

**THE ENVIRONMENTAL ASSESSMENT OF PLANS AND PROGRAMMES  
REGULATIONS 2004  
REGULATION 9 SCREENING DETERMINATION  
Waters Upton Neighbourhood Plan**

**Introduction**

European Union Directive 2001/42/EC requires a Strategic Environmental Assessment to be undertaken for certain types of plans or programmes that would have a significant environmental effect. It is for the Parish Council to determine whether an SEA is required.

The Environmental Assessment of Plans and Programmes Regulations 2004 (the regulations) require that this is determined by a screening process, which should use a specified set of criteria (set out in Schedule 1 of the Regulations). The results of this process must be set out in an SEA Screening Statement, which must be publicly available. Before the Council make a formal determination, there is a requirement to consult three statutory consultation bodies designated in the regulations (English Heritage, Environment Agency & Natural England) on whether an environmental assessment is required.

This document is the Screening Determination of the need to carry out a Strategic Environmental Assessment for the Waters Upton Neighbourhood Plan and is made in accordance with the regulations. Within 28 days of making its determination, the Parish Council will publish a statement, setting out its decision. If it determines that an SEA is not required, the statement must include reasons for this

**Determination**

In accordance with Regulation 9 of the SEA Regulations 2004, the Parish Council, as the responsible authority, has determined that an environmental assessment of the emerging Waters Upton Neighbourhood Plan is not required as it is unlikely to have significant environmental effects. In making this determination, the Parish Council has had regard to Schedule 1 of the Regulations and has carried out consultation with the consultation bodies. An assessment against Schedule 1 of Regulations and comments made by the Consultation bodies are set out below.

This determination has been made at Full Council on 26<sup>th</sup> November 2014.

**Further Information**

A copy of this determination will be sent to the Consultation Bodies and made available on the Parish Council's website at <http://www.watersupton.org.uk>

It will also be available on request from:

Katrina Baker MBE, Clerk to the Council  
Waters Upton Parish Council, Oaklands, Waters Upton, Telford TF6 6NP

If you require any further information, then please contact **Katrina Baker MBE** by email to: [watersuptonpc@btinternet.com](mailto:watersuptonpc@btinternet.com)

# The Environmental Assessment of Plans and Programmes Regulations 2004

## Regulation 9 Screening Statement

### Waters Upton Neighbourhood Development Plan – Screening Statement

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

Criteria for determining the likely significance of effects (Annex II SEA Directive)	Likely to have significant environmental effects	Summary of significant effects
<p><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.</b></p>	<p>No</p>	<p>The Waters Upton Neighbourhood Development Plan (WUNDP) proposes a Waters Upton Parish settlement boundary and provides a framework for development proposals focussed around housing, green spaces, employment, local character and accessibility.</p> <p>The WUNDP proposes two housing sites that have received support from the local community. Allocating sites for housing development will contribute towards the Telford and Wrekin Council's strategic framework with regards to rural needs; providing more homes, increasing the supply of affordable type units, as well as a mixture of homes.</p> <p>Policy CS7 in the Core Strategy identifies Waters Upton a location for sustainable development within the rural area, alongside two other settlements being Tibberton and High Ercall. The Wrekin Local Plan Policy H10 (which is saved) sets out additional criterion specifically to housing development.</p>
<p><b>1(b) the degree to which the plan or programme influences other plans or programmes including those</b></p>	<p>No</p>	<p>The WUNDP responds to other plans and programmes such as the Core Strategy and the NPPF as it is a lower tier</p>

<p><b>in a hierarchy.</b></p>		<p>planning policy document. The WUNDP is likely to have a positive impact on these plans through its policies to deliver sustainable development and protect and enhance the local environment; it will help deliver other Core Strategy policies i.e. CS11 and CS13.</p>
<p><b>1(c) the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development.</b></p>	<p>No</p>	<p>The WUNDP has regard to the objective of achieving sustainable development in the local area. The WUNDP contains policies that seek to protect and retain local valuable green space, public rights of way, provide new homes and help to promote and support existing services and facilities. The plan looks to improve and promote public transport opportunities, and the re-use of existing buildings for business use. The housing site allocations aim to address rural housing needs, and the policies within the WUNDP encourage provision of a more balanced range of housing (size, type and affordability) as supported by local residents.</p>
<p><b>1(d) environmental problems relevant to the plan</b></p>	<p>No</p>	<p>The WUNDP identifies limited public transport and parking as an environmental issue and seeks to minimise impacts of parking on roads and improve and promote public transport opportunities through new development policies. 'Getting around' Objective 1 seeks to improve public transport to relieve the need for excessive vehicle movements. Policy WUT1 seeks to encourage Telford and Wrekin and Shropshire Council to improve and promote public transport opportunities. Policy WUT2 supports the provision and improvements to</p>

		<p>pedestrian and cycle way routes through new planning applications.</p> <p>Policy WUT3 seeks to reduce the number of cars parking on roads through any development making provision for adequate parking (2 spaces per property, or 1 per bedroom, whichever is the greater).</p> <p>Any further environmental problems may be triggered through the housing allocation sites however the impact on traffic flow/highway safety, drainage, ecology etc is unclear at this stage. If an application for housing was made to the Local Planning Authority it would go through an assessment process where conditions/mitigation could be put in place to reduce environmental problems should the development be considered acceptable.</p> <p>There are no Air Quality Management Areas within the Waters Upton Neighbourhood Plan area.</p>
<b>1(e) 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)</b>	No	The WUNDP policies do not propose any changes that are likely to have a severe impact on the environment i.e. tree preservation orders or existing public rights of way. The Core Strategy contains an environmental protection policy (CS13) and WUNDP has adopted a similar approach that is likely to have a positive effect.
<b>2(a) the probability, duration, frequency and reversibility of the effects</b>	No	Due to the limited scale of the new development proposed, it is unlikely that the WUNDP would result in any irreversible damaging environmental impacts. Any new development should be sustainable and be in accordance with existing

		planning policy.
<b>2(b) the cumulative nature of the effects</b>	No	It is not possible to fully assess the cumulative effects of future development until planning applications have been submitted and assessed for the allocated sites. However, it is anticipated that the forthcoming issues would be the impact on school capacity, highway safety and the loss and movement of jobs. It may be possible to address some or all of these cumulative issues through mitigation measures, financial contributions, and in detail as part of the planning application process. Further to this it is thought the policies within the WUNDP will generate positive effects.
<b>2(c) the transboundary nature of the effects</b>	No	The WUNDP has allocated two sites for housing development that would generate approximately 201 new homes. The effects this could have on the parish would be mainly local. The closing of the Dairy Crest Creamery would result in loss and movement of employment, new people moving in and out of the area as well as the creation of new employment through house building related work. Although, it is not clear at this stage what all the effects will be as no detailed planning applications have been submitted at this time.
<b>2(d) the risks to human health or the environment (e.g. due to accidents)</b>	No	It is unlikely that there will be any obvious risks to human health arising from the policies within the WUNDP. Health and Safety standards on developments arising within the plan area will be controlled/ governed by relevant statutory guidelines and codes.

		<p>Any risks arising from the creation and location of new housing/extension of cemetery will be managed in accordance with the relevant statutory frameworks; however no details have been submitted or are shown within the plan.</p>
<p><b>2(e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)</b></p>	<p>No</p>	<p>Through the parish runs the River Tern; however this should not pose any development constraints by reason of its location and distance from proposed development sites. The area is characterised by listed buildings and areas of green space. The policies contained in the WUNDP seek to protect and enhance open space, retain historical character, protect amenities and services whilst trying to provide a mix of new homes for existing needs. The plan will impact on the local population.</p>

<p><b>2(f) the value and vulnerability of the area likely to be affected due to:</b></p> <p><b>(i) special natural characteristics or cultural heritage</b></p> <p><b>(ii) exceeded environmental quality standards</b></p> <p><b>(iii) intensive land-use</b></p>	<p>No</p>	<p>The WUNDP is unlikely to adversely affect the value and vulnerability of the area in relation to its natural or cultural heritage. The WUNDP contains policies to protect existing green spaces and wildlife corridors. It contains policies which seek to protect local characteristic features (WULC1, WULC2 and WULC3), which is in accordance with Core Strategy Policy CS14 – Cultural, Historic and Built Environment - contained in the Core Strategy.</p> <p>The policies contained in the plan aim to preserve, enhance and improve sites of ecological or environmental importance, as well as designating new development sites that are brownfield land. It is likely that any new development will be asked to ensure sustainable drainage systems are provided to help manage the River Tern, environmental risks and reduce the risk of flooding/climate change,</p>
<p><b>2 (g) the effects on areas or landscapes which have a recognised national, community or international protection status.</b></p>	<p>No</p>	<p>It is considered that the WUNDP is unlikely to adversely impact on its existing landscapes. Whilst there are areas of grade 2, 3 and 4 agricultural land within the parish the plan does not propose any new development on the best and most versatile land.</p> <p>Some of the eastern parts of the parish, including Cherrington, are within 10km of Aqualate Mere Midland Meres &amp; Mosses Ramsar Phase 2. Kynnersley Moor Woods Local Wildlife Site runs alongside the south-eastern boundary of the parish and a small section of it is within</p>

		<p>the parish. There are two RIGS (Regionally Important Geological and Geomorphological Sites) within the parish. The first is on the boundary of the parish to the south-west of Great Bolas. The second is at Shray Hill, Cherrington, within the patch of woodland to the west of Day House Farm. The plan does not propose any new development that would affect these sites, further more these sites are protected by CS13 and the NPPF.</p> <p>The plan proposes to protect wildlife corridors and enhance green spaces through policies WUGS1, WUGS2 and WUGS3 which are likely to have beneficial impacts.</p>
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## Correspondence from consultation bodies:-

### 1. Natural England

Date: 10<sup>th</sup> November 2014  
Our ref: 132882 Waters Upton NP SEA  
Screening

Dear Clare Francis,

### **Waters Upton Neighbourhood Plan: Strategic Environmental Assessment and Habitats Regulation Assessment Screening**

Thank you for your consultation on the above dated 25<sup>th</sup> September 2014 which was received by email on the same date. 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.

### **Strategic Environmental Assessment**

Where Neighbourhood Plans could have significant environmental effects, they may require a Strategic Environmental Assessment (SEA) under the Environment Assessment of Plans and Programmes Regulations 2004. Further guidance on deciding whether the proposals are likely to have significant environmental effects and the requirements for consulting Natural England on SEA are set out in the National Planning Practice Guidance at: <http://planningguidance.planningportal.gov.uk/blog/guidance/strategic-environmental-assessment-and-sustainability-appraisal/does-a-neighbourhood-plan-require-a-sustainability-appraisal/>

Natural England welcomes the production of an SEA Screening Statement and is satisfied that the Local Planning Authorities conclusions of no likely significant effects are appropriate. We therefore advise that **an SEA is not required**.

### **Habitat Regulations Assessment**

Where a Neighbourhood Plan could potentially lead to significant environmental effects it will be necessary to screen the Plan in relation to the Habitats and Species Regulations (2010), as amended (the 'Habitats Regulations'). One of the basic conditions that will be tested at Examination is whether the making of the plan is compatible with European obligations and this includes requirements relating to the Habitats Directive. **In relation to the Habitats Regulations, a Neighbourhood Plan cannot progress if the likelihood of significant effects on any European Site, either alone (or in combination with other plans and projects) cannot be ruled out** (see Schedule 2, The Neighbourhood Planning (General) Regulations 2012). Therefore measures may need to be incorporated into the Neighbourhood Plan to ensure that any likely significant effects are avoided in order to secure compliance with the Regulations. A screening exercise should be undertaken if there is any doubt about the possible effects of the Plan on European protected sites. This will be particularly important

if a Neighbourhood Plan is to progress before a Local Plan has been adopted and/or the Neighbourhood Plan proposes development which has not been assessed and/or included in the Habitats Regulations Assessment for the Local Plan. The consultation documents provided by your authority do not include information to demonstrate that the requirements of Regulation 102 of the Habitats Regulations have been considered by your authority, i.e. the consultation does not include a Habitats Regulations Assessment.

In advising your authority on the requirements relating to Habitats Regulations Assessment, and to assist you in screening for the likelihood of significant effects, based on the information provided, Natural England offers the following advice:

- the proposal is not necessary for the management of the European site
- that the proposal is unlikely to have a significant effect on any European site, and **can therefore be screened out from any requirement for further assessment.**

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 Jamie Melvin on 2497. 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). We really value your feedback to help us improve the service we offer. We have attached a feedback form to this letter and welcome any comments you might have about our service.

Yours sincerely

Mr Jamie Melvin  
Planning Adviser  
South Mercia Team

2. English Heritage

3 October 2014

**UPTON WATERS NEIGHBOURHOOD PLAN - STRATEGIC ENVIRONMENTAL ASSESSMENT SCREENING OPINION**

Thank you for your consultation of 25<sup>th</sup> September and the request for a Screening Opinion.

For the purposes of consultations on SEA Screening Opinions, English Heritage 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.

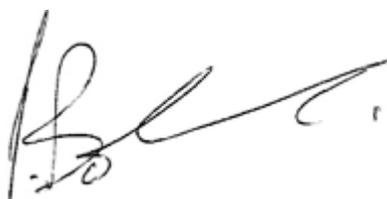
On the basis of the information supplied, including that set out in the draft plan, and in the context of the criteria set out in Schedule I of the Environmental Assessment Regulations [Annex II of 'SEA' Directive], English Heritage concludes that the preparation of a Strategic Environmental Assessment is unlikely 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 English Heritage 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: <http://www.english-heritage.org.uk/publications/strategic-enviro-assessment-sustainability-appraisal-historic-environment/>

I hope this is helpful.

Yours faithfully

A handwritten signature in black ink, appearing to read 'P. Boland', with a long horizontal stroke extending to the right.

Pete Boland

Historic Places Adviser

E-mail: [peter.boland@english-heritage.org.uk](mailto:peter.boland@english-heritage.org.uk)

### 3. Environment Agency

Dear Madam,

#### **Strategic Environmental Assessment (SEA) Screening Determination – Waters Upton Neighbourhood Development Plan.**

I refer to your email of the 25 September 2014 in relation to the above development plan. Having reviewed the submitted Screening Statement I would offer the following comments for your consideration at this time.

**SEA Screening:** As stated in your letter the EU directive 200142/EC requires an SEA to be undertaken for certain types of plans and programmes that would be deemed to have a significant effect. There are limited circumstances where a Neighbourhood Plan could have a significant environmental effect. Based on the submitted screening statement, and in relation to matters within our remit, we would consider that the Water Upton Neighbourhood Development Plan (WUNDP) is unlikely to have significant environmental impacts that would necessitate SEA. There are environmental constraints within the development area but, due to the limited scale of development, and by cross-referencing National Planning Policy and Telford & Wrekin's evidence base, these areas can be avoided and any impacts negated or mitigated.

**Evidence Base:** In reference to the above we understand that Telford & Wrekin's Local Plan will replace the existing Core Strategy (2007) and Wrekin Local Plan (saved policies 2000) and will run from 2015 to 2031. We also note that the Council are in the process of developing an Outline Water Cycle Strategy (WCS) which, along with the Strategic Flood Risk Assessment (SFRA), is a key tool to ensure the Council are abreast of the infrastructure requirements of the Borough and that forthcoming Neighbourhood Plans are consistent with the wider aims and aspiration of the area. Both the SFRA and WCS will be key pieces of evidence base which will help inform site allocations within Waters Upton and ensure the area has a plan which is positively prepared and justified.

**Waters Upton Screening Statement:** The Screening Statement confirms that the WUNDP is unlikely to have significant environmental effects. Section 1(d) of the document omits reference to some key environmental constraints within the Waters Upton. I do note that the section states that 'any further environmental problems may be triggered through the housing allocation sites' but it would be prudent to have a full understanding of the constraints prior to allocation to ensure that development is situated in the most sustainable location. We would expect reference to flood risk, groundwater and water quality in this section.

I have attached a map of the key environmental constraints that are present in the development area and pick these up below. Detailed environmental constraints specific to Waters Upton can also be accessed via the Geo-Store for which your Council has access.

**Flood Risk:** As shown on the map there are elements of flood risk throughout the development boundary emanating from the Rivers Tern, Meese and Strine. These watercourses are designated Main River and fall under the jurisdiction of the Environment Agency. Whilst there are no sites allocated at this stage we would expect development to be located within Flood Zone 1, the low risk Zone. We would also expect to see no development within 8 metres of the top of the banks of the abovementioned

watercourse. Section 2 (e) makes reference to the River Tern and confirms that proposed development will not be located within proximity of the watercourse. As stated above any development in Waters Upton would need to be supported by a proportionate evidence base. Specifically the WUNDP, and its policies, will need to reference the Telford and Wrekin SFRA. The SFRA should help to inform site allocations for residential and employment sites. This is addressed in section 2(a) which confirms that development will be limited and that any new development should accord with existing planning policy, in this instance the NPPG and Telford & Wrekin's Core Strategy (inc. SFRA and WCS).

**Source Protection Zones:** Section 2 (g) makes reference to Geological and Geomorphological sites but does not mention Source Protection Zones (SPZ) which are prominent within Waters Upton. Development should be kept out of SPZ 1 (high risk) to ensure no detrimental impact on groundwaters and potable water supplies. This point is of particular importance should the Creamery site be considered for redevelopment.

**Water Framework Directive (WFD):** Any development within the WUNDP should, as noted in the Screening Statement, have no detrimental impacts on watercourses within the area. The River Tern (WFD Ref: GB109054050170) is currently at 'good' status and is required to remain at this level.

I trust the above is of assistance at this time. We would be happy to co-operate further on the areas detailed above.

Yours faithfully

**Mr. Graeme Irwin**

**Senior Planning Advisor**

Direct dial: 01743 283579

Direct e-mail: [graeme.irwin@environment-agency.gov.uk](mailto:graeme.irwin@environment-agency.gov.uk)

## **Summary of consultation responses**

With regards to the responses received from Natural England, English Heritage and the Environment Agency we conclude there are no likely significant effects and therefore advise that an SEA is not required.