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21<sup>st</sup> April 2021

Dear Sir/Madam

## **MELBOURNE NEIGHBOURHOOD PLAN. SEA AND HRA (APPROPRIATE ASSESSMENT) SCREENING DETERMINATION**

South Derbyshire District Council (hereafter the Council) is a responsible authority for deciding whether local development plans should be subject to various forms of environmental assessment during their preparation. This includes Neighbourhood Development Plans (NDPs).

Having previously screened whether or not there was a need to undertake a Strategic Environmental Assessment (SEA) and Habitat Regulations Assessment (HRA) Appropriate Assessment alongside the preparation of the Melbourne NDP it was determined by the Council that the Melbourne NDP did not need to be subject to a SEA or HRA Appropriate Assessment. The version of the Melbourne NDP which was used to carry out the initial screening exercise was version 0.7 which is dated December 2018.

Before making its determination, a draft of the screening report prepared by the Council was consulted upon in November and December 2018. During this consultation, the statutory Consultation Bodies were asked whether SEA or further HRA would be required in preparing the NDP. All responded confirming that SEA and HRA Appropriate Assessment would not need to be undertaken in preparing the NDP given the scope of the Plan. An SEA and HRA Determination Statement was subsequently issued by the Council to comply with Regulation 9 of the Environmental Assessment of Plans and Programmes Regulations 2004. This Determination Statement confirmed that further Strategic Environmental Assessment or Habitat Regulations Assessment was not required.



However, since 2018 preparation of the Melbourne NDP has continued, and a number of amendments have been made to the NDP previously screened for SEA and HRA. The most recent version of the Plan is version 0.10 dated March 2021. It is understood by the Council that this is the version of the Melbourne NDP to be submitted to Examination. Given the changes made to the emerging NDP since December 2018, the Council considered it prudent to review the changes in order to ensure that the previously issued SEA and HRA screening Determination Statement remains adequate.

A line by line assessment of version 0.7 and version 0.10 of the Plan has been undertaken by officers of the Council and the key differences between the two versions of the Plan identified. Following this exercise, I can confirm that the Council considers the changes proposed to the Melbourne NDP to be limited in scope and trivial in significance. For this reason, it is not considered necessary to reconsult the statutory Consultation Bodies, or the undertake any further assessment or reassessment of the Plan. We are therefore satisfied that the SEA and HRA Screening Assessments remain adequate and that the revised NDP would have no likely effects (significant or otherwise) on the environment including any areas protected pursuant to the Habitats Directive and the Birds Directive.

I trust this information is useful. Please feel free to contact me directly should you require any further assistance in respect of this matter.

Yours Faithfully

Steffan Saunders  
Head of Planning and Strategic Housing

## **Addendum to Screening Determination**

A line-by-line assessment of the previously screened Melbourne Neighbourhood Development Plan (NDP) (Version 0.7 dated December 2018) and version issued to the Council dated March 2021 (version 0.10) has been undertaken to understand the nature and significance of the changes made to the Melbourne NDP over the intervening period. Whilst it is evident some changes have been made, these are for the most part trivial and following consideration it is concluded that they would have no effect on the findings of the SEA and HRA screening assessment previously published.

The most notable changes to the NDP relate to two specific policies: DP2 (formerly HP2) and OS1. Proposals are made to amend the actual policy wording of both of these policies. These are considered in greater depth below:

### **POLICY DP2 (FORMERLY HP2)**

Version 0.7 of the NDP included the following policy wording:

#### **DP1: MAINTAIN THE SEPARATION BETWEEN MELBOURNE AND KINGS NEWTON**

In the updated version of the plan this policy and been extended as follows:

**DP2: MAINTAIN THE SEPARATION BETWEEN MELBOURNE AND KINGS NEWTON: DEVELOPMENT WILL NOT BE PERMITTED WHICH WOULD ADVERSELY AFFECT OR DIMINISH THE PRESENT OPEN AND UNDEVELOPED CHARACTER OF THE AREA OF SEPARATION LYING BETWEEN MELBOURNE AND KINGS NEWTON, AS SHOWN AND IDENTIFIED ON THE MAP ATTACHED AT PARA 8.4.2. APPROPRIATE USES IN THE AREA OF SEPARATION ARE AGRICULTURE, FORESTRY, MINERALS EXTRACTION AND OUTDOOR SPORT AND RECREATION USES. ANY BUILT DEVELOPMENT PERMITTED WITHIN THE AREA OF SEPARATION WILL BE LIMITED TO MINOR STRUCTURES AND FACILITIES WHICH ARE STRICTLY ANCILLARY TO THE USE OF THE LAND FOR THESE PURPOSES.**

### **Comments**

Whilst on the face of it this may look like a substantive change, the proposed amendment amounts to a clarification of the policy rather than notable change in policy direction. The amended wording explains the types of development which may be appropriate outside of settlement boundaries within the countryside. This amendment better reflects the Framework and the policies included in the Adopted Local Plan (i.e. Policy BNE5, BNE6 etc). However, given the existence of existing policies such development would most likely still come forward. A fact reflected in the Screening Assessment issued in December 2018 which stated:

*This policy seeks to restrict development in an area of land in the vicinity of Jawbone Lane Melbourne. In identifying settlement boundaries in the South Derbyshire Local Plan and setting out a restrictive policy to control development outside of settlement boundaries (which this area is) HP2 therefore seeks to provide protection to an area already identified as not suitable for development within the Plan period except in exceptional circumstances. Again therefore, this policy is unlikely to lead to a significantly different policy approach in dealing with this area, although like policy HP1 represents a **very limited** strengthening of the Council's existing planning policy in relation to land outside of settlement boundaries between Kings Newton and Melbourne. No likely significant effects identified. (Emphasis added.)*

Having reviewed the updated policy wording and considered the previously issued screening assessment I remain satisfied that this remains accurate and describes the likely effects of this policy. No changes to the screening assessment are required.

## **POLICY OS1**

Version 0.7 of the NDP included the following policy wording:

### **OS1: DEVELOPMENT OF THE 8 AREAS OF LOCAL GREEN SPACE WILL NOT BE SUPPORTED**

In the updated version of the plan this policy and been amended to:

### **OS1: DEVELOPMENT OF THE IDENTIFIED AREAS OF LOCAL GREEN SPACE WILL BE RESISTED**

#### **Comments**

Whilst there are clearly some changes to the policy to reflect the updated position regarding Local Green Spaces in South Derbyshire, (resulting from the Council's preparation of the Local Green Spaces Plan), the policy remains substantially the same in the updated NDP, though the change in language from 'will not be supported' to 'will be resisted' is worth highlighting. However, this change in wording will not materially alter the level of protection afforded Local Green Space sites which are protected by the Framework as if they are Green Belt.

In outlining the likely significant effect of this policy in the screening assessment the following was noted:

*This policy significantly overlaps with the District Council's Local Green Spaces Plan which identifies local green spaces across the whole of South Derbyshire. Local green spaces are limited in extent and would be unlikely to give rise to significant environmental or community impacts. Moreover, designation would limit likely development on sites.*

Having reviewed this assessment, it is considered to remain accurate and describes the likely effects of this policy. Changes to the assessment to reflect the amendments to the NDP are not required. Moreover, the changes to the NDP now being proposed simply bring the NDP into alignment with the South Derbyshire Local Green Spaces Plan. Nonetheless, there are four additional sites proposed through the NDP, however having reviewed these, three are cemeteries and so would be protected by INF9 in the South Derbyshire Local Plan

Part 1. The other is a Local Wildlife Site and so would be protected by policy BNE4. In essence the additional designations proposed would be unlikely to deliver any notable protection given the policy protection they already receive within the wider development Plan.

14/04/2021

**Parish of Melbourne Parish Council Neighbourhood**

**Development Plan 2016 - 2028**

**Strategic Environmental Assessment and Habitat  
Regulations Assessment Screening Determination**

**December 2018**

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## **1.0 Introduction.**

- 1.1 This statement sets out the Council's determination under Regulation 9 (1) of the Environmental Assessment of Plans and Programmes Regulations 2004 on whether or not a Strategic Environmental Assessment is required for the Neighbourhood Development Plan for the Parish of Melbourne, South Derbyshire. This statement also sets out the Council's determination as to whether Appropriate Assessment is required under Regulation 102 of the Conservation of Habitats & Species Regulations 2010 (as amended).

### **Strategic Environmental Assessment**

- 1.2 Under the requirements of the European Union Directive 2001/42/EC (Strategic Environmental Assessment (SEA) Directive)) and Environmental Assessment of Plans and Programmes Regulations (2004) specific types of plans that set out the framework for future development must be subject to an environmental assessment.
- 1.3 There are exceptions to this requirement for plans that determine the use of a small area at a local level and for minor modifications if it has been determined that the plan is unlikely to have significant environmental effects. Having reviewed the nature and extent of the plan proposed, it was considered that the Neighbourhood Development Plan could be exempt from any requirement for Strategic Environmental Assessment.
- 1.4 In accordance with the provisions of the SEA Directive and the Environmental Assessment of Plans and Programmes Regulations (2004)(Regulation 9(1)), the Council must determine if a plan requires an environmental assessment. Where the Council determines that SEA is not required then under Regulation 9(3) the Council must prepare a statement setting out the reasons for this determination.

### **Habitats Regulations Assessment**

- 1.5 A Habitats Regulations Assessment (HRA) is required to determine whether a plan or project would have significant adverse effects upon the integrity of internationally designated sites of nature conservation importance, or Natura 2000 sites. The need for HRA is set out within the EC Habitats Directive 92/43/EC and transposed into British Law by Regulation 102 of the Conservation of Habitats and Species Regulations (2010) as amended, the 'Habitats Regulations'. In accordance with Article 6 of the Habitats Directive (92/43/EEC) and Regulation 102 of the Habitats Regulations, the Council must determine if a plan requires Appropriate Assessment. Section 4 of this report deals with the need for Habitats Regulations Assessment.



## 2.0 Scope of Melbourne Neighbourhood Development Plan (2016-28)

South Derbyshire District Council designated a Neighbourhood Area for the whole of Melbourne Parish on 29 January 2015 as illustrated in Figure 1 below. The villages of Melbourne and Kings Newton are located within this area. The Parish of Melbourne Neighbourhood Development Plan is being prepared by the community through the Neighbourhood Plan Working Group supported by the Parish Council.

**Figure 1 Extent of Neighbourhood Area for Melbourne NDP**



- 2.1 This screening is based on Draft Version 0.7 of the Plan (dated March 2018). The Draft Plan includes policies that will inform decision making in the villages of Melbourne and Kings Newton and other areas in the plan area in respect of:
- Housing
  - Open Spaces
  - Heritage and Conservation
- 2.2 In addition to the identified policies the NDP also considers a number of community aspirations. The Plan does not set out policies in respect of these aspirations but rather highlights issues of concern or interest to the local community identified during consultations to inform the preparation of the Plan.
- 2.3 The Plan does not allocate any specific housing or employment sites and is mostly concerned with more detailed matters such as the size of new homes, the delivery of homes for the young and the elderly, and protecting local landscape and townscape character including by restricting new growth to within the settlement boundary proposed through the South Derbyshire Part 2 Local Plan for the two villages.

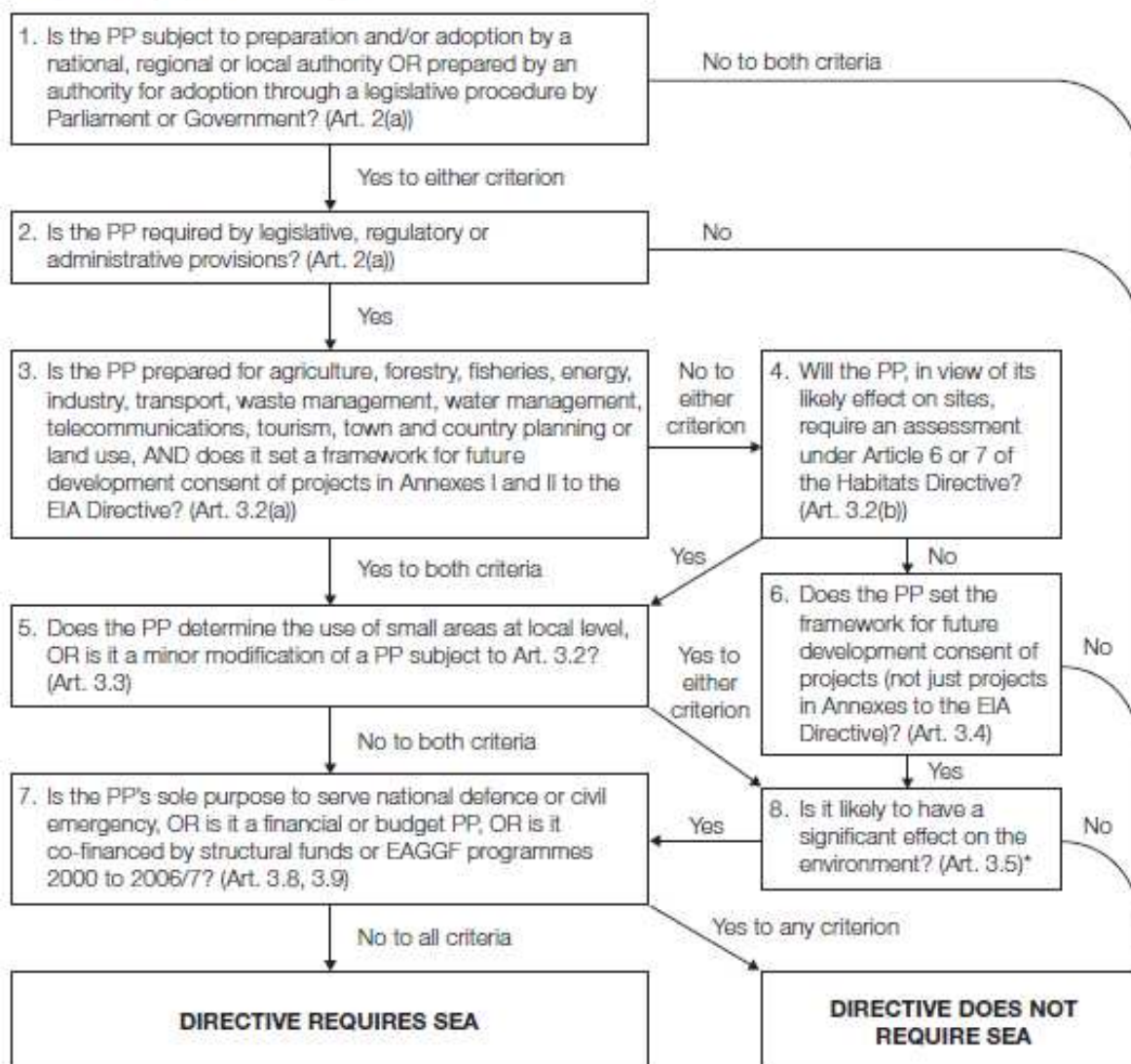
### **3.0 Strategic Environmental Assessment (SEA) Screening**

#### **The SEA Screening Process**

- 3.1 The process for determining whether or not an SEA is required is called screening. In order to screen, it is necessary to determine if a plan will have significant environmental effects using the criteria set out in Annex II of the SEA Directive and Schedule I of the Regulations. A determination cannot be made until the three statutory consultation bodies (Natural England, Historic England and the Environment Agency) have been consulted.
- 3.2 Within 28 days of making its determination the authority must publish a statement setting out its decision. If it determines that an SEA is not required, the statement must include the reasons for this.
- 3.3 A draft version of the screening document was subject to consultation between Monday 12<sup>th</sup> November 2018 and Monday 3<sup>rd</sup> December 2018. The comments received back from the Consultation Bodies are to be included in this final version of the Screening Report (this document) and will be published alongside any future determination statement issued by this Authority.
- 3.4 Practical guidance to the SEA Directive, published by the Department of Environment in 2005 (but still relevant), provides a useful diagram of the criteria for application of the Directive to plans and programmes (PPs) shown in Figure 2 overleaf.

**Figure 2 Application of the SEA Directive to Plans and Programmes**

This diagram is intended as a guide to the criteria for application of the Directive to plans and programmes (PPs). It has no legal status.



\*The Directive requires Member States to determine whether plans or programmes in this category are likely to have significant environmental effects. These determinations may be made on a case by case basis and/or by specifying types of plan or programme.

3.5 The Council has considered the process set out in the above figure and the findings of this review are set out in the following table (Table 1).

**Table 1 Assessment of Characteristics of a Neighbourhood Plan**

Stage	Yes/No/Uncertain	Reasoning
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))	Yes	Neighbourhood Development Plans (NDPs) are prepared by a qualifying body (Parish/ Town Councils) under the Town and Country Planning Act 1990 (as amended). The preparation of NDPs is subject to legislative requirements and is subject to independent examination and local referendum and subject to the outcome of those will be 'made' by the Council. Once made the plan will form part of the statutory development plan.

<b>2.</b> Is the PP required by legislative, regulatory or administrative provisions? ((Art. 2 (a))	Yes	The preparation of a Neighbourhood Development Plan is optional. However, once 'made' it will form part of the statutory Development Plan for South Derbyshire and will be used when making decisions on planning applications in the area it covers.
<b>3.</b> Is the PP prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, telecommunications, tourism, town and country planning or land use AND does it set a framework for future development consent of projects in Annexes 1 and II to the EIA Directive? (Art. 3.2 (a))	Yes	A Neighbourhood Development Plan is primarily prepared for the purposes of town and country planning and land use, but can also inform decisions relating to tourism, telecommunications, waste management, transport, industry, energy, agriculture and forestry related uses. It does set out a framework for development within the Melbourne Parish area, including Infrastructure development which may fall under Annex 1 and Annex II of the EIA Directive.
<b>4.</b> 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))	Yes	A Neighbourhood Development Plan could in certain instances have an impact on sites protected pursuant to the Habitats Regulations. The NDP has been subject to a screening assessment (outlined in Section 4 of this report) and it is concluded that the NDP would have no effect on any such sites.
<b>5.</b> Does the PP determine the use of small areas at a local level, OR is it a minor modification of a PP subject to Art.3.2? (Art. 3.3)	Yes	The NDP will cover the Parish of Melbourne only and hence will determine the use of small areas at a local level.
<b>6.</b> Does the PP set the framework for future development consent of projects (not just projects in annexes to the EIA Directive)? (Art. 3.4)	Yes	Once 'made' the NDP will form part of the Development Plan and will be used in the decision making process on planning applications. It therefore, forms part of the framework for future developments at a local level.
<b>7.</b> 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)	No	The NDP does not deal with these issues.
<b>8.</b> Is it likely to have a significant effect on the environment? (Art.3.5)	Uncertain	The NDP could potentially have an effect on the environment. However, whether this is significant depends on the proposals within the Neighbourhood Development Plan. A detailed assessment of the potential for significant environmental effects is outlined in Table 2 (overleaf).

- 3.6 The conclusion of the assessment in Table 1 is that depending on the content of the Neighbourhood Development Plan, an SEA may be required. For this reason a specific assessment of the Melbourne Neighbourhood Development Plan is required to determine the likely significant effects.

### Likely Significant Effects

- 3.7 To decide whether the Neighbourhood Development Plan might have significant environmental effects, the content and the detail of the Plan (including policies set out therein) have been assessed against the criteria set out in annex 2 of the SEA Directive (See appendix 1). Using the information supplied by the Working Group acting on behalf of the Parish Council at the current stage of preparation the following table (table 2) sets out an assessment of the likely significant effects of the Plan.

**Table 2: Comments on likely significant effects**

Schedule 1 Criteria	Likely to have significant environmental effects?	Comments
<b>1. The characteristics of plans and programmes, having regard, in particular to:</b>		
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.	No	The NDP sets out a local policy framework for development proposals. It includes detail on the locations where new housing development should be accommodated (i.e. within the existing built framework only), the scale or mix of new homes and the need to protect the separation between the Villages of Melbourne and Kings Newton. These housing policies are broadly in line with the policies included in the South Derbyshire Adopted Plan. The Plan also includes a policy to ensure all infill in the settlement boundary consists of homes of 3 or fewer bedrooms. The Plan identifies a number of local green spaces and policy to protect these from development as well as wider open space policy to protect public rights of way and greenways, protect and enhance biodiversity and preserve best and most versatile agricultural land. In addition the NDP contains a single heritage policy to 'preserve the historical and cultural heritage assets including Conservation Areas'. However these policies reflect guidance already contained within adopted policies included in the Part 1 and Part 2 Local Plans which have been subject to SEA and would anyway influence decision making in the absence of the Plan being prepared.
1b) the degree to which the plan or programme influences other plans and programmes including those in a hierarchy	No	The NDP must be in general conformity with the policies set out in the Adopted South Derbyshire Part 1 Local Plan and the Part 2 Local Plan. The NDP will support the implementation of strategic policies at the local level only and will provide more detailed guidance on implementing policies already contained in strategic level guidance for the District. It is not therefore considered to have a significant influence on other plans and programmes or the environment.

1c) the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development.	No	The NDP will contribute, as required, to the achievement of sustainable development as set out in the higher level Development Plan Policies included in the adopted Part 1 and Part 2 Local Plans. The NDP provides specific detail regarding identifying Local Green Spaces in the Parish (as required by BNE8 of the Part 2 Local Plan and as set out in the emerging Draft South Derbyshire Local Green Spaces Plan), protecting public rights of way and greenways (as required in Policy INF2 of the Part 1 Local Plan), protecting and enhancing Biodiversity (as required in BNE3 of the Part 1 Local Plan) and the preservation of best and most versatile agricultural land as required in policy BNE4 of the Adopted Part 1 Local Plan. In addition the NDP contains a single heritage policy to 'preserve the historical and cultural heritage assets and the existing Conservation Areas'. Again, this mirrors the requirements of Policy BNE2 (Heritage Assets) and BNE 10 (Heritage) included in the Adopted Part 1 and Part 2 Local Plan.
1d) environmental problems relevant to the plan or programme:	No	The Plan does not allocate any development sites that would give rise to significant environmental problems in respect of biodiversity, population, human health, fauna, flora, soil, water, air, climatic factors, material assets, cultural heritage (including architectural and archaeological heritage) and landscape. Moreover development that is proposed in Melbourne Parish up to 2028 through the South Derbyshire Local Plan has been subject to Sustainability Appraisal (including SEA). This document does however seek to designate a limited number of local green spaces, although these significantly overlap with those being brought forward by the District Council in its draft Local Green Spaces Plan. This Plan (whilst in draft form) has been subject to sustainability appraisal and this concludes that designation of such spaces would safeguard green areas of importance to local communities from development and hence would ensure that development on these could not give rise to likely significant effects.
1e) the relevance of the plan or programme for the implementation of Community legislation on the environment (for example, plans and programmes linked to waste management or water protection).	No	The Plan is not directly relevant to the implementation of Community legislation and does not allocate potentially polluting development.

<b>2. Characteristics of the effects and of the area likely to be affected, having regard in particular to:</b>		
2a) the probability, duration, frequency and reversibility of the effects	No	It is unlikely that there will be any irreversible damaging environmental impacts associated with the NDP.
2b) the cumulative nature of the Effect	No	The policies included within the NDP are unlikely to result in likely significant effects given the nature of policies proposed, their conformity with existing policy provisions included in the South Derbyshire Local Plan documents and the limited extent of potential developments (including across Melbourne Parish and in surrounding areas) that could come forward given the provisions of the development plan as a whole to 2028.
2c) the transboundary nature of the effects	No	The NDP is unlikely to have any discernible impact on neighbouring areas in South Derbyshire or elsewhere given the scope of and localised nature of the Plan and the nature of the policies proposed for inclusion in the Plan
2d) the risks to human health or the environment (e.g. due to accidents)	No	No significant risks to human health or the environment have been identified as a result of draft policies in the Plan.
2e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)	No	The Plan is concerned with development within Melbourne Parish only. This includes the villages of Melbourne and Kings Newton and outlying areas as illustrated in Figure 1. The Parish has a population of around 4,800 residents (around 5% of the District) living in 2045 households at 2011 and the Plan will inform development decisions only within this area.
2f) the value and vulnerability of the area likely to be affected due to – i) special natural characteristics or cultural heritage ii) exceeded environmental quality standards of limit values; or iii) intensive land-use	No	Both Melbourne and Kings Newton have conservation areas covering much of the settlements. A further conservation area covering the small hamlet of Woodhouses 500m south of Melbourne and stretching up as far as Melbourne is also located within the area. Within Melbourne there is a significant assemblage of listed buildings as well as Melbourne Hall Park and Garden and a Scheduled Ancient Monument within the historic core. Indeed the Melbourne Conservation Area Character Statement notes that the village is one of the best-preserved historic settlements in Derbyshire. Kings Newton is much smaller than Melbourne to the South and has a number of listed buildings strung out along Main Street and Trent Lane and whilst there remains a strong functional relationship between the two settlements is separated from Melbourne by a small number of fields. <i>Continued overleaf</i>



		<p>Both Settlements retain much of their historic character although Melbourne has seen significant growth during the 20th and 21st centuries. New housing allocations proposed through the adopted Local Plans are separated from the historic core of the village by more recent housing and the Part 2 Local Plan includes settlement boundaries and policy to restrict development to locations within the village boundaries except in exceptional circumstances. Policies included in the NDP seek to slightly strengthen these policy protections. Given that the NDP does not include any housing allocations and considering existing heritage policies included in the Local Plan it is unlikely that it will have any significant effects on areas of cultural heritage which have a recognised national, community or international protection status.</p> <p>There are a number of Local Wildlife Sites located in Melbourne Parish although these are unlikely to be affected by the proposals in the NDP. However the NDP could make a limited contribution towards protecting areas which do not meet the necessary criteria to warrant designation as a local wildlife site through designation as a local greenspace. However given the relative lack of significance of these sites in biodiversity terms it is unlikely that these would significantly affect environmental quality in respect of biodiversity. The NDP also seeks to support proposals that protect and enhance biodiversity (Policy OS3), although it is likely that Policy BNE3 (biodiversity) included in the Adopted Part 1 Local Plan will provide more comprehensive support towards development that could protect, enhance, restore or manage sites of biodiversity interest.</p> <p>There are no air quality management areas in the Parish and given the scope and detail of the Plan it is unlikely to have any discernible impact on water quality objectives set out in the Water Framework Directive, although it is noted that the Carr Brook catchment was identified as having an overall water quality status of 'moderate' in respect of its ecological status when surveyed in 2015 and 'good' in respect of its chemical status and will need to reach a 'good' standard by 2027 in respect of its ecological condition.</p> <p>Given the scope and detail of the plan it is highly unlikely to lead to an intensification of land use</p>
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g) the effects on areas of landscapes which have a recognised national, community or international protection status.	No	There are no national or local landscape designations in the Parish. The Plan does however include policies to try and conserve local landscape and townscape character and whilst no significant development is allocated or supported through the NDP the policies it contains could provide limited benefits in respect of conserving local landscape and townscape value for instance by seeking to restrict development between Melbourne and Kings Newton outside of the settlement Boundary for the villages (although such restrictions on growth outside of settlement boundaries are already set out in the emerging Part 2 Local Plan.
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### Screening Outcomes

3.8 Having reviewed the criteria, the Council has concluded that the emerging Melbourne Neighbourhood Development Plan (2016-2028) is not likely to have a significant environmental effect and accordingly will not require a Strategic Environmental Assessment. The main reasons for this conclusion are:

- The Neighbourhood Development Plan does not include any housing or employment land allocations and largely reflects policies already included in the Adopted Part 1 and Part 2 Local Plans and the emerging Local Green Spaces Plan.
- Both the Part 1 and Part 2 Local Plans and Local Green Spaces Plan have been subject to sustainability appraisal incorporating the requirements of the SEA regulations and have confirmed that these strategic plans are unlikely to have any significant environmental effects;
- The Neighbourhood Development Plan for Melbourne Parish must support and uphold the general principle of strategic policies in the Development Plan for South Derbyshire, and therefore has no, or limited influence on other plans or programmes.

#### **4.0 Habitats Regulations Assessment Screening**

4.1 The Habitats Regulation Assessment (HRA) refers to the assessment required for any plan or project to assess the potential implications for European wildlife sites. The HRA therefore looks at whether the implementation of the plan or project would harm the habitats or species for which European wildlife sites are designated. European wildlife sites include:

- Special Protection Areas (SPA) designated under the Birds Directive (79/409/EEC) and
- Special Areas of Conservation (SAC) designated under the Habitats Directive (92/43/EEC)

4.2 In addition to SPAs and SACs, Ramsar sites are designated under the Ramsar Convention. Although they are not covered by the Habitats Regulations, as a matter of Government policy, Ramsar sites should be treated in the same way as European wildlife sites. European wildlife sites and Ramsar sites are collectively known as internationally designated wildlife sites.

4.3 The legislation sets out a process to assess the potential implications of a plan on internationally designated sites. The first stage of this process is a 'screening' exercise where the details of nearby internationally designated sites are assessed to see if there is the potential for the implementation of the Plan to have an impact on the site.

4.4 The Parish of Melbourne Neighbourhood Development Plan once adopted will form part of the Development Plan for South Derbyshire, and will be in conformity with the strategic policies in the adopted Local Plan for the District. The Adopted Part 1 Local Plan and Part 2 Local Plan have been subject to a Habitat Regulations Screening Assessment.

4.5 The Screening Assessment for the Part 1 Local Plan identified a number of International Sites within South Derbyshire and neighbouring Districts and Boroughs. A map indicating the location of these are set out at Appendix 2: These included:

- The River Mease (within District)
- West Midlands Mosses (10km from closest District Boundary)
- Bees Nests and Green Clay Pits (16.5km from Closest District Boundary)
- Peak District Dales (17.0km from Closest District Boundary)
- Gang Mine (17.0km from Closest District Boundary)
- Pasturefields Salt Marsh (18.5km from Closest District Boundary)
- Cannock Chase (20.0km from Closest District Boundary)

4.6 In reviewing the likely effects of the Local Plan on identified International sites significant effects were discounted on all sites located outside of South Derbyshire. This view had been formed having reviewed the Conservation Objectives for the sites and the scale nature and location of development proposed in the District.

- 4.7 In respect of the River Mease SAC the HRA Screening Assessment for the Part 1 Local Plan stated:

*There are no development site proposals included in the Plan within or adjacent to the River Mease SAC, and no sites within the wider catchment of the River Mease. The Plan will therefore not contribute towards foul water discharges to waste water treatments works in the catchment (Overseal, Netherseal or Smisby) or surface water discharges from new homes, employment sites or transport infrastructure.*

*The Plan will therefore not contribute towards siltation effects, urban diffuse pollution or foul water flows into the River. The Plan will also have no effect in respect of invasive freshwater species or agricultural runoff. In respect of water abstraction within the catchment abstraction in the River have been subject to a review of consents and sustainability reductions delivered to ensure abstractions do not affect the integrity of the site. Further licenses in the catchment would be strictly controlled by the Environment Agency and only permitted where it can be demonstrated that they would not affect the integrity of the site.*

***The Part 1 Local Plan will have no effect on the SAC***

- 4.8 The Habitat Regulations Assessment Screening Assessment is available to view on the Council's website [here](#).
- 4.9 The Part 2 Local Plan Habitat Regulations Screening Assessment has similarly considered the likely effects of the non-strategic allocations (including two housing allocations within the Mease Catchment at Overseal) as well as non-strategic policies included in the Local Plan. This assessment concluded that the Plan would not lead to likely significant effects either alone or in combination with proposals in other emerging plans or programmes. The Habitat Regulations Screening Assessment is available to view on the Council's website [here](#)
- 4.10 Given that The Neighbourhood Development Plan for Melbourne Parish does not allocate any sites for development it is unlikely that it would have any effect on International sites having regard to their conservation objectives of the identified sites, the distance of the Parish from international sites, particularly those located outside of the District which are all in excess of 20km distance and nature and scale of potential development that would be supported in the NDP. However limited further consideration of the conservation objective and the potential of the NDP to affect the River Mease SAC which is located within South Derbyshire is set out at appendix 2. This, however concludes that a plan covering the Melbourne area will have no effect on the SAC.
- 4.11 Given that the plan will not have any effect on international sites identified it will not have any significant effects in combination with other plans or programmes.

## **5.0 Conclusions**

### **Strategic Environmental Assessment**

- 5.1 On the basis of the SEA Screening Assessment set out in Table 2 above, it is concluded that Melbourne Parish Neighbourhood Development Plan will not have significant effects in relation to any of the criteria set out in the SEA Regulations, and therefore does not need to be subject to a SEA Report.

### **Habitats Regulations Assessment**

- 5.2 The screening assessment concludes that no likely significant effects are likely to occur with regards to the integrity of European sites within and around South Derbyshire District, due to the implementation of the Neighbourhood Development Plan. As such the will not require a full HRA to be undertaken.
- 5.3 Consultation responses were received from all three bodies and these are shown in the following Appendices 1-3.

## Appendix 1: Appraisal of Melbourne Neighbourhood Development Plan Policies

### ANNEX II

#### Criteria for determining the likely significance of effects referred to in Article 3(5)

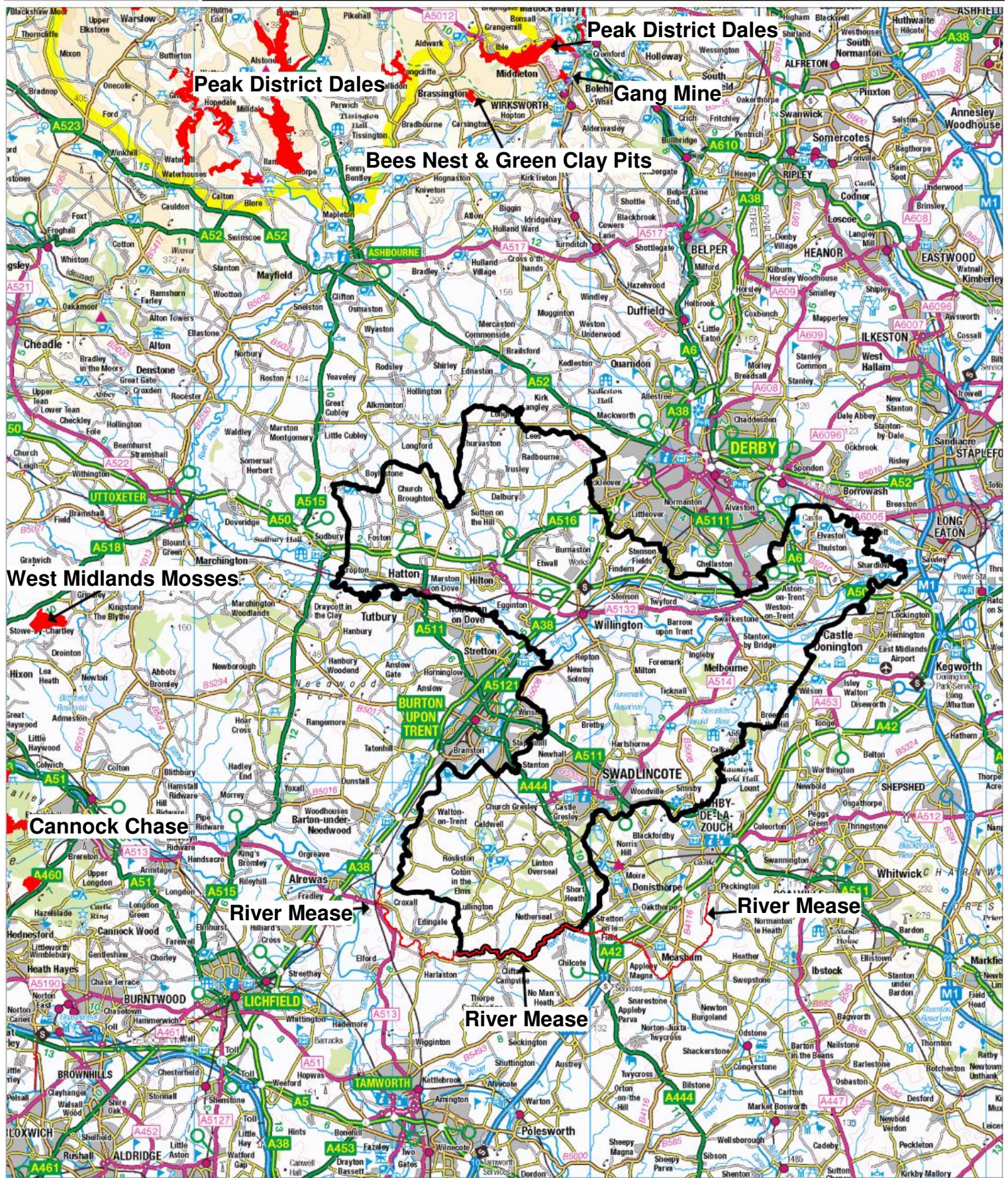
1. The characteristics of plans and programmes, having regard, in particular, to
  - the degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources,
  - the degree to which 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.

NDP Policy Number	Policy wording	Likely significant effects on the environment as a result of inclusion of policy in Plan?
<b>Housing Policies</b>		
Policy HP1	Development will be 'Infill' only within the Settlement Boundaries of the village	This policy is similar in function to policy BNE5 (development in rural areas) included in the South Derbyshire Part 2 Local Plan. This policy seeks restrict development (not allocated through the Local Plan) to infill which is in keeping with the character of locality, although BNE5 does make provision for limited development outside of limits in exceptional circumstances which HP1 does not consider and as such this policy may represent a limited tightening of policy relating to housing development in Melbourne and surrounding areas. However given that existing policy would restrict new housing in the Plan area to infill and limited exceptional development this policy would not give rise to any likely significant effects.

Policy HP2	Maintain the separation between Melbourne and Kings Newton	This policy seeks to restrict development in an area of land in the vicinity of Jawbone Lane Melbourne. In identifying settlement boundaries in the South Derbyshire Local Plan and setting out a restrictive policy to control development outside of settlement boundaries (which this area is) HP2 therefore seeks to provide protection to an area already identified as not suitable for development within the Plan period except in exceptional circumstances. Again therefore, this policy is unlikely to lead to a significantly different policy approach in dealing with this area, although like policy HP1 represents a very limited strengthening of the Council's existing planning policy in relation to land outside of settlement boundaries between Kings Newton and Melbourne. No likely significant effects identified.
Policy HP3	Proposals for development of dwellings within the Settlement Boundaries will be supported if they have 3 bedrooms or fewer, which means that any 'infill' will be for new starter homes and for downsizing rather than for large 'executive homes'	This policy sets out an intention to restrict the mix of homes emphasising the need for smaller properties. Actual housing need for the District is already being met by site designations in Melbourne and elsewhere in the District. On this basis it is likely this policy would only apply to limited number of windfall developments. On this basis this policy is unlikely to lead to any likely significant effects in respect of meeting local housing needs.
<b>Open Spaces Policies</b>		
Policy OS1	Development of the 8 areas of Local Green Space will not be supported.	This policy significantly overlaps with the District Council's Local Green Spaces Plan which identifies local green spaces across the whole of South Derbyshire. Local Green spaces are limited in extent and would be unlikely to give rise to significant environmental or community impacts. Moreover designation would limit likely development on sites.
Policy OS2	Protection from development for footpaths, public rights of way and greenways	Existing legislation already protects public footpaths and public rights of way. Moreover Policy INF2 (B) included in the Local Plan Part 1 seeks to expand, improve and protect walking and cycling networks including public rights of way, cycle routes and greenways. Given no development allocations are included in the NDP policy is unlikely to give rise to effects materially different to those already considered in the Sustainability Appraisals undertaken in preparing the South Derbyshire Local Plan.

Policy OS3	Developments which protect and enhance biodiversity will be supported.	Policy is similar to BNE3 of the Part 1 Local Plan that seeks to support development that contributes to the protection, enhancement and management and restoration of biodiversity and geodiversity. Given no development allocations are included in the NDP policy is unlikely to give rise to effects materially different to those already considered in the Sustainability Appraisals undertaken in preparing the South Derbyshire Local Plan.
Policy OS4	The preservation of Grade 1, 2 and 3a agricultural land will be supported	Policy is similar to BNE4 of the Part 1 Local Plan that seeks to protect soils that are identified as Best and Most versatile (grades 1, 2 and 3a in the agricultural land classification). Given no development allocations are included in the NDP policy is unlikely to give rise to effects materially different to those already considered in the Sustainability Appraisals undertaken in preparing the South Derbyshire Local Plan.
<b>Heritage and Conservation Policy</b>		
Policy HC1	Preservation of the historical and cultural Heritage Assets and the existing Conservation areas will be supported	This policy seeks to resist development that would have a damaging impact on the conservation areas, listed buildings and other heritage assets or there setting. It also seeks the use building materials which blend in with the existing architecture of the villages This policy reflects the NPPF and SDDC Local Plan Part 1 (BNE2) Part 2 Policy BNE10 and in the Council's adopted Design SPD all of which have been subject to SA. Given no development allocations are included in the NDP policy is unlikely given the scale of likely future development and the existing policy backdrop to give rise to effects different to those which would occur in the absence of the Plan.







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### **Appendix 3: Assessment of Likely Effects of the Plan on the River Mease SAC.**

#### **Background**

Rising in the Coal Measures of north-west Leicestershire, the River Mease flows approximately 25 kilometres westwards across a largely rural and agricultural landscape to its confluence with the River Trent at Croxall. As a relatively un-modified lowland river, the River Mease contains a diverse range of physical in-channel features, including riffles, pools, slacks, vegetated channel margins and bankside tree cover, which provide the conditions necessary to sustain populations of spined loach *Cobitis taenia*, bullhead *Cottus gobio*, freshwater white-clawed crayfish *Austropotamobius pallipes* and otter *Lutra lutra*.

The head of the site includes the lower reaches of the Gilwiskaw Brook which flows along a steep gradient. Due to the fast-flowing nature of the river, aquatic vegetation is sparse and marginal vegetation restricted to stands of floating sweet-grass *Glyceria fluitans* but these sections provide valuable habitat for bullhead, which favours clean coarse gravels for spawning. Populations of bullhead also occur in the lower reaches of the Mease where river substrates are finer but woody debris lying within the river channel becomes more important in providing suitable breeding habitat.

Below Snarestone the descent becomes more gradual and the river enters a broad lowland floodplain. These middle reaches of the River Mease provide excellent habitat for spined loach *Cobitis taenia*. This largely sedentary fish is closely associated with the open sandy substrates of the river bed which act as important feeding and spawning grounds. Refuges from predators and strong river flows are very important and are provided by aquatic and marginal vegetation within the river channel.

Stands of marginal vegetation are typically dominated by common club-rush *Schoenoplectus lacustris*, floating sweet-grass, reed canary-grass *Phalaris arundinacea*, branched bur-reed *Sparganium erectum*, greater pond sedge *Carex riparia* and bulrush *Typha latifolia*. Submerged aquatic vegetation becomes more varied on the lower reaches of the river with river water-crowfoot *Ranunculus fluitans*, common water-crowfoot *R. aquatilis*, blunt-leaved pondweed *Potamogeton obtusifolius*, fennel pondweed *P. pectinatus*, arrowhead *Sagittaria sagittifolia* and yellow water-lily *Nuphar lutea* becoming increasingly frequent.

Bankside tree cover is very variable but an important feature of the river channel as submerged root systems of larger trees provide important in-channel cover for fish and provide woody debris to the watercourse in the form of fallen branches.

## **Conservation Objectives for the River Mease SAC**

With regard to the SAC and the natural habitats and/or species for which the site has been designated ('the Qualifying Features' listed below), and subject to natural change;

**Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;**

- The extent and distribution of qualifying natural habitats and habitats of qualifying species
- The structure and function (including typical species) of qualifying natural habitats
- The structure and function of the habitats of qualifying species
- The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely
- The populations of qualifying species, and,
- The distribution of qualifying species within the site.

This document should be read in conjunction with the accompanying *Supplementary Advice* document which provides more detailed advice and information to enable the application and achievement of the Objectives set out above.

### **Qualifying Features:**

H3260. Water courses of plain to montane levels with the *Ranunculion fluitantis* and *Callitriche-Batrachion* vegetation; Rivers with floating vegetation often dominated by water-crowfoot

S1092. *Austropotamobius pallipes*; White-clawed (or Atlantic stream) crayfish

S1149. *Cobitis taenia*; Spined loach

S1163. *Cottus gobio*; Bullhead

S1355. *Lutra lutra*; Otter

The District Council has reviewed the potential for the Melbourne Neighbourhood Plan to affect the Conservation Objectives for the River Mease SAC. In doing so a number of documents or resources have been reviewed including:

- River Mease SAC Conservation Objectives Supplementary Advice, (June 2016)
- Site Improvement Plan: River Mease (SIP 196) June 2016

Having reviewed the above documents it is clear that key to achieving the Conservation Objectives of this site relate to water pollution including that related to point source and diffuse pollution associated with foul and surface water flows associated with development; drainage; inappropriate weirs, dams and other structures; water abstraction, invasive species and siltation.

However development outside of the river mease catchment would not lead to changes in surface water flows or foul flows on the SAC. Melbourne is located around 12km to the north of the catchment and located within the catchment of Carr Brook (New Brook from Source to Ramsley Brook). Moreover given the distance of Plan from the SAC it will have no impact in respect of siltation, inappropriate weirs, structures and dams, invasive species or water abstraction.

River Mease	water pollution	drainage	inappropriate weirs, dams and other structures	water abstraction,	invasive species	siltation
Plan effect likely?	No	No	No	No	No	No
Effects in Combination?	None	None	None	None	None	None
Significance of effects	The Plan is located a significant distance to the north of the catchment of the River Mease and will have no effects in respect of drainage, water pollution, siltation or in respect of onsite issues such as inappropriate structures or invasive species. <b>No effects likely.</b>					

Message

RE: Melbourne Neighbourhood Development Plan (reconsultation) - Message (HTML)

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Junk

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Reply All

Forward

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Meeting

Move to T

Team E-mail

Reply & Delete

Done

Create New

Rules

Move

Mark

Categories

Follow Up

Translate

Related

Select

Zoom

Quick Steps

More

Actions

Tags

Editing

Zoom

From:

Planning, Lower Trent <planning.trentside@environment-agency.gov.uk>

Sent: Mon 12/11/2018 11:54

To:

Exley Kevin

Cc:

Subject:

RE: Melbourne Neighbourhood Development Plan (reconsultation)

Hi Kevin,

Thanks for the consultation. We don't usually comment on the requirement for a SEA report. As no housing allocations are proposed, we have no comments to make on this screening consultation.

Kind Regards,

Joe Dreary

Planning Specialist

Sustainable Places - East Midlands

Please note my new telephone number

Email: [joe.dreary@environment-agency.gov.uk](mailto:joe.dreary@environment-agency.gov.uk)

External: 02030 253277, Internal: 53277

From:

Exley Kevin [<mailto:Kevin.Exley@south-derbyshire.gov.uk>]

Sent:

09 November 2018 15:54

To:

'e-emids@HistoricEngland.org.uk' <[e-emids@HistoricEngland.org.uk](mailto:e-emids@HistoricEngland.org.uk)>; 'consultations@naturalengland.org.uk' <[consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk)>; Planning, Lower Trent <[planning.trentside@environment-agency.gov.uk](mailto:planning.trentside@environment-agency.gov.uk)>

Subject:

Melbourne Neighbourhood Development Plan (reconsultation)

Please find enclosed screening determination which screen out the need for the Melbourne Neighbourhood Plan (South Derbyshire) which concludes that there is no requirement to undertake a strategic environmental assessment or Appropriate Assessment in respect of the Habitat Regulations Assessment

We are seeking confirmation that you agree with this Authorities determination by Monday 3<sup>rd</sup> December 2018.

Please note this is a reconsultation following changes to the NDP

Please feel free to contact me directly should you need further information.

Kind regards

Kevin Exley

Planning Policy Officer (Sustainability)

T: 01285 228717

[www.south-derbyshire.gov.uk](http://www.south-derbyshire.gov.uk)

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Date: 29 November 2018  
Our ref: 264254



South Derbyshire District Council  
[Kevin.Exley@south-derbys.gov.uk](mailto:Kevin.Exley@south-derbys.gov.uk)

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

01293 810000

T 0300 060 3900

Dear Mr Exley,

**Material planning and development**

Thank you for your consultation on the above dated and received by Natural England on 9 November 2018.

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.

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.

It is our advice, on the basis of the material supplied with the consultation, that, in so far as our strategic environmental interests are concerned (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.

**Guidance on the assessment of Neighbourhood Plans**

Guidance on the assessment of Neighbourhood Plans in light of the SEA Directive is contained within the [National Planning Practice Guidance](#). The guidance highlights three triggers that may require the production of an SEA, for instance where:

- a neighbourhood plan allocates sites for development
- the neighbourhood area contains sensitive natural or heritage assets that may be affected by the proposals in the plan
- the neighbourhood plan may have significant environmental effects that have not already been considered and dealt with through a sustainability appraisal of the Local Plan.

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

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

Notwithstanding this advice, Natural England does not routinely maintain locally specific data on all potential environmental assets. As a result the responsible authority should raise environmental issues that we have not identified on local or national biodiversity action plan species and/or habitats, local

wildlife sites or local landscape character, with its own ecological and/or landscape advisers, local record centre, recording society or wildlife body on the local landscape and biodiversity receptors that may be affected by this plan, before determining whether an SA/SEA is necessary.

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

For any new consultations, or to provide further information on this consultation please send your correspondences to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

Yours sincerely,

Dawn Kinrade  
Consultations Team



Historic England

EAST MIDLANDS OFFICE

Mr Kevin Exley  
South Derbyshire District Council  
Civic Offices  
Civic Way  
Swadlincote  
Derbyshire  
DE11 0AH

Direct Dial: 01604 735460

Our ref: PL00098365

28 November 2018

Dear Mr Exley

### **MELBOURNE NEIGHBOURHOOD PLAN - SCREENING OPINION REQUEST**

Thank you for your consultation request for a Screening Opinion in respect of the Melbourne 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], and on the basis the Plan does not allocate any new sites to those already considered as part of the Local Plan and its associated SA, 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,



2nd Floor, WINDSOR HOUSE, CLIFTONVILLE, NORTHAMPTON, NN1 5BE

Telephone 01604 735460  
[HistoricEngland.org.uk](http://HistoricEngland.org.uk)



*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.*





Historic England

EAST MIDLANDS OFFICE

please do not hesitate to contact me.

Yours sincerely,

Rosamund Worrall  
Historic Environment Planning Adviser  
[Rosamund.Worrall@HistoricEngland.org.uk](mailto:Rosamund.Worrall@HistoricEngland.org.uk)



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