

# **Snettisham Neighbourhood Plan**

## **Strategic Environmental Assessment & Habitats Regulations Assessment**

### **Screening Report**

**June 2017**

Borough Council of  
**King's Lynn &  
West Norfolk**



**Planning Policy**

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## **1. Introduction**

This screening report determines whether or not the contents of the draft Snettisham Neighbourhood Plan (February 2017) are likely to have significant environmental effects and therefore require a Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plans and Programmes Regulations 2004.

This report will also screen to determine whether or not the contents of the draft Snettisham Neighbourhood Plan (February 2017) require a Habitats Regulations Assessment in accordance with Article 6 (3) of the EU Habitats Directive and with Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended). A HRA is required when the implementation of the contents of the draft Snettisham Neighbourhood Plan (February 2017) is likely to cause significant negative effects on a designated protected European Site (Natura 2000 sites).

## **2. Legislative Background**

### **Strategic Environmental Assessment**

The European Directive 2001/42/EC is the basis for Strategic Environmental Assessments and Sustainability Appraisal legislation, which was transposed into English law by the Environmental Assessment of Plans and Programmes Regulations 2004, or SEA Regulations.

If a neighbourhood plan is likely to cause significant negative environmental effects, it is necessary to undertake a SEA assessment in line with the SEA regulations. To fulfil the legal requirements to identify if a neighbourhood plan requires a SEA, a screening for a SEA has to be undertaken.

### **Habitat Regulation Assessment**

It is required by Article 6 (3) of the EU Habitats Directive and by regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended) that an appropriate assessment is carried out with regard to the Conservation Objectives of the European Sites and with reference to other plans and projects to identify if any significant effect is likely for any European Site.

To fulfil the legal requirements to identify if likely significant effects will occur with the implementation of a neighbourhood plan upon the European Sites (Natura 2000 sites) a screening assessment has been undertaken.

### **3. SEA Screening**

#### **Criteria for the Assessment of the Effects of the Neighbourhood Plan**

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.

(Annex II of SEA Directive)

## Assessment

The Localism Act (2011) requires that Neighbourhood Plans must be in general conformity with the strategic policies of the Local Plan. The Borough Council of King's Lynn and West Norfolk has a Core Strategy which was adopted in July 2011 and a Site Allocations and Development Management Policies Plan (SADMP) which was adopted in September 2016. Therefore the Neighbourhood Plan must be in general conformity with these documents. The Core Strategy and SADMP were subject to a full Sustainability Appraisal which included a SEA assessment. This ensured that there were no likely significant effects which would be produced from the implementation of the Core Strategy SADMP and if so ensured mitigation measures were in place.

A SEA or sustainability appraisal (SA) is not generally required for neighbourhood plans. However, if the contents of a NP are likely to have significant environmental effects, e.g. due to certain policies or allocations, a SEA has to be undertaken.

The fact that Snettisham's Neighbourhood Plan includes an allocation for residential development, a SEA might be required. However, parts of the proposed allocation were already included in the SA of the Site Allocations and Development Management Policies Plan (SADMP), as site 1282. Within the SA it was identified, that "the site is not as close to village services as alternative options. The site is screened by existing development on the east, south and partly to the north. It is not screened from the wider countryside on the west but impact on landscape amenity can be mitigated by natural screening (planting of native hedgerow). The site is not subject to flood risk. Development of the site would result in loss of moderate quality. Due to that the site 1282, besides others, has been seen as a reasonable alternative to the actual allocation G83.1 of the SADMP.

In the Environmental Assessment of Plans and Programmes Regulations 2004 regulation 5(5) it is stated, that "an environmental assessment need not to be carried out (..) for a [town and country planning or land use] plan (...) which determines the use of a small area at the local level (...) unless it has been determined under regulation 9 (1) that the plan (...), is likely to have significant environmental effects". However, a threshold for a small area at the local level is not defined.

The overall size of the allocation is about 3.28 ha, Snettisham is classified as a Key Rural Service Centre in the CS Settlement Hierarchy. The Housing and Economic Land Availability Assessment (HELAA) (2014) report, based on the average density of approved developments within the settlement, pointed out a suitable site density of 24 dwellings per hectare for this type of area. Due to that, the allocation, 75% of the 3.28 ha would be assumed as net developable area, could be able to provide 59 dwellings, based on the average density listed in the HELAA report. Though, the NP draft proposes 20-40 new dwellings for the plan period.

The larger parts of Snettisham's NP can be seen as minor adaption of the local plan and therefore would not require SEA, but due to the fact that the proposed allocation has not been assessed as a whole within the SA, the size of about 3.28 ha, the possible number of dwellings at this site, point out that Snettisham's NP might require a SEA. In particular the size and possible housing numbers significant environmental effects cannot be excluded.

Additionally, in schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, development which is "likely to have significant effects on the environment by virtue of factors such as its nature, size or location" is listed. There, urban development projects, with an area of development exceeding 0.5 ha are named. This is also underpinning the assumption that the proposed allocation, and its followed development, is likely to have a significant environmental effect and therefore requires a SEA.

Though, additionally, we used the following diagram to analyse if Snettisham NP requires a SEA.

Guidance upon SEA's written by the Department of the Environment produces a diagram to the process for screening a planning document to ascertain whether a full SEA is required, see figure1.

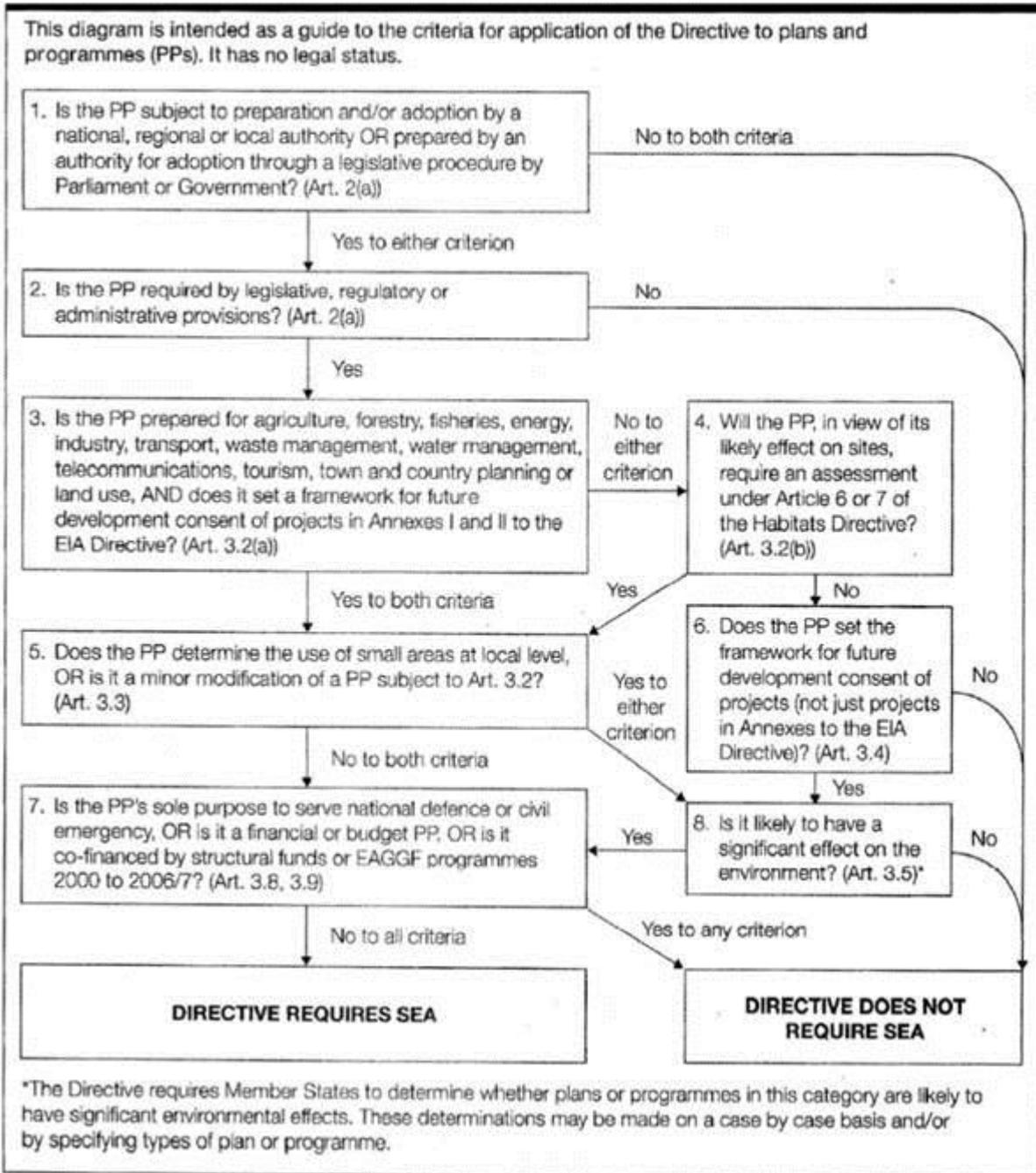


Figure 1: Application of the SEA Directive to plans and programmes

Within the following table, the assessment of whether Snettisham Neighbourhood Plan will require a SEA can be seen.

Stage	Yes/No	Reason
1. Is the plan or programme subject to preparation and/or adoption by national, regional or local authority OR prepared by an authority for adoption through a legislative procedure by Parliament or Government? (Art. 2(a))	Yes	The Neighbourhood Plan is not a DPD, but if it passed more than 50% at the referendum it will be adopted by the Borough Council of King's Lynn & West Norfolk.
2. Is the plan or programme required by legislative, regulatory or administrative provisions? (Art. 2(a))	No	There is no requirement, but a right to produce a Neighbourhood Plan existing. Since if the Neighbourhood Plan is adopted, it will form part of the statutory development plan, it is necessary to determine if an SEA is required.
3. Is the plan or programme prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use, AND does it set a framework for future development consent of projects in Annexes I and II to the EIA Directive? (Art 3.2(a))	Yes	The Neighbourhood Plan is prepared for town and country planning and land use and sets out a framework for future development in the neighbourhood area, including Industry and Employment and retail development, which may fall under 10(a & b) of Annex II of the EIA directive.
4. Will the plan or programme, in view of its likely effect on sites, require an assessment for future development under Article 6 or 7 of the Habitats Directive? (Art. 3.2(b))	Yes	See HRA screening assessment within this screening report.
5. Does the plan or programme determine the use of small areas at local level, OR is it a minor modification of a plan or project subject to Art. 3.2? (Art. 3.3)	No	The proposed allocation has a size of about 3.28ha, and in this term it can be assumed that just single plots or a few plots might be seen as small area at the local level.
6. Does the plan or programme set the framework for future development consent of projects (not just projects in annexes to the EIA Directive)? (Art. 3.4)	Yes	The Neighbourhood Plan includes policies which will be relevant for future planning applications within the Neighbourhood area.
7. Is the plan or programme's sole purpose to serve the national defence or civil emergency, OR is it a financial or budget plan or programme, OR is it co-financed by structural funds or EAGGF programmes 2000 to 2006/07? (Art. 3.8, 3.9)	No	Does not apply to a Neighbourhood Plan.

<p>8. Is it likely to have a significant effect on the environment? (Art. 3.5)</p>	<p>Maybe</p>	<p>In schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, development which is “likely to have significant effects on the environment by virtue of factors such as its nature, size or location” is listed. There, urban development projects, with an area of development exceeding 0.5 ha are named. This is also underpinning the assumption that the proposed allocation, and its followed development, is likely to have a significant environmental effect and therefore requires a SEA.</p>
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Table 1: Establishing the Need for SEA

### Screening Outcome

As a result of the assessment in Table 1, it is likely, that significant environmental effects arise from the implementation of Snettisham Neighbourhood Plan. In summary, most of the contents of Snettisham Neighbourhood Plan can be seen as minor adaption and/or extension of the Core Strategy and the SADMP, but due to the allocation, and moreover the size of this allocation it is likely, that Snettisham Neighbourhood Plan has a significant effect on the environment. This screening opinion, has been confirmed or at least not objected within the statutory consultation of Natural England, Historic England and the Environmental Agency.

## 4. HRA Screening

### HRA Process

The HRA process is generally divided in three stages, as the first stage the initial screening determines if any significant effects are possible/likely as a result of the implementation of the plan.

This screening should provide a description of the plan and an identification of the relevant designated European sites/Natura 2000 sites.

### Relevant Natura 2000 sites

The potentially affected International and European Protected Sites within or surrounding the neighbourhood area of Snettisham are Special Areas of Conservation (SAC), Special Protection Areas (SPA) and Wetlands of International Importance (Designated under the RAMSAR Convention):

- Dersingham Bog (SAC/RAMSAR)

- The Wash (SAC/SPA/RAMSAR)

### **Assessment of effects**

The previously undertaken HRA for the SADMP, can be used as basis to analyse if the proposed Snettisham NP might have a significant effect on designated European sites.

Of the proposed policies and contents of the NP, more or less only the allocation seems to be likely to might have a significant effect on the European sites.

Within the HRA the SADMP, allocations for at least 34 dwellings in Snettisham have been assessed and it was stated, that Dersingham Bog SAC is already at capacity for recreational disturbance, any more than a negligible increase would trigger likely significant effects. E.g. increased visitors would damage habitat features of Dersingham Bog SAC. Respecting that, the policy has been adjusted in the submission document to clarify the potential for green infrastructure improvements.

Moreover, Snettisham has been named as part of the combined effects from new housing at various locations in the Borough, because of the nature of the users of the site (mostly local users) on Dersingham Bog SAC and RAMSAR, and the mixed nature of users (local, day trippers and tourists) on the Wash SPA/SAC and RAMSAR which are likely to have significant environmental effects on the named European sites.

### **Screening Outcome**

Regarding to the analysis of the present HRA, significant environmental effects, such as additional recreational pressure due to a larger number of local residents, is likely and therefore a HRA seems to be required.

In summary, due to the proposed residential allocation within the neighbourhood plan, which would create additional dwellings, might lead to a higher visitor number of a site already at capacity and therefore a HRA seems to be required since this particular allocation is likely to cause significant effects on the designated sites. This screening opinion has been confirmed or at least not objected within the statutory consultation of Natural England, Historic England and the Environmental Agency.

However, in general it is noteworthy, that if a HRA is necessary automatically also a SEA has to be undertaken.

## **5. Conclusions and recommendations of the Screening Assessments**

A screening assessment to determine the need for a SEA in line with regulations and guidance was undertaken and pointed out, that due to the size of the proposed residential allocation significant effects on the environment are likely. The additional screening of the previously undertaken HRA of the SADMP pointed out that, some of the designated sites within proximity of Snettisham are already at capacity and an additional increase in visitor numbers (due to additional residents) are likely to trigger significant effects on designated sites.

From the findings of these screening assessments it is recommended that a SEA and HRA have to be undertaken for Snettisham Neighbourhood Plan. This opinion was also backed by the statutory consultation responses by Natural England, Historic England and the Environment Agency.