



**RTPI**

mediation of space · making of place

**Austrey**  
**Modified Neighbourhood Development Plan**  
**2025 - 2033**

**Strategic Environmental Assessment**  
**Habitats Regulations Assessment**  
**Screening Report**

**Kirkwells**

The Planning People

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## 1.0 Introduction

- 1.1 Strategic Environmental Assessment (SEA) is a systematic and comprehensive process for evaluating the environmental effects of a plan or programme to ensure that the environmental implications of decisions are taken into account before any such decisions are made. The need for the environmental assessment of plans and programmes is set out in the EU Directive 2001/42/EC, known as the SEA Directive.
- 1.2 Under this Directive, Neighbourhood Plans may require SEA, but this is very much dependent upon the content of the Plan. For plans which "determine the use of small areas at local level" or are "minor modifications" to existing plans, the Directive only requires SEA where they are likely to have significant environmental effects. The expressions "small area" and "local level" are not defined in the Directive and must be interpreted in relation to the nature and scope of a particular plan. Screening is needed to determine whether such plans are likely to have significant environmental effects.
- 1.3 Annex II of the Directive lists criteria for determining the likely significance of the environmental effects of plans and to be used in a screening exercise. The findings of the exercise must be subject to consultation with Historic England, the Environment Agency and Natural England. The results of the screening process must be detailed in a Screening Statement, made available to the public.
- 1.4 This Screening Report is an assessment as to whether the contents of the Regulation 14 Draft Modified Austrey Neighbourhood Plan published alongside this Screening Report in 2025 requires a Strategic Environmental Assessment in accordance with the Directive. It also determines whether the Neighbourhood Plan requires a Habitats Regulations Assessment (HRA) in accordance with Article 6(3) and (4) of the EU Habitats Directive and with Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended). An HRA is required when it is deemed likely that there will be significant adverse effects on protected European Sites (Natura 2000 sites) as a result of the implementation of a plan/project.
- 1.5 A recent European Court judgment has been handed down Case C-232/17 *People Over Wind and Peter Sweetman versus Coillte Teoranta*, henceforth "People Over Wind". This concerns how screenings such as this take into account any impact on protected European sites.
- 1.6 This judgment has ruled that "it is not appropriate, at the screening stage, to take account of the measures intended to avoid or reduce the harmful effects of the plan or project on the site".

- 1.7 The Austrey Modified Neighbourhood Development Plan (AMNDP) has been prepared to be in general conformity with the strategic planning policies in the North Warwickshire Local Plan (NWLP). The NWLP was subject to its own Sustainability Appraisal and Habitat Regulations Assessment ([https://www.northwarks.gov.uk/downloads/file/8847/strategic\\_environment\\_assessment\\_adoption\\_statement](https://www.northwarks.gov.uk/downloads/file/8847/strategic_environment_assessment_adoption_statement)).

## **2.0 Legislative Background**

### Strategic Environmental Assessment

- 2.1 The SEA Directive was transposed into English law by the Environmental Assessment of Plans and Programmes Regulations 2004 (SEA Regulations)<sup>1</sup>. Detailed guidance on these regulations can be found in the Government publication, A Practical Guide to the Strategic Environmental Assessment Directive (ODPM 2005)<sup>2</sup>.
- 2.2 The Planning and Compulsory Purchase Act 2004 requires local authorities to produce Sustainability Appraisals (SAs) for all Development Plan Documents in order to meet the requirement of the SEA Directive and it is considered best practice to incorporate the requirements of this Directive into a Sustainability Appraisal (National Planning Policy Framework, paragraph 165). As a neighbourhood plan is not a Development Plan Document, it does not legally require a Sustainability Appraisal. However, there are instances where a SEA would need to be undertaken in order to meet the requirements of the SEA Regulations.
- 2.3 Consequently, to establish whether the modified neighbourhood plan might give rise to significant environmental effects, it is necessary to screen the plan (see Section 5).

### Habitats Regulations Assessment.

- 2.4 Schedule 2 of the Neighbourhood Planning (General) Regulations 2012 makes provision in relation to the Habitats Directive. The Directive requires that any plan or project likely to have a significant effect on a European site must be subject to an Appropriate Assessment. In relation to this, paragraph 1 sets out a basic condition that the making of a neighbourhood plan is not likely to have a significant effect on a European site. Paragraph 4 indicates that a qualifying body which submits a proposal for a neighbourhood plan must provide such information

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<sup>1</sup> [http://www.legislation.gov.uk/ukxi/2004/1633/pdfs/ukxi\\_20041633\\_en.pdf](http://www.legislation.gov.uk/ukxi/2004/1633/pdfs/ukxi_20041633_en.pdf)

<sup>2</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/7657/practicalguidesea.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/7657/practicalguidesea.pdf)

as the competent authority may reasonably require for the purposes of the assessment or to enable them to determine whether an assessment is required.

- 2.5 The legislation requires that, where there is a risk of a significant effect on a European site, either individually or in combination with other plans or projects then the plan should progress from HRA screening to an Appropriate Assessment.
- 2.6 Regulation 32 of the 2012 Regulations prescribes a further basic condition for a neighbourhood plan. This requires that the making of the neighbourhood plan does breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017. This basic condition covers the implications of neighbourhood plans for designated European sites. This matter is addressed in this SEA/HRA screening.

### **3.0 Austrey Modified Neighbourhood Development Plan**

- 3.1 Austrey Neighbourhood Plan is being subjected to a formal review. The Draft Modified Plan updates the previous Austrey Neighbourhood Development Plan 2014 - 2029 which was prepared by a steering group on behalf of the Parish Council, examined and subjected to a local referendum. The Plan was made (adopted) by North Warwickshire Borough Council in June 2017. The purpose of the Modified Neighbourhood Development Plan is to update existing and provide new statutory planning policies to guide development within the neighbourhood area (Map 1) over the period to 2033. It has been prepared by an NDP Steering Group (NDPSG) on behalf of the qualifying body, Austrey Parish Council.
- 3.2 The modified objectives of the Austrey Draft Modified Neighbourhood Plan are:

#### **ENVIRONMENT, LANDSCAPE AND WILDLIFE OBJECTIVES**

##### **Objective 1: To Protect the 'Green Ring'**

It is one of the basic aims of this Plan to protect the fields surrounding Austrey, as it is this "green ring" which gives the village so much of its character and breath-taking views, and which gives the local community the opportunity to practice the outdoor activities that they enjoy today. Map 3 from the former, made NDP identifies the areas that make up this 'Green Ring'.

##### **Objective 2: To Enhance Local Wildlife**

It is important for the survival of wildlife in the village that any future development should have minimal impact on its natural habitat. Again, this means protecting

the small fields and ancient hedgerows that still exist around the periphery of Austrey.

### **Objective 3: To Minimise Flood Risk**

Likewise, it is important that the quality of life for existing and future residents is not adversely affected by an increased risk of flooding as a result of excessive or ill-conceived development.

## **HOUSING DESIGN OBJECTIVES**

### **Objective 1: To Protect Austrey's Rural Character**

It is important for the protection of Austrey's setting as a small, rural village that any new development be of an appropriate scale, height, material and style, in keeping with other properties in the village.

The Plan aims to provide a measure of protection for Austrey's natural and historic environment, helping to retain the attractive rural character of the village, its rich heritage of listed buildings, and its unique sense of place.

### **Objective 2: To Promote Sympathetic Design**

Austrey has a wide range of different styles of buildings. This Plan does not provide a prescriptive design guide but seeks to ensure that any new development is sympathetic towards listed or other important buildings.

### **Objective 3: To Maximise Energy and Resource Efficiency**

New buildings should be as energy efficient as possible, taking energy supplies from renewable sources where this is feasible and does not impact on the landscape.

This Plan supports renewable energy projects and new transport links that improve the quality of life for residents, but at the same time, seeks to ensure that such projects enhance rather than detract from the rural landscape.

### **Objective 4: To Ensure Viability**

Good quality design is in everyone's interest, from existing and prospective residents to those concerned about global warming, but it is understood that any development should be financially viable whilst, at the same time, aiming to enhance the quality of life.

## HOUSING OBJECTIVES

### **Objective 1: To support housing in line with the Local Plan**

It is a priority for this Plan that Austrey meets its legal requirements in terms of housing provision.

### **Objective 2: To meet local needs**

It is important too that this Plan provides for an adequate supply of the right type of housing to meet the specific needs of present and future generations of villagers. Recent surveys suggest that there is a preference in the local community for bungalows for those seeking to down-size, and for smaller homes for affordable rent and owner occupation for local residents and to attract young families to the Parish.

### **Objective 3: To ensure growth can be accommodated by infrastructure and facilities**

Where possible, the Plan aims to ensure that the village is able to grow in an organic and controlled way, in line with local facilities and infrastructure.

### **Objective 4: To support suitable local employment and encourage home working which will support the local shop and Post Office**

The development of businesses in the village is supported, whereby local employment can be created without adverse impact on the surrounding area.

### **Objective 5: To support housing viability**

It is understood that any new development should include a mix of housing types to ensure it is financially viable.

### **Objective 6: To ensure new housing is accessible to local facilities**

The Plan sets out to ensure that any new housing development is located within easy walking distance of the village facilities such as the shop, school, churches and pub. This will help to ensure their viability in the long term. By enabling people to walk or cycle rather than drive to local amenities, this Plan also supports the shift to low-carbon living and a healthier life-style .

### **Objective 7: To promote better health and wellbeing**

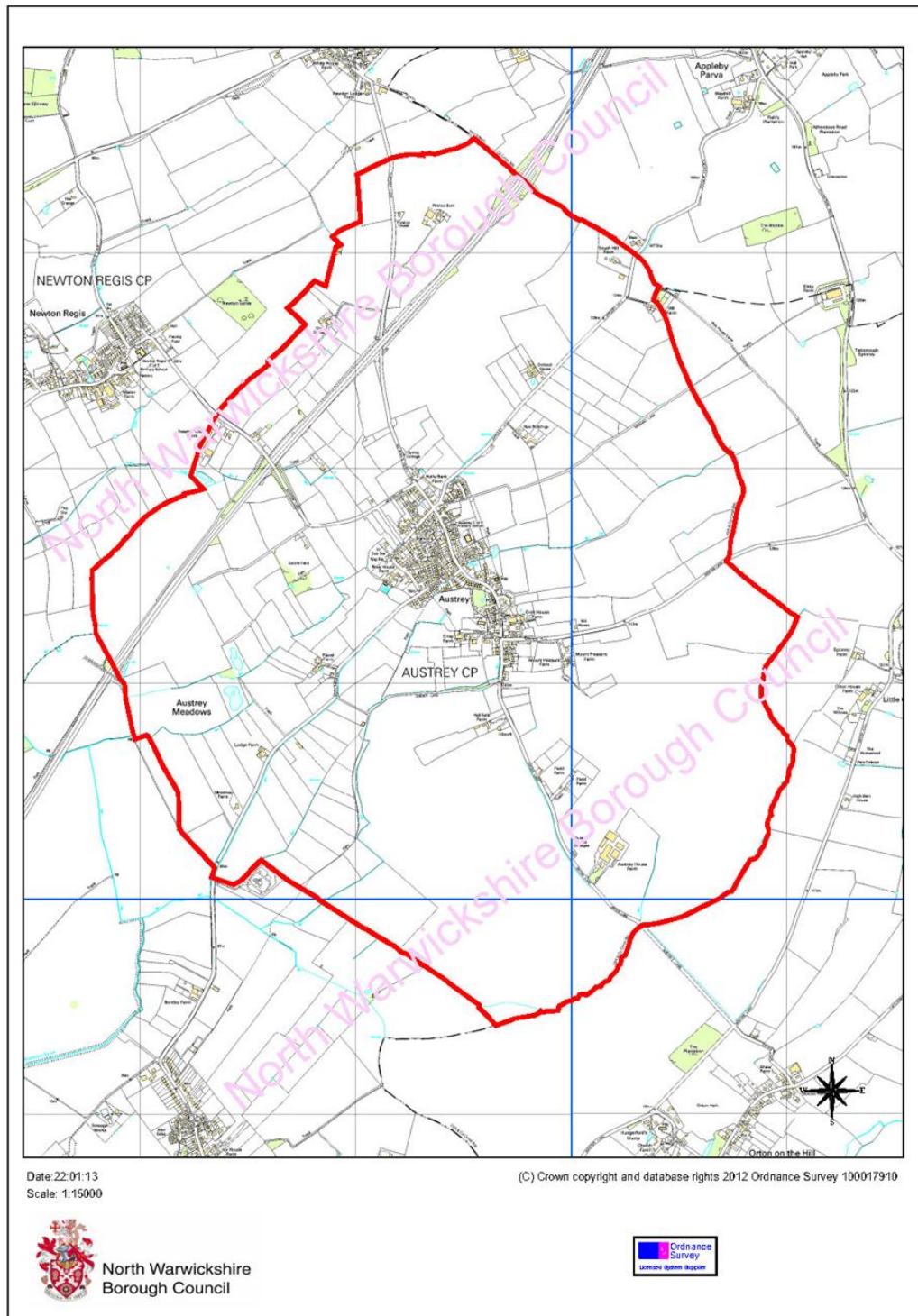
By ensuring that further development is located close to local amenities, this will provide a better quality of life for new residents by shifting the centre of the village away from the M42 motorway and proposed HS2 rail link, and from the associated noise nuisance.

3.3 In order to deliver these objectives, the Plan sets out 10 planning policies. These are:

- **Draft Policy AP1: Natural Environment..**
- **Draft Policy AP2: Local Green Spaces**
- **Draft Policy AP3: Views**
- **Draft Policy AP4: Farm Diversification**
- **Draft Policy AP5: High Quality Design**
- **Draft Policy AP6: Sustainable Design**
- **Draft Policy AP7: Promoting Safer Neighbourhoods**
- **Draft Policy AP8: Active Travel and Healthy Lifestyles..**
- **Draft Policy AP9: Windfall Development**
- **Draft Policy AP10: Local Housing Need**



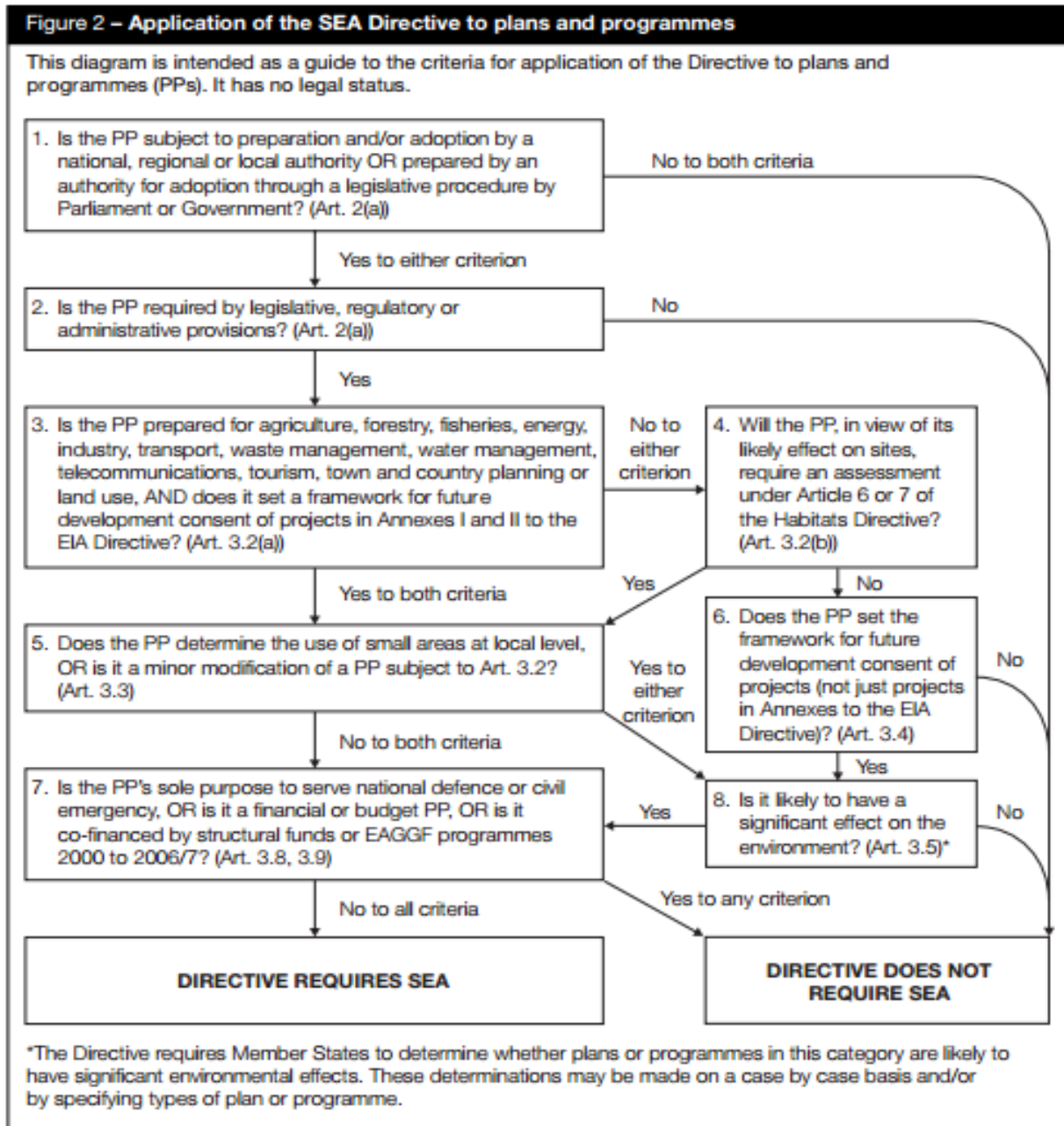
**Map 1. Austrey Designated Neighbourhood Area**



- 3.4 It is a requirement of the Town and Country Planning Act that neighbourhood plans must be in general conformity with the strategic policies of the Local Plan. Austrey is located within North Warwickshire Borough and AMNP must, therefore, be in general conformity with the strategic planning policies in the North Warwickshire Local Plan (NWLP). The NWLP was subject to its own Sustainability Appraisal and Habitat Regulations Assessment ([https://www.northwarks.gov.uk/downloads/file/8847/strategic\\_environment\\_assessment\\_adoption\\_statement](https://www.northwarks.gov.uk/downloads/file/8847/strategic_environment_assessment_adoption_statement)).

## **4.0 Screening Process**

- 4.1 It is the purpose of this report to assess whether the policies and proposals in the Regulation 14 Draft Modified Austrey Neighbourhood Development Plan are likely to have 'significant environmental effects'. This screening assessment has been undertaken in two parts:
- The first part assesses whether the neighbourhood plan requires SEA in accordance with the flow chart set out below
  - The second part considers whether the neighbourhood plan is likely to have a significant effect on the environment, using criteria set out in Schedule 1 of the EU SEA Directive and the Environmental Assessment of Plans and Programme Regulations 2004 (see section 2)
- 4.2 Government guidance, as set out in 'A Practical Guide to the Strategic Environmental Assessment Directive', identifies the following approach to be taken in determining whether SEA is required:



4.3 This process has been followed and the findings are set out in the table below:

**Table 1: Establishing the Need for Strategic Environmental Assessment**

Stage	Y/N/?	Reason
1. Is the plan or programme (PP) 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>Y</b>	<p>Neighbourhood plans may be prepared under the provisions of the Town and Country Planning Act 1990, as amended by the Localism Act 2011. They are drawn up by a qualifying body, which, in the case of Austrey, is the Parish Council.</p> <p>The modified neighbourhood plan is subject to independent examination and possibly a referendum (depending on the degree of modifications).</p> <p>If the examiner finds that the material modifications do not change the nature of the Plan, then it can proceed to North Warwickshire Borough Council to be made (adopted). If a referendum is recommended by the examiner and the Plan receives 50% or more 'yes' votes at referendum, it will be 'made' by the local planning authority.</p>
2. Is the PP required by legislative, regulatory or administrative provisions? (Art. 2(a))	<b>N</b>	<p>The modification of a Neighbourhood Development Plan (NDP) is discretionary. However, once 'made', it will replace the former made plan and form part of the statutory development plan for the area and will be used in the determination of planning applications.</p> <p>It is therefore considered necessary to answer the following questions to determine further if a SEA is required.</p>
3. Is the Plan prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism,	<b>Y</b>	<p>The Austrey Modified Neighbourhood Development Plan (AMNDP) has been prepared for town and country planning and land use purposes. The AMNDP sets out a framework for future</p>

Stage	Y/N/?	Reason
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? (Article 3.2(a))		development in Austrey. Once 'made', it will replace the previous made Plan and form part of the statutory development plan for the area and will be used when making decisions on planning applications which could include development which may fall under Annex I and II of the EIA directive.
4. Will the Plan, in view of its likely effects on sites, require an assessment for future development under Article 6 or 7 of the Habitats Directive? (Article 3.2(b))	?	The AMNDP could potentially have impacts on sites covered by the Habitats Directive. However, this requires individual assessment of a Plan (see section 6).
5. Does the Plan determine the use of small areas at local OR is it a minor modification of a PP subject to Article 3.2? (Article 3.3)	Y	The AMNDP determines the use of development sites at the local (neighbourhood) level through the implementation of the plan's criterion-based development management policies.
6. Does the Plan set the framework for future development consent of projects (not just projects in annexes to the EIA Directive)? (Article 3.4)	Y	AMNDP forms part of the development plan and will be used in the assessment of planning applications. It, therefore, helps to set, alongside other development plan documents, the framework of policies for helping to determine future development at a local level.
7. Is the Plan's sole purpose to serve the national defence or civil emergency, OR is it a financial or budget PP, OR is it co-financed by structural funds or EAGGF programmes 2000 to 2006/7? (Article 3.8, 3.9)	N	Not applicable
8. Is it likely to have a significant effect on the environment? (Article 3.5)	?	A NDP could potentially have an effect on the environment. However, whether this is significant depends on the proposals in the Plan. An individual screening assessment of the AMNDP is required (see section 5).

## **5.0 Screening Assessment**

- 5.1 The results of the preceding assessment indicate that, depending upon the content of a neighbourhood plan, a Strategic Environmental Assessment may be required. For this reason, neighbourhood plans should be assessed, individually, in order to determine their likely significant effects on the environment.
- 5.2 The criteria for determining the likely significant effects referred to in Article 3 (5) of Directive 2001/42/EC are set out in Annex II of the SEA Directive and Schedule 1 of the Regulations. The proposals within individual neighbourhood plans will need to be assessed against these criteria:
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 trans-boundary 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 national 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.

5.3 The policies set out in the Regulation 14 Austrey Draft Modified Neighbourhood Development Plan (2025) have been used to undertake this screening assessment. If the conclusion of the screening exercise is that a SEA is not required, any major changes to the existing policies or introduction of new ones should be subject to a further screening assessment to ensure that significant effects are not likely.

5.4 The table below sets out the assessment of policies in the Austrey Modified Neighbourhood Development Plan in relation to the criteria outlined earlier:

**Table 2: Assessment of the Likelihood of Significant Effects on the Environment**

Criteria for determining the likely significance of effects	Is the Austrey Modified NDP likely to have a significant environmental effect?	Justification for Screening Assessment
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.	No	The AMNDP sets a local policy framework for development proposals. It supports the implementation of policies in the adopted NWLP which have already been subject to SEA as part of the Sustainability Appraisal.
The degree to which the plan or programme influences other plans and programmes including those in a hierarchy.	No	The AMNDP must be in general conformity with the policies in the development plan – NWLP. The Modified Plan supports the implementation of higher tier policies by setting more detailed policy, in line with these higher-level policies, at the neighbourhood level and, as such, is not considered to have a significant influence on these higher-level plans and programmes.
The relevance of the plan or programme for the	No	The AMNDP contributes to the achievement of sustainable

Criteria for determining the likely significance of effects	Is the Austrey Modified NDP likely to have a significant environmental effect?	Justification for Screening Assessment
integration of environmental considerations in particular with a view to promoting sustainable development.		development at the neighbourhood level. Policies set out in the Modified Plan protect assets of local environmental value, including landscape character and views and local green spaces and provide locally distinct planning policies to protect these environmental assets. The likelihood of significant effects on the environment is, therefore, minimised and will be managed, alongside other development plan policies.
Environmental problems relevant to the plan or programme.	No	The AMNDP does NOT allocate sites for development.
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).	No	<p>The Modified Plan must be in general conformity with higher level plans that comprise the development plan for the area. These have had regard to European Community legislation on the environment.</p> <p>Consequently, the policies of the neighbourhood plan are not considered to be relevant to the implementation of EC legislation. Waste Management is not a matter for neighbourhood plans.</p>
The probability, duration, frequency and reversibility of the effects.	No	Development is likely over the plan period meaning that some environmental change will take place. However, the AMNDP policies are designed to ensure that any new development proposed by others will be sustainable and any environmental impacts minimised.



<b>Criteria for determining the likely significance of effects</b>	<b>Is the Austrey Modified NDP likely to have a significant environmental effect?</b>	<b>Justification for Screening Assessment</b>
The cumulative nature of the effects.	No	AMNDP's policies are unlikely to have significant cumulative impacts on the local environment. The Modified Plan does not allocate sites for development and includes criteria-based policies to help manage future development.
The trans-boundary nature of the effects	No	The policies in the AMNDP are unlikely to have significant environmental impacts on neighbouring areas.
The risks to human health or the environment (e.g. due to accidents).	No	No significant risks to human health or the environment as a result of the Modified Plan's policies have been identified. In fact, the Plan is likely to improve human health by improving access to green infrastructure; by protecting open spaces; by protecting sport and recreation facilities and by encouraging walking and cycling.
The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)	No	AMNDP is concerned with development within the neighbourhood area. The geographical area covered by the Plan is 860 hectares and the neighbourhood area had a population of 1,100 residents (2021 Census) The potential for environmental impacts is likely to be limited and minimal.
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;	No	The neighbourhood plan area is rural in character and its natural heritage assets include hedgerows, ditches, water bodies, broadleaved woodlands, mature, ancient and veteran trees, and ridge and furrow which are all identified in the Modified Plan as important and distinctive features of local landscape character. There are 15 entries on the National Heritage List

Criteria for determining the likely significance of effects	Is the Austrey Modified NDP likely to have a significant environmental effect?	Justification for Screening Assessment
<ul style="list-style-type: none"> <li>- intensive land-use.</li> <li>- the effects on areas or landscapes which have a recognised national, Community or International protection status.</li> </ul>		for England. These have been taken into account when preparing the AMNDP.

5.5 Based on the SEA Screening Assessment set out in Table 2 above, the conclusion is that the Austrey Modified Neighbourhood Development Plan will not have significant adverse effects in relation to any of the criteria set out in Schedule 1 of the SEA Regulations and therefore does not need to be subject to SEA.

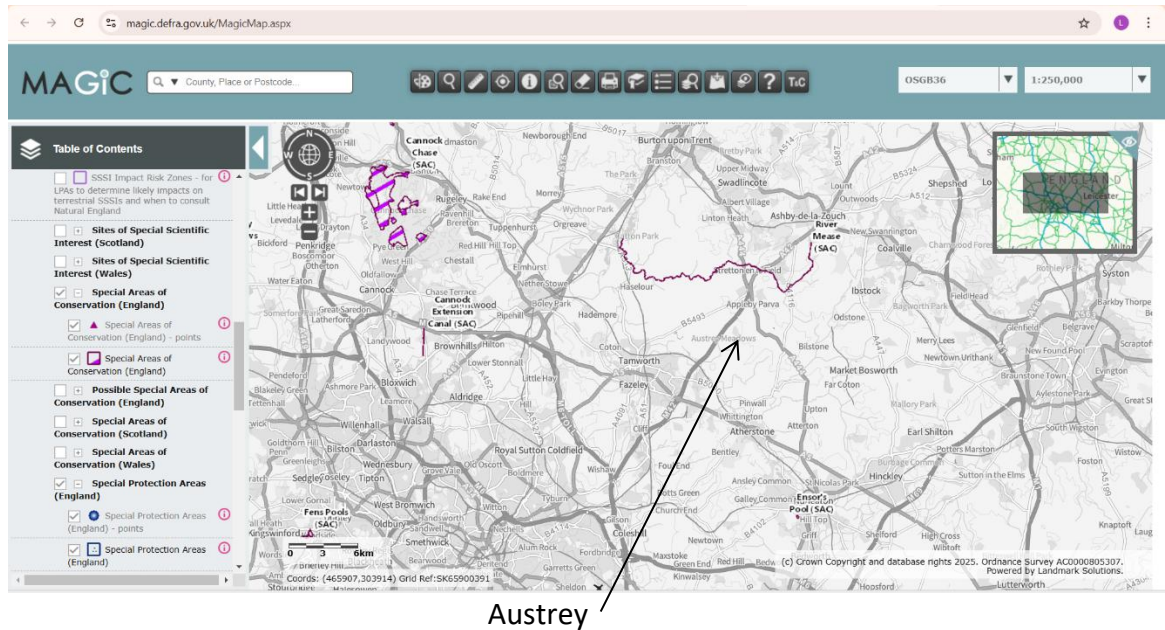
5.6 The main reasons for this conclusion are:

- AMNDP supports the implementation of policies in the adopted North Warwickshire Local Plan which have already been subject to SEA through the Sustainability Appraisal and assessed as having no significant environmental effects.
- AMNDP is a lower tier plan in the hierarchy of planning documents for the area and therefore has limited influence on other plans or programmes.
- AMNDP is concerned with development at the neighbourhood level. Its impacts are therefore unlikely to be strategic.
- Through its policies, AMNDP seeks to avoid or minimise negative environmental effects on natural and built heritage assets.

## **6.0 HRA Screening**

- 6.1 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. This assessment must determine whether a plan would adversely affect, or is likely to affect, the integrity of a site(s) in terms of its nature conservation objectives.
- 6.2 Under Criterion 4 of Table 1: Assessing the Need for SEA, it was concluded that AMNDP would not have an impact upon internationally designated sites.
- 6.3 The HRA process is generally divided into three stages. The initial stage of the process is 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 (see earlier) 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.
- 6.4 Austrey itself does not contain a Natura 2000 site. There are two Special Areas of Conservation (SAC) within 15km of the boundary of AMNDP area and two SACs lie within 28 km of the neighbourhood plan area. These are shown on Map 2 which is reproduced as a screenshot from Magic.
- River Mease approx. 4.2 km distant
  - Ensor's pool approx. 14.9 km distant
  - Cannock Extension Canal approx. 23.9 km distant
  - Cannock Chase approx. 27.7 km distant

**Map 2: Location of SACs (Screenshot from MAGIC)**



Source: <https://magic.defra.gov.uk/MagicMap.aspx>

6.5 The AMNDP policies and proposals are in conformity with those in the NWLP which has been subject to Appropriate Assessment. The screening assessment of the NWLP concluded that the Local Plan would have no likely significant effects upon the majority of European sites identified during the assessment, including the River Mease SAC, Ensor's Pool SAC, and Cannock Chase SAC. However, likely significant effects of air pollution on the Cannock Extension Canal SAC could not be excluded on the basis of the available information, therefore these effects were subject to an Appropriate Assessment. The Appropriate Assessment of those likely significant effects concluded that the Local Plan would not have an adverse effect on the integrity of the Cannock Extension Canal SAC as a result of increasing air pollution either alone or in combination with other plans and projects. The AMNDP as a lower tier plan that does not propose development lies within the scope of this conclusion. It is therefore concluded that no adverse effects on integrity will occur at any European sites as a result of the AMNDP, either alone or in combination with other plans or projects.

## **7.0 Conclusions and Recommendations of the Screening Assessments**

- 7.1 This report sets out the assessment of the need for the AMNDP to be subject to Strategic Environmental Assessment as required by the SEA Directive and Appropriate Assessment as required by the Habitats Directive.
- 7.2 The assessment of both of these requirements has been undertaken on the Regulation 14 Draft Plan. As such if the content of the Neighbourhood Plan is significantly changed before the plan is made there may be the need for a further screening exercise to be undertaken on any revised version of the Modified Plan.

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

- 7.3 In relation to the requirement for the AMNDP to be subject to Strategic Environmental Assessment, it is concluded in the assessment undertaken in Section 5 of this report that the Plan in its current form is unlikely to have significant environmental effects and therefore SEA will not be required.

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

- 7.4 In terms of the requirement for the AMNDP to be subject to Habitat Regulations Assessment, the appraisal set out in Section 6 of this report concludes that no further work will be required in order to comply with the Habitat Regulations.

### **People Over Wind**

- 7.5 The European Court has ruled in People Over Wind that “it is not appropriate, at the screening stage, to take account of the measures intended to avoid or reduce the harmful effects of the plan or project on the site.”

## **8.0 Consultation**

- 8.1 The views of the three statutory bodies (Environment Agency, Heritage England and Natural England) were sought on the SEA/HRA screening report prior to the Regulation 14 public consultation on the Draft Plan.
- 8.2 Responses were provided by Natural England and Historic England which both agreed with the conclusion that the Austrey Neighbourhood Plan is unlikely to have significant environmental impacts and a Strategic Environmental Assessment is not therefore required. There was no response from Environment Agency.
- 8.3 Copies of the responses are provided in Appendix 1.

## Appendix 1 Copies of Responses from Consultation Bodies

Date: 14 March 2025  
Our ref: 501569  
Your ref: Austrey Neighbourhood Plan

Ms Susan Wilson  
North Warwickshire Borough Council

**BY EMAIL ONLY**  
[susanwilson@northwarks.gov.uk](mailto:susanwilson@northwarks.gov.uk)



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

T 0300 060 3900

Dear Ms Wilson

### Austrey Neighbourhood Plan Review - SEA & HRA Screening Consultation

Thank you for your consultation on the above dated and received by Natural England on 04 February 2025.

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

<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



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Our ref: SV/2024/112294/OT-  
02/SB1-L01  
Your ref: 250210/JB03  
Date: 14 March 2025

Dear Susan

**Consultation on Austrey Neighbourhood Plan Review – Strategic Environmental Assessment (SEA) and Habitats Regulation Assessment (HRA) screening assessment**

I refer to your email of the 4<sup>th</sup> February 2025 with regard to the Austrey Parish SEA/HRA Screening Assessment for the Neighbourhood Development Plan (NDP). We have reviewed the submitted documentation and offer the following comments for your consideration at this time

**Flood Risk:** We note that there are a number of ordinary watercourses that run through the plan area. Based on the Environment Agency's indicative Flood Map for Planning (Rivers and Sea), the watercourse to the south-west of the NDP area has some associated Flood Zones 2 and 3 (the medium and high risk zones respectively). However, the majority of the NDP area is located within Flood Zone 1 (low probability of flooding). The Bramcote Brook (main river) can be seen to the west of the NDP area, outside of the Plan boundary.

It should be noted that the Flood Map provides an indication of 'fluvial' flood risk only. You are advised to discuss matters relating to surface water (pluvial) flooding with your Lead Local Flood Authority (LLFA).

Site Allocations: We would not, in the absence of any site allocations proposed within the NDP, offer any bespoke comment at this time.

However, please note that other potential development areas may be at flood risk given the presence of 'ordinary watercourses' which are un-modelled based on the scale and nature of the stream and receiving catchment (less than 3km<sup>2</sup>)

**Water Catchment Quality:** It is noted that Austrey falls within the wider Tame Anker

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and Mease Management Catchment area and then into one sub catchment area. This consists of the [Anker from River Sence to River Tame Water Body](#) water body which is considered as having a 'poor ecological status'. The aim is to achieve 'good' status by 2027.

It is also noted that the northern part of the plan area Source Protection Zone (SPZ) 3. These areas can be sensitive to development and other environmental pressures.

**Strategic Environmental Assessment:**

The European Union directive 200142/EC requires a SEA to be undertaken for certain types of plans and programmes that would have 'significant' environmental effect(s). Paragraph: 046 in the Strategic Environmental Assessment and Sustainability Appraisal Planning Practice Guidance (Reference ID: 11-046-20150209) states:

*"a strategic environmental assessment may be required, for example, where:*

- a neighbourhood plan allocates sites for development,*
- the neighbourhood area contains sensitive natural or heritage assets that may be affected by the proposals in the plan.*
- the neighbourhood plan is likely to have significant environmental effects that have not already been considered and dealt with through a sustainability appraisal of the Local Plan or other strategic policies for the area"*

Having reviewed the Screening Report submitted, and in consideration of the matters within our remit, we concur with the conclusion that, given the lack of specific site allocations within the Neighbourhood Plan, the Austrey Neighbourhood Plan is unlikely to have significant environmental impacts and a Strategic Environmental Assessment is not therefore required.

**Habitats Regulation Assessment:**

Article 6(3) of the European Habitats Directive (1992) requires that any plan (or project), which is not directly connected with or necessary to the management of a European site (also known as a "Natura 2000" site), but would be likely to have a significant effect on such a site, either individually or in combination with other plans or projects, shall be subject to an 'appropriate assessment' of its implications for the European site in view of the site's conservation objectives.

Having reviewed the HRA Screening report, and in consideration of the matters within our remit, we concur the Austrey Neighbourhood Plan is considered unlikely to have significant effects on the European designated sites and therefore a HRA would not be required.

We note that no European or Ramsar Sites have been identified within the plan area and there does not appear to be any obvious pathways to sites in neighbouring plan areas.

Please note, we do not offer detailed bespoke advice on policy but advise you ensure conformity with the adopted local plan, and refer to guidance within our area neighbourhood plan 'proforma guidance' (latest copy attached). This has guidance on flood risk, water quality, including wastewater, and other environmental considerations.

Yours faithfully,

Cont/d..

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**Miss. Fiona Flower**  
**Planning Officer**

Direct e-mail [westmindsplanning@environment-agency.gov.uk](mailto:westmindsplanning@environment-agency.gov.uk)

End

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# Kirkwells

## The Planning People

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