

Strategic Environmental Assessment and Habitats Regulations Assessment of the Tysoe Neighbourhood Development Plan

SEA and HRA Screening Document

February 2019



LEPUS CONSULTING
LANDSCAPE, ECOLOGY, PLANNING & URBAN SUSTAINABILITY

Strategic Environmental Assessment and Habitats Regulations Assessment of the Tysoe Neighbourhood Development Plan

SEA and HRA Screening Document

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Acronyms

A&E	Accident and Emergency
ALC	Agricultural Land Class
AONB	Area of Outstanding Natural Beauty
EIA	Environmental Impact Assessment
GP	General Practice
HRA	Habitats Regulations Assessment
LCA	Landscape Character Assessment
LNR	Local Nature Reserve
ODPM	Office of the Deputy Prime Minister
NCA	National Character Area
NDP	Neighbourhood Development Plan
NHS	National Health Service
NPPF	National Planning Policy Framework
PP	Policy or Programme
PPG	Planning Policy Guidance
PRoW	Public Right of Way
SA	Sustainability Appraisal
SAC	Special Area of Conservation
SEA	Strategic Environmental Assessment
SPA	Special Protection Area
SSSI	Site of Special Scientific Interest
SuDS	Sustainable Urban Drainage System

1 Introduction

1.1 This report

1.1.1 This screening report has been prepared to determine whether the Tysoe Neighbourhood Development Plan 2011 - 2031 (NDP) should be subject to a Strategic Environmental Assessment (SEA), in accordance with the European Directive 2001/42/EC¹ (SEA Directive) and the Environmental Assessment of Plans and Programmes Regulations 2004² (SEA Regulations).

1.1.2 This report screens the July 2018 Pre-Submission Consultation Version 2 of the Tysoe Neighbourhood Development Plan 2011 - 2031³.

1.2 Strategic Environmental Assessment

1.2.1 The basis for Strategic Environmental Assessment legislation is European Directive 2001/42/EC. This was transposed into English law by the Environmental Assessment of Plans and Programmes Regulations 2004 (SEA Regulations). Detailed guidance of these regulations can be found in the Government publication 'A Practical Guide to the Strategic Environmental Assessment Directive'⁴ and Paragraph 009 of the Planning Practice Guidance (PPG) 'Neighbourhood Planning' section⁵.

1.2.2 Under the requirements of the European Directive 2001/42/EC and Environmental Assessment of Plans and Programmes Regulations 2004, certain types of plans that set the framework for the consent of future development projects must be subject to an environmental assessment.

¹ Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32001L0042&from=en>

² Available at: <http://www.legislation.gov.uk/uksi/2004/1633/contents/made>

³ Tysoe Parish Council (2018) A Village for the 21st Century and Beyond. The Tysoe Neighborhood Development Plan 2011-2031, pre-Submission Consultation Version 2. Available at: <https://www.tysoe.org.uk/neighbourhood-plan/> [Date Accessed: 08/10/18]

⁴ Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/7657/practicalguidesea.pdf

⁵ Available at: <https://www.gov.uk/guidance/neighbourhood-planning--2>

1.3 The Tysoe Neighbourhood Development Plan

- 1.3.1 The creation of neighbourhood development plans started with the Government's Localism Act 2011. The Act set out a series of measures to shift power away from central government and towards local people. One of the Localism Act's key components is the Neighbourhood Development Plan (NDP); a new tier in planning policy which enables local people to shape the development of the community in which they live.
- 1.3.2 On 10th February 2014, with official approval from the District Council, the Parish Council began to produce a Neighbourhood Plan for the Parish. The area covered by the Plan comprises the whole of the Parish (see **Figure 1.1**).
- 1.3.3 The NDP offers a picture of the Parish and a vision for the 20 year period between 2011 and 2031. The NDP's core aim is to ensure that all development is sustainable and accords with the preferences of the local community.
- 1.3.4 The Tysoe NDP has been developed on behalf of the Parish Council by residential volunteers within the Neighbourhood Plan Steering Group. Evidence gathering and analysis, including public meetings, consultations and a questionnaire for residents, have led to the creation of policies and the existing documentation.
- 1.3.5 The Plan must also have appropriate regard to existing policy, including:
- The National Planning Policy Framework⁶ and related Planning Practice Guidance advice⁷; and
 - Policies within the Stratford-on-Avon District Core Strategy⁸.

⁶ Available at:
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/740441/National_Planning_Policy_Framework_web_accessible_version.pdf [Date Accessed: 20/12/18]

⁷ Available at: <https://www.gov.uk/government/collections/planning-practice-guidance> [Date Accessed: 20/12/18]

⁸ Stratford District Council (2016) Stratford-on-Avon Core Strategy 2011 to 2031. Available at: <https://www.stratford.gov.uk/planning-regeneration/core-strategy.cfm> [Date Accessed: 11/12/18]

1.3.6 A summary of the NDP's policies are listed in **Appendix A**. These are associated with the NDP's strategic objectives as follows:

- Housing;
- Employment;
- The Natural Environment;
- The Built Environment; and
- Community Assets.

Consultation

1.3.7 The NDP is subject to public consultation, which provides an opportunity for the public and local organisations to comment on the NDP. After consultation, responses are taken into account and used to prepare a 'submission draft' of the NDP.

1.3.8 The submission version of the NDP is then subject to inspection by the Independent Examiner. If the Independent Examiner approves the NDP it will then be subject to a local referendum. If 50% or more of people voting in the referendum support the NDP, then the NDP will be adopted, will gain statutory status and will become integral to the Stratford-on-Avon District Council Local Plan.

1.4 The Parish of Tysoe

1.4.1 Tysoe is situated in the Stratford-on-Avon District of Warwickshire and comprises 4,940ha of rural landscape. It is located approximately 17km south east of Stratford-upon-Avon, 4km south west of the M40 and 12km north west of Banbury.

1.4.2 The Vale of Red Horse escarpment rises steeply to more than 700 feet from the valley below and forms the eastern boundary of the Parish. A substantial proportion of the east of the Parish is located within the Cotswolds Area of Outstanding Natural Beauty (AONB).

1.4.3 Tysoe has a population of approximately 1,200 people. Residents of Tysoe benefit from the rural environment, historic heritage and pronounced communal aspect of the Parish.

1.4.4 Notable aspects of the Parish include the diverse local wildlife and long distance views of the surrounding open countryside. The historical heritage, including the church, the windmill, the wells and the ridge and furrow fields are also important features.

1.4.5 There are several clubs and societies located within the Parish, providing varied community activities. The Parish supports a range of services, including a primary school, public house, beauty salon, shop and post office.

1.5 Relationship with the Core Strategy

1.5.1 The NDP is a land-use plan, prepared for town and country planning purposes. It sets out a framework for future development consents within the Tysoe Parish. As noted above, once adopted, the NDP will form part of the Development Plan for the District, alongside the Core Strategy and other development plan documents and supplementary planning documents.

1.5.2 The NDP sets out a series of policies that, once made, will be used to guide development and help to determine future planning applications. This important legal position means that it has to regard national planning policy and to be in 'general conformity' with the strategic planning policies set out in the Stratford-on-Avon District Core Strategy 2011-2031.

1.5.3 NDPs are smaller in geographic scale than Core Strategies and Local Plans and serve to add further detailed policies and proposals to these documents. The Tysoe NDP and the Stratford-on-Avon District Core Strategy will form part of the development plan for the area once the NDP is 'made'.

1.5.4 The Revised NPPF⁹ states that *"Neighbourhood plans should support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies"*.

⁹ Available at:
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/740441/National_Planning_Policy_Framework_web_accessible_version.pdf

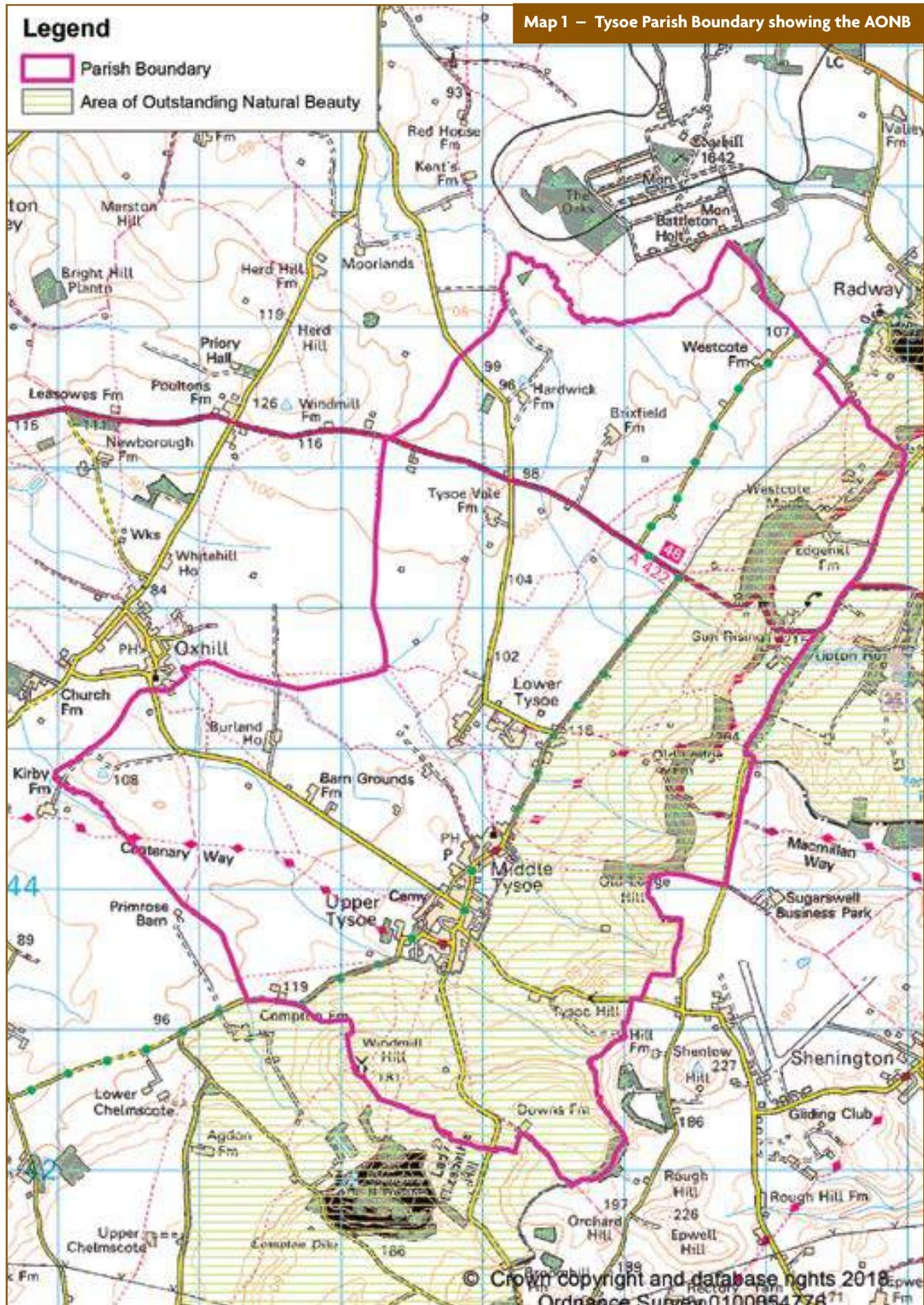


Figure 1.1: Tysoe Parish Boundary (source: NDP)

2 The Screening Process

2.1 Strategic Environmental Assessment screening

2.1.1 SEA seeks to ensure that environmental considerations are part of the process of preparing certain plans and programmes. The objective of the Directive is to provide for a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes, with a view to promoting sustainable development. It helps to ensure that, in accordance with the Directive, an environmental assessment is carried out of certain plans and programmes which are likely to have significant effects on the environment.

2.1.2 The process for determining whether or not an SEA is required is called screening. In order to screen, it is necessary to determine if a plan will have significant environmental effects using the criteria set out in Annex II of the SEA Directive and Schedule I of the SEA Regulations. A determination cannot be made until the three statutory consultation bodies have been consulted: the Environment Agency, Natural England and Historic England.

2.1.3 Within 28 days of its determination, the local planning authority, by virtue of its legal responsibility for NDPs, must publish a statement, setting out its decision. If they determine that an SEA is not required, the statement must include the reasons for this.

2.2 The screening process

2.2.1 The Localism Act requires NDPs to be in general conformity with the strategic policies of the adopted development plan for the local area. In this instance, the NDP must be in general conformity with the Stratford-on-Avon District Core Strategy 2011-2031.

2.2.2 Paragraph 009 of the Planning Practice Guidance (PPG) 'Neighbourhood Planning' section states:

“Where a neighbourhood plan is brought forward before an up-to-date Local Plan is in place the qualifying body and the local planning authority should discuss and aim to agree the relationship between policies in:

- the emerging neighbourhood plan
- the emerging Local Plan
- the adopted development plan

with appropriate regard to national policy and guidance”.

2.2.3 **Figure 2.1** presents a diagram prepared by the ODPM (2005). This shows the application of the SEA process to plans and programmes. The sequential approach in the flow diagram can be used to screen the Tysoe NDP.

2.2.4 **Table 2.1** uses the questions presented in **Figure 2.1** to establish whether there is a need for SEA for the Tysoe NDP.

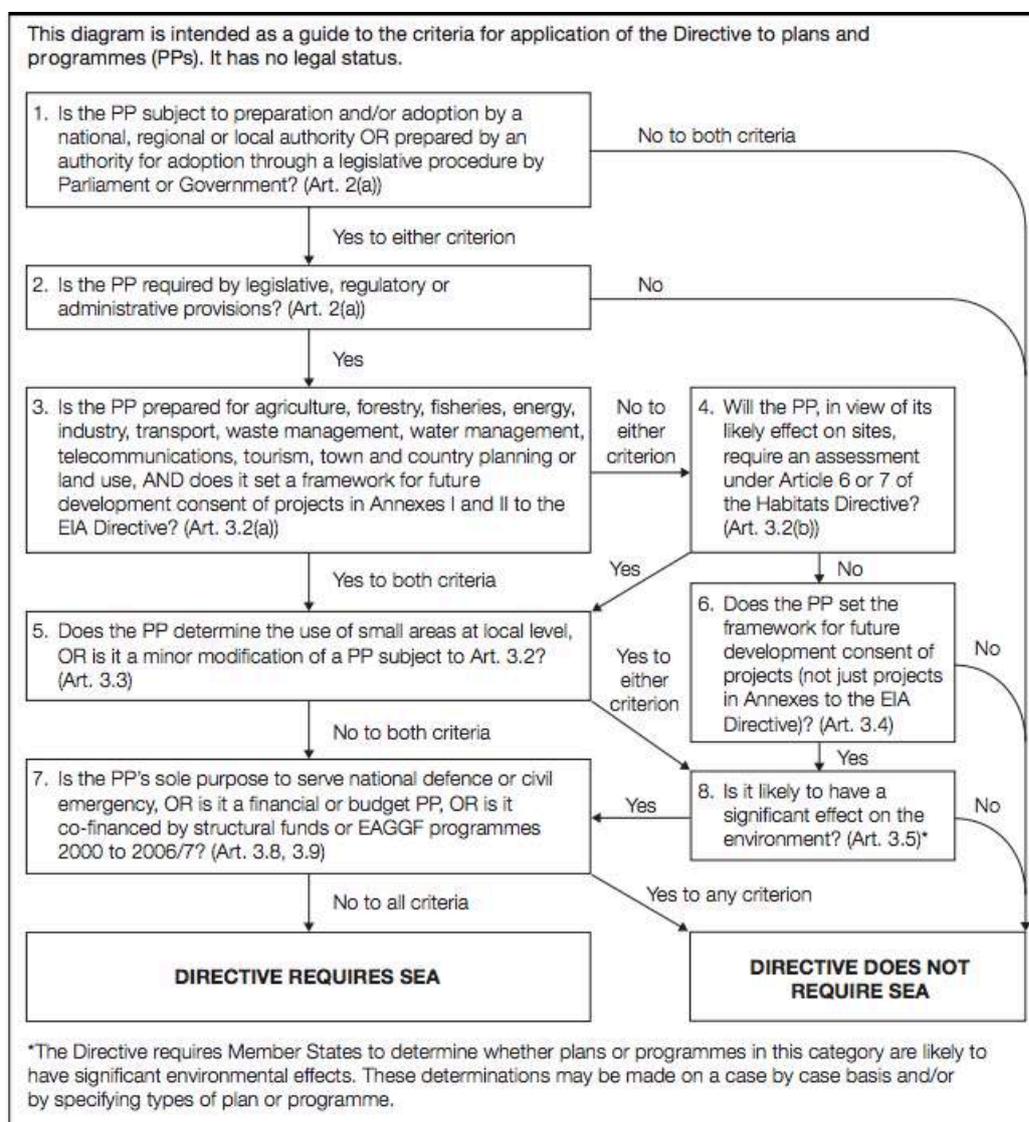


Figure 2.1: Application of the SEA Directive to plans and programmes¹⁰.

¹⁰ODPM (2005) A Practical Guide to the Strategic Environmental Assessment Directive

Table 2.1: Establishing whether there is a need for SEA.

Stage	Y/N	Reason
Is the PP (plan or programme) subject to preparation and/or adoption by a national, regional or local authority OR prepared by an authority for adoption through a legislative procedure by Parliament or Government? (Art. 2(a))	Yes	The plan constitutes an NDP, which will be subject to independent examination and brought into legal force if it receives 50% or more affirmative votes at referendum. The NDP would form part of the statutory development plan for Stratford-on-Avon District.
Is the PP required by legislative, regulatory or administrative provisions? (Art. 2(a))	No	Communities and neighbourhoods have a right to produce an NDP, however it is not required by legislative, regulatory or administrative bodies. If the NDP is adopted it would become part of the statutory development plan, meaning it should continue to be screened under the SEA Directive.
Is the PP prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use, AND does it set a framework for future development consent of projects in Annexes I and II to the EIA Directive? (Art 3.2(a))	No	The NDP is a land-use plan and sets the framework for future development consents within the Tysoe Neighbourhood Area. However, the NDP is unlikely to set a framework for consent of projects in Annex 1 of the EIA Directive.
Will the PP, in view of its likely effect on sites, require an assessment for future development under Article 6 or 7 of the Habitats Directive? (Art. 3.2 (b))	No	See Chapter 3 and Chapter 4
Does the PP set the framework for future development consent of projects (not just projects in Annexes to the EIA Directive)? (Art 3.4)	Yes	The NDP does set the framework for future development consent of projects.
Is it likely to have a significant effect on the environment? (Art. 3.5)	No	See Section 2.5 - 2.12 and Chapter 4
Is the PP's sole purpose to serve national defence or civil emergency, OR is it a financial budget PP, OR is it co-financed by structural funds or EAGGD programmes 2000 to 2006/7? (Art 3.8, 3.9)	No	Not applicable.

2.3 Relevance to the SEA Directive

2.3.1 Question 8 within the ODPM guidance (see **Figure 2.1**) refers to whether the NDP would have a significant effect on the environment. The criteria from Annex II of the SEA Directive and Schedule 1 of the Environmental Assessment of Plans and Programmes Regulations 2004 can be used to consider the relevance of the Plan to the SEA Directive. **Sections 2.5 – 2.12** consider the likely environmental effects of the plan.

Table 2.2: Tysoe NDP and the SEA Directive

Criteria (from Annex II of SEA Directive and Schedule I of Regulations)	Response
The characteristics of plans and programmes	
(a) the degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources	The NDP is prepared for town and country planning and will form a part of the development management framework for Tysoe Parish.
(b) the degree to which the plan or programme influences other plans and programmes including those in a hierarchy	The NDP must be in general conformity with the strategic planning policies set out in the Stratford-on-Avon District Core Strategy 2011 – 2031 and the National Planning Policy Framework. The NDP forms part of the statutory development plan for Stratford-on-Avon District.
(c) the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development	There are opportunities to integrate the environmental considerations within Tysoe NDP. The NDP contains policies that aim to conserve environmental features, including landscape character, historic character and public open spaces (see Appendix A).
(d) environmental problems relevant to the plan or programme	No environmental issues were identified relevant to the plan.
(e) the relevance of the plan or programme for the implementation of Community legislation on the environment (for example, plans and programmes linked to waste management or water protection)	The NDP is a land use plan and sets the framework for future development consents within the Tysoe NDP area. It also sets out policies which planning applications within the NDP area will need to adhere to.
Characteristics of the effects and of the area likely to be affected	
(a) the probability, duration, frequency and reversibility of the effects	The NDP is not expected to result in any significant environmental effects.

(b) the cumulative nature of the effects	The NDP is not considered to have any cumulative effects and is not thought to contribute to cumulative impacts in combination with the Stratford-on-Avon District Core Strategy.
(c) the transboundary nature of the effects	The NDP is not expected to give rise to any significant transboundary environmental effects.
(d) the risks to human health or the environment (for example, due to accidents)	There are no anticipated risks of the NDP on human health.
(e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)	The magnitude and spatial extent of the effects outlined in (a) are not thought to extend further than the Plan area.
(f) the value and vulnerability of the area likely to be affected due to: <ul style="list-style-type: none"> (i) special natural characteristics or cultural heritage (ii) exceeded environmental quality standards or limit values (iii) intensive land-use 	It is considered to be unlikely that the NDP would adversely impact the special natural characteristics or cultural heritage features within the Neighbourhood Area. The NDP would not be expected to cause exceedances of environmental standards or lead to intensive land use.
(g) the effects on areas or landscapes which have a recognised national, Community or international protection status	The NDP is unlikely to result in any adverse impacts on protected landscapes.

2.4 Determination of likely significant effects

2.4.1 A summary of baseline conditions and an assessment of the potential effects of the NDP against each of the topics set out in Annex I (f) of the SEA Directive is presented in the following sections. The NDP policies are set out in **Appendix A**.

2.5 Biodiversity, flora and fauna

- 2.5.1 There are no European protected sites (Ramsar, Special Protection Areas (SPA) or Special Areas of Conservation (SAC)) located within the Neighbourhood Area.
- 2.5.2 The nearest Site of Special Scientific Interest (SSSI) to Tysoe is 'Lobbington Hall Farm Meadow', which is located approximately 6km to the north west. It is considered unlikely that development proposed in the Tysoe NDP would affect this site as it is not located within close proximity to this SSSI.
- 2.5.3 As Sites 1, 2, 3 and 5 in the NDP are predominantly greenfields (see **Figure 2.2**). It is considered likely that development at these sites would result in the loss of vegetation, as well as potential loss or damage to hedgerows and trees located around the periphery of these sites. The western border of Site 1 has been identified as an intact hedge in the NDP.
- 2.5.4 Natural Environment Policy 7 states that *"existing trees and hedgerows should be maintained; new developments should incorporate sympathetic plantings of trees and hedgerows to complement the network of fields, established woodland and hedgerows"*. This Policy would help to ensure that new development would not result in the loss of biodiversity assets including locally important hedgerows and lines of trees. Therefore, any future development would not be expected to result in the loss of existing trees or hedgerows, in particular surrounding Site 1.
- 2.5.5 Built Environment Policy 2 notes that development *"protect or enhance landscape and biodiversity by incorporating high quality native landscaping"*. This policy aims to contribute towards maintaining or enhancing the ecological status of the area through the incorporation of trees, shrubs and green spaces into new development.
- 2.5.6 The policies within the NDP, as well as policy CS.6 of the Core Strategy, help to ensure important biodiversity features are not lost due to future development and are enhanced where possible. A significant adverse impact is therefore not considered to be likely.

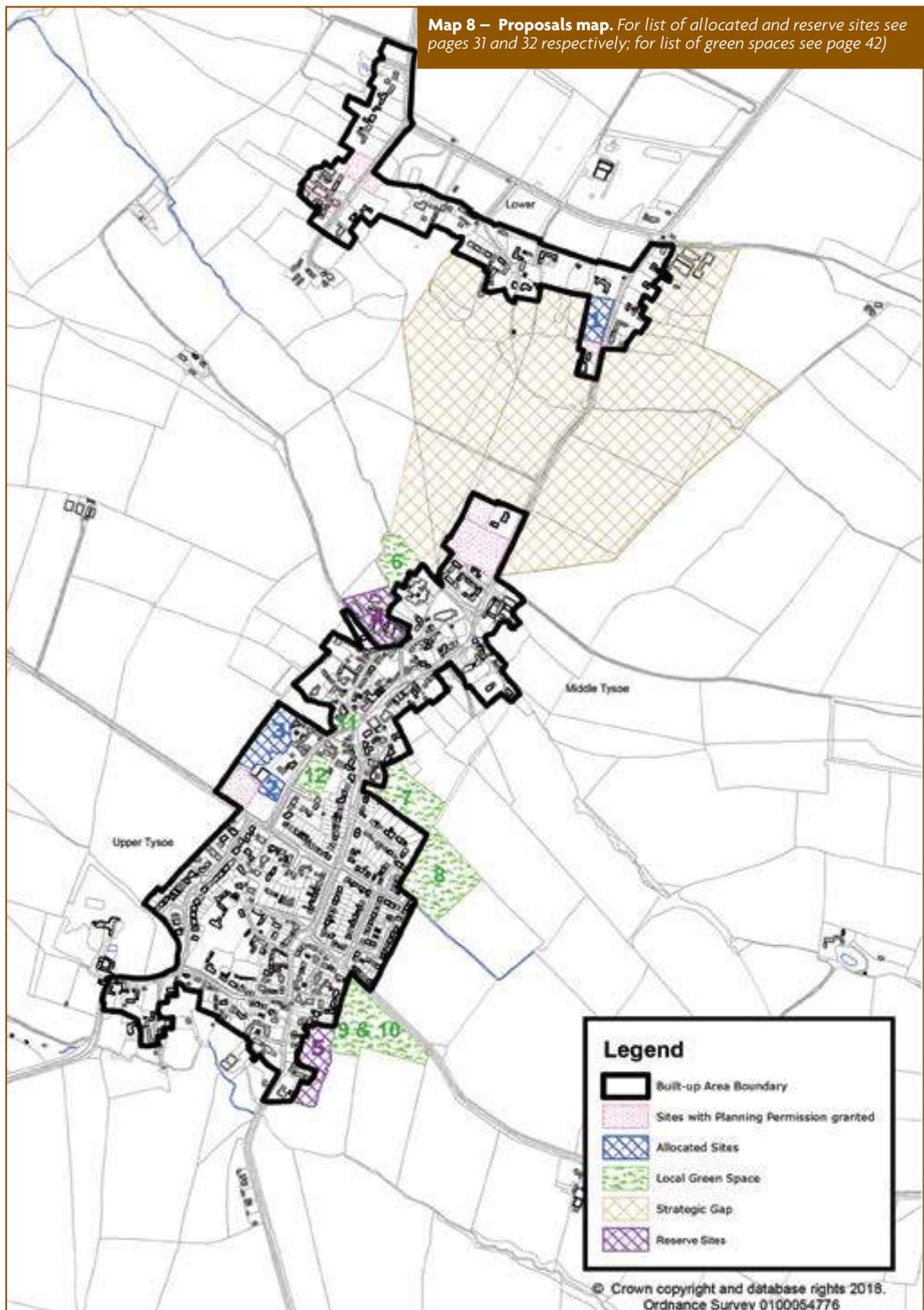


Figure 2.2: Proposals map, showing the built-up area boundary, allocated sites and reserve sites in Tysoe.

2.6 Population and human health

- 2.6.1 The nearest NHS hospital with an A&E is Horton General Hospital in Banbury, located approximately 12km south east of the Parish. There is a GP surgery located within the centre of the Parish, along with other village services which include; a village store, primary school, a church and a public house.
- 2.6.2 Community Assets Policy 1 aims to ensure important assets within the Parish are maintained and protected. This Policy also aims to encourage the improvement of current community assets and resist the loss of existing facilities.
- 2.6.3 Due to the rural location of Tysoe, residents have excellent access to a diverse range of natural habitats and open space. There are six areas of designated Local Green Space within the Parish, all of which are located within close proximity of the existing settlement of Tysoe. Natural Environment Policy 4 aims to ensure development protects the openness and special character of Local Green Spaces.
- 2.6.4 There is a high reliance on car usage within Tysoe, in particular to support travel to work. On average, there are more than two cars per household according to the NDP. As such, there is heavy congestion around the village, in particular, outside the primary school. Excessive car use is expected to have a negative impact on human health due to the increase emissions. Natural Environment Policy 4 aims to ensure future housing developments provide sufficient off-road parking which can help reduce local congestion in areas where cars are often parked on road-sides.
- 2.6.5 Employment Policy 2 aims to encourage new residential development to include space for home-working and promote the development of live-work units. It is likely that this policy would help to encourage working from home and therefore decrease the quantity of cars on the road for outward commuting. This would reduce congestion and associated emissions on local roads.
- 2.6.6 In order to support the needs of the local population, Housing Policies 1 to 5 seek to address issues of suitable housing and sustain a balanced community through appropriate housing provision. Employment Policies 1 and 2 aim to increase local employment opportunities for residents.

2.6.7 It is anticipated that polices within the NDP would help to improve community assets and access to open spaces within the Parish. This would be expected to provide benefits to residents of the Parish and help improve human health. The NDP proposes a limited quantity of development and would therefore be likely to have a negligible impact on the health of residents of Tysoe Parish.

2.7 Transport and accessibility

2.7.1 Whilst not an Annex 1(f) topic in itself, transport and accessibility interacts with a number of the topics such as population and human health, material assets and climatic factors.

2.7.2 The nearest shopping centre is located approximately 12km south east of Tysoe in Banbury. Additionally, Stratford-upon-Avon, located approximately 17km north west, provides a large array of facilities.

2.7.3 There are a range of services available within the Parish, as noted in **section 2.6**, primarily located in Middle Tysoe. All of the sites allocated for new housing would be expected to have good access to these facilities. All three sites are within the target distance to Tysoe C of E Primary School of 800m set by Barton *et al.*¹¹. The nearest secondary school is Kineton High School, located approximately 7.3km north of the Parish.

2.7.4 There is an approximate 15 minute walk from Site 1 in Lower Tysoe to the facilities located in Middle Tysoe. The footpaths between these two villages are described as 'inadequate' and would not be suitable for all residents, namely the elderly or those with young children.

2.7.5 There are three bus stops within the Parish, two of which provide limited services into Banbury and Stratford-upon-Avon approximately every two hours. The nearest train station is over 10km away, Banbury Station.

¹¹ Barton, H., Grant, M. & Guise, R. (2010) Shaping Neighbourhoods: For local health and global sustainability, January 2010

2.7.6 Built Environment Policy 4 aims to increase the provision of off-road parking within the Parish. This would be expected to help improve local transport, in addition to Employment Policy 2 mentioned in **section 2.6** regarding congestion. The NDP proposes a limited quantity of development, all of which have good access to existing facilities, and would be likely to have a negligible impact on transport and accessibility within the Parish.

2.8 Soil, water and air

2.8.1 The Parish covers predominantly Agricultural Land Class (ALC) Grade 3 with small areas of Grade 1 and 2 land along the eastern border of the Parish. Sites allocated under Housing Policy 2 and reserve sites under Housing Policy 3 are located on Grade 3 agricultural land, although it is uncertain if this is Grade 3a or 3b. In line with the precautionary principle¹², this has been assumed to be Grade 3a. The area of soil that would be lost following the proposed development on the allocated sites is approximately 2.7ha. The development of the two reserve sites would result in a loss of approximately 4.32ha of soil. This is well below the area at which the loss of high quality agricultural land would be considered significant¹³.

2.8.2 Built Environment Policies 5 and 6 help to promote the use of previously developed land, including empty homes and agricultural buildings. This would help to reduce the amount of ecologically and agriculturally important soil lost to new development.

2.8.3 The A422 passes through the Parish from west to east. This is over 2km from the nearest site allocation and would be unlikely to result in noise or light pollution that would impact the proposed sites. There are no recorded air quality issues identified in the NDP.

¹² Judgment of 7 September 2004 in case C-127/02 (Waddenzee, paragraph 45).

¹³ Natural England (2012) Agricultural Land Classification: protecting the best and most versatile agricultural land

2.8.4 All of the sites allocated in the NDP are within fluvial Flood Zone 1. Only Site 4 is prone to high surface water flooding to the south (see **Figure 2.3**). All of the other sites are located adjacent to high or medium zones of surface water flooding. Natural Environment Policy 3 helps to ensure that new development incorporates Sustainable Drainage Systems (SuDS) and feasible above ground attenuation to help control surface water run-off. It would also help to ensure all developments address the risk of fluvial and pluvial flooding. This policy, as well as Natural Environment Policy 7, would be likely help to reduce flooding issues, particularly on Site 4.

2.8.5 It is considered unlikely that there would be any significant adverse impacts on soil, air or water resources of the Neighbourhood Area as a result of the NDP.

2.9 Climatic factors

2.9.1 Built Environment Policy 3 aims to provide support for renewable energy and sustainable construction in Tysoe, which in turn would reduce greenhouse gas emissions and Tysoe's effect on climate change. Natural Environment Policy 7 and Core Strategy policy CS.2 also help support a low carbon economy.

2.9.2 Tysoe is limited in terms of sustainable transport options, and as such residents are heavily reliant on personal car usage for access to services, facilities, and employment (see **section 2.7**). Employment Policy 1 aims to improve local employment opportunities and Employment Policy 2 aims to help encourage home-working, and as such, these policies would be likely to reduce the reliance on cars for commuting within the Plan area.

2.9.3 As the NDP proposes the addition of 18 new dwellings, with the potential of an extra 21 dwellings delivered through the reserve sites, it is expected that there would be an insignificant increase in greenhouse gas emissions across the Plan area following the implementation of the policies outlined above.

2.9.4 The NDP proposes a limited quantity of development and therefore, would be likely to have a negligible impact on climate change.

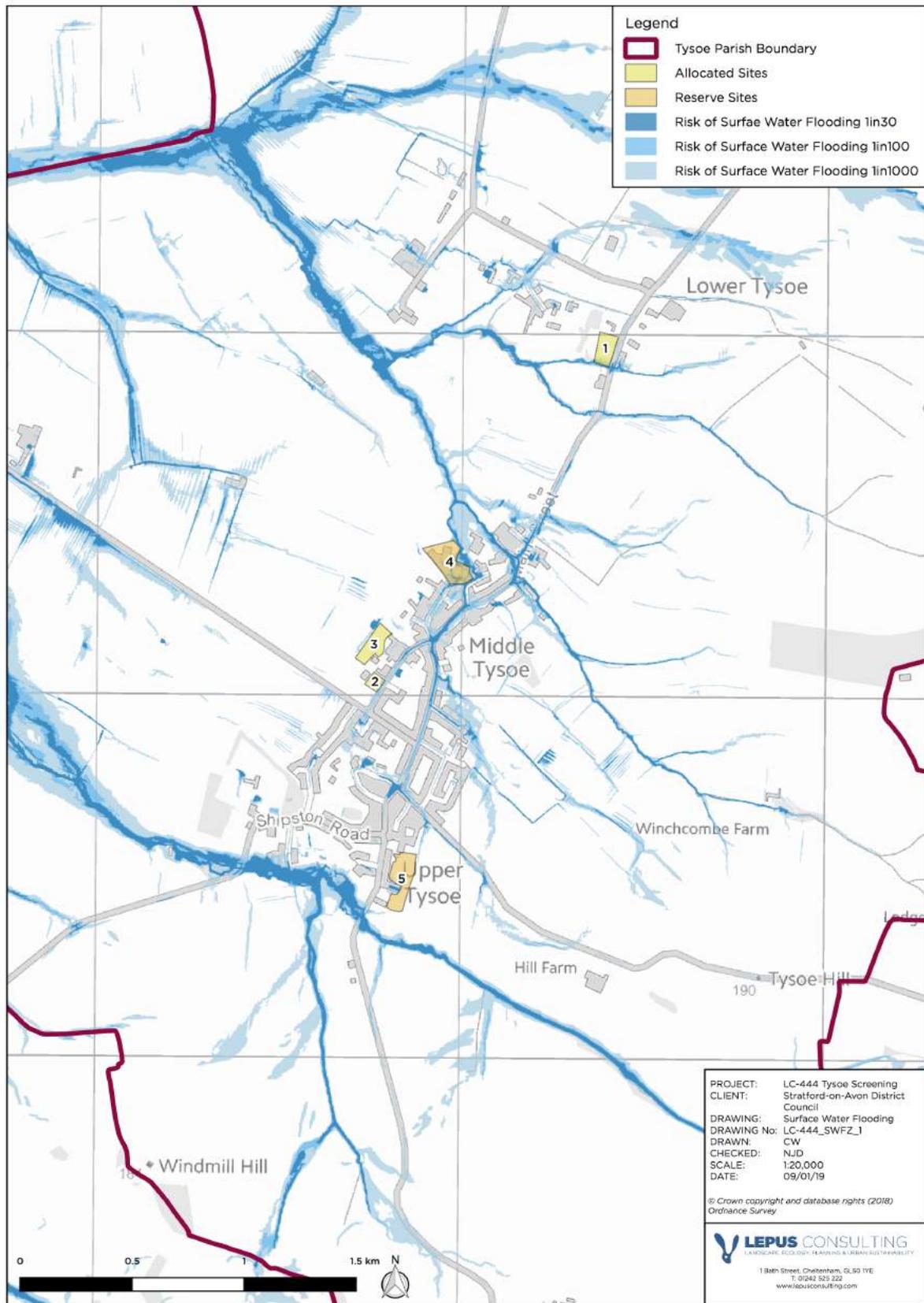


Figure 2.3: Risk of surface water flooding in Tysoe (source: Environment Agency).

2.10 Material assets

- 2.10.1 The material assets topic considers social, physical and environmental infrastructure. This sub-section should be read alongside 'Population and human health', which details some health and social infrastructure implications of the NDP; 'Climatic factors', which considers transport infrastructure in terms of sustainable transport; 'Soil, water and air', which considers water infrastructure and agricultural land classification; and the 'Biodiversity, flora and fauna' sub-section, which considers environmental infrastructure.
- 2.10.2 Employment Policy 1 seeks to protect and enhance the existing economy in the Parish. However, it states that controls should be in place to help ensure that any proposed conversion of residential property to office use is both necessary and appropriate. The policy requires development to demonstrate that unacceptable environmental problems will be avoided and looks to contribute towards community sustainability.
- 2.10.3 The NDP considers social infrastructure in terms of community facilities in Community Assets Policy 1. This policy identifies nine specific assets which will be protected in order to maintain community sustainability within Tysoe.
- 2.10.4 It is considered unlikely that the NDP would have significant adverse impacts on material assets within the Neighbourhood Area.

2.11 Cultural heritage

- 2.11.1 There are 49 Listed Buildings, two Conservation Areas and numerous ridge and furrow fields located within the Plan area. There are also two Registered Parks and Gardens located adjacent to the eastern boundary of the Parish, 'Radway Grange' and 'Upton House'.
- 2.11.2 A total of 46 of the Listed Buildings are Grade II, two are Grade II*, and the 'Church of the assumption of the Blessed Virgin Mary' is Grade I Listed. Site 4 is located adjacent to the Listed Building 'Shelter Shed South West of Herbert's Farmhouse'. Site 4 is a brownfield site which currently comprises farm buildings and as such, the proposed development would be unlikely to alter the setting of this, or any other Listed Building.

- 2.11.3 There are two Conservation Areas in Tysoe (see **Figure 2.4**). Part of Site 4 is located within the 'Middle Tysoe' Conservation Area and Site 3 is located adjacent. The majority of Site 5 is located within the 'Upper Tysoe' Conservation Area. The Tysoe Conservation Area Review¹⁴ provides a summary of the important character features of Tysoe which determine the designation of these Conservation Areas. Sites 3 and 4 are located to the south west of the 'Middle Tysoe' Conservation Area. This area is described as *"a random group of 19th century outbuildings [and] modern prefabricated buildings"*. The document notes that 'Upper Tysoe' Conservation Area includes important features such as small farmsteads, vernacular stone cottages and stone boundary walls creating rural ambience and enclosure, with good views towards the Cotswolds AONB. It also states that *"there has been much modern infill housing"*.
- 2.11.4 Built Environment Policy 1 states that *"development which fails to conserve or enhance the character or appearance of the Conservation Areas will not be supported"*. This policy, alongside the Village Design Statement (**Appendix A of NDP**), will help to ensure new housing is in-keeping with current development styles. As such, it is considered to be unlikely that proposed development would be discordant with the special features of the two Conservation Areas.
- 2.11.5 The settlement is ringed with ancient ridge and furrow systems (see **Figure 2.5**), parts of which are recognised as being of national importance in English Heritage's survey of ridge and furrow, 'Turning the Plough'¹⁵. Ridge and furrow is seen as a valued part of the historic environment for the community and is of high importance to villagers¹⁶. Sites 1 and 3 are adjacent to, and Site 5 is likely to be coincident with, areas described in the NDP as 'exceptional' ridge and furrow.

¹⁴ Stratford-on-Avon District Council (1997) Conservation Area Reviews: Tysoe. <https://www.stratford.gov.uk/doc/207388/name/ConservationAreaReviewTysoe%2022b3ecaf%20e904%20c47e%20b1bd%2008d5fc7fd87f.pdf>

¹⁵ Catchpole, T. and Priest, R. (2012) Turning the Plough Update Assessment: Summary Report for Historic England. Available at: <https://research.historicengland.org.uk/redirect.aspx?id=6950%7CTurning%20the%20Plough%20Udpdate%20Assessment%202012> [Date Accessed; 10/10/18]

¹⁶ Tysoe Parish Council (2018) A Village for the 21st Century and Beyond. The Tysoe Neighborhood Development Plan 2011-2031, pre-Submission Consultation Version 2. Available at: <https://www.tysoe.org.uk/neighbourhood-plan/> [Date Accessed: 08/10/18]

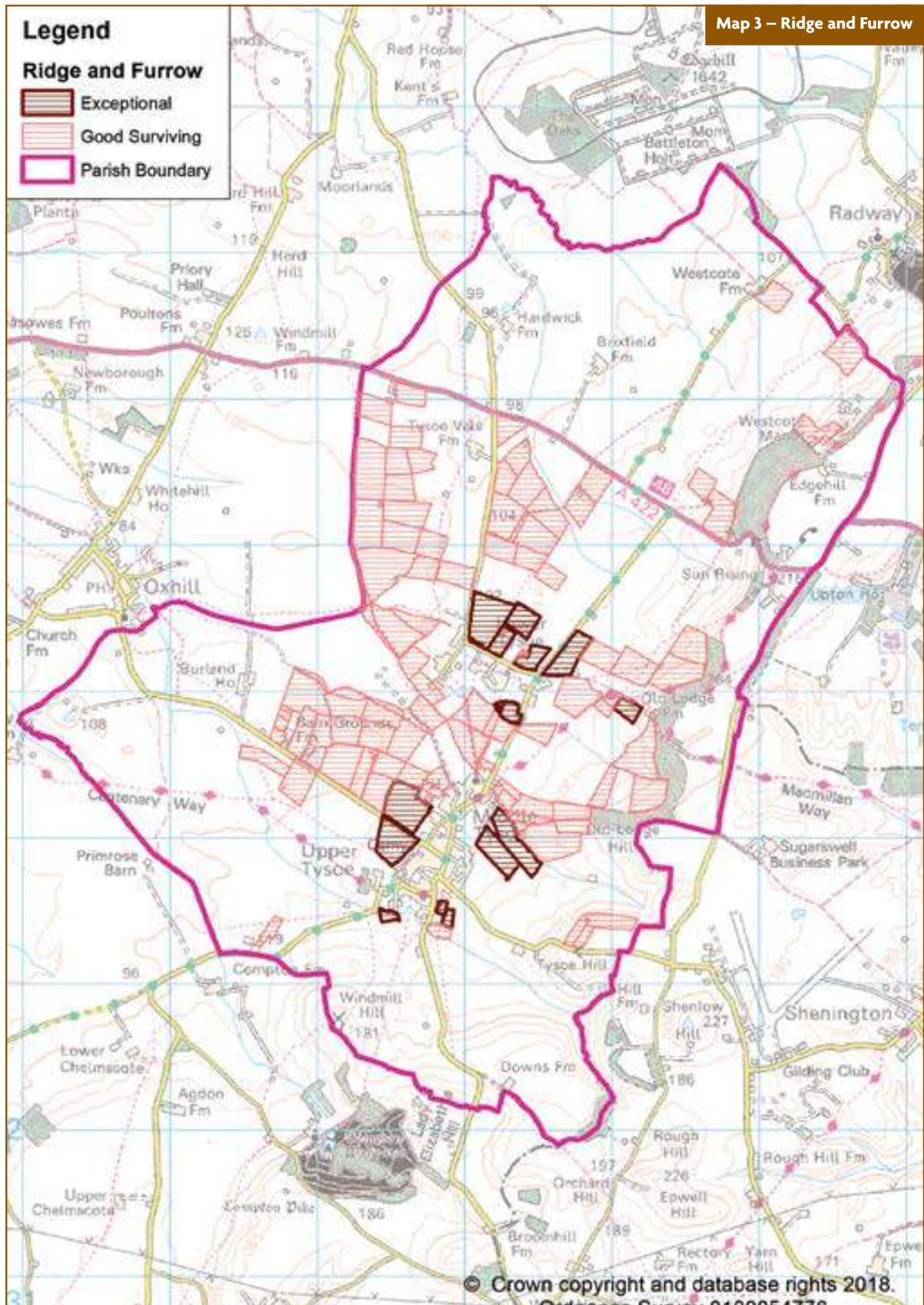


Figure 2.5: Fields of ridge and furrow in Tysoe Parish (Source: NDP).

- 2.11.6 In accordance with Built Environment Policy 1, where proposals will affect a heritage asset, applicants would be required to undertake and provide an assessment of the significance of the asset using a proportionate level of detail relating to the likely impact the proposal would have on the asset's historic interest. Policy CS.8 of the Core Strategy states that the district's historic environment will be protected and enhanced and CS.9 helps to preserve local distinctiveness. It is expected that proposals within the NDP will be in conformity with these policies.
- 2.11.7 Housing Policy 3 states Sites 4 and 5 have the potential for future development of up to 21 houses. At this stage of the plan, the exact scale and design of the site proposals is unknown. Therefore, due to the overall small scale of the development and the policies set out in the NDP and the Core Strategy, it is considered to be unlikely that the NDP would result in a significant adverse impact on cultural heritage assets.

2.12 Landscape

- 2.12.1 The south eastern edge of Tysoe Parish is located within the Cotswolds AONB. As such, it is required that development is consistent with the policies covering the AONB as a whole. These have been set out in the latest Cotswolds Conservation Board Management Plan¹⁷ and reflect the content of the Cotswold AONB Landscape Character Assessment (LCA)¹⁸. The NDP is located within the 'Escarpment' Landscape Character Area, within '2G - Edge Hill' Character Area sub-division. This Character Area sub-division is located in the north eastern edge of the Cotswolds AONB.
- 2.12.2 Natural Environment Policy 1 aims to ensure all new development demonstrates "*measures that ensure the special landscape and scenic beauty of the Area of Outstanding Natural Beauty*".

¹⁷ Cotswolds Conservation Board (2018) Cotswolds AONB Management Plan 2018-2023 update. Available at: <https://www.cotswoldsaonb.org.uk/cotswolds-aonb-management-plan-2018-2023-update/> [Date Accessed: 10/10/18]

¹⁸ Cotswolds AONB Partnership (2002) Cotswolds AONB Landscape Character Assessment. Available at: <https://www.cotswoldsaonb.org.uk/our-landscape/landscape-character-assessment/> [Date Accessed: 10/10/18]

-
- 2.12.3 Sites 2, 3 and 4 are located approximately 500m north west of the Cotswolds AONB. Development here would be unlikely to alter views to or from the AONB as the sites are separated from the AONB by the built-up area of Middle Tysoe.
- 2.12.4 Sites 1 and 5 are located adjacent to the AONB. The Cotswolds AONB have issued a position statement¹⁹ on the importance of setting and this should be carefully considered as part of the SEA process. As approximately three dwellings are proposed for Site 1, it is considered to be unlikely that development at this location would result in a significant negative impact on the setting of the Cotswolds AONB.
- 2.12.5 The built form to the east of the village abuts the Cotswolds AONB, to the north east of Site 5, which is currently visible from vantage points of the AONB. Further residential development at Site 5, whilst resulting in some additional harm, would not result in significant harm to the setting of the AONB.
- 2.12.6 Site 5 is a reserve site, and as such, the quantity of dwellings that could be developed at Site 5 is currently uncertain, with “*up to 21 additional dwellings*” to be distributed across the two reserve sites. However, in accordance with policies within the Core Strategy, the NDP and the Village Design Statement, it is assumed that future development will be in-keeping with surrounding development and compliant with the Cotswolds AONB Management Plan. Site 5 is enclosed, with residential development existing to the north and west of the site, which is also bordered by lines of trees, separating the site from the Cotswolds AONB. Therefore, it is considered unlikely that future development at this site would have a significant adverse impact on the setting of the Cotswolds AONB.

¹⁹ Cotswolds Conservation Board (2010) Position Statement: Development in the setting of the Cotswolds AONB. Available at: <https://www.cotswoldsaonb.org.uk/wp-content/uploads/2017/08/setting-position-statement-2016-adopted-with-minor-changes-30616-1.pdf> [Date Accessed: 10/10/18]

- 2.12.7 A Landscape Sensitivity study²⁰ has determined the sensitivity of land to housing development around Middle and Upper Tysoe. Site 5 is located in an area of 'high/medium' sensitivity to housing development (Ty07 in **Figure 2.6**) which *"could accommodate some sensitive, low density housing development, especially where closer to the settlement and away from the stream"*. Sites 2 and 3 are located within an area of 'medium' sensitivity (Ty03) and it is noted that the south of the area *"is more integrated into the developed part of the settlement"* and *"is considered to be of lower sensitivity as it is already accommodating mixed development types"*. As such, the area could potentially *"accommodate up to 6 new dwellings"*. Sites 1 and 4 are located within the settlement area, and as such, further housing development may be appropriate in these areas.
- 2.12.8 As expected for a rural Parish, residents of Tysoe have good access to the surrounding open countryside. There is an extensive Public Right of Way (PRoW) network, which includes part of the Centenary Way (Warwickshire) Long Distance Path. Sites 4 and 5 are located adjacent to a PRoW. Site 4 is a brownfield and as such, redevelopment at the site would not alter the views experienced by PRoW users. The footpath adjacent to Site 5 also abuts current residential development, and as such, development at Site 5 would not significantly alter the view experienced by users of this footpath. Policy CS.9 in the Core Strategy requires proposals to enhance the network of footpaths, retaining existing rights of way. It is expected that impacts on the public footpaths may be able to be mitigated through appropriate screening of the sites.
- 2.12.9 Due to the limited quantity of development proposed in the NDP, the policies protecting the surrounding Cotswolds AONB and the findings of the Landscape Sensitivity Study, a significant impact on the local landscape can be objectively ruled out at this stage.

²⁰ White Consultants (2012) Stratford-on-Avon District. Landscape Sensitivity Assessment for villages (Volume 2). Available at: <https://democracy.stratford.gov.uk/mgConvert2PDF.aspx?ID=18890> [Date Accessed: 10/10/18]

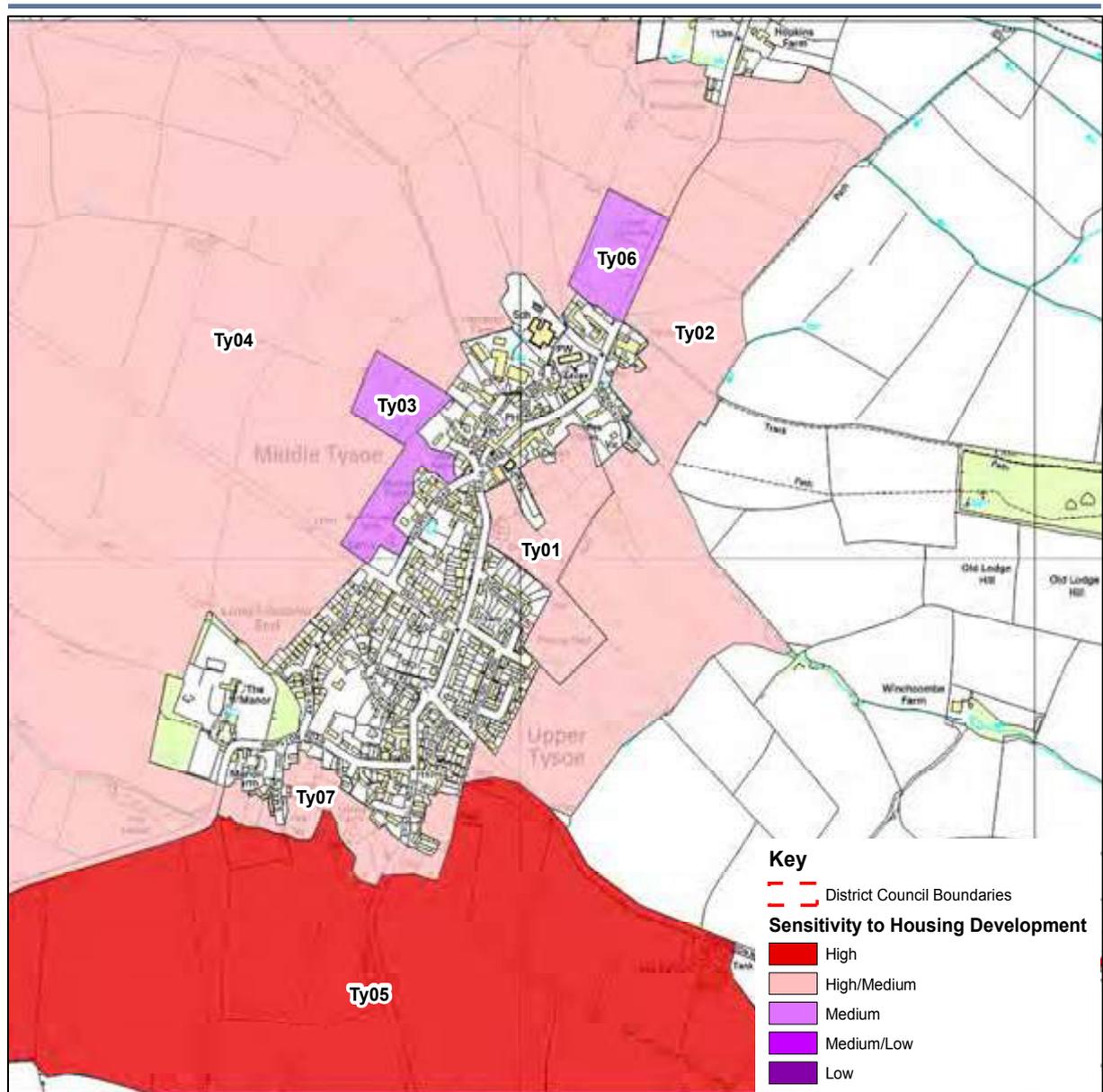


Figure 2.6: Land sensitivity to housing development Middle Tysoe and Upper Tysoe²¹.

²¹ White Consultants (2012) Stratford-on-Avon District. Landscape Sensitivity Assessment for villages (Volume 2). Available at: <https://democracy.stratford.gov.uk/mgConvert2PDF.aspx?ID=18890> [Date Accessed: 10/10/18]

3 HRA Screening Process

3.1 Habitats Regulations Assessment screening

3.1.1 HRA screening is a requirement of Regulation 105 of the Conservation of Habitats and Species Regulations 2017²² and 2018 amendments²³.

3.1.2 HRA considers the potential adverse impacts of plans and projects on designated SACs, classified SPAs and listed Ramsar sites. This is in accordance with the Habitats Directive²⁴ and the Birds Directive²⁵. SACs, SPAs and Ramsar sites are collectively known as the Natura 2000 network.

3.1.3 Should a development, plan or project be considered likely to have a significant impact on a Natura 2000 site, the HRA proceeds to an Appropriate Assessment. If likely significant effects cannot be avoided, mitigated or compensated to the extent that the conservation status of the EU site will not be undermined, the HRA proceeds to Imperative Reasons of Overriding Interest (IROPI).

3.2 Determination of likely significant effects

3.2.1 The nearest Natura 2000 site to Tysoe Parish is 'Bredon Hill' SAC, which is located approximately 53.2km to the west. Due to this distance and the nature of the policies contained within the NDP, there is unlikely to be any impact on this SAC. Based on the available information, a significant impact of the NDP on any Natura 2000 site can therefore be objectively ruled out at this stage.

²² Available at: <http://www.legislation.gov.uk/ukxi/2017/1012/contents/made>

²³ Available at: http://www.legislation.gov.uk/ukxi/2018/1307/pdfs/ukxi_20181307_en.pdf

²⁴ EU Council Directive 92/43/EEC on the Conservation of natural habitats and of wild fauna and flora

²⁵ EU Council Directive 2009/147/EC on the Conservation of wild birds

4 Conclusions

4.1 SEA Screening outcome

4.1.1 This screening report has explored the potential effects of the proposed Tysoe NDP with a view to determining whether an environmental assessment is required under the SEA Directive.

4.1.2 In accordance with topics cited in Annex 1(f) of the SEA directive, significant effects on the environment are considered to be unlikely to occur as a result of the NDP.

4.1.3 It is recommended that the Tysoe NDP **should not** be screened into the SEA process.

4.2 HRA Screening outcome

4.2.1 This screening report has explored the potential effects of the proposed Tysoe NDP with a view to determining whether a habitats regulations assessment is required.

4.2.2 It is recommended that the Tysoe NDP **should not** be screened into the HRA process.

4.3 Consultation

4.3.1 This report has been subject to consultations with Natural England, Environment Agency and Historic England. Their comments are presented in **Appendix B** and **Appendix C**.

Appendix A: Tysoe NDP Policies

Policy Number	Policy Name
Housing	
Housing Policy 1	Housing growth
Housing Policy 2	Site allocations
Housing Policy 3	Strategic reserve
Housing Policy 4	Rural exception housing
Housing Policy 5	Market housing mix
Employment	
Employment Policy 1	Protecting and enhancing local employment opportunities
Employment Policy 2	Home working and live-work units
The Natural Environment	
Natural Environment Policy 1	The Cotswolds AONB
Natural Environment Policy 2	Tranquillity and dark skies
Natural Environment Policy 3	Flooding and drainage
Natural Environment Policy 4	Designated local green space
Natural Environment Policy 5	Valued landscape and views
Natural Environment Policy 6	Protected strategic gap
Natural Environment Policy 7	Trees and hedgerows – green infrastructure
The Built Environment	
Built Environment Policy 1	Designated heritage assets
Built Environment Policy 2	Responding to local character
Built Environment Policy 3	Energy efficiency and renewable energy
Built Environment Policy 4	Car parking
Built Environment Policy 5	Replacement dwellings
Built Environment Policy 6	Empty homes and redundant agricultural buildings
Community Assets	
Community Assets Policy 1	Community Assets

Appendix B: November 2018 Draft Report Consultation Responses



Historic England

WEST MIDLANDS OFFICE

Ms Catherine Wright

Direct Dial: 0121 625 6887

Lepus Consulting Ltd.

1 Bath Street

Our ref: PL00503979

Cheltenham

GL50 1YE

29 November 2018

Dear Ms Wright

TYSOE NEIGHBOURHOOD PLAN - SEA AND HRA SCREENING

Thank you for your consultation and the invitation to comment on the SEA and HRA Screening Document for the above Conservation Area Appraisals.

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/>](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.



THE AXIS 10 HOLLIDAY STREET BIRMINGHAM B1 1TF

Telephone 0121 625 6870
HistoricEngland.org.uk





Historic England

WEST MIDLANDS OFFICE

Yours sincerely,

Peter Boland
Historic Places Advisor
peter.boland@HistoricEngland.org.uk

cc:



THE AXIS 10 HOLLIDAY STREET BIRMINGHAM B1 1TF

Telephone 0121 625 6870
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Historic England is subject to both the Freedom of Information Act (2000) and Environmental Information Regulations (2004). Any Information held by the organisation can be requested for release under this legislation.

Ms Catherine Wright
Lepus Consulting
1 Bath Street
CHELTENHAM
Gloucestershire
GL50 1YE

Our ref: KP/2018/100031/01-L01
Your ref: 18113/ND10 -LC-444
Date: 05 December 2018

Dear Ms Wright

STRATEGIC ENVIRONMENTAL ASSESSMENT AND HABITATS REGULATIONS ASSESSMENT OF THE TYSOE NEIGHBOURHOOD DEVELOPMENT PLAN

SEA AND HRA SCREENING DOCUMENT - TYSOE, WARWICKSHIRE

Thank you for consulting the Environment Agency in relation to the above screening document.

I have reviewed the SEA / HRA Screening Document, looking in detail at the following paragraphs:

2.5 Biodiversity, Flora and Fauna

I concur with the identification of protected sites, and agree with the findings of the report that development within the Neighbourhood Plan boundary and emerging policies are unlikely to have an adverse effect on Lobbington Hall Farm Meadows SSSI (6km to the north west of the village).

Furthermore Policy NE7 Trees and Hedgerows – Green Infrastructure: of the emerging neighbourhood plan support biodiversity through the protection of existing green infrastructure with the aspiration of creating, maintaining and enhancing local wildlife corridors.

2.8 Soil, Air and Water

This chapter acknowledges that there is flood risk from surface water flooding within the Neighbourhood Plan area, but demonstrates that proposed development sites are not at risk of fluvial flooding and are located within flood zone 1. Policy NE3 Flooding and Drainage: advocates the use of SuDS within all new development to ensure that surface water in new developments is managed, and that the infrastructure required is maintained throughout the lifetime of the development.

Conclusion

I have reviewed the relevant Environment Policies within the emerging Tysoe Neighbourhood Development Plan and the adopted Stratford on Avon District Council Core Strategy (2011 -2031) and agree that they are in general conformity with each other.

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

Cont/d..

Therefore I agree with the conclusions within the report that the emerging Tysoe Neighbourhood Plan is unlikely to have a significant effect on the environment and therefore agree that neither a SEA or Habitats Regulation Assessment is required.

Yours sincerely

Mrs Becky Clarke

Planning Specialist – Sustainable Places

Direct e-mail becky.clarke@environment-agency.gov.uk

Date: 05 December 2018
Our ref: 266725



Catherine Wright BSc (Hons) MSc
Environmental Consultant
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BY EMAIL ONLY

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Dear Catherine

Planning consultation: Tysoe NDP SEA and HRA Screening Report

Thank you for your consultation on the above dated 08/11/2018

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Strategic Environmental Assessment Screening

Natural England welcomes the Screening Report which assesses the requirement for Strategic Environmental Assessment (SEA) for the Tysoe Neighbourhood Development Plan. Natural England mainly agrees with the report, our advice is detailed below.

Housing Policy 3 – Strategic Reserve supports the safeguarding of land at Herbert’s Farm and Roses Farm as shown on Map 8 (numbers 4 and 5 respectively). These safeguarded sites have the potential for future residential development of up to 21 houses and could be released for development during the plan period if the evidential housing need will arise. Both sites have the potential for impacts on the Cotswolds AONB, in particular site allocation number 5 located in the high/medium bordering high area of landscape sensitivity to Housing Development (Figure 2.4 SEA report). We advise that the assessment of these sites should also be included in the SEA report.

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 notes the screening process applied to this Neighbourhood plan. We agree with the Council’s conclusion of no likely significant effect upon the named European designated sites:

- Bredon Hill SAC

For any queries relating to the specific advice in this letter only please contact me on 0208 2256013. For any new consultations, or to provide further information on this consultation please send your

correspondences to consultations@naturalengland.org.uk.

Yours sincerely

Yana Burlachka
Land use planning adviser – West Midlands Team

Appendix C: January 2019 Final Report Consultation Responses

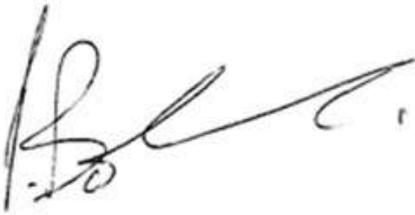
Hello Catherine,

Thank you for your consultation which I have read. I can confirm that the Historic England comments made in response to the first screening request remain the same, that is, we concur that SEA/HRA is not required.

Thank you,

Best Wishes,

Pete Boland.

A handwritten signature in black ink, appearing to read 'P. Boland', with a date '1-20' written below the signature.

Historic Places Adviser | West Midlands
Historic England | The Axis
10 Holliday Street | Birmingham B1 1TF

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Historic England

Ms Catherine Wright
Lepus Consulting
1 Bath Street
Cheltenham
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GL50 1YE

Our ref: UT/2007/101490/SE-
31/SC1-L01
Your ref:
Date: 18 February 2019

Dear Madam

AMENDED SEA AND HRA SCREENING DOCUMENT – TYSOE, WARWICKSHIRE

Thank you for consulting the Environment Agency in relation to the 'Strategic Environmental Assessment and Habitats Regulations Assessment of the Tysoe Neighbourhood Development Plan' by Lepus Consulting, dated January 2019.

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 amended SEA and HRA Screening Document. Our comments in our previous response (letter ref. KP/2018/100031/01-L01, dated 05 December 2018) are still valid.

Yours faithfully

Ms Anne-Marie McLaughlin
Senior Planning Advisor

Direct dial 020 3025 4111
Direct e-mail anne-marie.mclaughlin@environment-agency.gov.uk

Date: 18 February 2019
Our ref: 271781



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Dear Catherine

Planning consultation: Tysoe NDP Updated SEA and HRA Screening Report

Thank you for your consultation on the above dated 28/01/2019

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 welcomes the updated Screening Report which assesses the requirement for Strategic Environmental Assessment (SEA) for the Tysoe Neighbourhood Development Plan. Natural England notes and concurs with the screening outcome i.e. that no SEA is 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 notes the screening process applied to this Neighbourhood plan. We agree with the Council's conclusion of no likely significant effect upon the named European designated sites:

- Bredon Hill SAC

For any queries relating to the specific advice in this letter only please contact me on 0208 2256013. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours sincerely

Yana Burlachka
Land use planning adviser – West Midlands Team

Ecological Services

Green Infrastructure

Landscape and Visual Impact Assessment

Landscape Character Assessment

Habitats Regulations Assessment

Strategic Environmental Assessment

Sustainability Appraisal



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