

## North Crawley Neighbourhood Plan Examination Questions of Clarification from the Examiner to the Parish Council and MKC

Having completed my initial assessment of the Neighbourhood Plan (the Plan), I am writing to the Parish Council (PC) and Milton Keynes Council (MKC) to ask a number of questions of clarification.

### ***Strategic Environmental Assessment and Habitats Regulations Assessment***

1. Planning Policy Guidance (PPG) advises that in some limited circumstances, where a neighbourhood plan is likely to have significant environmental effects it may require a strategic environmental assessment (SEA).

In this case, a SEA Environmental Report (ER) has been submitted. The Basic Conditions Statement states that a screening exercise was carried out by MKC and this concluded a SEA would be needed. Please send me a copy of the screening document and any responses from the statutory consultees.

The ER also refers to a scoping stage. Please send me a copy of the scoping documents, including any responses from statutory consultees.

Copy of Scoping Report attached. The responses from the statutory consultees are included in the SEA in section 4 – copied below:

*4.4 - Responses received on the Scoping Report, and how they were addressed, have been summarised below:*

*4.41 Environment Agency – “We have no further comment to make to our initial response that we do not consider an SEA is required for matters within our remit.”*

*4.42 Natural England – No response received*

*4.43 Historic England – “Thank you for consulting Historic England on the SEA Scoping Report for the North Crawley Neighbourhood Plan.*

*In terms of the historic environment, we consider that the report has identified the plans and programmes which are of most relevance to the development of the North Crawley Neighbourhood Plan, that it has established an appropriate baseline against which to assess the plan’s proposals and that it has put forward a suitable set of objectives and indicators. Overall, we believe that it provides an appropriate framework for assessing significant effects which this plan might have upon the historic environment.*

*Historic England strongly advises that conservation and archaeological advisers are closely involved throughout the preparation of the SEA of this plan.”*

2. In relation to Habitats Regulations, an assessment must be made to see whether the Plan is likely to have a significant effect on a habitats site, either alone or in combination with other plans and projects.

If the conclusion is that a plan is likely to have a significant effect on a habitats site, then an appropriate assessment of the implications of the plan for the site must be undertaken.

The prescribed basic condition states: “The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and

Species Regulations 2017.” The relevant Regulations indicate that sufficient information must be provided to enable the competent authority (in this case MKC) to determine whether an appropriate assessment is required.

The only information I can find about habitats is a short statement in the Basic Conditions Statement that “The making of the Neighbourhood Plan will not have a significant effect on a European site or a European offshore marine site.”.

Please can sufficient information or earlier screening reports that support this statement be sent to me to help me assess whether the Plan meets the prescribed condition?

**Copy of Screening Statement attached which concludes that a Habitats Regulation assessment is not required.**

### **Engagement**

3. Two periods of consultation have been carried out. The second included the SEA. Please could this sequence of events be clarified? Was the Plan significantly changed between the first and second periods of consultation?

The reason for the 2<sup>nd</sup> consultation including the SEA was that we had not prepared an SEA prior to the first consultation – believing that this was not necessary. The SEA came about following Historic England’s response to the first consultation. This is explained in the Scoping Report - section 1 – Introduction, below. The only changes to the plan between consultations were to the wording pertaining to Heritage for all sites and the Design Guides for Site H3, all sites remain the same. Previous copies of the NP and supporting docs are available on the PC website under “Neighbourhood Plan Pre-Submission Documents”.

#### **Introduction:**

- 1.1. *The subject of this scoping report is the North Crawley Neighbourhood Plan, Pre-submission Draft (dated February 2022) (NCNP). The NCNP has been prepared by a steering group of local volunteers on behalf of North Crawley Parish Council, the ‘qualifying body’ for the purposes of neighbourhood planning.*
- 1.2. *The NCNP is currently at an advanced stage of its preparation. At time of writing, the first draft version of the NCNP (dated December 2021) had progressed through 6 weeks of Regulation 14 consultation, this took place in December 2021 and January 2022.*
- 1.3. *During the Regulation 14 Consultation, Milton Keynes Council Planning Department carried out a screening exercise for the purpose of consulting on the requirement for a Strategic Environmental Assessment (SEA). It was the view of Milton Keynes Council Planning Department and the Parish Council that a SEA was not required. However, as a result of the screening exercise, Historic England expressed a view that a SEA was required.*
- 1.4. *The subsequent screening report has been produced by Milton Keynes Council for the North Crawley Neighbourhood Plan (Appendix A), which concludes that the proposal concerning the allocation of sites for housing within the draft plan has the potential to have significant effects on the historic environment and therefore a SEA is required (screened in). It will be through careful site selection, avoidance of impacts and*

*mitigation that the likely significant effects of the plan will be avoided or minimised. The SEA process will help to minimise the likely significant effects of the plan.*

- 1.5. The conclusion reached above is informed by the sensitivity of the area, which includes a Conservation Area, a number of listed buildings and 3 Scheduled Ancient Monuments. When this level of sensitivity is combined with the nature of development potentially covered by the Neighbourhood Plan (including approximately 30 residential units) it is considered by Historic England that significant effects on the historic environment are likely.*
- 1.6. In response to the screening exercise undertaken by MKC, the Environment Agency advised, that they do not consider that a SEA is required in terms of the effects that fall within the Environment Agency's areas of interest.*
- 1.7. Natural England did not respond to the SEA screening, however, in response to a request for comment on the draft Neighbourhood plan, Natural England stated that "It is for the deciding authority to determine whether or not the plan is consistent with national and local environmental policies." MKC have stated that "The Neighbourhood Plan will be in general conformity with Plan:MK which itself was screened for Appropriate Assessment." Screening for Appropriate Assessment is to determine whether the plan is likely to have any significant effect on a European site, either alone or in combination with other plans and projects. Given the absence of designated sites or protected landscapes within the parish area, the role of Neighbourhood Plans and the scale of development being proposed in the North Crawley Neighbourhood Plan, it is considered that Appropriate Assessment of the plan is not required.*
- 1.8. There are no protected landscapes or habitats within a 10km radius of the neighbourhood area. Therefore, it is considered that there are not likely to be significant effects on any Special Protection Areas (SPAs), Special Areas of Conservation (SACs) or other protected sites designated under the Nature Directives, flowing from the Neighbourhood Plan. Accordingly, a Habitat Regulations Assessment is not required (screened out).*
- 1.9. Paragraph 13 of the NPPF sets out requirements for how communities should engage in neighbourhood planning. In accordance with this, the neighbourhood plan supports the delivery of strategic policies set out in the Local Plan, Plan:MK, including its policies for housing and economic development and seeks to shape and direct development that is outside these strategic policies.*
- 1.10. The likely impact of the NCNP is small scale and local and thus there is no wider impact on identified strategic plans or projects in Plan:MK, nor will there be any impact on national or international strategic plans or projects.*
- 1.11. Milton Keynes Council is now of the view that the North Crawley Neighbourhood Development Plan, as currently drafted (February 2022), requires a full Strategic Environmental Assessment (SEA) (screened in), but does not require a full Habitats Regulations Assessment (HRA) (screened out). MKC reached these conclusions following assessment of the plan's potential for likely significant effects on the historic environment, as set out in section 6.*

***Other queries***

4. I have already asked, and received with thanks, a plan which shows the individual boundaries for sites H3, H4 and H5. I include this request here in the interests of completeness.

**Noted.**

5. Please could MKC confirm the date of the Plan area designation?

**30<sup>th</sup> January 2018**

6. For my information, please could a copy of the previous submission neighbourhood plan, the previous examiner's report and the referendum version of the plan be provided?

**Copies of previous examiner's report, previous submission version and previous referendum version of the Neighbourhood Plan attached.**

This note will be a matter of public record and should be placed on the relevant websites.

With many thanks,

Ann Skippers MRTPI  
Independent Examiner  
4 November 2022