

## **Strategic Environmental Assessment Determination Statement:**

### **Draft Witchford Neighbourhood Plan**

This determination statement has been produced by East Cambridgeshire District Council (ECDC) as “responsible authority”, to meet the requirements of Regulation 9 of the Environmental Assessment of Plans and Programmes Regulations 2004. The regulations implement European Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment.

This Determination Statement forms a Submission Document for the purposes of neighbourhood planning, as required by The Neighbourhood Planning (General) Regulations 2012 (as amended) (reg. 15(e)(ii)).

A Screening Assessment was undertaken by ECDC during the preparation of the draft Witchford Neighbourhood Plan. As part of this assessment, ECDC consulted the statutory bodies. The SEA Screening Report is provided at Appendix 1.

The Screening Report examines the strategic policy and environmental context relevant to Witchford, and presents the findings of the screening assessment. The report identifies that the draft Witchford Neighbourhood Plan does not seek to increase the overall quantum of growth beyond that which has already been permitted through the planning system. The effects of this growth have therefore been considered during the planning application stage for each of the respective sites. Other policies generally accord with the adopted Local Plan; the potential environmental effects of which were duly assessed through the plan-making process.

The Screening Report was sent to consultation bodies for comment (spring 2019). Responses were received from Historic England, Natural England and Environment Agency.

In its response, Environment Agency confirms, “*We have reviewed the submitted report and it is our view that a Strategic Environmental Assessment would not be required for the Neighbourhood Plan.*”

Historic England indicates that it “*... concurs with the Council that the preparation of a Strategic Environmental Assessment is not required.*”

Natural England states, “*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.*”

**Based on the assessment undertaken in the SEA Screening Report and the responses received from statutory bodies, East Cambridgeshire District Council considers that it is not likely that significant environmental effects will arise from the implementation of the Witchford Neighbourhood Plan, and therefore Strategic Environmental Assessment is not required.**

*Appendix 1: SEA & HRA Screening Report for Draft Witchford  
Neighbourhood Plan*



EAST CAMBRIDGESHIRE  
DISTRICT COUNCIL

# **Screening Report**

**Strategic Environmental Assessment &  
Habitats Regulation Assessment**

# **April 2019**

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

<b>Date of assessment:</b>	29 April 2019
<b>Date/ version of neighbourhood development plan to which Screening Report applies:</b>	Witchford Neighbourhood Plan Pre-submission Plan 2019 -2036 early draft dated 06 March 2019

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### Overview

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

Witchford Neighbourhood Plan 2019-2036

**Version/ date of NDP to which this Screening Report applies:**

Witchford Neighbourhood Plan Pre-submission Plan 2019-2036 early draft dated 06 March 2019

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

Witchford Neighbourhood Area

**Parish council within the neighbourhood area:**

Witchford 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 Witchford Neighbourhood Plan (WNP) requires a full Strategic Environmental Assessment (SEA) and / or Habitats Regulation Assessment (HRA). The screening exercise will therefore support the WNP 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, such as through a sustainability appraisal of a Local Plan.
- 1.4. In the context of neighbourhood planning, a full Habitats Regulation Assessment (HRA) may be required where 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.

## *ECJ decision’s effects on screening assessment*

- 1.5. A decision by the European Court of Justice (ECJ) (People Over Wind & Sweetman vs. Coillte Teoranta) in April 2018 has had a significant impact on the HRA process for both Neighbourhood Plans and Local Plans. In short, the ECJ ruled that in order to determine whether it is necessary to carry out a full HRA of the implications of a plan, it is not appropriate to take account of the mitigation measures at the screening stage. Rather, consideration of mitigation will need to occur at the full Appropriate Assessment stage.
- 1.6. A consequence of the ECJ’s decision is that mitigation measures set out in a plan cannot be used at the screening stage to conclude there will be ‘no likely significant effects’ on European Sites. Therefore if a Neighbourhood Plan includes measures to counter the plan’s effects on European Sites these should, in effect, be ignored at the screening stage.
- 1.7. Previously, plan-making in the UK has followed case law as set out in Application of Hart DC vs. Secretary of the State for Communities and Local Government in 2008, which concluded that: ‘anything which encourages the proponents of plans and projects to incorporate mitigation measures at the earliest possible stage in the evolution of their plan or project is surely to be encouraged.’
- 1.8. The government has acknowledged that the ECJ’s ruling has caused uncertainty in preparing Neighbourhood Plans, and could result in more plans requiring a full SEA or HRA. In December 2018, The Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018 came into force, amending the basic conditions and allowing affected Neighbourhood Plans and Orders to proceed.

- 1.9. For the avoidance of doubt, this screening report has been undertaken in accordance with the ECJ's ruling, insofar that the effects of any mitigation measures set out in draft policies have not been considered.

## 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 (i.e. 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 WNP will likely be examined, the Local Plan 2015 (LP15) will remain the adopted Local Plan.
- 2.5. The LP15 directs the majority of growth to main settlements (such as Ely, Littleport and Soham). The LP15 identifies no site allocations for Witchford, but defines a Development Envelope within which growth is, in principle, generally acceptable. During its preparation, the LP15 was subject to Sustainability Appraisal and HRA.

### *Withdrawn Local Plan*

- 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 commenced in June 2018. In February 2019, East Cambridgeshire District Council withdrew the draft Local Plan.
- 2.7. At the point of withdrawal, the draft Local Plan was at an advanced stage of its preparation and had been subject to a full Sustainability Appraisal incorporating SEA, and a full HRA.
- 2.8. Following withdrawal of the Local Plan, East Cambridgeshire District Council has retained the HRA (dated June 2018) as it provides evidence and guidance on issues relating to European Sites which the Council believes remains relevant to applicants, decision-makers and to the preparation of Neighbourhood Plans.

### *Habitats Regulation Assessment (June 2018)*

- 2.9. East Cambridgeshire's recent Habitats Regulation Assessment report<sup>1</sup> accompanied the submitted (but now withdrawn) Local Plan. The purpose of the HRA report was to set out the method, findings and conclusions of the Habitats Regulation Assessment (Stage 1 Screening and Stage 2 Appropriate Assessment) of the submitted (but now withdrawn) East Cambridgeshire Local Plan. The HRA was carried out by East Cambridgeshire District Council in consultation with Natural England.
- 2.10. 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

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<sup>1</sup>

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

taken into account at the screening stage<sup>2</sup>. Through the Local Plan examination process, Natural England confirmed the HRA is legally compliant.

2.11. 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

2.12. 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

2.13. Witchford is located south west of Ely, approximately 7km from the Ouse Washes SAC. The HRA 2018 identifies the potential for development at Witchford to lead to increased disturbance from recreational pressure on the Ouse Washes and Wicken Fen in combination with other residential allocations and in-combination with housing development in neighbouring districts of Kings Lynn and Norfolk, Fenland and Huntingdonshire.

2.14. It is important to note the HRA identifies a potential for all development sites to increased disturbance on Designated Sites. However, of all settlements in East Cambridgeshire district, Witchford (and neighbouring Ely) are located most distant from Designated Sites

2.15. The HRA indicates 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.

2.16. The HRA report identifies that land beyond the boundary of the Ouse Washes SAC may also provide important functional habitat for qualifying bird species. The HRA provides advice on development proposals on greenfield sites that fall within the Goose and Swan Functional Land IRZ to ensure there are no adverse effects on the qualifying species of the Ouse Washes. The Witchford Neighbourhood Area is located outside the Goose and Swan Functional Land IRZ.

#### *Water Cycle Study (November 2017)*

2.17. The HRA notes the Ouse Washes SAC's vulnerability to changes in water quality. The latest Water Cycle Study (WCS) for East Cambridgeshire explored the impacts of growth on the water environment, testing a growth scenario of up to 12,900 dwellings across the district.

2.18. The WCS assumed development of 1,028 dwellings at Witchford, which is far in excess of future growth envisaged by the draft Witchford Neighbourhood Plan, which estimates delivery of 372 dwellings over the period 2019 to 2036.

2.19. The WCS indicates that the high-growth scenario would not lead to deterioration of water quality, in terms of Biological Oxygen Demand, Ammonia or Phosphates, when 'best available technology' is applied.

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

2.20. Therefore, whilst the HRA highlights the vulnerability of the Ouse Washes to changes in water quality, the WCS identifies that growth at Witchford of a much greater quantum than that proposed by the draft WNP is not expected to result in deterioration of water quality.

### 3. Summary of Draft Witchford Neighbourhood Plan

3.1. The subject of this screening report is the *Witchford Neighbourhood Plan 2019-2036 Pre-submission version dated 06 March 2019* (WNP), which is expected to be published for consultation in spring/summer 2019.

3.2. The WNP has been prepared by Witchford Parish Council, the ‘qualifying body’ for the purposes of neighbourhood planning. The Witchford Neighbourhood Area was first designated by East Cambridgeshire District Council (ECDC) in August 2016 and follows the parish boundary. The Neighbourhood Area was amended by ECDC in February 2019 to reflect forthcoming changes to the parish boundary, following a Community Governance Review.

3.3. The WNP identifies seven objectives:

1. Landscape and character: To maintain the rural fenland character of Witchford. To protect the open space between Witchford and Ely, so that the village remains a distinct and separate community.
2. Green infrastructure: To identify, protect and enhance the green infrastructure, open spaces and valued views of Witchford and the opportunities to enjoy the Witchford countryside.
3. Housing: To maintain a thriving community through the provision of housing to meet the range of needs of current and future residents of Witchford.
4. Infrastructure: To encourage and promote the provision of sufficient infrastructure, amenities and services to allow Witchford to retain its character as a self-sustaining, thriving community.
5. Traffic in Witchford: To address issues relating to the speed and volume of traffic through the village, and to create attractive and usable opportunities for pedestrian and cycle access within Witchford with the aim of reducing in-village car use.
6. Witchford to Ely Connectivity: To support proposals to improve infrastructure for safe and easy travel by cycle, on foot and by public transport to Ely and to Ely train station.
7. Supporting Witchford’s micro-economy: To support existing local businesses and to encourage increased economic activity appropriate to the rural nature of the parish.

3.4. In summary, to deliver these objectives the WNP proposes the following draft policies:

- Policy WNP SS1 - A spatial strategy for Witchford
- Policy WNP LCA 1 – Landscape and Settlement Character
- Policy WNP LCA 2 – Witchford Green Wedge
- Policy WNP GI1 – Public Rights of Way
- Policy WNP – GI2 Local Green Space
- Policy WNP – GI3 Development and Biodiversity
- Policy WNP H1 – Housing Mix
- Policy WNP H2 - Affordable Housing
- Policy WNP H3 Housing Design
- Site Allocation WNP H5
- Site Allocation WNP H6
- Site Allocation WNP H7
- Policy WNP IC1 - Witchford Infrastructure and Community Facilities
- Policy WNP IC2 - Witchford Village Hall and Recreation Ground
- Policy WNP IC3 Protection of Witchford’s Community Facilities
- WNP H5 - Flooding
- Policy WNP T1 – Getting around the village
- Policy WNP C1 – Connecting Witchford and Ely through sustainable and safe cycle and pedestrian routes
- Policy WNP E1 – Support for small business development
- Policy WNP E2 – Employment and Commercial Development

## *Development Opportunities*

- 3.5. Policy WNP SS1 sets out a spatial strategy for Witchford. This policy offers in principle support to development proposals located within the Development Envelope, and seeks to restrict development outside the development envelope. This approach reflects that taken by the Local Plan.
- 3.6. However, where the WNP differs from the Local Plan is through the inclusion of a number of site allocations for housing development:
- Site Allocation WNP H5 allocates a site located north of Field End for the development of up to 168 homes, reflecting extant planning permissions for the site. In addition, the policy includes site-specific requirements relating to streetscape improvements, pedestrian and cycle access and biodiversity.
  - Site Allocation WNP H6 allocates a site at Common Road for the development of up to 120 homes, reflecting East Cambridgeshire District Council's decision to grant planning permission for the site, subject to signing a s106 agreement. In addition, the policy includes requirements for a landscape buffer, drainage and pedestrian and cycle access.
  - Site Allocation WNP H7 allocates a site south of Main Street for the development of up to 46 new dwellings, which currently has extant planning permission. The policy also includes a number of site-specific requirements relating to landscape and visual impacts, planting and drainage.
- 3.7. Each of the proposed site allocations has been approved through the planning application process. The environmental effects of those developments has therefore been considered through the determination of those planning applications.
- 3.8. Policy WNP SS1 also supports employment development at existing business parks. This accords with the Local Plan 2015 which supports development at existing employment sites. Policy WNP E1 favours development which supports small business development, such as home working and provision for micro-businesses. Policy WNP E2 supports development at the Sedgeway business park where this minimises its landscape impacts.
- 3.9. Policies WNP H1, WNP H2 Affordable Housing, WNP H3 Housing Design relate to the type, tenure and design standard quality of new development, but are not likely to affect the quantum of development delivered in the plan area, and as such are not likely to have environmental effects
- 3.10. In summary, any potential effects arising from the WNP's policies for housing and employment development have already been considered through the planning process. Specifically, proposed site allocations have been assessed through the determination of planning applications. Other development, such as windfall development within the Development Envelope and employment development at existing employment locations, is supported by the adopted Local Plan which was subject to SEA and HRA during its preparation.

## *Witchford's Environment*

- 3.11. The WNP includes a number of policies for the sole purpose of conserving and enhancing Witchford's natural and built environment.
- 3.12. Witchford Parish Council commissioned an independent assessment of landscape character. Witchford's Landscape Character Assessment (LCA) will accompany the WNP, providing justification for the setting of policies and evidence to inform the preparation of planning applications.
- 3.13. Informed by the LCA, policy WNP LCA 1 sets out requirements for new development to mitigate the visual impacts of new development on the landscape and settlement character. In

addition, policy WNP LCA 2 designates areas of ‘Green Wedge’ to prevent physical coalescence and maintain visual separation between Witchford, Ely and the Lancaster Way Business Park.

- 3.14. Policy WNP GI1 seeks to protect the amenity value of Public Rights of Way, and offers support for proposals which will enhance or extend public rights of way.
- 3.15. Policy WNP GI2 proposes the designation of fourteen Local Green Spaces, informed by an assessment, set out in an evidence report which will be submitted alongside the WNP. The policy limits development of these important open spaces, in line with national policy for Green Belt.
- 3.16. Policy WNP GI3 seeks to ensure that new development will not result in adverse impacts on biodiversity, and supports proposals which include measures to enhance biodiversity in the parish.
- 3.17. Flooding, particularly from surface water sources (i.e. pluvial sources, as opposed to fluvial or tidal sources) is a key concern within the parish, and policy WNP H5 seeks to address this by requiring new development to be designed to manage surface water sustainably.

### *Witchford’s Infrastructure & Facilities*

- 3.18. The WNP includes a number of policies relating to infrastructure and facilities, which principally address issues relating to transport and accessibility. For example, Policy WNP IC1 identifies two overriding priorities relating to improving crossing facilities at the A10 road to enhance connectivity between Witchford and Ely; and, traffic management measures reduce congestion on the A142 and deter drivers from using village roads as a ‘rat-run’.
- 3.19. Supplementary to this policy are policies WNP T1, which requires new developments to improve accessibility throughout the village for pedestrians and cyclists, and WNP C1 supports greater connectivity for pedestrians and cyclists travelling between Witchford and Ely.
- 3.20. Policy WNP IC2 supports the expansion and enhancement of facilities at the existing site of Witchford Village Hall and Recreation Ground. Such development will principally deliver community and recreation facilities. However, the policy supports the provision of office space to support the local micro-economy and generate income to maintain the village hall facility.
- 3.21. Policy WNP IC3 seeks to protect existing facilities including the pub and shop.

### *Summary of likely environmental effects*

- 3.22. The WNP does not create additional opportunities for development. The opportunities for development supported by the WNP already exist in the planning system. The sites proposed for allocation by the WNP have been approved through the planning process. Therefore the effects of these proposals on the environment have already been considered through the planning application process.
- 3.23. Other development opportunities, such as windfall development within the Development Envelope and development at existing employment locations, conforms to the policies of the Adopted Local Plan, and therefore any effects have been tested through the plan-making process.
- 3.24. The WNP supports the expansion and enhancement of the existing village hall and recreation ground facility. However, the scale of this development is expected to be modest, and therefore the environmental effects of such a scheme would likely be neutral / negligible.
- 3.25. A number of draft WNP policies are particularly environmentally conscientious and address environmental issues positively by seeking to improve the quality of new development to reduce its impacts on the environment. For example, the WNP includes policies to protect the landscape, enhance biodiversity and encourage sustainable travel. The proposed designation of Local Green Spaces and extensive areas of ‘Green Wedge’ could potentially play a role in enhancing access to open spaces, thereby reducing recreation pressure at important habitats (i.e. designated sites).

3.26. The effects of future development anticipated by the WNP have already been tested through the planning system. To re-appraise the likely effects of future development through the SEA & HRA process, including the three site allocations, would result in duplication of work previously undertaken. This would not, therefore, be a reasonable or proportionate response.

3.27. Whilst the level of growth proposed by the WNP is higher than that set out in the Adopted Local Plan, it is generally accepted that Neighbourhood Plans can promote more growth than set out by the Local Plan. The sites selected merely reflect permissions granted in recent years. 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>3</sup>.

3.28. Overall, the environmental effects of the WNP's policies are likely to be neutral / negligible.

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<sup>3</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 initially 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. A Neighbourhood Plan's (or Neighbourhood Development Order) requirements for Appropriate Assessment are clarified further by the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018.
- 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>4</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 WNP, 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 WNP, as per the flow chart in Figure 2, to determine if a full 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>4</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

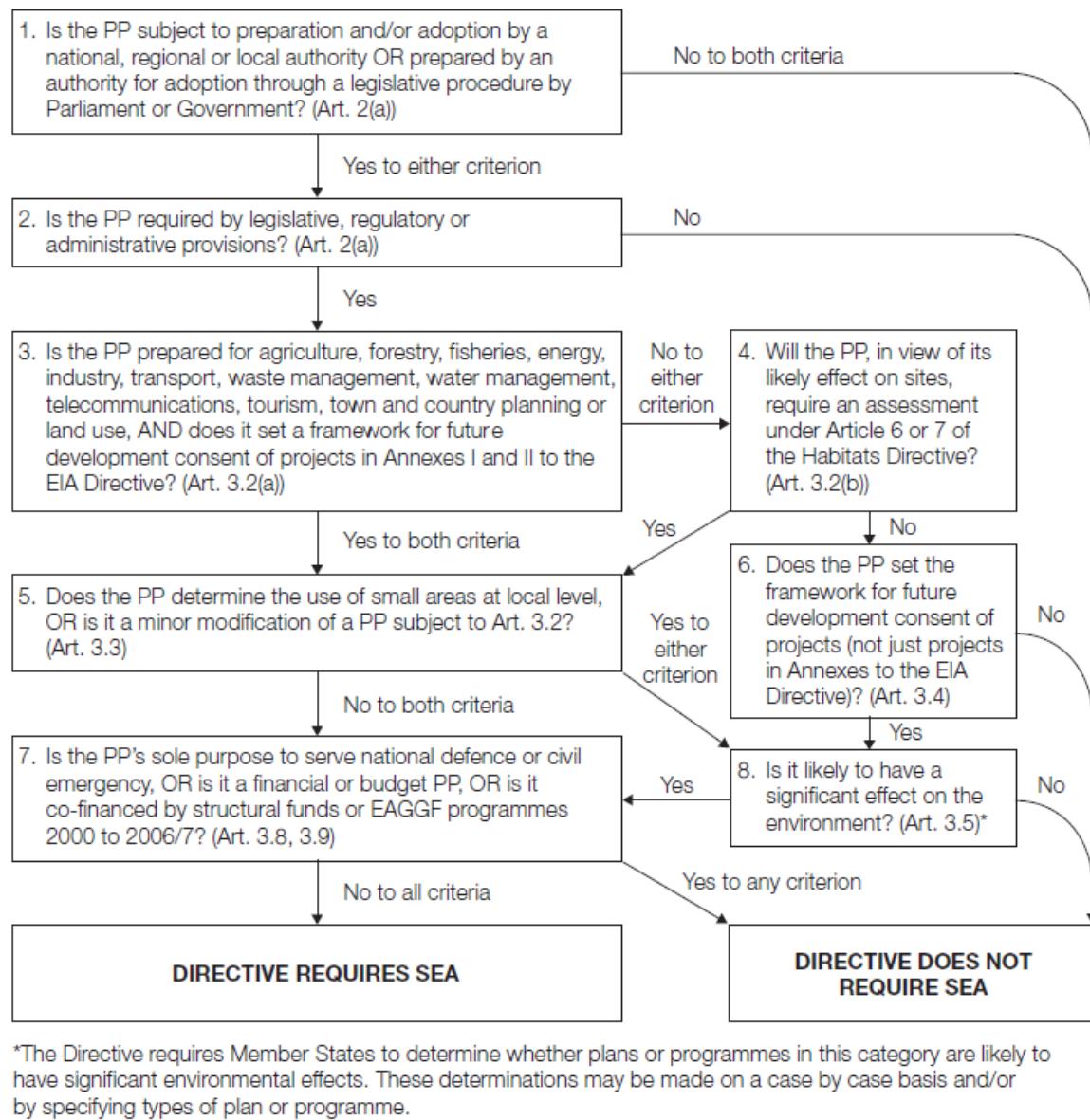
- the degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources;
- the degree to which the plan or programme influences other plans and programmes including those in a 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>5</sup>**

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.



<sup>5</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 Draft Witchford Neighbourhood Plan

5.1. Figure 3 provides assessment of the draft WNP 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 WNP would, if adopted, form part of the Statutory Development Plan and contribute to the framework for future development projects. However, the WNP would only apply to a very limited geographical area (the Witchford 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 WNP would not influence other plans and programmes to a significant degree. The WNP is required to be in general conformity with the strategic policies of the 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 WNP includes a number of policies which promote environmental considerations, namely:</p> <ul style="list-style-type: none"> <li>• <i>Policy WNP LCA 1 – Landscape and Settlement Character</i></li> <li>• <i>Policy WNP LCA 2 – Witchford Green Wedge</i></li> <li>• <i>Policy WNP GI1 – Public Rights of Way</i></li> <li>• <i>Policy WNP – GI2 Local Green Space</i></li> <li>• <i>Policy WNP – GI3 Development and Biodiversity</i></li> <li>• <i>WNP H5 - Flooding</i></li> <li>• <i>Policy WNP T1 – Getting around the village</i></li> <li>• <i>Policy WNP C1 – Connecting Witchford and Ely through sustainable and safe cycle and pedestrian routes</i></li> </ul> <p>The following policies identify opportunities for development:</p> <ul style="list-style-type: none"> <li>• <i>Policy WNP SS1 - A spatial strategy for Witchford</i></li> <li>• <i>Site Allocation WNP H5</i></li> <li>• <i>Site Allocation WNP H6</i></li> <li>• <i>Site Allocation WNP H7</i></li> <li>• <i>Policy WNP IC2 - Witchford Village Hall and Recreation Ground</i></li> <li>• <i>Policy WNP E2 – Employment and Commercial Development</i></li> </ul> <p>However, the scale of development identified by the WNP is not expected to exceed that which has been assessed and</p>	None

	determined through the planning application process, or through preparation of the adopted Local Plan.	
(d) environmental problems relevant to the plan or programme; and	The Neighbourhood Area includes some low-lying fen areas, located in Flood Zones 2 and 3. However the WNP does not include specific proposals in areas outside Flood Zone 1.	None
(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 WNP 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 WNP are expected to be minimal in terms of probability, duration and frequency.	None
(b) the cumulative nature of the effects;	<p>The cumulative effects of development sites identified by the WNP have been considered through a combination of the planning application process and the preparation of the adopted Local Plan 2015, namely through Sustainability Appraisal and Habitats Regulation Assessment.</p> <p>The more recent HRA, published in June 2018, and Water Cycle Study (2017) assessed the cumulative effects of growth at Witchford upon the environment and designated sites.</p>	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 WNP is not expected to pose any risks to human health or the environment. The effects of policies may enhance these elements, for example in its efforts to improve traffic management and encourage sustainable travel.	None
(e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);	The Witchford Neighbourhood Area is coterminous with the boundary of Witchford civil parish, as it will be at the time the plan is made (following implementation of a Community Governance Review in May 2019). This includes the village of Witchford, the Sedgeway Business Park and surrounding countryside which is principally in agricultural use. The extent of any effects of the implementation of the WNP 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— (i) special natural characteristics or cultural heritage;	<p>Witchford is located approximately 7km from the Ouse Washes SAC.</p> <p>Some areas beyond the Ouse Washes provide functionally related habitat for certain bird species. Natural England defines this area as the Ouse Washes Functional Land IRZ. The</p>	None

<p>(ii) exceeded environmental quality standards or limit values; or  (iii) intensive land-use; and</p>	<p>Witchford Neighbourhood Area does not fall within the IRZ, therefore development within the Neighbourhood Area is not expected to affect qualifying bird species.</p> <p>The HRA notes that the Ouse Washes SAC is vulnerable to changes in water quality and quantity. Development could lead to potential effects on these key vulnerabilities in combination with other residential allocations. East Cambridgeshire's Water Cycle Study (2017) assessed the potential impacts on the water environment of growth across the district, including at Witchford. The WCS indicates that the growth at Witchford of a scale envisaged by the WNP would not lead to deterioration of water quality or quantity.</p> <p>The HRA identifies that there is potential for increased disturbance from recreational pressure on the Ouse Washes as a result of future growth, in combination with other residential allocations and in-combination with housing development in neighbouring districts of Kings Lynn and West Norfolk, Fenland and Huntingdonshire. The WNP does not increase the quantum of development, and therefore will not result in an increase recreational pressure on the Ouse Washes.</p> <p>The scale of growth proposed by the WNP reflects that already permitted through the planning system. The effects of this growth upon the environment have therefore already been assessed.</p>	
<p>(g) the effects on areas or landscapes which have a recognised national, Community or international protection status.</p>	<p>Effects of the WNP are expected to be positive and localised, as a Landscape Character assessment has been undertaken to inform the WNP's policies. However, the effects are not likely to be significant in the context of SEA.</p>	<p>None</p>

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

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

Criteria	Response: Yes/ No/ Not applicable	Details
<p>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?</p>	<p>Yes</p>	<p>The preparation and adoption of the WNP is allowed under the Town and Country Planning Act 1990 as amended by the Localism Act 2011. Whilst the WNP has been prepared by Witchford Parish Council it will be adopted by East Cambridgeshire District Council as the local authority.  <b>GO TO STAGE 2</b></p>
<p>2. Is the NDP required by legislative, regulatory or administrative provisions?</p>	<p>Yes</p>	<p>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.  <b>GO TO STAGE 3</b></p>

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; No - EIA Directive Annex I & II	The WNP 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. <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 WNP reflects growth that is already consented through the planning system, or facilitated by the adopted Local Plan.  As the WNP does not allocate sites without planning permission, and is not likely to increase the amount of growth which will take place in Witchford beyond that which is already permitted, an assessment under Articles 6 and 7 of the Habitats Directive is not required. <b>GO TO STAGE 6</b>
5. Does the NDP determine the use of small areas at local level, OR is it a minor modification of an NDP subject to Art. 3.2?	N/A	
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 WNP will set the framework for development consents in the neighbourhood area. <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 WNP will result in likely significant environmental effects is assessed in Figure 3.  The assessment identifies that no likely significant environmental effects are expected to arise through implementation of the WNP.
<b>Outcome:</b>		<b>SEA not required</b>

## 6. Screening Outcome

- 6.1 The Neighbourhood Plan does not seek to increase the overall quantum of growth beyond that which has already been permitted through the planning system. The effects of this growth have therefore been considered during the planning application stage for each of the respective sites. Other policies generally accord with the adopted Local Plan, the potential environmental effects of which were duly assessed through the plan-making process.
- 6.2 In addition, East Cambridgeshire's recent HRA and Water Cycle Study provide evidence that development within the Neighbourhood Area is not likely to result in significant environmental effects.
- 6.3 To take an alternative approach, such as preparing evidence bespoke to the WNP, 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, East Cambridgeshire District Council is of the view that implementation of the WNP will not result in likely significant environmental effects. As such, a full SEA is not required for the Witchford Neighbourhood Plan.
- 6.5 The assessment in section 5 also considers the effects of the WNP in respect of designated sites. The assessment determines that implementation of the WNP is not expected to result in likely significant effects on designated sites. As such, a full HRA is not required for the Witchford Neighbourhood Plan.
- 6.6 This report was initially subject to consultation with the statutory bodies, from 19 March 2019 to 26 April 2019. Responses were received from Environment Agency, Historic England and Natural England, and are reproduced in Appendix 1. Each of the statutory bodies agreed with the Council's conclusion that a full SEA is not required.
- 6.7 In the event that the objectives, aims and/or policies covered by the WNP should change significantly during the plan-making process, this screening process will be reviewed.

## Appendix 1: Consultation with Statutory Agencies

East Cambridgeshire District Council considers that it is not likely that there will be significant environmental effects arising from the WNP (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 Witchford Neighbourhood Plan in its current form. The responses received during this consultation are detailed below.

### **Environment Agency – Letter received by email 26 April 2019**

*Thank you for consulting us on the Draft Witchford Neighbourhood Plan SEA Screening Report.*

*We have reviewed the submitted report and it is our view that a Strategic Environmental Assessment would not be required for the Neighbourhood Plan. However, we have the following advisory comments to make.*

#### ***Policy WNP H5: Flooding***

*Part of the neighbourhood area falls within Flood Zone 3 (high risk). A copy of our flood map is enclosed for your information. We welcome Policy which seeks to ensure that flood risk is not increased elsewhere.*

*It is essential that any allocation site satisfies the requirement of the National Planning Policy Framework (NPPF) including the following;*

- *The Sequential and Exception Tests.*
- *Appropriateness of proposed use in line with Table 2: Flood risk vulnerability classification, and Table 3: Flood risk vulnerability and flood zone ‘compatibility’*
- *Flood Risk Assessment (FRA). Individual site specific contemporary FRA’s will be required to support any subsequent planning application.*
- *Any FRA should acknowledge that our National Flood mapping is Indicative not Definitive hence the need for individual site specific FRA’s.*

*Where a proposed allocation is identified as being at flood risk the FRA should also consider;*

- *Betterment in terms of impact on floodplain and safeguarding life and property.*
- *Flood resilience and resistance construction.*
- *Flood warning.*
- *Personal site flood plan.*
- *Access/egress/Emergency evacuation – the councils Emergency planner will comment upon these issues.*

*FRA’s should be undertaken by a suitably qualified person.*

#### ***Policy WNP – GI3: Development and Biodiversity***

*We welcome policy that safeguards biodiversity and seeks to provide net gains by creating, restoring and enhancing habitats.*

#### ***General information***

*Together with Natural England, English Heritage and Forestry Commission we have published joint advice on neighbourhood planning which sets out sources of environmental information and ideas on incorporating the environment into plans. This is available at:*

*[http://webarchive.nationalarchives.gov.uk/20140328084622/http://cdn.environment-agency.gov.uk/LIT\\_6524\\_7da381.pdf](http://webarchive.nationalarchives.gov.uk/20140328084622/http://cdn.environment-agency.gov.uk/LIT_6524_7da381.pdf)*

*Below is a link to our developer’s 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)*

*For information, please see the attached Environment Agency Planning Guidance<sup>6</sup> which sets out the environmental issues within our remit which need to be considered for planning purposes.*

**Habitats Regulations Assessment**

*The competent body to review if a HRA report is required is Natural England. Please contact them, if not done so already.*

*We hope this is of assistance.*

**Historic England – Letter received via email 25 April 2019**

*Thank you for your email of 19 March 2019 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 Witchford 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, although the neighbourhood plan includes site allocation policies, these are sites that have been subject to scrutiny via the local planning process and have been granted planning permission. Therefore the Council considers that the Witchford Neighbourhood Plan will not itself have any significant effects on the historic environment.*

*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 19 March 2019. 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 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.*

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<sup>6</sup> Available on request

## **Natural England – Letter received via email 21 March 2019**

*Thank you for your consultation on the above dated and received by Natural England on 19 March 2019*

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

### **Screening Request: Strategic Environmental Assessment/HRA**

*It is our advice, on the basis of the material supplied with the consultation, that, in so far as our strategic environmental interests (including but not limited to statutory designated sites, landscapes and protected species, geology and soils) are concerned, that there are unlikely to be significant environmental effects from the proposed plan.*

### **Neighbourhood Plan**

*Guidance on the assessment of Neighbourhood Plans, in light of the Environmental Assessment of Plans and Programmes Regulations 2004 (as amended), 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 new consultations, or to provide further information on this consultation please send your correspondences to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).*