

# **SEA Screening Opinion for Winterton-on-Sea Draft Neighbourhood Plan (dated April 2019)**

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## SEA Screening Opinion

### *Introduction*

This screening opinion determines whether or not the draft Winterton-on-Sea Neighbourhood Plan (April, 2019) is likely to have significant environmental effects and therefore require a Strategic Environmental Assessment (SEA) in accordance with the [European Directive 2001/42/EC](#) (the 'Strategic Environmental Assessment Directive') and implemented through the [Environmental Assessment of Plans and Programmes Regulations \(2004\)](#).

### *Background*

In order to meet one of the 'Basic Conditions' (tests that the neighbourhood plan is examined with), a neighbourhood plan must not breach or be otherwise compatible with the Strategic Environmental Assessment (SEA) Directive. In some limited circumstances, where a neighbourhood plan is likely to have significant environmental effects, it may require a SEA. Draft neighbourhood plan proposals should be assessed to determine whether the plan is likely to have significant environmental effects. This process is commonly referred to as a "screening" assessment and the requirements are set out in regulation 9 of the Environmental Assessment of Plans and Programmes Regulations 2004.

As part of the screening exercise, the neighbourhood plan will be assessed for likely significant effects upon the environment in light of across the 'plan characteristics', the 'effects and area characteristics' including the environmental areas listed under Schedule 2 Part 6 of the EA Regulations (2004) such as biodiversity and human health. In most cases, neighbourhood plans will not require a SEA, but are more likely to be required where the neighbourhood plan allocates sites for development, contains policies that may affect sensitive environmental assets, or where significant environmental effects have not been addressed through a sustainability appraisal of the local plan.

### *Strategic Plan*

The draft Winterton-on-Sea Neighbourhood Plan is largely in conformity with the Borough Council's adopted Local Plan Part 1: Core Strategy. The Core Strategy was subject to a full Sustainability Appraisal (incorporating SEA) and ensured that generally there were no adverse environmental effects, and where there were effects these were adequately mitigated through the plan.

### *Winterton-on-Sea draft Neighbourhood Plan proposals*

The draft policies of this plan generally detail a restrictive stance on development, with particular focus to preserving both the historic character and sensitive environment of the settlement and parish. Within the designated neighbourhood area, the draft policies will seek to:

- support development within the development boundary, and restrict development outside of it
- support affordable housing, elderly housing, and lower occupancy housing
- discourage second homes

- encourage tourist development
- conserve and enhance habitats and higher graded agricultural land
- protect the historic character of the centre of the village
- expect mitigation measures against flooding and drainage
- support proposals that encourage continued use of the primary and nursery schools
- designates Local Green Spaces
- supports increased car parking space

Most of the policies focus new development within the settlement boundary which is tightly defined around the existing settlement, and development outside of the boundaries only permitted in exceptional circumstances. This approach combined with policies to enhance the surrounding sensitive environment, and existing local and national planning policies to protect environmental assets, will ensure that likely significant effects on the environment are negligible

A 'Habitat Regulations Assessment' (HRA) Screening Assessment has also been reviewed (this is detailed below), and this has fed in as part of the overall assessment of environmental effects.

#### *Responses from statutory consultees*

The relevant statutory 'consultation bodies' (Environment Agency, Natural England and Historic England) were consulted on the SEA Screening Assessment and the responses have been summarised as follows:

<b>Consultation Body</b>	<b>Response</b>
Environment Agency	No allocations, many environmental constraints, but, confirmed that they do not disagree with the conclusion reached.
Natural England	No specific comments on this draft neighbourhood plan.
Historic England	On the basis of the information supplied, concur with the Parish Council that the preparation of a Strategic Environmental Assessment is not required.

The full consultation body responses are appended to this opinion.

#### *SEA Screening Opinion Checklist*

The neighbourhood plan has been assessed using the 'Practical Guide to SEA Directive's' application chart.

<b>SEA guide criteria</b>	<b>Yes/No</b>	<b>Reason</b>
Is the PP 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? (Art. 2(a))	Yes	If passed through a referendum, the neighbourhood plan becomes part of the Borough Council's adopted Development Plan.
Is the PP required by legislative, regulatory or administrative provisions? (Art. 2(a))	No	Communities have the choice to prepare a neighbourhood plan. However, because the plan (if adopted) will form part of the Development Plan, it must be screened for SEA
Is the PP prepared for agriculture, forestry, fisheries, energy, industry, transport,	Yes	The neighbourhood plan is prepared for town and country planning and land use.

SEA guide criteria	Yes/No	Reason
waste management, water management, telecommunications, tourism, town and country planning or land use, AND does it set a framework for future development consent of projects in Annexes I and II to the EIA Directive? (Art. 3.2(a))		The plan sets out a framework (within the neighbourhood plan area) for future development of houses, tourism uses, and community uses, which may fall under parts 10 and 12 of Annex II of the EIA Directive.
Will the PP, in view of its likely effect on sites, require an assessment under Article 6 or 7 of the Habitats Directive? (Art. 3.2(b))	No	For full details, see this HRA screening opinion.
Does the PP determine the use of small areas at local level, OR is it a minor modification of a PP subject to Art. 3.2? (Art. 3.3)	Yes	The neighbourhood plan does not specifically allocate any sites for development. The policies relating to residential and tourist development have the potential to lead to small areas of development, and the plan designates 'Local Green Spaces'.
Does the PP set the framework for future development consent of projects (not just projects in Annexes to the EIA Directive)? (Art. 3.4)	Yes	The Neighbourhood Plan sets a framework for future development within the neighbourhood plan area.
Is the PP's sole purpose to serve 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? (Art. 3.8, 3.9)	No	This is not applicable to neighbourhood plans
Is it likely to have a significant effect on the environment? (Art. 3.5)	No	The plan has been assessed for having "likely significant effects" across the 'plan characteristics', the 'effects and area characteristics' including the environmental areas listed under Schedule 2 Part 6 of the EA Regulations (2004). Overall, the plan is considered to have a negligible effect on the environment. While there are several sensitive environmental assets (Winterton-Horsey Dunes SAC, in particular) within the neighbourhood area, impacts upon the environment are considered to be minimal owing to the limited potential of future development set through its generally restrictive policies and absence of any allocations.
Requires / Does not require SEA	No	For the reasons set out above (and discussed in further detail within this report).

### *SEA Screening Opinion Conclusion*

In accordance with the 'Strategic Environmental Assessment Directive' and the Environmental Assessment of Plans and Programmes Regulations (2004), the Borough Council is satisfied to conclude that through the information submitted by the SEA Screening Assessment (subject to the above suggested amendments) and the statutory body responses along with this Screening Opinion, the draft Winterton-on-Sea Neighbourhood Plan is **not likely to have significant environmental effects**. The main reasons for this conclusion are that the draft neighbourhood plan:

- largely conforms to the adopted Core Strategy
- is to operate at relatively small scales
- does not contain allocations
- offers limited opportunity for new development
- recognises its sensitive landscape and seeks to conserve and enhance its environmental assets.

The draft Winterton-on-Sea Neighbourhood Plan is therefore 'screened out'.

## HRA Screening Opinion

### *Introduction*

This screening opinion determines whether or not the draft Winterton-on-Sea Neighbourhood Plan (April, 2019) will have 'likely significant effects' upon internationally designated habitat sites (or Natura 2000 Sites). If 'likely significant effects' are established, an 'Appropriate Assessment' will need to be undertaken, this is usually incorporated into a 'Habitat Regulations Assessment' (HRA), in accordance with the [Conservation of Habitats and Species Regulations 2017](#).

### *Submitted HRA Screening Assessment*

The Borough Council has assessed the HRA screening report in consultation with Natural England. While the designated plan area does include Winterton-Horsey Dunes Special Area of Conservation (SAC), the draft neighbourhood plan does not allocate any sites for development, and sets out a generally restrictive approach to development. Many of the policies seek to conserve and enhance the natural environment. The aim of the parking policy appears to be to reduce the level of on-street parking within the historic centre of the village, this is therefore unlikely to result in additional spaces for visitors. In this context the plan is unlikely to present additional residential or recreational disturbance beyond that identified in the Borough Council's Local Plan Core Strategy.

It is, however, recommended that a number of amendments are incorporated into the submitted HRA Screening Assessment:

- Figure 1, Update Neighbourhood Area Designation Map (including The Broads Area)
- Figure 2 –
  - Winterton-Horsey Dunes SAC & SSSI – the plan will have negligible additional recreational pressures
  - National Parks – The Broads Area has equivalent status to national parks [see NPPF paragraph 172]
  - Conservation Areas – there are 2 areas within the Neighbourhood Plan area, the plan from the Council's website can be accessed [here](#)
  - Flood Risk – There are areas of higher flood risk, particularly in the north of the settlement, refer to the Borough Council's [Strategic Flood Risk Assessment](#) in addition to the Environment Agency's mapping; also ensure that all types of flood risk are assessed
- Figure 5 –
  - Typo – 'Breydon Water'
  - Should also include North Denes SPA & Southern North Sea SAC (marine site – as is Outer Thames Estuary and The Greater Wash)
- Figure 6 –
  - Affordable Housing & Tourist Accommodation – recommend rewording "...be of a local scale and potential effects will need to be assessed by site-specific HRAs identifying any necessary mitigation measures. The Borough Council has an adopted Habitats Monitoring and Mitigation Strategy and guidance to address in-combination effects from increased recreational disturbance at the site-specific level."



*HRA Screening Opinion Conclusion*

As Competent Authority and in accordance with the Conservation of Habitats and Species Regulations 2017, the Borough Council identifies **no 'likely significant effects'** on nearby internationally protected wildlife sites (particularly Winterton-Horsey Dunes SAC) resulting from the draft Winterton Neighbourhood Plan either alone or in combination with other projects and programmes. No 'appropriate assessment' or full 'Habitat Regulations Assessment' is therefore required.

Note – Should the plan content change significantly from that of the April 2019 submitted draft, there may be potential for likely significant effects on the environment which have not been considered in this 'Screening Opinion', in such cases the neighbourhood plan may need to be re-screened by the Borough Council.