



Charnwood Borough Council

Strategic Environmental Assessment Screening Report
&
Habitats Regulation Assessment Screening Report

Rearsby Neighbourhood Plan 2018-2036
Submission Version (February 2021)

This Screening Report makes interim conclusions, subject to formal consultation with statutory consultees (Environment Agency, Natural England and Historic England). Amendments to the Screening Report will be made and consulted on as appropriate, as the plan progresses. Section 5 (parts highlighted yellow) of this report will be amended to include the statutory consultee's comments.

March 2021

1. Introduction

- 1.1 This report seeks to determine whether the Rearsby Neighbourhood Plan is likely to have significant environmental effects and will require a strategic environmental assessment (SEA). It will also assess the likelihood of the proposals within the Plan having an adverse impact upon internationally designated wildlife sites, as required by the European Habitats Directive.
- 1.2 Strategic Environmental Assessment and Sustainability Assessment requirements are prescribed by the European Directive 2001/42/EC. The requirements have been introduced into the planning system by the Environmental Assessment of Plans and Programmes Regulations 2004 (SEA Regulations).
- 1.3 As regards the Habitats Regulations, Schedule 2 of the Neighbourhood Planning (General) Regulations 2012 requires, as a basic condition, that the making of a neighbourhood plan is not likely to have a significant effect upon a European site.

2. Rearsby Neighbourhood Plan

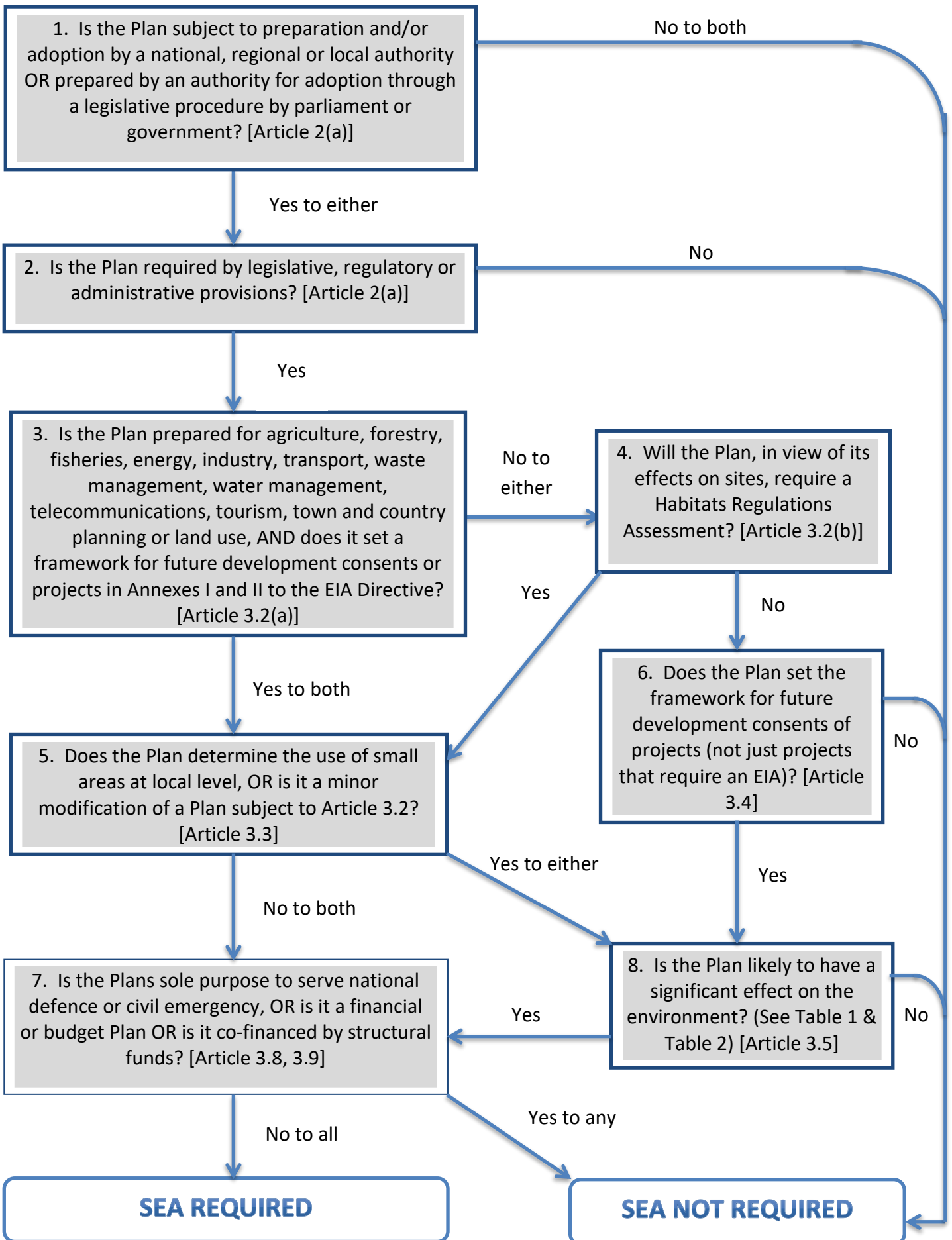
- 2.1 The Rearsby Neighbourhood Plan 2018 – 2036 Submission Version (February 2021) has been produced by Rearsby Parish Council for submission to Charnwood Borough Council.
- 2.2 The entire parish of Rearsby was designated as the neighbourhood area to be covered by the plan on 25th August 2015. The Parish Council previously consulted on its draft Neighbourhood Plan (Regulation 14) between 6th January 2019 and 26th February 2019. The advisory group has requested that Charnwood Borough Council undertake a Strategic Environmental Assessment screening and Habitats Regulations assessment prior to the Borough Council undertaking the statutory Regulation 16 consultation.
- 2.3 The vision and priorities of the Rearsby Neighbourhood Plan are set out on pages 14-16 of the Submission plan. The plan contains the following policies:
 - R1 - Design
 - R2 - Promoting effective use of land - Area of Local Separation
 - R3 - Promoting effective use of land - Limits to Development
 - R4A - Housing Mix
 - R4B - Exception-site development
 - R5A - Existing Employment Opportunities
 - R5B - New employment development
 - R6A - Local Green Spaces
 - R6B - Important Open Spaces
 - R6C - Important Views
 - R6D - Community Facilities and Amenities
 - R7 - Conserving and Enhancing Rearsby's Natural Environment
 - R8 - Conserving and Enhancing Rearsby's Historic Environment
 - R9 - Flood Risk
 - R10 - Promoting Sustainable Transport

3. Strategic Environmental Assessment

- 3.1 The SEA Directive aims to ensure a high level of protection for the environment and to integrate environmental considerations into the preparation of plans. The Directive seeks to promote sustainable development by ensuring that an SEA is undertaken for any plans which may have a significant effect on the environment.
- 3.2 To establish if a plan needs to be accompanied by a full SEA, a “screening” assessment is undertaken against a series of criteria set out in the SEA Directive. The screening process and how a plan can be assessed against the SEA Directive criteria are shown in **Figure 1**.

Figure 1

Application of criteria of the SEA Directive to Plans



3.3 The assessment provided in Table 1, below, has provided answers to the questions posed in the flow diagram in Figure 1. If the steps shown in Figure 1 are followed then the requirement for an SEA can be determined.

Table 1: Assessment of the characteristics of the Rearsby Neighbourhood Plan

	Assessment Criteria	Y/N	Assessment
1	Is the Neighbourhood Plan 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))	Y	The preparation and adoption of the Neighbourhood Plan is provided for by The Town and Country Planning Act 1990, (as amended by the Localism Act 2011) and the Neighbourhood Planning Act 2017. The draft Neighbourhood Plan has been prepared by Rearsby Parish Council (as the relevant body) and will be made by Charnwood Borough Council as the local authority. The preparation of Neighbourhood Plans is subject to the following regulations as amended: i. The Neighbourhood Planning (General) Regulations 2012, and, ii. The Neighbourhood Planning (referendums) Regulations 2012.
2	Is the Neighbourhood Plan required by legislative, regulatory or administrative provisions? (Art. 2(a))	Y	Preparing a Neighbourhood Plan is optional as there are no legislative, regulatory or administrative provisions that require them. However, if “made” it will form part of the development plan for the Borough and must meet statutory requirements. It is therefore considered necessary to continue the screening process to determine if a SEA is required under the Directive. On that basis, a Yes answer is provided to the question.
3	Is the Neighbourhood Plan 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	Y	The Neighbourhood Plan is primarily prepared for town and country planning/ land use purposes, and proposes policies cover themes including design and development principles, landscape, protected spaces, community facilities, biodiversity, heritage flood risk and transport. The Neighbourhood Plan will form part of the Development

	Assessment Criteria	Y/N	Assessment
	for future development consent of projects in Annexes I and II ¹ to the EIA Directive? (Art. 3.2(a))		Plan (i.e. the framework) for the neighbourhood area and therefore could potentially, alongside other policies in the Development Plan, influence development consent for several of the projects listed in Annexes I and II of the EIA Directive. The neighbourhood plan does not propose to allocate specific land for development.
4	Will the Neighbourhood Plan, 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(a))	N	<p>The Neighbourhood Plan is unlikely to have a significant effect upon any European (Natura 2000) site. A Habitats Regulations Assessment (HRA) Screening Report² was undertaken as part of the Charnwood Local Plan 2011 to 2028 Core Strategy preparation process. The final report, published in March 2013, concluded that the Core Strategy “<i>is not likely to have a significant effect upon any European site, including River Mease SAC and Rutland Water SPA/Ramsar site, either alone or in combination with other plans or projects, and therefore an Appropriate Assessment is not required.</i>”</p> <p>Charnwood Borough does contain any European sites within its boundaries; however, two sites are examined further in the HRA Screening Report; the River Mease SAC lies to the west of the Borough and the Rutland Water SPA and Ramsar site lies to the east.</p> <p>The HRA Screening Report found the Core Strategy unlikely to have a significant effect upon these sites due to:</p> <ul style="list-style-type: none"> i) A lack of pathway for effects arising from development in Charnwood to reach and affect the River Mease SAC; and

¹ https://ec.europa.eu/environment/eia/pdf/cover_2015_en.pdf

² https://www.charnwood.gov.uk/files/documents/sd10_draft_charnwood_core_strategy_habitats_regulations_assessment_screening_record_2013/SD-10+-Draft+Charnwood+Core+Strategy+-+Habitat+Regulations+Assessment+Screening+Record+%282013%29.pdf

	Assessment Criteria	Y/N	Assessment
			<p>ii) The level of management measures implemented by Leicestershire and Rutland Wildlife Trust in partnership with Anglian Water for the Rutland Water SPA/Ramsar site.</p> <p>Considering the above findings, and also that the Rearsby Neighbourhood Plan does not seek to allocate land for development and includes generally protective policies, it is concluded that the Neighbourhood Plan would not affect any European site Report undertaken in 2013 for the Core Strategy. Therefore, it is considered that an Appropriate Assessment is not required.</p>
5	Does the Neighbourhood Plan determine the use of small areas at local level, OR is it a minor modification of a Plan subject to Art. 3.2? (Art. 3.3)	Y	The Neighbourhood Plan does not propose development allocations. The policies and protective designations that it contains will be used to determine planning applications within the neighbourhood area and will therefore influence development principles at a local level.
6	Does the Neighbourhood Plan set the framework for future development consent of projects (not just in annexes to the EIA Directive)? (Art. 3.4)	Y	The Neighbourhood Plan does not propose development allocations. The policies and protective designations that it contains will, if adopted, form part of the development plan for the neighbourhood area and will therefore form part of the framework (alongside the Local Plan) used to determine planning applications.
7	Is the Neighbourhood Plan's sole purpose to serve the national defence or civil emergency, OR is it a financial or budget Plan OR is it co-financed by structural funds or EAGGF programmes 2000 to 2006/7? (Art. 3.8, 3.9)	N	The Neighbourhood Plan does not have a sole purpose which falls within any of these categories.
8	Is it likely to have a significant effect on the environment? (Art. 3.5)	N	The Rearsby Neighbourhood Plan will be applicable only within the boundary of Rearsby Parish Council as confirmed by the

	Assessment Criteria	Y/N	Assessment
			<p>neighbourhood area designation.</p> <p>The policies of the draft Neighbourhood Plan seek to (policy):-</p> <ul style="list-style-type: none"> • Establish development principles to that will influence the principle acceptability of the location of future development, including Areas of Local Separation (R2) and Limits to Development (R3) boundaries and criteria for rural exception housing site (R4B). • Establish principles to protect existing employment sites (R5A) and support new employment opportunities subject to criteria (R5B) • Includes protective and proactive environmental policy provisions including enhancing biodiversity and tree planting (R1, R7), protective green and open space designations (R6A, R6B), protecting landscape views (R6C) • Other policies are unlikely to have a significant environmental effects as they relate to site specific matters such as design, community facilities, flood risk heritage, transportor they include criteria that are broadly consistent with the existing national policy approach.

3.4 Figure 1 sets out that where the answer to 5 or 6 is 'Yes', an assessment of the likely significant effects on the environment should be made. See Table 2 for this assessment.

Table 2: The Environmental Assessment of Plans and Programmes Regulations 2004 Schedule 1 – Criteria for Determining the Likely Significance of Effects on the Environment

Significant effect criteria	Assessment
1. The characteristics of the plans, having regard to:	
1a. the degree to which the plan sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources;	<p>The Neighbourhood Plan, if made, would form part of the statutory development plan; therefore, it would contribute to the future development consent of projects. However, the Neighbourhood Plan sits within a wider framework set by the National Planning Policy Framework (NPPF) and the adopted Charnwood Local Plan. The Neighbourhood Plan helps to set a framework for projects which are local in nature and must conform to the wider framework set at a strategic level.</p> <p>No likely significant environmental effect.</p>
1b. the degree to which the plan influences other plans and programmes including those in a hierarchy;	<p>The Neighbourhood Plan is required to be in conformity with the NPPF and the strategic policies in the adopted Local Plan. The Neighbourhood Plan therefore has a lower hierarchical position in relation to the rest of the Development Plan and seeks to respond to, rather than influence these. Additionally, neighbourhood plan policies only have impact within the designated neighbourhood area.</p> <p>No likely significant environmental effect.</p>
1c. the relevance of the plan for the integration of environmental considerations, in particular with a view to promoting sustainable development;	<p>The Neighbourhood Plan has been drafted in accordance with the principles of sustainable development set out in the NPPF. The Neighbourhood Plan contains policies on a multitude of policy areas, the main environmental impacts of which are detailed in Table 1. Neighbourhood Plan policies are required to be in conformity with national and local policies as required by the legally defined ‘Basic Conditions’. The Neighbourhood Plan is also required to contribute to the achievement of sustainable development to enable it to be approved at examination and “made” by the Borough Council. Development would also be subject to the policies in the Charnwood Local Plan; therefore, all environmental considerations will be taken into account.</p> <p>The plan includes positive policies for the promotion of sustainable development and the social, environmental and economic objectives of the plan, which inform the policy content, are set out in</p>

Significant effect criteria	Assessment
	<p>pages 14-16 of the plan. No likely significant environmental effect.</p>
<p>1d. environmental problems relevant to the plan; and</p>	<p>The neighbourhood plan area contains no SSSI's and a 3 Local Wildlife Sites (see mapping https://webmap.charnwood.gov.uk/CharnwoodWebMap/).</p> <p>The neighbourhood plan sets out protective policies including a specified policies to conserve and enhance biodiversity (R7) and heritage assets (R8); protective green and open space designations (R6A and R6B), protective landscape designations (R6C) and to mitigate Flood Risk (R9). No likely significant environmental effect.</p>
<p>1e. the relevance of the plan for the implementation of Community legislation on the environment (e.g. plans linked to waste-management or water protection).</p>	<p>The Neighbourhood Plan will have to comply with national and local planning policies and European legislation in order to meet the 'Basic Conditions'. The Neighbourhood Plan has to be in conformity with the Charnwood Local Plan Core Strategy, which has had regard to European Community legislation on the environment. No likely significant environmental effect.</p>
<p>2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:</p>	
<p>2a. the probability, duration, frequency and reversibility of the effects;</p>	<p>The neighbourhood plan has a proposed plan period up to 2036, and supports continual plan monitoring including a commitment to review the operation of the plan every years (page 48). If it considered in the future that the plan does have negative effects, provisions are included in the legislation that makes it possible to revoke a neighbourhood plan.</p> <p>The policies in the neighbourhood plan, as set out in a section 1d, are generally protective. The development plan, including the neighbourhood plan and the local plan, is read in its entirety and therefore matters not covered by the neighbourhood plan are likely to be covered elsewhere in the development plan. This provides adequate control in terms of reversibility.</p>

Significant effect criteria	Assessment
	No likely significant environmental effect.
2b. the cumulative nature of the effects;	<p>The cumulative effects of the neighbourhood plan which may occur will be limited. The plan does not propose development allocations and includes generally protective planning policies as set out in section 1d. If it is found to be the case that unanticipated negative cumulative effect result from the plan, there is scope for reversibility as set out in section 2a.</p> <p>No likely significant environmental effect.</p>
2c. the transboundary nature of the effects;	<p>All effects of the neighbourhood plan will be local in nature as the policies are only applicable to the neighbourhood area. The policies of the plan are generally protective in nature and will therefore reduce the scope for any limited impact upon surrounding parishes.</p> <p>No likely significant environmental effect.</p>
2d. the risks to human health or the environment (e.g. due to accidents);	<p>There are no significant risks to human health or the environment. The Plan may improve human health by protecting areas which are important to the local community for recreation, along with supporting the provision of suitable homes to meet local needs.</p> <p>No likely significant environmental effect.</p>
2e. the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);	<p>The Neighbourhood Plan relates to the parish of Rearsby and generally aims to concentrate development within the defined limits to development (R3). The plan includes generally protective policies, and therefore the magnitude and spatial extent of the effects are likely to be small.</p> <p>No likely significant environmental effect.</p>
2f. the value and vulnerability of the area likely to be affected due to: <ol style="list-style-type: none"> 1. special natural characteristics or cultural heritage; 2. exceeded environmental quality standards or limit values; 	<ol style="list-style-type: none"> 1. As set out in the assessment for criteria 1c and 1d in this table, the neighbourhood plan seeks to address the three tiers of sustainable development which includes policies that will seek to enhance the natural environment and cultural heritage of the area. 2. The neighbourhood plan sets out several policy provision to exceed environmental quality standards, including support for enhanced design and biodiversity provision. 3. As set out in the assessment for criteria 2e, the neighbourhood plan generally aims to

Significant effect criteria	Assessment
3. intensive land-use; and	<p>concentrate development within the defined limits to development (R3). More intensive land use is therefore intended to be concentrated in areas that are already intensely developed relative to the surrounding countryside.</p> <p>No likely significant environmental effect.</p>
2g. the effects on areas or landscapes which have a recognised national, Community or international protection status.	<p>Rearsby Parish does not contain a statutory landscape designation at national level. Rearsby Parish is within the Wreak Valley character area as identified in the Charnwood Landscape Character Assessment (2012) (guidelines at pages 58-66 of the assessment). The neighbourhood plan includes generally protective policies including the identification of important views (R6C)</p> <p>No likely significant environmental effect.</p>

- 3.4 Following the flow diagram in Figure 1, with the assessment made in Tables 1 and 2, this Screening Report concludes that a full Strategic Environmental Assessment is not required. No significant environmental effects are likely to arise from the Rearsby Neighbourhood Plan Submission Version (February 2021).
- 3.5 A subsequent addendum to this screening report will only be required should any significant changes be proposed to the neighbourhood plan.
- 3.6. The views of the relevant consultation bodies (Historic England, Natural England and the Environment Agency) are being sought and Section 5 of this document will be updated to include comments received, prior to a formal determination.

4. Habitats Regulations Assessment

- 4.1 Alongside the SEA screening process there is also a need to assess whether the Neighbourhood Plan would have an adverse impact upon internationally designated wildlife sites, as required by the European Habitats Directive.
- 4.2 The Charnwood Local Plan 2011 to 2028 Core Strategy was accompanied by a Habitats Regulations Assessment (HRA) Screening Report³ to examine whether the plan would have a significant effect upon any European (Natura 2000) site. The final report, published in March 2013, concluded that the Core Strategy *“is not likely to have a significant effect upon any European site, including River Mease SAC and Rutland Water SPA/Ramsar site, either alone or in combination with other plans or projects, and therefore an Appropriate Assessment is not required.”*
- 4.3 There are no European sites within the boundaries of Charnwood Borough; however, the Screening Report did examine the River Mease SAC, which lies to the west of the Borough, and the Rutland Water SPA and Ramsar site, which lies to the east.
- 4.4 The HRA Screening Report considered that the Core Strategy would be unlikely to have a significant effect upon these sites due to:
- i) A lack of pathway for effects arising from development in Charnwood to reach and affect the River Mease SAC; and
 - ii) The level of management measures implemented by Leicestershire and Rutland Wildlife Trust in partnership with Anglian Water for the Rutland Water SPA/Ramsar site.
- 4.5 The HRA Screening Report concluded that, either alone or in combination with other plans or projects, the Core Strategy is not likely to have a significant effect upon any European site.

³https://www.charnwood.gov.uk/files/documents/sd10_draft_charnwood_core_strategy_habitats_regulations_assessment_screening_record_2013/SD-10+-+Draft+Charnwood+Core+Strategy+-+Habitat+Regulations+Assessment+Screening+Record+%282013%29.pdf

4.6 This report also considers Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017⁴, as required by the Basic Conditions, and responds to regulation 105 (1-6) below:

- (1) – This report concludes that there no requirement for a full SEA/HRA in relation to the Rearsby Neighbourhood Plan.
- (2) – Responses of the statutory consultees are provided in Section 5 of this report.
- (3) – This report will form part of the suite of consultation documents as part of Charnwood Borough Council’s Regulation 16 consultation.
- (4) – It is anticipates, subject to the responses of the statutory consultees in Section 5 of this report, that Regulation 107 does not apply as the neighbourhood plan is considered to have no likely significant effects on sites applicable to HRA.
- (5) – This report will be the subject of consultation with the general public and statutory consultees.
- (6) – The Screening report has determined that the neighbourhood plan will not impact any sites applicable to HRA.

4.7 To conclude, the Neighbourhood Plan is required to be in conformity with the Core Strategy. Given this requirement and the limited scale of development proposed in the Neighbourhood Plan, it is not considered that the Neighbourhood Plan will further affect any European site in addition to the impacts identified in the HRA Screening Report undertaken in 2013 for the Core Strategy. This screening report meets the basic condition as per paragraph 4.6 Therefore, it is considered that an Appropriate Assessment is not required.

4.8 The views of the relevant consultation bodies (Historic England, Natural England and the Environment Agency) are being sought and Section 5 of this document will be updated to include comments received, prior to a formal determination.

5. Conclusion

5.1 The Environment Agency, Natural England and Historic England were consulted on the SEA screening on [insert date] as required by legislation and the following responses were received:

Consultee	Response
Environment Agency	Insert response
Natural England	Insert response
Historic England	Insert response

⁴ <https://www.legislation.gov.uk/ukxi/2017/1012/part/6/chapter/8/made>

5.2 Subject to consultation, it is intended to conclude that this SEA/ HRA screening report has determined that there is no requirement for a full Strategic Environmental Assessment or Habitats Regulations Assessment.

5.3 Following the consultation, a statement of reasons will be included here and sent to the above consultees in accordance with the regulations⁵.

⁵ <https://www.legislation.gov.uk/ukxi/2004/1633/regulation/11/made>