

# **FILLONGLEY NEIGHBOURHOOD PLAN**

## **Basic Conditions Statement**

**February 2019**

## **Fillongley Neighbourhood Plan - Basic Conditions**

### **The plan is being submitted by a qualifying body**

The qualifying body is Fillongley Parish Council.

### **What is being proposed is a neighbourhood development plan**

The plan proposal relates to planning matters (the use and development of land) and has been prepared in accordance with the statutory requirements and processes set out in the Town and Country Planning Act 1990 (as amended by the Localism Act 2011) and the Neighbourhood Planning Regulations 2012.

### **The proposed neighbourhood plan states the period for which it is to have effect**

The Plan is intended to run from 2017-2034. The neighbourhood plan is likely to require updating in whole or in part at least every 5 years

### **The policies do not relate to excluded development**

The neighbourhood plan proposal does not deal with county matters (mineral extraction and waste development), nationally significant infrastructure or any other matters set out in Section 61K of the Town and Country Planning Act 1990.

### **The proposed neighbourhood plan does not relate to more than one neighbourhood area and there are no other neighbourhood development plans in place within the neighbourhood area.**

The neighbourhood plan proposal relates to the Parish of Fillongley and to no other area. There are no other neighbourhood plans relating to the parish.

### **The Fillongley Neighbourhood Plan has appropriate regard to national policy**

The Fillongley Neighbourhood Plan was written with regard to the National Planning Policy Framework. The NPPF provides a framework within which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities. (NPPF Intro. 1)

The Fillongley Plan is based on an extensive survey of the views of residents of the parish, who were then regularly consulted via the parish magazine, email and open meetings to ensure that they supported the policies contained in the Plan.

The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions. (NPPF Intro. 2) The Fillongley Plan has been written in the context of the NPPF and the North Warwickshire Local Plan and has been checked to ensure that it complements the objectives of the Local Plan.

There are no nationally significant infrastructure projects within the parish that need to be given special consideration. (NPPF Intro. 2)

- With regard to the **Core Planning Principles** in the NPPF (para.17) the Fillongley Plan has been devised to be 'genuinely plan-led, to empower local people to shape their surroundings; a succinct neighbourhood plan setting out a positive vision for the future of the area'.
- By consulting the residents of the parish at every stage the Plan was intended to be 'a creative exercise in finding ways to enhance and improve the places in which people live their lives'.
- Fillongley lies in the Green Belt and the areas within the development boundaries are intensively developed. Within those restrictions the Fillongley Plan seeks to set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities. FNP01, FNP02
- Fillongley lies in the Green Belt and the draft plan had a separate Policy regarding the Green Belt. The national Greenbelt Policy is set out in the NPPF and so no separate policy is permitted within this plan. The previous policy was removed, and remaining policies renumbered.
- The Plan 'seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.' FNP01, FNP03, FNP04.
- Because the policies in the Plan are taken from surveys of the residents of the parish their knowledge 'of the roles and character of different areas' and their commitment to 'the intrinsic character and beauty of the countryside' are strongly reflected in the Plan policies. The Fillongley Plan was originally undertaken as a way of developing and supporting a 'thriving rural community' and to 'contribute to conserving and enhancing the natural environment' FNP01, FNP05
- The Plan advocates the use of brownfield land for development. FNP01, FNP02.
- The Plan recognises Fillongley is shaped by its history, and the preservation of the different stages of development in the residential areas is an important part of the character of the parish. FNP06
- The Plan takes account of the need for sustainability with regard to transport, walking and cycling when new developments are being considered. FNP07.

### **Contribute to the Achievement of Sustainable Development**

The NPPF defines sustainability as 'meeting the needs of the present without compromising the ability of future generations to meet their own needs'. (NPPF Intro)  
The Fillongley Neighbourhood Plan starts with a vision statement and lists the challenges that need to be met in order 'to ensure its long term future by meeting the needs of those who live and work in this outstanding rural area'.

- The built and natural heritage of the Parish will be maintained and protected.
- Future housing building should conform to the existing character by comprising small developments in keeping with their surroundings.

- Provision of a mix of housing for all sectors of the community must be made.
- Rural setting and character will be preserved and enhanced for residents and visitors alike.

The NPPF (para.7) lists three dimensions to sustainable development: economic, social and environmental, and stresses that growth can secure higher standards and improve the lives of people and communities (para.8). The Fillongley Plan takes account of the parish's place in the Green Belt and its tight development boundaries, but within that context seeks to encourage development that will allow Fillongley to continue to move forward as a community:

The original FNP01 sought to protect the countryside that the residents value so highly. This is now left to the NPPF. FNP01, FNP02 and FNP04 stress the importance of safeguarding the links between the residential areas and the open countryside and maintaining the balance between the natural and built environment.

These policies preserve the features of rural life in the parish, but the Plan looks to future development to strengthen the community. FNP04 seeks to provide new houses that meet the needs of local people, while they are built to the highest standards. FNP02 asks that, where appropriate, new developments should contribute to improved infrastructure in the parish, FNP05 supports the Local Plan in preserving existing employment sites and encouraging flexible use of those sites in pursuit of more local employment. FNP06 Works towards further protection and enhancement of the recorded assets of the parish.

### **Be in General Conformity with Strategic Local Policy**

The Fillongley Neighbourhood Plan has been written within the context of the North Warwickshire Local Plan and has been checked to ensure that it complements the objectives of the Local Plan.

### **Be Compatible with EU Obligations**

The Fillongley Neighbourhood Plan was written to be compatible with EU obligations around human rights, habitat protection and environmental impacts.

**Fillongley Neighbourhood Plan**  
**The Environmental Assessment of Plans and Programmes**  
**Regulations 2004**  
**SEA Screening Statement**

**Introduction**

The requirement for a Strategic Environmental Assessment to be undertaken on development plans and programmes that may have a significant environmental effect is outlined in European Union Directive 2001/42/EC. The Environmental Assessment of Plans and Programmes Regulations 2004 state that this is determined by a screening process, utilising a specified set of criteria which is outlined 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.

Under Regulation 9 of the SEA Regulations 2004, North Warwickshire Borough Council have consulted Statutory Consultees with regard to the necessity for an SEA. Consultees have responded (Appendix 1); the result of which is that in the opinion of NWBC no SEA is required. This determination has been reached by assessing the contents of the Draft NP against criteria provided in Schedule 1 of the 2004 Regulations.

**Fillongley Neighbourhood Plan**

The Fillongley Neighbourhood Plan has been produced by Fillongley Parish Council with the aid of local residents; it plans for the future development and growth of the area up to the year 2034. The NP covers the Parish of Fillongley, North Warwickshire, as seen in Figure 1.

The objectives of the Fillongley Plan are expressed through the Vision listed at the start of the Plan. They are followed by policies which suggest practical ways of implementing the priorities of the residents of Fillongley expressed in several public consultations and surveys.

**Vision Statement**

To value, protect and promote the parish of Fillongley; a thriving rural community, preserving its historic setting and character whilst working to ensure its long term future by meeting the needs of those who live and work in this outstanding rural area. The built and natural heritage of the Parish will be maintained and protected. Future housing building should conform to the existing character by comprising small developments in keeping with their surroundings. Provision of a mix of housing for all sectors of the community must be made. Rural setting and character will be preserved and enhanced for residents and visitors alike.

## **Polices and Proposals**

### **FNP01 Built Environment**

Ensure the designs of new buildings (including extensions) do not cause a detrimental change to the overall character of the village by encouraging developments that use the scale, shapes and forms of 'traditional Arden Valley buildings, especially in or close to the Conservation Area. This may result in mixed style buildings which are highly characteristic of the area. However each would need to be judged on its own merits to avoid inappropriate juxtapositions.

Conserve the built character of Ancient Arden landscape by ensuring that new development reflects vernacular features as stated in '*Design Guidelines for development in Ancient Arden*' (*Evidence Base 05/03 National Character Assessment Area 97 Arden*).

This policy applies to all types of development both housing and commercial sector. The historic and rural nature of the Parish is recognised and the setting of the Church is significant, as is the balance of the rural landscape. Development that will affect the setting should be in accordance with the North Warwickshire Local Plan and the advice of Historic England.

**This is our overriding goal. To retain the peaceful and quiet countryside of the Parish of Fillongley together with its diversity of agricultural businesses and woodland.**

### **Green Belt**

The Greenbelt Policy is set out in the NPPF and so no separate policy is required within this plan. FNP02 has been removed and is only commented on for completeness. Other policies are now renumbered so that there is no gap.

### **FNP02 Natural Environment**

To protect and enhance the environment, ensuring the tranquil, rural nature of the Parish.

To protect the visual appearance and important scenic aspects of the village centre (the setting) and other rural and natural features in the landscape.

To protect the green spaces that already exist within and on the edges of the developed areas of the Parish as these contribute to the history, the rural nature, to residents well-being and the bio-diversity of the Parish.

To protect and increase, where possible, current levels of biodiversity and interconnectivity by ensuring current wildlife corridors (using data from Biodiversity Interconnectivity Mapping) are maintained, and increased where practicable.

Any development should have regard to the Habitat Biodiversity Audit (Fillongley Ecological Report 2015 EB DOC no. 05/01).

Section 106 payments/CIL financial contributions, will go towards improvements to levels of biodiversity and interconnectivity using data from the Habitat Biodiversity Audit in the locality of the development ((Fillongley Ecological Report 2015 EB DOC no. 05/01).

To protect all existing definitively mapped footpaths that criss-cross our Parish and ensure that they are there for future generations to enjoy.

To protect existing habitats of native species (using data from Habitat Distinctiveness Area map).

To protect traditional Arden landscaped hedges and native trees.

### **FNP03 Flooding**

To minimise flood risk within the village whilst maintaining balance with other policies. Any developments will ameliorate flood risks by providing SUDS as required in consultation with the lead flood authority.

### **FNP04 Housing**

New developments should encourage a broad mix of housing types including smaller starter homes and retirement dwellings together with provision for 'Affordable Housing' for local people as per NWBC requirements.

### **FNP05 Economy**

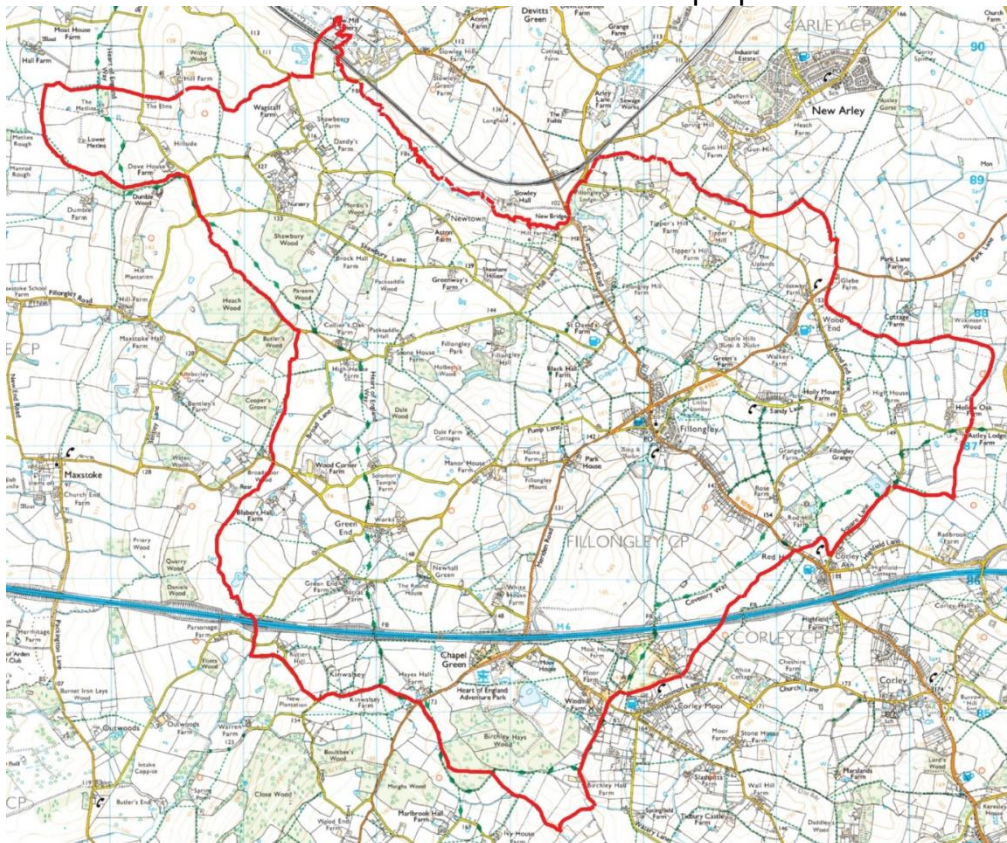
Support development of new rural businesses/rural employment opportunities when they are not to the detriment of existing residents. Ensure that new employment developments provide/ensure sustainable transport provision such as car share, cycle provision etc.

### **FNP06 Heritage**

Work towards further protection and enhancement of both the recorded assets of the parish, and other locally identified heritage features. (Fillongley Neighbourhood Plan Appendix 2\_2\_ EB06/04 Fillongley Parish Historic EnvirRecord Monuments.PDF)

### **FNP07 Traffic and Transport**

To promote safe vehicular access, parking/garaging and turning provisions for new developments without detriment to existing residents and the street scene as per current NPPF, NWBC and WCC guidelines. To ensure that number of car parking spaces be related to the size of the new and extended properties.



**Figure 1: Fillongley Parish**

<b>Criteria for determining the likely significance of effects (Annex II SEA Directive)</b>	<b>Will the NDP have significant environmental effects?</b>	<b>Will the NDP have significant environmental effects?</b>
<b>1a</b> 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	<p>The FNP sets out vision for the parish of Fillongley and provides a framework for proposals for development. It seeks to protect and improve the environment, to encourage a strong and vibrant community by giving priority to high quality housing that meets local needs, maintain and improve village infrastructure and community assets and facilities and improve employment opportunities.</p> <p>The FNP is considered to be in general conformity with North Warwickshire Local Plan Core Strategy 2014. It is also considered to be in general conformity with the National planning policy framework (NPPF).</p>
<b>1b</b> The degree to which the plan or programme influences other plans and programmes including those in a hierarchy.	No	<p>The FNP, where possible, will respond to rather than influence other plans and programmes. A NP can only provide policies within the designated NP area it covers but can provide policies to help development control determine planning applications within the context of the NWBC Local Plan.</p> <p>None of the policies contained in the FNP have a direct impact on other plans in the neighbouring areas.</p>
<b>1c</b> The relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development.	No	<p>The FNP sets out and promotes sustainable development within the neighbourhood plan area whilst balancing environmental, social and economic needs. Residents have stressed the importance of keeping the rural feel of the village, but still allowing the development of appropriate housing and the development of existing industrial areas.</p> <p>The FNP will have an impact on the local environment and community assets and facilities valued by local people. These policies will have a positive impact on the local environment by protecting, enhancing and improving the local environment and encouraging sustainable development.</p>



<b>1d</b> Environmental problems relevant to the plan or programme.	No	The effects the FNP will have on the environment will be positive. This is due to the policies in the Plan which aim to protect and enhance environmental assets and the environment in general through good management and the promotion of sustainable development.
<b>1e</b> The relevance of the plan or programme for the implementation of Community legislation on the environment.	No	The FNP is in compliance with the Local Plan which has taken into account the existing European and National legislative framework for environmental protection; it will therefore have a positive effect on compliance with regards to relevant legislation and programmes.
<b>2a</b> The probability, duration, frequency and reversibility of the effects.	No	<p>It is very unlikely that there will be any irreversible damaging environmental impacts associated with the FNP. The policies within the Plan seek to ensure new development is sustainably built and promotes the enhancement and protection of environmental assets.</p> <p>The timescales of the FNP is intended to be the same as that of the Local Plan; therefore the duration of any effects will be up to the year 2033.</p> <p>Should any unforeseen significant effects on the environment arise as a result of the FNP, the intention is to monitor and amend/update the Plan every 5 years; this will allow these effects to be addressed and reversed.</p>
<b>2b</b> The cumulative nature of the effects.	No	It is considered that the policies contained in the FNP will have minimal negative effects on the environment and will have moderate positive effects. It is considered that all effects will be at a local level.
<b>2c</b> The trans boundary nature of the effects	No	Effects will be local with no expected impacts on neighbouring areas.

<b>2d</b> The risks to human health or the environment (for example, due to accidents).	No	No obvious risks have been identified, as the FNP's overall aim is to focus on the enhancement and protection of the environmental assets in the FNP area to provide for local residents and enhance social wellbeing.
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<b>2e</b> The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected).	No	The FNP area relates to an area of approximately 2000 acres. The resident population of the FNP area is 1300 on the latest electoral roll.
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<b>2f</b> The value and vulnerability of the area likely to be affected due to: (i) Special natural characteristics or cultural heritage; (ii) exceeded environmental quality standards or limit values; or (iii) Intensive land-use.	No	<p>The FNP will not have an adverse effect on the value and vulnerability of the area in relation to its natural and cultural heritage. It will provide greater support to enhance the setting and identity of the area by supporting the enhancement of its non-designated heritage assets, environmental and community assets.</p> <p>The FNP provides additional guidance on design and sustainable development to ensure that any new developments enhance existing residential areas. It is important to local people that any new development remains in keeping with the area and maintains the balance between the natural and built environment.</p> <p>The FNP does not provide specific policies in relation to intensive land uses.</p>
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<b>2g</b> The effects on areas or landscapes that have a recognised national, Community or international protection status.	No	It is considered that the FNP will not adversely affect areas of landscape which have recognised community, national or international protection as the FNP aims to enhance and protect local assets.
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As a result of this assessment, it is North Warwickshire Borough Council's opinion that there are no clear, significant negative impacts on the environment as a result of the contents contained of the Fillongley Neighbourhood Plan. Therefore, it is considered that a full SEA is not required.

# Appendix 1

**From:** Wilson, Susan <SusanWilson@NorthWarks.gov.uk>  
**Sent:** 22 January 2019 11:01  
**To:** Fillongley PC <clerk@fillongleyparishcouncil.co.uk>  
**Subject:** FW: Fillongley Neighbourhood Plan

Heather

This is the original email that I sent out seeking advice as to whether or not a SEA was needed

I will send the replies on a swell

Sue

**From:** Wilson, Susan  
**Sent:** 03 May 2017 08:38  
**To:** English Heritage (e-wmids@english-heritage.org.uk); Historic England; enquiries@environment-agency.gov.uk; 'enquiries@naturalengland.org.uk'  
**Subject:** Fillongley Neighbourhood Plan  
**Importance:** High

Dear All

For the attention of the Planning Liaison officer/Neighbourhood planning Consultations at English Heritage, Natural England and the Environment agency for the West Midlands/North Warwickshire Borough area

I am contacting you on behalf of the Borough Council in order to obtain your views and comments as to whether the Fillongley Draft Neighbourhood Plan (see attached Draft of the Plan) covering the Parish of Mancetter within the North Warwickshire Borough Council area will require a formal Strategic Environmental Assessment (SEA) or HRA, prior to submission to the Borough Council.

As you are aware, Schedule 2 of the Neighbourhood Planning (General) Regulations 2012 makes provision in relation to the Habitats Directive. The Directive requires that any plan or project likely to have a significant effect on a European site must be subject to an Appropriate Assessment. To achieve this, paragraph 1 prescribes a basic condition that the making of a neighbourhood plan is not likely to have a significant effect on a European site. Paragraphs 2 to 5 of the Schedule

amend the Conservation of Habitats and Species Regulations 2010 so as to apply its provisions to neighbourhood development orders and neighbourhood plans. In particular, paragraph 4 inserts new regulation 78A which provides that a neighbourhood development order may not grant planning permission for development which is likely to have a significant effect on a European site.

Schedule 3 of the Neighbourhood Planning (General) Regulations 2012 makes provision in relation to the Environmental Impact Assessment (EIA) Directive. The Directive requires that EIA development must be subject to a development consent process. To enable this, Schedule 3 prescribes a basic condition that applies where development which is the subject of a proposal for a neighbourhood development order is of a type caught by the EIA Directive, and applies to the relevant provisions of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011(3) ("the EIA Regulations") with appropriate modifications (regulation 33 and paragraphs 1 to 4 and 6 of Schedule 3). Paragraphs 5 and 7 to 13 of Schedule 3 correct errors in the EIA regulations.

For information the Neighbourhood Plan includes a number of site allocations for Housing development, which reflect those **already** identified and Allocated in the Borough Councils Draft Local Plan 2016 Site Allocations Plan **or** are identified as reasonable Alternatives, both have which have already undergone formal Sustainability Appraisal addressing issues affecting the

SEA Directive. See link to Site Allocations SA -  
[http://www.northwarks.gov.uk/download/downloads/id/5428/sustainability\\_appraisal\\_for\\_site\\_allocations\\_plan\\_june\\_2014](http://www.northwarks.gov.uk/download/downloads/id/5428/sustainability_appraisal_for_site_allocations_plan_june_2014) and  
[https://www.northwarks.gov.uk/info/20028/forward\\_planning/1357/new\\_draft\\_local\\_plan](https://www.northwarks.gov.uk/info/20028/forward_planning/1357/new_draft_local_plan)

And consultation page with documents for download -  
[http://www.northwarks.gov.uk/info/200297/forward\\_planning/965/planning\\_consultations](http://www.northwarks.gov.uk/info/200297/forward_planning/965/planning_consultations)

(See documents at bottom of page for Site Allocations Plan)

However, current guidance also indicates it is not necessary for a Neighbourhood Plan to undertake a full SA. Nevertheless, the Neighbourhood Plan has been drafted using the guidance in the DIY guide - <http://www.levett-therivel.co.uk/DIYSA.pdf> to may help address the issues of Sustainability in drafting the Plan.

It would therefore be appreciated if you can provide your screening comments and views as to whether a full SEA assessment is needed in light of the Draft

Neighbourhood Plan information above, the Borough council's own SA on the Draft Local Plan, Core Strategy and Site Allocations Plan previously undertaken and noted above and the work undertaken and noted in chapter 5 of the Plan during the preparation of the Neighbourhood Plan

If this e-mail has not been received by the appropriate relevant officer it would be appreciated if you can forward the e-mail and its attachments to the relevant officer for their comments/consideration thanks.

Regards

Sue Wilson

**Sue Wilson**

**Planning Policy Assistant**

**(01827 719499)**

**Sue Wilson**

**Planning Policy Assistant**

**(01827 719499)**



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**From:** Wilson, Susan <SusanWilson@NorthWarks.gov.uk>  
**Sent:** 22 January 2019 12:09  
**To:** Fillongley PC <clerk@fillongleyparishcouncil.co.uk>  
**Subject:** FW: Consultation Response - Fillongley Neighbourhood Plan

Heather

Comments from EA for SEA screening

Sue

**From:** Consultations (NE) [<mailto:consultations@naturalengland.org.uk>]  
**Sent:** 06 June 2017 16:34  
**To:** Wilson, Susan  
**Subject:** Consultation Response - Fillongley Neighbourhood Plan

## **Fillongley Neighbourhood Plan**

Please find Natural England's response in relation to the above mentioned consultation attached herewith.

Kind regards,

*Anna Brehan*

Technical Support Adviser - Consultations Team  
Technical Services  
Natural England

County Hall

Spetchley Road

Worcester

WR5 2NP



Tel 020 822 57962

mail to: [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk)

[www.gov.uk/natural-england](http://www.gov.uk/natural-england)


**We are here to secure a healthy natural environment for people to enjoy, where wildlife is protected and England's traditional landscapes are safeguarded for future generations.**

In an effort to reduce Natural England's carbon footprint I will, wherever possible, avoid travelling to meetings and attend via audio, video or web conferencing.

**Natural England offers two chargeable services - the Discretionary Advice Service, which provides pre-application and post-consent advice on planning/licensing proposals to developers and consultants, and the Pre-submission Screening Service for European Protected Species mitigation licence applications. These services help applicants take appropriate account of environmental considerations at an early stage of project development, reduce uncertainty, the risk of delay and added cost at a later stage, whilst securing good results for the natural environment.**

For further information on the Discretionary Advice Service see [here](#)

For further information on the Pre-submission Screening Service see [here](#)

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**From:** Wilson, Susan [<mailto:SusanWilson@NorthWarks.gov.uk>]

**Sent:** 03 May 2017 08:38

**To:** English Heritage ([e-wmids@english-heritage.org.uk](mailto:e-wmids@english-heritage.org.uk)); Historic England;

[agency.gov.uk](http://agency.gov.uk); Enquiries (NE)

**Subject:** Fillongley Neighbourhood Plan

**Importance:** High

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[https://www.northwarks.gov.uk/info/20028/forward\\_planning/1357/new\\_draft\\_local\\_plan](https://www.northwarks.gov.uk/info/20028/forward_planning/1357/new_draft_local_plan)

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(See documents at bottom of page for Site Allocations Plan)

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It would therefore be appreciated if you can provide your screening comments and views as to whether a full SEA assessment is needed in light of the Draft Neighbourhood Plan information above, the Borough council's own SA on the Draft Local Plan, Core Strategy and Site Allocations Plan previously undertaken and noted above and the work undertaken and noted in chapter 5 of the Plan during the preparation of the Neighbourhood Plan

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From: Wilson, Susan <[SusanWilson@NorthWarks.gov.uk](mailto:SusanWilson@NorthWarks.gov.uk)>  
Sent: 22 January 2019 12:10  
To: Fillongley PC <[cclerk@fillongleyparishcouncil.co.uk](mailto:cclerk@fillongleyparishcouncil.co.uk)>  
Subject: FW: Historic England advice on case PL00084363

Heather

Response from Historic England

Sue

-----Original Message-----

From: [peter.boland@HistoricEngland.org.uk](mailto:peter.boland@HistoricEngland.org.uk)  
[<mailto:peter.boland@HistoricEngland.org.uk>]  
Sent: 12 June 2017 14:48  
To: Wilson, Susan  
Cc: [Rachael.Foy@HistoricEngland.org.uk](mailto:Rachael.Foy@HistoricEngland.org.uk)  
Subject: Historic England advice on case PL00084363

Dear Sue

I am writing in relation to the following:

SEA/SA/IIA: Strategic Environmental Assessment/ Sustainability Appraisal/  
Integrated Impact Assessment Fillongley Neighbourhood Plan [Case Ref.  
PL00084363; HE File Ref. -; Your Reference. -]

Main body of email

Yours Sincerely

Peter Boland  
Historic Places Advisor  
E-mail: [peter.boland@HistoricEngland.org.uk](mailto:peter.boland@HistoricEngland.org.uk)  
Direct Dial: 0121 625 6887

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**From:** Wilson, Susan <SusanWilson@NorthWarks.gov.uk>  
**Sent:** 22 January 2019 12:11  
**To:** Fillongley PC <clerk@fillongleyparishcouncil.co.uk>  
**Subject:** FW: 170505/JG05 - Fillongley Neighbourhood Plan

Heather

This is the response from the Environment Agency saying they would respond but they never actually responded

Regards

Sue

**From:** Enquiries, Unit [<mailto:enquiries@environment-agency.gov.uk>]  
**Sent:** 05 May 2017 12:16  
**To:** Wilson, Susan  
**Subject:** 170505/JG05 - Fillongley Neighbourhood Plan

Good afternoon Sue,

I have passed your enquiry to our Sustainable Places team for the relevant area and they will be in touch with you shortly.

The Freedom of Information Act and Environmental Information Regulations state that a public authority must respond to requests for information within 20 working days, but we aim to respond to all enquiries as quickly as we can.

You can find more information about our service commitment by clicking on the link below:

<https://www.gov.uk/government/publications/environment-agency-customer-service-commitment>

Should you wish to contact the Sustainable Places team directly, please use the contact details below. Please quote your Enquiry Reference 170505/JG05 in any correspondence with us regarding this matter.



Sustainable Places  
Environment Agency  
West Midlands Area  
Sentinel House  
9 Wellington Crescent  
Fradley Park  
LICHFIELD  
WS13 8RR

Tel: 03708 506506

Best regards

Jamie Gilbert  
Customer Service Advisor  
National Customer Contact Centre - Part of National Operations  
✉ Mail To: [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk)  
☎ Tel: 03708 506 506

Click an icon to keep in touch with us:-

**From:** Wilson, Susan [<mailto:SusanWilson@NorthWarks.gov.uk>]  
**Sent:** 03 May 2017 08:38  
**To:** English Heritage ([e-wmids@english-heritage.org.uk](mailto:e-wmids@english-heritage.org.uk)) <[e-wmids@english-heritage.org.uk](mailto:e-wmids@english-heritage.org.uk)>; Historic England <[e-wmids@HistoricEngland.org.uk](mailto:e-wmids@HistoricEngland.org.uk)>; Enquiries, Unit <[enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk)>; 'enquiries@naturalengland.org.uk' <[enquiries@naturalengland.org.uk](mailto:enquiries@naturalengland.org.uk)>  
**Subject:** Fillongley Neighbourhood Plan  
**Importance:** High

Dear All

For the attention of the Planning Liaison officer/Neighbourhood planning  
Consultations at English Heritage, Natural England and the Environment agency for  
the West Midlands/North Warwickshire Borough area

I am contacting you on behalf of the Borough Council in order to obtain your views and comments as to whether the Fillongley Draft Neighbourhood Plan (see attached Draft of the Plan) covering the Parish of Mancetter within the North Warwickshire Borough Council area will require a formal Strategic Environmental Assessment (SEA) or HRA, prior to submission to the Borough Council.

As you are aware, Schedule 2 of the Neighbourhood Planning (General) Regulations 2012 makes provision in relation to the Habitats Directive. The Directive requires that any plan or project likely to have a significant effect on a European site must be subject to an Appropriate Assessment. To achieve this, paragraph 1 prescribes a basic condition that the making of a neighbourhood plan is not likely to have a significant effect on a European site. Paragraphs 2 to 5 of the Schedule amend the Conservation of Habitats and Species Regulations 2010 so as to apply its provisions to neighbourhood development orders and neighbourhood plans. In particular, paragraph 4 inserts new regulation 78A which provides that a neighbourhood development order may not grant planning permission for development which is likely to have a significant effect on a European site.

Schedule 3 of the Neighbourhood Planning (General) Regulations 2012 makes provision in relation to the Environmental Impact Assessment (EIA) Directive. The Directive requires that EIA development must be subject to a development consent process. To enable this, Schedule 3 prescribes a basic condition that applies where development which is the subject of a proposal for a neighbourhood development order is of a type caught by the EIA Directive, and applies to the relevant provisions of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011(3) ("the EIA Regulations") with appropriate modifications (regulation 33 and paragraphs 1 to 4 and 6 of Schedule 3). Paragraphs 5 and 7 to 13 of Schedule 3 correct errors in the EIA regulations.

For information the Neighbourhood Plan includes a number of site allocations for Housing development, which reflect those **already** identified and Allocated in the Borough Councils Draft Local Plan 2016 Site Allocations Plan **or** are identified as reasonable Alternatives, both have which have already undergone formal Sustainability Appraisal addressing issues affecting the

SEA Directive. See link to Site Allocations SA -

[http://www.northwarks.gov.uk/download/downloads/id/5428/sustainability\\_appraisal\\_for\\_site\\_allocations\\_plan\\_june\\_2014](http://www.northwarks.gov.uk/download/downloads/id/5428/sustainability_appraisal_for_site_allocations_plan_june_2014) and  
[https://www.northwarks.gov.uk/info/20028/forward\\_planning/1357/new\\_draft\\_local\\_plan](https://www.northwarks.gov.uk/info/20028/forward_planning/1357/new_draft_local_plan)

And consultation page with documents for download -

[http://www.northwarks.gov.uk/info/200297/forward\\_planning/965/planning\\_consultations](http://www.northwarks.gov.uk/info/200297/forward_planning/965/planning_consultations)

(See documents at bottom of page for Site Allocations Plan)

However, current guidance also indicates it is not necessary for a Neighbourhood Plan to undertake a full SA. Nevertheless, the Neighbourhood Plan has been drafted using the guidance in the DIY guide - <http://www.levett-therivel.co.uk/DIYSA.pdf> to may help address the issues of Sustainability in drafting the Plan.

It would therefore be appreciated if you can provide your screening comments and views as to whether a full SEA assessment is needed in light of the Draft Neighbourhood Plan information above, the Borough council's own SA on the Draft Local Plan, Core Strategy and Site Allocations Plan previously undertaken and noted above and the work undertaken and noted in chapter 5 of the Plan during the preparation of the Neighbourhood Plan

If this e-mail has not been received by the appropriate relevant officer it would be appreciated if you can forward the e-mail and its attachments to the relevant officer for their comments/consideration thanks.

Regards

Sue Wilson

**Sue Wilson**

**Planning Policy Assistant**

**(01827 719499)**

**Sue Wilson**

**Planning Policy Assistant**

**(01827 719499)**

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