

**North Luffenham
Neighbourhood Plan**

**Sustainability Appraisal/
Strategic Environmental Assessment
&
Habitat Regulations Assessment

Screening Report**



Rutland
County Council

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**Strategic Environmental Assessment and Habitat Regulations Assessment
Screening Report for North Luffenham Neighbourhood Plan**

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Strategic Environmental Assessment and Habitat Regulations Assessment Screening Report for North Luffenham Neighbourhood Plan

1. Introduction

Purpose of Report

- 1.1 This screening report is designed to determine whether the contents of the proposed submission version of the North Luffenham Neighbourhood Plan (NLNP) 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 This report will also screen whether the NLNP requires a Habitats Regulations Assessment (HRA) in accordance with Article 6(3) of the EU Habitats Directive and Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended). A HRA is required if it is deemed that likely adverse significant effects may occur on protected European Sites (also known as Habitats Sites (NPPF, 2021)) as a result of the implementation of a plan/project. As a general 'rule of thumb' sites with pathways of 10-15km of the plan/project boundary should be included with a HRA. Rutland Water Special Protection Area (SPA)/RAMSAR is the only internationally designated site within a 15km radius of the NLNP boundary.
- 1.3 The legislative background is referred to in section 2 which outlines the regulations that require the need for this screening exercise. The report is then split in two parts. The first part will cover the screening for the SEA and the second will cover the screening process for the HRA. Section 3 provides a screening assessment for both establishing the need for a SEA and the criteria for determining the likely significant environmental effects of the NLNP on the environment. Section 4 provides a screening assessment for the NLNP of both the likely significant effects of the implementation of the NLNP and the need for a HRA.
- 1.4 A summary of findings and conclusions for both screening processes can be found in Section 5 at the end of this document.

North Luffenham Neighbourhood Plan Submission Version

- 1.5 The purpose of the NLNP is to provide a set of statutory planning policies to guide development within the Parish of North Luffenham over the life of the plan. The area covered by the Plan is shown at Appendix 1. Once formally adopted, a Neighbourhood Plan carries the same weight as Development Plans adopted by Rutland County Council.
- 1.6 The submission version of the NLNP contains a vision statement which, in summary, is to maintain and enhance the vibrancy and vitality of the Parish by having the community at the core. Preserving village character and encouraging a sense of community for all ages and backgrounds through the encouragement of sensitive and sustainable development. The vision also sets out that it will meet the evolving needs of residents.
- 1.7 The Plan sets out the aims which will contribute to putting community priorities first, conservation of the environment and surrounding countryside, promoting a healthy lifestyle and sustainable transport, preserving the historic identity, and developing new whilst maintaining and enhancing community facilities.
- 1.8 The policies proposed in the Plan (see Section 4) are intended to support decision making that will deliver the objectives and achievement of the Vision. The Plan does not specifically allocate any land or buildings for a particular future use.

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Local Plan

- 1.9 The Localism Act (2011) requires that Neighbourhood Plans must be in general conformity with the strategic policies of the Local Plan. Rutland County Council has a Core Strategy Development Plan Document (DPD) which was adopted in July 2011 and a Site Allocations & Policies DPD adopted in October 2014. The Local Plan Review (2016-2036) was withdrawn in September 2021 and work has begun on a new Local Plan which will cover the period up to 2041.
- 1.10 The settlement hierarchy in the adopted Local Plan and the Sustainability of Settlement Assessment (2019) categorises the towns and villages of Rutland according to their accessibility to facilities and services. North Luffenham is defined as a Smaller Service Centre which was merged with Restraint Villages in the 2019 update, to form Smaller Villages. This means that it has some, but a more limited range, of the key facilities and/or is less accessible to higher order centres than villages in the Local Service Centre category. Policy CS4 – The location of development states that Smaller Service Centres, now Smaller Villages, can accommodate minor scale development, mainly on previously developed land on a limited scale, appropriate to the character and the needs of the village. Comprising of affordable housing sites, infill development and conversion/reuse of suitable buildings.
- 1.11 Both the adopted Core Strategy DPD and Site Allocations & Policies DPD were subject to a full Sustainability Appraisal which included a SEA assessment. A HRA of both documents was also undertaken. The assessments established there were no likely significant effects arising from the implementation of the Core Strategy and the Site Allocations & Policies DPD.

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2. Legislative Background

Strategic Environmental Assessment (SEA)

- 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. Detailed Guidance of these regulations can be found in the Government publication 'A Practical Guide to the Strategic Environmental Assessment Directive' (ODPM 2005).
- 2.2 Section 19 of the Planning and Compulsory Purchase Act 2004 requires local planning authorities to carry out a sustainability appraisal (SA) for any documents that can form part of a local plan. It is considered best practice for the SA to incorporate the requirements of the SEA.
- 2.3 There is no legal requirement for a neighbourhood plan to have a sustainability appraisal (as set out in section 19 of the Planning and Compulsory Purchase Act 2004). However, a qualifying body must demonstrate how its plan will contribute to achieving sustainable development.
- 2.4 However, one of the basic conditions that will be tested by the independent examiner is whether the making of the Neighbourhood Development Plan is compatible with relevant legal obligations including a Strategic Environmental Assessment (SEA)¹. Where a neighbourhood plan is likely to have a significant effect on the environment a strategic environmental assessment needs to be carried out and an environmental report prepared in accordance with paragraphs (2) and (3) of regulation 12 of the Environmental Assessment of Plans and Programmes Regulations 2004². Examples of where there may be such effects include, as set out in national Planning Practice Guidance, where a neighbourhood plan allocates sites for development, the neighbourhood area contains sensitive natural or heritage assets that may be affected by proposals in the plan or the neighbourhood plan is likely to have significant environmental effects that have not already been considered and dealt with through a SA of the local/strategic policies for the area³.
- 2.5 To fulfil the legal requirement, this report focuses on screening for a SEA and the criteria for establishing whether a full assessment is needed.

Habitat Regulation Assessment (HRA)

- 2.6 It is required by article 6(3) of the EU Habitats Directive and by regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) that an appropriate assessment is carried out with regard to the Conservation Objectives of the European Sites and with reference to other plans and projects to identify if any significant effect is likely for any European Site.
- 2.7 To fulfil the legal requirements to identify if likely significant effects will occur with the implementation of the NLNP upon the European Sites, a screening assessment has been undertaken (in Section 4 of this report).

¹ Paragraph: 027 Reference ID: 11-027-20190722, National Planning Practice Guidance

² Paragraph: 028 Reference ID: 11-028-20150209, National Planning Practice Guidance

³ Paragraph: 028 Reference ID: 11-028-20150209, National Planning Practice Guidance

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- 2.8. In line with the Court judgement (CJEU People over Wind v Coillte Teoranta C-323/17) mitigation measures cannot be considered when carrying out a screening assessment to decide whether a plan or project is likely to result in significant effects on a European Site.

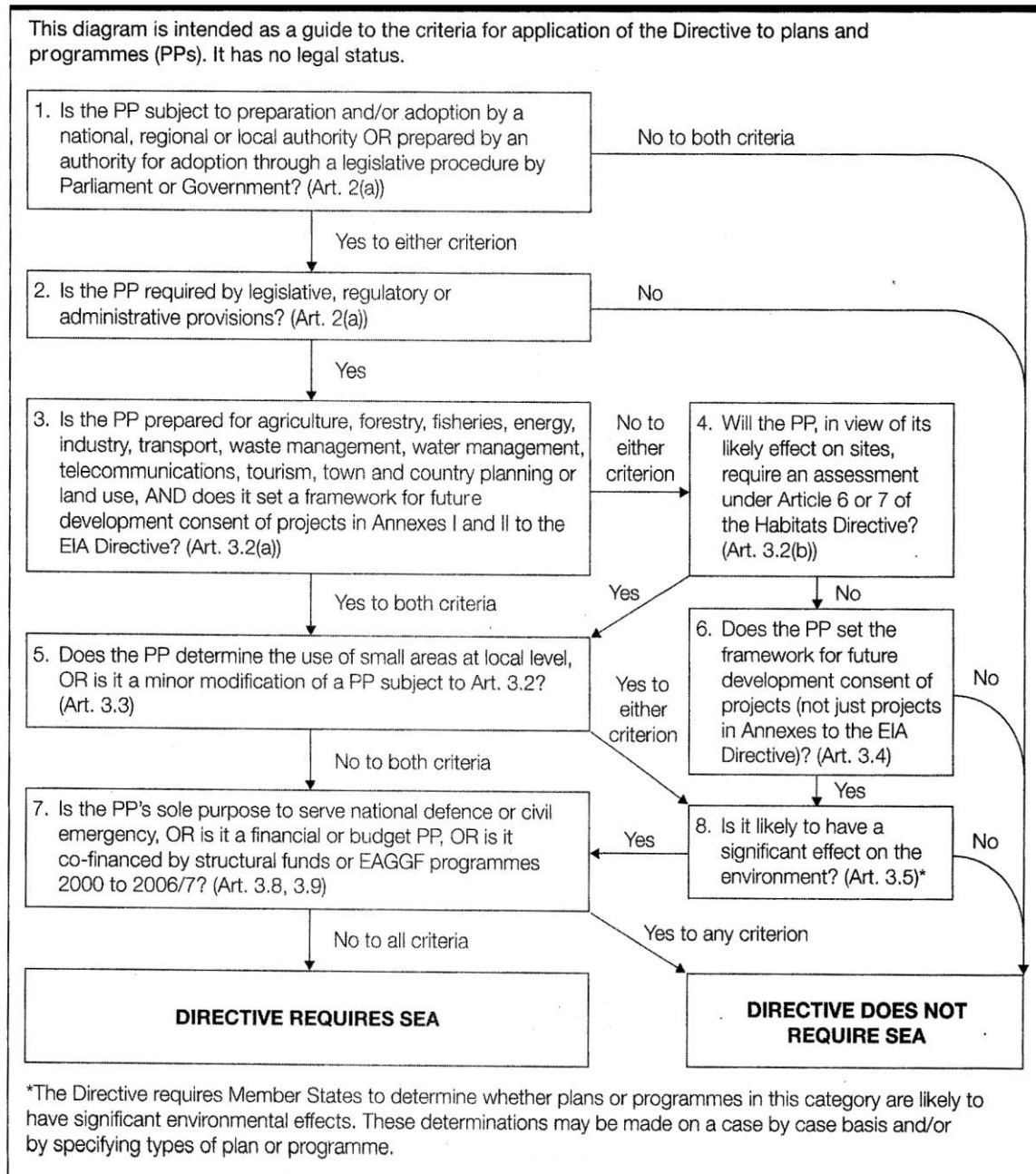
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3. SEA Assessment

Assessment

3.1. The diagram in Figure 1 illustrates the process for screening a planning document to ascertain whether a full SEA is required.

Figure 1: Application of the SEA Directive to plans and programmes



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3.2 Table 1 shows the assessment of whether the NLNP will require a full SEA. The questions below are drawn from the diagram in Figure 1 which sets out how the SEA Directive should be applied.

Table 1: Establishing the Need for SEA

Stage	Y/N	Reason
1. Is the PP (plan or programme) 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))	Y	Neighbourhood Plans are prepared by a qualifying body under the provisions of the Town and Country Planning Act 1990 (as amended). The NLNP is prepared by North Luffenham Parish Council (as the Qualifying Body) and the North Luffenham Neighbourhood Plan Group. Once the plan is 'made', subject to examination and having received 50%+ or more 'yes' votes through a referendum, it will be adopted by Rutland County Council and become part of the Statutory Development Plan for the area.
2. Is the PP required by legislative, regulatory or administrative provisions? (Art. 2(a))	N	Communities have a right to produce a Neighbourhood Plan. However, communities are not required by legislative, regulatory, or administrative purposes to produce a Neighbourhood Plan. However, once 'made' the NLNP would form part of the statutory development plan and will be used when making decisions on planning applications within the Neighbourhood Area. Therefore, it is considered necessary to answer the following questions to determine further if an SEA is required.
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))	Y	The NLNP is prepared for town and country planning and land use and will set out a framework for future development of the scale that would fall under Annex II of the EIA Directive. However, for Neighbourhood Plans, developments which fall under Annex I of the EIA Directive are "excluded development" as set out in Section 61k of the Town and Country Planning Act 1990 (as amended by the Localism Act)
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))	N/K	A neighbourhood plan could potentially have impacts on sites covered by the Habitat Regulations. A separate HRA screening assessment has been undertaken and can be found in Section 4 of this report.
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)	Y	A neighbourhood plan can determine the use of small areas at a local level. The NLNP covers the parish of North Luffenham and will determine the use of

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		sites and areas at a local level. The NLNP does not allocate any sites within its area.
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	Once 'made' the NLNP will form part of the statutory development plan and will be used in the determination of planning applications within the NLNP area. It, therefore, sets the framework for future developments at a local level.
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	The NLNP does not deal with these issues.
8. Is it likely to have a significant effect on the environment? (Art. 3.5)	N	None identified. The assessment of likely significant effects are considered in more detail in Table 2.

Criteria for Assessing the Effects of the North Luffenham Neighbourhood Plan

3.3. Criteria for determining the likely significance of effects referred to in Article 3(5) of Directive 2001/42/EC are set out below:

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 transboundary 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 natural 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
 - intensive land-use,
 - the effects on areas or landscapes which have a recognised national, Community or international protection status.

Source: Annex II of SEA Directive 2001/42/EC

3.4. Table 2 below looks at the likelihood for the Submission NLNP to have significant effects on the environment.

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Table 2: Criteria for determining the likely significance of effects on the environment from Schedule 1 of the Environmental Assessment of Plans and Programmes Regulations 2004

Criteria (from Annex II of the SEA Directive and Schedule 1 of Regulations)

1. Characteristics of the plans and programmes, having regard, in particular to:		Is there a significant environmental impact? Y/N	Justification
1a	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.	N	The NLNP sets out policies which will be used to determine proposals within the Neighbourhood Plan area only. The NLNP policies must be in general conformity with the strategic planning policy framework provided by existing policies within the Core Strategy and Site Allocations & Policies DPD and those in the emerging Rutland Local Plan. These are separately subject to SEA as a matter of course. The NLNP does not specifically allocate any land for development.
1b	The degree to which the plan or programme influences other plans and programmes including those in a hierarchy	N	The NLNP will introduce new locally specific policies but will be in general conformity with other plans in the hierarchy, supporting the implementation of those higher tier policies at the Neighbourhood Plan Area level. Due to the locally specific nature of the policies, it is considered that the effect of the Plan on other plans and programmes or their effects on the environment will not be significant.
1c	The relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development	N	Neighbourhood Plans are required to contribute to the achievement of sustainable development. The NLNP seeks to ensure environmental considerations are considered. It includes policies relating to the conservation of heritage assets and protection of the natural environment within the plan area. It is anticipated that the NLNP may have a positive impact on the neighbourhood plan area and the likelihood of significant effects on the environment, therefore, minimised.

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1d	Environmental problems relevant to the plan or programme	N	The NLNP itself will not result in any environmental problems beyond those already identified in the SA of the Core Strategy & Site Allocations & Policies DPD and emerging Local Plan. It is anticipated that the NLNP may have a positive impact in the neighbourhood plan area through seeking to encourage sensitive and sustainable development in relation to the environment.
1e	The relevance of the plan or programme for the implementation of [European] Community legislation on the environment (for example, plans and programmes linked to waste management or water protection)	N	The NLNP must be in conformity with the strategic policies contained within the Local Plan and supports the implementation of higher tier policies at a Neighbourhood Area level. The existing Local Plan for Rutland has had regard to European Community legislation on the environment. The content of the NLNP is not considered to conflict with plans or programmes related to waste management or water protection.
2. Characteristics of the effects and of the area likely to be affected, having particular regard to:		Is there a likely significant environmental impact?	Justification
2a	The probability, duration, frequency and reversibility of the effects	N	Some development is expected during the duration of the Plan (to 2037) so an element of environmental change will take place and permanent effects would exist beyond this. The NLNP does not allocate land for development and the Plan policies are designed to ensure new development is sustainable and minimises environmental impacts. Accordingly, no significant effects are predicted.
2b	The cumulative nature of the effects	N	The cumulative effects of the NLNP are likely to be positive although only on a local scale.
2c	The trans-boundary nature of the effects	N	The NLNP is unlikely to have a significant impact on neighbouring areas.
2d	The risk to human health or the environment (for example, due to accidents)	N	It is unlikely that there would be risks to human health or the environment arising from the

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			implementation of the policies proposed in the NLNP.
2e	The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)	N	The NLNP is applicable only to developments within the Neighbourhood Plan area. Therefore, the effects of the NLNP will more likely be felt at a much more local scale (i.e. site or neighbourhood).
2f	The value and vulnerability of the area likely to be affected due to: i) Special natural characteristics or cultural heritage;	N	The NLNP is applicable to developments within the Neighbourhood Plan area, which includes a Conservation Area, and a number of listed buildings and structures. Impacts of development on these assets will be considered as part of individual planning applications. The NLNP provides policies for the parish of North Luffenham in addition to those in the existing Development Plan. The anticipated effects should, therefore, be positive for this criterion, particularly as the NLNP includes policies which will provide greater support to protect and enhance the natural and cultural heritage assets of the area.
	ii) exceeded environmental quality standards or limit values;	N	This would be unlikely to result from the proposals.
	iii) Intensive land-use	N	This would be unlikely to result from the proposals.
2g	The effects on areas or landscapes which have a recognised national, Community or international protection status.	N	None identified. The NLNP provides additional planning policy for North Luffenham which in itself will not have a significant effect. Any applications for development will be required to satisfy the relevant policies for protection of the character of the area before permission is granted.

SEA Screening Outcome

3.3 On the basis of the assessments set out in Table 1 and 2, it is concluded that the NLNP 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. The reasons for this are:

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- The NLNP supports the implementation of higher tier policies in the existing Rutland Local Plan;
- The NLNP seeks to avoid or minimise negative environmental effects through the provision of guidance on issues which should be considered when making proposals within the Neighbourhood Area. It is, therefore, likely to have an indirect positive environmental effect by setting out how proposals can avoid adverse effects on a number of environmental factors; and
- The Plan does not allocate land or buildings for specific new development.

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4. HRA Screening

HRA Process

- 4.1 The initial stage of the HRA process is the screening assessment of the impacts of a land use proposal against the conservation objectives of European (Habitats) sites. It determines if the implementation of the Plan, taking no account of mitigation measures, would result in a likely significant effect on any European site either alone or in combination with other plans or projects. If a 'significant effect' is likely then the need for an Appropriate Assessment of the Plan would be triggered.
- 4.2 The screening process should provide a description of the plan, identify the European sites which may be affected by the plan and assess the significance of any possible effects on the identified sites.

Relevant European sites

- 4.3 Rutland Water Special Protection Area (SPA)/RAMSAR is the only international designated site within a 15km radius of the NLNP boundary. The HRA screening assessment needs to identify if any likely significant effects will be caused by the implementation of the NLNP.

Rutland Water SPA/RAMSAR

- 4.4 Rutland Water is a manmade pump storage reservoir created by the damming of the Gwash Valley in 1975 and is the largest reservoir by surface area in the United Kingdom. In general, the reservoir is drawn down in the summer and filled during the autumn and winter months when river levels are high. The main habitats are open water and a mosaic of lagoons, reedswamp, marsh, old meadows, scrub and woodland. The lagoons are one of the most important areas for wintering wildfowl.
- 4.5 The interest features in relation to the site as an SPA and RAMSAR are provided in Table 3.

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Table 3: Interesting Features of Rutland Water SPA/RAMSAR

Designation	Interesting Features
SPA	<p>Qualifies under Article 4.2 by supporting populations of European importance of the following migratory species over winter:</p> <ul style="list-style-type: none"> - Shoveler (<i>Anas clypeata</i>) - Teal (<i>Anas crecca</i>)* - Wigeon (<i>Anas Penelope</i>)* - Gadwall (<i>Anas strepera</i>) - Tufted Duck (<i>Aythya fuligula</i>)* - Goldeneye (<i>Bucephala clangula</i>)* - Mute Swan (<i>Cygnus atra</i>)* - Goosander (<i>Mergus merganser</i>)* - Great Crested Grebe (<i>Podiceps cristatus</i>)* - Coot (<i>Fulica Arra</i>)⁴ <p>Qualifies under Article 4.2 by regularly supporting at least 20,000 waterfowl.</p> <p>* Species that may be removed following the SPA Review *Stroud et al, 2001; The UK SPA network: its scope and content, JNCC)</p>
RAMSAR	<p>RAMSAR criterion 5 – Assemblages of international importance</p> <p>Species with peak counts in winter:</p> <ul style="list-style-type: none"> - 19274 waterfowl (5 year peak mean 1998-99 – 2002/2003) <p>RAMSAR criterion 6 – Species/populations occurring at levels of international importance</p> <p>Qualifying Species:</p> <ul style="list-style-type: none"> - Gadwall <i>Anas strepera</i> - Northern shoveler <i>Anas clypeata</i>

4.6 The sensitivities and vulnerabilities of the site have been identified in HRA assessments for Rutland County Council’s Core Strategy and Site Allocations & Policies Development Plan Documents.

4.7 The HRA identified that the most noticeable species are the populations of gadwall and shoveler. Data on the use of the site by these species indicate the gadwall and shoveler numbers peak in the autumn, generally around September/October, before declining over the winter period.

4.8 This suggests that Rutland is mainly used as a refuge whilst species are moulting in early autumn, before dispersing from the site to other wintering areas as winter

⁴ Natural England (2014):’Rutland Water Citation, [Online] available to access [here](#)

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progresses. During the winter, gadwall and shoveler occupy more extensive open waters of lakes, reservoirs, and gravel pits.

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- 4.9 Threats include disturbance and water pollution. The principal sensitivities and vulnerabilities of Rutland Water include:
- Water Quality. The level of phosphate can vary above the recommended level at certain times of the year. This increases the risk of a shift in the trophic status of the water body to an algae dominated system, which would adversely affect the site
 - Water level. The water level is linked to abstraction and affects accessible aquatic plants are for wildfowl feeding on the site. The ecological perturbation that frequent lowering and raising of water levels causes could be an important factor in whether or not a switch in trophic status occurs
 - Recreation. Management of the trout fishery has caused some debate over potential effects on site ecology. In addition, water sports such as sailing have the potential to affect the site through disturbance. Casual recreation around the site margins may also affect some interest features. The site and the interest features are most likely to be vulnerable to disturbance during the key autumn period
- 4.10 The HRA considered that both the Core Strategy and the Site Allocations & Policies DPDs would have no likely significant effects on Rutland Water in combination with any other adopted planning documents.
- 4.11 Although the NLNP does not propose to allocate land specifically for new development, any windfall development that comes forward in the NLNP area will be subject to Core Strategy Polices CS4 – ‘Location of Development’ and Site Allocations & Policies DPD Policy SP5 – ‘Built Development in the towns and villages’
- 4.12 An assessment of likely significant effects has been undertaken for all policies in the NLNP. Table 4 below presents a HRA Screening for the North Luffenham Neighbourhood Plan.

Table 4: Establishing the Need for an Appropriate Assessment

North Luffenham Neighbourhood Plan Policy	Detail of Policy to be Screened	Comment	Likely Significant Effect
Policy NL1	Employment and Community Facilities	This policy itself will not lead to development. The policy sets out requirements of the provision of new, enhancing existing, and preventing the loss of Employment/Community Facilities as part of the development of sites allocated in the existing of future Rutland Local Plan.	No likely significant effect
Policy NL2	Broadband	This policy will not lead to development. It sets out the fibre requirements of new development proposals.	No likely significant effect

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North Luffenham Neighbourhood Plan Policy	Detail of Policy to be Screened	Comment	Likely Significant Effect
Policy NL3	Residential Development	The policy itself will not lead to development. It sets out location requirements for the creation of sustainable and inclusive development. The policy also sets out the expectations for affordable housing provision.	No likely significant effect
Policy NL4	Natural Environment	The policy itself will not lead to development but sets out criteria that requires new development proposals to protect and enhance biodiversity, include landscaping that enhances existing natural features and include trees, green corridors, green/brown roofing and hedgerows in the design. The policy sets out that if the development results in unavoidable loss of a natural feature, then replacements must be of local native species and seek to achievable greater level of amenity.	No likely significant effect
Policy NL5	River Chater	The policy itself will not lead to development but sets out criteria that requires new development proposals to protect the River Chater with regards to its existing habitats, wildlife, character and quality.	No likely significant effect
Policy NL6	Local Green Space	The policy itself will not lead to development but seeks to designate areas as Local Green Spaces to protect them from development.	No likely significant effect
Policy NL7	Watercourses and Surface Water	The policy itself will not lead to development but seeks to protect the blue infrastructure and support the restoration of the River Chater's ecological status through the management of watercourses and surface water in development. It also	No likely significant effect

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North Luffenham Neighbourhood Plan Policy	Detail of Policy to be Screened	Comment	Likely Significant Effect
		sets out that proposals must not result in a net increase in surface water runoff and where possible, should incorporate Sustainable urban drainage systems (SuDS).	
Policy NL8	Sustainable Design	This policy will not lead to development but sets out that requirements to ensure proposed development is as sustainable as possible. The policy identifies the requirement for including green Infrastructure, the need to be proportionate with regards to scale, character and storey height and the need for high quality, zero carbon development suitable for all.	No likely significant effect
Policy NL9	Historic Environment	This policy will not lead to development but sets out criteria for preserving and enhancing the historic character and aims to ensure that development proposals are of high-quality design and are sensitive to the locally distinctive identity of the village and conservation area.	No likely significant effect
Policy NL10	Landscape Setting	The policy itself will not lead to development but seeks to protect the open and green landscape setting of the village.	No likely significant effect
Policy NL11	Transport and Walking	The policy itself will not lead to development but aims to encourage sustainable transport and sets out criteria and options for adopting more sustainable travel means.	No likely significant effect

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- 4.13 The findings show that the policies will have no likely significant effect upon Rutland Water. Therefore, in the context that the NLNP does not propose to allocate land specifically for new development and the policies within the NLNP are in conformity with those in both the adopted Core Strategy and Site Allocations & Policies DPD, which were subject to a HRA that confirmed no significant effects are likely, it is considered that there will be no requirement to undertake an Appropriate Assessment of the NLNP.

In combination effects

- 4.14 Regulation 105 of the Habitats Regulations 2017 requires an appropriate assessment where a land use plan (not directly connected with or necessary to the management of the site) is likely to have a significant effect on a European site, either alone or in combination with other plans or projects
- 4.15 There are a number of potentially relevant plans and projects which may result 'in combination' effects for the NLNP, a useful starting point to determine whether the NLNP may result in 'in combination' effects are the HRA's undertaken for Rutland County Council's Core Strategy and Site Allocations & Policies DPD's. Both these HRA's identified possible 'in combination' effects in relation to development and regional water resource demands on Rutland Water.
- 4.16 However, in mitigation, the Water Cycle Study identifies that there is either sufficient capacity within the sewerage network to avoid significant effects on Rutland Water, or works will be able to improve their treatment levels within the limits of conventional wastewater treatment technology to allow for increased discharges from the Waste water Treatment Works (WwTWs).
- 4.17 The screening assessment undertaken concludes that no likely significant effects in relation to the Rutland Water SPA/RAMSAR site will occur as a result of the implementation of the Core Strategy and Site Allocations & Policies DPD's.

Screening Outcome

- 4.18 The NLNP does not go beyond the requirements set out in the Core Strategy & the Site Allocations & Policies DPD or emerging Rutland Local Plan (2016-2036). Consequently, it is considered that no significant 'in combination' likely effects will occur from the implementation of the NLNP. As such, the NLNP does not require a full HRA to be undertaken.

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5. Conclusions and Recommendations of the Screening Assessments

SEA

- 5.1 The NLNP has been prepared for town and country planning purposes and sets a framework for future development consent. The policies of the NLNP can be considered to determine the use of small areas at local level commensurate with their status in determining planning applications.
- 5.2 A screening assessment was undertaken to determine the need for a SEA in line with regulations and guidance and can be found in Section 3 of this report. The assessment finds no likely significant effects will occur as a result of the NLNP. The assessment finds many of the policies are in conformity with the local plan policies which have a full SA/SEA and which identified no likely significant effects will occur as a result of the implementation of policies.
- 5.3 From the findings of the screening assessment, it is recommended that a full SEA does not need to be undertaken for the NLNP.

HRA

- 5.4 A screening assessment was undertaken to determine the need for a HRA in line with regulations and guidance and can be found in section 4 of this report. The assessment finds that the NLNP is not predicted, without mitigation, to have any likely significant effects on a European site. The assessment finds many of the policies are in conformity with the local plan policies, which have undergone a full HRA and which identified no likely significant effects would occur as a result of the implementation of policies. It is also identified that no likely in combination significant effects will occur as a result of the implementation of the NLNP.
- 5.5 From the findings of the screening assessment, it is recommended that a full HRA does not need to be undertaken for the NLNP.

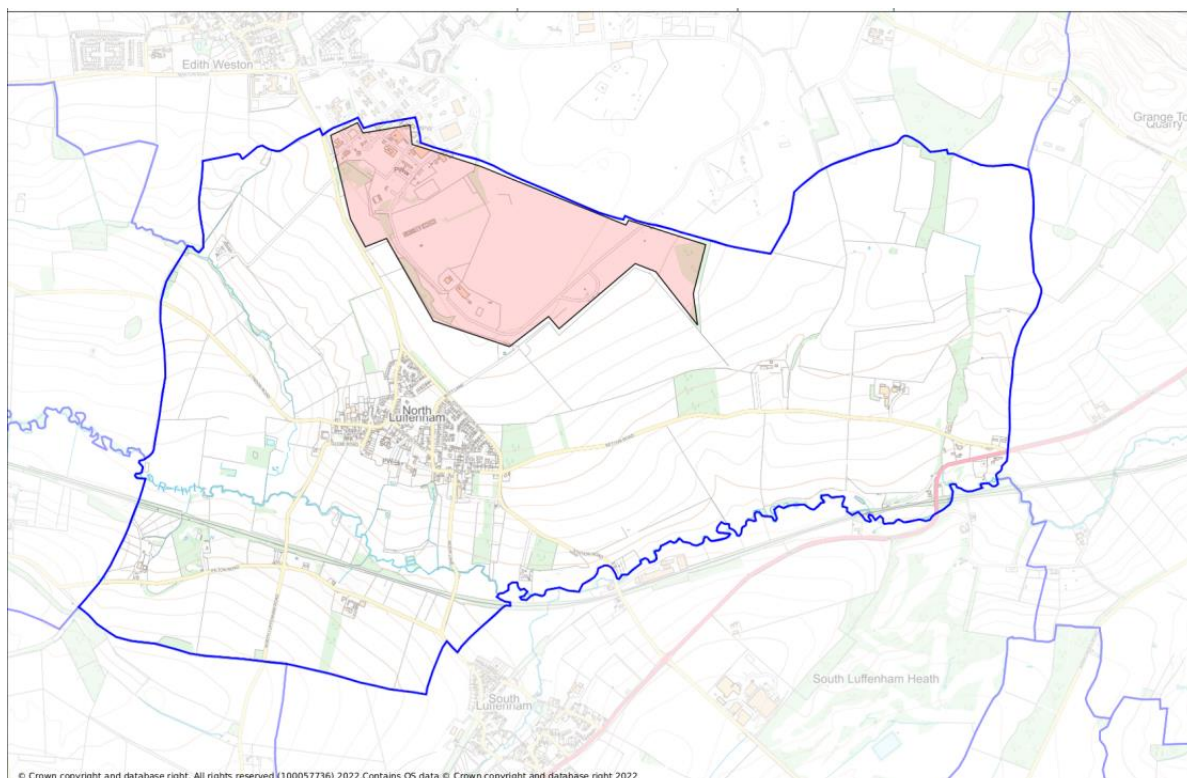
Strategic Environmental Assessment and Habitat Regulations Assessment Screening Report for North Luffenham Neighbourhood Plan

6. Determination

- 6.1. To aid the Council's formal determination, the three statutory consultation bodies designated in the regulations have been consulted: Historic England, Environment Agency and Natural England.
- 6.2. Consultation on the Screening Report was carried out with the three bodies in July 2022. All three bodies agreed with the conclusions of the Screening Report. The consultation responses are attached at Appendix 2.
- 6.3. Rutland County Council are of the opinion, therefore, that an environmental assessment of the North Luffenham Neighbourhood Plan is not required as it is unlikely to have significant environmental effects.
- 6.4. It is also the Council's opinion that a full Habitats Regulations Appropriate Assessment is not required, as the North Luffenham Neighbourhood Plan is unlikely to have a significant effect on any designated sites.

Strategic Environmental Assessment and Habitat Regulations Assessment Screening Report for North Luffenham Neighbourhood Plan

Appendix 1 – North Luffenham Neighbourhood Plan Area



Strategic Environmental Assessment and Habitat Regulations Assessment Screening Report for North Luffenham Neighbourhood Plan

Appendix 2 – Statutory Body Responses

Environment Agency:

RE: Consultation on SEA/HRA screening for North Luffenham Neighbourhood Plan



LN Planning <LNplanning@environment-agency.gov.uk>

To: Brittany Hirst

Follow up. Completed on 28 July 2022.
You replied to this message on 28/07/2022 13:35.

Reply Reply All Forward

Thu 28/07/2022 11:25

Dear Brittany

SEA/HRA Screening report

Thank you for consulting the Environment Agency. We have reviewed your SEA / HRA screening report with reference to the draft plan.

We note that the River Chater flows through the southern part of the neighbourhood plan area, with associated Flood Zones 2 and 3 and local wildlife sites. However, it does not flow through the built up area of the village and draft policy NL3 restricts housing development to within the 'planned limits of development'. Draft policies NL5 and NL7 are also protective of the river in terms of water quality, biodiversity and amenity.

Based on a review of environmental constraints for which we are a statutory consultee, we do not consider the plan is likely to have significant environmental effects relating to these environmental constraints.

Kind regards

Nicola Farr

Sustainable Places - Planning Advisor

Environment Agency, Lincolnshire & Northamptonshire Area

Ceres House, Searby Road, Lincoln, LN2 4DW (Currently working from home)

nicola.farr@environment-agency.gov.uk

Strategic Environmental Assessment and Habitat Regulations Assessment
Screening Report for North Luffenham Neighbourhood Plan

Historic England:



Ms Brittany Hirst
Rutland County Council
Catmose
Oakham
Rutland
LE15 6HP

Direct Dial: 0121 625 6870

Our ref: PL00782182

15 July 2022

Dear Ms Hirst

NORTH LUFFENHAM NEIGHBOURHOOD PLAN - SEA SCREENING REQUEST

Thank you for your consultation of 6 July 2022 and the request for a Screening Opinion in respect of the *North Luffenham Neighbourhood Plan*.

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 'SEA' Directive], Historic England is of the view that the preparation of a Strategic Environmental Assessment is not likely to be required.

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://historicengland.org.uk/images-books/publications/sustainability-appraisal-and-strategic-environmental-assessment-advice-note-8/>

Should it be concluded that, overall, a SEA will be required for the Plan, Historic England would be pleased to discuss the scope of the assessment in relation to the historic environment in due course.

I hope that this information is of use to you at this time. Should you have any queries, please do not hesitate to contact me.

Yours sincerely,



THE FOUNDRY 82 GRANVILLE STREET BIRMINGHAM B1 2LH
Telephone 0121 625 6888
HistoricEngland.org.uk



Strategic Environmental Assessment and Habitat Regulations Assessment Screening Report for North Luffenham Neighbourhood Plan



C. Fletcher

Clive Fletcher
Principal Adviser, Historic Places
clive.fletcher@HistoricEngland.org.uk



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Historic England is subject to both the Freedom of Information Act (2000) and Environmental Information Regulations (2004). Any information held by the organisation can be requested for release under this legislation.

Strategic Environmental Assessment and Habitat Regulations Assessment
Screening Report for North Luffenham Neighbourhood Plan

Natural England:

Date: 18 July 2022
Our ref: 399815



Rutland County Council

BY EMAIL ONLY

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

T 0300 060 3900

Dear Brittany Hurst

Planning consultation: North Luffenham Neighbourhood Plan - SEA & HRA Screening Consultation

Thank you for your consultation on the above dated 06 July 2022.

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.

Where Neighbourhood Plans could have significant environmental effects, they may require a Strategic Environmental Assessment (SEA) under the Environment Assessment of Plans and Programmes Regulations 2004 (as amended). Further guidance on deciding whether the proposals are likely to have significant environmental effects and the requirements for consulting Natural England on SEA are set out in the [planning practice guidance](#).

Planning practice guidance also outlines that if an appropriate assessment is required for your neighbourhood plan this will also engage the need for a SEA. One of the basic conditions that will be tested by the independent examiner is whether the neighbourhood plan is compatible with European obligations, including those under the SEA Directive. Where a SEA is required it should be prepared in accordance with [regulation 12](#) of the SEA Regulations.

Natural England welcomes the Screening Report which assesses the requirement for Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) for the North Luffenham Neighbourhood Plan.

I can confirm that Natural England agrees with this report's conclusion that it is not likely there will be significant environmental effects arising from the policies in the plan, which have not already been accounted for within the adopted local plan. Therefore, the **North Luffenham Neighbourhood Plan does not require a Strategic Environmental Assessment (SEA)** to be undertaken.

Natural England also agrees that the Plan would be unlikely to result in any significant effect to European Sites, either alone or in combination, and therefore **an appropriate assessment under the Habitats Regulations is not required**.

Aside from this, Natural England have no specific comments at this stage. We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us. For any queries relating to the specific advice in this letter please contact me on 020 8720 4183. For any new consultations, or to provide further information on this consultation

**Strategic Environmental Assessment and Habitat Regulations Assessment
Screening Report for North Luffenham Neighbourhood Plan**

please send your correspondences to consultations@naturalengland.org.uk.

Yours faithfully

Robbie Clarey
Lead Adviser – East Midlands Area Delivery