



EAST CAMBRIDGESHIRE
DISTRICT COUNCIL

Screening Report

Draft Sutton Neighbourhood Plan

**Strategic Environmental Assessment & Habitats Regulation
Assessment**

August 2023

(Updated October 2023 with Statutory Consultee Responses)

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

Date of assessment:	14 August 2023 (Statutory Consultee Responses added 16 October 2023)
Date/ version of neighbourhood development plan to which Screening Report applies:	Sutton Neighbourhood Plan Pre Submission Consultation Version June 2023

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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 Pre-Submission Draft Neighbourhood Plan, June 2023

Neighbourhood area to which the NDP applies:
Sutton Neighbourhood Area. Please note that the Neighbourhood Area was amended in 2021, following a parish boundary amendment. The updated Neighbourhood Area matches the updated parish boundary. This draft NDP applies to the entirety of the Neighbourhood Area (as updated).

1. Introduction

- 1.1. To be 'made', a Neighbourhood Plan must meet certain Basic Conditions. These include that the making of the plan "*does not breach, and is otherwise compatible with, EU obligations.*" One of these obligations relates to Directive 2001/42/EC 'on the assessment of the effects of certain plans and programmes on the environment'
- 1.2. This is often referred to as the **strategic environmental assessment** (SEA) Directive. The SEA Directive seeks to provide a high level of protection of the environment by integrating environmental considerations into the process of preparing plans and programmes. The SEA Directive is transposed into English law through the Environmental Assessment of Plans and Programmes Regulations (the 'SEA Regulations') and it is these regulations that the plan will need to be compatible with.
- 1.3. A key stage in the neighbourhood planning process is determining whether or not SEA is required. The process for deciding whether or not SEA is necessary is referred to as 'screening'.
- 1.4. SEA is a process with specific documents that are consulted on and considered through the decision-making process. Failure to adhere to the process and generate the required documents may increase the risk of legal challenge to the adoption of that plan.
- 1.5. The SEA Regulations set out a series of sequential steps that must be undertaken as part of any SEA. 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 **Appendix 1**.
- 1.6. The (former) Department of the Environment produced a flow chart diagram¹ 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 **Appendix 2**.
- 1.7. More recently, the national Planning Practice Guide (PPG) reflects the SEA Regulations in a six-stage flowchart process for undertaking SEA for a Neighbourhood Plan (see **Appendix 3**).
- 1.8. These various pieces of law/guidance have been used to help prepare this report. Section 4 provides firstly, a screening assessment of the Draft Sutton Neighbourhood Plan (June 2023), against the assessment criteria in **Appendix 1** to identify the significance of effects which may arise as a result of the plan's implementation.
- 1.9. Secondly, Section 4 applies the SEA Directive to the Draft Sutton Neighbourhood Plan, as per the flow chart in Appendix 2, to determine if a Strategic Environmental Assessment is required.
- 1.10. In order to decide whether a SEA is required, the Council needs to consider the following sorts of issues:
 - How the policies in the NDP might affect the environment, community or economy;
 - Whether the policies are likely to adversely affect a "sensitive area", such as a European Site (SAC, SPA, Ramsar) or a SSSI, NNR etc.;
 - Whether the policies propose a higher level of development than what is set out in the existing development plan and that has been assessed by the SEA or HRA of that Plan;
 - Whether the implementation of the policies is likely to lead to new development;
 - Whether the cumulative impact of the policies taken together may give rise to a significant effect.
- 1.11. Not every Neighbourhood Plan will need SEA. However, when a parish council submits a plan proposal to the local planning authority it is mandatory to provide, either:

¹ Department of the Environment, A Practical Guide to the Strategic Environmental Assessment Directive (2005)

- a statement of reasons as to why SEA was not required; or
 - if SEA is required, an Environmental Report (a key output of the SEA process).
- 1.12. As a rule of thumb, SEA is more likely to be necessary if both of the following two elements apply:
- a Neighbourhood Plan allocates sites for development (for housing, employment etc.); **and**
 - the neighbourhood area contains sensitive environmental assets (e.g. a Site of Special Scientific Interest (SSSI) or an Area of Outstanding Natural Beauty (AONB)) that may be affected by the policies and proposals in the Neighbourhood Plan.
- 1.13. In light of these two considerations, it is very unlikely that a Neighbourhood Plan would require SEA if the plan is not allocating land for development (which isn't already allocated or with consent). This is because allocating land for development is more likely to generate physical changes which lead to significant effects.
- 1.14. However, this Screening Report is not just about SEA. Another element of the Basic Conditions relates to Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora, often referred to as the **Habitats Directive**. Under the Habitats Regulations which implement the Directive, an assessment referred to as 'an appropriate assessment' (Habitats Regulations Assessment (HRA)) must be undertaken if the plan in question is likely to have a significant effect on a European protected wildlife site.
- 1.15. 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 mitigation measures at the screening stage. Rather, consideration of mitigation will need to occur at the full Appropriate Assessment stage.
- 1.16. Following the UK's withdrawal from the EU, decisions by the ECJ are no longer legally binding but may continue to be relevant².
- 1.17. 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 NP includes measures to counter the plan's effects on European Sites these should, in effect, be ignored at the screening stage.
- 1.18. 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'*.
- 1.19. The Government has acknowledged that the ECJ's ruling has caused uncertainty in preparing NPs, 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 2018³ came into force, amending the basic conditions and allowing affected NDPs and Orders to proceed.
- 1.20. 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 the policies of the Sutton Neighbourhood Plan (SNP) (June 2023) have not been considered.
- 1.21. The SEA Directive requires that if an eligible plan or programme requires an appropriate assessment under the Habitats Directive, then that plan or programme will also require an SEA. It is therefore advisable to check whether an assessment under the Habitats

² <https://www.legislation.gov.uk/ukpga/2018/16/section/6/enacted>

³ <http://www.legislation.gov.uk/uksi/2018/1307/contents/made>

Regulations is required by undertaking HRA screening at the same time as screening for SEA. That is what has been done in this document.

- 1.22. Returning to the purpose of this document, there are three recommended steps in the initial screening process:
 1. Prepare a screening report (THIS DOCUMENT);
 2. Request a screening opinion from the consultation bodies in light of this report; and
 3. In light of their responses, determine whether the plan is likely to have significant effects on the environment (and therefore require SEA).
- 1.23. Whilst it is not prescribed, in most instances the Local Planning Authority (LPA), which is ECDC in this case, will undertake SEA screening for a Neighbourhood Plan. This is because the LPA will ultimately be responsible for ensuring that the SEA requirements have been met prior to the Neighbourhood Plan being made. **It is confirmed that East Cambridgeshire District Council prepared this Screening Report.**
- 1.24. The Neighbourhood Plan should be screened as soon as there is sufficient information available to consider whether the proposed content of the plan or its likely intent (e.g. will it allocate development sites or not?) are likely to lead to significant effects.
- 1.25. **The purpose of this report**, therefore, is to undertake a screening exercise to determine whether the draft Sutton Neighbourhood Plan (SNP) (June 2023) 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 can be submitted as part of the evidence base which will accompany the plan. Sutton Parish Council is the Qualifying Body for the Sutton Neighbourhood Area (which is coterminous with the parish boundary). Only Sutton Parish Council has the legal right to prepare a Neighbourhood Plan for the Sutton Neighbourhood Area.
- 1.26. Please note that Screening Report uses the term 'European Site' when referring collectively to Special Protection Areas (SPAs), Special Areas of Conservation (SACs), and Ramsar sites. The National Planning Policy Framework (NPPF) also expects candidate SACs, potential SPAs and Ramsar sites to be included within the assessment.
- 1.27. For the purposes of SEA, the statutory bodies are executive non-departmental public bodies with responsibilities for managing the environment on government's behalf, namely:
 - Environment Agency
 - Historic England
 - Natural England
- 1.28. For the purpose of SEA for the Sutton NP (June 2023), the statutory bodies will be requested to review and make representations during consultation on this draft version of the Screening Report. Their responses are contained at **Appendix 4**.

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 (primarily, 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 Sutton NP is to be examined, the Local Plan 2015 (LP15) will remain the adopted Local Plan, albeit potentially subject to a very small update (see Single Issue Review, below).
- 2.5. The LP15 directs the majority of growth to main settlements (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.
- 2.6. **Local Plan Single Issue Review (SIR):** Being greater than five years old, it is necessary (by law) to regularly review the content of the Local Plan to determine how 'up to date' it is. The District Council undertook, and published, a second formal Review in April 2020. That Review, in summary, concluded that the: "...*Local Plan 2015 does require to be revised, but only partially and only in respect of its strategic housing policies. Of those policies, Policy GROWTH1 needs to be revised, because it has an out of date housing requirement. Other strategic housing policies may also be updated during the course of updating GROWTH1, should that be necessary. The rest of the Local Plan is considered to not, at the present time, need updating, therefore a full update of the Local Plan is not considered necessary. However, whilst only one policy has been identified in need of updating, this does not prevent the Council from commencing preparation of a new Local Plan, in whole or part, on matters as it sees fit.*"
- 2.7. In light of these conclusions, ECDC commenced a Single-Issue Review (SIR) of the adopted Local Plan.
- 2.8. The SIR's proposed changes primarily comprise the updating of the Local Plan's housing requirement. The proposals do not seek to change the plan's site allocations or other policies in the plan.
- 2.9. The latest timetable for undertaking the SIR indicates that formal adoption is targeted at being October 2023. Therefore, at the time at which the Sutton NP will likely reach the examination stage, the Local Plan 2015 will remain the adopted Local Plan, albeit with the housing requirement figure as amended by the SIR.
- 2.10. It is also worth noting that, prior to the SIR, ECDC had embarked on a full update of its Local Plan. In February 2018, East Cambridgeshire District Council submitted for examination the updated Local Plan along with a supporting evidence base. Examination of the Local Plan commenced in June 2018. However, in February 2019, East Cambridgeshire District Council withdrew the draft Local Plan, so it never reached the final adoption stage.
- 2.11. 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. The

withdrawn Local Plan proposed a similar growth strategy to the adopted Local Plan, focussing growth principally in the market towns, albeit with an increased role for large and medium villages in the rural area. Specifically for Sutton, the submitted (but subsequently withdrawn) Local Plan proposed 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.

- 2.12. The **Sustainability Appraisal** prepared for the submitted (but subsequently withdrawn) 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.
- 2.13. A range of sites were appraised in Sutton. The proposed sites and overall level of growth were considered to provide a sustainable approach to growth in Sutton and these sites were allocated in the made Sutton Neighbourhood Plan (2019). These sites have been carried forward into the draft SNP (June 2023).
- 2.14. In June 2018, East Cambridgeshire District Council published a **Habitats Regulation Assessment report**⁴ which accompanied the now withdrawn submitted 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 East Cambridgeshire Local Plan, which was carried out by East Cambridgeshire District Council, in consultation with Natural England. 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. It remains published on the Council's website⁵.
- 2.15. The HRA complied with the recent judgement of the Court of Justice for the European Union of 12th April 2018, as described in section 1 of this report. Through the Local Plan examination, Natural England confirmed the HRA was legally compliant.
- 2.16. The following Natura 2000 sites were scoped into that 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
- 2.17. The potential likely significant effects identified as a result of the submitted (but subsequently withdrawn) 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

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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>

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

- 2.18. Sutton village 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 village) 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. This continues to be the case for the draft Sutton Neighbourhood Plan (June 2023).
- 2.19. 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.
- 2.20. 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
- 2.21. The HRA report concluded that, provided certain recommendations were incorporated into the local plan, it is possible to conclude that the (now withdrawn) submitted East Cambridgeshire Local Plan was 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.

Sutton Neighbourhood Plan 2019

- 2.22. The Sutton Neighbourhood Plan was made part of the Development Plan for East Cambridgeshire in May 2019, following a successful examination and referendum. The plan was screened for SEA and HRA and the statutory consultees supported the decision that full SEA and HRA were not required. That Plan, in terms of allocations, essentially mirrored what was contained in the submitted (but subsequently withdrawn) Local Plan.

3. Summary of the Draft Sutton Neighbourhood Plan (June 2023 version) and whether there are likely any significant effects

- 3.1. The subject of this Screening Report is the *Sutton Neighbourhood Plan Pre Submission Consultation Version June 2023* (SNP), which was published by the Parish Council for consultation in June and July 2023.
- 3.2. The SNP has been prepared by Sutton Parish Council, the 'qualifying body' for the purposes of neighbourhood planning. The current Sutton Neighbourhood Area was approved by East Cambridgeshire District Council in May 2021 (*Note: the current Sutton Neighbourhood Plan of May 2019 applies to the old Neighbourhood Area as approved in 2015. However, due to the parish boundary being amended, the Neighbourhood Area was amended in May 2021, and this new SNP will apply to the new Neighbourhood Area*).
- 3.3. The first Sutton Neighbourhood Plan was 'made' in May 2019 and continues to be in force for the area. The need for SEA and HRA was screened out. The screening opinion was considered by the statutory consultees at the appropriate time. The report and determination statements remain on our website at the time of writing⁶.
- 3.4. The purpose of this document is to screen the new SNP (draft, June 2023). The table below sets out the changes to the policies in the 2019 SNP. There are a number of proposed new policies too.
- 3.5. The SNP (June 2023) and supporting information are available to view and download from Sutton Parish Council's website⁷. Where necessary, please refer to the SNP alongside this screening report.
- 3.6. The SNP (June 2023) 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.
 - Objective 8. The character and quality of the historic environment will be protected and enhanced.

⁶ Available at <https://www.eastcambs.gov.uk/local-development-framework/sutton-neighbourhood-plan>

⁷ Available at: www.sutton-in-the-isle.org.uk

- 3.7. The Vision and Objectives remain the same from the 'made' SNP (2019) apart from Objective 8, which has been added to address the historic built environment.
- 3.8. In summary, to deliver the objectives, the SNP (June 2023) proposes 23 policies. The table below sets out the current 'made' policies in the Sutton Neighbourhood Plan 2019 and how those Policies are dealt with in the new draft Plan (June 2023).

SNP 2019 Policy	Status in the draft SNP 2023
Policy NP1 - Local Green Spaces	Additional LGS spaces added and now forms Policy SUT 9
Policy NP2 - Protecting and Maintaining Features of Landscape and Biodiversity Value	Replaced by Policy SUT 8 - Biodiversity Net Gain
Policy NP3 - Sutton Development Envelope	Policy retained with minor amendments and now Policy SUT 1
Policy NP4 - Land north of The Brook and west of Mepal Road	Deleted as site has detailed planning permission
Policy NP5 - Land East of Garden Close	Policy retained as Policy SUT 3
Policy NP6 - Land North of Mill Field, Mepal Road	Policy retained as Policy SUT 4
Policy NP7 - Housing Mix	Policy retained and amended to provide greater clarity as to the mix of dwelling sizes
Policy NP8 - Preserving the Historic Characteristics of Sutton	Principle of policy retained but amended and now Policy SUT 12.
Policy NP9 - Protecting existing services and facilities	Policy merged with Policy NP11 and now Policy SUT 16
Policy NP10 - Elean Business Park	Policy retained and expanded to support renewable energy schemes. Now Policy SUT 14
Policy NP11 - Retail premises	Policy merged with Policy NP9 and now Policy SUT 16
Policy NP12 - Sport and Recreation Facilities	Policy retained and amended and now forms Policy SUT 18

- 3.9. As can be seen from above, all of the made SNP (2019) policies are carried forward into the draft SNP (June 2023), albeit with adjustment to wording and renumbering to several. Several new policies have also been included in the draft Plan. The full set of SNP (June 2023) draft policies are as follows:

- Policy SUT1 - Spatial Strategy *(largely reflects NP3 of 2019)*
- Policy SUT2 - Housing *(new)*
- Policy SUT3 - Land East of Garden Close *(largely reflects NP5 of 2019)*
- Policy SUT4 - Land North of Mill Field, Mepal Road *(largely reflects NP6 of 2019)*

- Policy SUT5 - Housing Mix *(updated version of NP7 of 2019)*
- Policy SUT6 - Affordable Housing on Rural Exception Sites *(new)*
- Policy SUT7 - Conserving and Enhancing Internationally Designated Sites *(new)*
- Policy SUT8 - Biodiversity Net Gain *(new)*
- Policy SUT9 - Local Green Spaces *(largely reflects NP1 of 2019)*
- Policy SUT10 - Heritage Assets *(new)*
- Policy SUT11 - Buildings and Features of Local Interest *(formed part of NP8 of 2019)*
- Policy SUT12 - Local Character Areas *(formed part of NP8 of 2019)*
- Policy SUT13 - Employment Sites *(new)*
- Policy SUT14 - Elean Business Park *(updated version of NP10 of 2019)*
- Policy SUT15 - Public Rights of Way *(new)*
- Policy SUT16 - Retail Premises, Services and Facilities *(formed part of NP9 of 2019)*
- Policy SUT17 - Hot Food Takeaway Premises *(new)*
- Policy SUT18 - Sport and Recreation Facilities *(updated version of NP12 of 2019)*
- Policy SUT19 - Design Considerations *(new)*
- Policy SUT20 - Dark skies *(new)*
- Policy SUT21 - Flooding and Sustainable Drainage *(new)*
- Policy SUT22 - Sustainable Building Practices *(new)*
- Policy SUT23 - Renewable Energy *(new)*

Development Opportunities

- 3.10. The following policies, taken from the list above, provide the primary opportunities for new development: Policy SUT1 Spatial Strategy; Policy SUT2 Housing; SUT 3 Land East of Garden Close; SUT 4 Land North of Mill Field Mepal Road; Policy SUT6 - Affordable Housing on Rural Exception Sites; SUT13: Employment Sites; SUT 14 Elean Business Park; SUT 16 Retail Premises, Services and Facilities; SUT17 Hot Food Takeaway premises; SUT18: Sport and Recreation Facilities; and SUT23 Renewable Energy.
- 3.11. Each are taken in turn:
- 3.12. Draft policy SUT1, Spatial Strategy, 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 and the SNP (2109). The extent of the Development Envelopment was updated in the current made SNP (2019), which in turn reflected the boundary in the submitted (but subsequently withdrawn) Local Plan.
- 3.13. The draft SNP (June 2023) does not propose to make any adjustment to the development envelope (a matter which it, itself, confirms at paragraph 5.5 of the draft plan). The text of proposed SUT1 reflects that of current Policy NP3 with minor amendment to allow for community services and facilities to also be provided outside the Development Envelope. It is not likely that significantly different (scale or type) of development will occur as a consequence of SUT1 compared with the baseline of the existing development plan.
- 3.14. Draft Policy SUT2 Housing is a new policy and identifies how the indicative housing requirement for the Neighbourhood Area will be delivered. The sites and permissions it refers

to either already have consent or are already allocated in the development plan. Put another way, SUT2 is not adding any additional allocation sites.

- 3.15. As such, draft policy SUT2, together with policies SUT3 and SUT4, identify site allocations or sites with permission for housing development (and which largely reflect site allocations in made policies NP4, NP5 and NP6 in the original SNP), and provide the following number of dwellings:
- SUT2 Housing – recognises ‘at least 235 additional dwellings’ between 2023 and 2036 (which includes those dwellings arising from SUT3 and SUT4)
 - SUT3 Land East of Garden Close - up to 25 dwellings; and
 - SUT4 Land North of Mill Field, Mepal Road - up to 10 dwellings.
- 3.16. Policy NP4, Land north of The Brook and west of Mepal Road, which proposed up to 250 dwellings, is proposed to be deleted as part of the new SNP (June 2023), on the basis that it has detailed planning permission. However, the dwellings arising from the consent are recognised via proposed policy SUT2, and the land is retained within the development envelope.
- 3.17. How these dwelling numbers are presented in the updated plan (2023), compared with the made plan (2019) is somewhat academic for the purpose of this Screening Report. What is more important is the broad conclusion which can be made, namely that the updated Plan (June 2023) is not proposing any less or any additional significant growth, if any change at all, compared with that what is established in the June 2019 made SNP (or, for that matter, the submitted but subsequently withdrawn Local Plan). All of this growth has been subject to previous SEA / HRA consideration, via the withdrawn Local Plan, the made SDP and, to a degree, via planning consents for such sites. Put another way, there is no ‘new’ site(s) proposed for development in this updated SNP (June 2023).
- 3.18. Draft Policy SUT 6: Affordable Housing on Rural Exception Sites is a new policy that supports proposals for the development of small-scale affordable housing schemes, including entry level homes for purchase (as defined by paragraph 78 of the NPPF) on rural exception sites outside the settlement boundary, where housing would not normally be permitted by other policies, which meets certain conditions outlined in the policy. This policy aligns with adopted Local Plan policy HOU4.
- 3.19. Draft policy SUT13: Employment Sites is a new addition proposed to be added as part of the SNP (June 2023) and supports the retention and intensification of existing employment opportunities where they do not have a detrimental impact on the local landscape character, heritage assets, residential amenity (including noise, light and air pollution, loss of privacy and overlooking) and traffic generation. In addition, the draft policy recognises there may be instances where proposals come forward for non-employment uses at existing premises which would require planning permission. This policy broadly aligns with Local Plan policies EMP1, EMP2 and EMP3, and other wider policies of the development plan.
- 3.20. Draft Policy SUT14 expands on ‘made’ Policy NP10 *Elean Business Park*. NP10 already defines the extent of the business park on the Policies Map, and is not proposed to change. The purpose of the policy is to encourage new development to provide ‘business start-up units’ and does not quantify the overall scale of development which may take place. However, draft Policy SUT14 is proposed to be expanded (compared with the existing NP10 equivalent) to include proposals for renewable energy schemes where certain criteria are met. Those criteria list the need for proposals to be acceptable against matters such as biodiversity, heritage and geodiversity. The policy therefore largely reflects the existing made policy of 2019, and any proposals (employment, renewables or other) would continue to be subject to wider generic existing development plan policies relating to, for example, biodiversity and heritage.
- 3.21. Draft policy SUT 16 Retail Premises, Services and Facilities merges ‘made’ policies NP9 and NP11 of the SNP (2019). SUT17 – Hot Food Takeaway Premises, is a specific policy for a specific use. Combined, proposals for new or extended retail premises within the existing

centre will be permitted provided that there is no adverse effect on residential amenity or environmental quality. There's no evidence to suggest this merged policy SUT16 (June 2023), together with the new policy SUT17, will result in a significantly different level of development than that proposed via the already made policies (2019).

- 3.22. Draft Policy SUT18: Sport and Recreation Facilities supports proposals for the provision, enhancement and/or expansion of sport or recreation open space or facilities, subject to compliance with the Local Plan and other local development documents, as appropriate, which, of course, includes wider generic development plan policies relating to, for example, biodiversity and heritage.
- 3.23. Draft Policy SUT23 Renewable Energy is a generally supportive policy of renewable energy proposals, though subject to a number of criterion including an assessment of its effects on environmental and heritage assets. The policy broadly aligns with Policy ENV6 of the Local Plan, and is not likely to generate any significant new renewable energy development proposals than could otherwise be provided through ENV6.
- 3.24. In conclusion, the development opportunities provided by the proposed SNP (June 2023) reflect, and do not significantly exceed (or decrease), those considered by the current 'made' policies in the Sutton Neighbourhood Plan (or, for that matter, the submitted but subsequently withdrawn Local Plan). Therefore, over the plan period, the proposed SNP (June 2023) is not expected to deliver additional growth of any form beyond that which is already identified in the current development plan and assessed, and found acceptable, via previous SEA / HRA assessments.

Sutton's Environment

- 3.25. The SNP (June 2023) includes a number of other policies for the purpose of conserving and enhancing Sutton's natural and built environment. For example:
 - Policy SUT1 - Spatial Strategy (insofar that it seeks to protect the countryside by concentrating development within the built area of the village).
 - Policy SUT7 - Conserving and Enhancing Internationally Designated Sites
 - Policy SUT8 - Biodiversity Net Gain
 - Policy SUT9 - Local Green Spaces
 - Policy SUT10 - Heritage Assets
 - Policy SUT11 - Buildings and Features of Local Interest
 - Policy SUT12 - Local Character Areas
 - Policy SUT15 – Public Rights of Way
 - Policy SUT19 - Design Considerations
 - Policy SUT20 - Dark skies
 - Policy SUT21 - Flooding and Sustainable Drainage
 - Policy SUT22 - Sustainable Building Practices
- 3.26. There's no evidence to suggest these policies will lead to significant additional growth, or lead to materially different growth, than that already allowed for in the current adopted development plan.

Summary of likely environmental effects

- 3.27. The sites proposed for allocation by the SNP (June 2023) are either allocated by the made version of the SNP 2019 or have existing planning consent. Therefore, the SNP (June 2023) is not likely to significantly increase (if any at all) the quantum of growth already considered and tested during preparation of the SNP 2019 and its evidence base (which in itself took

account of SEA /HRA work undertaken on the withdrawn Local Plan) or considering during the assessment of submitted (and approved) planning applications.

- 3.28. The draft policies do not appear to deviate significantly (if at all) from the existing policies for the area, and generally appear capable of satisfying the 'general conformity' basic condition⁸. A number of draft policies are particularly environmentally conscientious, which could provide enhancement to the environment.
- 3.29. When the Plan is read as a whole, and tested against SEA themes, the following conclusions are drawn:
- 3.30. **Biodiversity, flora and fauna:** Overall, the potential for significant negative impacts on biodiversity, flora and fauna to arise from the implementation of the plan are unlikely as the SNP (June 2023) does not allocate new sites for development, and other opportunities for development are relatively limited and broadly aligned with the East Cambridgeshire Local Plan or existing SNP (2019).
- 3.31. It is expected that the SNP (June 2023) will help to protect and enhance biodiversity, flora and fauna in the Neighbourhood Area through the various policy measures it employs. Through the protection and enhancement of existing green spaces, the RNP could play a role in reducing recreational pressure on SSSIs and CWSs within and in proximity of the Neighbourhood Area.
- 3.32. **Population and human health:** Overall, the SNP (June 2023) is not likely to have a significant negative impact on population and human health, given the relatively small population that the Plan applies to and as no new sites are specifically allocated for development within the plan. Through its various policy measures, it is likely that the needs of the population, and standards of human health, will be maintained and potentially enhanced. However, these effects are not considered 'significant' for the purposes of SEA.
- 3.33. **Soil, air or water:** Overall, it is unlikely that significant effects on soil, air or water would arise as a result of implementation of the SNP (June 2023).
- 3.34. **Climate Factors:** Overall, it is considered unlikely that implementing the policies in the SNP (June 2023), would give rise to significant effects on climatic factors.
- 3.35. **Material assets:** The SEA Directive does not define what is meant by 'material assets' and it can be interpreted in a number of ways. This screening report takes material assets to include a range of social, physical and environmental infrastructure, such as schools, health facilities, roads, railways, bus services, wastewater treatment works, flood defences, etc. Impacts on materials assets are likely to relate to a number of other SEA topics. It is considered unlikely that that implementation of the SNP (June 2023) would have significant effects on material assets.
- 3.36. **Cultural heritage, including architectural and archaeological heritage:** The Sutton parish has a rich heritage with many assets of nationally significance, which have been afforded statutory designations. The SNP (June 2023) does not allocate any new land or sites for development. Whilst opportunities for infill and windfall exist within the Development Envelope, taking into account the heritage related policies in the development plan, and this proposed plan, it is considered unlikely that any future development that may come forward within the Neighbourhood Area would adversely impact on any heritage assets or their settings.
- 3.37. **Landscape:** The SNP (June 2023) does not allocate new sites for development and therefore, with the policies in the existing development plan and this proposed plan, it is considered unlikely that the SNP would result in a significant impact on the local landscape.
- 3.38. Following review, and in conclusion, it is considered **unlikely** that implementation of the SNP (as drafted at June 2023) will result in significant environmental effects. The main reason for this conclusion is that the SNP (June 2023) is not proposing any new additional site allocations or any other policies which are likely lead to new additional significant growth

⁸ Due to the stage of plan preparation, it is likely that some policies will be modified before submission.

opportunities. In addition, implementation of all other policies or proposal within the draft SNP (June 2023) is not considered likely to result in any significant environmental effects, especially when compared with the baseline position of the Plan not proceeding.

Determination of likely significant effects on European Sites - HRA Screening

- 3.39. East Cambridgeshire's latest Habitats Regulation Assessment (June 2018) report⁹ 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 now withdrawn East Cambridgeshire Local Plan. The HRA was carried out by East Cambridgeshire District Council, as the competent authority, in consultation with Natural England.
- 3.40. Despite the Local Plan having been withdrawn, this HRA continues to be considered relevant and appropriate in the context of this SEA/HRA screening assessment since it relies on more up to date evidence than the HRA which supported the Local Plan 2015, such as evidence pertaining to designated sites, the current context of recent growth, other authorities' plans and strategies, and the views of stakeholders such as the statutory environmental bodies.
- 3.41. The HRA complies with the judgement of the Court of Justice for the European Union of 12th April 2018. Through the Local Plan examination process, Natural England confirmed the HRA is legally compliant.
- 3.42. The following European Sites, within and outside East Cambridgeshire's administrative boundary, 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
- 3.43. Within Sutton parish (and consequently the Sutton Neighbourhood Area), there is a European Site, known as 'Ouse Washes'. This is designated as a SAC/SPA/Ramsar, and illustrated on the map below (source <https://magic.defra.gov.uk/magicmap.aspx>) :

⁹ See

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

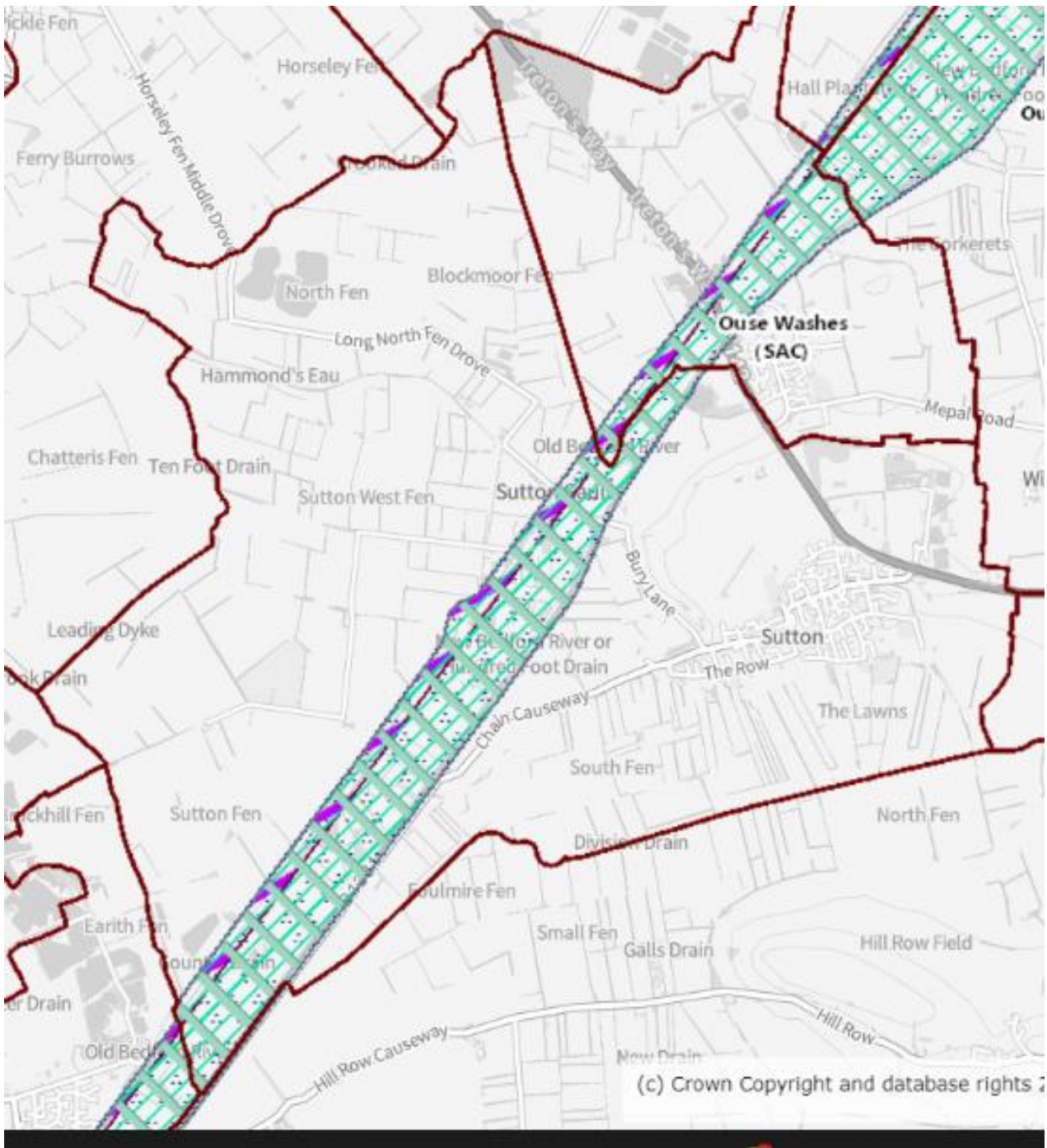


Figure 1. Designations in Sutton Neighbourhood Area

Extract of Magic Map, identifying Sutton parish, with the Ouse Washes identified as a designation running through the middle of the parish. The Ouse Washes are designated as a SAC, SPA, Ramsar and SSSI. These designations, in Sutton parish, all overlap, except for the SAC, which covers a slightly smaller area identified with purple stripes above. The main parish settlement of Sutton can be identified on the map, and lies to the east of the Ouse Washes.

- 3.44. The HRA was prepared to assess the effects of the now withdrawn Local Plan. The withdrawn Local Plan proposed higher growth levels than the current adopted Local Plan.
- 3.45. The potential likely significant effects on designated sites arising from the withdrawn 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

3.46. A summary of the scoped in protected sites is as follows:

Fenland SAC - Wicken Fen

3.47. Sutton Neighbourhood Area is located approximately 15km from Wicken Fen. The HRA identified the following pressures and threats which could arise from the now withdrawn Local Plan implemented:

- *Increased recreational pressure:* The site lies within the East Cambridgeshire area and Natural England have advised that the qualifying features of the site are under threat from increased visitor pressure. The screening assessment identified the potential for likely significant effects due to residential site allocations being within 8km of the site boundary of the Ramsar. These could be significant in-combination, i.e. total recreation pressure from multiple residential developments within and beyond the study area.
- *Water quality:* The features of this site are sensitive to water quality changes. Water quality is important for floodplain fen, which is dependent on an adequate supply of nutrients being maintained to support aquatic habitats and the range of species associated with them.
- *Water quantity:* The features of this site are water resource sensitive.

3.48. Whilst growth is a potential threat to the Fenland SAC – Wicken Fen, the SNP (June 2023) does not make site allocations and provides only limited opportunities for new development. This approach reflects the growth strategy of the now withdrawn Local Plan (the subject of the HRA), and the current adopted Local Plan 2015 and the made Sutton NP (2019). Therefore likely significant effects on the integrity of the Wicken Fen SAC are not expected to arise from implementation of the SNP (June 2023).

Fenland SAC – Chippenham Fen

3.49. Sutton Neighbourhood Area is located approximately 20-25km from Chippenham Fen. The HRA identified the following pressures and threats which could arise were the now withdrawn Local Plan implemented:

- *Increased recreational pressure:* This European Site lies within the East Cambridgeshire area and Natural England have advised that the qualifying features of the site are under threat from increased visitor pressure. The screening assessment identified the potential for likely significant effects due to residential site allocations being within 8km of the site boundary of the Ramsar. These could be significant in-combination, i.e. total recreation pressure from multiple residential developments within and beyond the study area.
- *Urbanisation:* An employment allocation in Fordham is less than 400m from the site boundary of Chippenham Fen. The site's features are therefore potentially exposed to increased urbanisation pressure.
- *Water quality:* The features of this site are sensitive to water quality changes, particularly high nutrient water reaching the fen from a mixture of groundwater, rainwater and run-off.
- *Water quantity:* The features of this site are water resource sensitive, with concerns water does not seep into site compartments between ditches to the extent it once did.

3.50. Whilst growth is a potential threat to the Fenland SAC – Chippenham Fen, the SNP (June 2023) does not make site allocations and provides only limited opportunities for new development. This approach reflects the growth strategy of the now withdrawn Local Plan (the subject of the HRA), and the current adopted Local Plan 2015 and the made Sutton NP (2019). Therefore likely significant effects on the integrity of the Chippenham Fen SAC are not expected to arise from implementation of the SNP (June 2023).

Fenland SAC - Woodwalton Fen

3.51. Sutton Neighbourhood Area is located approximately 15-20km from Woodwalton Fen.

3.52. Woodwalton Fen was screened in for consideration prior to Stage 1 Screening, however the screening assessment did not identify any potential impact pathways between this site and the proposals in the East Cambridgeshire Local Plan. On this basis, Woodwalton Fen was ruled out of further consideration of the HRA.

Ouse washes

3.53. Sutton Neighbourhood Area includes part of the Ouse Washes within its area (the Ouse Washes designation extends slightly further south beyond the Sutton NA boundary, and a considerable distance north of the Sutton NA boundary).

3.54. SAC/SPA/Ramsar: The HRA identified the following pressures and threats which could arise were the now withdrawn Local Plan implemented:

- *Physical damage/ loss of habitat:* Some site allocations within the Local Plan fall within the 'Goose and Swan Functional IRZ' for this site, recently prepared by Natural England. Land within this zone is considered to be potentially functionally linked to the Ouse Washes and therefore there is the potential for likely significant effects on the integrity of the European Site.
- *Increased recreational pressure:* This European Site lies within the East Cambridgeshire area and Natural England have advised that the qualifying features of the site are under threat from increased visitor pressure. The screening assessment identified the potential for likely significant effects due to residential site allocations in the Plan being within 8km of the site boundary of the SPA. These could be significant in-combination, i.e. total recreation pressure from multiple residential developments within and beyond the study area.
- *Water quality:* The features of this site are sensitive to water quality changes, particularly inappropriate levels of nutrients from diffuse pollution in combination with inappropriate water levels.
- *Water quantity:* The features of this site are water resource sensitive and are particularly vulnerable to increased flooding.

3.55. The HRA identifies that land beyond the boundary of the Ouse Washes 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. A small part of Sutton Neighbourhood Area is located inside the Goose & Swan Functional Land IRZ.

3.56. Whilst growth is a potential threat to the Ouse Washes SAC/SPA/Ramsar, the SNP (June 2023) does not make any new site allocations and provides only limited opportunities for new development. This approach reflects the growth strategy of the now withdrawn Local Plan (the subject of the HRA), and the current adopted Local Plan 2015 and the made SNP (2019). Therefore likely significant effects on the integrity of the Ouse Washes SAC/SPA/Ramsar are not expected to arise from implementation of the RNP.

Devil's Dyke

3.57. The Devil's Dyke runs from Reach village and extends to Woodditton. The full extent of the Devil's Dyke is over 11km long, with varying SAC and SSSI designations. The nearest part to Sutton Neighbourhood Area is approximately 20km away.

3.58. The provides the following summary of threats and pressures to Devil's Dyke SAC, relating to habitat damage or loss and recreational pressure:

This species rich calcareous grassland is vulnerable to vegetation succession by rank grasses and requires active management by grazing. It is also vulnerable to increased recreational pressure. Habitat degradation is occurring, particularly through trampling of vegetation and soil enrichment from dog excrement. Antisocial behaviour such as littering, fires and other activities is damaging vegetation. Dogs off leads also pose a risk to the continuance of the essential long term management of the site through livestock grazing. The

site is also potentially at risk from atmospheric nitrogen deposition, although the site improvement plan states this requires further investigation.

- 3.59. In addition, the HRA identifies that air pollution is a key issue for the Devil's Dyke SA, since it lies within 200m of the A14 and A1304. Natural England's Site Improvement Plan (SIP) for Devil's Dyke states: "nitrogen deposition exceeds the site-relevant critical load for ecosystem protection and hence there is a risk of harmful effects, but the sensitive features are currently considered to be in favourable condition on the site. This requires further investigation".
- 3.60. According to the SIP, Devil's Dyke SAC does not support any notified species that are sensitive to changes to water quality and/or quantity and does not list this impact as a priority pressure or threat.
- 3.61. In summary, potential pressures or threats to the Devil's Dyke SAC are:
- *Increased recreational pressure:* This European Site lies within the East Cambridgeshire area and Natural England have advised that the qualifying features of the site are under threat from increased visitor pressure. The screening assessment identified the potential for likely significant effects due to residential site allocations being within 8km of the site boundary of the SAC. These could be significant in-combination, i.e. total recreation pressure from multiple residential developments within and beyond the study area.
 - *Reduced air quality:* The interest features of the SAC are sensitive to atmospheric pollutants and Devil's Dyke lies within 200m of the A14 and A1304, which may be used by new residents of site allocations in the settlements of: Bottisham, Burrough Green/Burrough End, Dullingham, Swaffham Bulbeck, Swaffham Prior to access services and facilities in Newmarket. There is therefore potential for likely significant effects.
- 3.62. Whilst growth is a potential threat to the Devil's Dyke SAC, the SNP (June 2023) does not make new site allocations and provides only limited opportunities for new development. This approach reflects the growth strategy of the now withdrawn Local Plan (the subject of the HRA), and the current adopted Local Plan 2015 and the made SNP (June 2023). Therefore likely significant effects on the integrity of the Devil's Dyke SAC are not expected to arise from implementation of the SNP (June 2023).

Breckland SAC/SPA

- 3.63. Sutton Neighbourhood Area is located approximately 25-30km from Breckland SAC/SPA. The HRA identified the following potential pressures and threats which could arise were the now withdrawn Local Plan implemented:
- *Physical damage/ loss of habitat* Site allocation KEN.M1 within the Local Plan falls within the IRZ for Breckland Farmland SSSI, a component of Breckland SPA. Land within this zone is considered to be potentially functionally linked to Breckland and therefore there is the potential for likely significant effects on the integrity of the European Site.
 - *Increased recreational pressure:* Whilst the site is outside of the East Cambridgeshire area, a mixed use site allocation at Kennett (KEN.M1) is approximately 2km from Breckland Farmland SSSI, a component of Breckland SPA and falls within the IRZ for this SSSI. The Breckland Farm SSSI has interest features that are potentially sensitive to increased recreational pressure. The screening assessment identified the potential for likely significant effects due to residential site allocations in the Plan being within 8km of the site boundary of the SPA. These could be significant in-combination, i.e. total recreation pressure from multiple residential developments within and beyond the study area.
 - *Urbanisation:* Whilst urbanisation is recognised in the SIP for Breckland SPA/SAC as a priority issue, there is no development proposed in the Local Plan within 400m of the site boundary. The Local Plan will therefore have no effect via this pathway.
- 3.64. Whilst growth is a potential threat to the Breckland SPA/SAC, the SNP (June 2023) does not make new site allocations and provides only limited opportunities for new development. This approach reflects the growth strategy of the now withdrawn Local Plan (the subject of the HRA), and the current adopted Local Plan 2015 and the made SNP (2019). Therefore likely

significant effects on the integrity of the Breckland SPA/SAC are not expected to arise from implementation of the SNP (June 2023).

Potential for likely significant effects

3.65. The HRA concluded that:

...after taking into account the above mitigation measures and consideration of other plans, that there will be no likely significant effects, alone or in combination, on the Ouse Washes SAC/SPA or Fenland SAC, resulting from water quality or quantity changes through the implementation of the East Cambridgeshire Local Plan.

3.66. Natural England confirmed the HRA followed accepted methodology, was in line with relevant legislation and guidance, and agreed with the conclusion of the HRA.

3.67. Since the SNP (June 2023) does not make new site allocations and provides only limited opportunities for new development. The SNP's growth strategy reflects that of the now withdrawn Local Plan and the current adopted Local Plan 2015 and the made SNP (2019).

HRA Screening: Sutton Neighbourhood Plan, June 2023

3.68. Having regard to the nature of the policies in the SNP (June 2023) and vulnerabilities of European Sites, this HRA screening considers that the SNP (June 2023) is not likely to have a significant effect on any European Site, either alone or in combination, with other plans and projects.

4. SEA Screening Assessment of the Draft Sutton Neighbourhood Plan (June 2023)

- 4.1. Figure 2 provides assessment of the SNP to identify likely significant effects on the environment. The first column uses the SEA Directive criteria and Schedule 1 of Environmental Assessment of plans and programmes Regulations 2004 (as set out in Appendix 1).

Figure 2. Assessment of the likely significant effects on the environment

The characteristics of plans and programmes, having regard, in particular, to—	Assessment of the SNP (June 2023)	Likely significant environmental effect
(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; and, of those proposals, such proposals are already anticipated and tested via existing plans and programmes (such as the Local Plan or the existing Sutton NP (2019)).	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;	It is a basic condition that a Neighbourhood Plan must contribute to the achievement of sustainable development. The proposed SNP (June 2023) includes a number of policies which promote environmental considerations and 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 existing plans and programmes.	None
(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 SNP 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 SNP (June 2023) is not relevant to the implementation of Community legislation on the environment.	None

Characteristics of the effects and of the area likely to be affected, having regard, in particular, to—	Assessment of the SNP (June 2023)	Likely significant environmental effect
(a) the probability, duration, frequency and reversibility of the effects;	The effects of the implementation of the SNP (June 2023) 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 (June 2023) 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 (June 2023) is not expected to pose any risks to human health or the environment: the effects of policies may, if any, 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 (June 2023) are expected to be limited to the immediate local area, the extent of which is, therefore, spatially small and covering a small population.	None
<p>(f) the value and vulnerability of the area likely to be affected due to—</p> <ul style="list-style-type: none"> (i) special natural characteristics or cultural heritage; (ii) exceeded environmental quality standards or limit values; or (iii) intensive land-use; and 	<p>Sutton Neighbourhood Area includes part of the European designated Ouse Washes, as described in this report, with Sutton village located approximately 1.5km from the Ouse Washes. The HRA prepared for the submitted (but subsequently withdrawn) 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. Those same proposed sites were taken forward in the made Sutton Neighbourhood Plan 2019.</p> <p>However, the sites fall outside Natural England’s Ouse Washes Functional Land IRZ and therefore can be screened out. No new sites are proposed in the draft SNP (June 2023).</p> <p>The HRA notes that the Ouse Washes are vulnerable to changes in water quality and quantity. Development</p>	None

	<p>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 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 (June 2023) reflects that proposed by the submitted East Cambridgeshire Local Plan and the made SNP (2019). The effects of this growth upon the environment have therefore been assessed through the HRA, Sustainability Appraisal of the Local Plan and made SNP, and other supporting evidence base documents.</p>	
<p>(g) the effects on areas or landscapes which have a recognised national, Community or international protection status.</p>	<p>Any effects of the SNP (June 2023) are expected to be positive and localised, and are not likely to be significant.</p>	<p>None</p>

4.2. Figure 3 applies the advice prepared by the (former) Department of Environment, as set out in Appendix 2, to the Draft Sutton Neighbourhood Plan (June 2023). 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 N/A ('not applicable').

Figure 3: Application of the SEA Directive to Draft Sutton Neighbourhood Plan

Criteria	Response: Yes/ No/ 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 (June 2023) 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. GO TO STAGE 2
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. GO TO STAGE 3
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 SNP (June 2023) 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. GO TO STAGE 4.
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 (June 2023) reflects the already made SNP (2019), which in turn reflected the submitted but subsequently withdraw Local Plan, and other 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 report's recommendations, Local Plan growth will not result in likely significant effects on any of the Natura 2000 Sites identified, either

		<p>alone or in combination with other plans and projects.</p> <p>As such an assessment under Articles 6 and 7 of the Habitats Directive is not required.</p> <p>GO TO STAGE 6</p>
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	<p>Alongside the East Cambridgeshire District Local Plan, the SNP will set the framework for development consents in the neighbourhood area.</p> <p>GO TO STAGE 8</p>
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	<p>The extent to which implementation of the SNP (June 2023) will result in likely significant environmental effects is assessed in section 3 and figure 2 of this screening report.</p> <p>The assessment identifies that no likely significant environmental effects are expected to arise through implementation of the SNP (June 2023).</p> <p>GO TO CONCLUSION</p>
Conclusion		SEA not required

5. Screening Outcome

- 5.1. The effects of any growth have been considered through preparation of the adopted Sutton Neighbourhood Plan (2019) and previously through 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.
- 5.2. To take an alternative approach, such as preparing evidence bespoke to the SNP (June 2023), would be disproportionate and result in unnecessary duplication. This would be contrary to national planning policy.
- 5.3. Based on the findings of the screening assessment in section 3 and 4 and subject to consultation with Statutory Agencies, East Cambridgeshire District Council is of the view that implementation of the SNP (June 2023) will not result in likely significant environmental effects. As such, a full SEA is not required for the Sutton Neighbourhood Plan (June 2023).
- 5.4. The assessment in section 3 and 4 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 (June 2023).
- 5.5. 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.

Appendix 1 SEA assessment criteria:

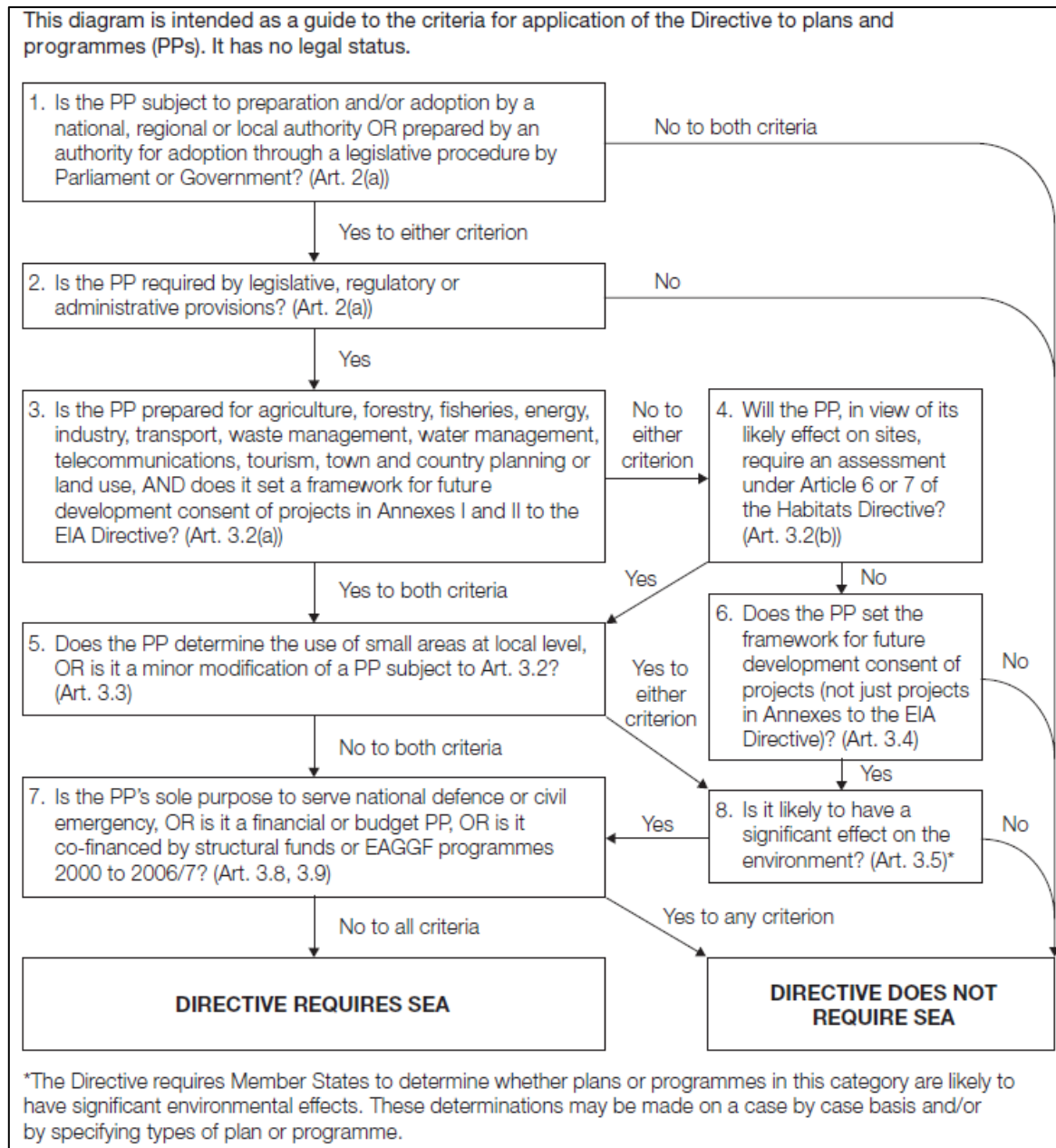
Article 3, Scope

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.

Appendix 2 Application of the SEA Directive to plans and programmes¹⁰:

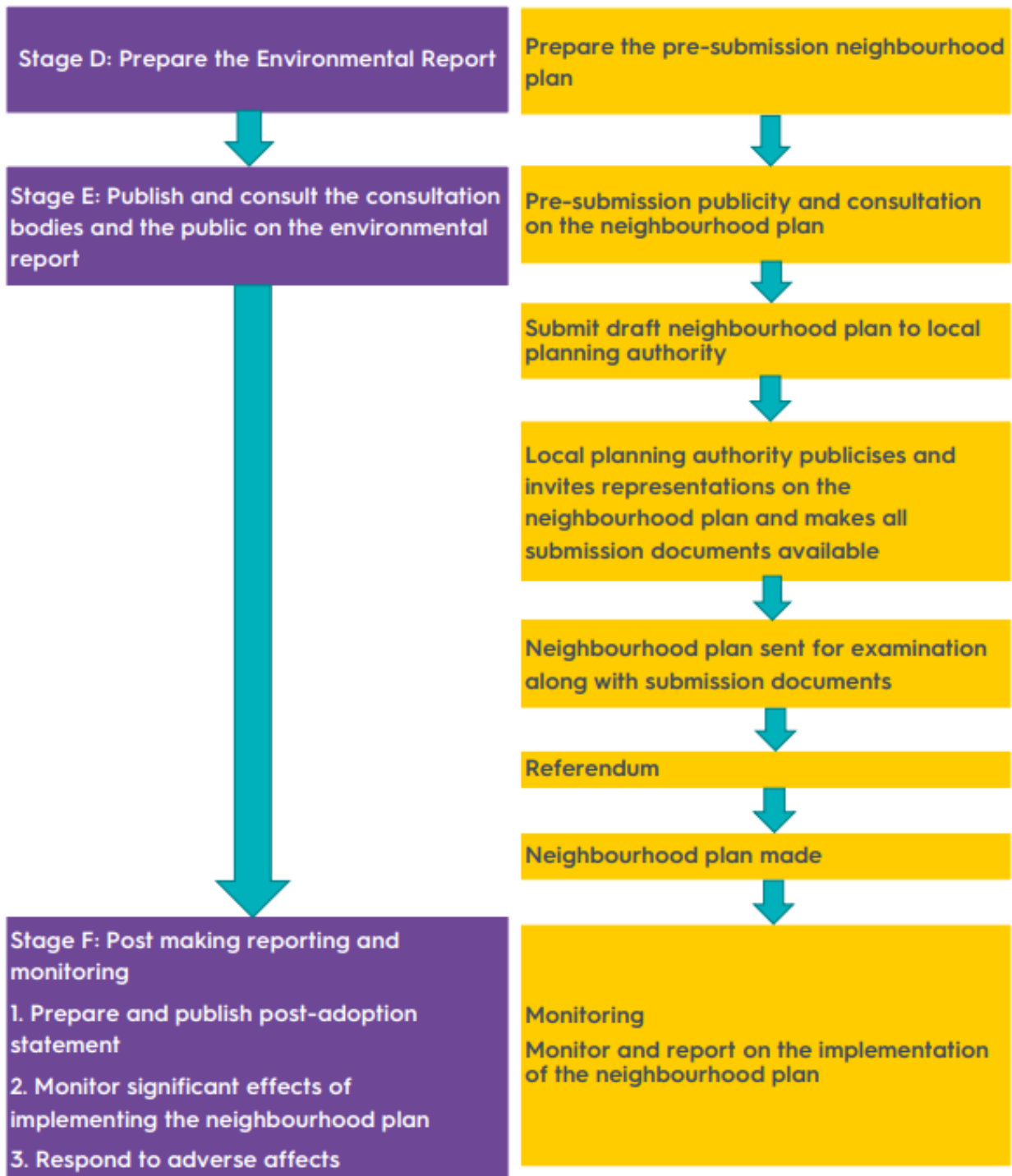


¹⁰ Annexes I and II of Directive 2011/92/EU (as referred to in Figure 2, question 3) available at: <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32011L0092&from=EN> (see <http://ec.europa.eu/environment/eia/eia-legalcontext.htm> for details of amendments). Articles 6 and 7 of the Habitats 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>.

Appendix 3: SEA process for Neighbourhood Planning

(source: <https://www.gov.uk/guidance/strategic-environmental-assessment-and-sustainability-appraisal#Strategic-environmental-assessment-process>)





Appendix 4: 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, were consulted on this screening opinion on 18 August 2023 based on the Sutton Neighbourhood Plan in its current form. The responses received during this consultation are detailed below.

Environment Agency

From: Saunders, Jack <>
Sent: Thursday, October 12, 2023 5:55 PM
To: PlanningPolicy <PlanningPolicy@eastcambs.gov.uk>
Subject: [EXTERNAL] Sutton Neighbourhood Plan SEA Screening

Good afternoon,
Apologies for our delay on responding to this. Please see our comments on the SEA screening for the Sutton Neighbourhood Plan below.

Flood Risk:

Based on a review of environmental constraints for which we are a statutory consultee, we find that there are areas of Fluvial Flood Risk and watercourses within the neighbourhood plan area. In particular, we note that the boundary does extend into areas of Flood Zones 2 and 3 of the designated main River 'Old Bedford River / River Delph'.

On the basis that future development is steered away from the sensitive aspects of the environment highlighted, we do not consider there to be potential significant environmental effects relating to these environmental constraints. Nevertheless, we recommend the inclusion of relevant policies to cover the management of flood risk. Allocation of any sites and any windfall development delivered through the Plan period should follow the sequential approach. [National Planning Policy Framework](#) (NPPF) paragraph 161 sets this out at [National Planning Policy Framework \(publishing.service.gov.uk\)](#).

Informative:

We encourage you to seek ways in which your neighbourhood plan can improve the local environment. For your information, together with Natural England, Historic England and Forestry Commission we have published joint guidance on neighbourhood planning, which sets out sources of environmental information and ideas on incorporating the environment into plans. This is available at: [How to consider the environment in Neighbourhood plans - Locality Neighbourhood Planning](#).

Kind regards

Jack Saunders

Planning Advisor | Sustainable Places | Environment Agency

Iceni House, Cobham Road, Ipswich, IP3 9JD



Date: 19 September 2023
Our ref: 446506
Your ref: Sutton Neighbourhood Plan



Mr Richard Kay
East Cambridgeshire District Council

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

BY EMAIL ONLY

planningpolicy@eastcambbs.gov.uk

T 0300 060 3900

Dear Mr Kay

Sutton Neighbourhood Plan - SEA & HRA Screening Consultation

Thank you for your consultation on the above dated and received by Natural England on 18 August 2023.

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 (SEA) and Habitats Regulations Assessment (HRA)

It is Natural England's advice, on the basis of the material supplied with the consultation, that:

- **significant effects on statutorily designated nature conservation sites or landscapes are unlikely; and,**
- **significant effects on Habitats sites¹, either alone or in combination, are unlikely.**

The proposed neighbourhood plan is unlikely to significantly affect any Site of Special Scientific Interest (SSSI), Marine Conservation Zone (MCZ), Special Areas of Conservation (SAC), Special Protection areas (SPA), Ramsar wetland or sites in the process of becoming SACs or SPAs ('candidate SACs', 'possible SACs', 'potential SPAs') or a Ramsar wetland. The plan area is unlikely to have a significant effect on a National Park, Area of Outstanding Natural Beauty or Heritage Coast, and is unlikely to impact upon the purposes for which these areas are designated or defined.

Guidance on the assessment of Neighbourhood Plans, in line with the Environmental Assessment of Plans and Programmes Regulations 2004 is contained within the [Planning Practice Guidance](#). This identifies three triggers that may require the production of an SEA:

- 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.

¹ Habitats sites are those referred to in the [National Planning Policy Framework](#) (Annex 2 - glossary) as "any site which would be included within the definition at regulation 8 of the Conservation of Habitats and Species Regulations 2017 for the purpose of those regulations, including candidate Special Areas of Conservation, Sites of Community Importance, Special Areas of Conservation, Special Protection Areas and any relevant Marine Sites".

Natural England does not hold information on the location of significant populations of protected species, so is unable to advise whether this plan is likely to affect protected species to such an extent as to require an SEA. Further information is included in Natural England's [standing advice](#) on protected species.

Furthermore, Natural England does not routinely maintain locally specific data on all environmental assets. The plan may have environmental impacts on priority species and/or habitats, local wildlife sites, soils and best and most versatile agricultural land, or on local landscape character that may be sufficient to warrant an SEA. Information on ancient woodland, ancient and veteran trees is set out in Natural England/Forestry Commission [standing advice](#).

We therefore recommend that advice is sought from your ecological, landscape and soils advisers, local record centre, recording society or wildlife body on the local soils, best and most versatile agricultural land, landscape, geodiversity and biodiversity receptors that may be affected by the plan before determining whether a SEA is necessary.

Natural England reserves the right to provide further advice on the environmental assessment of the plan. This includes any third party appeal against any screening decision you may make. If a SEA is required, Natural England must be consulted at the scoping and environmental report stages.

Please send any new consultations, or further information on this consultation to consultations@naturalengland.org.uk

Yours sincerely

Sally Wintle
Consultations Team

Historic England

No specific consultation response was received from Historic England since the consultation request of 18 August and the date of this update on 16 October.