

**Strategic Environment Assessment
Screening Report**

**Affordable Housing Supplementary
Planning Document
June 2017**

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1 Introduction and Purpose of this Report

- 1.1 South Derbyshire District Council has produced a Draft Affordable Housing Supplementary Planning Document (SPD) to assist in the delivery of affordable housing in accordance with policies included in the Adopted South Derbyshire Part 1 Local Plan.
- 1.2 This screening report sets out whether or not the contents of the Affordable Housing SPD requires a Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plans and Programmes Regulations 2004.

2 Legislative Background

- 2.1 The objective of SEA 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 is a requirement of the European Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment, also known as the SEA Directive. The Directive was transposed in UK law by The Environmental Assessment of Plans and Programmes Regulations 2004, (the SEA Regulations).
- 2.2 Article 3(2) of the directive states that SEA is required for plans and programmes:
 - a) which are prepared for agriculture, town and country planning or land use and which set the framework for future development consent for projects listed in Annexes I and II to the Environmental Impact Assessment (EIA) Directive (85/337/EEC); or
 - b) which, in view of the likely effect on sites, have been determined to require an assessment pursuant to Article 6 or 7 of the Habitats Directive (92/43/EEC).
- 2.3 However, Article 3(3) and 3(4) only requires SEA for some plans and programmes where they have significant environmental effects. This includes plans and programmes which “determine the use of small areas at a local level” or which only propose “minor modifications to plans and programmes”. Annex II of the Directive lists criteria for determining the likely significance of the environmental effects of plans or programmes.
- 2.4 The Planning and Compulsory Purchase Act 2004 required Local Authorities to produce Sustainability Appraisals (SA) in preparing most documents that inform the development and use of land within an Authorities area. It is considered best practice to incorporate the requirements of the SEA Directive into a Sustainability Appraisal. The 2008 Planning Act removed the requirement to undertake a Sustainability Appraisal for a Supplementary Planning Document,

although consideration of whether the proposed plan or programme requires SEA is still required. This report screens for SEA, to determine whether a full assessment is needed.

3 Overview of the Affordable Housing SPD

3.1 The SPD provides clear and consistent guidance on how Policies H20 'Housing Balance' and H21 'Affordable Housing' of the Part 1 Local Plan are to be implemented. It is an important consideration in determining relevant planning applications.

3.2 Policy H20 sets out the Council's policies in respect of securing a mix of housing types and tenures on development sites to reflect local needs, whilst Policy H21 requires that up to 30% affordable housing on sites of over 15 dwellings, subject to economic viability is secured. Policy H21 also sets out the circumstances when rural exception sites for affordable housing or cross-subsidy sites would be acceptable in locations where market housing would not usually be allowed. The SPD provides:

- A summary of recent house price trends in the District.
- A definition of Affordable Housing based on the National Planning Policy Framework and the types of housing that the Council considers to be affordable in line with this definition.
- A summary of local housing need
- Consideration of housing affordability and tenure
- Guidance on housing quality and space requirements for new affordable housing
- Information on the mechanisms for delivering affordable housing; and
- Affordable Housing Providers developing in the District.

3.3 The SPD explains how the policy is applied and answers questions that may be raised when considering the policy, for example:

- When is affordable housing required on market development sites?
- How much housing should be provided on development sites?
- How much affordable housing is needed in the different sub markets and the tenure split?
- Housing quality and design (including space standards)
- What information should be submitted to the Council where a developer seeks to reduce the proportion of affordable housing on a market site to

less than 30%

- The circumstances when the Council will consider a commuted sum in lieu of on site provision
- The exceptional circumstances where the Council will allow rural exception or cross subsidy sites in locations adjoining existing settlements in the District

4 Screening Procedure

4.1 The purpose of the SPD is to provide advice on how the requirements of Policies H20 and H21 of the South Derbyshire Part 1 Local Plan can be met. The Part 1 Local Plan is an 'overarching' strategic policy document and covers a wide range of issues and spatial matters. SEA has been undertaken for the Part 1 Local Plan as part of the Sustainability Appraisal undertaken during document preparation. This screening report establishes whether there are any additional likely significant impacts arising from the preparation of the Affordable Housing SPD that have not been considered in the Part 1 Local Plan Sustainability Appraisal Report. A full SEA is only required if additional likely significant effects are identified.

4.2 Schedule 1 of the Directive sets out the assessment criteria for considering significant environmental effects. The SPD has been assessed against these criteria. The detailed assessment is set out in Appendix 1.

5 Conclusion and Screening Outcome

5.1 As a result of the assessment documented in Appendix 1 it is unlikely that there will be any significant environmental effects arising from the Affordable Housing SPD that were not covered in the Appraisal of the Part 1 Local Plan. Therefore, the Council considers that there is no requirement to undertake an SA/SEA.

Appendix 1: Assessment of Likely Significance of Effects (LSE) on the Environment

Criteria for determining the likely significance of effects on the Environment	Potential effects of the SPD	Is there a LSE
1. The characteristics of plans and programmes, having regard, in particular, to—		
(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 SPD will provide guidance on how to apply policy H20, 'Housing Balance' and H21 'Affordable Housing' as set out in the Part 1 Local Plan. It does not set new policy. The policy framework is therefore set out in the Local Plan, which has been subject to SEA.	No
(b) the degree to which the plan or programme influences other plans and programmes including those in a hierarchy;	The SPD is a daughter document to the South Derbyshire Local Plan and provides detail on how to apply Policies H20 and H21. The SPD could have minor impacts in respect of affordable housing delivery and the tenure split and mix of new homes but such matters would be unlikely to result in any discernible environmental effects. The SPD will not form not part of the Development Plan.	No
(c) the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development;	The SPD would be unlikely to have any notable effects on the environment given that the principle of new development is established and the SPD will simply seek to control the tenure mix of new homes. However the SPD will assist in the delivery of sustainable development by providing detailed guidance to ensure that the Districts affordable housing need is appropriately met.	No
(d) environmental problems relevant to the plan or programme; and	The SPD will not alter the number or location of new homes but could affect the tenure. In respect of social considerations this document aims to ensure affordable housing is well integrated and meets local needs (as required by the policy) and could therefore have a positive effect on the District.	No
(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 SPD sets out guidance on the provision of affordable housing. The principle of development is considered through the Local Plan, which has been subject to SEA.	No

Criteria for determining the likely significance of effects on the Environment	Potential effects of the SPD	Is there a LSE
2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to—		
(a) the probability, duration, frequency and reversibility of the effects;	No adverse effects on the environment have been identified. The Supplementary Planning Document will be used to provide certainty to developers seeking to bring forward larger housing sites (where affordable housing is required) as stipulated in Policy H21 and ensure an appropriate mix of homes is delivered to meet identified local housing needs (as required by Policy H20). This guidance does not affect the overall requirement for housing to 2028 (this is set out in the Part 1 and Part 2 South Derbyshire Local Plans) or the location of that housing. Additional guidance in respect to the tenure mix and local housing mix is unlikely to have any discernible effect on the environment beyond that already considered through the Part 1 and Part 2 Local Plans.	No
(b) the cumulative nature of the effects;	Given that the SPD would have no effect in isolation (the number and location of homes is already defined through the Part 1 and Part 2 Local Plans and this SPD will simply seek to provide guidance on the tenure mix of new housing and detailed matters relating to affordable housing delivery). As such the SPD would be unlikely to combine with other plans and give rise to any cumulative effects.	No
(c) the trans-boundary nature of the effects;	The SPD will have no transboundary effects given that South Derbyshire does not share a boundary with other nation states. Cross boundary effects in respect of housing delivery with Derby City were considered through the Sustainability Appraisal for the Part 1 Local Plan.	No
(d) the risks to human health or the environment (for example,	There are not likely to be significant negative impacts on human health or environment.	No
(e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);	The SPD covers the District of South Derbyshire which extends around 112 square miles or 33,800 hectares. There were 38,992 homes in 2011 and the population of the District was recorded as 94,611. This had increased to 99,300 by 2015. The SPD will not affect the quantum of housing planned for delivery between 2011-28 or indeed its location (the scale and location of new homes is planned for within the Part 1 and 2 Local Plans). However the SPD could have a limited effect on developers applying for planning permission (depending on the scale of sites, their nature and wider viability). It could also impact on Registered Providers or other organisations bringing forward affordable housing schemes.	No

Criteria for determining the likely significance of effects on the Environment	Potential effects of the SPD	Is there a LSE
<p>(f) the value and vulnerability of the area likely to be affected due to— special natural characteristics or</p> <ul style="list-style-type: none"> (1) cultural heritage; (i) exceeded environmental quality standards or limit values; or (ii) intensive land-use; and 	<p>The SPD will not affect environmental standards or lead to the intensification of land use. The areas that will be affected are designated as housing sites through the Part 1 and Part 2 Local Plans and will be guided by individual planning applications. The SPD will be limited to guiding the appropriate tenure mix of existing allocations.</p>	<p>No</p>
<p>(g) the effects on areas or landscapes which have a recognised national, Community or international protection status.</p>	<p>The likely effects of site allocations and policies to control future development have been tested through the local plan process, including through sustainability appraisal. These indicates that likely effects on the landscape of the District will be limited the location of allocations made in the Plan and through the inclusion of appropriate polices in the Plan to ensure mitigation of potential landscape and visual impacts associated with development. Polices to influence the tenure mix and some detailed design elements of new homes (such as minimum space standards would be unlikely to give rise to further environmental effects.</p>	<p>No</p>

Habitat Regulations Assessment (Screening) Report

Affordable Housing Supplementary
Planning Document
May 2017

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1 Introduction

- 1.1 This Habitat Regulations Assessment (screening) report determines whether or not the contents of the Affordable Housing Supplementary Planning Document (the SPD) will result in significant impacts on international sites.

2 Background to the Affordable Housing SPD

- 2.1 The SPD provides detailed guidance on how Policy H20 (Housing Mix) and H21 (Affordable Housing) included in the Part 1 South Derbyshire Local Plan is to be implemented. It is an important consideration in determining relevant planning applications.
- 2.2 The policy requires that affordable housing is provided on sites at or over the site size threshold, subject to economic viability. It also sets out the circumstances when rural exception sites for affordable housing or cross subsidy housing sites would be acceptable in locations where market housing would not usually be allowed. The SPD provides a brief introduction to affordable housing, including:
- A summary of recent house price trends in the District and local housing need
 - A definition of Affordable Housing based on the National Planning Policy Framework and the types of housing that the Council considers to be affordable in line with this definition.
 - Information regarding affordability and tenure in the District
 - The mechanisms for delivering affordable housing; and
 - Information on affordable housing providers active in the District.

3 Background to HRA

- 3.1 Habitats Regulation Assessment (HRA) is required by Regulation 61 the Conservation of Habitats and Species Regulations 2010 (as amended) (the Habitat Regulations) for all plans and projects which may have likely significant effects on an European site and are not directly connected with or necessary to the management of the European site.
- 3.2 European sites include Special Areas of Conservation, Special Protection Areas and listed Wetlands of International Importance (Ramsar sites). HRA is also required, as a matter of UK Government policy for potential SPAs, candidate SACs and proposed

Ramsar sites for the purposes of considering plans and projects, which may affect them. Hereafter all of the above designated nature conservation sites are referred to as 'international sites'.

3.3 The stages of HRA process are:

- **Stage 1 – Screening:** To test whether a plan or project either alone or in combination with other plans and projects is likely to have a significant effect on an international site;
- **Stage 2 – Appropriate Assessment:** To determine whether, in view of an international site's conservation objectives, the plan (either alone or in combination with other projects and plans) would have an adverse effect (or risk of this) on the integrity of the site with respect to the site structure, function and conservation objectives. If adverse impacts are anticipated, potential mitigation measures to alleviate impacts should be proposed and assessed;
- **Stage 3 – Assessment of alternative solutions:** Where a plan is assessed as having an adverse impact (or risk of this) on the integrity of an international site, there should be an examination of alternatives (e.g. alternative locations and designs of development); and
- **Stage 4 – Assessment where no alternative solutions remain and where adverse impacts remain:** In exceptional circumstance (e.g. where there are imperative reasons of overriding public interest), compensatory measures to be put in place to offset negative impacts.

3.4 This report comprises the Stage 1 – Screening of the project.

4 Previous HRA Work

4.1 An HRA has been produced for both the Part 1 and Part 2 South Derbyshire Local Plan Documents. These are available to view on the District Council's website:

<http://www.south-derbys.gov.uk>

4.2 The Screening Report for the Part 1 Local Plan which includes strategic housing allocations (those allocations of 100 homes or more) and strategic policies in respect of environmental protection concluded that:

- There is no likely significant impact on any SPAs or SACs located outside of the District as a result of implementing the Local Plan.
- There is no potential for growth earmarked within the Local Plan to increase foul water flows to waste water treatment works within the Mease SAC catchment (as no allocations were proposed for that part of the District in the Mease in this document).
- There is no potential for growth earmarked within the Local Plan to increase diffuse water pollution within the River Mease catchment (as no allocations were proposed for that part of the District in this document).
- The Water Companies operating in the District have undertaken Habitat Regulations Assessment of their water resource management plans. These have concluded that proposed growth in water demand (associated with new development and changes in demand) will not have any significant impact on water dependent wildlife sites such as the River Mease SAC.
- As the Local Plan Part 1 will have no impact on the River Mease SAC or any other SAC or similarly protected International site in isolation it will not have any impact in combination with other plans and strategies.

4.3 In respect of Draft Part 2 Local Plan (which sets out the location of non-strategic housing locations (sites of fewer than 100 homes) and development management policies this concluded that:

- There is no likely significant impact on any International Sites located outside of the District as a result of implementing small scale development projects outlined within the Local Plan 2 given that the housing requirement and the spatial distribution of growth on these sites.
- Two proposed allocations would increase foul flows to Overseal treatment works, although water quality impacts associated with increased discharges into the SAC will be mitigated via contributions to the River Mease Developer Contribution Scheme

- Three sites could increase surface water flows into the SAC, although the use of sustainable drainage (required by flood risk and drainage policies in the Part 1 Local Plan) will ensure surface water is appropriately treated prior to discharge.
- Two of the proposed sites in the Mease catchment (Valley Road and Acresford Road Overseal) already have planning consent and have been subject to Habitat Regulations Assessment through that process and no likely significant effects have been identified.
- The remaining allocated site located in Woodville would discharge foul and potentially surface water out of the River Mease Catchment.
- As the South Derbyshire Local Plan (parts 1 & 2) will have no impact on the River Mease SAC alone, they would not have in combination effects with other plans and strategies.

4.3 Given the conclusions reached in the detailed screening assessments for the Part 1 and Part 2 Local Plans, it is unnecessary to undertake an appropriate assessment under the Habitat Regulations for the Affordable Housing SPD. This is because this SPD will not increase housing delivery within the Plan period (as the quantity and location of new homes is planned through the Part 1 and 2 Local Plans). The scope of the SPD would be to simply ensure that the housing delivered meets local housing needs of the District in respect of tenure and mix.

4.4 In any case the Council has sought control the extent of new housing in the catchment of the River Mease SAC through the Local Plan part 1 and Part 2 documents and indeed allocations for less than 134 homes in total are proposed for villages in the River Mease Catchment. Moreover all sites discharging to WwtWs in the Mease SAC benefit from planning consent and will make an appropriate financial contribution towards mitigating their potential effects via the River Mease Developer Contribution scheme (DCS).

5 Conclusions

5.1 The Council has previously screened out a requirement to undertake an appropriate assessment under the Habitat Regulations Assessment in respect of the Part 1 Local Plan and Part 2 Local Plan. This is because both plans would not have a likely significant effect on International Sites when considered alone or in combination with other plans or programmes owing to the scale and nature of growth planned, its location and the measures proposed to control the significance of any environmental effects.

5.2 Given the limited scope of the Affordable Housing SPD which provides guidance on housing mix and tenure no effects on International Sites are likely. Nothing in the SPD will alter the location or scale of new development proposed in higher tier policy documents

Exley Kevin

From: Drewry, Joe A <joe.drewry@environment-agency.gov.uk>
Sent: 23 May 2017 15:27
To: Exley Kevin
Cc: Millbank, Rob
Subject: FW: Affordable Housing SPD SEA and HRA screening

Hi Kevin,

We have no comments to make on the below draft screening statement as it indicates no significant environmental effects.

Thanks,

Joe Drewry

Planning Advisor - Derbyshire

Sustainable Places - Planning Team

Please note my new telephone number

Email : joe.drewry@environment-agency.gov.uk

External : 02030 253277, Internal: 53277

From: Planning, Lower Trent
Sent: 19 May 2017 16:25
To: Millbank, Rob <rob.millbank@environment-agency.gov.uk>; Drewry, Joe A <joe.drewry@environment-agency.gov.uk>
Subject: FW: Affordable Housing SPD SEA and HRA screening

From: Exley Kevin [<mailto:Kevin.Exley@south-derbys.gov.uk>]
Sent: 19 May 2017 15:48
To: 'e-emids@HistoricEngland.org.uk' <e-emids@HistoricEngland.org.uk>; Planning, Lower Trent <planning.trentside@environment-agency.gov.uk>; 'consultations@naturalengland.org.uk' <consultations@naturalengland.org.uk>
Cc: Sworowski Nicola <Nicola.Sworowski@south-derbys.gov.uk>
Subject: Affordable Housing SPD SEA and HRA screening

Dear Sir/Madam

Please find attached a copy of the draft Affordable Housing SPD Screening assessment undertaken by South Derbyshire District Council in respect of the HRA and SEA regulations. I have addressed this to the general consultation email address we hold of your respective organisations however if you have received this email directly I have copied you in the expectation that you are the most likely officer to respond to the consultation.

This document was considered by our Environment and Development Services Committee in April and will shortly be released for Consultation.

For information Policies H20 and H21 which relate to this SPD are set out in the Housing Chapter of our Part 1 Local Plan which is available to view at:

http://www.south-derbys.gov.uk/Images/Local%20Plan%20Part%201_Chapter%205_Policy%2011%20-%2022_tcm21-281380.pdf

whilst the Part 1 SA is available to view at:

http://www.south-derbys.gov.uk/Images/LP1%20Sustainability%20Appraisal%20update%20Main%20Report_tcm21-281382.pdf

I have included a draft version of the councils screening assessment which concludes that the Plan will not give rise to any likely significant environmental effects and will not affect the integrity of any European/Ramsar sites. A negative screening decision in respect of the need for SEA and any further stages of HRA has therefore been provisionally reached.

I would ask that in all cases that a formal response in respect of the need to undertake SEA or an appropriate assessment be provided to the Authority by Monday 12 June, but would very much welcome an early response if at all possible. I would also welcome early discussion should you need further information regarding the scope and content of either SPD or the South Derbyshire Local Plan in coming to a formal view, or should you have concerns regarding your ability to respond within 21 days.

Kind regards

Kevin Exley
Planning Policy Officer (Sustainability)
South Derbyshire District Council

01530 228717

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Exley Kevin

From: Mahoney, Sean (NE) <Sean.Mahoney@naturalengland.org.uk>
Sent: 30 May 2017 05:44
To: Exley Kevin
Subject: RE: Affordable Housing SPD SEA and HRA screening

Dear Kevin,

Planning consultation: South Derbyshire District Council Affordable Housing Supplementary Planning Document (SPD) Strategic Environment Assessment (SEA) & Habitats Regulations Assessment (HRA) Screening Report

Thank you for your consultation.

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.

Natural England welcomes the Screening Report which assesses the requirement for a Strategic Environmental Assessment (SEA) and a Habitats Regulations Assessment (HRA) for the South Derbyshire District Council Affordable Housing Supplementary Planning Document (SPD).

Natural England concurs with the report's conclusion that it is unlikely that there will be any significant environmental effects arising from the Affordable Housing SPD that were not covered in the Appraisal of the Part 1 Local Plan which means that there is no requirement to undertake an SA/SEA. Natural England also agrees that the Affordable Housing SPD would be unlikely to result in any significant effect on any European Site either alone or in combination and therefore no further assessment work under the Habitats Regulations is required.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us. For any queries relating to the specific advice in this letter only please contact me on 02080261940. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Kind regards

Sean Mahoney

Lead Adviser

Sustainable Development

East Midlands Area Team

Natural England

Apex Court
City Link
Nottingham
NG2 4LA

Tel: 02080261940

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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.

Natural England offers two chargeable services – The Discretionary Advice Service (**DAS**) provides pre-application, pre-determination and post-consent advice on proposals to developers and consultants as well as pre-licensing species advice and pre-assent and consent advice. The Pre-submission Screening Service (**PSS**) provides advice for protected species mitigation licence applications.

These services help applicants take appropriate account of environmental considerations at an early stage of project development, reduce uncertainty, reduce the risk of delay and added cost at a later stage, whilst securing good results for the natural environment.

We now offer free and chargeable advice to land owners and managers planning works on Sites of Special Scientific Interest through the [SSSI Advice Service](#).

From: Exley Kevin [<mailto:Kevin.Exley@south-derbys.gov.uk>]

Sent: 19 May 2017 15:48

To: 'e-emids@HistoricEngland.org.uk'; 'planning.trentside@environment-agency.gov.uk'; Consultations (NE)

Cc: Sworowski Nicola

Subject: Affordable Housing SPD SEA and HRA screening

Dear Sir/Madam

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I have included a draft version of the councils screening assessment which concludes that the Plan will not give rise to any likely significant environmental effects and will not affect the integrity of any European/Ramsar sites. A negative screening decision in respect of the need for SEA and any further stages of HRA has therefore been provisionally reached.

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Kind regards

Kevin Exley
Planning Policy Officer (Sustainability)
South Derbyshire District Council

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Historic England

EAST MIDLANDS OFFICE

Mr Kevin Exley
South Derbyshire District Council
Civic Offices
Civic Way
Swadlincote
Derbyshire
DE11 0AH

Direct Dial: 01604 735460

Our ref: PL00098670

8 June 2017

Dear Mr Exley

RE: SDDC AFFORDABLE HOUSING SPD - SCREENING OPINION REQUEST

Thank you for your consultation request for a Screening Opinion in respect of the Affordable Housing SPD.

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 'SEA' Directive], Historic England is of the view that the preparation of a Strategic Environmental Assessment is not likely to be required.

The views of the other statutory consultation bodies should be taken into account before the overall decision on the need for a SEA is made. If a decision is made to undertake a SEA, please note that 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://historicengland.org.uk/images-books/publications/sustainability-appraisal-and-strategic-environmental-assessment-advice-note-8/>

Should it be concluded that, overall, a SEA will be required for the Plan, Historic England would be pleased to discuss the scope of the assessment in relation to the historic environment in due course.

I hope that this information is of use to you at this time. Should you have any queries, please do not hesitate to contact me.



2nd Floor, WINDSOR HOUSE, CLIFTONVILLE, NORTHAMPTON, NN1 5BE

Telephone 01604 735460
HistoricEngland.org.uk





Historic England

EAST MIDLANDS OFFICE

Yours sincerely,

Rosamund Worrall
Historic Environment Planning Adviser
Rosamund.worrall@historicengland.org.uk



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