The National Planning Practice Guidance (PPG) contained specific guidance in relation to neighbourhood plans and SEA. This guidance has been considered and taken account of through this screening assessment.
- 2.4 The District Council is required to consult three statutory consultation bodies designated within the regulations, these are; Historic England, Natural England and Environment Agency on whether a SEA is required, Details of the consultation bodies responses can be found at Appendix 3.

Habitat Regulation Assessment (HRA)

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

Description of the Plan or Programme

2.8 The BNP has been prepared by the Qualifying Body (Burntwood Town Council). The Plan includes 12 Planning Policies within eight policy themes. The policies tend to relate to development across the whole neighbourhood area. The seven policy sections within the draft neighbourhood plan are; Burntwood town centre; Chasetown, Swan Island, other neighbourhood centres and local shops; A healthy Burntwood community that retains local identities; Housing; Local heritage; Improving accessibility; and Recreation, open spaces and community facilities.

3. SEA Screening

Criteria for Assessing the Effects of UNP

- 3.1 Criteria for determining the likely significant effects referred to in Article 3(5) of Directive 2001/42/EC are set out below:
 - 1. The characteristics of plans and programmes, having regard, in particular, to
 - the degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources,
 - the degree to which the plan or programme influences other plans and programmes including those in a hierarchy,
 - the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development.
 - environmental problems relevant to the plan or programme,
 - the relevance of the plan or programme for the implementation of Community legislation on the environment (e.g. plans and programmes linked to waste-management or water protection).
 - 2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to
 - the probability, duration, frequency and reversibility of the effects,
 - the cumulative nature of the effects,
 - the transboundary nature of the effects,
 - the risks to human health or the environment (e.g. due to accidents).
 - the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected),
 - the value and vulnerability of the area likely to be affected due to:
 - special natural characteristics or cultural heritage,
 - exceeded environmental quality standards or limit values,
 - intensive land-use,
 - the effects on areas or landscapes which have a recognised national, Community or international protection status.

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

Assessment

- 3.2 It is required by the Localism Act that Neighbourhood Plans must be in general conformity with the strategic policies of the Local Plan. The development plan for Lichfield District is currently made up of the adopted Lichfield District Local Plan Strategy (LPS) which includes some saved policies from the 1998 Lichfield District Local Plan (saved September 2007). Therefore the Neighbourhood Plan must be in general conformity with these policies. The Local Plan Strategy (LPS) was subject to a full Sustainability Appraisal which included a SEA assessment. This ensured that there were no likely significant effects which would be produced from the implementation of the Local Plan and if so ensured mitigation measures were in place.
- 3.3 The LPS will be followed by the Local Plan Allocations document which is at an early stage of preparation. Once adopted the Local Plan Allocations document will form part of the development plan for Lichfield District along with the LPS and any 'Made' neighbourhood plans. At the time of writing there are four 'Made' neighbourhood plans (for Stonnall, Shenstone, Little Aston and Wigginton Hopwas & Comberford). Policies within those plans only relate to land within the designated area and as such are not of relevance to the Burntwood Neighbourhood Plan.
- 3.4 Guidance upon SEA's written by the Department of the Environment produces a diagram to the process for screening a planning document to ascertain whether a full SEA is required, see figure 1.

Is the PP subject to preparation and/or adoption by a national, regional or local No to both criteria authority OR prepared by an authority for adoption through a legislative procedure by Parliament or Government? (Article 2(a)) Yes to either criterion Is the PP required by legislative, regulatory No or administrative provisions (Article 2(a)) Yes Will the PP, in view of its likely effect on No to either sites, require an Is the PP prepared for agriculture, forestry, criterion assessment under fisheries, energy, industry, transport, waste Article 6 or 7 of the management, water management, Habitats Directive? telecommunications, tourism, town and (Article 3.2(b)) country planning or land use, AND does it set a framework for future development No consent of projects in Annexes I and II to the EIA Directive (Article 3.2(a)) Yes Does the PP set the framework for future Yes to both criteria development No consent of projects Does the PP determine the use of small (not just projects in areas at local level OR is it a minor Annexes to the EIA modification of a PP subject to Article 3.2? Directive)? (Article Yes to either (Article 3.3) 3.4) criterion Yes No to both criteria Is the PP's sole purpose to serve national Is it likely to have a defence or civil emergency, OR is it a significant effect on No Yes financial or budget PP, OR is it co-financed the environment? (Article 3.5)* by structural funds or EAGGF programmes 2000 to 2006/7 (Article 3.8, 3.9) No to all criteria Yes to any criterion **DIRECTIVE REQUIRES SEA DIRECTIVE DOES NOT REQUIRE SEA**

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

- * The Directive requires Member States to determine whether plans or programmes in this category are likely to have significant environmental effects. These determinations may be made on a case by case basis and/or by specifying types of plan or programme.
- 3.5 The process in figure 1 has been undertaken and the findings can be viewed in Table 1. Table 1 shows the assessment of whether the BNP will require a full SEA. The questions in table 1 are drawn from the diagram above which sets out how the SEA Directive should be applied.

Table 1: Establishing the Need for SEA

Table 1: Establishing the Need for SEA					
Stage	Yes/No	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	This Neighbourhood Plan is prepared by Burntwood Town Council (as the Qualifying Body) under the provisions of the Town and Country Planning Act 1990 as amended by the Localism Act 2011. Once the plan is 'made' subject to examination and having received 50%+ or more 'yes' votes through a referendum it will be adopted by Lichfield District Council and become part of the Statutory Development Plan for the area.			
2. Is the PP required by legislative, regulatory or administrative provisions? (Art. 2(a))	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 Burntwood 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 BNP is prepared for town and country planning and land use. The plan sets out a framework for future development in the Burntwood Neighbourhood Area. Once 'made' the BNP would form part of the statutory development plan, and will be used when making decisions on planning applications which may include development which may fall under Annex I and II of the EIA directive.			
4. Will the PP, in view of its likely effect on sites, require an assessment for future development under Article 6 or 7 of the Habitats Directive?(Art. 3.2 (b))	Yes	The Neighbourhood Plan could potentially have an impact on internationally designated wildlife sites covered by the Habitats Regulations. See screening assessment for HRA in following section of this report.			
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	The BNP does not identify any land allocations at the local level for development. Once 'made' the BNP 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 BNP, once the 'made', forms part of the statutory development plan and will be used to determine planning applications within the designated Burntwood Neighbourhood Area. Therefore the Neighbourhood Plan will set the framework for future developments.
7. Is the PP's sole purpose to serve the national defence or civil emergency, OR is it a financial or budget PP, OR is it co-financed by structural funds or EAGGF programmes 2000 to 2006/7? (Art 3.8, 3.9)	No	The BNP does not deal with any of these categories of plan.
8. Is it likely to have a significant effect on the environment? (Art. 3.5)	Yes	The BNP could potentially have a significant effect on the environment, not just within the Neighbourhood Area but also within the District. The BNP could also impact upon Cannock Chase SAC a Natura 2000 sites, (see HRA section). For these reasons a case by case assessment of the BNP is required.

- 3.6 A number of the criteria above suggest that SEA of the Burntwood Neighbourhood Plan may be required. Criteria 4 and Criteria 8 of the assessment in Figure 1 and Table 1 considered that the Neighbourhood Plan may have a significant effect on the environment, particularly relating to Natura 2000 sites. Depending on the proposals within the plan and a case by case assessment may be made on a case by case basis. The criteria for undertaking such an assessment are drawn from Article 3(5) of the SEA Directive as set out at paragraph 3.1 of this report.
- 3.7 The following assessment will consider the likelihood of the Burntwood Neighbourhood Plan (as published at the date of this report) to have significant effects on the environment.

Table 2: Assessment if likelihood of significant effects on the environment				
Criteria for determining the likely significance of effects (Annex II SEA Directive)	Summary of Significant effects			
The characteristics of the plans	, having regard 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.	Once 'made; the BNP will set out the framework which will be used to determine proposals for development within the neighbourhood area. It seeks protect existing valued open spaces designating a number of Local Green Spaces. The plan does not propose development in excess of that identified within the adopted Local Plan Strategy (LPS). As such the SA/SEA carried out by the District Council for the LPS is considered sufficient.			
The degree to which the plan or programme influences other plans or programmes including those in a hierarchy.	The BNP must be in general conformity with the Lichfield District Local Plan and the National Planning Policy Framework. The Local Plan Allocations (LPA) document has not yet been produced and is at an early stage of production as such the neighbourhood plan cannot be influenced by or influence this. Publication consultation on the LPA is scheduled to take place in spring 2017. The BNP only provides policies for the area it covers and the Local Plan Strategy (LPS) will provide the necessary strategic context when determining planning applications.			
	The BNP will help to deliver the overall aims of the Local Plan. Burntwood is identified as one of the key sustainable settlements within the District and as such a focus for growth within the LPS. The Neighbourhood Plan does not propose to restrict the quantum of development which is considered to be in broad conformity with the LPS. The BNP seeks to provide further detail and support to a number of the policies within the LPS, particularly those relating to the town centre.			
The relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development.	Any Neighbourhood Plan is required to contribute to the achievement of sustainable development and therefore the likelihood of significant effects on the environment is minimised. The plan does not seek to allocate sites for development (the plan does seek to designate sites for Local Green Spaces). and as such the impact of the plan on the environment is minimal. Policies within the BNP will sit alongside those within the adopted LPS.			
Environmental problems relevant to the plan.	The environmental impacts of the proposals within the BNP are likely to be minimal due to the scale of development proposed. The BNP does not propose more development than is identified within the LPS as such the SA/SEA carried out by the District Council is considered sufficient.			

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 BNP has to be in general conformity with the Local Plan. The adopted LPS has had regard to European Community legislation on the environment and therefore this legislation will not be relevant for the Neighbourhood Plan.
Characteristics of the effects a particular to;	nd of the area likely to be affected, having regard, in
The probability, duration, frequency and reversibility of the effects.	Development is supported within the BNP and therefore an element of environmental change will occur, the impacts of which will depend upon the proposals and will be subject to the policies within the LPS and BNP (and LPA once adopted). The LPS seeks to guide development to ensure it is delivered to high levels of sustainability.
The cumulative nature of the effects.	The cumulative effects of proposals within the BNP are unlikely to be significant on the local environment given the level of development proposed does not exceed that within the adopted LPS.
The trans boundary nature of the effects.	Effects will be local with limited effects on neighbouring areas. Neighbourhood Plans are at varying stages of preparation in areas adjoining the Burntwood Neighbourhood Area which will set planning policies for those areas. The policies within the BNP (and those neighbourhood plans in adjoining areas) relate only to their respective designated neighbourhood areas and as such there are no trans boundary effects.
The risks to human health or the environment (e.g. due to accidents).	There is limited risk to human health or the environment as a result of the BNP.
The magnitude spatial extent of the effects (geographical area and size of the population likely to be affected).	The scale of development proposed through the BNP is small and does not exceed that proposed in the LPS therefore effects are likely to be localised. It is unlikely that the effects of proposals within the neighbourhood plan will be large scale and extensive.
The value and vulnerability of the area likely to be affected due to: - special natural characteristics or cultural heritage - exceeded environmental quality standards - intensive land use	The BNP is likely to affect the value and vulnerability of the area in relation to the special natural characteristics or cultural heritage due to the impacts upon the Cannock Chase SAC through increasing recreational pressure on the site. However, the plan does not promote greater residential development than is set out within the LPS which includes policies to mitigate for the impacts of recreational pressure on the SAC. The BNP and LPS policies would be used to ensure mitigation is secured. The level of development proposed through the BNP is unlikely to lead to intensive land use.

The effects on areas or landscapes which have a recognised national, community or international protection status.

The Cannock Chase SAC and AONB lies within 15km of the BNP boundary. Developments within the Cannock Chase SAC 15km zone of influence will in combination have an effect on the integrity of the SAC. The BNP would need to be in accordance with the LPS Policy NR7 which ensures that before development is permitted it must demonstrate that it (alone or in combination) will not have an adverse effect, whether direct or indirect, upon the integrity of the SAC having regard to avoidance or mitigation measures. Chasewater SSSI is within the neighbourhood area.

The BNP boundary is within 15km of the Cannock Extension Canal SAC, Pasturefields Salt Marsh SAC, Humber Estuary and outside the River Mease SAC water catchment. There will be no significant effects from the proposals within the BNP on these SAC.

Screening Outcome

- 3.8 The BNP does not propose more development than is set out within the Local Plan Strategy, nor does it allocate sites for development. The plan includes a suite of policies from a range of themes none of which are considered to restrict development or seek to propose greater development than is set out within the adopted Local Plan Strategy. The policies within the neighbourhood plan seek to provide further detail and more local distinction to those provided within the LPS.
- 3.9 The conclusions of the above screening assessment on the Burntwood Neighbourhood Plan Regulation 14 Draft (December 2016) above indicate that Strategic Environmental Assessment will not be required for the BNP.

4. HRA Screening

- 4.1 The Habitats Regulations Assessment (HRA) refers to the assessment required for any plan or project to assess the potential impacts against the conservation objectives of Natura 2000 wildlife sites. The assessment must determine whether the plans would adversely affect, or are likely to affect, the integrity of a site(s) in terms of its nature conservation objectives. Where negative effects are identified other options should be examined to avoid any potential damaging effects.
- 4.2 Under Criteria 4 of Figure 1 and Table 1 it was concluded that the Neighbourhood Plan may have an impact upon internationally designated sites and as such a 'case by 'case' assessment is required.
- 4.3 The HRA process is generally divided into three stages. The initial stage of the HRA process is called the screening stage and determines if there are any likely significant effects or risk of significant effects possible as a result of the implementation of the plan. If there are significant effects the plan will need to undertake an Appropriate Assessment. The screening process should provide a description of the plan and an identification of the Natura 2000 sites which may be affected by the plan and assess the significance of any possible effects on the identified sites.
- 4.4 The adopted Lichfield Local Plan Strategy was subject to HRA during its production. This assessment looked at all internationally designated sites which could be impacted by development within Lichfield District. The Habitat Regulations Assessment: Lichfield District & Tamworth Borough (May 2012) was updated by the Addendum to Habitat Regulations Assessment (January 2014) which concluded that the Local Plan Strategy would have no likely significant effects upon European sites.
- 4.5 This section of the report provides a "screening" assessment for the BNP. It looks at the potential impacts of the plan's proposals on European Sites within 15km of the Neighbourhood Plan area; these sites are illustrated at Appendix 1. The following screening assessment will determine if the BNP will have any likely significant effects to determine whether the subsequent stages will be required.

Relevant Natura 2000 sites

- 4.6 The relevant Natura 2000 sites within 15km of the Burntwood Neighbourhood Area are:
 - Cannock Chase SAC approximately 4.1km to the north west;
 - Cannock Extension Canal approximately 1.1km to the south west;
 - River Mease SAC approximately 10.3km to the east;
 - Pasturefields Salt Marsh SAC approximately 14.4km to the north west; and
 - Humber Estuary SAC –River Trent whose catchment is part of the Humber Estuary SAC is within the BNP boundary.
- 4.7 The Cannock Chase Special Area of Conservation (SAC), The Cannock Extension Canal SAC and the River Mease SAC, Pasturefields Salt Marsh SAC and West Midland Mosses and Chartley Moss SAC are within a 15km radius of the BNP boundary. However, the BNP boundary is not within the River Mease water catchment area (as illustrated at Appendix A) the River Trent whose water catchment is part of the Humber Estuary SAC is within the BNP

boundary. Therefore the HRA screening assessment needs to identify if any likely significant effects on the reasons for these sites to be designated will be caused by the implementation of the plan. This assessment has been undertaken having regard to the results and information in the HRA and HRA addendum prepared for the Local Plan Strategy and is set out at Table 3.

Table 3: Sites within 15km of Burntwood Neighbourhood Area

Name of Site	Reason for Designation	Conservation Objectives	Identified Impacts
Cannock Chase SAC	Annex I habitats that are a primary reason for selection of this site European dry heaths Annex I habitats present as a qualifying feature, but not a primary reason for selection of this site Northern Atlantic wet heaths with Erica tetralix Wet heathland with cross leaved heath	Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring; • The extent and distribution of qualifying natural habitats • The structure and function (including typical species) of qualifying natural habitats, and, • The supporting processes on which the qualifying natural habitats rely	Visitor pressures include dog walking, horse riding, mountain biking and off-track activities such as orienteering, all of which cause disturbance and result in erosion, new track creation and vegetation damage. Bracken invasion is significant, but is being controlled. Birch and pine scrub, much of the latter from surrounding commercial plantations, is continually invading the site and has to be controlled. High visitor usage and the fact that a significant proportion of the site is Common Land, requiring Secretary of State approval before fencing can take place, means that the reintroduction of sustainable management in the form of livestock grazing has many problems. Cannock Chase overlies coal measures which have been deep-mined. Mining fissures continue to appear across the site even though mining has ceased and this is thought to detrimentally affect site hydrology. Furthermore the underlying Sherwood Sandstone is a major aquifer with water abstracted for public and industrial uses and the effects of this on the wetland features of the Chase are not fully understood.
Cannock Extension Canal SAC	Annex II species that are a primary reason for selection of this site	Ensure that the integrity of the site is maintained or restored as appropriate,	The population of Luronium natans in this cul-de-sac canal is dependent upon a balanced level of boat traffic. If the canal is

	■ Floating water- plantain Luronium natans	and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring; • The extent and distribution of habitats of qualifying species • The structure and function of the habitats of qualifying species • The supporting processes on the habitats of qualifying species rely • The populations of qualifying species, and, • The distribution of qualifying species within the site	not used, the abundant growth of other aquatic macrophytes may shade-out the Luronium natans unless routinely controlled by cutting. An increase in recreational activity would be to the detriment of Luronium natans. Existing discharges of surface water run-off, principally from roads, cause some reduction in water quality.
River Mease SAC	Annex I habitats present as a qualifying feature, but not a primary reason for selection of this site Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation; Rivers with floating vegetation often	the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring; • The extent and distribution of	The River Mease is an unusually seminatural system in a largely rural landscape, dominated by intensive agriculture. Water quality and quantity are vital to the European interests, whilst competition for water resources is high. Diffuse pollution and excessive sedimentation are catchment-wide issues which have the potential to affect the site. The SSSI assessment report undertaken in 2007

	dominated by water- crowfoot Annex II species that are a primary reason for selection of this site Spined loach Cobitis taenia Bullhead Cottus gobio Annex II species present as a qualifying feature, but not a primary reason for site selection White-clawed (or Atlantic stream) crayfish Austropotamobius pallipes Otter Lutra lutra	habitats of qualifying species The structure and function (including typical species) of qualifying natural habitats The structure and function of the habitats of qualifying species The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely The populations of qualifying species, and, The distribution of qualifying species within the site.	notes the site's adverse condition and identifies the following issues: drainage, invasive freshwater species, water pollution – agriculture/run-off, water pollution – discharge. Significant new development could take place within the catchment as a result of new housing and employment development in North-West Leicestershire, South Derbyshire and East Staffs which may impact upon water quality and quantity. The continuing creation of the National Forest will lead to further catchment wide changes in land use.
Pasturefields Salt Marsh SAC	Annex I habitats that are a primary reason for selection of this site Inland salt meadows; inland saltmarshes *Priority feature	Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring; • The extent and distribution of the	This inland saltmarsh is dependent upon traditional agricultural management, with livestock grazing and no, or minimal use, of agricultural chemicals. It is also dependent upon the brine source being maintained and whilst the hydrogeology of the site is not fully understood, it would be likely to be vulnerable to any abstractions of water from the underground aquifer. The site is managed by Staffordshire Wildlife Trust with

		qualifying natural habitats The structure and function (including typical species) of qualifying natural habitats, and The supporting processes on which qualifying natural habitats rely	support from Natural England's Reserve Enhancement Scheme.
Humber Estuary	Annex I habitats that are a primary reason for selection of this site Estuaries Mudflats and sandflats not covered by seawater at low tide; intertidal mudflats and sandflats Annex I habitats present as a qualifying feature, but not a primary reason for selection of this site Sandbanks which are slightly covered by sea water all the time; Subtidal sandbanks Coastal lagoons * Priority feature Salicornia and other annuals colonising mud and sand; glasswort and	Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring; • The extent and distribution of habitats of qualifying species • The structure and function of the habitats of qualifying species • The supporting processes on the habitats of qualifying species rely	The Humber Estuary is subject to the impacts of human activities (past and present) as well as ongoing processes such as sea level rise and climate change. Management intervention is therefore necessary to enable the estuary to recover and to secure the ecological resilience required to respond to both natural and anthropogenic change. Key issues include coastal squeeze, impacts on the sediment budget, and geomorphological structure and function of the estuary (due to sea level rise, flood defence works, dredging, and the construction, operation and maintenance of ports, pipelines and other infrastructure), changes in water quality and flows, pressure from additional built development, and damage and disturbance arising from access, recreation and other activities. Coastal squeeze is being addressed through the development and implementation of the Humber Flood Risk Management Strategy. All proposals for

- other annuals colonising mud and sand
- Atlantic salt meadows (Glauco- Puccinellietalia maritimae)
- Embryonic shifting dunes
- Shifting dunes along the shoreline with Ammophila arenaria (`white dunes`); shifting dunes with marram
- Fixed dunes with herbaceous vegetation (`grey dunes`) * Priority feature; dune grassland
- Dunes with Hippophae rhamnoides; dunes with sea- buckthorn

Annex II species present as a qualifying feature, but not a primary reason for site selection

- Sea lamprey Petromyzon marinus
- River lamprey Lampetra fluviatilis
- Grey seal Halichoerus grypus

- The populations of qualifying species, and,
- The distribution of qualifying species within the site.

flood defence, development, dredging, abstractions and discharges which require consent from any statutory body, and land use plans which may have impacts upon the site are subject to assessment under the Conservation (Natural Habitats, &c.) Regulations 1994 (the "Habitats Regulations"). Diffuse pollution will be addressed through a range of measures including implementation of the Waste Water Framework Directive and Catchment Sensitive Farming initiatives.

Other issues are addressed via a range of measures including regulation of on-site land management activities and implementation of the Humber Management Scheme, developed by all relevant statutory bodies to assist in the delivery of their duties under the Habitats Regulations.

- 4.8 The likelihood of significant effects have been assessed in relation to the specific features and environmental conditions of the protected sites, as could be effected by the BNP, or in combination with other known plans, taking particular account of the sites conservation objectives. As part of establishing what effects are significant, the probability of impact, duration of the impact, frequency of any impact and reversibility of impact have been considered.
- 4.9 Tables 4-8 set out the assessment based on the effects of the BNP on the four sites detailed above.

Table 4: Cannock Chase SAC

	Direct Habitat loss	Impact on protected species	Air Quality	Water Quality	Recreational Pressures	Water Quantity	Change in Surrounding Land Use	Invasive Species
Is BNP likely to impact upon this site	Potential	Potential	No	No	Yes	No	No	No
Possible effects in combination with other plans	The site is influenced by traffic and visitors from a wide area. Evidence has been produced which demonstrates that any new development within 15km of the SAC will, alone or in combination, have an impact upon the integrity of the SAC due to the potential for increasing visitors to the SAC.							
Assessment of effects and why not considered significant	The Burntwood Neighbourhood Area is approximately 4.1km south east of the Cannock Chase SAC. Evidence has highlighted there are vulnerabilities from recreational pressures cased predominantly by increased use from new residential development but also from other forms of development within a 15km radius of the SAC. The BNP does not propose greater development than is set out within the Lichfield District Local Plan Strategy. The Local Plan Strategy includes policy NR7 (Cannock Chase Special Area of Conservation) which requires development to demonstrate that alone or in combination with other developments it will not have an adverse effect whether direct or indirect upon the integrity of the Cannock Chase SAC. Local Plan Policy NR7 ensures that any development within the neighbourhood area will need to demonstrate that it will not have adverse effects upon the SAC.							
Conclusion: P	Conclusion: Potential Significant effects							

Table 5: Cannock Extension Canal SAC

	Direct Habitat loss	Impact on protected species	Air Quality	Water Quality	Recreational Pressures	Water Quantity	Change in Surrounding Land Use	Invasive Species
Is BNP likely to impact upon this site	No	No	No	No	No	No	No	No
Possible effects in	None							

combination with other plans	
Assessment of effects and why not considered significant	The Burntwood Neighbourhood area is 1.1km from the SAC. Development within the neighbourhood area would not have a direct impact upon the habitat, any protected species, air and water quality of this site nor would any policies within the plan as drafted have a direct impact upon the site.
Conclusion: N	No significant effects

Table 6: River Mease SAC

	Direct Habitat loss	Impact on protected species	Air Quality	Water Quality	Recreational Pressures	Water Quantity	Change in Surrounding Land Use	Invasive Species
Is BNP likely	No	No	No	No	No	No	No	No
to impact								
upon this								
site								
Possible	None.							
effects in								
combination								
with other								
plans								
Assessment	Whilst the Burntwood Neighbourhood Area is within 15km of the River Mease SAC, it is outside of the River Mease SAC Water							
of effects	catchment area (as identified at appendix 1). As such no significant effects are likely.							
and why not								
considered								
significant								
Conclusion: No significant effects								

Table 7: Pasturefields Salt Marsh SAC

	Direct Habitat loss	Impact on protected species	Air Quality	Water Quality	Recreational Pressures	Water Quantity	Change in Surrounding Land Use	Invasive Species
Is LPNP likely to impact upon this site	No	No	No	No	No	No	No	No
Possible effects in combination with other plans	None.							
Assessment of effects and why not considered significant	water quality or water quantity will arise.							
Conclusion: No significant effects								

Table 8: Humber Estuary SAC

	Direct Habitat loss	Impact on protected species	Air Quality	Water Quality	Recreational Pressures	Water Quantity	Change in Surrounding Land Use	Invasive Species
Is BNP likely to impact upon this site	No	No	No	No	No	No	No	No
Possible effects in	None - The site is currently managed as a National Nature Reserve. It would be vulnerable to on site physical alterations to the water quality and quantity. There are many plans still being developed along the length of the River system.							

combination with other plans				
Assessment of effects and why not considered significant	Site is over 20km from the BNP boundary. Development proposals within the neighbourhood area will not affect the site physically as any effects would be through discharges into the River Tame and Trent as this eventually flows to the Humber. The local water providers and foul waste company have been contacted regarding the emerging Local Plan Strategy and have up to date plans agreed with EA with regards to the impact upon the River Tame and River Trent. They have advised that no additional treatment works or changes to any of their existing consents would be necessary to accommodate the proposed levels of growth within the emerging Local Plan Strategy. As the BNP does not propose more growth than the Local Plan it is unlikely this position would change.			
Conclusion: No significant effects				

Screening Outcome

- 4.10 Table 4 identifies significant effects could arise upon the Cannock Chase SAC as a result of policy within the BNP. However, the presence of Local Plan Strategy Policy NR7 ensures that development will only be permitted where it has demonstrated that it will not have a significant effects on the integrity of the Cannock Chase SAC. Tables 5-8 do not identify any significant effects upon the identified European sites as a result of the BNP (as published at the date of this report).
- 4.11 Appendix 2 sets out a detailed assessment of the likely significant effects on European sites as a result of each policy within the BNP. The assessment concludes that none of the policies within the BNP would have significant impacts upon the European sites identified within the assessment.
- 4.12 The conclusions of the screening assessment above indicate that the further stages of Appropriate Assessment are not required for the BNP as currently drafted.

5. Conclusions and recommendations of the Screening Assessments

- 5.1 This report contains the detail of the assessment of the need for the Burntwood Neighbourhood Plan to be subject to Strategic Environmental Assessment as required by the SEA Directive and Appropriate Assessment as required by the Habitats Directive.
- 5.2 The assessment of both of these requirements has been undertaken on the Burntwood Neighbourhood Plan Regulation 14 Consultation (December 2016) which was provided to the District Council in December 2016 for the purposes of this screening process. As such if the content of the Neighbourhood Plan is significantly changed there may be the need for a further screening exercise to be undertaken on any modified version of the Neighbourhood Plan. Lichfield District Council reserves the right to undertake further screening at a later stage if this is considered to be appropriate.

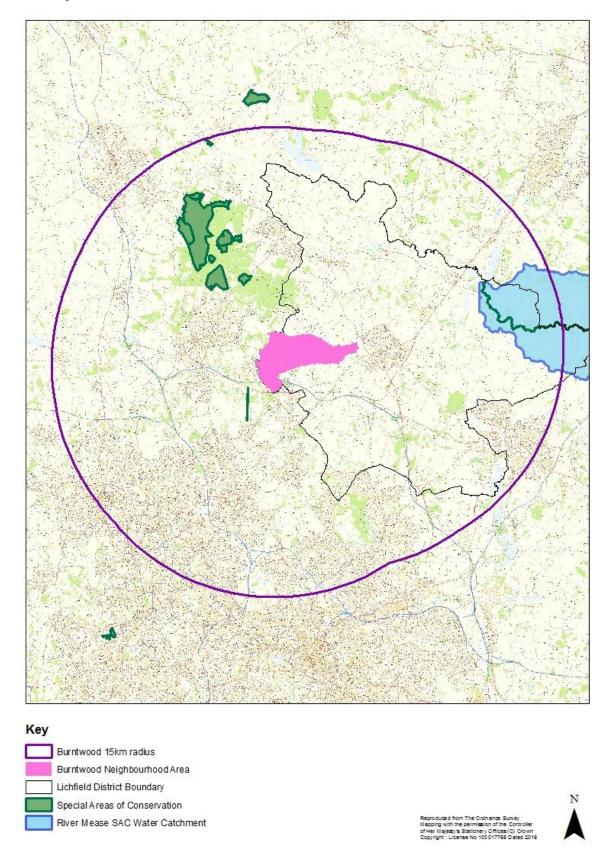
Strategic Environmental Assessment (SEA)

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

Habitat Regulations Assessment (HRA)

5.4 In relation to the requirement for the Burntwood Neighbourhood Plan to be subject to Habitat Regulations Assessment, the assessment detailed at Section 4 of this report concludes that whilst there are potential significant effects upon the Cannock Chase SAC the adoption of the Local Plan Strategy and policy NR7 within that document ensures that development will only be permitted where it is demonstrated it will not have an adverse effect on the integrity of the SAC. The report concludes that there will be no potential significant effects upon the identified designated European sites and as such no further work as part of the compliance with Habitat Regulations will be required.

Appendix 1: Map of Natura 2000 sites within 15km of Neighbourhood Plan Boundary



Appendix 2 – HRA review of Proposed Policies in Burntwood Neighbourhood Plan

BNP Policy Number	Description of Policy	Any likely significant effects on European Sites anticipated		
, rumboi		as a result of the policy?		
Policy B1 –	Provides support for town	No – The Policy itself does not		
Chase Terrace	centre development as set	propose development. It seeks to		
town centre	out within the adopted LPS.	support development to thresholds		
		set out within the adopted LPS.		
Policy B2 –	Supports environmental	No – the policy does not itself		
Improving the	improvements to Chase	propose development.		
environment of	Terrace town centre.			
Chase Terrace				
Policy B3 –	Supports improvements and	No – the policy does not itself		
Chasetown,	development within	propose development.		
Swan Island,	identified neighbourhood			
Ryecroft	centres.			
Shopping				
Centre and				
Morley Road				
neighbourhood				
centre				
Policy B4 –	Supports development to	No – the policy does not itself		
Local shops	retain and/or enhance local	propose development.		
5 " 55	shops and retail premises.	No. do a Partir de la constitución		
Policy B5 –	Requires developments to	No – the policy does not itself		
Enhancing the	enhance and reinforce distinctive local character.	propose development.		
identity and	distilictive local character.			
distinctiveness				
of local				
neighbourhoods	Dec. Section 1 declarates	No. the nellow does not itself		
Policy B6 –	Requires new development to be of good quality design	No – the policy does not itself propose development but includes		
Promoting good	and sets a number of	a range of factors which would		
quality design in	principles to be considered	need to be considered through the		
new housing	when assessing	planning application process.		
development	development proposals.	, , , ,		
	n Burntwood Neighbourhood			
	sed for the purposes of this re			
Policy B8 –	Provides support for	No – the policy does not itself		
Conserving and	development proposals	propose development.		
enhancing local,	which conserve and/or enhance non-designated			
non-designated	heritage assets and sets out			
heritage assets	circumstances where			
	development which leads to			
	loss of such assets would			
	be supported.			
Policy B9 –	Requires development	No - the policy does not itself		
improving local	within centres to improve	propose development.		
accessibility	accessibility through			
outside the	provision of pedestrian			
defined Centres	linkages.			

Policy B10 – protecting and enhancing local sport and recreational facilities	Provides protection to identified sports and recreation facilities and supports their enhancement.	No – the policy does not itself propose development.
Policy B11 – Local green spaces	Policy proposes to designate a number of Local Green Spaces.	No – the policy does not itself propose development.
Policy B12 – Protected and new open spaces	Provides protection for identified open spaces and support for proposals which improve the identified spaces.	No – the policy does not itself propose development.
Policy B13 – Retaining and enhancing existing community facilities	Provides support for proposals which enhance a range of community facilities and provides detail of circumstances where proposals which lead to loss of such facilities would be supported.	No – the policy does not itself propose development.

Appendix 3: SEA & HRA Screening Opinion and Statutory Consultee Responses

The following appendix includes the screening opinion request from Lichfield District Council to the Statutory Bodies (Natural England, Historic England and Environment Agency) who have been consulted through the SEA & HRA process and their responses.

- 3.1 SEA & HRA Screening Opinion Letter 13/01/2017
- 3.2 Historic England response 07/02/2017
- 3.3 Natural England response 10/02/2017
- 3.4 Environment Agency response 24/01/2017

Appendix 3.1

Your ref Burntwood neighbourhood plan

Our ref BNP-SEA/HRA Ask for Patrick Jervis

Email Patrick.jervis@lichfielddc.gov.uk



District Council House, Frog Lane Lichfield, Staffordshire WS13 6YZ

Customer Services 01543 308000 Direct Line 01543 308192

13 January 2017

Dear Sir/Madam,

Burntwood neighbourhood plan - screening opinion for an SEA & HRA

Burntwood Town Council has requested Lichfield District Council to undertake screening for SEA & HRA of their draft Neighbourhood Plan. The District Council has undertaken a screening process and produced the attached Screening Report which concludes that SEA and HRA of the Burntwood Neighbourhood Plan (as currently drafted) will not be required.

Under the Environmental Assessment of Plans and Programmes Regulations 2004 (SI No.1633) Lichfield District Council ('the responsible authority') is required to consult with the consultation bodies in determining whether or not the plan is likely to have significant environmental effects and will therefore require an SEA. The Parish Council also requested screening opinion with regards to the need for a Habitat Regulations Assessment (HRA)

I am therefore requesting that you consider the attached Screening Report and provide any comments on its conclusions to assist in determining whether or not the plan is likely to have significant environmental effects and will therefore require an SEA. I would also welcome your comments on the need for a HRA.

If you have any comments I would ask for these to be sent within the next 21 working days (by 13 February 2017) and if you have any queries please contact myself on 01543 308196. If no reply is received by 5pm Monday 13th February 2017 it will be assumed that you concur with the conclusions of the Screening Report.

/lichfielddc

Yours faithfully,

Patrick Jervis
Principal Spatial Policy & Delivery
Spatial Policy & Delivery - Economic Growth











WEST MIDLANDS OFFICE

Mr Patrick Jervis
Lichfield District Council
Spatial Policy & Delivery
District Council House
Frog Lane
Lichfield

Direct Dial: 0121 625 6887

Our ref: PL00059362

7 February 2017

Dear Mr Jervis

WS13 6YZ

BURNTWOOD NEIGHBOURHOOD PLAN SEA & HRA CONSULTATION

Thank you for the above consultation.

For the purposes of consultations on SEA, Historic England confines its advice to the question, "Is the Plan or proposal 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 by yourselves in your consultation to us. On the basis of the information supplied, including that set out in the draft plan, and in the context of the criteria set out in Schedule 1 of the Environmental Assessment Regulations [Annex II of 'SEA' Directive], Historic England concur with the conclusion 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://historicengland.org.uk/images-books/publications/strategic-environ-assessment-sustainability-appraisal-historic-environment/>

I hope this advice is helpful.

Yours sincerely,

Peter Boland

Historic Places Advisor

peter.boland@HistoricEngland.org.uk







WEST MIDLANDS OFFICE

CC:





Date: 10 February 2017

Our ref: 205904 Your ref: N/a

Lichfield District Council

For the attention of Patrick Jervis

BY EMAIL ONLY



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

T 0300 060 3900

Dear Patrick

Planning consultation: Burntwood Neighbourhood Plan - SEA and HRA screening report

Thank you for your consultation on the above dated 13 January 2017 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 no SEA is 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 at:

http://planningguidance.planningportal.gov.uk/blog/guidance/strategic-environmental-assessment-and-sustainability-appraisal/sustainability-appraisal-requirements-for-neighbourhood-plans/

Habitats Regulations Assessment Screening

Natural England notes the screening process applied to this Neighbourhood plan. We agree with the Council's conclusion of no likely significant effect upon the named European designated sites:

- Cannock Chase SAC
- Cannock Extension Canal SAC
- River Mease SAC
- Pasturefields Saltmarsh SAC
- The Humber Estuary SAC, SPA and Ramsar site

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 queries relating to the specific advice in this letter <u>only</u> please contact me on 0300 060 1640. For any new consultations, or to provide further information on this consultation please send your correspondences to <u>consultations@naturalengland.org.uk</u>.

FAO: Patrick Jervis Lichfield District Council Planning Policy PO Box 66 Lichfield

Staffordshire WS13 6QB Our ref: UT/2007/101798/SE-

16/SC1-L01

Your ref: BNP-SEA/HRA

Date: 24 January 2017

Dear Sir,

Burntwood neighbourhood plan - screening opinion for an SEA & HRA

Thank you for referring the above screening opinion for a Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) which was received 13th January 2017.

We have reviewed the Burntwood Neighbourhood Development Plan Regulation 14 Draft and associated Screening Report and have the following comments to make on the need for a SEA and HRA.

We agree with the conclusions made within the Screen Report that there are no significant effects upon any SACs within the Environment Agency's remit. As such, we agree that there is no requirement for an SEA or HRA.

It should be noted that although there are no concerns that fall within the Environment Agency's remit in regards to the Cannock Chase SAC, Natural England should be consulted for any concerns they may have.

Yours faithfully

Mr Tom Newman Planning Advisor

Direct dial 01543404857 Direct e-mail tom.newman@environment-agency.gov.uk Yours sincerely

Antony Muller Lead Adviser – Sustainable Development Team – North Mercia Area

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district Scouncil
www.lichfielddc.gov.uk