

SUTTON

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**NEIGHBOURHOOD PLAN**

2017-2036

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**SCREENING REPORT**  
**STRATEGIC ENVIRONMENTAL ASSESSMENT &**  
**HABITATS REGULATION ASSESSMENT**

**SEPTEMBER 2018**





EAST CAMBRIDGESHIRE  
DISTRICT COUNCIL

# **Screening Report**

## **Strategic Environmental Assessment & Habitats Regulation Assessment**

**July 2018**

On behalf of Sutton Parish Council in relation to the Draft Sutton Neighbourhood Plan

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| <b>Date of assessment:</b>  | 16 July 2018  |
| <b>Date/ version of neighbourhood development plan to which Screening Report applies:</b> | Sutton Neighbourhood Plan 2017-36 Pre Submission Consultation Version July 2018 |

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### Overview

**Neighbourhood development plan (NDP) to which this Screening Report applies:**  
Sutton Neighbourhood Plan

**Version/ date of NDP to which this Screening Report applies:**  
Sutton Neighbourhood Plan 2017-2036 Pre Submission Consultation Version July 2018

**Neighbourhood area to which the NDP applies:**  
Sutton Neighbourhood Area

**Parish council within the neighbourhood area:**  
Sutton Parish Council

## 1. Introduction

1.1. Neighbourhood Plans must meet the 'basic conditions' set out in 8(2) of Schedule 4B of the Town and Country Planning Act 1990. This includes demonstrating that the Neighbourhood Plan does not breach, and is otherwise compatible with EU obligations such as:

- **Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001** on the assessment of the effects of certain plans and programmes on the environment, transposed into UK law by The Environmental Assessment of Plans and Programmes Regulations 2004; and
- **Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora**, which was initially transposed into UK law by The Conservation (Natural Habitats, &c.) Regulations 1994 with various amendments consolidated by The Conservation of Habitats and Species Regulations 2010.

1.2. The purpose of this report is to undertake a screening exercise to determine whether the draft Sutton Neighbourhood Plan (SNP) requires a full Strategic Environmental Assessment (SEA) and / or Habitats Regulation Assessment (HRA). The screening exercise will therefore support the Sutton Neighbourhood Plan in satisfying the basic conditions, and will be submitted as part of the evidence base which will accompany the plan.

1.3. In general terms, a neighbourhood plan may require full SEA where its policies and proposals are likely to result in significant environmental effects, particularly where such effects have not already been considered and dealt with through a sustainability appraisal of the Local Plan.

1.4. In the context of neighbourhood planning, a full Habitats Regulation Assessment (HRA) may be required where a Neighbourhood Plan is deemed likely to result in significant negative effects occurring on protected European Sites (Natura 2000 sites) as a result of the plan's implementation.

## 2. Strategic Planning Context

- 2.1. The basic conditions require a Neighbourhood Plan to be in *general conformity* with the strategic policies contained in the development plan (the Local Plan) for the area. Through its strategic policies, the Local Plan effectively defines the parameters within which a Neighbourhood Plan may operate.
- 2.2. Throughout their preparation, Local Plans are subject to SEA (generally incorporated through a Sustainability Appraisal) and HRA. Where a Neighbourhood Plan is in general conformity with the strategic policies of the Local Plan, it is likely that many of the environmental effects of the plan will have already been considered through the Local Plan-making process.
- 2.3. National policy states that evidence should be proportionate, and should not repeat policy assessment already undertaken. It is therefore relevant to consider the strategic policy context for the purpose of avoiding duplication and to identify environmental effects not already considered and addressed through the Local Plan-making process.

### *Local Plan 2015*

- 2.4. The current East Cambridgeshire Local Plan was adopted in 2015 and defines strategic (and more locally specific) policies for the area. At the time at which the SNP is examined, the Local Plan 2015 (LP15) may remain the adopted Local Plan.
- 2.5. The LP15 directs the majority of growth to main settlements (such as Ely, Littleport and Soham). Growth in large villages, such as Sutton, is fairly limited. The LP15 identifies one site allocation to deliver 50 dwellings (North of The Brook). In addition, the LP15 defines a Development Envelope within which growth is in principle, generally acceptable. During its preparation, the LP15 was subject to Sustainability Appraisal and HRA.

### *Submitted East Cambridgeshire Local Plan 2018*

- 2.6. In February 2018, East Cambridgeshire District Council submitted for examination a new Local Plan along with supporting evidence base. Examination of the Local Plan has commenced, with stage 1 hearing sessions held in June 2018. If found sound, the new Local Plan will replace the LP15.
- 2.7. The submitted Local Plan continues to focus growth in the main settlements, but also seeks to deliver a greater proportion of growth to 'Large Villages' and 'Medium Villages' than the LP15.
- 2.8. The submitted Local Plan proposes two allocations for housing development within Sutton village, including increasing the site North of The Brook from 50 to 250 dwellings (depending on infrastructure capacity), and a new site allocation for approximately 25 dwellings at land east of Garden Close. The submitted Local Plan continues to apply a Development Envelope to the built area of Sutton village, but this has been amended to include the proposed site allocations.

### *Sustainability Appraisal (submitted Local Plan)*

- 2.9. The Sustainability Appraisal prepared for the submitted Local Plan incorporated the requirements of SEA. Throughout the stages of plan preparation, the Sustainability Appraisal influenced policy formulation and the allocation of development sites.

- 2.10. A range of sites were appraised in Sutton. The proposed sites and overall level of growth are considered to provide a sustainable approach to growth in Sutton.

*Habitats Regulation Assessment (June 2018)*

- 2.11. In June 2018, East Cambridgeshire District Council published a Habitats Regulation Assessment report<sup>1</sup> which accompanies the submitted Local Plan. The purpose of the HRA report is to set out the method, findings and conclusions of the Habitats Regulation Assessment (Stage 1 Screening and Stage 2 Appropriate Assessment) of the submitted East Cambridgeshire Local Plan, which was carried out by East Cambridgeshire District Council, in consultation with Natural England.
- 2.12. The HRA complies with the recent judgement of the Court of Justice for the European Union of 12th April 2018, which ruled that mitigation measures incorporated into a project can no longer be taken into account at the screening stage<sup>2</sup>. Through the Local Plan examination, Natural England has confirmed the HRA is legally compliant.
- 2.13. The following Natura 2000 sites were scoped into the HRA for consideration:
- Fenland SAC (including Wicken Fen, Woodwalton Fen and Chippenham Fen Ramsars)
  - Ouse Washes SAC/SPA/Ramsar
  - Devil's Dyke SAC
  - Breckland SAC/SPA
- 2.14. The potential likely significant effects identified as a result of the Local Plan were:
- Habitat damage and/or loss
  - Disturbance from urbanisation effects
  - Disturbance from increased recreational pressure
  - Reduced air quality as a result of increased vehicle journeys
  - Water quality changes from water consumption and abstraction
  - Reduced water quality from pollution due to increased demand for waste-water treatment
- 2.15. Sutton is located in the west of East Cambridgeshire district, approximately 1.5km from the Ouse Washes SAC. The HRA identifies that due to the close proximity of proposed site allocations (at Sutton) to the Ouse Washes, there is potential for physical loss of habitat outside of the boundary of the Ouse Washes SAC used by migratory (wintering) birds for rest and grazing. However, the site allocations fall outside Natural England's Ouse Washes Functional Land IRZ and therefore can be screened out.
- 2.16. The HRA notes that the Ouse Washes are vulnerable to changes in water quality and quantity. Development could lead to potential effects on these key vulnerabilities in combination with other residential allocations.

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<http://www.eastcambs.gov.uk/sites/default/files/HRA%20Appropriate%20Assessment%20Post%20Submission%20Local%20Plan%20-%20published%2015.6.18.pdf>

<sup>2</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:62017CJ0323&qid=1527062354829&from=EN>



- 2.17. The HRA identifies that there is potential for increased disturbance from recreational pressure on Ouse Washes in combination with other residential allocations and in combination with housing development in neighbouring districts of Kings Lynn and West Norfolk, Fenland and Huntingdonshire
- 2.18. The HRA report makes a number of recommendations to mitigate the effects of Local Plan growth, Of most relevance to development in Sutton was a recommendation to provide an additional paragraph to the supporting text of submitted Local Plan policy LP30 which explains how land beyond the site boundary of a European site may also provide important functional habitat for qualifying bird species, to ensure that any 'windfall' greenfield sites that fall within the Goose and Swan Functional Land IRZ demonstrate no adverse effects on the qualifying species of the Ouse Washes.
- 2.19. The HRA report concludes that, provided the recommendations are incorporated into the local plan, it is possible to conclude that the East Cambridgeshire Local Plan is compliant with the Habitats Regulations and will not result in likely significant effects on any of the Natura 2000 Sites identified, either alone or in combination with other plans and projects.

### 3. Summary of Draft Sutton Neighbourhood Plan

3.1. The subject of this screening report is the *Sutton Neighbourhood Plan 2017-36 Pre Submission Consultation Version July 2018* (SNP), which will be published for consultation in July and August 2018.

3.2. The SNP has been prepared by Sutton Parish Council, the 'qualifying body' for the purposes of neighbourhood planning. The Sutton Neighbourhood Area was approved by East Cambridgeshire District Council in January 2015, and is coterminous with Sutton's civil parish boundary.

3.3. The SNP and supporting information are available to view and download from Sutton Parish Council's website<sup>3</sup>. Where necessary, please refer to the SNP alongside this screening report.

3.4. The SNP sets out the following objectives:

- Objective 1: The important habitats and natural assets of the Parish should be protected and strengthened and, where appropriate, opportunities for their enjoyment by residents should be enhanced;
- Objective 2: All new development should be focussed on the way it can best meet the needs of the residents of the Parish, young and old;
- Objective 3: New housing should be delivered in a way that ensures it is supported by essential community infrastructure and that ensures the character of the village, in particular the central core and conservation area, is retained and, wherever possible, enhanced;
- Objective 4: Existing shops, services and community infrastructure should be protected and supported by the policies of the Plan to ensure that Sutton remains a thriving and fully inclusive rural community;
- Objective 5: Small businesses and the opportunities provided to the local workforce should be supported and strengthened through a positive approach to rural diversification and enterprise;
- Objective 6: All new development to be delivered in a way which facilitates improvements for pedestrians and cyclists alongside adequate vehicular access and where possible promotes public transport links.
- Objective 7: The retention, provision and productive use of open space and leisure facilities in and around the village should be secured wherever reasonably possible.

3.5. In summary, to deliver these objectives the SNP proposes the following draft policies:

- Policy NP1 - Local Green Spaces
- Policy NP2 – Protecting and Maintaining Features of Landscape and Biodiversity Value
- Policy NP3 – Sutton Development Envelope
- Policy NP4 - Land north of The Brook and west of Mepal Road
- Policy NP5 – Land East of Garden Close
- Policy NP6 – Land North of Mill Field, Mepal Road
- Policy NP7 – Housing Mix
- Policy NP8 – Preserving the Historic Characteristics of Sutton
- Policy NP9 - Protecting existing services and facilities

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<sup>3</sup> Available at: [www.sutton-in-the-isle.org.uk](http://www.sutton-in-the-isle.org.uk)

- Policy NP10 – Elean Business Park
- Policy NP11 – Retail premises
- Policy NP12 – Sport and Recreation Facilities

### *Development Opportunities*

- 3.6. Policies NP3 – Sutton Development *Envelope*, NP4 - *Land north of The Brook and west of Mepal Road*, NP5 – *Land East of Garden Close*, Policy NP6 – *Land North of Mill Field*, Mepal Road, NP10 – *Elean Business Park* and NP11 – *Retail premises*, provide opportunities for new development.
- 3.7. Draft policy NP3 is a criteria-based policy which sets out the types of development which are considered suitable within the development envelope. The principle of a Development Envelope is already established through the Local Plan 2015. The extent of the Development Envelope (as indicated on the Neighbourhood Plan policies map) reflects that proposed by the submitted Local Plan, in so far that it has been amended to include the proposed housing site allocations.
- 3.8. Draft policies NP4, 5 & 6 identify site allocations for housing development, providing the following number of dwellings:
- NP4 Land north of The Brook and west of Mepal Road - up to 250 dwellings;
  - NP5 Land East of Garden Close - up to 25 dwellings; and
  - NP6 Land North of Mill Field, Mepal Road - up to 10 dwellings.
- 3.9. Part of the site area of NP4 - *Land north of The Brook and west of Mepal Road* is currently allocated by the Local Plan 2015 (for 50 dwellings).
- 3.10. Sites NP4 and NP5 are proposed for allocation by the submitted Local Plan (i.e. the site boundaries are coterminous with sites proposed by the submitted Local Plan). Which plan actually allocates the sites will depend on which plan is adopted/made first.
- 3.11. The site proposed for allocation by NP6 currently has extant planning permission, and therefore the environmental effects of the development have already been assessed through the planning process.
- 3.12. Policy NP10 *Elean Business Park* defines the extent of the business park on the draft Policies Map. The submitted Local Plan also proposes allocation of the Elean Business Park as a strategic employment site. The purpose of Policy NP10 is to encourage new development to provide 'business start-up units' and does not quantify the overall scale of development which may take place.
- 3.13. In conclusion, the development opportunities provided by the SNP reflect, and do not exceed, those considered by the submitted Local Plan. Therefore over the plan period the SNP is not expected to deliver additional growth beyond that which is already identified and assessed by the submitted Local Plan or existing planning consents.

### *Sutton's Environment*

- 3.14. The SNP includes a number of policies for the sole purpose of conserving and enhancing Sutton's natural and built environment. For example:

- Policy NP1 - *Local Green Spaces* designates publicly accessible open spaces for protection against development.
- Policy NP2 – *Protecting and Maintaining Features of Landscape and Biodiversity Value* requires new development to protect existing, and provide new, natural features such as trees, hedgerows and habitats.
- Policy NP3 – *Sutton Development Envelope* seeks to protect the countryside by concentrating development within the built area of the village.
- Policy NP8 – *Preserving the Historic Characteristics of Sutton* affords protection to listed buildings, buildings of local importance and the conservation area.

### *Summary of likely environmental effects*

- 3.15. The sites proposed for allocation by the SNP are either proposed for allocation by the submitted Local Plan, or have existing planning consent. Therefore SNP is not likely to significantly increase the quantum of growth considered during preparation of the submitted Local Plan and its evidence base.
- 3.16. The proposed designation of Local Green Spaces, could play a role in enhancing access to open spaces, thereby reducing recreation pressure at internationally and nationally important habitats (designated sites).
- 3.17. The draft policies do not appear to deviate significantly from the strategic policies for the area, and generally appear capable of satisfying the ‘general conformity’ basic condition<sup>4</sup>. A number of draft policies are particularly environmentally conscientious, which could provide enhancement to the environment.
- 3.18. Following review, it is considered unlikely that implementation of the SNP will result in significant environmental effects.

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<sup>4</sup> Due to the stage of plan preparation, it is likely that some policies will be modified before submission.

## 4. Criteria for Assessing the Effects of Neighbourhood Plans

- 4.1. The Localism Act 2011 (Schedule 9) introduced neighbourhood planning into the Town and Country Planning Act 1990. The 1990 Act, as amended by Schedule 10 of the Localism Act 2011, requires that neighbourhood development plans meet a set of basic conditions, one of which being that the making of the plan does not breach, and is otherwise compatible with, EU obligations.
- 4.2. To ensure that a Neighbourhood Plan meets this basic condition, a Strategic Environmental Assessment (SEA) may be required to determine the likely significant environmental effects of implementing the Neighbourhood Plan. The basis for Strategic Environmental legislation is European Directive 2001/42/EC, which was transposed into domestic law by the Environmental Assessment of Plans and Programmes Regulations 2004, or '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).
- 4.3. Where a proposed plan is likely to have a significant effect on a European site or European offshore marine site (in relation to the Habitats Directive), this will also trigger the need to undertake a Strategic Environmental Assessment. Schedule 2 of the Neighbourhood Planning (General) Regulations 2012 makes provision in relation to the Habitats Directive. The Directive requires that any plan or project likely to have a significant effect on a European site must be subject to an Appropriate Assessment. To achieve this, paragraph 1 of schedule 2 of the Neighbourhood Planning (General) Regulations 2012 prescribes a basic condition that the making of a neighbourhood plan is not likely to have a significant effect on a European site or a European offshore marine site. Paragraphs 2 to 5 go on to amend the Conservation of Habitats and Species Regulations 2010 so as to apply its provisions to neighbourhood development orders and plans.
- 4.4. Article 3(5) of Directive 2001/42/EC details the criteria for determining whether plans are likely to have significant environmental effects. These criteria are outlined in Figure 1.
- 4.5. The Department of the Environment produced a flow chart diagram<sup>5</sup> which sets out the process for screening a planning document to ascertain whether a full SEA is required. The flow chart diagram is provided in Figure 2.
- 4.6. Section 5 provides firstly, a screening assessment of the Draft Sutton Neighbourhood Plan, against the assessment criteria (in fig. 1) to identify the significance of effects which may arise as a result of the plan's implementation.
- 4.7. Secondly, Section 5 applies the SEA Directive to the Draft Sutton Neighbourhood Plan, as per the flow chart in Figure 2, to determine if a Strategic Environmental Assessment is required.
- 4.8. Please note that as the questions have been answered using the flow diagram, some of the questions may not be applicable as a result of previous answers: where this is the case, the response is stated as 'not applicable'.

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<sup>5</sup> Department of the Environment, A Practical Guide to the Strategic Environmental Assessment Directive (2005)

**Figure 1: SEA Assessment Criteria**

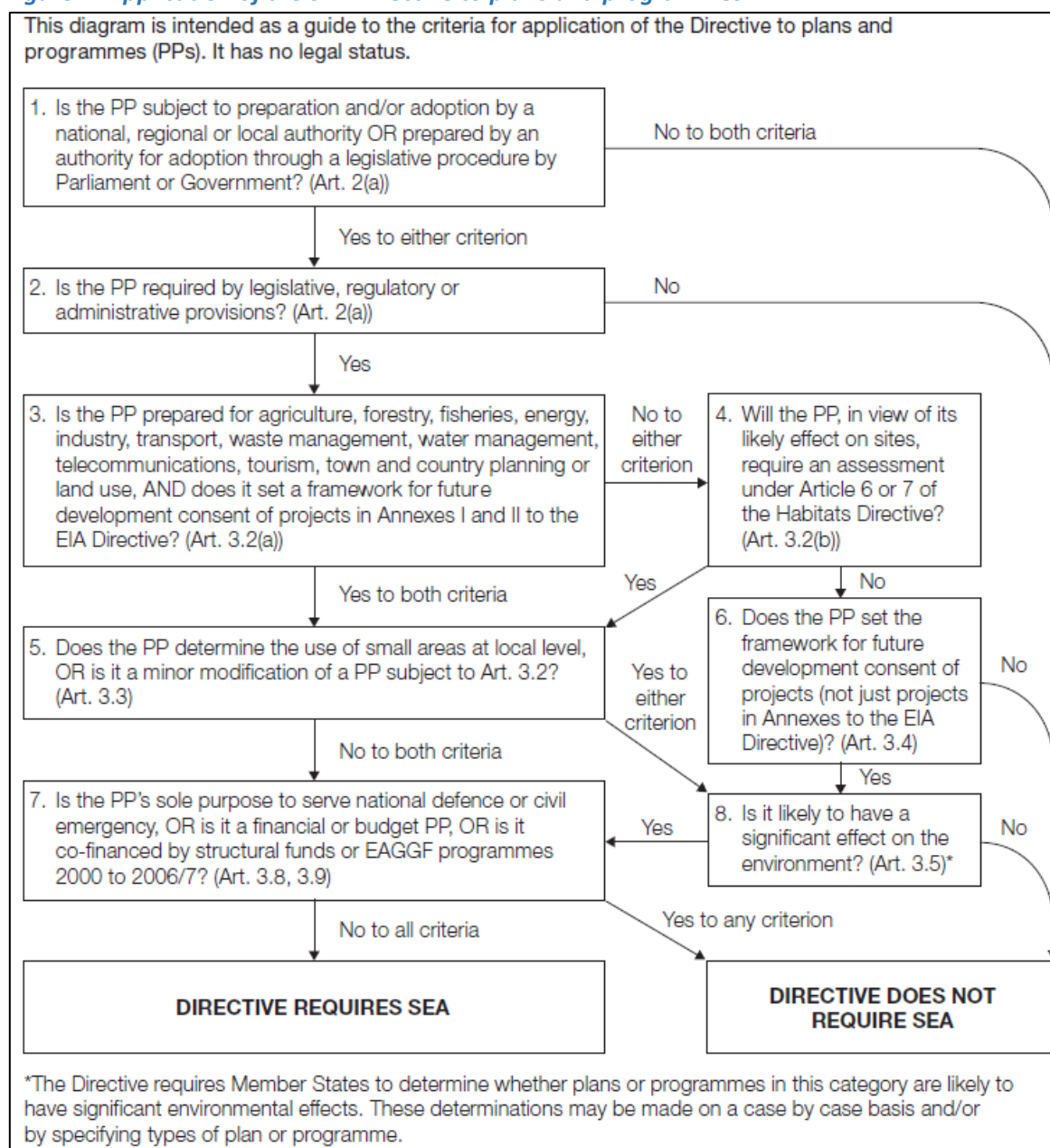
Article 3. Scope

5. Member States shall determine whether plans or programmes referred to in paragraphs 3 and 4 are likely to have significant environmental effects either through case-by-case examination or by specifying types of plans and programmes or by combining both approaches. For this purpose Member States shall in all cases take into account relevant criteria set out in Annex II, in order to ensure that plans and programmes with likely significant effects on the environment are covered by this Directive.

Annex II Criteria for determining the likely significance of effects referred to in Article 3(5)

1. The characteristics of plans and programmes, having regard, in particular, to
  - 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 degree to which the plan or programme influences other plans and programmes including those in a hierarchy;
  - the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development;
  - environmental problems relevant to the plan or programme;
  - the relevance of the plan or programme for the implementation of Community legislation on the environment (e.g. plans and programmes linked to waste-management or water protection).
2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to
  - the probability, duration, frequency and reversibility of the effects;
  - the cumulative nature of the effects;
  - the transboundary nature of the effects;
  - the risks to human health or the environment (e.g. due to accidents);
  - the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);
  - the value and vulnerability of the area likely to be affected due to:
    - special natural characteristics or cultural heritage;
    - exceeded environmental quality standards or limit values;
    - intensive land-use;
  - the effects on areas or landscapes which have a recognised national, Community or international protection status.

**Figure 2: Application of the SEA Directive to plans and programmes<sup>6</sup>**



<sup>6</sup> Annexes I and II of Directive 2011/92/EU (as referred to in Figure 2, question 3) available at: <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32011L0092&from=EN> (see <http://ec.europa.eu/environment/eia/eia-legalcontext.htm> for details of amendments). Articles 6 and 7 of the Habitats Directive (as referred to in Figure 2, question 4) available at: <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:31992L0043&from=EN>.



## 5. SEA Screening Assessment of Draft Sutton Neighbourhood Plan

5.1. Figure 3 provides assessment of the SNP to identify likely significant effects on the environment.

*Figure 3. Assessment of the likely significant effects on the environment*

| SEA Directive criteria and Schedule 1 of Environmental Assessment of plans and programmes Regulations 2004  | Assessment   | Likely significant environmental effect |
|---|--|---|
| <b>1. The characteristics of plans and programmes, having regard, in particular, to—</b>  |  |   |
| (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 SNP would, if adopted, form part of the Statutory Development Plan and contribute to the framework for future development projects. However, the SNP would only apply to a very limited geographical area (the Sutton Neighbourhood Area) where a limited number of proposals are anticipated over the plan period.  | None                                    |
| (b) the degree to which the plan or programme influences other plans and programmes including those in a hierarchy;   | The SNP would not influence other plans and programmes to a significant degree. The SNP is required to be in general conformity with the strategic policies East Cambridgeshire Local Plan.  | None                                    |
| (c) the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development;  | <p>It is a basic condition that a Neighbourhood Plan must contribute to the achievement of sustainable development. The proposed SNP includes a number of policies which promote environmental considerations, namely Policy NP1 - <i>Local Green Spaces</i>, Policy NP2 – <i>Protecting and Maintaining Features of Landscape and Biodiversity Value</i>, Policy NP3 – <i>Sutton Development Envelope</i>, Policy NP8 – <i>Preserving the Historic Characteristics of Sutton</i>.</p> <p>Policies NP3 – <i>Sutton Development Envelope</i>, NP4 - <i>Land north of The Brook and west of Mepal Road</i>, NP5 – <i>Land East of Garden Close</i>, Policy NP6 – <i>Land North of Mill Field</i>, Mepal Road, NP10 – <i>Elean Business Park</i> and NP11 – <i>Retail premises</i> promote opportunities for sustainable development. However, the scale of development identified is not expected to exceed that which has been identified and assessed through the preparation of the submitted Local Plan.</p> | None                                    |
| (d) environmental problems  | The Neighbourhood Area includes some low-lying fen   | None                                    |



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| relevant to the plan or programme; and   | areas, located in Flood Zones 2 and 3. However the SNP does not include specific proposals in areas outside Flood Zone 1.  |      |
| (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 SNP is not relevant to the implementation of Community legislation on the environment.   | None |
| <b>2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to—</b>  |  |      |
| (a) the probability, duration, frequency and reversibility of the effects;   | The effects of the implementation of the SNP are expected to be minimal in terms of probability, duration and frequency.   | None |
| (b) the cumulative nature of the effects;  | The cumulative effects of development sites identified by the SNP have been considered through the Local Plan process, namely the Sustainability Appraisal and HRA.  | None |
| (c) the transboundary nature of the effects;   | It is not anticipated that any effects will be transboundary.  | None |
| (d) the risks to human health or the environment (for example, due to accidents);  | The SNP is not expected to pose any risks to human health or the environment: the effects of policies may enhance these elements.  | None |
| (e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);  | The Sutton Neighbourhood Area is coterminous with Sutton civil parish, which includes the village of Sutton (including Sutton Gault), the Elean Business Park and surrounding countryside which is principally in agricultural use. The extent of any effects of the implementation of the SNP are expected to be limited to the immediate local area.   | None |
| (f) the value and vulnerability of the area likely to be affected due to—<br>(i) special natural characteristics or cultural heritage;<br>(ii) exceeded environmental quality standards or limit values; or<br>(iii) intensive land-use; and | Sutton is located approximately 1.5km from the Ouse Washes SAC. The HRA prepared for the submitted Local Plan identifies that due to the close proximity of proposed site allocations (at Sutton) to the Ouse Washes, there is potential for physical loss of habitat outside of the boundary of the Ouse Washes SAC used by migratory (wintering) birds for rest and grazing. However, the proposed sites fall outside Natural England's Ouse Washes Functional Land IRZ and therefore can be screened out. | None |

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|  | <p>The HRA notes that the Ouse Washes are vulnerable to changes in water quality and quantity. Development could lead to potential effects on these key vulnerabilities in combination with other residential allocations.</p> <p>The HRA identifies that there is potential for increased disturbance from recreational pressure on Ouse Washes in combination with other residential allocations and in combination with housing development in neighbouring districts of Kings Lynn and West Norfolk, Fenland and Huntingdonshire</p> <p>The HRA report concludes that, provided the recommendations are incorporated into the local plan, it is possible to conclude that the East Cambridgeshire Local Plan is compliant with the Habitats Regulations and will not result in likely significant effects on any of the Natura 2000 Sites identified, either alone or in combination with other plans and projects.</p> <p>In addition, Sutton village includes a number of listed buildings and has a designated Conservation Area. The SNP seeks to conserve and enhance the built and natural environment (namely through policies NP2 and NP8).</p> <p>The scale of growth proposed by the SNP reflects that proposed by the submitted East Cambridgeshire Local Plan. The effects of this growth upon the environment have therefore been assessed through the HRA, Sustainability Appraisal and of the Local Plan, and other supporting evidence base documents.</p> |      |
| (g) the effects on areas or landscapes which have a recognised national, Community or international protection status. | Any effects of the SNP are expected to be positive and localised, and are not likely to be significant. Policy NP2 seeks to protect features of landscape value, and policy NP3 provides protection to the open character of the countryside surrounding Sutton village.   | None |

5.2. Figure 4 applies the SEA Directive criteria to the Draft Sutton Neighbourhood Plan

**Figure 4: Application of the SEA Directive to Draft Sutton Neighbourhood Plan**

| Criteria   | Response:<br>Yes/ No/<br>Not applicable                                      | Details  |
|--|--|--|
| 1. Is the NDP 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?  | Yes  | The preparation and adoption of the SNP is allowed under the Town and Country Planning Act 1990 as amended by the Localism Act 2011. Whilst the SNP has been prepared by Sutton Parish Council it will be adopted by East Cambridgeshire District Council as the local authority.<br><b>GO TO STAGE 2</b>  |
| 2. Is the NDP required by legislative, regulatory or administrative provisions?  | Yes  | Whilst the production of a Neighbourhood Plan is not a requirement and is optional, it will, if made, form part of the Development Plan for the East Cambridgeshire District Council area. It is therefore important that this screening process considers the potential effects.<br><b>GO TO STAGE 3</b>  |
| 3. Is the NDP 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? | Yes – Town & Country Planning / land use;<br>No - EIA Directive Annex I & II | The SNP is being prepared for town and country planning and land use. It does not set a framework for future development consent of projects in Annexes I and II to the EIA Directive.<br><b>GO TO STAGE 4.</b>  |
| 4. Will the NDP, in view of its likely effect on sites, require an assessment for future development under Article 6 or 7 of the Habitats Directive?   | No   | The sites and level of growth identified by the SNP reflects the submitted Local Plan, and existing consents. The potential effects of this growth were considered through the HRA prepared to inform the submitted Local Plan. The HRA concludes that, subject to implementing the reports recommendations, Local Plan growth will not result in likely significant effects on any of the Natura 2000 Sites identified, either alone or in combination with other plans and projects. As such an assessment under Articles 6 and 7 of the Habitats Directive is not required.<br><b>GO TO STAGE 6</b> |
| 5. Does the NDP determine the use  | N/A  |  |

|  |                         |   |
|--|-------------------------|---|
| of small areas at local level, OR is it a minor modification of an NDP subject to Art. 3.2?  |                         |   |
| 6. Does the NDP set the framework for future development consent of projects (not just projects in annexes to the EIA Directive)?  | Yes                     | Alongside the East Cambridgeshire District Local Plan, the SNP will set the framework for development consents in the neighbourhood area.<br><b>GO TO STAGE 8</b>   |
| 7. Is the NDP's 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? | N/A                     |   |
| 8. Is it likely to have a significant effect on the environment?   | No                      | The extent to which implementation of the SNP will result in likely significant environmental effects is assessed in Figure 3.<br><br>The assessment identifies that no likely significant environmental effects are expected to arise through implementation of the SNP. |
|  |                         |   |
| <b>Outcome:</b>  | <b>SEA not required</b> |   |

## 6. Screening Outcome

- 6.1 The Neighbourhood Plan is broadly aligned with the submitted Local Plan, in terms of the sites proposed for allocation and the overall scale of growth identified.
- 6.2 The effects of growth have therefore been considered through preparation of the submitted East Cambridgeshire Local Plan and supporting evidence base, including the Sustainability Appraisal (which incorporated SEA) and Habitats Regulation Assessment. For the purposes of SEA screening, this evidence base is therefore considered appropriate and relevant.
- 6.3 To take an alternative approach, such as preparing evidence bespoke to the SNP, would be disproportionate and result in unnecessary duplication. This would be contrary to national planning policy.
- 6.4 Based on the findings of the screening assessment in section 5 and consultation with Statutory Agencies<sup>7</sup>, East Cambridgeshire District Council is of the view that implementation of the SNP will not result in likely significant environmental effects. As such, a full SEA is not required for the Sutton Neighbourhood Plan.
- 6.5 The assessment in section 5 also considers the effects of the SNP in respect of designated sites. The assessment determines that implementation of the SNP is not expected to result in likely significant effects on designated sites. As such, a full HRA is not required for the Sutton Neighbourhood Plan.
- 6.6 In the event that the objectives, aims and/or policies covered by the SNP should change significantly during the plan-making process, this screening process will be reviewed.

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<sup>7</sup> To be amended as appropriate following consultation

## Appendix 1: Consultation with Statutory Agencies

The assessment indicates that East Cambridgeshire District Council consider that it is not likely that there will be any significant environmental effects arising from the SNP (as drafted at the date of this assessment) and thus a SEA and/or HRA is not required. The relevant Statutory Agencies, namely the Environment Agency, Historic England and Natural England, have been consulted on this screening opinion based on the Sutton Neighbourhood Plan in its current form. The responses received during this consultation are detailed below.

### Environment Agency

[TO BE ADDED]

### Historic England

[TO BE ADDED]

### Natural England

[TO BE ADDED]

DRAFT

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**Subject:** FW: SPC - SEA Environment Agency  
**Attachments:** EA East Anglia Planning Guide PDF 03.05.18.pdf

**From:** Anglian Central, Planning\_Liaison [<mailto:planning.brampton@environment-agency.gov.uk>]  
**Sent:** 25 July 2018 10:29  
**To:** Sutton Parish Council <[mail@suttonpc.org.uk](mailto:mail@suttonpc.org.uk)>  
**Cc:** Anglian Central, Planning\_Liaison <[planning.brampton@environment-agency.gov.uk](mailto:planning.brampton@environment-agency.gov.uk)>  
**Subject:** FW: 180717/GH06 SUTTON NEIGHBOURHOOD PLAN – PRE-SUBMISSION CONSULTATION (REGULATION 14)

Dear Sutton Parish Council Neighbourhood Plan Working Group,

Thank you for your email.

Due to resource pressures we are no longer able to provide bespoke advice on screening opinions. If there is a specific issue that you require our expert advice on before issuing the screening opinion then please contact us with details and we will endeavour to assist you. We remain a statutory consultee for scoping opinions so please continue to submit these for our review and comments.

Below is a link to our developers guidance entitled 'Building a better environment' this sets out our role in development and how we can help.

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/289894/LIT\\_2745\\_c8ed3d.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/289894/LIT_2745_c8ed3d.pdf)

Also attached is a copy of our local Planning Guidance document which contains basic environmental information and links to the type of environmental issues we expect to be considered for development proposals.

Regards,

**Emily Davies**

Sustainable Places - Senior Planning Advisor  
East Anglia Area (West)

Working days Monday – Thursday

Environment Agency, Sustainable Places Team, Bromholme Lane, Brampton, Huntingdon, Cambs. PE28 4NE

**Phone:** 02084745242

**Email:** [planning.brampton@environment-agency.gov.uk](mailto:planning.brampton@environment-agency.gov.uk)



**Does Your Proposal Have Environmental Issues or Opportunities? Speak To Us Early!**

If you're planning a new development, we want to work with you to make the process as smooth as possible. We offer a bespoke advice service where you will be assigned a project manager who be a single point of contact for you at the EA, giving you detailed specialist advice within guaranteed delivery dates. This early engagement can significantly reduce uncertainty and delays to your project. More information can be found on our website [here](#).

Our hourly charge is £100 per hour (plus 20% VAT) from 1<sup>st</sup> April 2018.

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**From:** Enquiries\_EastAnglia  
**Sent:** 18 July 2018 14:12

Date: 17 August 2018  
Our ref: 252826



Rosie Hughes FSLCC  
Neighbourhood Plan Working Group  
Sutton Parish Council

Hornbeam House  
Crewe Business Park  
Electra Way  
Crewe  
Cheshire  
CW1 6GJ

**BY EMAIL ONLY**

T 0300 060 3900

Dear Ms Hughes

**Sutton's Neighbourhood Plan Pre-Submission: Strategic Environmental Assessment & Habitats Regulation Assessment Screening Request**

Thank you for your consultation on the above dated 16<sup>th</sup> July 2018 which was received by Natural England on 16<sup>th</sup> July 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.

**Screening Request**

Natural England has reviewed the Strategic Environmental Assessment / Habitats Regulations Assessment Screening Report (July 2018) and supports its conclusion that the Sutton Neighbourhood Plan is unlikely to give rise to significant environmental effects, including adverse impacts to European sites.

**Neighbourhood Plan**

Guidance on the assessment of Neighbourhood Plans in light of the SEA Directive is contained within the [National Planning Practice Guidance](#). The guidance highlights three triggers that may require the production of an SEA, for instance where:

- a neighbourhood plan allocates sites for development
- the neighbourhood area contains sensitive natural or heritage assets that may be affected by the proposals in the plan
- the neighbourhood plan may have significant environmental effects that have not already been considered and dealt with through a sustainability appraisal of the Local Plan.

We have checked our records and based on the information provided, we can confirm that in our view the proposals contained within the plan will not have significant effects on sensitive sites that Natural England has a statutory duty to protect.

We are not aware of significant populations of protected species which are likely to be affected by the policies / proposals within the plan. It remains the case, however, that the responsible authority should provide information supporting this screening decision, sufficient to assess whether protected species are likely to be affected.



Notwithstanding this advice, Natural England does not routinely maintain locally specific data on all potential environmental assets. As a result the responsible authority should raise environmental issues that we have not identified on local or national biodiversity action plan species and/or habitats, local wildlife sites or local landscape character, with its own ecological and/or landscape advisers, local record centre, recording society or wildlife body on the local landscape and biodiversity receptors that may be affected by this plan, before determining whether an SA/SEA is necessary.

Please note that Natural England reserves the right to provide further comments on the environmental assessment of the plan beyond this SEA/SA screening stage, should the responsible authority seek our views on the scoping or environmental report stages. This includes any third party appeal against any screening decision you may make.

For any queries relating to the specific advice in this letter only please contact Janet Nuttall via the enquiries line. For any new consultations, or to provide further information on this consultation please send your correspondences to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

Yours sincerely

David Allinton  
Consultations Team



Historic England

EAST OF ENGLAND OFFICE

Ms Rosie Hughes  
Sutton Parish Council  
The Glebe  
4 High Street  
Sutton  
Ely  
CB6 2RB

Direct Dial: 01223 582746

Our ref: PL00461688

7 September 2018

Dear Ms Hughes

### **SEA Screening for Sutton Neighbourhood Plan**

Thank you for your email of 16 July 2018 regarding the above consultation. As the Government's adviser on the historic environment Historic England is keen to ensure that the protection of the historic environment is fully taken into account at all stages and levels of the local planning process. Therefore we welcome this opportunity to review the Screening Report for this plan. For the purposes of this consultation, Historic England will confine its advice to the question, "Is it (the Sutton Neighbourhood Plan) likely to have a significant effect on the historic environment?". Our comments are based on the information supplied with the Screening Opinion.

The Screening Report indicates that the Council considers that the Sutton Neighbourhood Plan will not have any significant effects on the historic environment. We note that the neighbourhood plan does 'allocate' sites for development, but that the sites in question are either subject to allocation in the submitted draft local plan, or have extant planning permissions for development.

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 concurs with the Council that the preparation of a Strategic Environmental Assessment is not required.

The views of the other two statutory consultation bodies should be taken into account before the overall decision on the need for an SEA is made.

I should be pleased if you can send a copy of the determination as required by REG 11 of the Environmental Assessment of Plans and Programmes Regulations 2004.

We should like to stress that this opinion is based on the information provided by you with your correspondence dated 16 July 2018. To avoid any doubt, this does not reflect our obligation to provide further advice on later stages of the SA/SEA process and, potentially, object to specific proposals which may subsequently arise (either as a



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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.*



Historic England

EAST OF ENGLAND OFFICE

result of this consultation or in later versions of the plan/guidance) where we consider that, despite the SA/SEA, these would have an adverse effect upon the environment.

Historic England strongly advises that the conservation and archaeological staff of the relevant local authorities are closely involved throughout the preparation of the plan and its assessment. They are best placed to advise on; local historic environment issues and priorities, including access to data held in the Historic Environment Record (HER), how the allocation, policy or proposal can be tailored to minimise potential adverse impacts on the historic environment; the nature and design of any required mitigation measures; and opportunities for securing wider benefits for the future conservation and management of heritage assets.

Yours sincerely,

Edward James  
Historic Places Advisor, East of England  
Edward.James@HistoricEngland.org.uk



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