



Woolpit Neighbourhood Plan

Habitats Regulations Screening Determination

May 2019

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WOOLPIT NEIGHBOURHOOD PLAN

HABITATS REGULATIONS DETERMINATION

1. Introduction

This assessment relates to the Woolpit Neighbourhood Plan 2016 - 2036 Pre-Submission Draft which was published for consultation in February 2019.

It is a requirement of European law that a plan or project is subject to an assessment to determine whether it is likely to have a significant effect on the integrity of any European Site, in terms of impacting on the site's conservation objectives.

Submitted Neighbourhood Plans need to be accompanied by a statement to explain how the proposed plan meets the 'basic conditions' set out in Schedule 4B of the 1990 Town and Country Planning Act. These basic conditions include a requirement to demonstrate how the Plan is compatible with EU obligations, which includes the need to undertake a Habitats Regulations Assessment (HRA). This is one of the matters that will be tested as part of the independent examination of the Plan.

Whether a neighbourhood plan requires a Habitats Regulations Assessment and the level of detail needed will depend on what is proposed in the draft Neighbourhood Plan and the potential impacts on European sites designated for their nature conservation interest.

This report therefore determines whether a Habitats Regulations Assessment under the UK Conservation of Habitats and Species Regulations 2017, which enacts the Habitats Directive¹, is required for the Woolpit Neighbourhood Plan.

This determination refers to:

- A HRA Screening Report prepared by Place Services, Essex CC [*hereafter referred to as Place Services*] which can be viewed at: www.midsuffolk.gov.uk/WoolpitNP
- The responses to this from the statutory consultees (See Appendix 1).

2. Legislative Background

One of the basic conditions that Neighbourhood Plans must meet is that:

“The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017”

The Conservation of Habitats and Species Regulations 2017 include regulations on the assessment of plans (including neighbourhood plans) and projects on European sites or European offshore marine sites. The first stage is to screen the plan to see whether it is likely to have a significant effect on any Habitats (European) sites. If the plan is “screened in” because likely significant effects cannot be ruled out, the next stage is for an appropriate

¹ Directive 92/43/EEC 'on the conservation of natural habitats and of wild fauna and flora': <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:31992L0043>.

assessment to be carried out considering the impact on the European site's conservation objectives. Consent for the Plan can only be given if it is "screened out" at the first stage or the appropriate assessment concludes the integrity of the European site will not be adversely affected.

Case law (*People Over Wind, Peter Sweetman v Collie Teoranta*) ruled that it is not permissible to take account of measures intended to reduce or avoid any harmful effects of a plan or project on a European site at the screening stage. Any mitigation measures can now only be considered at the appropriate assessment stage.

3. Assessment

In determining whether a proposed development plan or programme is likely to have significant effects, the local authority must incorporate the 'precautionary principle' into its decision. This means that if there is uncertainty as to whether the plan or programme would cause significant effects on a European site, the full Appropriate Assessment would be required.

The Neighbourhood Plan includes the following vision:

Woolpit in 2036 is...

... an integrated community where people of all ages and from diverse backgrounds and cultures benefit from a wide range of facilities and employment opportunities.

The historic character of the village has been preserved and can be enjoyed by everyone, through a diverse range of footpaths, cycle ways and roads.

Congestion in the village centre has been dealt with by careful management and taking opportunities from new development.

Modern facilities and infrastructure have been supported by steady growth of housing and businesses at a rate that could be integrated into the community, supporting the existing shops and services. The village centre is a vibrant place, not only because of its range of essential shopping facilities, but because of the many suitable locations for local clubs and societies.

This has maintained Woolpit as a key hub in the network of nearby communities.

Investing in the village has kept us up to date with amenities demanded by residents, ranging from technology like high speed internet connections to sporting facilities for all. Careful design of new buildings has ensured that not only does their character and density complement the village, but they integrate new residents with old and maintain a mixed community. It is a modern village with a traditional feel where people want to live and work.

The draft Plan makes provision for at least 250 dwellings to be developed in the Neighbourhood Plan area between 2017 and 2036. The Plan notes that there are existing commitments of 169 dwellings not yet built and allocates the following sites for development:

- (WPT3) – up to 120 new dwellings at land south of Old Stowmarket Road

- (WPT4) – up to 49 new dwellings at land east of Green Road
- (WPT5) – up to 36 new dwellings at land north of Woolpit Primary School

There are four Habitats sites which lie within 20 km of Woolpit Parish:

- Breckland Special Protection Area
- Waveney and Little Ouse Valley Fens Special Area of Conservation
- Breckland Special Area of Conservation
- Redgrave and South Lopham Fens Ramsar site

However, the 13km Zones of Influence for the Habitats sites listed above do not overlap with the Woolpit parish boundary.

There are therefore no Habitats sites considered to be within scope for this assessment.

A full assessment of the likely effect of the Plan's policies and proposals on these sites is set out in the Screening Assessment prepared by Place Services which can be viewed at:

<https://www.midsuffolk.gov.uk/assets/Neighbourhood-Planning/Woolpit-NP-SEA-HRA-Screening-Report-Final.pdf>

The screening has been prepared in accordance with the recent Court judgment (CJEU People Over Wind v Coillte Teoranta C323/17) which ruled that mitigation measures cannot be taken into account when carrying out a screening assessment to determine whether a plan or project is likely to result in significant effects on a Habitats site.

4. Screening Conclusions

The Screening Report concluded that, subject to Natural England's review, the Woolpit Neighbourhood Plan is not predicted, without mitigation, to have any likely significant effects on a Habitats site.

Natural England have subsequently confirmed that they concur with the conclusion of the HRA Screening.

The requirement for the Plan to undertake further assessment under the Habitats Regulations 2017 is therefore **screened out**.

5. Determination

In the light of the Screening Report prepared by Place Services and the responses from the statutory bodies it is determined that the Woolpit Neighbourhood Plan **does not require** further assessment under the Habitats Regulations 2017

Date: 18 April 2019
Our ref: 280166

Mid Suffolk Council

BY EMAIL ONLY



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Dear Sir/Madam,

Woolpit Neighbourhood Plan SEA and HRA Screening Report

Thank you for your consultation on the above dated and received by Natural England on 16 April 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 and Habitat Regulations Assessment

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 queries relating to the specific advice in this letter only please contact Matthew Dean on [REDACTED]. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours faithfully

Matthew Dean
Consultations Team



Mr Paul Bryant
[Mid Suffolk District Council]
Endeavour House Russell Road
Ipswich
Suffolk
IP1 2BX

Our Ref: AE/2019/124042/01-L01

Your ref: SEA Screening

Date: 17 May 2019

Dear Mr Bryant

WOOLPIT SEA SCREENING REPORT

Thank you for consulting us on the Strategic Environmental Assessment on the 16 April 2019. We have reviewed the Strategic Environmental Assessment Screening report- April 2019. We can confirm that we agree with the conclusions outlined within the report.

The Woolpit Neighbourhood Plan puts forward 3 sites for new development. Two of these sites have already obtained planning permission. The third site allocation (WPT5) has been reviewed within the screening report. We do not disagree with the conclusions of this review on the site allocation.

We trust the above is useful.

Yours sincerely

Miss Natalie Kermath
Planning Advisor

Environment Agency,
Cobham Road, Ipswich, Suffolk, IP3 9JD.
Customer services line: 03708 506 506
www.gov.uk/environment-agency
End



Historic England

By e-mail to: Paul Bryant
Neighbourhood Planning Officer
Babergh and Mid-Suffolk District Councils

Our ref: PL00576530
Your ref:
Date: 17/05/2019

Direct Dial:
Mobile:



Dear Mr Bryant,

RE: Woolpit Neighbourhood Plan SEA Screening

Thank you for your email of 16 April 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 Woolpit 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 plan will not have any significant effects on the historic environment. We note that the plan does propose to allocate any sites for development, but on examination concur with the report's findings regarding the potential for significant effects as a result of the development of site covered by Policy WPT5.

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 April. To avoid any doubt, this does not reflect our obligation to provide further advice on later stages of the 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 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.

Please do contact me, either via email or the number above, if you have any queries.

Yours sincerely,

Edward James
Historic Places Advisor, East of England



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