

**Ashby de la Zouch Neighbourhood Plan  
review**

Strategic Environmental Assessment (SEA) &  
Habitat Regulations Assessment

Screening Report

(July 2024)

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## **1. Introduction**

- 1.1 This screening report is an assessment of whether or not the contents of the Ashby de la Zouch Neighbourhood Plan Review (Pre-submission version) March 2024 (hereafter known as 'ALZNP') 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.
- 1.2 This report will also screen to determine whether the ALZNP 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. The river Mease SAC lies beyond the ALZNP area but Ashby de la Zouch itself lies within the river Mease catchment.
- 1.3 A number of other European designated sites lie within 40KM of Ashby de la Zouch. As set out in section 4, only the Cannock Chase is considered to have the potential to be affected by development in Ashby de la Zouch. Appendix 1 shows the Plan Boundary in relation to both the River Mease and the Cannock Chase SACs.
- 1.4 The purpose of the ALZNP is to provide a set of statutory planning policies to guide development within Ashby de la Zouch over the life of the plan. The Plan was initially made on 29 November 2018. The current plan is a review of the 2018 ALZNP, but it still looks ahead to 2031 as per the current plan. The ALZNP also provides support for improved facilities to serve the community and seeks to protect and enhance important elements of the local environment.
- 1.5 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 ALZNP and the need for SEA. Section 4 provides a screening assessment of both the likely significant effects of the implementation of the ALZNP and the need for a Habitats Regulation Assessment.
- 1.6 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 Ashby de la Zouch Neighbourhood Plan.

- 2.3 The District Council is required to consult three statutory consultation bodies designated within the regulations, these are; English Heritage, Natural England and Environment Agency on whether a SEA is required, Details of the consultation bodies responses can be found at Appendix 2.

### **Habitat Regulation Assessment (HRA)**

- 2.4 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.
- 2.5 To fulfil the legal requirements to identify if likely significant effects will occur with the implementation of the ALZNP upon European Sites (Natura 2000 sites) a screening assessment has been undertaken and is set out in section 4 of this report.
- 2.6 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**

- 2.7 The ALZNP has been prepared by the Ashby de la Zouch Neighbourhood Plan Steering Group on behalf of the Qualifying Body (Ashby de la Zouch Town Council). The Plan includes a number of policies which relate to the market town of Ashby de la Zouch,
- 2.8 The policies relate to the Neighbourhood Area and include policies to protect the environment and character of Ashby de la Zouch. No specific development is proposed, but various policies support development subject to specified criteria being satisfied. Other policies seek to provide support for new and improved community facilities and the provision of new and improved infrastructure.

## **3. SEA Screening**

### **Criteria for Assessing the Effects of the Ashby de la Zouch Neighbourhood Plan**

- 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.

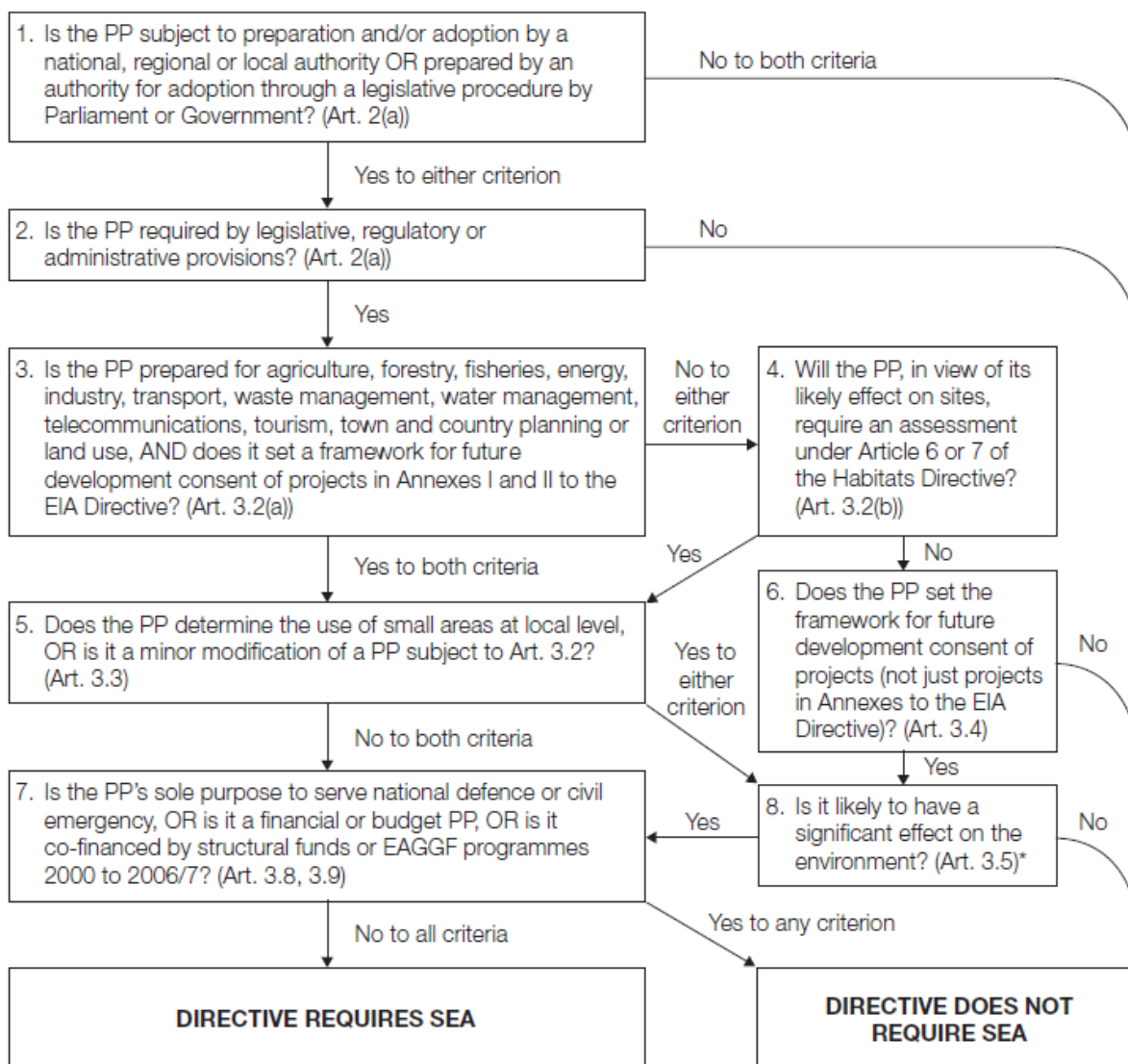
Source: Annex II of SEA Directive  
2001/42/EC

### **Assessment**

- 3.2 Neighbourhood Plans must be in general conformity with the strategic policies of the Local Plan. The development plan for North West Leicestershire District comprises the following documents:
- the adopted North West Leicestershire Local Plan (Adopted November 2017) prepared by North West Leicestershire District Council. The plan was the subject of both a Sustainability Appraisal and a Habitats Regulations Assessment.
  - the adopted Leicestershire Minerals Core Strategy and Development Control Policies (adopted October 2009) prepared by Leicestershire County Council;
  - the adopted Leicestershire and Leicester Waste Core Strategy and Development Control Policies (adopted October 2009) prepared by Leicestershire County Council and Leicester City Council
- 3.3 Guidance regarding 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 figure1.

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

This diagram is intended as a guide to the criteria for application of the Directive to plans and programmes (PPs). It has no legal status.



\*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.

- 3.4 The process in figure 1 has been undertaken and the findings can be viewed in Table 1 below which shows the assessment of whether the ALZNP 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**

| 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))   | <b>Yes</b> | This Neighbourhood Plan is prepared by Ashby 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 North West Leicestershire 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))   | <b>No</b>  | 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 Ashby de la Zouch 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)) | <b>Yes</b> | The Ashby de la Zouch Neighbourhood Plan is prepared for town and country planning and land use. The plan sets out a framework for future development in the Ashby de la Zouch Neighbourhood Area. Once 'made' the Ashby de la Zouch Neighbourhood Plan would form part of the statutory development plan and will be used when making decisions on  |

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|   |            | 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)) | <b>Yes</b> | 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 4 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)                              | <b>Yes</b> | There are a number of policies which could potentially determine the use of small areas of land at a local level: <ul style="list-style-type: none"> <li>• Policy G1 (Limits to Development)</li> <li>• Policy H2 (Windfall sites)</li> <li>• Policy H5 (Self Build)</li> <li>• Policy E2 (Business Development)</li> <li>• Policy E3(Homeworking)</li> <li>• Policy E4 (Tourism)</li> <li>• Policy E5 (Broadband Infrastructure)</li> <li>• Policy TC1 (Town centre Uses)</li> <li>• Policy TC4 (Residential development)</li> <li>• Policy T4 (Walking and cycling)</li> <li>• Policy CF2 (New or improved community facilities)</li> <li>• Policy CF4 (Schools)</li> <li>• Policy CF5 (Health and wellbeing)</li> <li>• Policy CF6 (Infrastructure)</li> </ul> |
| 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)                        | <b>Yes</b> | The Ashby de la Zouch Neighbourhood Plan once 'made', forms part of the statutory development plan and will be used to determine planning applications within the designated Ashby de la Zouch 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                          | <b>No</b>  | The Ashby de la Zouch Neighbourhood Plan does not deal with any of these categories of plan.  |



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| structural funds or EAGGF programmes 2000 to 2006/7? (Art 3.8, 3.9)         |                  |   |
| 8. Is it likely to have a significant effect on the environment? (Art. 3.5) | <b>Uncertain</b> | The Ashby de la Zouch Neighbourhood Plan could potentially have a significant effect on the environment, not just within the Neighbourhood Area but also within the District. The Ashby de la Zouch Neighbourhood Plan could also impact upon a number of Natura 2000 sites, including the River Mease SAC (see HRA section). |

3.5 A number of the criteria above suggest that SEA of the ALZNP may be required. Criterion 4, 5, 6 and 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.

3.6 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. The following assessment considers the likelihood of the ALZNP (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**

| <b>Criteria for determining the likely significance of effects (Annex II SEA Directive)</b>   | <b>Likely to have significant environmental effects?</b> | <b>Summary of Significant effects</b>  |
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| <b>The characteristics of the plans, having regard to;</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. |  | <p>Once 'made; the ALZNP will set out the framework which will be used to determine proposals for development within the neighbourhood area along with national policies and those contained in other parts of the development plan.</p> <p>There are a number of policies which could potentially determine the use of small areas of land at a local level:</p> <ul style="list-style-type: none"> <li>• Policy G1 (Limits to Development);</li> <li>• Policy H1 (Money Hill);</li> <li>• Policy H2 (Windfall sites);</li> <li>• Policy H5 (Self Build);</li> <li>• Policy E2 (Business Development);</li> <li>• Policy E3 (Homeworking);</li> </ul> |

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|  |    | <ul style="list-style-type: none"> <li>• Policy E4 (Tourism);</li> <li>• Policy E5 (Broadband Infrastructure);</li> <li>• Policy TC1 (Town centre Uses);</li> <li>• Policy TC4 (Residential development);</li> <li>• Policy T4 (Walking and cycling);</li> <li>• Policy CF2 (New or improved community facilities);</li> <li>• Policy CF4 (Schools);</li> <li>• Policy CF5 (Health and wellbeing);</li> <li>• Policy CF6 (Infrastructure)</li> </ul>   |
|  | No | <p>In respect of policies G1 identifies Limits to Development. These are largely based on those in the adopted Local Plan, save for the inclusion of land to the west of Tournament Way, land north-west of Rushey Close and land south of Nottingham Road (all of these changes are also proposed in the new Local Plan which is at Regulation 18 stage). The policy potentially allows for some development in the countryside but that such development “<i>will be carefully controlled in line with local and national strategic policies</i>”. This approach is consistent with the adopted Local Plan which has been subject to both SEA and Habitats Regulations Assessment.</p> |
|  | No | <p>Policy H1 supports development at Money Hill subject to satisfying the requirements in the Neighbourhood plan, particularly in respect of design (Policy G2). However, the site is allocated for development in the adopted Local Plan which has been subject to both SEA and Habitats Regulations Assessment.</p>  |
|  | No | <p>In respect of Policy H3, this supports the development of windfall sites within the limits to development subject to meeting other policies in the Neighbourhood Plan and any national or district wide policies. This general approach is consistent with the adopted Local Plan which has been subject to both SEA and</p>  |

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|  | No | <p>Habitats Regulations Assessment.</p> <p>Policy H5 provides support for proposals for self or custom build housing, providing they are within the limits to development and in conformity with other policies in the Neighbourhood Plan. The adopted Local Plan does not contain any policies in respect of self and custom build, but the general approach is consistent with the adopted Local Plan as it restricts such developments to within the limits to development.</p>  |
|  | No | <p>In respect of policy E2 this could allow for expansion of existing properties/uses or the development of new ones. However, the policy makes it clear that such uses should be located within the Limits to Development unless it is in relation to “<i>small scale leisure of tourism</i>” development only which “<i>Are of a size and scale not adversely affecting the character, infrastructure and environment of the town and the neighbourhood plan area, including the countryside and national forest...</i>”. The general approach is consistent with the adopted Local Plan as it restricts such developments to within the limits to development.</p> |
|  | No | <p>Policy E3 supports the use of dwellings for offices or light industry and new free-standing buildings to enable working from home provided they are “small scale” and subject to highways, amenity, emissions and design considerations.</p>   |
|  | No | <p>Policy E4 supports the provision of facilities to enhance and manage tourism provided the said development “<i>does not have a detrimental effect on the distinctive rural character of the Plan Area</i>” and “<i>does not adversely affect the surrounding infrastructure, particularly local road networks, water supply and sewerage</i>” and where feasible “<i>involves the re-use</i></p>   |

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|  |    | <i>of existing buildings or is part of a farm diversification”.</i>  |
|  | No | Policy E5 supports the provision of broadband capability subject to any above ground installations being <i>“sympathetically located and designed to integrate into the landscape”.</i>  |
|  | No | Policy TC1 supports proposals for new retail uses, leisure, commercial, office, tourism, cultural and community uses across the town centre subject to being of an appropriate scale and enhancing the towns built and historic assets.  |
|  | No | Policy TC4 supports the use of upper floors in the town centre for residential purposes, subject to being outside flood zones 3 or 3a and to parking, design and amenity considerations.   |
|  | No | Policy T4 expects new development to include the provision of new or enhanced footpaths and cycleways.   |
|  | No | Policy CF2 supports proposals to improve the quality and/or range of community facilities, subject to satisfying a number of criteria including highway safety, respecting local character and not resulting in an unacceptable disturbance to residential properties.                                       |
|  | No | Policy CF4 supports proposals for the expansion of existing schools subject to criteria, including having appropriate vehicular access and not resulting in an unacceptable loss of amenity residents of adjacent uses. New schools will be supported subject to similar considerations as expanded schools. |
|  | No | Policy CF5 supports proposals for new or expanded GP premises subject to criteria including suitable access to the highway network and no unacceptable disturbance to residential amenity.   |

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|  |    | Policy CF6 requires the provision of new infrastructure as part of new developments.  |
| The degree to which the plan or programme influences other plans or programmes including those in a hierarchy.   | No | The ALZNP is the lowest tier in the planning hierarchy and must conform to plans in the upper tiers, rather than influence them.<br>The ALZNP must conform to the adopted North West Leicestershire Local Plan, the National Planning Policy and European Directives. As such the ALZNP would be unlikely to influence other Plans or Programmes within the Development Plan.   |
| The relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development. | No | The ALZNP includes policies which provide protection to the character of the area  (including the identification of Local Green Space, important open spaces and Areas of Separation) and which will influence potential development across the plan period. There is therefore the potential for an effect on the environment resulting from the proposals in the plan.<br><br>Policy ENV4 seeks to protect sites which are of environmental significance, including those valued for their ecological importance. In addition, policy ENV5 requires that development proposals will be “ <i>expected to safeguard habitats and species across the Neighbourhood Area... and to deliver biodiversity net gain</i> ”,<br><br>There are no specific policies in respect of the river Mease Special Area of Conservation. However, the adopted Local Plan does include policies in respect of the river Mease SAC to which any development proposals within the ALZNP area would have to conform. |
| Environmental problems relevant to the plan.   | No | Section 5 of ALZNP provides an overview of Ashby de la Zouch. This largely concentrates upon matters of a demographic or housing nature, although it does include reference to heritage matters.<br><br>A particular environmental issue of   |

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|  |    | <p>relevance in the ALZNP area is the river Mease SAC and the level of phosphates in the river, some of which is as a result of new development. This is not referenced in the ALZNP. However, the adopted Local Plan includes policies in respect of the river Mease SAC to which all development proposals within the catchment, including within Ashby de la Zouch, would have to comply.</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> | No | <p>The ALZNP is a land-use plan and sets the framework for future development consents within the ALZNP area through a range of policies.</p> <p>Once 'made' these policies will be used to determine planning applications in the ALZNP area.</p>  |
| <p><b>Characteristics of the effects and of the area likely to be affected, having regard, in particular to;</b></p>   |    |   |
| <p>The probability, duration, frequency and reversibility of the effects.</p>  | No | <p>The principal effects resulting from development supported by the ALZNP are likely to be in terms of biodiversity and the historic environment. Some of these effects have the potential to be irreversible and could be long term. However, various policies seek to protect biodiversity features and habitats, including trees and hedges whilst others recognise the need to conserve and enhance heritage features.</p> <p>No specific reference is made to the river Mease SAC. However, the adopted Local Plan includes policies in respect of the river Mease SAC to which all development proposals within the catchment, including within Ashby de la Zouch, would have to comply. This will ensure that new development does not have an adverse impact upon the SAC.</p> <p>There is also the potential for new development to have an impact on air quality, as a result of traffic generation, and local landscapes. However, there are relevant policies in the adopted Local Plan to which any development proposals would have to comply and so ensure this</p> |

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|   |    | matter is adequately addressed.   |
| The cumulative nature of the effects.   | No | The ALZNP does not propose any specific development. The policies included within the ALZNP are unlikely to result in likely significant effects given the nature of policies proposed and their conformity with existing policy provisions included in the adopted Local Plan.   |
| The trans boundary nature of the effects.   | No | It is likely that most effects will be limited to the ALZNP area. However, some impacts could cross over into other areas, not just within North West Leicestershire but further afield, particularly those associated with the river Mease. Such effects would be limited to the river Mease corridor. Given the scope and localised nature of the plan, together with the need to conform with the Local Plan policy in respect of the river Mease SAC, it is considered that any trans boundary affects will be limited.               |
| The risks to human health or the environment (e.g. due to accidents).   | No | There is limited risk to human health or the environment as a result of the ALZNP. Policy   |
| The magnitude spatial extent of the effects (geographical area and size of the population likely to be affected).   | No | It is likely that most effects will be localised and limited to the ALZNP area. However, some impacts could cross over into other areas, not just within North West Leicestershire but further afield, particularly those associated with the river Mease. Such effects would be limited to the river Mease corridor. Given the scope and localised nature of the plan, together with the need to conform with the Local Plan policy in respect of the river Mease SAC, it is considered that any trans boundary affects will be limited. |
| The value and vulnerability of the area likely to be affected due to:<br>special natural characteristics or cultural heritage<br>exceeded environmental quality standards<br>- intensive land use | No | The historic character of Ashby de la Zouch is fundamental to the cultural character of Ashby de la Zouch. Damage to the historic character of the area could have a significant impact but polices within the ALZNP seek to provide greater protection to the character of the area and the heritage assets, including the Conservation Area.  |

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|   |           | <p>In respect of natural characteristics, there is a potential impact upon the river Mease SAC as a result of new development supported by the ALZNP. However, the adopted Local Plan includes policies in respect of the river Mease SAC to which all development proposals within the catchment, including within Ashby de la Zouch, would have to comply.</p> <p>Potential positive impacts upon the natural characteristics of the Plan Area may arise from a number of policies including ENV 1 (Protection of local green spaces), ENV 2 (Important open spaces for sport, recreation and amenity) ENV 4 (Sites and features of natural environment significance) and ENV 5 (Biodiversity and habitat connectivity).</p> <p>There are not any Air Quality Management Areas within the Plan Area.</p> |
| <p>The effects on areas or landscapes which have a recognised national, community or international protection status.</p> | <p>No</p> | <p>Ashby de la Zouch lies within the river Mease catchment. The river Mease is designated as a Special Area of Conservation. New development has the potential individually and cumulatively to adversely affect the integrity of the SAC.</p> <p>The Cannock Chase SAC and AONB lies more than 15km from the ALZNP boundary.</p>  |

### Screening Outcome

- 3.8 Having regard to the assessment above it is considered that the ALZNP is not likely to have a significant environmental effect and accordingly will not require a Strategic Environmental Assessment. The ALZNP does not allocate specific sites for development and where development might be supported by the policies in the plan it is likely to be small scale. Furthermore, the ALZNP has to be in conformity with the adopted local plan which has been through SEA and so the ALZNP will have no (or little) influence on other plans or programmes.



## 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 further 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 This section of the report provides a “screening” assessment for the ALZNP. 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 ALZNP will have any likely significant effects to determine whether the subsequent stages will be required. Much of the background information used is that taken from the Habitats Regulations Assessment undertaken for the adopted Local Plan.

### Relevant Natura 2000 sites

- 4.5 The only Natura 2000 site within 15km of the ALZNP area is the river Mease Special Area of Conservation. This lies about 4km from Ashby de la Zouch, but the plan area is within the river Mease catchment and so all new development will drain to the Mease.
- 4.6 Cannock Chase SAC has also been identified as *potentially* being sensitive to effects associated with increased recreational pressure. The site is currently subject to an agreed strategic approach implemented through a ‘SAC Partnership’ involving a coordinated approach across six local planning authorities. The Evidence base shows that development within 15km of the SAC boundary may have a significant impact on the site.
- 4.7 The development provided for within the ALZNP all lies out-with the 15km zone of influence.
- 4.8 Other European sites are within a 40km radius of Ashby de la Zouch, these sites are listed below for purpose of clarification.
- West Midland Mosses SAC (28km from nearest NWLDC boundary)
  - Midlands Meres and Mosses Ramsar (28km from nearest NWLDC boundary)
  - Pasturefields Salt Marsh SAC (31km from nearest NWLDC boundary)
  - Ensor’s Pool SAC (18km from nearest NWLDC boundary)

- Rutland Water SPA/Ramsar (37km from NWLDC boundary)

- 4.9 In the absence of any hydraulic links in terms of water supply and the disposal of wastewater between the delivery of the policies contained within the ALZNP and these sites, all five sites are *eliminated* from the need for further assessment. In all cases, in light of the distance from the Ashby de la Zouch, there are no conceivable impact mechanisms through which the Local Plan might present any credible risk of any adverse effects upon the integrity of these sites.
- 4.10 Before considering the potential impact of the ALZNP on the river Mease SAC and the Cannock Chase SAC it is necessary to establish the key features of the SAC's and what the potential issues are.

### River Mease SAC

- 4.11 The river Mease SAC incorporates the Gilwiskaw Brook downstream of Packington village and the river Mease from its confluence with the Gilwiskaw Brook to its confluence with the River Trent downstream of Croxhall (see Appendix xx). It is designated for its internationally important habitats and species, which are collectively referred to as its 'qualifying features'. The Gilwiskaw Brook flows through the centre of Ashby de la Zouch and so feeds directly into the river Mease.

#### Qualifying Features of the River Mease SAC

H3260. Water courses of plain to montane levels with the *Ranunculion fluitantis* and *Callitricho-Batrachion* vegetation; Rivers with floating vegetation often dominated by water-crowfoot

S1092. *Austropotamobius pallipes*; White-clawed (or Atlantic stream) crayfish

S1149. *Cobitis taenia*; Spined loach

S1163. *Cottus gobio*; Bullhead

S1355. *Lutra lutra*; Otter

#### Conservation Objectives for the River Mease SAC

**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 and 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

- 4.12 The Conservation objectives for the River Mease SAC state that they '*should be read in conjunction with the accompanying 'Supplementary Advice' document, which provides more detailed advice and information to enable the application and achievement of the objectives set out above*'. Unfortunately, at the time of writing this report, the supplementary advice for the River Mease is yet to be published and cannot therefore be referred to in this HRA. There is however a document available setting out the 'Proposed Targets for SAC Conservation Objectives'<sup>1</sup> which has been referenced.
- 4.13 Further background information which is relevant to this assessment can be found in the Site Improvement Plan<sup>2</sup>. Site Improvement Plans (SIPs) have been developed for each European site in England as part of the Improvement Programme for England's Natura 2000 sites (IPENS). The River Mease SIP provides a high-level overview of the issues (both current and predicted) affecting the condition of the qualifying features of the SAC, and outlines the priority measures required to *improve* the condition of these features.
- 4.14 The River Mease SIP therefore provides valuable information regarding pressures which are known to be currently affecting (or predicted to affect) the qualifying features for which the SAC has been designated. Any potential effects from this ALZNP which might contribute to or exacerbate these existing pressures will need to be carefully considered. The six main pressures identified in the SIP are as follows:
- a) Water Pollution
  - b) Drainage
  - c) Inappropriate weirs, dams and other structures
  - d) Invasive species
  - e) Siltation
  - f) Water abstraction
- 4.15 Having regard to the key features and issues associated with the river Mease and SAC the effects which are considered to represent a credible risk to the SAC are:

| European Site   | Potential impact mechanism                              |
|-----------------|---|
| River Mease SAC | Discharge of wastewater associated with new development |
|                 | Emissions to air, water or soil                         |
|                 | Disturbance effects from proximity of development       |

- 4.16 The following tables set out an assessment of the potential impact of the ALZNP on each of these impact mechanisms so as to provide a conclusion as to whether the ALZNP needs to be subject to further Appropriate Assessment.

<sup>1</sup> Refer <http://publications.naturalengland.org.uk/publication/6637921171931136>

<sup>2</sup> Refer <http://publications.naturalengland.org.uk/publication/6640857448972288>

## River Mease

**Table 3 – assessment of potential effects of ALZNP on river Mease SAC**

| Potential impact mechanism                              | Are there policies and/or proposals which could impact on these   | Is there a potential for significant effect?  |
|---|---|---|
| Discharge of wastewater associated with new development | There are a number of policies which directly support new development and such new development could lead to an increase in the discharge of wastewater, which if not managed appropriately could have an adverse impact upon the water quality of the river Mease. | Any new development would be subject to provisions of policy Ec2 of the adopted Local Plan which would ensure that there was no adverse impact upon the integrity of the SAC. |
| Emissions to air, water or soil                         | The ALZNP does not propose any specific sites for new development. There are a number of policies which directly support new development and such new development could lead to an increase in emissions to air, water or soil.                                     | Any new development would be subject to provisions of policy Ec2 of the adopted Local Plan which would ensure that there was no adverse impact upon the integrity of the SAC. |
| Disturbance effects from proximity of development       | There are no specific sites for new development identified in the ALZNP.  | Any new development would be subject to provisions of policy Ec2 of the adopted Local Plan which would ensure that there was no adverse impact upon the integrity of the SAC. |

## **Screening Outcome**

- 4.17 Table 3 identifies that there is unlikely to be a significant effect arising from the ALZNP on the river Mease SAC.

## **5. Conclusions and recommendations of the Screening Assessments**

- 5.1 This report contains the detail of the assessment of the need for the Ashby de la Zouch Neighbourhood Plan (ALZNP) 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 pre-submission version of the ALZNP Neighbourhood Plan Review (March 2024). 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.

### **Strategic Environmental Assessment (SEA)**

- 5.3 In relation to the requirement for the ALZNP to be subject to Strategic Environmental Assessment, the assessment detailed in Section 3 of this report concludes that in its current form is unlikely to have significant environmental effects and therefore a SEA will **not** be required.

### **Habitat Regulations Assessment (HRA)**

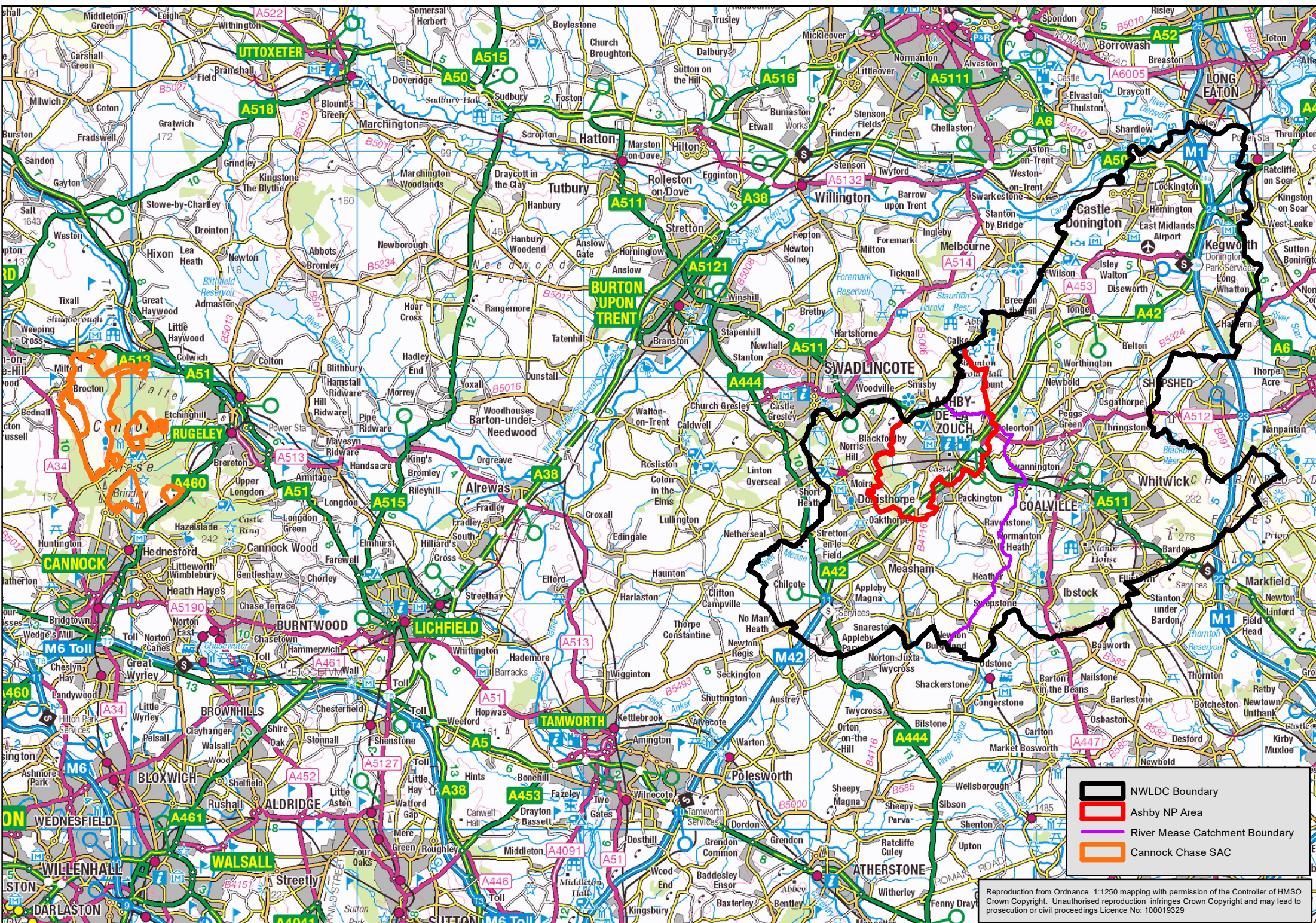
- 5.4 In relation to the requirement for the ALZNP to be subject to Habitat Regulations Assessment, the assessment detailed at Section 4 of this report concludes that there are unlikely to be any significant effects upon the river Mease SAC or any other Natura 2000 sites and so as such a full HRA is **not** required.

## **APPENDIX 1 – MAP SHOWING LOCATION OF SPECIAL AREAS OF CONSERVATION**

[see separate map]

## **APPENDIX 2 – STATUTORY CONSULTATION RESPONSES**

**[see separate document]**



- NWLDC Boundary
- Ashby NP Area
- River Mease Catchment Boundary
- Cannock Chase SAC

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[IAN.NELSON@NWLeicestershire.gov.uk](mailto:IAN.NELSON@NWLeicestershire.gov.uk)

Direct Dial: [REDACTED]

Our Ref: PL00583477

15 May 2024

Dear Mr Nelson,

### **ASHBY DE LA ZOUCH NEIGHBOURHOOD PLAN - SEA SCREENING REQUEST**

Thank you for your consultation of 10th April 2024 and the request for a Screening Opinion in respect of the Ashby de La Zouch 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 'SEA' Directive], Historic England is of the view that the preparation of a Strategic Environmental Assessment is not likely to be required.

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/sustainability-appraisal-and-strategic-environmental-assessment-advice-note-8/>

Should it be concluded that, overall, a SEA will be required for the Plan, Historic England would be pleased to discuss the scope of the assessment in relation to the historic environment in due course.

I hope that this information is of use to you at this time. Should you have any queries, please do not hesitate to contact me.



THE FOUNDRY 82 GRANVILLE STREET BIRMINGHAM B1 2LH

Telephone 0121 625 6888  
[HistoricEngland.org.uk](http://HistoricEngland.org.uk)





Historic England

Yours Sincerely

Rose Thompson

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*Historic England is subject to both the Freedom of Information Act (2000) and Environmental Information Regulations (2004). Any Information held by the organisation can be requested for release under this legislation.*

Date: 14 May 2024  
Our ref: 472456  
Your ref: Ashby de la Zouch Neighbourhood Plan



Mr Ian Nelson  
North West Leicestershire District Council

**BY EMAIL ONLY**

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T 0300 060 3900

Dear Mr Nelson

**Ashby de la Zouch Neighbourhood Plan Review - SEA & HRA Screening Consultation**

Thank you for your consultation on the above dated and received by Natural England on 10 April 2024.

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 (SEA) and Habitats Regulations Assessment (HRA)**

**It is Natural England's advice, on the basis of the material supplied with the consultation, that:**

- **significant effects on statutorily designated nature conservation sites or landscapes are unlikely; and,**
- **significant effects on Habitats sites<sup>1</sup>, either alone or in combination, are unlikely.**

The proposed neighbourhood plan is unlikely to significantly affect any Site of Special Scientific Interest (SSSI), Marine Conservation Zone (MCZ), Special Areas of Conservation (SAC), Special Protection areas (SPA), Ramsar wetland or sites in the process of becoming SACs or SPAs ('candidate SACs', 'possible SACs', 'potential SPAs') or a Ramsar wetland. The plan area is unlikely to have a significant effect on a National Park, Area of Outstanding Natural Beauty or Heritage Coast, and is unlikely to impact upon the purposes for which these areas are designated or defined.

Guidance on the assessment of Neighbourhood Plans, in line with the Environmental Assessment of Plans and Programmes Regulations 2004 is contained within the [Planning Practice Guidance](#). This identifies three triggers that may require the production of an SEA:

- 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.

Natural England does not hold information on the location of significant populations of protected

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<sup>1</sup> Habitats sites are those referred to in the [National Planning Policy Framework](#) (Annex 2 - glossary) as "any site which would be included within the definition at regulation 8 of the Conservation of Habitats and Species Regulations 2017 for the purpose of those regulations, including candidate Special Areas of Conservation, Sites of Community Importance, Special Areas of Conservation, Special Protection Areas and any relevant Marine Sites".

species, so is unable to advise whether this plan is likely to affect protected species to such an extent as to require an SEA. Further information is included in Natural England's [standing advice](#) on protected species.

Furthermore, Natural England does not routinely maintain locally specific data on all environmental assets. The plan may have environmental impacts on priority species and/or habitats, local wildlife sites, soils and best and most versatile agricultural land, or on local landscape character that may be sufficient to warrant an SEA. Information on ancient woodland, ancient and veteran trees is set out in Natural England/Forestry Commission [standing advice](#).

We therefore recommend that advice is sought from your ecological, landscape and soils advisers, local record centre, recording society or wildlife body on the local soils, best and most versatile agricultural land, landscape, geodiversity and biodiversity receptors that may be affected by the plan before determining whether a SEA is necessary.

Natural England reserves the right to provide further advice on the environmental assessment of the plan. This includes any third party appeal against any screening decision you may make. If a SEA is required, Natural England must be consulted at the scoping and environmental report stages.

Please send any new consultations, or further information on this consultation to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk)

Yours sincerely

Sally Wintle  
Consultations Team

Dear Ian,

Thank you for giving the Environment Agency (EA) the opportunity to comment on the Screening request for the Ashby de la Zouch Neighbourhood Plan.

Following a review of the information submitted the EA does not disagree with the conclusion that an SEA is not required.

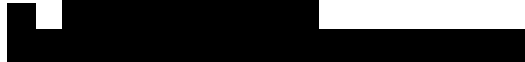
Regards  
Nick

**Nick Wakefield**

Planning Specialist, Sustainable Places Team

**Environment Agency** | Trentside Offices, Scarrington Road, West Bridgford, Nottingham NG2 5BR

☎ Direct 020302 53354



*Please note as part of my commitment to reducing my climate impact I may not send a "Thank you" email.' [Carbon saving of not sending thank you emails](#)*