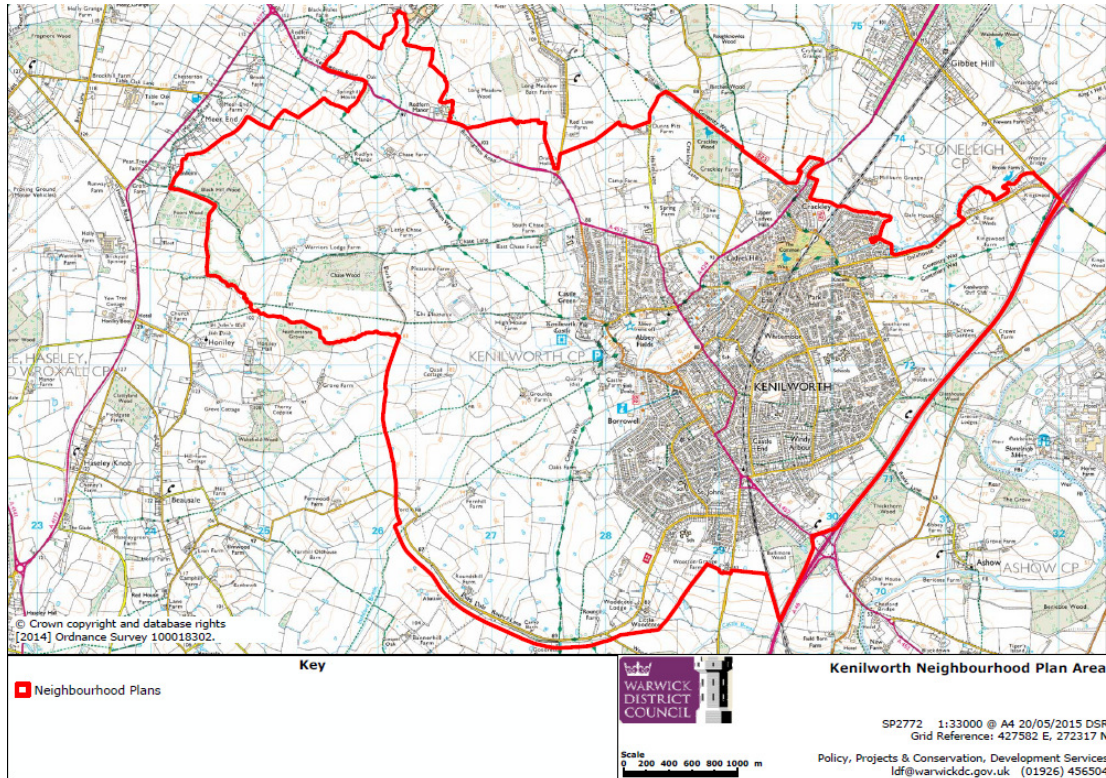


Kenilworth Neighbourhood Plan

**Strategic Environmental Assessment
Screening Opinion**

August 2017
Updated 14 September 2017
(following responses from Statutory Consultees)

Kenilworth Neighbourhood Plan Strategic Environmental Assessment Screening Report



**Kenilworth Neighbourhood Plan
Strategic Environmental Assessment Screening Report**

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Kenilworth Neighbourhood Plan Strategic Environmental Assessment Screening Report

1. Introduction

- 1.1 This screening report is designed to determine whether or not the content of the Kenilworth Neighbourhood Plan 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 The purpose of the Kenilworth Neighbourhood Plan is to provide locally derived and agreed guidance which will help inform planning decisions and shape the future of Kenilworth, and other land and property interests within the designated Neighbourhood Plan Area.
- 1.3 The legislative background set out below outlines the regulations that stipulate the need for this screening exercise. Section 3, provides a screening assessment of the Kenilworth Neighbourhood Plan which will be used to determine if there are likely to be any significant environmental effects and a requirement for a full SEA.

2. Legislative Background

- 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.
- 2.2 Sustainability appraisal of the type that is required for development plan documents is not required for neighbourhood development plans. This is because they are not 'Local Plans', or development plan documents as defined by the 2004 Planning Act. Neighbourhood development plans have their own designation: they are neighbourhood development plans produced by qualifying bodies under the Localism Act. Even when a neighbourhood development plan is made by a local authority following a successful referendum, and it becomes part of the development plan it does not change its designation into a development plan document (this does not mean it has any less status in terms of decision making though).
- 2.3 .Whether a neighbourhood plan requires a strategic environmental assessment, and (if so) the level of detail needed, will depend on what is proposed in the draft neighbourhood plan. A strategic environmental assessment may be required, for example where:
- a neighbourhood plan allocates sites for development

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- the neighbourhood plan 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 for the area.

3.1 When deciding on whether the proposals are likely to have significant effects, the local authority is required to consult English Heritage, Natural England and the Environment Agency. Where the local planning authority determines that the plan is unlikely to have significant environmental effects (and, accordingly, does not require an environmental assessment) it should prepare a statement of its reasons for the determination.

3. Assessment

Neighbourhood Plan Screening Table/ Report

A: Summary of Plan

Details of Neighbourhood Plan	
Name of Neighbourhood Plan	Kenilworth Neighbourhood Plan
Geographic Coverage of Plan	The town of Kenilworth and outlying parish areas.
Key topics / scope of plan	<p>The Kenilworth Neighbourhood Plan intends to ensure that future development is undertaken in a such a way that it enables residents of the Parish to:-</p> <ul style="list-style-type: none"> -Ensure the Natural Environment is both protected and enhanced to provide a sustainable future for this community within a rural setting - To ensure future development conserves and enhances the historical assets of the locality -Promotes a proportionate level of housing growth and provides future residents with affordable options in the area, recognising its heritage and retaining the areas rural identity. -create an inclusive community, with appropriate

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	<p>community facilities</p> <p>The plan includes chapters / policies that address the following subject matter:</p> <ul style="list-style-type: none">• Protect and enhance the town centre in terms of both the economy and the physical environment.• Enhancing the environment for pedestrians and cyclists around the new railway station.• Ensuring comprehensive and high quality development of land east of Kenilworth as allocated in the Warwick District Local Plan.• Ensuring comprehensive redevelopment of the existing school sites taking account of the allocations in the Warwick District Local Plan.• Ensuring a joined up approach to the development of Local Plan allocations (housing and sport) east of Warwick Road• Protecting and enhancing Abbey Fields• Extension of the sports facilities at Castle Farm, based on the Local Plan allocation.• Improvements to the transport network in respect of traffic• The creation of new cycle routes• Connecting the Castle to the Town• Pedestrian connectivity• Parking standards• General design principles for new development• Definition of character areas within the town• Local Heritage Assets
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	<ul style="list-style-type: none"> • Environmental standards in new development • Redevelopment of industrial estates • Tourism • Green Infrastructure • Local Green Space designation • Protection of street trees
Key issues	<p>Key issues that the plan is seeking to address include:-</p> <ul style="list-style-type: none"> - To assimilate the allocations set out in the new Warwick District Local Plan as effectively as possible to maximise benefit to the town. - To maximise opportunities for connectivity, particularly for non-vehicular modes of transport - To protect and enhance the offer of the town centre in terms of economy and public realm. - To protect and enhance the existing built heritage of the town, and set out key characteristics which new development should respond to. - To protect and enhance existing Green Infrastructure within the town.
Date Screening opinion requested	04 August 2017
Person requesting screening opinion	Town Clerk – Kenilworth Town Council

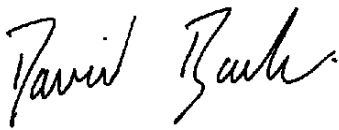
B: Local Authority Details

Local Authority Details	Warwick District Council
Name and Job Title of officer producing Screening Opinion	Hayley Smith (Senior Planning Officer)
Date of Assessment	09 August 2017 (Updated to reflect responses from Statutory Consultees 14/09/17)

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<p>Conclusion of assessment</p> <p>- Is an SEA required Y / N</p>	<p>No</p>
<p>Reason for conclusion</p>	<p>The characteristics of the Kenilworth NP and their likelihood for causing significant effects on the environment have been assessed. It is considered that</p> <ul style="list-style-type: none"> • The Neighbourhood Plan seeks to add an additional level of detail to housing and other land use allocations set out in the new Warwick District Local Plan (to be considered for adoption in September 2017). These allocations have already been set out and subject to the SA of the emerging Local Plan and its updates/addendums. Given this, and the scope of other environmental matters/policies within the neighbourhood plan (also subject to consideration in the Local Plan) it is considered unlikely that there will be any significant environmental effects arising from the Neighbourhood Plan that were not given detailed consideration in the Sustainability Appraisal of the Warwick District Local Plan, including its addendums. • The plan sets a framework for the consideration of a range of matters at the local level (see document attached) that due to their size, nature and location will not cause rise to significant environmental effects that have not already been assessed through the Local Plan process. • It is considered unlikely that the housing considerations set out within the Kenilworth NP will have such an influence on other plans and programmes so as to prejudice their sustainability/ cause significant environmental effects. • The Kenilworth NP makes provisions for new development in its area and ensures that any matters pertaining to the natural

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	<p>and historic environment are carefully managed / considered in future decisions.</p> <ul style="list-style-type: none"> • It is not considered that the scale of development proposed and issues to be addressed by the plan will have any transboundary environmental effects of a significant nature, that haven't been considered through the Local Plan process. • The Kenilworth NP will help inform / shape planning decisions to ensure that there are no significant effects (individually or cumulatively) on the recognised special characteristics of the Kenilworth conservation area and its buildings of historic value. • To conclude / summarise. <p>It is the opinion of this screening opinion/report that the Kenilworth Neighbourhood Plan does not require a full SEA to be undertaken.</p>
Name and Job Title of officer approving Screening Opinion	<p>David Barber – Policy and Projects Manager</p> 
Date of approval	9/8/17

C: Summary of Consultation

	Summary of Comments
<p>Environment Agency Dated: 13/09/17</p>	<p>We have reviewed the Kenilworth Neighbourhood Plan Strategic Environmental Assessment Screening Opinion, dated August 2017, and we agree with the findings that an SEA is not required.</p> <p>Please note, there is significant floodplain and associated watercourses within the plan area and affecting a number of the policies. Therefore, we would look for this to be reflected within the wording of the policies with appropriate recommendations for</p>

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	<p>management of the water environment. This should take into account information from the Severn River Basin Management Plan.</p> <ul style="list-style-type: none"> •
<p>Natural England Dated: 12/09/17</p>	<ul style="list-style-type: none"> • We welcome the production of this SEA Screening report. Natural England’s comments are set out below. Natural England notes and concurs with the screening outcome i.e. that no SEA is required. • Habitats Regulations Assessment Screening Natural England notes the screening process applied to this Neighbourhood plan. We agree with the Council’s conclusion of no likely significant effect upon the named European designated sites: <ul style="list-style-type: none"> <input type="checkbox"/> Ensor’s Pool Special Area of Conservation located approximately 19k away <input type="checkbox"/> River Mease Special Area of Conservation located approximately 38k away <input type="checkbox"/> Fens Pools Special Area of Conservation located approximately 39k away •
<p>Historic England Dated: 06/9/17</p>	<ul style="list-style-type: none"> • 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 the ‘SEA’ Directive], Historic England concurs with your view that the preparation of a Strategic Environmental Assessment is not required.

D: Assessment

Stage	Y / N	Reason
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<p>1. Is the plan or programme subject to preparation / 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))</p>	<p>Y</p>	<p>This is a Neighbourhood Plan that is being prepared by a qualifying body (Kenilworth Town Council) under the Localism Act 2011. Once independently assessed and subjected to a referendum, it will need to be formally adopted by the Local Planning Authority to be brought into force. When adopted, Neighbourhood Plans are statutory planning documents. They will form part of the Local Development Framework and so will have significant weight in planning decisions.</p>
<p>2. Is the PP required by legislative, regulatory or administrative provisions? (Art. 2(a))</p>	<p>N</p>	<p>The neighbourhood plan is not a mandatory requirement; it is being prepared voluntarily at the discretion / choice of the local qualifying body in line with the provisions of the Localism Act.</p>
<p>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))</p>	<p>N</p>	<p>The plan is prepared for land use. Proposed use: Annex I- Not applicable (as no significant effects identified) Annex II- See sections 4 and 8 (below) The Plan will inform the determination of planning applications (a form of development consent)</p>
<p>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))</p>	<p>N</p>	<p>In view of Kenilworth NP's minimal environmental effects, and general conformity with the Local Plan the HRA screening report - May 2013 (Revised 2016) prepared for the Warwick District Council Local Plan - Publication Draft) is considered relevant. Therefore the Kenilworth NP does not require an assessment under Article 6 or 7 of the Habitats Directive.</p>

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<p>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)</p>	<p>Y</p>	<p>The Neighbourhood Plan proposes new sites for Housing use at the local level. The allocations set out are in conformity with those included in the Warwick District Local Plan, including Main Modifications 2017.</p>
<p>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)</p>	<p>Y</p>	<p>When adopted, Neighbourhood Plans will be statutory planning documents. They will form part of the Local Development Framework and so will have significant weight in planning decisions. The responsibility for issuing development consent will remain with the Local Authority.</p>
<p>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 structural funds or EAGGF programmes 2000 to 2006/7? (Art 3.8, 3.9)</p>	<p>N</p>	<p>N/A</p>
<p>8. Is it likely to have a significant effect on the environment? (Art. 3.5)</p>	<p>N</p>	<p>The Neighbourhood Plan must be prepared in conformity with the Local Plan. The development of the Local Plan is subject to a detailed SA which is considered compliant with European Directive 2001/42/EC the Strategic Environmental Assessment Directive. A Habitats Regulation Assessment (HRA) of the Local Plan has also been produced and reported on separately that is also considered relevant in the assessment of the environmental effects of the Kenilworth Neighbourhood Development Plan. It is unlikely that the Kenilworth NDP will have a significant effect on important Habitat / Biodiversity assets.</p>

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4 Screening Outcome

4.1 As a result of the screening assessment in section 3, it is considered unlikely there will be any significant environmental effects arising from the Kenilworth Neighbourhood Plan that were not covered/ addressed in the Sustainability Appraisal (s) of the Local Plan. As such, it is considered that the Kenilworth Neighbourhood Development Plan does not require a full SEA to be undertaken.