

**SEA & HRA SCREENING REPORT – FRISBY
NEIGHBOURHOOD DEVELOPMENT PLAN**

Prepared by Melton Borough Council

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SEA

Introduction

This screening report is tests whether or not the Frisby Neighbourhood Development Plan requires a SEA (Strategic Environmental Assessment).

This exercise tests whether there are likely to be significant environmental effects arising from the policies in the draft NDP. An environmental assessment is a requirement of The Environmental Assessment of plans and Programmes Regulations 2004. The Authority has undertaken an assessment of the draft policies in the Pre-Submission document (6th February, 2017), and additional information forwarded to the Local Authority by the group, which contain the main land-use principles to be included in the final plan. Comments were invited from the Statutory consultation bodies on the conclusions contained in this report.

The Neighbourhood Development Plan sets the local planning policy framework for Frisby Parish. When the Plan is 'made' by the local planning authority, it will become part of the Development Plan for Melton Borough and be used for the deciding of Planning Applications in the Parish, and in due course will be joined by the Melton Local Plan. Whilst the Neighbourhood Development Plan has been completed in advance of the Melton Local Plan, communications between the Council and the Neighbourhood Development Plan Group have ensured that the Neighbourhood Development Plan has been completed in general conformity with the emerging strategic policies in the Melton Local Plan.

The Neighbourhood Development Plan lists the following as its community values;

Friendly and vibrant

- This is how we would describe our village. Our community genuinely cares for one another and the wellbeing of all the village residents is a key village attribute. It could be said that our community embraces "watching out for our neighbours" as our modus operandum.
- There are numerous social activities and clubs within the village that underpin the strong and vibrant sense of involvement and community spirit.

Rural

- As Frisby on the Wreake is nestled in an area of Leicestershire that is classed as par attractive countryside and it benefits from stunning and panoramic views, unsurprisingly our community has a strong desire to protect our rural heritage.

Peaceful

- This is how most residents would describe the village, through its tranquil rural nature, and the gentle flowing of the nearby river Wreake.
- Affordable
- Our community would ask developers to be mindful of our village age profile and provide plans that include starter homes for the young and appropriate housing for our elderly.

Beautiful

- Un-spoilt is how our community would like village life to remain. The community will embrace developments that are mindful of this in their developments approach.
- Sustainable across all the spectrums
- Preserving the heritage of the Frisby on the Wreake community for generations to come is key to the wellbeing and continued success of our village and all the residents who reside here.

Traditional & Unchanged

- Our village has an “earthy” and “old” feel. Listed buildings nestle in harmony with medieval and newer “old style” ones. This is an approach we would like to preserve. We have families who have lived here for generations, as well as newcomers. Frisby on the Wreake is viewed as a lovely place to live.

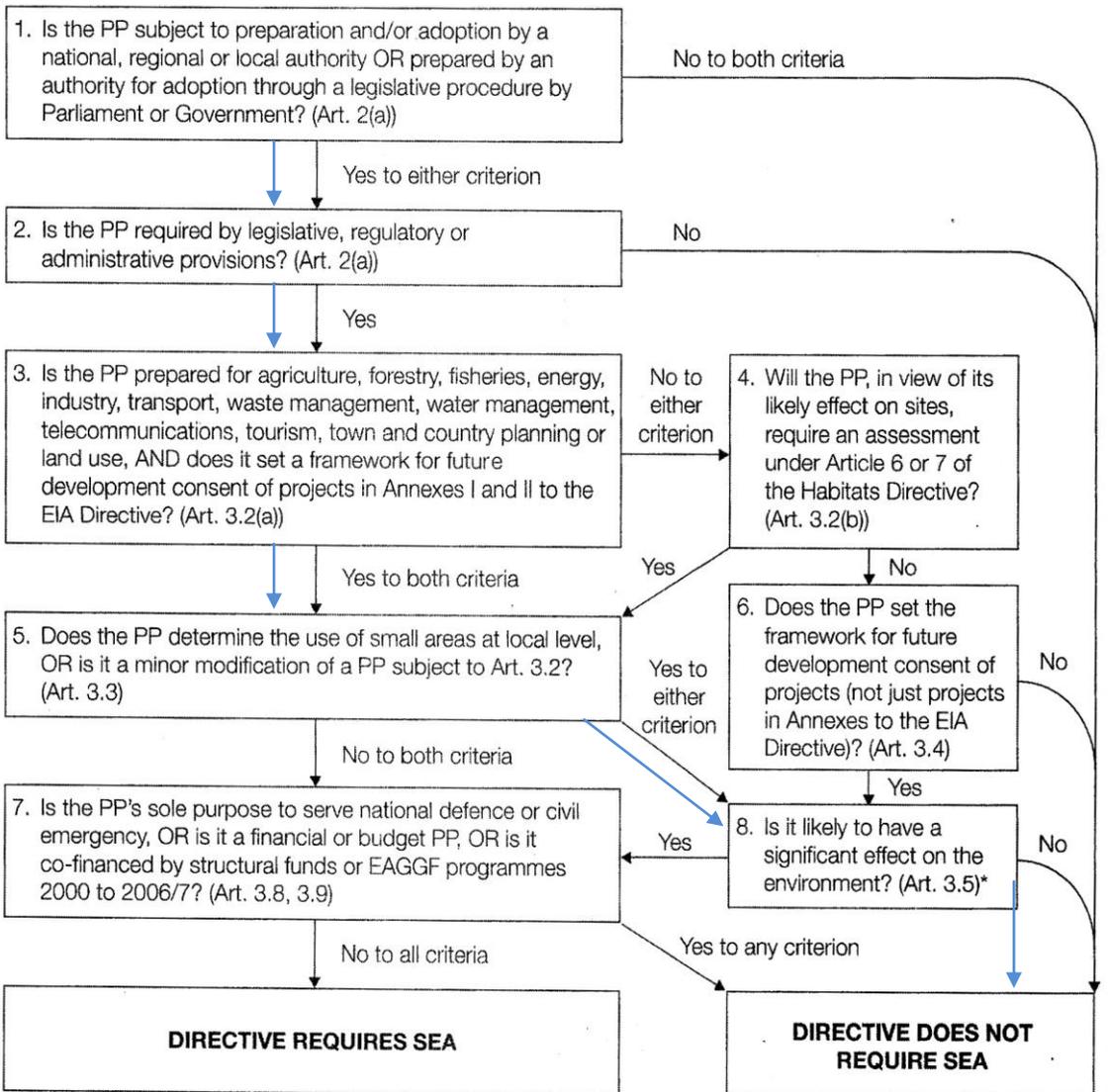
Green

- We care deeply about our environment, our wildlife and continued protection of our green spaces. Developments that enhance our ecology, wildlife protection and green spaces will be received well.

This report concludes, having regard to the location, nature and scale of the Frisby Neighbourhood Development Plan, it is considered that the policies in the Plan will **not** have significant environmental effects. The rationale behind this conclusion is contained in the remainder of this report.

Figure 2 – Application of the SEA Directive to plans and programmes

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.

—————> Frisby Neighbourhood Development Plan

SEA Criteria

SEA Criterion	Yes/No (no other answer except Yes/No)	Explanation
<p>Is the PP subject to preparation and/or adoption by a national, regional or local authority</p> <p>OR</p> <p>prepared by an authority for adoption through a legislative procedure by Parliament or Government (Regulation 3)</p>	Yes	<p>Neighbourhood Development Plans are prepared by Parish/Town Councils or designated Forums/Community Organisations. These are qualifying bodies under the Town and Country Planning Act as amended by the Localism Act 2011.</p>
<p>Is the PP required by legislative, regulatory or administrative provisions? (Regulation 3)</p>	Yes	<p>While there is no obligation on communities to create a Neighbourhood Development Plan, once they chose to do so it becomes part of the Statutory Development Plan.</p>
<p>Is the PP prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use</p> <p>AND</p> <p>does it set a framework for future development consent of projects in Annexes I and II to the EIA Directive? (Regulation 4(2)(a))</p>	Yes	<p>Neighbourhood Development Plans can cover some of the topics identified in this list and they could set the framework for development of a scale that would fall under Annex II of the EIA Directive. However for Neighbourhood Development Plans, developments which fall under Annex I of the EIA Directive are “excluded development” as set out in Section 61k of the Town and Country Planning Act 1990 (as amended by the Localism Act 2011)</p>

SEA Criterion	Yes/No (no other answer except Yes/No)	Explanation
Will the PP, in view of its likely effect on sites, require an assessment under Articles 6 or 7 of the Habitats Directive? (Regulation 4(2)(b))	No	The locations promoted for development do not fall under any locations known by the Council to contain protected species. We are now aware that the Frisby Neighbourhood Development Plan promotes one site, most of which has already secured planning permission. Moreover, the remainder of the site has gone through the same surveys ensuring effects on biodiversity, flood risk etc. are all acceptable and would not constitute significant impact.
Does the PP determine the use of small areas at local level OR is it a minor modification of a PP subject to Regulation 4(2)(a) (Regulation 4(3))	Yes	Neighbourhood Development Plans by definition determine the use of small areas at a local level. Frisby Parish principally contains one settlement, Frisby one the Wreake.
Does the PP set the framework for future development consent of projects (not just projects in Annexes to the EIA Directive)? (Regulation 4(4))	Yes	A Neighbourhood Development Plan forms part of the development plan and therefore will be used in the decision making process. The policies in a Neighbourhood Development Plan therefore set the framework for future developments.
Is the PP likely to have a significant effect on the environment? (Regulation 4(5))	No	Whilst the Frisby Neighbourhood Development Plan is a Site Allocations document, the site allocated has been considered as part of the Emerging Melton Local Plan Evidence Base. As such, the Council holds good

SEA Criterion	Yes/No (no other answer except Yes/No)	Explanation
		information on the sites contained and holds no information that the sites would cause significant environmental harm if developed.
<p>Is the PP's sole purpose to serve national defence or civil emergency</p> <p>OR</p> <p>is it co-financed by structural funds or EAGGF programmes 2000 to 2006/7</p> <p>OR</p> <p>Is it a financial or budget PP?</p>	No	No to all criterions.

Likely Significance of Effects on the Environment

Criteria for determining the likely significance of effects on the environment	Likely to have significant environmental effects? Yes/No (no other answer except Yes/No)	Summary of significant environmental effects (negative and positive)
the degree to which the PP sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources	No	The Frisby Neighbourhood Development Plan looks to allocate a modest amount of housing and support existing services and facilities. This level of growth will have a small impact on the Environment, as will most development, however not large enough to be classed as significant.
the degree to which the PP influences other plans and programmes including those in a hierarchy	No	There has been much communication between the Neighbourhood Development Plan Group and the Borough Council to ensure that the Frisby Neighbourhood Development Plan and the Emerging Melton Local Plan are in broad conformity. A Neighbourhood Development Plan is influenced by Local and National Policy, not the other way round.
the relevance of the PP for the integration of environmental considerations in particular with a view to promoting sustainable development	No	Whilst the Frisby Neighbourhood Development Plan does seek to deliver sustainable growth, it also looks at policies relevant to the environment to ensure that there is an integrated approach to both development and the environment.
environmental problems relevant to the PP	No	None known.
the relevance of the PP for the implementation of	No	This PP does not look at the management of waste or

Community legislation on the environment (e.g. PPs linked to waste management or water protection)		other such issues. These will be handled by Borough/County led PPs and thus out of the remit of the Frisby Neighbourhood Development Plan.
the probability, duration, frequency and reversibility of the effects	No	The Frisby Neighbourhood Development Plan has been created to deliver modest growth within the Parish. Whilst it is accepted that development for the most part is not easily reversed, especially when on agricultural or other greenfield sites, the modest scale of development promoted in the locality means there is unlikely to be a significant environmental effect.
the cumulative nature of the effects	No	The Frisby Neighbourhood Development Plan has been created to deliver modest growth in the Parish. No significant environmental effects are anticipated from growth of this level.
the transboundary nature of the effects	No	This plan is localised to the Parish of Frisby and whilst there will be some effects on Neighbouring Parishes, these are considered to be minor given the modest scale of growth as suggested over the Plan Period.
the risks to human health or the environment (e.g. due to accidents)	No	Whilst there is a perception that increased levels of development can have an adverse effect on human health and the environment, through reasoning such as increased car journeys increasing the chances of an accident and pollution from increased development, this is only likely to be the case with largescale development. The modest scale of

		development as suggested in the Frisby Neighbourhood Development Plan is unlikely to have a significant environmental effect on either the risks to human health or the environment.
the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)	No	This plan is localised to the Parish of Frisby and contains only modest development proposals. Whilst there will be some effects on Neighbouring Parishes, and towns these are considered to be minor given the modest scale of growth as suggested over the Plan Period.
the value and vulnerability of the area likely to be affected due to: (i) special natural characteristics or cultural heritage; (ii) exceeded environmental quality standards or limit values (iii) intensive land-use	No	<p>Frisby contains a number of Environmental and Heritage assets. The Parish contains one SSI however the Neighbourhood Development Plan limits development to the other side of Frisby on the Wreake and thus far away from these important areas. Frisby has a conservation areas, but the Neighbourhood Development Plan does not directly promote any development within or adjoining the conservation area, nor near any listed buildings or within any area at risk of flooding.</p> <p>The Neighbourhood Development Plan also looks at opportunities to improve environmental features which must be weighed into the planning balance. Overall the Neighbourhood Development Plan as suggested will have limited impacts on the criterion as listed, however on all three accounts the effects are not considered to be significant.</p>

the effects on areas or landscapes which have a recognised national, Community or international protection status	No	No nationally or internationally protected landscapes in or in the setting of the Parish.
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Part E – Summary of Environmental Effects

(Provide a summary of the significant environmental effects of the PP)

1) The Frisby Neighbourhood Development Plan is a site allocations document and as such does promote development on a single site. The development of this site, like most developments, will have an environmental effect. However, the majority of the site is covered by an existent approved planning application. Moreover, in preparation of said planning application, additional work was done on the rest of the allocation site which shows no environmental constraints to the development of this site.

2) The Neighbourhood Development Plan looks to protect a number of locations known to have environmental, social and historical significance and more generally protect the natural environment through Policies ENV1, ENV2, ENV3, ENV4 and ENV5. This will likely have a positive impact on the environment.

Overall it is considered that while the Frisby Neighbourhood Development Plan will, if made, have some effect on the environment, the scale, location and nature of that proposed will **not** have significant environmental effects and will contribute to promoting sustainable development in the Parish.

Part F – Consultee Comments

Natural England – “Natural England concurs with the report’s conclusion that it is unlikely there will be any significant environmental effects arising from the policies in the Frisby Neighbourhood Development Plan which means that a full SEA is not required.

Environment Agency – “I have reviewed the SEA & HRA Screening Report for the above Neighbourhood Plan and concur with the conclusions within the report that the Plan will not have significant environmental effects and that there is no demonstrable impact on Rutland Water or any of the other Natura 2000 sites and therefore a full SEA and HRA assessments are not required.”

Historic England – “We observe that the Plan proposes two housing sites adjacent to the Conservation Area and other heritage assets, including several Listed buildings. It is noted that the sites are partially proposed within the submission Local Plan, however these sites are not allocated within an adopted Local Plan nor have they all been subject to SA/SEA as part of an adopted Local Plan process. FRIS1 extension, a relatively large site, does not form part of the Local Plan allocations. We are of the view, at this time, that there may well be significant impacts on the historic environment. It is therefore our view that a SEA is likely to be required.”

This view is countered by the Local Plan Authority. Primarily because the site proposed in the Neighbourhood Plan does not sit adjacent nor even near to the conservation site or a listed building. It is disappointing that even after three emails to historic England highlighting this fact, their view remained the same and it is questioned if Historic England have fully understood the plan and the sites proposed in this plan. Furthermore, the Authority would like to reiterate the points it raised in response to the Wymondham SEA screening and believe the points raised there are material here.

“It is the view of the Local Planning Authority that the presence of allocations within a NDP that are within or adjoining a conservation area does not of itself, warrant full SEA. Instead, it should be if specific threats to the Historic Environment that are identified and deemed to have significant impacts, either by virtue of the significance and importance of the heritage asset or by virtue of specific large scale development being promoted within the historic environment. In this case neither are demonstrated.

The LPA are of the view that existent legislation and planning policy will still be material considerations of any subsequent planning application and Historic England are fully entitled to raise any concerns they may have on the above at this point, when the design and layout of schemes are known. Recently Historic England commented in reply to the Local Plan Consultation regarding one of the sites (WYM1) that;

“Site Appraisal methodology gave consideration to the proximity of heritage assets to sites, this includes the listed windmill and the boundary of the conservation area. Detailed consideration of the impact of a development scheme on heritage assets would be required as part of a planning application in accordance with paragraphs 126 to 141 of the NPPF.”

The LPA are in agreement with the above approach, and as such any potential significant effects on the Historic Environment will be nullified. Therefore we cannot be of the view that this plan will cause significant effects on the environment and as such maintain the view that an SEA is not required.

The LPA are concerned that if Historic England are to take the view that any plan that promotes development within or adjoining a conservation area will

require an SEA , it will unduly damage communities abilities to complete neighbourhood plans without incurring additional unexpected cost and thus damage the abilities of communities to engage with the Localism Act (2011). Historic England should note, the Local Authority does not rule out that Neighbourhood Plans may require SEA assessments on historic or other grounds, but again would stress that in the response to the screening opinion and Reg 14 consultation that the specific threat/s are clearly explained, as well as potential mitigation measures that may alleviate the need for an SEA.

The LPA would also again emphasise the need for Neighbourhood Plan Groups to engage the professional advice of Historic England early within the plan making process to avoid potential conflicts and are happy to promote any messages from Historic England, or resources Historic England may have that may be useful to NDP groups understanding of development within the historic environment”

Part G– Screening Outcome

Screening is required under the Strategic Environmental Assessment Regulations, 2010 (Legal Notice 497 of 2010). It is our view that:

- An SEA is required because the PP falls under the scope of Regulation 4(3) of the Regulations and is likely to have significant environmental effects
- An SEA is required because the PP falls under the scope of Regulation 4(4) of the Regulations and is likely to have significant environmental effects
- An SEA is not required because the PP is unlikely to have significant environmental effects.

HRA

Introduction

HRA screening is split into three stages, the first of which, like SEA is the screening stage. Again like SEA, the screening stage is to firstly establish if there are any likely significant effects possible as a result of the implementation of the plan. The screening process focusses around Natura 2000 sites, which are internationally protected wildlife sites.

The Neighbourhood Development Plan sets the local planning policy framework for Frisby Parish. When the Plan is 'adopted' by the local planning authority, it will become part of the Development Plan for Melton Borough and be used for the deciding of Planning Applications in the Parish, and in due course will be joined by the Melton Local Plan. Whilst the Neighbourhood Development Plan has been completed in advance of the Melton Local Plan, communications between the Council and the Neighbourhood Development Plan Group have ensured that the Neighbourhood Development Plan has been completed in general conformity with the emerging strategic policies in the Melton Local Plan.

This report concludes, having regard to the location, nature and scale of the Frisby Neighbourhood Development Plan, it is considered that the policies in the Plan will **not** have significant environmental effects on any Natura 2000 sites. The rationale behind this conclusion is contained in the remainder of this report.

Relevant Natura 2000 Sites

There are no Natura 2000 sites within 20km of the Parish Boundary. Rutland Water Special Protection Area (SPA)/RAMSAR is the nearest international designated site to the Frisby Neighbourhood Development Plan boundary (21km to Parish Boundary). Due to the modest scale of development promoted and the distance to Rutland water, this screening report concludes that there will be no significant impacts on Rutland Water or other Natura 2000 sites.

Rutland Water is a man made pump storage reservoir created by the damming of the Gwash Valley in 1975 and is the largest reservoir in the United Kingdom. In general the reservoir is drawn down in the summer and filled during the autumn and winter months when river levels are high. The main habitats are open water and a mosaic of lagoons, reedswamp, marsh, old meadows, scrub and woodland. The lagoons are one of the most important areas for wintering wildfowl.

SPA	Qualifies under Article 4.2 by supporting populations of European importance of the following migratory species over winter: - Shoveler <i>Anas clypeata</i> - Teal <i>Anas crecca</i> *
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	<ul style="list-style-type: none"> - Wigeon <i>Anas Penelope</i>* - Gadwall <i>Anas strepera</i> - Tufted Duck <i>Aythya fuligula</i>* - Goldeneye <i>Bucephala clangula</i>* - Mute Swan <i>Cygnus atra</i>* - Goosander <i>Mergus merganser</i>* - Great Crested Grebe <i>Podiceps cristatus</i>* <p>Qualifies under Article 4.2 by regularly supporting at least 20,000 waterfowl.</p> <p><small>* Species that may be removed following the SPA Review (Stroud et al, 2001; The UK SPA network: its scope and content, JNCC)</small></p>
RAMSAR	<p>R RAMSAR criterion 5 – Assemblages of international importance</p> <p>Species with peak counts in winter:</p> <ul style="list-style-type: none"> - 19274 waterfowl (5 year peak mean 1998-99 – 2002/2003) <p>RAMSAR criterion 6 – Species/populations occurring at levels of international importance</p> <p>Qualifying Species:</p> <ul style="list-style-type: none"> - Gadwall <i>Anas strepera</i> - Northern shoveler <i>Anas clypeata</i>

This site has been assessed for HRA in the Rutland County Council Core Strategy and Site Allocations and Policies Document (the District the site is within), as well as the Uppingham Neighbourhood Development Plan which was made in 2016. The Screening Report for the latter, which was negatively screened, can be found at: <http://media.freeola.com/other/28083/sa-sea-hrascreeningreport-2.pdf> .

The following is an assessment of Rutland Water from the aforementioned HRA screening

“The sensitivities and vulnerabilities of the site have been identified in HRA assessments for Rutland County Council’s Core Strategy and Site Allocations and Policies. It is identified that the most noticeable species are the populations of gadwall and shoveler (it is likely that all other species will be removed from the site citation (other than as Assemblage species) by the SPA Review, when adopted). Data on the use of the site by these species indicate that gadwall and shoveler numbers peak in the autumn, generally around September/October, before declining over the winter period. This suggests that Rutland is mainly used as a refuge whilst species are moulting in early autumn, before dispersing from the site to other wintering areas as winter progresses. During the winter, gadwall and shoveler occupy more extensive open waters of lakes, reservoirs and gravel puts.

Threats include disturbance and water pollution. The principle sensitivities and vulnerabilities of Rutland Water therefore include:

- Water Quality. The level of phosphate can vary above the recommended level at certain times of the year. This increases the risk of a shift in the trophic status of the water body to an algae dominated system, which would adversely affect the site;

- Water level. The water level is linked to abstraction and affects accessible

aquatic plants are for wildfowl feeding on the site. The ecological perturbation that frequent lowering and raising of water levels causes could be an important factor in whether or not a switch in trophic status occurs.

- Recreation. Management of the trout fishery has caused some debate over potential effects on site ecology. In addition, water sports such as sailing have the potential to affect the site through disturbance. Casual recreation around the site margins may also affect some interest features. The site and the interest features are most likely to be vulnerable to disturbance during the key autumn period.” (Uppingham SEA and HRA Screening Report, May 2013).

Impacts as a result of the plan

The Frisby Neighbourhood Development Plan, whilst a document that delivers a housing allocation, is limited in its scale and proposes modest development over a 20 year period. This growth, whilst predominantly on a greenfield sites which may have a limited effect on local wildlife populations, it is too distant and modest to effect the Natura 2000 site in any demonstrable way.

The watercourse that runs through the plan area, the river Wreake, is not a tributary of Rutland Water, instead it eventually flows into the River Soar, which eventually feeds into the River Trent. The development promoted is away from this waterway and henceforth any impact on this watercourse will have a negligible impact on the river network as a whole.

The conclusion of this report therefore is that there is likely to be no demonstrable impact on Rutland Water at all, nor any other Natura 2000 site and as such there is no likely significant impact on Rutland Water or any other Natura 2000 sites. Therefore a full HRA assessment will not be required.

Consultee Comments

Natural England – Natural England agrees that the Frisby Neighbourhood Development Plan would be unlikely to result in any significant effect on any European Site either alone or in combination and therefore no further assessment work under the Habitats Regulations is required.”

James Beverley

Name of Officer responsible for the Screening Report

Melton Borough Council

Name of Responsible Authority

10/05/17

Date