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# **Ashton**

**Neighbourhood Development Plan**

## **Environment Report**

**January 2019**

**Kirkwells**

**The Planning People**



## **Contents**

	Page
1.0 Introduction	4
2.0 Legislative Background	9
3.0 Ashton Neighbourhood Plan	11
4.0 Screening Process	14
5.0 SEA Screening Assessment	19
6.0 HRA Screening	26
7.0 Conclusions and Recommendations of the Screening Assessments	28

## 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 in order 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 Ashton Neighbourhood Plan published in January 2019 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. In this case, the relevant site being the Upper Nene Gravel Pits Special Protection Area (SPA), Map 1.

- 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 Ashton Neighbourhood Plan has been prepared to be in general conformity with the strategic planning policies in the West Northamptonshire Joint Core Strategy (“WNJCS”). Paragraphs 10.23-10.31 of the WNJCS set out the importance of the Upper Nene Gravel Pits SPA and the mitigation measures that were identified following full Appropriate Assessment. Policy BN4 of the WNJCS seeks to protect the SPA:

**POLICY BN4 - UPPER NENE VALLEY GRAVEL PITS SPECIAL PROTECTION AREA**

**NEW DEVELOPMENT WILL NEED TO DEMONSTRATE THROUGH THE DEVELOPMENT MANAGEMENT PROCESS THAT THERE WILL BE NO SIGNIFICANT ADVERSE EFFECTS UPON THE INTEGRITY OF THE SPECIAL PROTECTION AREA AND RAMSAR SITE AND THE SPECIES FOR WHICH THE LAND IS DESIGNATED INCLUDING THE LOSS OF SUPPORTING HABITAT AND IMPACTS DUE TO WATER RUNOFF, WATER ABSTRACTION OR DISCHARGES FROM THE FOUL DRAINAGE SYSTEM EITHER AS A DIRECT RESULT OF THE DEVELOPMENT ALONE OR IN COMBINATION.**

**NEW DEVELOPMENT WILL NEED TO DEMONSTRATE THAT THE IMPACT OF ANY INCREASED RECREATIONAL ACTIVITY (INDIRECT OR DIRECT) ON THE SPECIAL PROTECTION AREA AND RAMSAR SITE WILL NOT HAVE A DETRIMENTAL IMPACT. ANY DEVELOPMENT THAT WILL LEAD TO AN INCREASE IN RECREATIONAL ACTIVITY ON THE SPECIAL PROTECTION AREA WILL BE REQUIRED TO INCLUDE NECESSARY MITIGATION INCLUDING DEVELOPMENT OF AND IMPLEMENTATION OF HABITAT AND ACCESS MANAGEMENT PLANS.**

**IN ORDER TO PROTECT SIGHTLINES FOR BIRDS INCLUDED WITHIN THE SPECIAL PROTECTION AREA AND RAMSAR SITE DESIGNATIONS, NEW DEVELOPMENT WITHIN A 250M ZONE OF THE SPECIAL PROTECTION AREA SHOWN IN FIGURE 7 [Map 2 of this document] OF THE JOINT CORE STRATEGY MUST UNDERTAKE AN ASSESSMENT**

**TO DEMONSTRATE THAT IT WILL NOT HAVE A SIGNIFICANT ADVERSE EFFECT ON BIRDS WITHIN THE CLIFFORD HILL BASIN OR, IF DIRECTLY ADJACENT TO EXISTING BUILDINGS, SHOULD REFLECT SURROUNDING BUILDING HEIGHTS.**

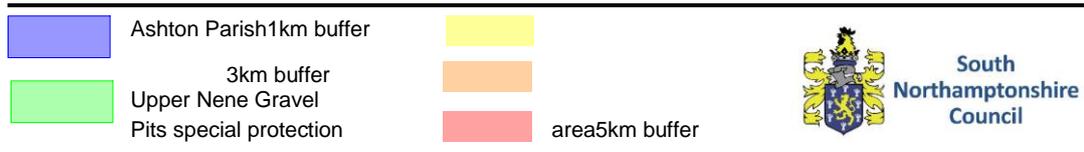
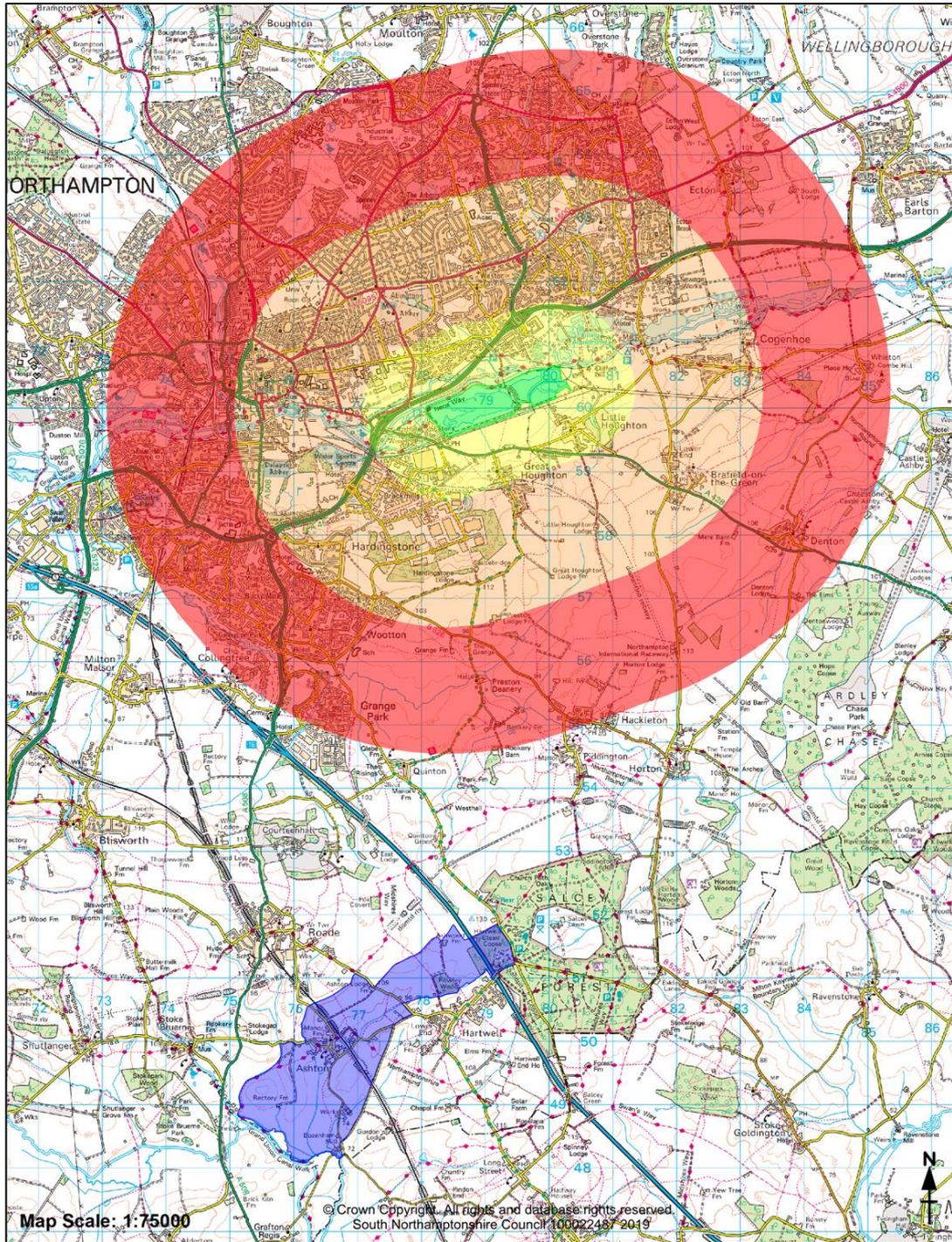
1.8 The Assessment undertaken to inform the Joint Core Strategy identified any potential effects arising from the WNJCS and identified measures to avoid and mitigate these effects. These measures include:

- Minimising recreational disturbance;
- Protecting sight lines to ensure feeding, roosting and breeding habitats are protected; and
- Effective water management to minimise impacts on water levels within the River Nene.

1.9 Map 1 shows the location of Ashton Parish in relation to the Upper Nene Gravel Pits SPA. The designated Neighbourhood Area lies over 5 miles south of the Upper Nene Gravel Pits. There are no significant watercourses that run through the parish that feed into the River Nene.

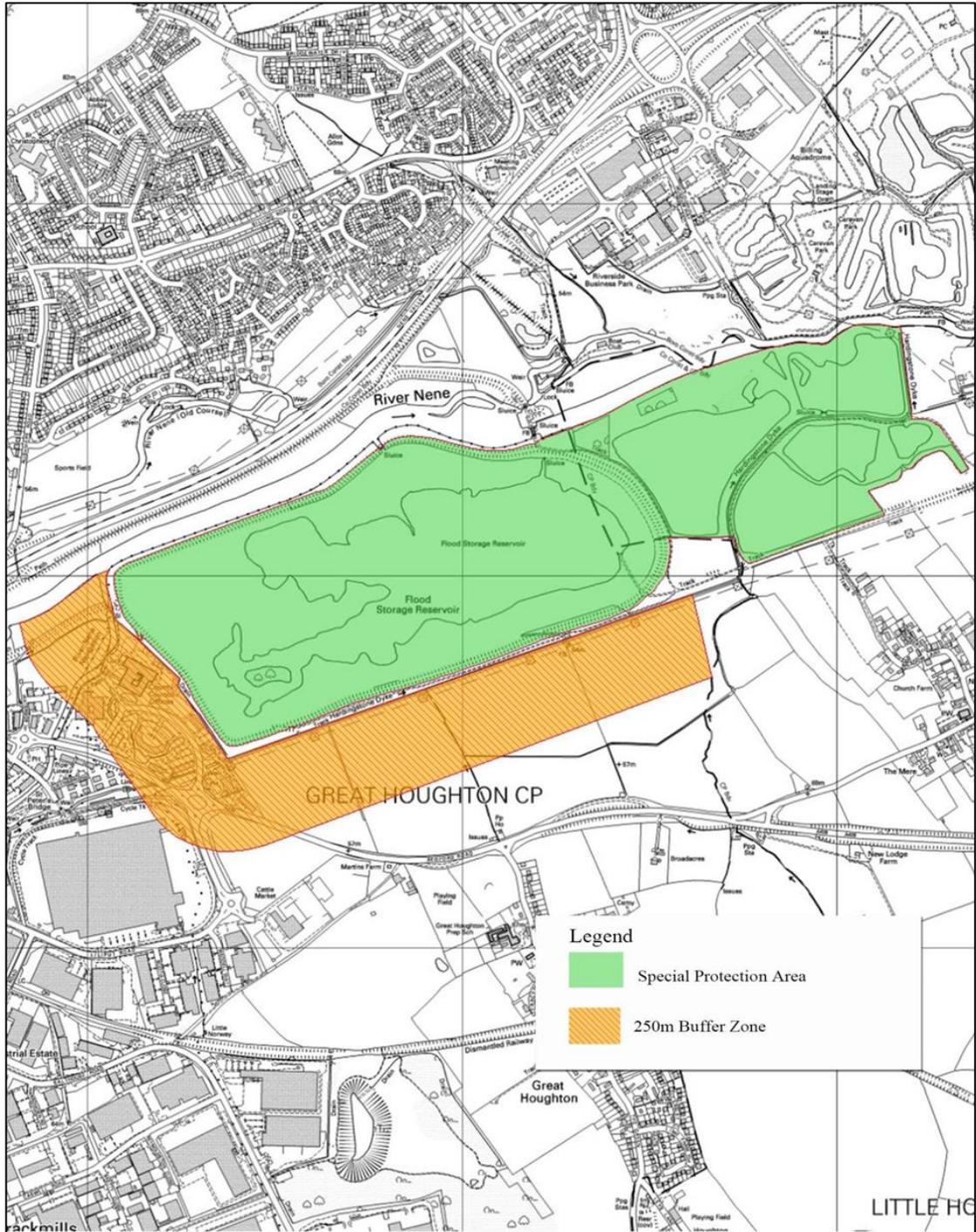
**Map 1. Ashton Parish and Upper Nene Gravel Pits Special Protection Area**

(source: South Northamptonshire Council)



**Map 2. Upper Nene Gravel Pits Special Protection Area Policy BN4**

(source: WNJCS)



 <p>West Northamptonshire Joint Planning Unit</p>	<p>Name: Figure 7 Date: 15/12/2014 Scale: 1:15000 Dept: JPU Project: JCS Adopted</p>	<p>Title <b>Figure 7 - Upper Nene Valley Gravel Pits Special Protection Area (SPA) (Policy BN4)</b></p> <p>Produced from the 2009 Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence number: 0100054252</p>
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## 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 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 as the competent authority may

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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/practic\\_alguidesea.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/7657/practic_alguidesea.pdf)

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.

### **3.0 Ashton Neighbourhood Plan**

3.1 The purpose of the Ashton Neighbourhood Plan is to provide a set of statutory planning policies to guide development within the parish over the period to 2029 and has been prepared by a steering group on behalf of the qualifying body, Ashton Parish Council (Map 2).

3.2 The objectives of the Ashton Neighbourhood Plan are:

**OBJECTIVE 1: To support and manage future housing growth within Ashton village.**

**OBJECTIVE 2: To support local business growth.**

**OBJECTIVE 3: To protect key open spaces.**

**OBJECTIVE 4: To protect community facilities.**

**OBJECTIVE 5: To protect key environmental assets.**

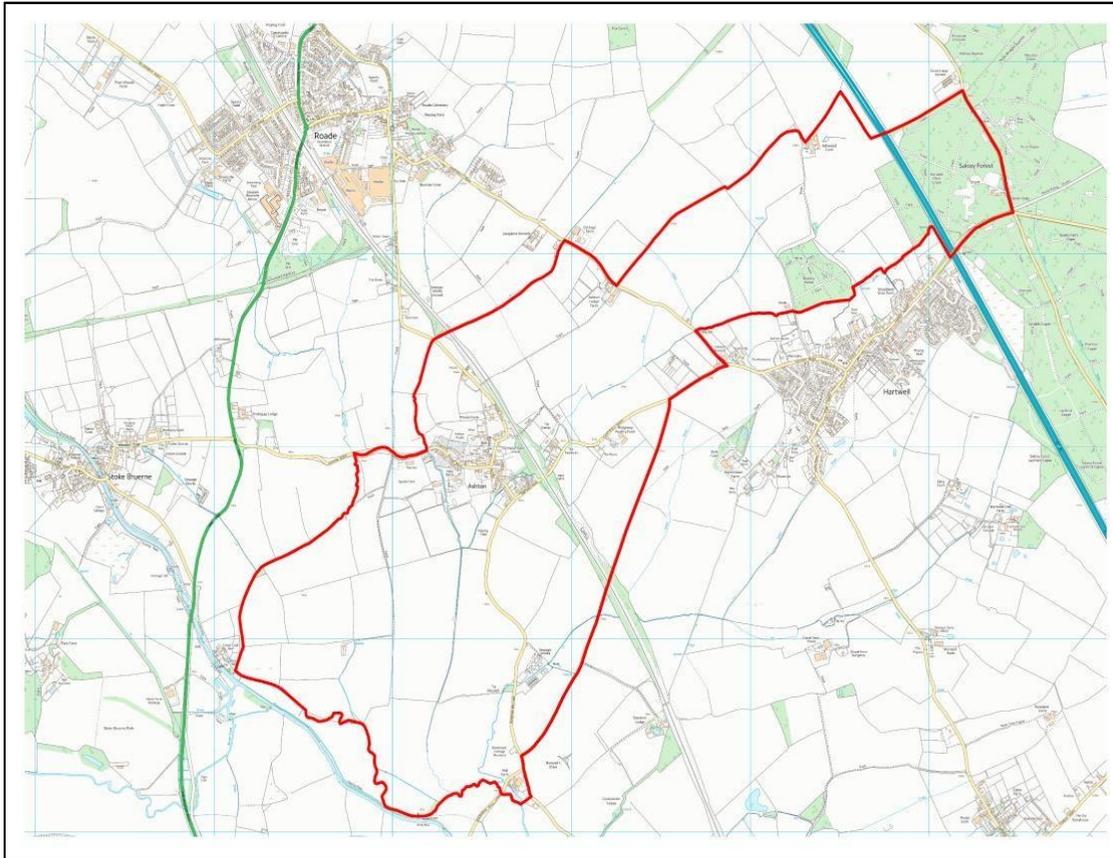
**OBJECTIVE 6: To improve access for all**

3.3 In order to deliver these objectives, the Plan set out a number of parish-wide policies. These cover the following:

**ANDP1 – New Housing within the Ashton Village Confines** – this is a criterion based policy that seeks to manage future housing development within the existing confines of Ashton village.

**Map 2. Ashton Neighbourhood Plan area which is subject to the SEA screening process**

Map 1 - Ashton Parish



**ANDP2 – Protecting Existing Employment and Supporting Small Business and Homeworking** – this policy seeks to protect 5 existing employment sites and to support small, rural businesses and homeworking.

**ANDP3 – Protecting Local Green Space** – Policy ANDP3 seeks to designate and protect four local green spaces.

**ANDP4 – Protection of Community Facilities** – this policy seeks to protect 3 existing local community facilities.

**ANDP5 - Sport and Recreation Facilities** – this policy seeks to protect and provide a framework for any future development for the neighbourhood area's three recreation sites.

**ANDP6 - Conserving and Enhancing Valued Landscapes** – this criteria based policy seeks to conserve and enhance the neighbourhood area's landscape.

**ANDP7 – Development affecting non-designated heritage assets** – this policy seeks to protect the neighbourhood area's non-designated heritage assets.

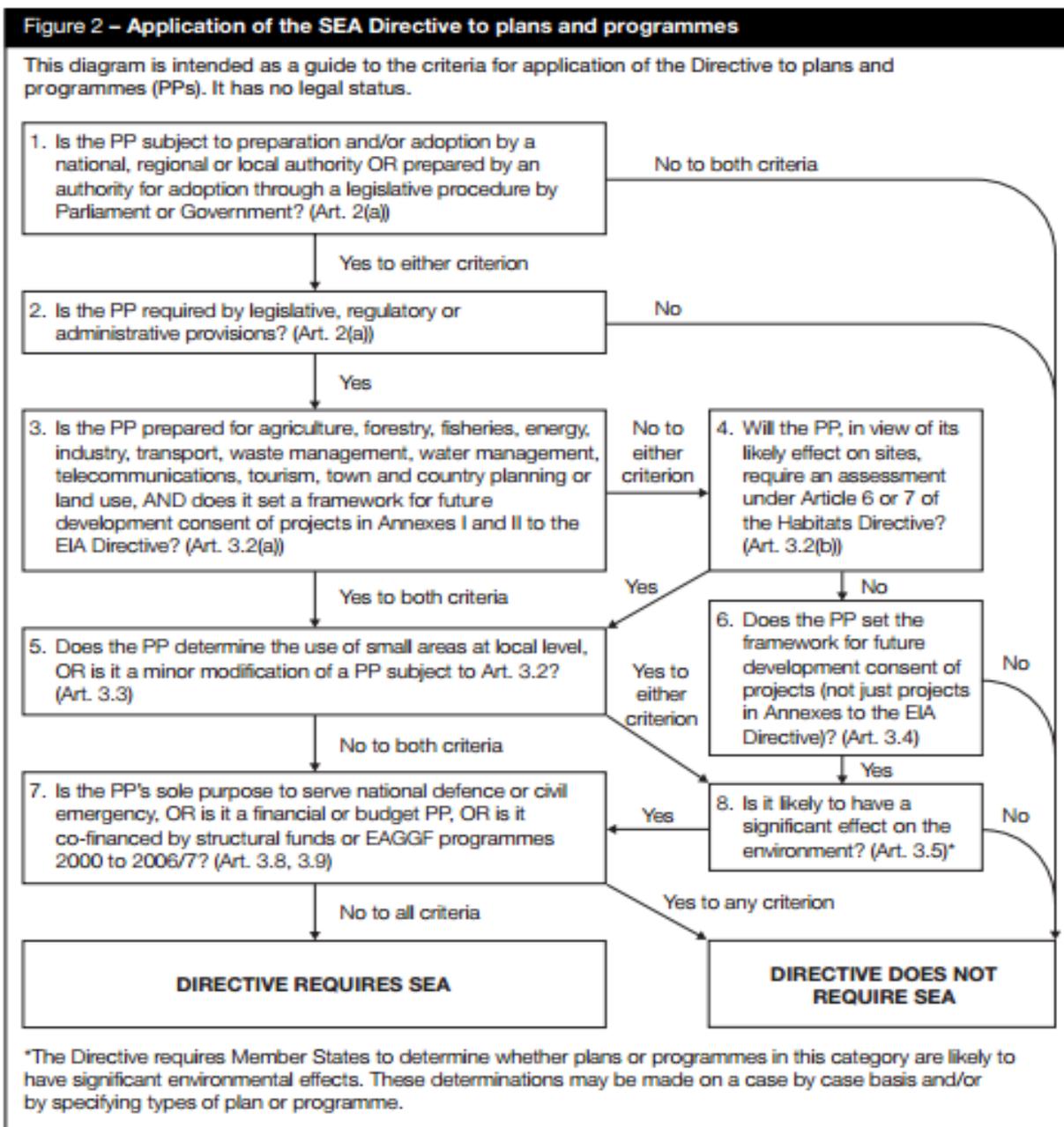
**ANDP8 - Design** – this criteria based policy seeks to promote good design.

**ANDP9 – Traffic Management and Transport Improvements** – this policy supports proposals to improve road safety and traffic management.

- 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. Ashton lies within South Northamptonshire and must, therefore, be in general conformity with the West Northamptonshire Joint Core Strategy 2014 and the 'saved' policies of the adopted South Northamptonshire Local Plan 1997. The Joint Core Strategy was subject to a full Sustainability Appraisal which incorporated a SEA assessment and this previously completed SEA has been taken into account in undertaking the screening assessment of the Ashton Neighbourhood Plan.

## **4.0 Screening Process**

- 4.1 It is the purpose of this report to assess whether the policies and proposals in the Ashton Neighbourhood 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>	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 Ashton, is the Parish Council. The Plan is subject to independent examination and referendum. If the Plan receives 50% or more 'yes' votes at referendum, it will be 'made' by the local planning authority (South Northamptonshire Council)
2. Is the PP required by legislative, regulatory or administrative provisions? (Art. 2(a))	<b>N</b>	The preparation of a Neighbourhood Development Plan is discretionary. However, once 'made', it will form part of the statutory Development Plan for the area and will be used in the determination of planning applications. It is therefore considered necessary to answer the following questions to determine further if a SEA is required.
3. Is the Plan 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? (Article 3.2(a))	<b>Y</b>	The Neighbourhood Plan has been prepared for town and country planning and land use and sets out a framework for future development in Ashton. Once 'made', it would form part of the statutory development plan, and will be used when making decisions on planning applications which could include development which

Stage	Y/N	Reason
		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 Neighbourhood Plan could potentially have impacts on sites covered by the Habitats Directive. However, this requires individual assessment of a Plan (see section 6), although the Ashton Neighbourhood Area lies a considerable distance outside of the Upper Nene Gravel Pits SPA 5km buffer.
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 Neighbourhood Plan could determine the use of small sites at the local (neighbourhood) level through the implementation of the plan's criteria based development management policies, but the plan does <u>not</u> allocate small sites or areas for development.
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	A neighbourhood plan 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 neighbourhood plan could potentially have an effect on the environment. However, whether this is significant depends on the proposals in

Stage	Y/N	Reason
		the Plan. An individual screening assessment of the Neighbourhood Plan 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 draft policies set out in the Regulation 14 Draft Ashton Neighbourhood Plan (January 2019) 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 Ashton Neighbourhood 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 Ashton NP 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 Ashton Neighbourhood Plan sets a local policy framework for development proposals. It supports the implementation of policies in the adopted West Northamptonshire Joint Core Strategy which have already been subject to SEA as part of the Sustainability Appraisal. In terms of the Upper Nene Gravel Pits SPA (Map 1) the physical separation from the SPA; the absence of

Criteria for determining the likely significance of effects	Is the Ashton NP likely to have a significant environmental effect?	Justification for Screening Assessment
		allocated development sites; and the criteria based nature of policies in the Ashton NDP are considered such that in terms of the types of development to be managed via the Ashton NDP policies there will be no impact on the SPA.
The degree to which the plan or programme influences other plans and programmes including those in a hierarchy.	No	The Ashton Neighbourhood Plan must be in general conformity with the policies in the development plan – West Northamptonshire Joint Core Strategy and the saved policies in the South Northamptonshire Local Plan. The Ashton Neighbourhood 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 integration of environmental considerations in particular with a view to promoting sustainable development.	No	The Ashton Neighbourhood Plan contributes to the achievement of sustainable development at the neighbourhood level. Policies set out in the Plan protect assets of local environmental value, including valued landscapes, non-designated heritage assets 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, using these policies. From the nature of

Criteria for determining the likely significance of effects	Is the Ashton NP likely to have a significant environmental effect?	Justification for Screening Assessment
		these policies it is concluded that there will be no impact on the Upper Nene Gravel Pits SPA (Map 1).
Environmental problems relevant to the plan or programme.	No	The Ashton NDP does not propose development of itself but seeks to manage sustainably the development of others. It is possible that existing environmental problems may be improved or eradicated through the implementation of the Plan's policies e.g. Policy ANDP9 that seek to improve traffic management.
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	The Ashton Neighbourhood Plan must be in conformity with higher level plans that comprise the South Northamptonshire Development Plan. This has had regard to European Community legislation on the environment. 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.
The probability, duration, frequency and reversibility of the effects.	No	Some small-scale development is likely over the Plan period meaning that some environmental change will take place. However, the Plan policies are designed to ensure that any new development proposed by others will be sustainable and any environmental impacts minimised. In terms of the Upper Nene Gravel Pits SPA (Map 1) the physical separation from the SPA; the absence of allocated development sites; and

Criteria for determining the likely significance of effects	Is the Ashton NP likely to have a significant environmental effect?	Justification for Screening Assessment
		the criteria based nature of policies in the Ashton NDP are considered such that in terms of the types of development to be managed via the Ashton NDP policies there will be no impact on the SPA.
The cumulative nature of the effects.	No	The neighbourhood plan's policies are unlikely to have significant cumulative impacts on the local environment, they are criteria based and do not propose development. They seek to manage the development of others.
The trans-boundary nature of the effects	No	The policies in the Ashton Neighbourhood Plan are unlikely to have significant environmental impacts on neighbouring areas. In terms of the Upper Nene Gravel Pits SPA (Map 1) the physical separation from the SPA; the absence of allocated development sites; and the criteria based nature of policies in the Ashton NDP are considered such that in terms of the types of development to be managed via the Ashton NDP policies there will be no impact on the SPA.
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 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; and by protecting sport and recreation facilities.
The magnitude and spatial extent of the	No	The Ashton Neighbourhood Plan is concerned with development

Criteria for determining the likely significance of effects	Is the Ashton NP likely to have a significant environmental effect?	Justification for Screening Assessment
effects (geographical area and size of the population likely to be affected)		within the neighbourhood area. The geographical area covered by the Plan is 550.46 hectares and the neighbourhood area had a population of 395 in 2011 (2011 Census). The potential for environmental impacts is likely to be limited and minimal. In terms of the Upper Nene Gravel Pits SPA (Map 1) the physical separation from the SPA; the absence of allocated development sites; and the criteria based nature of policies in the Ashton NDP are considered such that in terms of the types of development to be managed via the Ashton NDP policies there will be no impact on the SPA.
<p>The value and vulnerability of the area likely to be affected due to:</p> <ul style="list-style-type: none"> <li>- special natural characteristics or cultural heritage;</li> <li>- exceeded environmental quality standards or limit values;</li> <li>- intensive land-use.</li> <li>- the effects on areas or landscapes which have a recognised national, Community or International protection status.</li> </ul>	No	<p>The neighbourhood plan area is rural in character and its natural heritage assets include part of Salcey Forest.</p> <p>There are 8 entries on the National Heritage List for England and the neighbourhood area does not have a Conservation Area.</p> <p>The Ashton Neighbourhood Plan is unlikely to adversely affect the value and vulnerability of the area in relation to its natural or cultural heritage. In fact, its policies provide greater support to enhance the natural and cultural assets of the area. In terms of the Upper Nene Gravel Pits SPA (Map 1) the physical separation from the SPA; the absence of allocated development sites; and the criteria based nature of policies in the Ashton NDP are considered such that in terms of the types of</p>

Criteria for determining the likely significance of effects	Is the Ashton NP likely to have a significant environmental effect?	Justification for Screening Assessment
		development to be managed via the Ashton NDP policies there will be no impact on the SPA.

5.5 Based on the SEA Screening Assessment set out in Table 2 above, the conclusion is that the Ashton Neighbourhood Plan will not have significant 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. Specifically, in terms of the Upper Nene Gravel Pits SPA (Map 1) the physical separation from the SPA; the absence of allocated development sites; and the criteria based nature of policies in the Ashton NDP are considered such that in terms of the types of development to be managed via the Ashton NDP policies there will be no impact on the SPA. This conclusion is drawn without considering the need for any mitigation or measures to avoid or reduce harmful effects arising from the plan on the SPA.

5.6 The main reasons for this conclusion are:

- The Ashton Neighbourhood Plan supports the implementation of policies in the adopted West Northamptonshire Joint Core Strategy which have already been subject to SEA through the Sustainability Appraisal and assessed as having no significant environmental effects.
- The Ashton Neighbourhood Plan is a lower tier plan in the hierarchy of planning documents for the area, and therefore has limited influence on other plans or programmes.
- The Plan is concerned with development at the neighbourhood level. Its impacts are therefore unlikely to be strategic.
- Through its policies, the Ashton Neighbourhood Plan seeks to avoid or minimise negative environmental effects.
- When considering impact, without the need to avoid or reduce harmful effects, on the Upper Nene Gravel Pits SPA (Map 1) the physical separation from the SPA; the absence of allocated development sites; and the criteria based nature of policies in the Ashton NDP are considered such that in terms of the types of development to be managed via the Ashton NDP policies there will be no impact on the SPA.

## **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 includes the Upper Nene Gravel Pits SPA) . 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 the Neighbourhood Plan may have an impact upon internationally designated sites and as such a ‘case by ‘case’ assessment is required.
- 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 Ashton itself does not contain a Natura 2000 site. However, there are a number of such sites that could potentially be affected by the West Northamptonshire Joint Core Strategy and this has been subject to an Appropriate Assessment. The Appropriate Assessment considered the potential effects of the policies and proposals in the Submission Joint Core Strategy and Proposed Modifications, on the integrity of two European Sites: Rutland Water Special Protection Area and Ramsar Site and Upper Nene Valley Gravel Pits Special Protection Area and Ramsar Site (Map 1). The Appropriate Assessment was able to rule out any significant negative effects on the two European sites.
- 6.5 The Ashton Neighbourhood Plan policies and proposals are in conformity with those in the West Northamptonshire Joint Core Strategy which has been subject to Appropriate Assessment. This confirms that the Joint Core Strategy will not result in adverse effects on the integrity of any European site. It is therefore

concluded that no further work will be required in relation to the Ashton Neighbourhood Plan in order to comply with the Habitat Regulations. Specifically, in terms of the Upper Nene Gravel Pits SPA (Map 1) the physical separation from the SPA; the absence of allocated development sites; and the criteria based nature of policies in the Ashton NDP are considered such that in terms of the types of development to be managed via the Ashton NDP policies there will be no impact on the SPA. This conclusion is drawn without considering the need for any mitigation or measures to avoid or reduce harmful effects arising from the plan on the SPA.

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

- 7.1 This report sets out the assessment of the need for the Ashton Neighbourhood Plan 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 Draft Neighbourhood Plan which was published in January 2019. As such if the content of the Neighbourhood Plan is significantly changed there may be the need for a further screening exercise to be undertaken on any modified version of the Neighbourhood Plan.

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

- 7.3 In relation to the requirement for the Ashton Neighbourhood Plan 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 Ashton Neighbourhood Plan 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.” The specific site of concern in this instance is the Upper Nene Gravel Pits SPA. This screening has drawn the conclusion that, without considering the need to avoid or reduce harmful effects that there will be no adverse impact on the SPA.



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