

# **Crich Neighbourhood Plan**

## **Strategic Environmental Assessment Screening Opinion (Updated)**

**January 2018**

Crich Neighbourhood Plan  
Strategic Environmental Assessment Screening Opinion

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**1. Introduction**

- 1.1 This screening report has been prepared to assist in the determination of whether or not the content of the Submission version of the Crich Neighbourhood Plan 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.
- 1.2 The designated neighbourhood plan area can be seen in Appendix 1. It covers the whole Parish of Crich.
- 1.3 A Submission draft Neighbourhood Plan (NP) (pre Regulation 14) was prepared and consulted upon in September - October 2017. At that time, it was determined that an SEA was not required. Following the Regulation 14 Consultation several changes have been made to the Plan. In light of these changes, the Screening Opinion has been revisited to ensure that the decision relating to SEA remains valid.
- 1.4 The Submission version of the Neighbourhood Plan sets out a vision for Crich, which states that by 2031, Crich Parish will be...

*"A community with a distinct character and rich heritage within a rural parish, where open countryside is valued and protected.*

*Settlements maintain their unique identities and sense of place and do not coalesce.*

*An inclusive community with affordable, good quality homes that meet local needs, supported by the appropriate infrastructure (e.g. school places and medical facilities) to serve a growing population.*

*Local shops and businesses continue to make a valuable contribution to a thriving community. Local employment opportunities are supported by high-speed broadband for the whole parish.*

*A friendly community with a strong social capital, supported by excellent community facilities for residents and visitors of all ages, safe and walkable neighbourhoods and access to quality open spaces"*

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1.5 The vision is supported by seven community objectives:

**Community Objective 1:** To ensure that new development protects and enhances the separate unique character, historic environment and rural setting of the villages and settlements.

**Community Objective 2:** To ensure new development conserves and enhances the landscape character of the Parish by retaining the rural open character of the Plan area and retaining the visual connections with the countryside from publicly accessible viewpoints.

**Community Objective 3:** To seek opportunities where ever possible to maintain and enhance the social and economic vitality of the Parish by supporting and expanding the range of services and facilities.

**Community Objective 4:** To support the economic vitality of the Parish by encouraging local business activity of a scale and type appropriate to the Parish.

**Community Objective 5:** To protect and enhance the quality of Crich's special and valued landscape by encouraging biodiversity and nature conservation.

**Community Objective 6:** To support housing development that is sustainable and proportionate and demonstrably meets the needs of the local community.

**Community Objective 7:** To seek ways to alleviate current traffic and transport issues and ensure that these are not perpetuated in the future.

1.6 The vision and objectives remain unchanged since the previous Screening Opinion was published.

1.7 In accordance with the Neighbourhood Planning Regulations (2012), the Plan will need to be in general conformity with the strategic policies which are adopted by the local authority (Amber Valley Borough Council) in which the NP lies.

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- 1.8 Amber Valley adopted a Local Plan in 2006. A new local plan was submitted for examination in 2013, but subsequently withdrawn. Therefore, the Council are in the process of preparing a new Local Plan Core Strategy. A pre-submission draft local plan was consulted on in December 2017.
- 1.9 The emerging Local Plan will identify an appropriate level of housing and employment growth as well as establishing strategic sites to deliver its strategy. This ought to include a consideration of the role that Crich and other Parishes within the Borough have in meeting needs.
- 1.10 The rest of this report is set out as follows:
- Section 2 – sets out the legislative requirements and explains why this screening exercise is being undertaken;
  - Section 3 sets out each of the steps of the screening process, as set out in the National Planning Practice Guidance;
  - Section 4 provides the screening assessment of the likely significant environmental effects of the Plan
  - Section 5 sets out the conclusions of the assessments and the next steps to be taken.

## **2. Legislative Background**

- 2.1 In order to be 'made', Neighbourhood Plans are required to be tested against and meet a number of 'basic conditions'. One of the basic conditions is whether the making of the NP is compatible with European Union obligations, including obligations under the SEA Directive (European Directive 2001/42/EC).
- 2.2 The SEA Directive has been transposed into English law by the Environmental Assessment of Plans and Programmes Regulations 2004, or the 'SEA Regulations'. Detailed guidance of these regulations can be found in the government publication 'A Practical Guide to the Strategic Environmental Assessment Directive' (ODPM 2005). More recent guidance is provided in the National Planning Policy Guidance at paragraphs 27- 47.

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- 2.3 To decide whether a proposed Neighbourhood Plan is likely to have significant effects on the environment, and hence requires SEA, it should be screened at as early as stage as possible. As such, a Screening Opinion was prepared before the Regulation 14 Consultation.
- 2.4 Screening is 'Stage A' in the government's recommended six stage approach to SEA for Neighbourhood Plans outlined in the NPPG. If it is determined that significant environmental effects are unlikely then further SEA is not required.<sup>1</sup>
- 2.5 Screening involves considering the anticipated scope of the plan and the scope of environmental issues (to include opportunities) locally, before concluding whether there are any significant effects on the environment.
- 2.6 Annex 2 of the SEA Directive lists a series of criteria that should be taken into account when establishing the potential for the plan to result in significant effects. Annex 1 of the Directive lists a series of broad environmental issues that should be considered<sup>2</sup>. The criteria/issues listed in the Directive are helpful in that they provide a methodological basis for screening.

### **3. The SEA Screening Process**

#### Who is responsible for screening?

- 3.1 The SEA Regulations state that a screening determination should be reached by 'the responsible authority', which in this case is Amber Valley Borough Council.
- 3.2 The council will reach a determination in-light of this screening opinion, and also in consultation with the statutory consultation bodies (Natural England, the Environment Agency and Historic England). AECOM has

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<sup>1</sup> <http://planningguidance.planningportal.gov.uk/blog/guidance/strategic-environmental-assessment-and-sustainability-appraisal/sustainability-appraisal-requirements-for-neighbourhood-plans/>

<sup>2</sup> Also, when identifying 'issues' as part of screening, it is appropriate to give consideration to the presence and condition of 'sensitive areas' as defined by national guidance at:

<http://planningguidance.communities.gov.uk/blog/guidance/environmental-impact-assessment/screening-schedule-2-projects/interpretation-of-project-categories/>. These sensitive areas are defined for the purpose of Environmental Impact Assessment (EIA) screening, as opposed to SEA screening, but are nonetheless relevant.

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prepared this screening opinion on behalf of Amber Valley Borough Council.

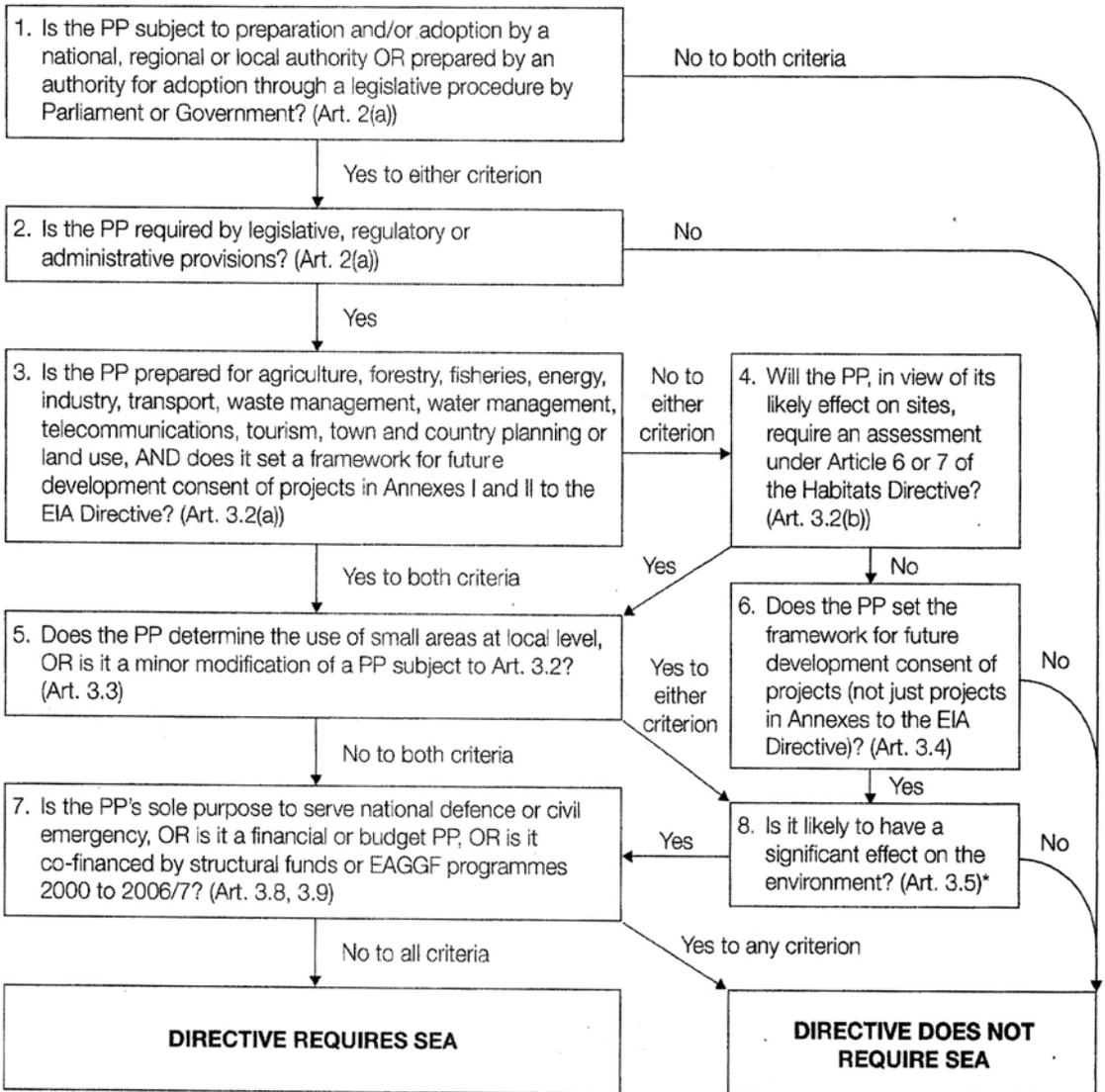
Screening methodology

- 3.3 The ODPM (now MHCLG) Practical Guide to the SEA Directive provides a checklist approach based on the SEA Regulations to help determine whether SEA is required. This checklist, alongside consideration of the criteria in Annex 2 and the list of 'issues' in Annex 1 of the SEA Directive have been used to assess the need for SEA in respect of the Plan as set out in section 3.
- 3.4 The diagram below is taken from the ODPM Practical Guide. It illustrates the process for screening a planning document to ascertain whether a full SEA is required.

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**Figure 2 – Application of the SEA Directive to plans and programmes**

This diagram is intended as a guide to the criteria for application of the Directive to plans and programmes (PPs). It has no legal status.



\*The Directive requires Member States to determine whether plans or programmes in this category are likely to have significant environmental effects. These determinations may be made on a case by case basis and/or by specifying types of plan or programme.

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**4. Assessment**

4.1 Table 1 below sets out the assessment of the draft Crich Neighbourhood Plan. The questions in the table are drawn from the diagram in Section 3 which sets out how the SEA Directive should be applied.

<b>Table 1: Establishing the Need for SEA</b>		
<b>Stage</b>	<b>Y/N</b>	<b>Reason</b>
1. Is the Plan 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))	Y	It will be prepared by the Crich Neighbourhood Forum and will be adopted by Amber Valley Borough Council under the 2012 Neighbourhood Planning Regulations.
2. Is the Plan required by legislative, regulatory or administrative provisions? (Art. 2(a))	Y	Although there is no requirement to produce a Neighbourhood Plan, they are subject to formal procedures and regulations laid down by national government. In light of the European Court of Justice ruling in the Case C-567/10 it is considered that this means the NP is 'required'.
3. Is the Plan 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))	Y	The NP is prepared for town and country planning purposes and sets a policy framework for future development consents which may fall under 10(b) of Annex II of the EIA Directive. <sup>3</sup>

<sup>3</sup> Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment (EIA Directive) – European Commission 2008

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<b>Table 1: Establishing the Need for SEA</b>		
<b>Stage</b>	<b>Y/N</b>	<b>Reason</b>
4. Will the Plan, 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))	N	The Plan will not allocate specific sites for development nor does it set a level of housing / employment growth. There are no European protected sites within the Plan area, nor are there pathways for significant effects to occur on sites outside of the Plan area.
5. Does the Plan determine the use of small areas at the local level, OR is it a minor modification of another Plan or Programme (PP) subject to Art. 3.2? (Art. 3.3)	N	The Plan will not allocate specific sites for development nor does it set a level of housing / employment growth.
6. Does the Plan set the framework for future development consent of projects (not just projects in annexes to the EIA Directive)? (Art 3.4)	Y	The Neighbourhood Plan will be used to determine future planning applications.
7. Is the Plans sole purpose to serve the national defence or civil emergency, OR is it a financial or budget PP, OR is it co-financed by structural funds or EAGGF programmes 2000 to 2006/7? (Art 3.8, 3.9)	N/A	N/A
8. Is it likely to have a significant effect on the environment? (Art. 3.5)	No	See analysis below from para 4.4 – 4.24

4.2 Having established that the 'plan scope' does not enable the plan to be screened-out (i.e. it is not the case that the plan is set to be very limited in its scope), the next question relates to the nature of the issues (constraints and opportunities) that exist.

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Consideration of significant effects on the environment

- 4.3 Annex 1 of the SEA Directive identifies a number of potential aspects of the environment which may require consideration in relation to significant effects. These aspects or "issues" include (but are not limited to): "biodiversity, population, human health, fauna, flora, soil, water, air, climatic factors, material assets, cultural heritage including architectural and archaeological heritage, landscape and the interrelationship between the above factors". The following discussion considers any relevant issues in relation to each of these aspects of the NP environment and how they might be affected as a result of the proposed policies of the NP.
- 4.4 The updates to this section are focused on the potential changes to the Screening Opinion in-light of the changes made to the Plan at Submission stage. These changes are summarised below for clarity.

**Policy 1** - Additional detail has been added to clarify that brownfield redevelopment schemes within the settlement boundaries may be suitable for sustainable schemes that are larger than those in the region of 5 dwellings that would be supported on non-brownfield sites.

**Policy 2** - Additional detail is provided to clarify that land outside the settlement development boundary will be treated as open countryside, which will be protected for the sake of its intrinsic character and beauty in accordance with national policy. The settlement boundary to the south of Crich has also been amended slightly. An additional area of land is included of approximately 2.4 hectares of greenfield land. This could therefore be potentially developed for housing. Presuming a net developable area of 0.75%, this would leave 1.8 hectares of potential housing land, equating to 54 dwellings at a density of 30 dwellings per annum.

**Policy 3** - No fundamental changes

**Policy 4** - Clarification provided that applicants will be required to score 9 greens in a BFL12 assessment or equivalent).

**Policy 5** – No fundamental changes

**Policy 6** – No fundamental changes

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**Policy 7** – Affordable housing target amended from 25% to 30% to be in conformity with latest evidence.

**Policy 8** – No fundamental changes

**Policy 9** – Additional detail included to clarify that where major development is contiguous with a designated biodiversity site, then the layout and design of the scheme should recognise the significance of the designation and demonstrate how the proposal will not cause harm to the designated area.

**Policy 10** – No fundamental changes

**Policy 11** – No fundamental changes

**Policy 12** – No fundamental changes

**Policy 13** – Clause removed relating to the requirement to consider the potential for future adaptation for home working.

**Policy 14** - No fundamental changes

**Policy 15** - No fundamental changes

**Policy 16** - No fundamental changes

**Policy 17** - No fundamental changes

**Policy 18** – New policy promoting appropriate renewable and low carbon energy generation schemes.

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*Biodiversity, fauna and flora*

- 4.5 The nearest European site lies to the north west of the parish, some 4 miles distant (Gang Mine Special Area for Conservation). Slightly further to the North West is the Peak District Dales (SAC) some 5 miles away. Given the distance from the parish boundary, the nature of the designation and the contents of the plan (no growth as such is determined) it is concluded that there are no likely significant effects on European sites.
- 4.6 To the south and south west of the Plan area, there is a large wooded area that is designated as a Site of Special Scientific Interest (SSSI). Though development upon this land would be very unlikely (given its national protection), there is potential for development on surrounding greenspace. The likelihood of effects would depend on the scale and location of growth (neither of which is established by the draft NP), though SSSI impact risk zones suggest that development on land to the south is likely to present the greater potential for adverse effects.
- 4.7 In addition to designated habitats, the Parish contains a number of local habitats that could be of value to species, including hedgerows, grassland and wooded areas. The Plan is unlikely to have a direct effect on such areas, as no development has been proposed. If anything, a positive effect upon biodiversity ought to be achieved, as a number of valued green spaces are proposed for allocation in the plan, which should have positive implications for associated biodiversity species/habitats.
- 4.8 Though no allocations have been made, the extension of the Crich settlement boundary to the south of the village would make development on Greenfield land potentially suitable for housing. This piece of land is within close proximity to the Crich Chase SSSI. The area falls within an SSSI impact zone that suggests that development above 50 dwellings could have potential effects that would need to be consulted upon with Natural England. The scale of the site could support approximately 54 dwellings, and therefore potential effects could occur should development be approved here.
- 4.9 The significance of effects would be dependent upon scheme design, but it is presumed that at the relatively small scale of growth it ought to be possible to explore these issues at the application stage rather than through an SEA.

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4.10 Other Plan Policies (such as NP 9 in particular) should help to ensure that the protection of ecological networks is taken into consideration in development proposals, and the approach is slightly stronger following changes made post Regulation 14 Consultation.

*Population and housing*

4.11 The Plan area has a population of 2898 and 1298 households (2011, Census). There has been little change between the 2001 and 2011 census in both population and household growth. There is a general trend of an aging population, as reflected across the Country. However, the increase in elderly people has seen a reduction in the proportion of people of working age.

4.12 The Plan does not plan to meet any particular level of need (which has not been identified at a local level), nor does it identify sites where this might be suitable. Therefore, effects upon population and housing are difficult to establish at this level.

4.13 The Plan sets out policies to protect areas of landscape, local amenity value and cultural heritage. Although this does not preclude development coming forward, it could act as a constraint to housing delivery. Despite this, housing could still be delivered through the emerging Local Plan. It should also be noted that committed development and completions in the Parish amounts to 182 dwellings as at 1st April 2016; which already contributes towards meeting local needs.

4.14 Changes to the Plan are slightly more supportive of housing on brownfield sites, as well as providing a wider settlement boundary for potential development. Whilst this is more positive in respect of housing, effects are not predicted to be significant.

*Human health*

4.15 The communities within Crich are amongst the least deprived in the Borough. It has a similar profile to the rest of Amber Valley regarding 'general health', though life expectancy is slightly higher.

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- 4.16 There is one GP in the Plan area. No development is proposed in the Plan area, and so effects on service use and quality cannot be directly associated with the Plan. However, the Plan policies will exert a degree of control over development, which could influence future levels of housing.
- 4.17 The Plan seeks to avoid the loss of greenfield land and landscape, as well as protecting settlement and landscape character. All these factors are positive contributors to health. The Plan does not set out to encourage large scale growth, and so it can be assumed that the Plan's direct effects on the capacity of health facilities are limited.
- 4.18 Overall the Plan is likely to have positive implications for health, with a focus on protecting and enhancing community facilities and environmental quality. Therefore, no adverse significant effects would be envisaged.

*Soil*

- 4.19 The National Planning Policy Framework sets out the need for Local Planning Authorities to take into account the economic and other benefits of the best and most versatile agricultural land (land classified as grade 1, 2 or 3a).
- 4.20 The large majority of land within the plan area is classified as Grade 4 agricultural land, and so development would not be anticipated to have significant effects on soil resources.
- 4.21 There is a parcel of Grade 3 agricultural land to the west of Crich, but it is unclear if this is 'best and most versatile' land (Grade 3a) or not (Grade 3b). In any case, the Plan identifies this area of land as an important 'green gap', within which development should be strictly managed.

*Water*

- 4.22 The River Derwent runs along the western boundary of the Plan area, with the River Amber to the East and South of the Plan area. There are several brooks and drains in the Plan area that flow towards the River Amber. River quality is not a critical issue within the draft Plan area.

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4.23 The Plan does not allocate land for development, nor does it include specific policies concerning water resources. Therefore, although development has the potential to affect water quality, this would not be attributable to the draft Plan (and ought to be managed through existing and emerging Local Plan policies given that there are no critical issues identified).

*Air*

4.24 Given the rural nature of the Plan area, air quality is not a critical issue. Furthermore, the plan does not allocate land for redevelopment nor set a specific level of growth to be achieved. Therefore, substantial changes to air quality are not likely to occur within the Plan area or elsewhere (as a result of the Plan).

*Flood Risk*

4.25 The majority of land within the plan area is classified as being within Flood Zone 1 (low risk). Development would therefore be expected to be acceptable in terms of flood risk.

4.26 Providing that management measures are in place, it is considered unlikely that development in the plan area would lead to a significant increase in flood risk within the plan area or downstream. Furthermore, no physical development is proposed within the Plan.

*Sustainable transport*

4.27 Public transport is relatively poor in the Plan area, as there are no train stations, and limited bus services. It is noted that parking facilities are limited, with the Plan intending to support off street parking where this is appropriate.

4.28 The Plan is unlikely to have a significant effect on patterns of travel, as the rural nature of the settlements is a strong characteristic. The Plan also promotes car parking where appropriate, which acknowledges that substantial modal shift is unlikely to occur.

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*Material assets*

- 4.29 There are a number of buildings and facilities in the Plan area which have been identified through community consultation as being locally important. Certain buildings / facilities have been established in draft Policy for their protection (unless circumstances dictate that this is not reasonable).
- 4.30 This policy approach ought to have positive (but not significant) effects on the 'material assets' of the Plan area.

*Cultural heritage*

- 4.31 The Plan area includes Conservation Areas at Crich Village, Fritchley, Whatstandwell and Wheatcroft, each of which contains a range of listed buildings. A number of listed buildings are also located within the Derwent Valley Mills World Heritage Site buffer zone, which intersects the western side of the Plan area.
- 4.32 Development presents the potential for effects upon heritage assets and their settings in the Plan area. However, no development as such is proposed, and the approach to managing effects upon cultural heritage is positive. Therefore, adverse effects would be unlikely to arise as a result of the Plan. The policies could have positive effects on heritage, but these are not likely to be significant, as they do not preclude development from occurring. The effects of development in Crich ought to be assessed as a part of the emerging local plan process, which could present different levels of growth and / or specific sites for testing.
- 4.33 Changes to the Plan could lead to more positive effects on the built environment by giving greater support for regeneration on brownfield sites. This isn't likely to have significant effects though.
- 4.34 The extension south of Crich to the settlement boundary involves land that is adjacent to a Grade II heritage asset. Whilst the Plan does not allocate this land for development, a speculative proposal could come forward here.

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- 4.35 This could have possible effects on the setting of this asset, but mitigation measures ought to be possible given that the building in question is relatively well screened and there is still open space to the south and west of the building.
- 4.36 Taking consideration of Policies that seek to protect heritage and landscape, and the fact that the Plan does not allocate land at this stage, it is considered that significant effects could be avoided through the development management process.

*Landscape*

- 4.37 The significance and quality of the landscape on the west of the Parish (from the western boundary of Crich to the River Derwent) is recognised in its designation as a Special Landscape Area. Special Landscape Areas are the areas of finest Derbyshire Landscape outside the Peak District National Park.
- 4.38 As part of the evidence base for the Plan, a landscape appraisal and policy guidance document has been prepared. This identifies that there are three 'green gaps' of strategic importance in maintaining the character of individual settlements and the wider countryside. There are development pressures on these areas, and as such, a positive policy approach has been established in the Plan for the protection and enhancement of these areas.
- 4.39 As no development is proposed as part of the Plan, direct effects are unlikely to occur. However, given the protective nature of the policies concerning landscape character, the Plan is expected to have positive, rather than adverse effects.

*Screening analysis*

- 4.40 It has been assumed that decisions on the scale and location of new development in the NP area will be made predominantly through the emerging Local Plan.
- 4.41 The Plan increases the area of the settlement boundary to include a parcel of greenfield land to the south of the built-up area. Though a site

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allocation has not been made in the Plan, it is more likely that development could take place here given that there are greater restrictions within the built urban area.

4.42 Despite these changes, it is considered that the low magnitude of growth on site could be managed through the development management process (including the protective policies proposed in the neighbourhood plan).

4.43 Therefore, although there are some sensitive receptors within the Plan area (landscape, biodiversity and cultural heritage in particular), the Plan is unlikely to have significant adverse effects on these factors.

4.44 To the contrary, the Plan presents a vision, objectives and draft policies that are likely to have a positive effect on environmental and social assets. These effects, though positive, are also considered to be insignificant given that the emerging Local Plan could still lead to increased growth in this area (should this be tested and justified as a sustainable approach).

## **5. Screening Conclusion (Screening Opinion)**

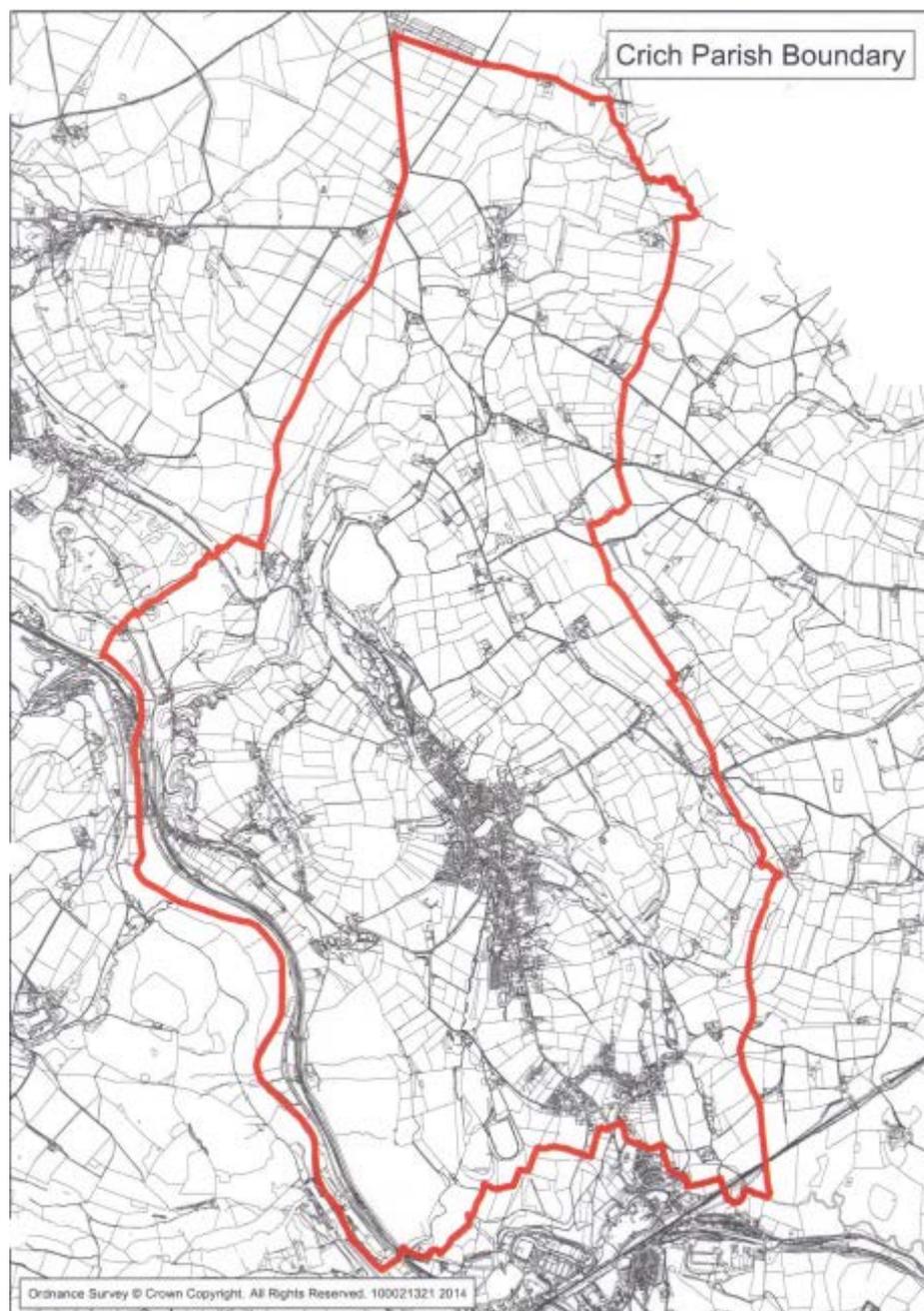
5.1 After having given consideration to the anticipated scope of the Crich Neighbourhood Plan, and the relevant environmental issues locally, it is concluded that the potential for significant effects to arise as a result of the Plan is likely to be limited, and / or mostly positive in nature. Consequently, it is considered that a formal SEA is not required.

5.2 The Screening Opinion has been revisited as a result of changes made to the Plan at Submission stage. Whilst these changes expand the settlement boundary into a fairly sensitive location, the Plan does not explicitly allocate land for development. These changes are therefore not considered likely to lead to significant effects when considered alongside the protective policies established in the Plan.

5.3 It is also concluded that the plan will have no likely significant effects on European sites and therefore an HRA is not required.

## Appendix 1

### The Neighbourhood Plan Area



*Figure reproduced from draft Neighbourhood Plan.*



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