



Screening Statement

Habitats Regulation Assessment (HRA)

Betley, Balterley and Wrinehill Neighbourhood Development Plan 2021-2037 Regulation 16 Draft Plan Submission February 2021

March 2021

HABITATS REGULATIONS ASSESSMENT (SCREENING) FOR THE BETLEY, BALTERLEY AND WRINEHILL NEIGHBOURHOOD DEVELOPMENT PLAN 2021-2037 REGULATION 16 DRAFT PLAN SUBMISSION 2021

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1. Introduction

- 1.1 This report will determine whether the Betley, Balterley and Wrinehill Neighbourhood Development Plan (BBWNDP) 2021-2037 Regulation 16 Draft Plan Submission February 2021 requires a Habitats Regulations Assessment (HRA) in accordance with Article 6(3) and (4) of the EU Habitats Directive and with Regulation 63 of the Conservation of Habitats and Species Regulations 2017. The objective of the Habitats Directive is to protect biodiversity through the conservation of natural habitats and species of wild fauna and flora. The Directive lays down rules for the protection, management and exploitation of such habitats and species. A HRA is required when it is deemed that likely adverse significant effects may occur on protected European Sites (Natura 2000 sites) as a result of the implementation of a plan/project. As a general 'rule of thumb' it is identified that sites with pathways of 10-15km of the plan/project boundary should be included with a HRA. See Table 2 and Appendix 1 for the list of sites screened as part of this assessment.
- 1.2 The purpose of the BBWNDP is to guide development within the Betley, Balterley and Wrinehill Neighbourhood Area (BBWNA) (i.e. the parish). It will contain land-use policies with the purpose of guiding the sustainable development of the BBWNA and achieve the overall aim of the BBWNDP, which is to protect the special rural environment and heritage of the BBWNA. The BBWNDP describes the changes which should or should not take place, provides the community's views on these and, where appropriate, identifies policies which any proposed development or change should comply with for the period to 2037. A map of the BBWNA is shown on page 15 (Map 1) of the BBWNDP. This HRA screening report has been undertaken on the BBWNDP 2021-2037 Regulation 16 Draft Plan Submission February 2021, which was provided by the Qualifying Body on 29 November 2019.
- 1.3 The legislative background set out in section 4 outlines the regulations that require the need for this screening exercise. Section 4, provides a screening assessment of both the likely significant effects of the implementation of the BBWNDP and the need for a Habitats Regulation Assessment.
- 1.4 A summary of findings and conclusions for the screening process can be found in section 7.

2. Information about the Neighbourhood Plan

- 2.1 The BBWNDP has been produced to guide development within BBWNA (i.e. the parish). It will contain land-use type policies with the purpose of guiding the sustainable development of the BBWNA and achieve the overall aim of the Plan, which is to protect the special rural environment and heritage of the BBWNA.

2.2 The policies apply to all new development, comprising development on greenfield or brownfield sites, redevelopment of existing developed sites, conversions and extensions of existing buildings. They are organised according to the following policy themes:

1. Promoting Sustainable Development
2. New Housing
3. Built Environment
4. Natural Environment
5. The Local Economy and Community Facilities

2.3 The BBW NDP sets out the following vision and objectives for the BBWNA:

Draft Vision for Betley, Balterley and Wrinehill NDP

By 2037 the quality of life of people living and working in the Parish has been maintained and improved in a sustainable way, and the special rural environment and heritage of the Parish has been protected and enhanced.

Objectives

- 1: *To promote sustainable development;*
- 2: *To conserve and enhance the quality and appearance of the built environment and its unique and valuable historic and architectural buildings;*
- 3: *To protect and enhance the intrinsic rural and landscape character of the Parish;*
- 4: *To support the provision of appropriate new housing in the Parish;*
- 5: *To reduce the harmful impact of traffic in the centre of the village to reduce air pollution, noise and vibration and improve highway safety for pedestrians and cyclists;*
and
- 6: *To maintain services and economic activity in the Parish including; the school, doctor's, village shop, pubs, restaurants and other small businesses and broadband etc.*

2.4 If the BBW NDP is successful at examination, and approved by the local community through a referendum it attains the same legal status as a Local Plan, and at this point comes into force as part of the statutory development plan¹. It will then be used in determining planning applications within the BBWNA. Prior to referendum it may carry some weight in planning decisions as a material consideration as an emerging plan. Paragraph 48 of the National Planning Policy Framework² sets out the weight that may be given to relevant policies in emerging plans in decision taking. The referendum ensures that the community have the final say in the BBW NDP coming into force as part of the development plan.

¹ <http://www.legislation.gov.uk/ukpga/2004/5/section/38>

² <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

3. Habitats Regulations Assessment Screening

- 3.1 This Habitats Regulations Assessment (HRA) screening report has been undertaken by Newcastle-under-Lyme Borough Council in respect of the BBWNDP 2021-2037 Regulation 16 Draft Plan Submission February 2021.
- 3.2 The aim of this HRA screening report is to assess whether the BBWNDP will result in any likely significant effects on any European sites within relative proximity of the BBWNA.

4. Legislative background

- 4.1 The Natura 2000 network (European sites) consists of sites across Europe designated for their nature conservation importance. These consist of:

- *Special Areas of Conservation (SACs) and potential SACs (pSACs)* - these are designated under the Habitats Directive to protect those habitat types and species that are considered to be most in need of conservation at a European level (excluding birds).
- *Special Protection Areas (SPAs) and potential SPAs (pSPAs)* - these are designated under the Birds Directive to protect rare and vulnerable birds, and also regularly occurring migratory species.
- *RAMSAR sites* - these are wetlands of international importance designated under the RAMSAR Convention.

- 4.2 To help protect the Natura 2000 network, there are particular requirements for plans and projects. Article 6(3) of the European Union Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (the 'Habitats Directive') states:

'Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. In the light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public.'

- 4.3 The Conservation of Habitats and Species Regulations 2017 (the "Habitats Regulations 2017") consolidate and update all the various amendments made to the

Conservation of Habitats and Species Regulations 2010 (the “Habitats Regulations 2010”). They also introduce a small number of minor amendments designed to take account of changes to other related legislation, such as amendments to Town and Country Planning legislation. It should be noted that there have been two reviews of the implementation of the Habitats Regulations 2010 which have concluded that they remain fit for purpose. This included a fitness check of the Nature Directives conducted by the EU and in June 2017 the EU launched an Action Plan to address the shortcomings in implementation.³ A further review of the Regulations would be a complex and time consuming exercise which could only be undertaken when resources are available and would be best considered following the UK’s exit from the European Union. The Conservation of Habitats and Species Regulations 2017 (the ‘Habitats Regulations 2017’), the UK’s transposition of the Habitats Directive and Regulation 105, provides:

‘(1) Where a land use plan –

(a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and;

(b) is not directly connected with or necessary to the management of the site,

the plan-making authority for that plan must, before the plan is given effect, make an appropriate assessment of the implications for the site in view of that site’s conservation objectives’.

4.4 This means that any proposed plan that may affect a European site (Special Area of Conservation or Special Protection Area), (also includes RAMSAR sites) must first undergo an assessment to look at its potential impacts applying the precautionary principle. This is to determine if the plan will adversely affect the integrity of the European site(s) concerned.

4.5 This process is known as a Habitats Regulations Assessment and the first stage considers any likely significant effects (the screening stage). An ‘appropriate assessment’ is the second stage of the HRA process and a plan should undertake this where likely significant effects are identified at the screening stage and cannot be ruled out after applying straightforward mitigation measures. An appropriate assessment looks at the implications of a plan for a European site in view of the site’s conservation objectives. Further more detailed mitigation measures may be introduced at the appropriate assessment stage to avoid or reduce the effects of a plan on the European site(s). Before a plan may be given effect, the plan-making authority as the competent authority must ascertain that it would not adversely affect the integrity of the European site(s).

³ <https://www.gov.uk/government/publications/report-of-the-habitats-and-wild-birds-directives-implementation-review> <https://www.gov.uk/government/publications/progress-of-the-habitats-directive-implementation-review> http://ec.europa.eu/environment/nature/legislation/fitness_check/action_plan/communication_en.pdf

- 4.6 In terms of neighbourhood plans, the Neighbourhood Planning (General) Regulations 2012 require a submitted neighbourhood plan to include a statement explaining how the proposed neighbourhood development plan meets the 'basic conditions' set out in paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990. One of these 'basic conditions' is that the neighbourhood plan must be compatible with EU obligations and it is therefore necessary to demonstrate that it is not likely to have a significant effect on a European site.

Table 1: Stages of HRA

Stages of Habitats Regulations Assessment
<p>Stage 1- Screening</p> <p>This stage identifies the likely impacts upon a European site of a project or plan, either alone or in combination with other projects or plans, and determines whether these impacts are likely to be not significant (inconsequential), significant or whether this is uncertain.</p>
<p>Stage 2 - Appropriate Assessment</p> <p>Where there are likely significant effects, or the effects are uncertain, the Plan should be subject to appropriate assessment. This stage considers the impacts of the plan or project on the integrity of the relevant European sites, either alone or in conjunction with other projects or plans, with respect to the sites structures and function and their conservation objectives. Where there are adverse impacts, it also includes an assessment of the potential mitigation for those impacts.</p>
<p>Stage 3 - Assessment of Alternative Solutions</p> <p>Where adverse impacts are predicted, this stage examines alternative ways of achieving the objectives of the order that avoids adverse impacts on the integrity of European sites.</p>
<p>Stage 4 - Assessment Where No Alternative Solutions Exist and where Adverse Impacts Remain</p> <p>This stage assesses compensatory measures where it is deemed that the project or Plan should proceed for imperative reasons of overriding public interest.</p>

5. European sites in and around the Betley, Balterley and Wrinehill Neighbourhood Area

5.1 The first step of the screening process is to consider the European sites that could be affected by a plan. In addition to those sites located within the plan area, best practice suggests that sites occurring within 10-15km of the area directly affected by a plan should be identified and assessed, although in some instances effects could be likely over a greater distance where pathways exist.

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5.2 There are 2no. European sites within the BBWNA.

Table 2: European sites within the Neighbourhood Area

Site Name	Type
Betley Mere (Midlands Meres and Mosses Phase 1)	RAMSAR
Black Firs & Cranberry Bog (Midlands Meres and Mosses Phase 2)	RAMSAR

5.3 The following sites are within 15 km from the nearest part of the boundary of the BBWNA:

Table 3: European sites within 15 km of the Neighbourhood Area boundary

Site Name	Distance from plan area	Type
Oakhanger Moss (Midlands Meres and Mosses Phase 2)	c. 3.5 km (north)	RAMSAR
Wybunbury Moss (RAMSAR) - Midlands Meres and Mosses Phase 1 and SAC – West Midlands Mosses)	c. 4.2 km (west)	RAMSAR and Special Area of Conservation (SAC)
Bagmere (Midlands Meres and Mosses Phase 1)	c. 13 km (north north-east)	RAMSAR

5.4 Further details of each of these sites can be found at Appendix 1.

6. Screening assessment of the Betley, Balterley and Wrinehill Neighbourhood Development Plan

6.1 The screening assessment has had regard to the conservation objectives of the various European sites located within 15km of the BBWNA. Natural England's Impact Risk Zones (IRZ) for SSSIs which underpin the European site designations have been used to consider whether development proposed in the BBWNDP is likely to affect a European Site. It is acknowledged that IRZs do not alter or remove the requirements to consult Natural England on other natural environment impacts or other types of development proposal under the Town and Country Planning (Development Management Procedure) (England) Order 2015 and other statutory requirements. This assessment also makes reference to other plans and projects, including the adopted development plan. Key questions relating to the neighbourhood plan are included below and along with the screening assessment, help to establish if an appropriate assessment is required.

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Is the BBWNDP directly connected with, or necessary to the management of a European site for nature conservation?

6.2 The BBWNDP is not directly connected with, or necessary to the management of a European site, so screening for the need of a Habitats Regulations Assessment is required.

Are there any European sites within the plan area?

6.3 Yes, there are two RAMSAR sites within the BBWNA (see Table 2 above).

Are there any European sites within 15km of the plan area?

6.4 Yes, there are three sites within 15km of the BBWNA. This includes one designated SAC and three designated RAMSAR sites. These sites are listed in Table 3 above. See Appendix 1 for more detailed site information.

Does the BBWNDP propose new development or allocate sites for development?

6.5 No, the BBWNDP does not propose new development or allocate sites for development.

Are there any other projects or plans that together with the BBWNDP could impact on the integrity of a European site, the 'in combination' impact?

6.7 Yes, these are listed at paragraphs 6.9 to 6.28.

Policy screening assessment

6.8 The following table reflects the findings of the screening assessment for each of the policies within the BBWNDP.

Table 4: Policy Assessment

Policy No.	Description	Likely significant effect identified
BBW1	Promoting Sustainable Development	No likely significant effect. The policy seeks to promote sustainable development through development meeting criteria relating to the built environment, natural environment transport and flood risk.
BBW2	New Housing in Betley Village Envelope	No likely significant effect. The policy is designed to support new housing development within the Betley Village Envelope subject to meeting certain criteria.
BBW3	Housing Mix	No likely significant effect. The policy is designed to ensure that an appropriate mix of house types to meet local needs is provided.
BBW4	Detailed Design in the Parish	No likely significant effect. The policy is designed to support development that is of a high standard of design and materials and considers the existing density of development.
BBW5	Conserving and Enhancing Betley Conservation Area	No likely significant effect. The policy is designed to conserve or enhance the Conservation Area and ensure development takes account and respects important views within and from the Conservation Area. Development should not harm the buffer zones to the Conservation Area.
BBW6	Recognising the Intrinsic Character of the Countryside and Protecting and Enhancing Valued Landscapes	No likely significant effect. The policy seeks to ensure that development does not damage or diminish the rural character and historic built form of the parish.
BBW7	Supporting Conversions of Existing Buildings for Small Scale Business Development (Class E)	No likely significant effect. The policy seeks to support new small scale employment conversions subject to proposals meeting certain criteria relating to access and parking, local amenity and character.
BBW8	Supporting Homeworking	No likely significant effect. The policy seeks to support the provision of accommodation for homeworking subject to appropriate internal space standards being provided. New residential development should include provision of ICT infrastructure and connections.
BBW9	Community Facilities	No likely significant effect. The policy seeks to protect designated community facilities from change of use or redevelopment. The policy encourages new development to contribute towards the improvement of existing or the provision of new facilities.
BBW10	Recreation and Open Space Facilities	No likely significant effect. The policy seeks to protect designated recreation and open spaces from change of use or redevelopment subject to certain criteria. The policy encourages new development to contribute towards the improvement of existing or the provision of new facilities.

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In Combination Effects

6.9 Different plans and programmes can interact to produce impacts that are greater than any individual plan alone, so it is necessary to identify other plans which could lead to potentially significant 'in-combination' impacts. It is one of the 'basic conditions' that a neighbourhood plan has to be in 'general conformity' with the strategic policies of the development plan for the area.

6.10 The adopted development plan consists of:

- The Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy (adopted 2009)⁴
- The 'saved policies' of the Newcastle-under-Lyme Local Plan 2011⁵
- The Staffordshire and Stoke-on-Trent Joint Waste Local Plan Strategy 2010-2026⁶
- The Minerals Local Plan for Staffordshire (2015-2030)⁷

6.11 The Betley, Balterley and Wrinehill Neighbourhood Area shares a boundary with the following authorities:

- Madeley Parish Council (within Newcastle-under Lyme borough)
- Audley Rural Parish Council (within Newcastle-under Lyme borough)
- Cheshire East Council
- Doddington & District Parish Council (within Cheshire East borough)
- Hough & Chorlton Parish Council (within Cheshire East borough)
- Weston and Basford Parish Council (within Cheshire East borough)
- Barthomley Parish Council (within Cheshire East borough)

6.12 As well as the adopted development plan for the borough the following plans have been reviewed in terms of 'in-combination' effects:

- Cheshire East Local Plan Strategy 2010-2030⁸ (adopted 27 July 2017); Publication Draft Site Allocations and Development Policies⁹ Document (published 19 August 2019), and Crewe Hub Area Action Plan (CHAAP) Development Strategy consultation (July 2019);

⁴ <https://www.newcastle-staffs.gov.uk/all-services/planning/planning-policy/current-development-plan/newcastle-under-lyme-and-stoke-trent>

⁵ https://www.newcastle-staffs.gov.uk/sites/default/files/IMCE/Planning/Planning_Policy/Saved%20Policies%20of%20the%20Newcastle-under-Lyme%20Local%20Plan%20154KB.pdf

⁶ <https://www.staffordshire.gov.uk/environment/planning/policy/thedevelopmentplan/wastelocalplan/Staffordshire-and-Stoke-on-Trent-Joint-Waste-Local-Plan-2010-to-2026-adopted-March-2013.pdf>

⁷ <https://www.staffordshire.gov.uk/environment/planning/policy/mineralslocalplan/mineralsLocalPlan.aspx>

⁸ https://www.cheshireeast.gov.uk/planning/spatial_planning/cheshire_east_local_plan/local-plan-strategy/local_plan_strategy.aspx

⁹ https://www.cheshireeast.gov.uk/planning/spatial_planning/cheshire_east_local_plan/site_allocations_and_policies.aspx

- Weston and Basford Neighbourhood Plan 2015-2030¹⁰ (made 16 November 2017), and
- Wybunbury Combined Parishes Neighbourhood Plan 2010-2030¹¹ (Examiner's Report published 14 November 2019) (includes Doddington & District Parish Council and Hough & Chorlton Parish Council).

The Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy (CSS)

- 6.13 The CSS was adopted in 2009 and provides a broad framework for the development of Newcastle-under-Lyme and Stoke-on-Trent. The plan (which was subject to Habitats Regulations Assessment¹²) seeks to focus development and investment to the city and town centres, prioritising the use of previously developed land. A number of strategic sub areas are identified, for example Rural Areas, within which the parish of Betley, Balterley and Wrinehill is located; and include areas within and beyond the green belt. The parish is located wholly within the Green Belt with the exception of Betley which has a 'Village Envelope' outwith the Green Belt.
- 6.14 Betley is identified as a 'village' within the 'Hierarchy of Centres'. The CSS (paragraph 5.8) states that 'no further growth is planned in these settlements, and efforts will be made to ensure existing services and activities within these villages are protected'.
- 6.15 The boundary for the Betley Village Envelope was previously defined in the Newcastle-under-Lyme Local Plan 2011 and carried over into the CSS. This is the only settlement within the Neighbourhood Area with a defined village envelope.
- 6.16 The CSS was subject to Habitats Regulations Assessment and it was concluded that there would be no likely significant effects.
- 6.17 It is considered unlikely that there will be any in-combination effects arising from the CSS and BBWNDP.

The 'saved policies' of the Newcastle-under-Lyme Local Plan 2011

- 6.18 The Newcastle-under-Lyme Local Plan was adopted in 2003 and a number of its policies were 'saved' beyond 2007 by the Secretary of State for Communities and Local Government. They continue to form part of the Development Plan for the Borough.
- 6.19 The Local Plan seeks to focus development to sustainable locations such as the defined village envelopes and to enable the appropriate re-use of rural buildings. The BBWNDP supports development, subject to it meeting certain criteria, within the Betley

¹⁰ <https://www.cheshireeast.gov.uk/planning/neighbourhood-plans/neighbourhood-plans-n-z/weston-and-basford-neighbourhood-plan.aspx>

¹¹ <https://www.cheshireeast.gov.uk/planning/neighbourhood-plans/neighbourhood-plans-n-z/wybunbury-ward-combined-parishes-neighbourhood-plan.aspx>

¹² https://www.newcastle-staffs.gov.uk/sites/default/files/IMCE/Planning/Planning_Policy/SpatialStrategy/SUB008%20Appropriate%20Assesment%20Screening%20Report.pdf

Village Envelope. It is considered unlikely that there will be any in-combination effects arising from the BBW NDP and the saved policies of the Newcastle-under-Lyme Local Plan.

The Staffordshire and Stoke-on-Trent Joint Waste Core Strategy 2010-2026¹³

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- 6.20 The Joint Waste Local Plan does not allocate any sites for the development of new waste facilities within the Betley, Balterley and Wrinehill Neighbourhood Area (see Policy 2.3 Broad Locations). It is unlikely that there will be any in-combination effects arising from the BBW NDP and the Staffordshire and Stoke-on-Trent Joint Waste Core Strategy.

The Minerals Local Plan for Staffordshire (2015-2030)¹⁴

- 6.21 The Minerals Local Plan for Staffordshire does not allocate or allow for the extension of existing sites within the Betley, Balterley and Wrinehill Neighbourhood Area (BBWNA). Parts of the BBWNA are designated as Mineral Safeguarding Areas (All minerals except coal and fireclays). It is considered unlikely that there will be any in-combination effects arising from the BBW NDP and the Minerals Local Plan for Staffordshire.

Emerging plans: The Newcastle-under-Lyme Local Plan

- 6.22 Newcastle-under-Lyme Borough Council are currently preparing a Local Plan. The Local Plan once adopted, will replace the existing CSS and Newcastle-under-Lyme Local Plan 2011. Given the early stage of plan production, it is not possible to ascertain whether there will be any future in-combination effects. However, the Local Plan will also be subject to Habitats Regulations Assessment in due course, and this will have to take into account any in-combination effects.

Cheshire East Local Plan Strategy 2010-2030 (adopted 27 July 2017)¹⁵

- 6.27 The Local Plan Strategy (LPS) covers the period to 2030 and identifies the level of development proposed within this period. This includes the provision of 36,000 homes and 380 hectares of land for business, general industrial and storage and distribution uses. The LPS establishes a spatial distribution of development based around the borough's Principal Towns, Key Services centres, Local Service centres and Other Settlements and Rural Areas. Weston and Wyburnbury are the nearest settlements to the BBWNA are identified as 'Other Settlements and Rural Areas. The LPS was subject to 'Appropriate Assessment' as part of the Habitats Regulations Assessment process. Given that the BBW NDP is not allocating any sites for development, it is unlikely that there will be any 'in combination' effects with the LPS.

¹³ <https://www.staffordshire.gov.uk/environment/planning/policy/wastelocalplan/Documents/Staffordshire-and-Stoke-on-Trent-Joint-Waste-Local-Plan-2010-to-2026-adopted-March-2013.pdf>

¹⁴ <https://apps2.staffordshire.gov.uk/scc/TrimDocProvider/?ID=002/20/20/0503905>

¹⁵ https://www.cheshireeast.gov.uk/planning/spatial_planning/cheshire_east_local_plan/local-plan-strategy/local_plan_strategy.aspx

Weston and Basford Neighbourhood Plan 2015-2030 (made 16 November 2017)¹⁶

- 6.28 The Weston and Basford Neighbourhood Plan (WBNP) was made on 16 November 2017. The draft WBNP was subject to a SEA/HRA Screening Opinion. There are no European designated sites within the neighbourhood area. There are five designated sites within 15km of the neighbourhood area. It was concluded that the scope of policies support a quantum of development/policy approach aligned with the CELPS which has been subject of HRA and SA and are unlikely to give rise to a significant effect on the environment. Given that the BBWNDP is also not allocating any sites for development, it is considered unlikely that there will be any 'in combination' effects with the WBNP

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Emerging Plans: Cheshire East Publication Draft Site Allocations and Development Policies Document (published 19 August 2019)

- 6.29 Cheshire East Council consulted on the publication draft of the Site Allocations and Development Policies Document (SADPD) between August and September 2019. The draft SADPD does not propose any allocations within Weston or Wybunbury. The draft SADPD has been subject to 'Appropriate Assessment' as part of the Habitat Regulations Assessment process. Given that the BBWNDP is not allocating sites and the draft SADPD is not allocating sites within the areas of the borough close to the BBWNA it is considered unlikely that there will be any 'in combination' effects with the SADPD.

Emerging Plans: Crewe Hub Area Action Plan (CHAAP)

- 6.30 Cheshire East Council are producing an Area Action Plan to provide a planning framework for the area around the future HS2 rail station known as the 'Crewe hub'. The Council consulted on a development strategy and further options from 22 July to 3 September 2019. The development strategy was subject to an interim Sustainability Appraisal. Given that the CHAAP is area specific and that the BBWNDP is not allocating sites it is considered unlikely that there will be any 'in combination' effects between the two plans.

Emerging Plans: Wybunbury Combined Parishes Neighbourhood Plan 2010-2030

- 6.31 The Wybunbury Combined Parishes Neighbourhood Plan (WCPNP) was submitted for examination on 26 July 2019. The Examiner's Report was published on 14 November 2019. The draft WCPNP was subject to a SEA/HRA Screening opinion. There is one European site within the Neighbourhood Area (NA) at Wybunbury Moss and 6 RAMSAR sites within 15k of the NA. Due to the nature of the policies within the plan and that it does not allocate sites for development it was concluded a SEA and HRA was not required¹⁷. Given that the BBWNDP is also not allocating any sites for

¹⁶ <https://www.cheshireeast.gov.uk/pdf/planning/neighbourhood-plan/weston-basford/wb-referendum-plan-v2-15.03.18.pdf>

¹⁷ <https://www.cheshireeast.gov.uk/pdf/planning/neighbourhood-plan/wybunbury/wybunbury-combined-ndp-sea-screening-assessment.pdf>

development, it is considered unlikely that there will be any 'in combination' effects with the WCPNP.

7. Conclusion

- 7.1 As a result of this assessment, Newcastle-under-Lyme Borough Council considers it unlikely that any likely significant effects on European designated sites would occur from the implementation of the BBWNDP. This is because the BBWNDP does not allocate sites for development and there are no logical pathways between the Neighbourhood Area and the European or RAMSAR sites identified.

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8 Consultation

- 8.1 The Habitats Regulations require that the appropriate nature conservation body, Natural England, is consulted as well as the Environment Agency. The statutory consultees, Natural England, Environment Agency and Historic England will be re-consulted on the draft Screening Opinion for the Betley, Balterley and Wrinehill Neighbourhood Development Plan 2021-2037 Regulation 16 Draft Plan Submission February 2021.
- 8.2 Copies of the consultee responses for the previous version of the neighbourhood development plan (Regulation 14 Draft Plan v2 29 November 2019) are included in Appendix 2.
- 8.3 Copies of the consultee responses for the current version of the neighbourhood development plan (Regulation 16 Draft Plan Submission February 2021) are included in Appendix 3.

Appendix 1 European Sites within the Betley, Balterley and Wrinehill Neighbourhood Area and within 15km of the boundary of the Neighbourhood Area

Within the Neighbourhood Area

European site	Betley Mere - Midland Meres and Mosses Phase 1 RAMSAR site
Distance from NP boundary	Within the Neighbourhood Area
Site information and Qualifying RAMSAR feature	<p>Midland Meres & Mosses (Phase 1). Comprises a series of lowland open water and peatland sites set in depressions in glacial drift left by receding ice sheets. The 16 component sites include nutrient-rich water bodies (meres), associated fringing habitats of reed swamps, fen, carr and damp pasture, and floating quaking bog (schwingmoor). The wide range of resulting habitats supports numerous rare species of plants and invertebrates. Human activities include recreation, fishing, livestock grazing, and haymaking.</p> <p>Betley Mere comprises a diverse range of habitats from open water to raised bog.</p> <p>Supports a number of rare species of plants associated with wetlands including five nationally scarce species together with an assemblage of rare wetland invertebrates (three endangered insects and five other British Red Data Book species of invertebrates)</p>
Impact Risks	<p>Infrastructure (airports, helipads, aviation proposals); Combustion processes >50mw, sewage treatment works, incineration, etc.;</p> <p>Discharges of water or liquid waste>20,000 litres per day.</p> <p>The NA falls within SSSI Impact Risk zones, but does not propose development of types that fall within the IRZ categories.</p>

European site	Black Firs & Cranberry Bog - Midland Meres and Mosses Phase 2 RAMSAR site
Distance from NP boundary	Within the Neighbourhood Area
Site information and Qualifying RAMSAR feature	<p>Midland Meres & Mosses (Phase 2) comprises a series of 18 sites made up of nutrient-rich open water bodies (meres) with fringing habitats of reed swamp, fen, carr and damp pasture, and peatlands. The landscape features developed in depressions in the glacial drift left by receding ice sheets. The wide range of habitats supports nationally important flora and fauna. Human activities include hunting, fishing, and research activities.</p> <p>Black Firs and Cranberry Bog comprises a diverse range of habitats from open water to raised bog and sports a number of rare species of plants associated with wetlands, including the nationally scarce cowbane <i>Cicuta virosa</i> and, elongated sedge <i>Carex elongata</i>. Also present are the nationally scarce bryophytes <i>Dicranum affine</i> and <i>Sphagnum pulchrum</i>.</p> <p>Also supports an assemblage of invertebrates including several rare species. There are 16 species of British Red Data Book insect listed for this site including the following endangered species: the moth <i>Glyphipteryx lathamella</i>, the caddisfly <i>Hagenella clathrata</i> and the sawfly <i>Trichiosoma vitellinae</i>.</p>
Impact Risks	<p>Infrastructure (airports, helipads, aviation proposals); Combustion processes >50mw, sewage treatment works, incineration, etc.;</p> <p>Discharges of water or liquid waste >20,000 litres per day.</p> <p>The NA falls within SSSI Impact Risk Zones, but does not propose development of types that fall within the IRZ categories.</p>

Within 15km of the Neighbourhood Area boundary

European site	Oakhanger Moss - Midland Meres and Mosses Phase 2 RAMSAR site
Distance from NP boundary	C. 3.5km (north)
Site Information and Qualifying RAMSAR feature	<p>Midland Meres & Mosses (Phase 2) comprises a series of 18 sites made up of nutrient-rich open water bodies (meres) with fringing habitats of reed swamp, fen, carr and damp pasture, and peatlands. The landscape features developed in depressions in the glacial drift left by receding ice sheets. The wide range of habitats supports nationally important flora and fauna. Human activities include hunting, fishing, and research activities.</p> <p>Oakhanger Moss is one of the shallowest of a cluster of depressions in glacial sands lying to the west of Alsager. It is of greatest importance for the range of mire vegetation communities it supports and the way they, together with the sediment and peat deposit record, so clearly demonstrate the vegetation succession stages from open water to raised bog. The site was known to be a mere at least until the 1600s, sustained by a flow of water from Alsager Mere to the east. Since that time the basin has become completely infilled, firstly with sedge and reedswamp peat, and latterly with peat derived from Sphagnum mosses.</p> <p>The site supports four different mire communities, each of which has a well-developed shrub cover giving the site a wooded appearance. Over much of the site, in the wettest, low-lying areas associated with the few drains which cross the site, there is swamp vegetation dominated by lesser pond-sedge <i>Carex acutiformis</i>, over which willow carr, with goat willow <i>Salix caprea</i>, willow <i>S. cinerea</i> and downy birch <i>Betula pubescens</i>, has developed. In the south-west, where inundation from the drains has less effect on water level and nutrient supply, sedges give way to purple moor-grass <i>Molinia caerulea</i> with broad buckler-fern <i>Dryopteris dilatata</i> locally, and birch displacing willow from the shrub layer. More diverse are the areas of fen which have developed along the site's eastern edge, where surface water enters the basin, and nutrient levels are at their highest. Here alder <i>Alnus glutinosa</i> and willows dominate above mature greater tussock-sedge <i>Carex paniculata</i>, with cyperus sedge <i>C. pseudocyperus</i>, marsh pennywort <i>Hydrocotyle vulgaris</i>, marsh violet <i>Viola palustris</i>, purple-loosestrife <i>Lythrum salicaria</i> and marsh cinquefoil <i>Potentilla palustris</i>, all uncommon plants in Cheshire. Similarly diverse botanically are the two distinct areas of vegetation dominated by bog moss <i>Sphagnum recurvum</i> in the centre of the site. The moss 'lawns' are noticeably higher than the surrounding communities and at times of high groundwater continue to remain free of its nutrient influence because of the buoyant properties of <i>Sphagnum</i>. This incipient raised bog community includes common cotton-grass <i>Eriophorum angustifolium</i>, cross-leaved heath <i>Erica tetralix</i>, and cranberry <i>Vaccinium oxycoccos</i>. Birch dominates the canopy which is comparatively open in character, and around the edges of the <i>Sphagnum</i> areas, in the transition to more nutrient-rich fen, alder buckthorn <i>Frangula alnus</i> becomes a common shrub with white sedge <i>Carex curta</i> and narrow buckler-fern <i>Dryopteris carthusiana</i> growing amongst the mosses. Drier perimeters of the site support a few pedunculate oaks <i>Quercus robur</i> over a bracken <i>Pteridium aquilinum</i> ground layer. The vegetation communities represented at this site, their development as recorded in the sediments and</p>

	<p>peats, and the site's comparison with nearby peatlands renders it a particularly important link in the Midlands Meres and Mosses series of glacial wetlands.</p> <p>Adders <i>Vipera berus</i>, a protected species, are found here and at only one other known site in Cheshire.</p>
Impact Risks	<p>The NA does not fall within the SSSI Impact Risk Zones.</p>

European site	Wybunbury Moss - Midland Meres and Mosses Phase 1 RAMSAR site and West Midlands Mosses SAC
Distance from NP boundary	c. 4.2km (west)
Qualifying feature	Natural dystrophic lakes and ponds (Annex I habitat). Transition mires and quaking bogs (Annex I habitat)
Conservation objectives	Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring: <ul style="list-style-type: none"> • The extent and distribution of qualifying natural habitats • The structure and function (including typical species) of qualifying natural habitats, and • The supporting processes on which qualifying natural habitats rely
Requirements to maintain favourable condition status of site	<p>Dystrophic Pools (Schwingmoor)</p> <p>Maintain present distribution of species representative of community;</p> <p>Maintain present pH range and water levels;</p> <p>Maintain sediment quality and quantity;</p> <p>Filamentous algae should be absent or at very low levels.</p> <p>Basin mire with a quaking surface (Schwingmoor): NVC types M2 and M18</p> <p>Water level and degree of fluctuation capable of sustaining the floating raft composed of NVC type appropriate to longstanding water chemistry and fertility; Maintain raft characteristics, exclude surface and drainage water likely to increase fertility; Stable groundwater, not fluctuating more than 30cm annually; Maintain type and extent of site specific NVC communities; Scrub or woodland limited to margins, or no more than scattered over open NVC communities; Maintain NVC communities: M2 Sphagnum recurvum bog pool community and M18 Erica tetralix-Sphagnum papillosum mire. Scrub not to be more than occasional; Maintain or enhance populations of special or rare plant (and animal) species.</p>
Impact Risks	The NA does not fall within the SSSI Impact Risk Zones.

European site	Bagmere - Midland Meres and Mosses Phase 1 RAMSAR site
Distance from NP boundary	C. 13km (north north-east)
Site Information and Qualifying RAMSAR feature	<p>The Meres and Mosses of the north west Midlands form an internationally important series of open water and peatland sites. These have developed in natural depressions in the glacial drift left by the ice sheets which covered the Cheshire-Shropshire plain some 15,000 years ago. The majority lie in Cheshire and north Shropshire, with a small number of outlying sites in adjacent parts of Staffordshire and Clwyd.</p> <p>The origin of most of the hollows can be accounted for by glaciation, but a small number have been formed at least in part by more recent subsidence resulting from the removal in solution of underlying salt deposits. There are more than sixty open water bodies known as 'meres' or 'pools' which range in depth from about one metre to twenty seven metres. There is a smaller number of peatland sites or mires which are known as 'mosses' and have areas varying between less than a hectare and seventy hectares.</p> <p>Although the majority of the meres are nutrient-rich (eutrophic), the water chemistry is very variable, reflecting the varied composition of the surrounding drift deposits. Associated fringing habitats such as reedswamp, fen, carr and damp pasture add to the value of the meres. The development of these habitats is associated with peat accumulation which, in some cases, has led to the complete infilling of the basin. During this process the nutrient status of the peat surfaces changes and typically becomes nutrient-poor (oligotrophic) and acidic, thus allowing species such as the bog mosses <i>Sphagnum</i> spp to colonise it. The resulting peat bogs are the 'mosses'. In a few cases, colonisation of the water surface by floating vegetation has resulted in the formation of a quaking bog, known as a 'schwingmoor'.</p> <p>Bagmere is located between Holmes Chapel and Congleton, in east Cheshire. It is the bed of a formerly larger mere, which has now almost completely filled with peat. A small area of open water remains, surrounded by a range of habitats, particularly rich fen, marshy grassland and carr woodland.</p> <p>The fen vegetation is dominated by a dense growth of lesser pond-sedge <i>Carex acutiformis</i>, common reed <i>Phragmites australis</i> and reed canary-grass <i>Phalaris arundinacea</i>. Notable species include purple small-reed <i>Calamagrostis canescens</i>, greater pond-sedge <i>Carex riparia</i> and greater tussock-sedge <i>C. paniculata</i>.</p> <p>The carr woodland is dominated by grey willow <i>Salix cinerea</i>, alder <i>Alnus glutinosa</i> and downy birch <i>Betula pubescens</i>. This grades into botanically-rich marshy grassland with species such as meadowsweet <i>Filipendula ulmaria</i>, wild angelica <i>Angelica sylvestris</i>, ragged-robin <i>Lychnis flos-cuculi</i>, marsh cinquefoil <i>Potentilla palustris</i> and star sedge <i>Carex echinata</i>. The grassland includes great burnet <i>Sanguisorba officinalis</i> and the carr supports greater spearwort <i>Ranunculus lingua</i>, both of which are rare in Cheshire.</p> <p>The site supports an important breeding colony of small pearl-bordered fritillary butterfly <i>Boloria selene</i>; Bagmere is the last-known location in Cheshire for this nationally declining species. The food plants of the small pearl-bordered fritillary larvae, marsh violet <i>Viola palustris</i> and common dog-violet <i>V. riviniana</i>, are found in extensive patches over parts of the site, together with widespread nectar sources for the adults, such as marsh cinquefoil.</p>

Impact Risks	The NA does not fall within the SSSI Impact Risk Zones.
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Appendix 2 Consultation responses from Historic England, Natural England and Environment Agency (Regulation 14 Draft Plan v2 29 November 2019)



Mr Peter Hamilton
Newcastle-under-Lyme Borough Council

Direct Dial: [REDACTED]

Our ref: PL00672502
22 January 2020

Dear Mr Hamilton

BETLEY, BALTERLEY AND WRINEHILL NEIGHBOURHOOD PLAN- SEA AND HRA SCREENING

Thank you for your consultation and the invitation to comment on the SEA and HRA Screening Documents for the above 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 the 'SEA' Directive], Historic England concurs with your view that the preparation of a Strategic Environmental Assessment is not required.

Regarding HRA Historic England does not disagree with your conclusions but would defer to the opinions of the other statutory consultees.

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

I trust the above comments will be of help in taking forward the Neighbourhood Plan.

Yours sincerely,

[REDACTED]

Peter Boland
Historic Places Advisor

[REDACTED]

cc:



THE AXIS 10 HOLLIDAY STREET BIRMINGHAM B1 1TF

Telephone 0121 625 6888
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.

Date: 21 January 2020
Our ref: 305369
Your ref: BBW SEA and HRA Screening



Jemma March
Neighbourhood Planning Officer
Newcastle-under-Lyme Borough Council



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

T 0300 060 3900

Dear Ms March,

**Draft Betley, Balterley and Wrinehill Neighbourhood Development Plan - SEA and HRA
Screening Opinion**

Thank you for your consultation on the above dated 12th December 2019 which was received by Natural England on the same day.

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 Screening

We welcome the production of this SEA Screening report. Natural England notes and concurs with the screening outcome that the emerging Betley, Balterley and Wrinehill Neighbourhood Development Plan is not likely to have any significant environmental effects, and will not require a Strategic Environmental Assessment (SEA).

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](#).

Habitats Regulations Assessment Screening

Natural England welcomes the consideration given to the Habitats Regulations. We agree with the report's conclusions that the Betley, Balterley and Wrinehill Neighbourhood Development 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 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 new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours sincerely

Victoria Kirkham
Consultations Team

Mr Peter Hamilton
Newcastle Under Lyme Borough Council
Planning Services Department
Civic Offices
Merrial Street
Newcastle
Staffordshire
ST5 2AG

Our ref: UT/2006/000035/SE-
06/SC1-L01
Your ref:

Date: 31 December 2019

Dear Mr Hamilton

Draft Betley, Balterley and Wrinehill Neighbourhood Development Plan SEA and HRA Screening Opinion Statements

Thank you referring the above SEA/HRA Screening Opinion which was received on 12 December 2019.

As requested we have reviewed the Screening Assessment prepared in support of the Betley, Barterley and Wrinehill Neighbourhood Development Plan (NDP). Having reviewed the proposals we do not consider there to be significant environmental impacts as a result of this plan, therefore, we concur with the conclusions of the report and do not require an SEA or HRA to be undertaken in support of the plan. We advise however the consultation is undertaken with Natural England amongst other statutory bodies prior to making the final decision.

We note the presence of floodplain from the Checkley Brook, Basford Brook and its tributaries, and historical landfill sites within the Neighbourhood Plan boundary which should be considered when drafting policies for the NDP.

If you have any queries contact me on the details below.

Yours sincerely

Ms Anne-Marie McLaughlin
Senior Planning Advisor

Direct dial [REDACTED]

Direct e-mail [REDACTED]

Environment Agency
9, Sentinel House Wellington Crescent, Fradley Park, Lichfield, WS13 8RR.
Customer services line: 03708 506 506
www.gov.uk/environment-agency
End

Appendix 3 Consultation responses from Historic England, Natural England and Environment Agency (Regulation 16 Draft Plan Submission February 2021)



Mr Peter Hamilton
Newcastle-under-Lyme Borough Council

[REDACTED]
Our ref: PL00672502
15 March 2021

Dear Mr Hamilton

BETLEY, BALTERLEY AND WRINEHILL NEIGHBOURHOOD PLAN- SEA & HRA RE-SCREENING

Thank you for your consultation and the invitation to comment on the updated SEA and HRA Screening Documents for the above 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 the 'SEA' Directive], Historic England concurs with your view that the preparation of a Strategic Environmental Assessment is not required.

Regarding HRA Historic England does not disagree with your conclusions but would defer to the opinions of the other statutory consultees.

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

I trust the above comments will be of help in taking forward the Neighbourhood Plan.

Yours sincerely,

P. Boland

Peter Boland



THE AXIS 10 HOLLIDAY STREET BIRMINGHAM B1 1TF
Telephone 0121 625 6888
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.

Date: 15 March 2021
Our ref: 346355
Your ref: BBW NDP SEA & HRA Re-Screening



Mark Kirk
Senior Planning Policy Officer
Newcastle-under-Lyme Borough Council



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

T 0300 060 3900

Dear Mr Kirk,

SEA and HRA Re-Screening for Betley, Balterley and Wrinehill Neighbourhood Development Plan

Thank you for your consultation on the above dated 9th March 2021 which was received by Natural England on the same day.

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 Screening

Natural England considers that, based on the material supplied with the consultation, in so far as our strategic environmental interests are concerned, significant environmental effects resulting from the neighbourhood plan are unlikely. We therefore agree with the conclusion of the SEA screening report that a Strategic Environmental Assessment would not be required.

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](#).

Habitats Regulations Assessment Screening

Natural England welcomes the consideration given to the Habitats Regulations. We agree with the conclusion of the report that the Betley, Balterley and Wrinehill Neighbourhood Development 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 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 new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours sincerely

Victoria Kirkham
Consultations Team

Mark Kirk
Newcastle Under Lyme Borough Council
Planning Services Department
Civic Offices
Merrial Street
Newcastle
Staffordshire
ST5 2AG

Our ref: UT/2006/000035/SE-
06/SC2-L01

Your ref:

Date: 11 March 2021

28

Dear Mr Kirk

**Betley, Balterley and Wrinehill Neighbourhood Development Plan SEA / HRA
Screening (re-consultation)**

Thank you referring the above SEA/HRA Screening Opinion which was received on 09 March 2021.

As requested we have reviewed the Screening Assessment prepared in support of the Betley, Barterley and Wrinehill Neighbourhood Development Plan (NDP). Having reviewed the proposals we do not consider there to be significant environmental impacts as a result of this plan, therefore, we concur with the conclusions of the report and do not required an SEA or HRA to be undertaken in support of the plan. We advise however the consultation is undertaken with Natural England amongst other statutory bodies prior to making the final decision.

We note the presence of floodplain from the Checkley Brook, Basford Brook and its tributaries, and historical landfill sites within the Neighbourhood Plan boundary which should be considered when drafting policies for the NDP.

If you have any queries contact me on the details below.

Yours sincerely

Ms Anne-Marie McLaughlin
Senior Planning Advisor

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Direct e-mail [REDACTED]

Environment Agency
9, Sentinel House Wellington Crescent, Fradley Park, Lichfield, WS13 8RR.
Customer services line: 03708 506 506
www.gov.uk/environment-agency
End