

**Hilton, Marston on Dove & Hoon Neighbourhood  
Development Plan 2020 - 2035**

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

**Final for Issue April 2020**

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## **1.0 Executive Summary**

- 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 Hilton, Marston on Dove & Hoon Neighbourhood Development Plan. This statement also sets out the Council's determination as to whether Appropriate Assessment is required in accordance with the Conservation of Habitats & Species Regulations 2017.

### **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 consent of projects 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 is considered that the Neighbourhood Development Plan is 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. These reasons are outlined in draft in this report, although will be amended following consultation of this report with the statutory 'Consultation Bodies'.

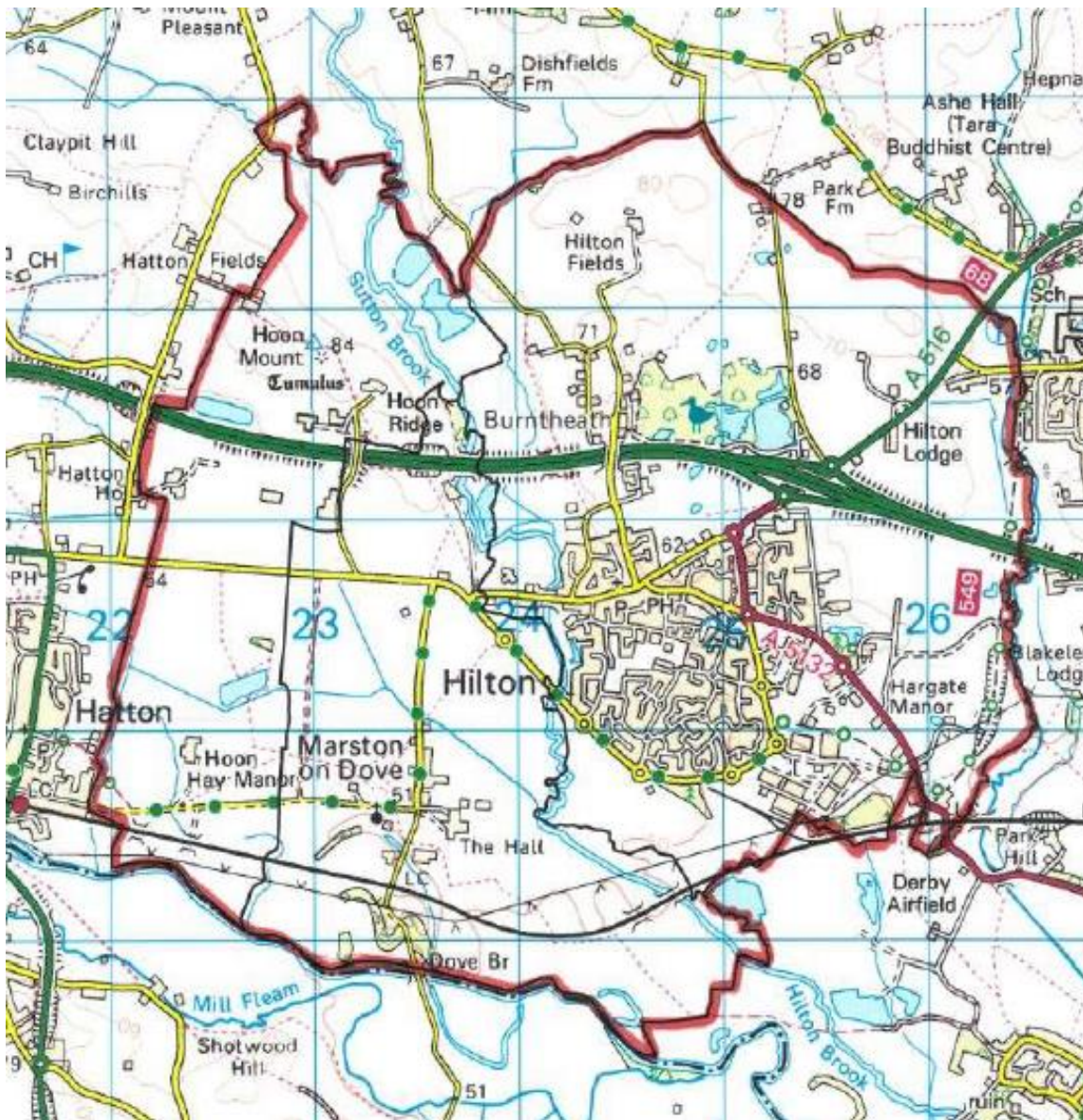
### **Habitats Regulations Assessment**

- 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 in respect of a Neighbourhood Development Plan is set out within the EC Habitats Directive 92/43/EC and transposed into British Law by Regulation 106 of the Conservation of Habitats and Species Regulations (2017), the 'Habitats Regulations'. In accordance with Article 6 of the Habitats Directive (92/43/EEC) and Regulation 106 of the Habitats Regulations, the Council must determine if a Neighbourhood Development Plan requires Appropriate Assessment.
- 1.6 Section 4 of this report highlights the Council's view that there is no need to undertake an Appropriate Assessment in respect of the Hilton, Marston on Dove and Hoon Neighbourhood Development Plan. In brief the Council has formed this view due to the distance of protected wildlife sites from the Hilton designated area, the small scale and relatively limited scope of the proposed Neighbourhood Development Plan and the nature of threats and issues facing wildlife sites having regard to the Conservation Objectives of sites and the accompanying Site Improvement Plans.

## Scope of the Hilton, Marston on Dove & Hoon Neighbourhood Development Plan Neighbourhood Plan

2.1 South Derbyshire District Council designated a Neighbourhood Area for Hilton, Marston on Dove & Hoon on the 6<sup>th</sup> March 2018 as illustrated in Figure 1 below. The key service village of Hilton and smaller villages of Marston on Dove and Hoon are located within this area. The Neighbourhood Development Plan is being prepared by the community through the Neighbourhood Working Group supported by Hilton Parish Council.

**Figure 1 Extent of Neighbourhood Area for Hilton, Marston on Dove & Hoon Neighbourhood Development Plan.**



2.2 This screening is based on the emerging Plan provided to the District Council on the 2<sup>nd</sup> March 2020. The Plan includes policies that will inform decision making in the villages of Hilton, Marston on Dove and Hoon and other areas in the plan area in respect of:

- Housing
- Environment
- Amenities and Services
- Leisure and Employment
- Travel and Transport

2.3 The Plan does allocate two potential housing sites, although both sites are within the settlement boundary for Hilton and so development in these area would already be supported in principle in such locations. In all other matters it is in general conformity with the Adopted South Derbyshire Part 1 and Part 2 Local Plan.

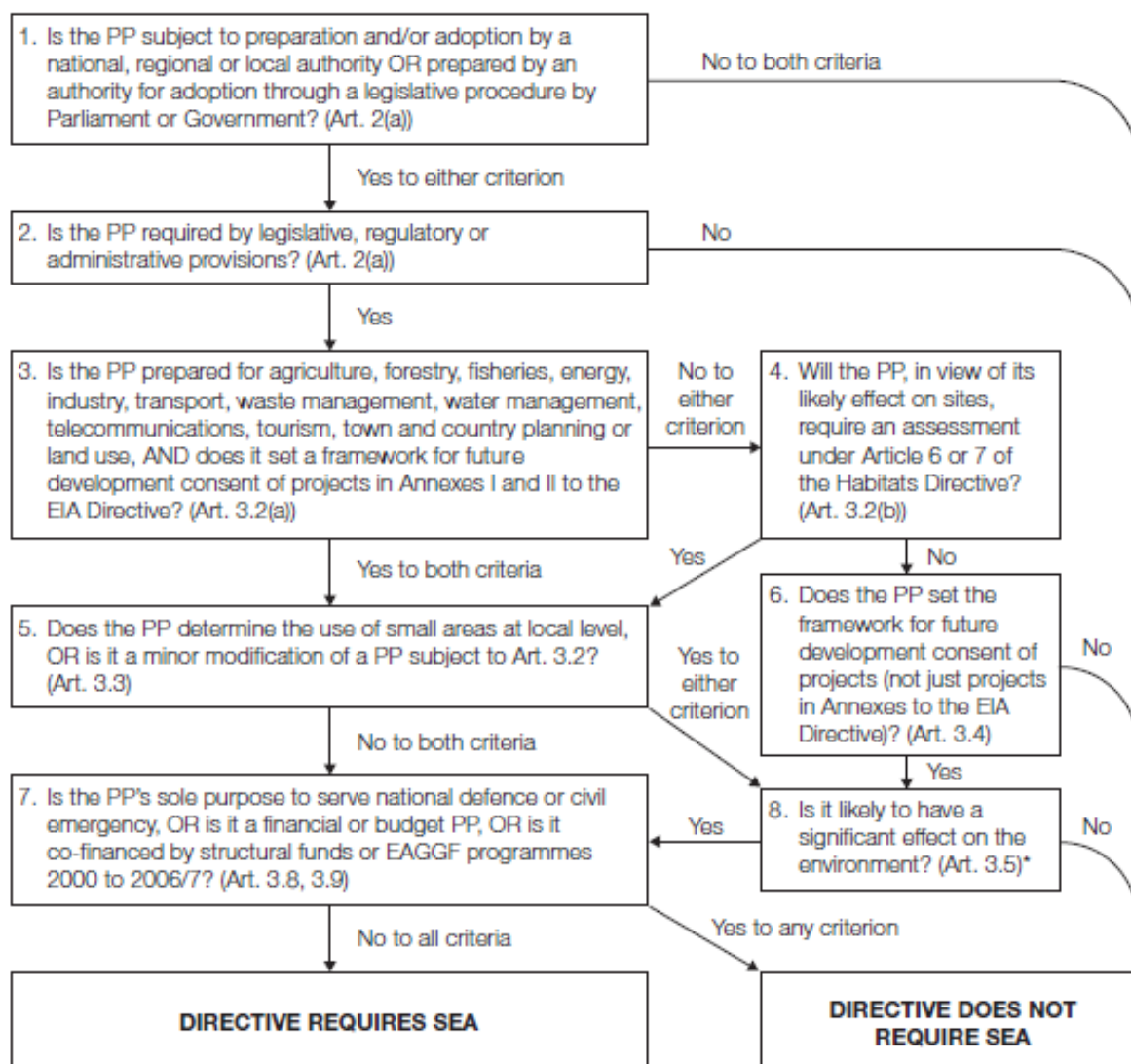
### **3.0 Strategic Environmental Assessment (SEA) Screening**

#### **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 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 11<sup>th</sup> March and 15<sup>th</sup> April 2020. The comments received back from the Consultation Bodies have been taken into account and this report updated. The consultations responses are published at the end of this report. This report should be read alongside the 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 the Neighbourhood Planning (General) Regulations 2012 and the Neighbourhood Planning (referendums) Regulations 2012 (as amended). A NDP is subject to

		and local referendum and subject to the outcome of those will be 'made' by the Council. The process is prescribed by legislation.
<b>2.</b> Is the PP required by legislative, regulatory or administrative provisions? ((Art. 2 (a))	No	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 Hitlon, Marston on Dove and Hoon Parish areas, including Infrastructure development which may fall under no. 10 of Annex II of the EIA Directive (for example, for potential social/community infrastructure which may fall under 'urban development' project).
<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))	No	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 Parishes of Hilton, Marston on Dove and Hoon 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, sets the framework for future developments at a local level, though it is required to be in general conformity with the adopted Local Plan.
<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, a SEA may be required. For this reason a specific assessment of the Hilton, Marston on Dove and Hoon 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 (its allocations and policies) have been assessed against the criteria set out in Schedule 1 to the Environmental Assessment of Plans and Programmes Regulations 2004. 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 Likely Significant Effects of the Hilton, Marston on Dove and Hoon NDP.**

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 relatively restrictive local policy framework for development proposals. It includes detail on potential housing development locations, although these are modest in scale (site H1A supports the delivery of 8 homes whilst H1B supports the delivery of 10-20 bungalows, up to a 40 bed care home, as well as a minimum of seven retail units with flats above). Both sites are located within the existing settlement boundary, though site 1B is in the village centre, and is already developed comprising of an existing car sales business). For both sites the principle of development is already established by virtue of policy H1 of the Adopted Part 1 Local Plan which supports housing development of all sizes within the settlement boundary of key service villages. The NDP also includes policies to allow for the creation of small scale and micro businesses within the settlement boundary or through the conversion of existing buildings and as well as a policy to support homeworking. Having reviewed the nature of the policies and the scale of the development allocations in the NDP and having regard to existing Local Plan policy which already supports the principle of development within the settlement boundary of the village, it is considered that the Plan will not give rise to likely significant effects on the environment. The NDP also includes a suite of transport, community, infrastructure, environment and leisure policies, many of which are similar in scope to policies set out in the Adopted Part 1 and Part 2 Local Plans. Having reviewed the content of these policies, it is not considered likely that the implementation of the Plan would give rise to likely significant effects on the environment.



<p>1b) the degree to which the plan or programme influences other plans and programmes including those in a hierarchy</p>	<p>No</p>	<p>The NDP must be in general conformity with the policies set out in the Adopted South Derbyshire Part 1 Local Plan, Adopted Part 2 Local Plan and proposed Submission Local Green Spaces 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.</p>
<p>1c) the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development.</p>	<p>No</p>	<p>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 (as well as the emerging Local Green Spaces Plan). The NDP provides specific policies regarding noise mitigation and air quality, flood mitigation, protecting green spaces including proposed Local Green Spaces as well as policies on Nature Conservation and Biodiversity consistent with Policies SD1, SD2, SD3, BNE3, BNE4, BNE8 and LGS1 and LGS2 of the adopted Part 1 and 2 Local Plans and the emerging LGS Plan. Given the inclusion of policies in the neighbourhood plan is broadly in line with strategic policies included in the South Derbyshire Local Plan to protect such environmental assets it is unlikely that the NDP will have any significant effects on the environment.</p>
<p>1d) environmental problems relevant to the plan or programme:</p>	<p>No</p>	<p>Development that is proposed in the village up to 2028 through the South Derbyshire Local Plan has been subject to Sustainability Appraisal (including SEA). And whilst this document does seek to make further allocations in Hilton to cover the period 20120-35 these a small scale and in a location where development is already acceptable in principle by virtue of being supported through the Local Plan. Moreover the NDP contains a suite of development management type policies which will embed good practise and sustainability principles into any new development which would likely further reduce the potential for environmental effects. No development is proposed outside of the settlement boundary of Hilton. Given the nature, scale and location of proposals in the Plan it is not considered that it will 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.</p>

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 sites proposed and policies proposed, their conformity with existing policy provisions included in the South Derbyshire Local Plan documents and the limited extent of potential developments (including those in Hilton Parish and in surrounding areas).
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. The Plan does however include a number of environmental and transport policies which seek to embed best practice and environmental protections into new development. These include (T1) Active Travel (T2), Access to Schools both of which could provide limited safety benefits by improving existing active travel routes and supporting the delivery of new off road travel routes. In addition policies on noise mitigation (N1), Air Quality (A1) and Flood Mitigation (F1). Are also included in the NDP. These will help reduce potential risks to human health and seek to improve well-being by embedding best practice into new development. However these policies are unlikely to have a significant effect on human health in isolation and in any case general provisions relating to improvement in highways safety associated with parking and cycling are made within the policy aims included in the Part 1 Local Plan.

<p>2e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)</p>	<p>No</p>	<p>The Plan is concerned with development within Hilton, Marston on Dove and Hoon Parishes only. Hilton is by far the largest of the three settlements and has a population of around 9,000 people. Altogether this Plan will apply to around 9% of the District in population terms, or around 4% of the District by land area). Outside of this area it will have no influence on development decisions.</p>
<p>2f) the value and vulnerability of the area likely to be affected due to –</p> <ul style="list-style-type: none"> <li>i) special natural characteristics or cultural heritage</li> <li>ii) exceeded environmental quality standards of limit values; or</li> <li>iii) intensive land-use</li> </ul>	<p>No</p>	<p>There are no conservation areas within the designated area. There are a small number of listed buildings in the area including 3 in Marston on Dove, 1 in Hoon and 7 in Hilton and the surrounding area. There are no Historic Parks and Gardens. There is one scheduled monument (Hoon Mount Platformed Bowl Barrow located in the western part of the designated area). Rapid growth, in particular the redevelopment of the Hilton Army Depot since its acquisition by St Modwen in the early 1990s has significantly altered the character of Hilton, though both Hoon and Marston on Dove are very small settlements and due to the small scale and lack of local services have been, and continue to be protected, by restrictive Local Plan policies. Expansion of Hilton has continued into the 21st century with additional development on the former depot. New housing allocations proposed through the adopted Local Plan are now being delivered and the NDP only allows for limited future growth in the period to 2035 within the settlement boundary in locations away from any statutory historic designations. Given the generally restrictive nature of the policies in the NDP and the general lack of sensitive environmental assets in locations likely to be subject to growth it is unlikely that it will have Plan would have any significant effects in respect of the historic environment and cultural assets.</p> <p>There are a number of Local Wildlife Sites located in Hilton although these are unlikely to be affected by the proposals or policies included 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 as a local green space. A total of 19 LGSs are proposed – these fully align with those proposed by the District Council in its emerging Local Green Spaces Plan. However given the lack of significance of these</p>

	<p>sites in biodiversity terms it is unlikely that these would significantly affect environmental quality in respect of biodiversity</p> <p>There are a number of Local Wildlife Sites located in the designated area as well as Hilton Gravel Pits SSSI although these sites are unlikely to be significantly affected by the proposals or policies included in the NDP. Moreover proposals to create a no build buffer between the A50 and the northern part of Hilton Village could help preserve an area of separation between Hilton and the SSSI, though in reality no built development is currently proposed in this location between the existing village edge and the A50 (T) which alone provides a significant barrier between the village and Hilton Gravel Pits in any case.</p> <p>There are no air quality management areas in the Parish although the NDP does include a policy to conserve air quality around a number of key locations around the village including local schools and the village hall.</p> <p>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 Hilton Brook catchment was identified as having an overall water quality status of 'moderate' when surveyed in 2015 and will need to reach a 'good' standard by 2027. Its failure to meet good status in 2015 was largely attributed to diffuse and point source phosphate discharges into the catchment as a result of waste water treatment discharges and poor land management associated with livestock farming.</p> <p>Given the scope and detail of the plan it is highly unlikely to lead to a notable intensification of land use in the villages.</p>
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<p>g) the effects on areas of landscapes which have a recognised national, community or international protection status.</p>	<p>No</p>	<p>There are no national or local landscape designations in the Parish. The Plan does however include a policy to try and conserve the distinct identities of the villages within the designated area. (Policy E2 Retaining village identity). It is also worth noting that no significant development is allocated or supported through the NDP except within the built core of Hilton and the policies it contains could provide limited benefits in respect of conserving local landscape and townscape value for instance by protecting areas between settlements.</p> <p>There is a limited assemblage of cultural heritage assets in the Parishes with a total of 11 listed buildings (of which 1 is grade 1 listed and the remainder grade 2 listed). These are dispersed throughout the designated area with 3 in Marston, 7 across Hilton and 1 in Hoon). However as previously noted the NDP does not make any notable allocations and these are located away from designated cultural heritage assets. Moreover existing policies in the Adopted Part 1 and Part 2 Local Plans will seek to protect any designated and undesignated heritage assets. Given existing protections, the location and relatively small scale of the additional housing allocations would be unlikely to have any notable effect on existing landscape character.</p>
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### Screening Outcomes

3.8 Having reviewed the criteria, the Council has concluded that the emerging Hilton, Marston on Dove and Hoon Neighbourhood Development Plan (2020-2035) 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 broadly supports the strategic development needs set out in the adopted Development Plan including the Adopted South Derbyshire Part 1 and Part 2 Local Plans (2011-28) and the proposed South Derbyshire Local Green Spaces Plan all of which 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 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; and,

- Whilst the Neighbourhood Development Plan for Hilton, Marston on Dove and Hoon does identify a further two potential development sites these are relatively small-scale and located within the settlement boundary of Hilton and so in any case remain in accordance with strategic policy which in principle supports development in such locations. Moreover a number of environmental policies are included in the NDP and these will ensure where new development comes forward these embed sustainability principles and so reduces the likely environmental effects of new development.

#### **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 or candidate wildlife sites, (those in the process of becoming a European Wildlife Site). 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 Hilton, Marston on Dove and Hoon Neighbourhood Development Plan once adopted will form part of the Development Plan for South Derbyshire, and will be in general conformity with the strategic policies in the adopted Local Plan for the District. The Adopted Part 1 and Part 2 Local Plans have been subject to Habitat Regulations Screening Assessment as has the emerging Local Green Spaces Plan.

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 1: These included:

- The River Mease (within District – 19.0km from designated area)
- West Midlands Mosses (22.0km from designated area)

- Cannock Chase (25.0km from designated area)
- Bees Nests and Green Clay Pits (26.0km from designated area)
- Gang Mine (26.0km from designated area)
- Peak District Dales (28km from designated area)

4.6 Details on the threats to the integrity of the closest internationally designated sites are set out below

Threat \ Site	Hydrological Changes	Water Quality/pollution	Inappropriate management	Public Access/Disturbance	Air Pollution	Wildlife	Changes in Species	Disease	Invasive Species	Development/Planning	Fertilizer use	Flytipping	Vandalism/Vehicle Use	Habitat Fragmentation
River Mease SAC	✓	✓	--	--	--	--	--	--	✓	✓	*	--	--	--
Cannock Chase SAC	✓	✓	--	--	--	--	--	--	✓	✓	--	--	--	✓
West Midland Mosses SAC	✓	✓	✓	--	✓	--	--	--	--	--	*	--	--	--
Gang Mines SAC	--	--	✓	--	✓	--	--	--	--	--	--	--	--	--
Peak District Dales SAC	✓	✓	✓	✓	✓	--	--	✓	✓	--	✓	✓	✓	--
Bees Nest and Green Clay Pits SAC	--	--	✓	--	✓	--	--	--	--	--	--	--	--	--

**Key:** ✓= Potential threat to the integrity of the site

--= Not identified as a threat to the site

\* off site (i.e. within hydraulic catchment)

**Source:** SDDC (based on review of Conservation Objectives and Site Improvement Plans for identified sites)

4.7 In reviewing the likely effects of the Neighbourhood Plan on designated sites significant effects were discounted on all.

4.8 The Neighbourhood Development Plan for Hilton, Marston on Dove and Hoon Parishes applies to an area of the District more 19km from the River Mease and 13km from the nearest part of the catchment of the River, and having regard to the Conservation Objectives that apply to this site it is inconceivable that the NDP would have any effect given the key threats to the site relate to development within the catchment, invasive species, water quality and the hydrological regime of the river.

4.9 In respect of the remaining sites all are at least 20km from the designated plan area as the crow flies and considerably further on the ground. Moreover the modest scale of growth proposed in the Plan which includes two housing allocations which cumulatively would deliver less than 100 new homes up to 2035 within the settlement of Hilton would mean the potential for effects is already extremely limited given that most of the threats to the sites relate

to internal management issues, increased visitor pressures, water quality, air quality, invasive issues or other impacts which are only likely to be exacerbated by close development.

- 4.10 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 SEA Assessment**

### **Strategic Environmental**

#### **Assessment**

- 5.1 On the basis of the SEA Screening Assessment set out in Table 2 above, it is concluded that Hilton, Marston on Dove and Hoon Neighbourhood Development Plan will not have significant effects in relation to any of the criteria set out in Schedule 1 of the SEA Regulations, and therefore does not need to be subject to 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 the European Protected sites within and around South Derbyshire District, due to the implementation of the Hilton, Marston on Dove and Hoon Neighbourhood Development Plan. As such the will not require the preparation of a stage 2 Habitat Regulations Assessment (Appropriate Assessment).







## Appendix 2 : Environment Agency Response

### Jessica Cheadle

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**From:** Drewry, Joe <joe.drewry@environment-agency.gov.uk>  
**Sent:** 12 March 2020 10:27  
**To:** Kevin Exley  
**Subject:** RE: Hilton, Marston on Dove and Hoon NDP, SEA and HRA screening Assessment - Consultation

Hi Kevin,

Thanks for the consultation. Given the proposed sites are situated outside of flood zones 2 and flood zones 3, and policies for biodiversity net gain, green infrastructure and nature corridors are included within the draft neighbourhood plan, we have no detailed comments to make for this consultation.

Thanks,

Joe Drewry  
Environment Agency – Sustainable Places

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**From:** Kevin Exley [mailto:Kevin.Exley@southderbyshire.gov.uk]  
**Sent:** 11 March 2020 15:25  
**To:** 'e-emids@HistoricEngland.org.uk' <e-emids@HistoricEngland.org.uk>; Planning, Lower Trent <planning.trentside@environment-agency.gov.uk>; SM-NE-Consultations (NE) <consultations@naturalengland.org.uk>  
**Cc:** 'charles@cuddington.org' <charles@cuddington.org>; Karen Beavin <Karen.Beavin@southderbyshire.gov.uk>; 'clerk@Hiltonparishcouncil.org.uk' <clerk@Hiltonparishcouncil.org.uk>  
**Subject:** Hilton, Marston on Dove and Hoon NDP, SEA and HRA screening Assessment - Consultation

Dear Consultee

This Council has undertaken a screening assessment of the Hilton, Marston on Dove and Hoon Neighbourhood Development Plan and its potential to have likely significant effects on the environment. Based on our assessment, which we consider to be proportionate to the nature and scale of the Plan proposed we have concluded that there is no requirement for the Plan to be subject to either a Strategic Environmental Assessment or Stage 2 Habitat Regulations Assessment (Appropriate Assessment). The reasons for coming to this view are set out in the following draft document.

We would welcome any comments you may have on both the scope of the attached screening report and its findings. To this end we would ask that you review the attached report and notify us no later than April 14<sup>th</sup> of any comments you may have. I would also appreciate confirmation of receipt of this email.

The Council's draft screening report and a copy of the Hilton , Marston on Dove and Hoon NDP are attached for your information. However should you require any further information please feel free to contact me directly on the details below.

Kind regards

**Kevin Exley**  
Planning Policy Officer (Sustainability)  
T: 01283 228717



Mr Kevin Exley  
South Derbyshire District Council

Direct Dial: 0121 625 6870

Our ref: PL00699424  
19 March 2020

Dear Mr Exley

## **HILTON, MARSTON ON DOVE AND HOON NEIGHBOURHOOD PLAN - SEA SCREENING REQUEST**

Thank you for your consultation of 11 March 2020 and the request for a Screening Opinion in respect of the Hilton, Marston on Dove and Hoon 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 AXIS 10 HOLLIDAY STREET BIRMINGHAM B1 1TF

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Historic England



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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.*

## Appendix 4 Natural England Response

**Date:** 09 April 2020

**Our ref:** 311780

**Your ref:** None



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### **BY EMAIL ONLY**

Dear Mr Exley

**Planning consultation:** Hilton, Marston on Dove and Hoon Neighbourhood Plan – SEA and HRA Screening

Thank you for your consultation on the above dated 11 March 2020 which was received by Natural England on 12 March 2020

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.

Natural England welcomes the Screening Report which assesses the requirement for Strategic Environmental Assessment (SEA) and Habitat Regulations Assessment (HRA) for the Hilton, Marston on Dove and Hoon Neighbourhood Plan.

We can confirm that it is considered unlikely that any significant environmental effects will result from the implementation of the Neighbourhood Plan.

Natural England also agrees with the report's conclusions that the Hilton, Marston on Dove and Hoon Neighbourhood Plan would not be likely to result in a significant effect on any European Site either alone or in combination and therefore no further assessment work under the Habitats Regulations would be required.

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 only please contact Sandra Close on 020 8026 0676. 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

**SANDRA CLOSE**

**Click here to enter text.**

**Planning Adviser**

**East Midlands Team**



## **Annex - Generic advice on natural environment impacts and opportunities**

### **Biodiversity duty**

Your planning authority has a duty to have regard to conserving biodiversity as part of their decision making. Conserving biodiversity can also include restoration or enhancement to a population or habitat. Further information is available [here](#).

### **Protected Species**

Natural England has produced [standing advice](#)<sup>1</sup> to help planning authorities understand the impact of particular developments on protected species.

### **Local sites and priority habitats and species**

The impacts of proposed development on any local wildlife or geodiversity sites should be considered, in line with paragraphs 171 and 174 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity. Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as the local records centre, wildlife trust, geo-conservation groups or recording societies.

Priority habitats and Species are of particular importance for nature conservation and included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. The list of priority habitats and species can be found [here](#)<sup>2</sup>. Natural England does not routinely hold species data, such data should be collected when impacts on priority habitats or species are considered likely. Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land, further information including links to the open mosaic habitats inventory can be found [here](#).

### **Ancient woodland, ancient and veteran trees**

the impacts of proposed development on ancient woodland and ancient and veteran trees should be considered in line with paragraph 175 of the NPPF. Natural England maintains the Ancient Woodland [Inventory](#) which can help identify ancient woodland. Natural England and the Forestry Commission have produced [standing advice](#) for planning authorities in relation to ancient woodland and ancient and veteran trees. It should be taken into account by planning authorities when determining relevant planning applications

### **Landscape**

Paragraph 170 of the NPPF highlights the need to protect and enhance valued landscapes through the planning system. Proposed developments may present opportunities to protect and enhance locally valued landscapes. You may want to consider whether any local landscape features or characteristics (such as ponds, woodland or dry stone walls) could be incorporated into any proposed development in order to respect and enhance local landscape character and

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<sup>1</sup> <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

<sup>2</sup> <http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>



distinctiveness, in line with any local landscape character assessments. Where the impacts of development are likely to be significant, a Landscape & Visual Impact Assessment should be provided with the proposal to inform decision making. We refer you to the [Landscape Institute Guidelines for Landscape and Visual Impact Assessment](#) for further guidance.

## **Access and Recreation**

Natural England encourages any proposal to incorporate measures to help improve people's access to the natural environment. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways should be considered. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Relevant aspects of local authority green infrastructure strategies should be delivered where appropriate.

## **Environmental enhancement**

Development provides opportunities to secure net gains for biodiversity and wider environmental gains, as outlined in the NPPF (paragraphs 8, 72, 102, 118, 170, 171, 174 and 175). The application of the mitigation hierarchy as set out in paragraph 175 of the NPPF is a useful tool. It advises to firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal. Where onsite measures are not possible, off site measures can be considered. Opportunities for enhancement might include:

- Providing a new footpath through the new development to link into existing rights of way.
- Restoring a neglected hedgerow.
- Creating a new pond as an attractive feature on the site.
- Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- Incorporating swift boxes or bat boxes into the design of new buildings.
- Designing lighting to encourage wildlife.
- Adding a green roof to new buildings.

Proposed development can also contribute to the wider environment and help implement elements of any Landscape, Green Infrastructure or Biodiversity Strategy in place in your area. For example:

- Links to existing greenspace and/or opportunities to enhance and improve access.
- Identifying opportunities for new greenspace and managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips)
- Planting additional street trees.
- Identifying any improvements to the existing public right of way network or using the opportunity of new development to extend the network to create missing links.  
Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition or clearing away an eyesore).





## **HILTON, MARSTON ON DOVE & HOON NEIGHBOURHOOD DEVELOPMENT PLAN 2020 – 2035 DETERMINATION STATEMENT (INCLUDING REASONS FOR THE DETERMINATION)**

### **1.0 Introduction**

- 1.1 A neighbourhood plan is required to meet a number of basic conditions (which are set out in the Town and Country Planning Act 1990), one of which being it must not breach and must be otherwise compatible with EU and Human Rights obligations. This requires neighbourhood plans to fully consider the requirements of the Strategic Environmental Assessment (SEA) regulations which transpose the EU's SEA Directive into law and which requires those making plans that could impact on the environment to consider whether they are likely to have a significant effect or not.
- 1.2 Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (as amended) requires that a Neighbourhood Plan being submitted to the Local Planning Authority must include either an Environmental Report (complying with the SEA Regulations) or, in the case where it has been deemed an environmental assessment under the SEA Regulations is not required, a statement of reasons for this determination.

### **2.0 Statement of Reasons For excluding the Need for SEA of the Hilton Marston on Dove & Hoon Neighbourhood Development Plan 2020 – 2035**

- 2.1 Having reviewed the scope and content of the Draft Plan the Council has concluded that the emerging Hilton, Marston on Dove and Hoon Neighbourhood Development Plan (2020-2035) 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: -
- I. The Plan is limited in scale covering around 4% of the land area of South Derbyshire District. An objective review of the characteristics and features of the area have indicated that it is largely unconstrained by sensitive social, cultural heritage or environmental issues and where such features do exist they are unlikely to be significantly affected by Plan proposals. Moreover a number of environmental policies are included in the NDP and these will ensure where new development comes forward these embed sustainability principles and so reduces the likely environmental effects of new development.
  - II. The Neighbourhood Development Plan broadly supports the strategic development needs set out in the adopted Development Plan including the Adopted South Derbyshire Part 1 and Part 2 Local Plans (2011-28) and the proposed South Derbyshire Local Green Spaces Plan all of which 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;



- III. The Neighbourhood Development Plan 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; and,
- IV. Whilst the Neighbourhood Development Plan for Hilton, Marston on Dove and Hoon does identify a further two potential development sites these are relatively small-scale and located within the settlement boundary of Hilton and so in any case remain in accordance with strategic policy which in principle supports development in such locations.

### **3.0 Statement of Reasons For excluding the Need for an Appropriate Assessment of the Hilton, Marston on Dove & Hoon Neighbourhood Development Plan 2020 – 2035**

- 3.1 A Habitat Regulations Screening Assessment has also been undertaken to determine the need for the plan to be subject to an Appropriate Assessment (i.e. a stage 2 Habitat Regulations Assessment). This screening assessment has concluded that it is inconceivable that the Hilton Marston on Dove & Hoon Neighbourhood Development Plan 2020 – 2035 would have any effect on any European or candidate European Sites (Special Area of Conservation (SAC) or Special Protection Areas (SPA)) or Ramsar Sites due to the localised nature of the Plan, its distance from the nearest protected sites and the conservation objectives for protecting the integrity of the closest sites. Further detail on the location and threats to the integrity of sites can be found in the accompanying Determination Report.