

**Upper Broughton Neighbourhood Plan Habitats Regulation
Assessment Screening Statement**

April 2019

Rushcliffe Borough Council

- 1.1 The HRA involves an assessment of any plan or project to establish if it has potential implications for European wildlife sites. The HRA will consider if the proposals in the neighbourhood plan have the potential to harm the habitats or species for which European wildlife sites are designated. European wildlife sites are:
 - Special Protection Areas (SPA) designated under the Birds Directive (79/409/EEC)
 - Special Areas of Conservation (SAC) designated under the Habitats Directive (92/43/EEC)
- 1.2 In addition to SPA and SAC sites, Ramsar sites are designated under the Ramsar Convention (Iran 1971 as amended by the Paris Protocol 1992).
- 1.3 Although they are not covered by the Habitats Regulations, as a matter of Government Policy, Ramsar sites should be treated in the same way as European wildlife sites. European wildlife sites and Ramsar sites are collectively known as Natura 2000 sites.
- 1.4 The initial screening stage of the HRA process determines if there are any likely significant effects possible as a result of the implementation of the plan and if an appropriate assessment is needed. This stage should provide a description of the plan's policies 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.

Upper Broughton Neighbourhood Plan

- 1.5 The draft plan contains the following policies:
 - UB1: Local Green Spaces - seeks to designate seven local green spaces.
 - UB2: Locally Important Views - seeks to safeguard 11 named views.
 - UB3: Community Services and Facilities – seeks to safeguard three community facilities.
 - UB4: Local Heritage Assets – policy to assist determining planning applications affecting non-designated heritage assets
 - UB5: Local Design and Amenity – policy to assist determining planning applications
 - UB6: Countryside – policy to assist determining applications outside of the 'limits to development' plan
 - UB7: Renewable Energy – policy to assist in determining applications for renewable energy
 - UB8: Ecology and Biodiversity – policy designed to protect identified LWS and promote net gains in biodiversity

- UB9: Trees and Hedges – policy designed to protect important trees and hedges in the parish
- UB10: Housing Provision – policy that outlines how proposals for housing should be considered
- UB11: Residential Conversion of Rural Buildings
- UB12: Replacement Dwellings
- UB13: Housing Mix – policy that seeks to limit larger house types
- UB14: The re-use of rural buildings for business use
- UB15: A46 Business Area – policy that supports proposals for employment use in this area
- UB16: Live/Work units
- UB17: Nottingham Heliport – policy that requires proposals to address noise issues from the heliport

1.6 The plan does not seek to allocate any sites for development.

Identification of Natura 2000 sites

1.7 As a general ‘rule of thumb’ it is identified that sites with pathways of 10-15km of the plan boundary should be included within a HRA. The plan attached at Appendix 1 shows Natura 2000 sites in relation to Upper Broughton parish with a 15 km buffer. The closest protected site is Rutland Water which is designated as a SPA and RAMSAR site. This lies approximately 25km from Upper Broughton. It is not considered that there are any realistic pathways that connect this to Upper Broughton parish.

Combined effects

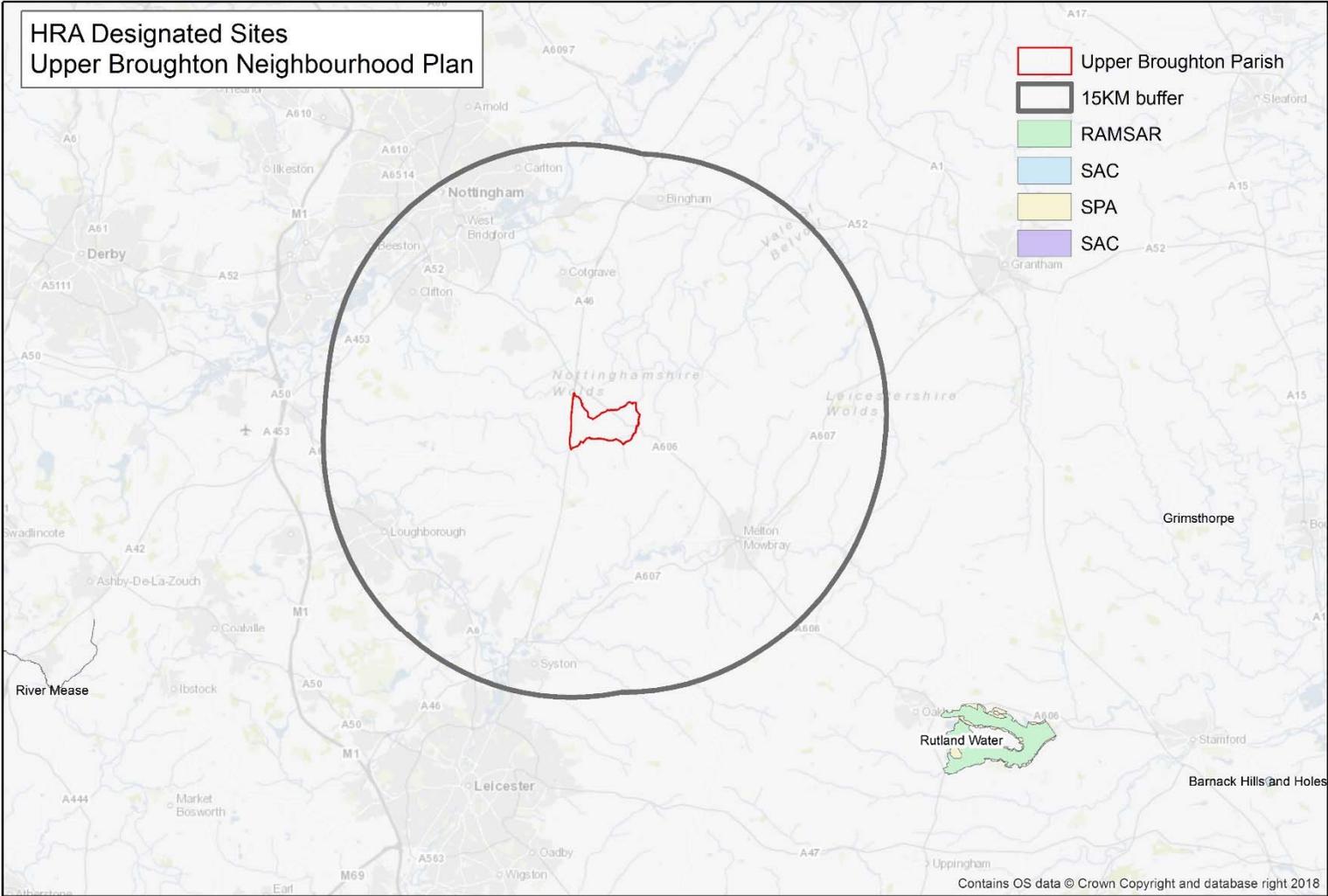
1.8 The neighbourhood plan also needs to be screened for the likelihood of combined effects with other plans and projects. For the purpose of this HRA, other plans and projects would include: national plans; core strategies / local plans; neighbourhood plans; water resource management plans; catchment flood management plans; catchment abstraction management strategies; and river basin management plans. However as there are no European Sites affected by the neighbourhood plan it is not necessary to then screen the plan for likelihood of its combined effects with these identified other plans and projects.

1.9 Further to this, an HRA Screening has been undertaken for both the Rushcliffe Local Plan Part 1 (adopted December 2014) and the emerging Local Plan Part 2. Both assessments have concluded that the local plan would not have a significant effect on any European protected nature conservation site, or the Sherwood Forest proposed Special Protection Area.

HRA Screening Conclusion

- 1.10 It is the conclusion of this screening assessment that there are not likely to be significant effects on any European site arising from the Upper Broughton Neighbourhood Plan. Consequently the plan is not considered to require further assessment under Article 6 or 7 of the Habitats Directive (Art. 3.2(b)).
- 1.11 The recent Sweetman II / People Over Wind European Court of Justice ruling has determined that, contrary to earlier UK court judgements, mitigation measures should not be taken into account in assessing likely significant effects. Mitigation should instead only be taken into account at the 'appropriate assessment' stage. This screening is a screening for likely significant effects, and therefore, in accordance with the judgement, does not take into account any potential mitigation.
- 1.12 Natural England's response to this Screening Assessment is included at Appendix 2. This concludes that on the basis of the material supplied, there are unlikely to be significant environmental effects from the proposed plan.

Appendix 1



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Appendix 2

Response from Natural England

Date: 10 April 2019
Our ref: 279047
Your ref: Upper Broughton Neighbourhood Plan



Ms Liz Beardsley
Planning Policy Officer
Rushcliffe Borough Council
Localdevelopment@rushcliffe.gov.uk

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

BY EMAIL ONLY

T 0300 060 3900

Dear Ms Beardsley

HRA Draft Upper Broughton Neighbourhood Plan

Thank you for your consultation on the above dated 04 April 2019 which was received by Natural England on 04 April 2019

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: HRA Screening Statement

It is our advice, on the basis of the material supplied with the consultation, that, in so far as our strategic environmental interests (including but not limited to statutory designated sites, landscapes and protected species, geology and soils) are concerned, that there are unlikely to be significant environmental effects from the proposed plan.

Neighbourhood Plan

Guidance on the assessment of Neighbourhood Plans, in light of the Environmental Assessment of Plans and Programmes Regulations 2004 (as amended), is contained within the [National Planning Practice Guidance](#). The guidance highlights three triggers that may require the production of an SEA, for instance 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 may have significant environmental effects that have not already been considered and dealt with through a sustainability appraisal of the Local Plan.

We have checked our records and based on the information provided, we can confirm that in our view the proposals contained within the plan will not have significant effects on sensitive sites that Natural England has a statutory duty to protect.

We are not aware of significant populations of protected species which are likely to be affected by the policies / proposals within the plan. It remains the case, however, that the responsible authority should provide information supporting this screening decision, sufficient to assess whether protected species are likely to be affected.

Notwithstanding this advice, Natural England does not routinely maintain locally specific data on all potential environmental assets. As a result the responsible authority should raise environmental issues that we have not identified on local or national biodiversity action plan species and/or habitats, local wildlife sites or local landscape character, with its own ecological and/or landscape advisers, local record centre, recording society or wildlife body on the local landscape and biodiversity receptors that may be affected by this plan, before determining whether an SA/SEA is necessary.

Please note that Natural England reserves the right to provide further comments on the environmental assessment of the plan beyond this SEA/SA screening stage, should the responsible authority seek our views on the scoping or environmental report stages. This includes any third party appeal against any screening decision you may make.

For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours sincerely

Clare Foster
Consultations Team