

Royal Leamington Spa Neighbourhood Plan

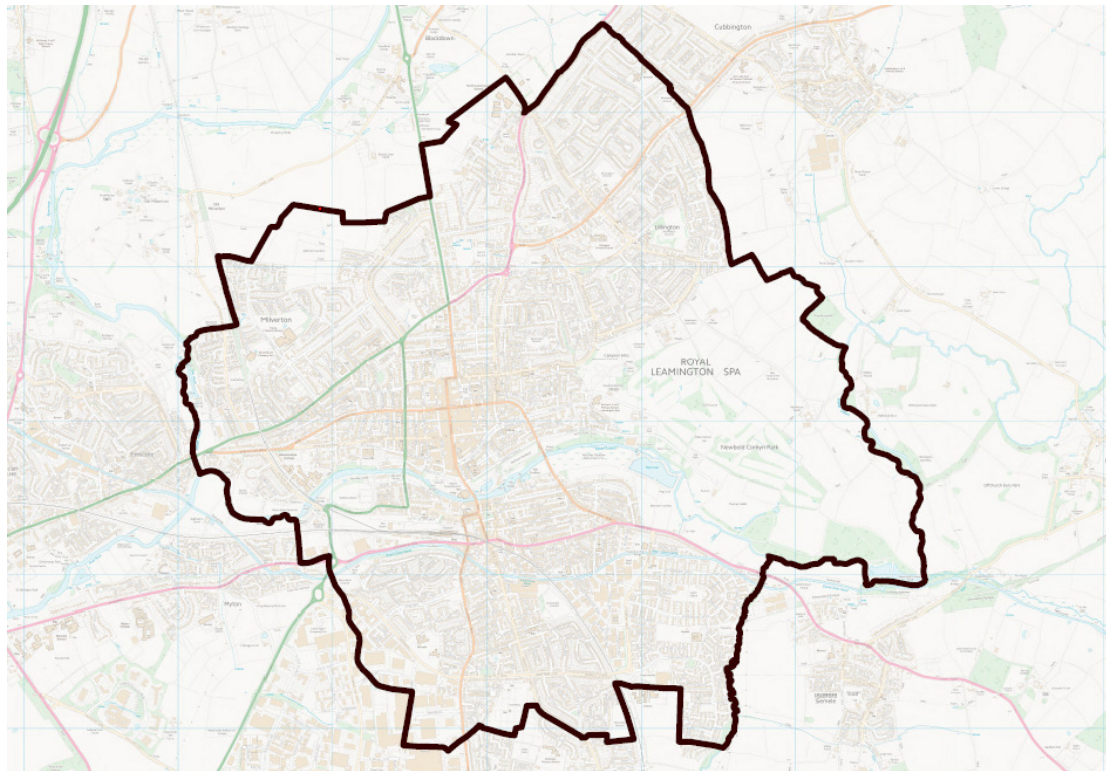
**Strategic Environmental Assessment
Screening Opinion**

February 2019

Updated 01 April 2019

(following responses from Statutory Consultees)

Royal Leamington Spa Neighbourhood Plan Strategic Environmental Assessment Screening Report



Designated Neighbourhood Area - Royal Leamington Spa Neighbourhood Plan

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1. Introduction

- 1.1 This screening report is designed to determine whether or not the content of the Royal Leamington Spa 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 Royal Leamington Spa Neighbourhood Plan is to provide locally derived and agreed guidance which will help inform planning decisions and shape the future of Royal Leamington Spa, 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 Royal Leamington Spa 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	Royal Leamington Spa Neighbourhood Plan
Geographic Coverage of Plan	The town of Royal Leamington Spa
Key topics / scope of plan	<p>The Royal Leamington Spa Neighbourhood Plan intends to ensure that future development is undertaken in a such a way that it enables residents of the Parish to:-</p> <p>The plan includes chapters / policies that address the following subject matter:</p> <ul style="list-style-type: none"> • Windfall housing development – where it may be acceptable, and what types, including self and custom build, live/work units, and student accommodation. • Housing design • Development in conservation areas • Housing character outside conservation

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	<p>areas</p> <ul style="list-style-type: none">• Housing mix and tenure• Protection of community facilities• Public art• Seeks to designate numerous green spaces as Local Green Space• Protecting Open Spaces• Green Infrastructure• Allotments (protection of existing allotments and support for new ones)• Leisure, sport and recreation – protection of facilities• Air Quality• Traffic and transport – priorities to support and promote sustainable modes of travel, including some specific projects/interventions which would be supported.• Cycling – improvements and additions to the network• Canal and riverside development• CIL – priorities for spending receipts• Town centre improvements• The Creative Quarter• Old Town retail area – supporting and enhancing the independent artisanal qualities of the area• Shop front design in the town centre• Protecting car parks• Local shopping centres
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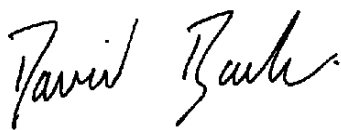
<p>Key issues</p>	<p>The plan seeks to address five key themes:</p> <ul style="list-style-type: none"> • Housing and development • Green spaces and parks • Community and Culture • Business Support/Town Centre • Roads and Transport <p>Key issues that the plan is seeking to address include:-</p> <ul style="list-style-type: none"> - To reinforce and add further detail to housing policies in Royal Leamington Spa. There are few housing allocations within Local Plan which lie within the neighbourhood area. Housing policies seek to guide those existing allocations, in addition to any windfall sites. - The plan seeks to protect existing facilities which are considered important to the community. This includes community facilities, sport and recreation facilities, and open spaces. - Policies seek to retain and enhance as appropriate distinctive characteristics of the town as a whole, and of specific areas. For example, there are policies on conservation areas, shop front design, the role of public art, and the character of the Old Town retail environment. - To protect and enhance existing Green Infrastructure within the town. - To protect a list of existing public open spaces as designated Local Green Spaces. - To support sustainable modes of transport and thus reduce reliance on the private car. - To support the local economy through improving the public realm and supporting appropriate land uses with the town centre and surrounding local centres. - To support the local economy through protection of car parking.
<p>Date Screening opinion requested</p>	<p>13 February 2019</p>
<p>Person requesting screening opinion</p>	<p>Town Clerk – Royal Leamington Spa Town Council</p>

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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	13 February 2019
Conclusion of assessment - Is an SEA required Y / N	No
Reason for conclusion	<p>The characteristics of the Royal Leamington Spa 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 Warwick District Local Plan. These allocations have already been set out and subject to the SA of the 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 Royal Leamington Spa NP will have such an influence on other plans and programmes

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	<p>so as to prejudice their sustainability/ cause significant environmental effects. The plan does not make any new allocations, but rather identifies the type of windfall developments which could be supported.</p> <ul style="list-style-type: none"> • The Royal Leamington Spa NP makes provisions for new development in its area and ensures that any matters pertaining to the natural and historic environment are carefully managed / considered in future decisions. • 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 Royal Leamington Spa 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 Royal Leamington Spa conservation area and its buildings of historic value. • To conclude / summarise. <p>It is the opinion of this screening opinion/ report that the Royal Leamington Spa Neighbourhood Plan does not require a full SEA to be undertaken.</p>
<p>Name and Job Title of officer approving Screening Opinion</p>	<p>David Barber – Head of Development Services</p> 
<p>Date of approval</p>	<p>14/2/19</p>

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C: Summary of Consultation

	Summary of Comments
<p>Environment Agency Dated: 29/03/19</p>	<p>As requested we have reviewed the Screening Assessment prepared in support of the Royal Leamington Spa Neighbourhood Plan. Having reviewed the proposals we do not consider there to be significant environmental impacts as a result of this plan, therefore we concur with the conclusions of the report in the Screening Outcome and do not require a SEA to be undertaken in support of the plan.</p>
<p>Natural England Dated: 13/03.19</p>	<p>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.</p> <p>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.</p>
<p>Historic England Dated: 26/02/19</p>	<p>Thank you for your consultation and the invitation to comment on the SEA and HRA Screening Document for the above Plan.</p> <p>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</p>

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	<p>respect of our area of concern, cultural heritage.</p> <p>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. Regarding HRA Historic England does not disagree with your conclusions but would defer to the opinions of the other statutory consultees.</p> <p>The views of the other statutory consultation bodies should be taken into account before the overall decision on the need for a SEA is made. If a decision is made to undertake a SEA, please note that Historic England has published guidance on Sustainability Appraisal / Strategic Environmental Assessment and the Historic Environment that is relevant to both local and neighbourhood planning and available at: https://www.historicengland.org.uk/images-books/publications/sustainability-appraisal-and-strategic-environmental-assessment-advice-note-8/</p> <p>I trust the above comments will be of help in taking forward the neighbourhood plan.</p>
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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 (Royal Leamington Spa 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 Royal Leamington Spa 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 is considered relevant. Therefore the Royal Leamington Spa NP does not require an assessment under Article 6 or 7 of the Habitats Directive.</p>
<p>5. Does the PP Determine the use of small areas at local level, OR is it a</p>	<p>Y</p>	<p>The Neighbourhood Plan does not</p>

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minor modification of a PP subject to Art. 3.2? (Art. 3.3)		identify any new land allocations beyond what is already included in the Local Plan. It simply adds local detail.
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)	Y	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.
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)	N	N/A
8. Is it likely to have a significant effect on the environment? (Art. 3.5)	N	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 Royal Leamington Spa Neighbourhood Development Plan. It is unlikely that the Royal Leamington Spa NDP will have a significant effect on important Habitat / Biodiversity assets.

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 Royal Leamington Spa Neighbourhood Plan that were not covered/ addressed in the Sustainability Appraisal

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(s) of the Local Plan. As such, it is considered that the Royal Leamington Spa Neighbourhood Development Plan does not require a full SEA to be undertaken.