

**Whittlesey DRAFT
Neighbourhood Plan
2021 - 2040**

**Basic Conditions
Statement
May 2022**

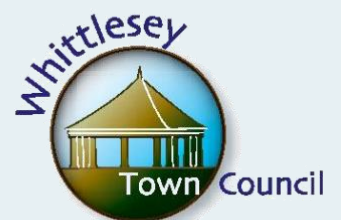


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1. Introduction

- 1.1. Whittlesey Town Council have submitted our proposed Neighbourhood Plan (Whittlesey Neighbourhood Plan 2021– 2040) to Fenland District Council to allow for an Examination to take place.
- 1.2. A draft Neighbourhood Plan must meet a set of basic conditions before it can be put to a referendum and be made. The basic conditions are set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004. The basic conditions are:
 - a) Having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the order (or neighbourhood plan).
 - b) Having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the order. This applies only to Orders.
 - c) Having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order. This applies only to Orders.
 - d) The making of the order (or neighbourhood plan) contributes to the achievement of sustainable development.
 - e) The making of the order (or neighbourhood plan) is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).
 - f) The making of the order (or neighbourhood plan) does not breach, and is otherwise compatible with, EU obligations.
 - g) Prescribed conditions are met in relation to the Order (or plan) and prescribed matters have been complied with in connection with the proposal for the order (or neighbourhood plan).
- 1.3. This Basic Conditions Statement explains how our Neighbourhood Plan meets the relevant requirements and conditions.

2. Meeting the Legal Requirements

- 2.1. This section of the statement shows how the requirements of the first and sixth paragraphs of Schedule 4B of the Town and Country Planning Act 1990 are met. This section does not cover paragraph 1(a), which is dealt with in the subsequent section of the statement.

1(b) The Examiner must consider.... Whether the draft neighbourhood development plan complies with the provisions made or under Sections 38A and 38B of this Act.

- 2.2. The full wording of Sections 38A and 38B of the Planning Compulsory Act 2004 can be found in Appendix A and B. Table 1 below shows how parts of the sections of the Act have been met.

Table 1 Compliance with the relevant sections of the Act

Paragraph No.	How the requirement has been met
Section 38A	
1	Whittlesey Town Council is a qualifying body for the purposes of initiating a Neighbourhood Plan. The Town Council successfully applied to Fenland District Council to designate the Parish of Whittlesey as a Neighbourhood Area to allow for a neighbourhood development plan to be produced. The Whittlesey Parish Neighbourhood Area was designated by Planning Committee on 29 th April 2015.
2	If adopted Whittlesey Neighbourhood Plan will guide development in the designated area.
3 - 12	The remaining paragraphs of the section deal with procedures that are to happen once the plan has been submitted to the planning authorities. It is assumed that these procedures will be carried out by the relevant bodies according to the regulations.
Section 38B	
1a	Whittlesey Neighbourhood Plan will last until 2040.
1b and 6	Whittlesey Neighbourhood Plan does not include provision about development that is excluded development.
1c	Whittlesey Neighbourhood Plan only relates to the designated Neighbourhood Area.
2	There is no other Neighbourhood Plan in place in the designated Neighbourhood Area.
3	It is accepted that if a policy conflicts with any

	other statement or information in the Plan, then the policy takes precedence.
4 and 5	Not applicable to the Town Council as it relates to processes for which the Local Planning Authority and Secretary of State are responsible.

(1)(c) The Examiner must consider.... Whether the area for any referendum should extend beyond the neighbourhood area to which the draft neighbourhood development plan relates.

- 2.3. The decision whether to extend the referendum area rests with the independent examiner. Whittlesey Town Council is of the view that extending the referendum beyond the Neighbourhood Area is unlikely to be necessary in this case.

(1)(d) The Examiner must consider... such other matters as may be prescribed.

- 2.4. There are no other matters that need to be considered.

(6) The Examiner is not to consider any matter that does not fall within sub-paragraph (1) (apart from considering whether the draft neighbourhood plan is compatible with the Convention rights).

- 2.5. It is considered that the Plan is compatible with the Convention rights.

3. Meeting the Conditions

- 3.1. This section of the statement considers how the Neighbourhood Plan meets the basic conditions required by Paragraph 2 of Schedule 4B of the Town and Country Planning Act 1990.

(2)(a) A draft neighbourhood development plan meets the basic conditions if... having regard to national policies and advice contained in guidance by the Secretary of State, it is appropriate to make the neighbourhood development plan.

- 3.2. The National Planning Policy Framework was published on 27th March 2012 and was last updated on 20th July 2021. It sets out the government's planning policies for England and how these are expected to be applied. The following paragraphs are particularly relevant to the way that neighbourhood plans should be prepared and what they should seek to achieve:

12. The presumption in favour of sustainable development does not change the statutory status of the development plan as the

starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

13. The application of the presumption has implications for the way communities engage in neighbourhood planning. Neighbourhood plans should support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies.

29. Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies.

30. Once a neighbourhood plan has been brought into force, the policies it contains take precedence over existing non-strategic policies in a local plan covering the neighbourhood area, where they are in conflict; unless they are superseded by strategic or non-strategic policies that are adopted subsequently.

- 3.3. The above policies illustrate the power that Neighbourhood Plans must develop a shared vision for their communities and shape future development, while emphasising their role in supporting (and importantly not conflicting with) strategic policies set out in higher-tier plans and strategies.
- 3.4. The principles and provisions of the NPPF have guided the preparation of the Whittlesey Neighbourhood Plan. Table 2 below highlights the relevant sections of the NPPF in relation to each policy of the plan. Later sections also illustrate the conformity with Fenland’s Local Plan.

Table 2 Relevant Sections of the NPPF to the Plan

Neighbourhood Plan Policy	Relevant Sections and Paragraphs of the NPPF
Policy 1: Spatial Strategy	<p>2. Achieving sustainable development Para: 7, 8, 10, 11, 12, 13,</p> <p>4. Plan making Para 15, 16, 28, 29</p>

	<p>5. Delivering a sufficient supply of homes Para: 66, 79, 80</p> <p>6. Building a strong competitive economy Para: 81, 84, 85</p> <p>7. Ensuring the vitality of town centres Para: 86</p> <p>9. Promoting sustainable transport Para: 104, 105</p> <p>11. Making effective use of land Para: 119</p> <p>14. Meeting the challenge of climate change, flooding and coastal change Para: 153, 154, 159, 160, 161</p> <p>15. Conserving and enhancing the natural environment Para: 174, 179</p>
Policy 2: Local Housing Need	<p>5. Delivering a sufficient supply of homes Para: 60, 61, 62, 63, 66, 78, 79, 80,</p>
Policy 3: Primary Shopping Frontages	<p>6. Building a strong, competitive economy Para: 81, 84,</p> <p>7. Ensuring the vitality of town centres Para: 86</p>
Policy 4: Open Space	<p>8. Promoting healthy and safe communities Para: 92, 93, 98, 99</p> <p>12. Achieving well-designed places Para: 130</p> <p>15. Conserving and enhancing the natural environment Para: 174</p>
Policy 5: Local Green Space	<p>8. Promoting healthy and safe communities Para: 101, 102, 103</p>
Policy 6: Country Park	<p>8. Promoting healthy and safe communities Para: 92, 93, 98</p> <p>15. Conserving and enhancing the natural environment Para: 174</p>
Policy 7: Design Quality	<p>8. Promoting healthy and safe communities Para: 92</p> <p>9. Promoting sustainable transport Para: 104, 105, 106</p> <p>12. Achieving well-designed places Para: 126, 127, 130</p>
Policy 8: Historic Environment	<p>16. Conserving and enhancing the historic environment Para: 189, 190</p>
Policy 9: Garden Development	<p>5. Delivering a sufficient supply of homes Para: 60, 69, 70, 79</p> <p>11. Making effective use of land Para: 119, 120</p>

Policy 10: Flood Risk	14. Meeting the challenge of climate change, flooding and coastal change Para:152, 153, 159, 160
Policy 11: Coalescence of Villages	12. Achieving well-designed places Para:130(c) 15. Conserving and enhancing the natural environment Para: 174
Policy 12: Delivering Sustainable Transport	9. Promoting sustainable transport Para: 104
Policy 13: Adapting to and mitigating Climate Change	14. Meeting the challenge of climate change, flooding, and coastal change Para: 152, 153, 154, 155, 156

(2)(d) A draft neighbourhood development plan meets the basic conditions if... The making of the neighbourhood development plan contributes to the achievement of sustainable development.

- 3.5. Achieving sustainable development is the key unifying principle underpinning the NPPF. A requirement for a presumption in favour of sustainable development is set out in Chapter 2: Achieving sustainable development. Paragraph 7 defines sustainable development as development that “meets the needs of the present without compromising the ability of future generations to meet their own needs” It also highlights the fact that members of the United Nations, including the United Kingdom have agreed to pursue the 17 Global Goals for Sustainable Development in the period to 2030. These address social progress, economic well-being and environmental protection. Paragraph 11 highlights the “presumption in favour of sustainable development” in plan-making generally, while Paragraph 13 explains how this should guide the way that communities should engage in neighbourhood planning, supporting the strategic aims of policy at the local authority level. Whittlesey Neighbourhood Plan reflects the presumption in favour of sustainable development at a national level as well as supporting the sustainability aims of the current Fenland Local Plan. The policies contained within Whittlesey Neighbourhood Plan cut across the Sustainable Development Goal themes of social progress, economic wellbeing and environmental protection.

(2)(e) A draft neighbourhood development plan meets the basic conditions if... the making of the neighbourhood development plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).

- 3.6. Planning applications in Whittlesey Parish are currently determined in accordance with the Fenland Local Plan, which was adopted in May 2014. An assessment of the general conformity of the proposed policies in the Whittlesey Neighbourhood Plan with the strategic policies of the Fenland Local Plan is set out in Table 3.

Table 3 Assessment of the Plan’s General Conformity with the Fenland Local Plan

Relevant sections and policies of Whittlesey Neighbourhood Plan	Assessment of general conformity with the strategic policies of the Fenland Local Plan and assessment
Vision and Objectives	<p>Vision: Para 2.3 Objectives: Para 2.4 <u>Assessment:</u> Whittlesey Neighbourhood Plan’s vision aligns with the Fenland Local Plan vision, which seeks to promote its market towns, improve health and well-being, meet the needs of communities and tackle issues such as deprivation and infrastructure deficit. The objectives of the Neighbourhood Plan also closely reflect those of the Local Plan.</p>
Policy 1: Spatial Strategy	<p>Policy LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside. Policy LP11 – Whittlesey Policy LP12 – Rural Areas Development Policy</p> <p><u>Assessment</u> The Spatial Strategy for the Neighbourhood Plan takes its lead from Policy LP3 which seeks to ensure sustainable growth by focusing the majority of growth in and around the market towns (including Whittlesey) with smaller amounts of development in “Limited Growth Villages” like Coates, “Small Villages” like Eastrea and “Other Villages” like Pondersbridge. It also reflects the Local Plan policy for Whittlesey town and for development in rural areas.</p>
Policy 2: Local Housing Need	<p>Policy LP4 – Housing Policy LP5 – Meeting Housing Need</p> <p><u>Assessment</u> As part of the development of the Whittlesey Neighbourhood Plan, an independent Housing Needs Assessment was carried out by Aecom in July 2017. This identified a housing target in conformity with AFLP as 1,778 dwellings (1870 dwellings -92 completed dwellings) between 2017 and 2031.</p>

	<p>The Neighbourhood Plan does not allocate specific sites for housing but does direct development through the Spatial Strategy. It aligns with the Local Plan in its aspiration to deliver affordable housing and to provide the mix, type and tenure of housing that meets specific local needs.</p>
<p>Policy 3: Primary Shopping Frontages</p>	<p>Policy LP6 – Employment, Tourism, Community Facilities and Retail</p> <p><u>Assessment</u> Policy 3: Primary Shopping Frontages reflects the “town centre first” aspiration of the retail section of Policy LP6 which seeks to support and regenerate where necessary existing town centres to ensure they continue to cater for the retail needs of the communities that they serve.</p>
<p>Policy 4: Open Space</p>	<p>Policy LP12 – Rural Areas Development Policy Policy LP16 - Delivering and Protecting High Quality Environments across the District Policy LP19 – The Natural Environment</p> <p><u>Assessment</u> In seeking to avoid the loss of open space and improve access to new and existing wildlife habitats Policy 4: Open space reflects a number of policies within the Local Plan which seek to protect the open character of the local area, ensure amenity for residents and enhance the natural environment.</p>
<p>Policy 5: Local Green Space</p>	<p>Policy LP2 – Facilitating Health and Wellbeing of Fenland Residents</p> <p><u>Assessment</u> In seeking to designate and protect existing local greenspaces Policy 5: Local Green Space reflects Local Plan policy LP2 which seeks to support the health and wellbeing of residents in several ways, including through amenity spaces and facilitating healthy lifestyles.</p>
<p>Policy 6: Country Park</p>	<p>Policy LP2 – Facilitating Health and Wellbeing of Fenland Residents Policy LP19 – The Natural Environment Policy LP13 – Supporting and Managing the Impact of a Growing District</p> <p><u>Assessment</u> The aspiration to deliver a new country park for Whittlesey Parish reflects aspects of several policies in the Local Plan relating to boosting the health and</p>

	wellbeing of residents and enhancing the natural environment as well as reflecting the Infrastructure Delivery Plan that precedes Policy LP13
Policy 7: Design Quality	<p>Policy LP16 - Delivering and Protecting High Quality Environments across the District</p> <p><u>Assessment</u> Whittlesey Neighbourhood Plan reflects the intentions of Policy LP16 which sets standards for the way that new development respects the existing context including in matters of design (section d) and expands on this to provide more detailed guidance on design within Whittlesey Parish.</p>
Policy 8: Historic Environment	<p>Policy LP18 – The Historic Environment</p> <p><u>Assessment</u> Whittlesey Neighbourhood Plan reflects the intentions of Policy LP18 which sets standards for the way that new development respects and protects the historic environment. It expands on this to provide more detailed guidance on heritage within Whittlesey Parish, in particular highlighting the significance and distinctiveness of the historic Mud Walls and ensuring their protection.</p>
Policy 9: Garden Development	<p>Policy LP12 – Rural Areas Development Policy</p> <p><u>Assessment</u> Policy 9: Garden Development reflects Section A of Policy LP12 which supports development which contributes to the sustainability of that settlement and does not harm the wide open character of the countryside. Within the proposed parameters, garden development within Whittlesey will help deliver housing within the existing developed footprint of the village and support local amenities and services.</p>
Policy 10: Flood Risk	<p>Policy LP14 – Responding to Climate Change and Managing the Risk of Flooding in Fenland</p> <p><u>Assessment</u> Policy 10: Flood Risk refers to tests within the NPPF and reflects Policy LP14 of the Local Plan. Fenland District Council has adopted the Cambridgeshire Flood and Water Supplementary Planning document which the explanatory text for this policy refers to, as well as the Anglian River Basin Plan</p>
Policy 11: Coalescence of Villages	<p>Policy LP3 – Spatial Strategy, the Settlement Hierarchy, and the Countryside Policy LP12 – Rural Areas Development Policy</p> <p><u>Assessment</u></p>

	<p>Policy 11: Coalescence of Villages seeks to guard against the loss of visual and physical separation of the villages within the Parish, reflecting the guidance in Policy LP12 excluding development adjacent to the developed footprint of a village in the case of small villages identified in Policy LP3. It also reflects the general spatial strategy and settlement hierarchy set out in the same policy.</p>
<p>Policy 12: Delivering Sustainable Transport</p>	<p>Policy LP15 - Facilitating the Creation of a More Sustainable Transport Network in Fenland</p> <p><u>Assessment</u> Policy 12: Delivering Sustainable Transport reflects the aspiration of Policy LP15 to deliver an integrated approach to transport in Fenland that is sustainable and improves accessibility for everyone. It reflects the aspiration to improve and join up public transport, walking and cycling, allowing all communities in Fenland, including people living in villages and small settlements to travel without a car.</p>
<p>Policy 13: Adapting to and mitigating Climate Change</p>	<p>Policy LP14 – Responding to Climate Change and Managing the Risk of Flooding in Fenland</p> <p><u>Assessment</u> Policy 13: Adapting to and mitigating Climate Change picks up on section A of Local Plan Policy LP14 which talks about renewable energy. It also gathers together a number of other elements of Climate Change adaptation to build a holistic picture of how development in the Parish might address the issue in the coming decades.</p>

(2)(f) A draft neighbourhood development plan meets the basic conditions if.... The making of the neighbourhood development plan does not breach, and is otherwise compatible with, EU obligations.

- 3.7. Fenland District Council has undertaken a screening of Whittlesey Neighbourhood Plan and considers that it does not need a Strategic Environmental Assessment (SEA). European Directive 2001/42/EC as transposed into UK law by The Environmental Assessment of Plans and Programmes Regulations 2004. The SEA screening exercise included consultation with Statutory Agencies and concluded that it is unlikely that there will be any significant environmental effects arising from Whittlesey Neighbourhood Plan. See Appendix C: Strategic Environmental Assessment Determination Statement.

(2)(g) A draft neighbourhood development plan meets the basic conditions if.... Prescribed conditions are met in relation to the

neighbourhood development plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood development plan.

- 3.8. Whittlesey Town Council believes that all the prescribed conditions have been met. The prescribed conditions include the requirement to not breach the requirements of the "Conservation of Habitats and Species Regulations 2017". This was tested through a Screening Assessment, which confirmed that a full "Appropriate Assessment" is not required.

4. Conclusion

- 4.1. Whittlesey Town Council has identified no policies in this Neighbourhood Plan that are incompatible with the NPPF or other aspects of national planning regulations. Many policies are providing a locally tailored approach to the delivery of NPPF policies in Whittlesey.
- 4.2. Whittlesey Town Council has identified no policies in this Neighbourhood Plan that are incompatible with the Fenland Local Plan. Policies are generally supporting the implementation of Local Plan policies at the level of Whittlesey Parish, as demonstrated in section 3.6.
- 4.3. Whittlesey Town Council consider that it has met the legal requirements for the making of a Neighbourhood Plan (Sections 38A&B of the Planning Compulsory Purchase Act 2004), and that the necessary conditions imposed by Paragraph 2, Schedule 4B of the Town & Country Planning Act 1990 have been complied with.



Planning and Compulsory Purchase Act 2004

2004 CHAPTER 5

PART 3

DEVELOPMENT

Development plan

[^{F1}38A Meaning of “neighbourhood development plan”

- (1) Any qualifying body is entitled to initiate a process for the purpose of requiring a local planning authority in England to make a neighbourhood development plan.
- (2) A “neighbourhood development plan” is a plan which sets out policies (however expressed) in relation to the development and use of land in the whole or any part of a particular neighbourhood area specified in the plan.
- (3) Schedule 4B to the principal Act, which makes provision about the process for the making of neighbourhood development orders, including—
 - (a) provision for independent examination of orders proposed by qualifying bodies, and
 - (b) provision for the holding of referendums on orders proposed by those bodies, is to apply in relation to neighbourhood development plans (subject to the modifications set out in section 38C(5) of this Act).
- (4) A local planning authority to whom a proposal for the making of a neighbourhood development plan has been made—
 - (a) must make a neighbourhood development plan to which the proposal relates if in each applicable referendum under that Schedule (as so applied) more than half of those voting have voted in favour of the plan, and

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- (b) if paragraph (a) applies, must make the plan as soon as reasonably practicable after the referendum is held [^{F2}and, in any event, by such date as may be prescribed].
- (5) If—
- (a) there are two applicable referendums under that Schedule as so applied (because the plan relates to a neighbourhood area designated as a business area under section 61H of the principal Act), and
 - (b) in one of those referendums (but not the other) more than half of those voting have voted in favour of the plan,
- the authority may (but need not) make a neighbourhood development plan to which the proposal relates.
- (6) The authority are not to be subject to the duty under subsection (4)(a) if they consider that the making of the plan would breach, or would otherwise be incompatible with, any [^{F3}retained EU obligation] or any of the Convention rights (within the meaning of the Human Rights Act 1998).
- (7) Regulations made by the Secretary of State may make provision as to the procedure to be followed by local planning authorities in cases where they act under subsection (6).
- (8) The regulations may in particular make provision—
- (a) for the holding of an examination,
 - (b) as to the payment by a local planning authority of remuneration and expenses of the examiner,
 - (c) as to the award of costs by the examiner,
 - (d) as to the giving of notice and publicity,
 - (e) as to the information and documents that are to be made available to the public,
 - (f) as to the making of reasonable charges for anything provided as a result of the regulations,
 - (g) as to consultation with and participation by the public, and
 - (h) as to the making and consideration of representations (including the time by which representations must be made).
- (9) The authority must publish in such manner as may be prescribed—
- (a) their decision to act under subsection (4) or (6),
 - (b) their reasons for making that decision, and
 - (c) such other matters relating to that decision as may be prescribed.
- (10) The authority must send a copy of the matters required to be published to—
- (a) the qualifying body that initiated the process for the making of the plan, and
 - (b) such other persons as may be prescribed.
- (11) If a neighbourhood development plan is in force in relation to a neighbourhood area—
- (a) a qualifying body may make a proposal for the existing plan to be replaced by a new one, and
 - (b) the process for the making of the replacement plan is the same as the process for the making of the existing plan.

[Subsection (11) is subject to Schedule A2, which makes provision for the modification ^{F4}(11A) of a neighbourhood development plan.]

Changes to legislation: *Planning and Compulsory Purchase Act 2004, Section 38A is up to date with all changes known to be in force on or before 14 March 2022. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

[Subsection (11C) applies if, as a result of a modification of a neighbourhood area ^{F5}(11B) under section 61G(6) of the principal Act, a neighbourhood development plan relates to more than one neighbourhood area.

(11C) The replacement of the plan by a new plan in relation to one or some of those areas does not affect the continuation in force of the plan in relation to the other area or areas.]

(12) For the purposes of this section—

“local planning authority” has the same meaning as it has in Part 2 (see section 37), but the Broads Authority are to be the only local planning authority for the Broads,

“neighbourhood area” has the meaning given by sections 61G and 61I(1) of the principal Act,

“prescribed” means prescribed by regulations made by the Secretary of State, and

“qualifying body” means a parish council, or an organisation or body designated as a neighbourhood forum, authorised for the purposes of a neighbourhood development plan to act in relation to a neighbourhood area as a result of section 61F of the principal Act, as applied by section 38C of this Act.]

Textual Amendments

- F1** Ss. 38A-38C inserted (15.11.2011 for specified purposes, 6.4.2012 for specified purposes, 3.8.2012 for specified purposes, 6.4.2013 in so far as not already in force) by [Localism Act 2011 \(c. 20\), ss., 240\(5\) \(j\), Sch. 9 para. 7](#); S.I. 2012/628, art. 8(a) (with arts. 9, 12, 13, 16, 18-20) (as amended (3.8.2012) by S.I. 2012/2029, arts. 2, 4); S.I. 2012/2029, arts. 2, 3(a) (with art. 5) (as amended (6.4.2013) by S.I. 2013/797, art. 4); S.I. 2013/797, arts. 1(2), 2
- F2** Words in s. 38A(4)(b) inserted (12.5.2016) by [Housing and Planning Act 2016 \(c. 22\), ss. 140\(3\), 216\(1\)\(d\)](#)
- F3** Words in s. 38A(6) substituted (31.12.2020) by [The Environmental Assessments and Miscellaneous Planning \(Amendment\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1232\), regs. 1\(2\), 3\(2\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F4** S. 38A(11A) inserted (27.4.2017 for specified purposes, 31.1.2018 in so far as not already in force) by [Neighbourhood Planning Act 2017 \(c. 20\), ss. 4\(5\), 46\(3\)](#); S.I. 2018/38, reg. 3(b)
- F5** S. 38A(11B)(11C) inserted (31.1.2018) by [Neighbourhood Planning Act 2017 \(c. 20\), ss. 5\(6\), 46\(1\)](#); S.I. 2018/38, reg. 3(c)

Changes to legislation:

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing [SI 2006/1061 art. 4](#) by [S.I. 2010/321 art. 3](#)
- specified provision(s) amendment to earlier commencing [SI 2007/1369 art. 3](#) by [S.I. 2010/321 art. 4](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 45(A1) inserted by [2011 c. 20 Sch. 8 para. 14\(2\)](#)



Planning and Compulsory Purchase Act 2004

2004 CHAPTER 5

PART 3

DEVELOPMENT

Development plan

[^{F1}38B Provision that may be made by neighbourhood development plans

- (1) A neighbourhood development plan—
 - (a) must specify the period for which it is to have effect,
 - (b) may not include provision about development that is excluded development, and
 - (c) may not relate to more than one neighbourhood area.
- (2) Only one neighbourhood development plan may be made for each neighbourhood area.

[Subsections (1)(c) and (2) are subject to section 61G(6D) of the principal Act (as ^{F2}(2A) applied by section 38C(5A) of this Act).]

- (3) If to any extent a policy set out in a neighbourhood development plan conflicts with any other statement or information in the plan, the conflict must be resolved in favour of the policy.
- (4) Regulations made by the Secretary of State may make provision—
 - (a) restricting the provision that may be included in neighbourhood development plans about the use of land,
 - (b) requiring neighbourhood development plans to include such matters as are prescribed in the regulations, and
 - (c) prescribing the form of neighbourhood development plans.

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- (5) A local planning authority must publish each neighbourhood development plan that they make in such manner as may be prescribed by regulations made by the Secretary of State.
- (6) Section 61K of the principal Act (meaning of “excluded development”) is to apply for the purposes of subsection (1)(b).]

Textual Amendments

- F1** Ss. 38A-38C inserted (15.11.2011 for specified purposes, 6.4.2012 for specified purposes, 3.8.2012 for specified purposes, 6.4.2013 in so far as not already in force) by [Localism Act 2011 \(c. 20\), ss., 240\(5\)\(j\), Sch. 9 para. 7](#); [S.I. 2012/628, art. 8\(a\)](#) (with arts. 9, 12, 13, 16, 18-20) (as amended (3.8.2012) by [S.I. 2012/2029, arts. 2, 4](#)); [S.I. 2012/2029, arts. 2, 3\(a\)](#) (with art. 5) (as amended (6.4.2013) by [S.I. 2013/797, art. 4](#)); [S.I. 2013/797, arts. 1\(2\), 2](#)
- F2** S. 38B(2A) inserted (31.1.2018) by [Neighbourhood Planning Act 2017 \(c. 20\), ss. 5\(7\), 46\(1\)](#); [S.I. 2018/38, reg. 3\(c\)](#)

Changes to legislation:

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[View outstanding changes](#)

Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing SI 2006/1061 art. 4 by [S.I. 2010/321 art. 3](#)
- specified provision(s) amendment to earlier commencing SI 2007/1369 art. 3 by [S.I. 2010/321 art. 4](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 45(A1) inserted by [2011 c. 20 Sch. 8 para. 14\(2\)](#)

Strategic Environmental Assessment Determination Statement:

Draft Whittlesey Neighbourhood Plan

This determination statement has been produced by Fenland District Council (FDC) as “responsible authority”, to meet the requirements of Regulation 9 of the Environmental Assessment of Plans and Programmes Regulations 2004.

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

A Screening Assessment was undertaken by FDC during the preparation of the draft Whittlesey Neighbourhood Plan. As part of this assessment, FDC consulted the statutory bodies. The SEA Screening Report follows this Determination Statement.

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

The Screening Report was sent to consultation bodies for comment (13 July to 23 August 2021). Responses were received from Environment Agency, Historic England and Natural England.

Through its response to the draft Screening Report consultation, Historic England concurred with the Council that the preparation of a Strategic Environmental Assessment is not required.

Natural England confirmed it agrees with the report’s conclusions that the Whittlesey Neighbourhood Plan would not be likely to result in a significant effect on any European Site, either alone or in combination and therefore no further assessment work is required.

Due to resource pressures, the Environment Agency was unable to provide bespoke advice on the screening assessment.

Based on the assessment undertaken in the SEA Screening Report and the responses received from statutory bodies, Fenland District Council considers that no likely significant environmental effects will arise from implementation of the Whittlesey Neighbourhood Plan. Strategic Environmental Assessment of the Whittlesey Neighbourhood Plan is not required.



Strategic Environmental Assessment & Habitats Regulations Assessment Screening Report

August 2021

On behalf of Whittlesey Town Council

Date of assessment:	24 August 2021
Date/ version of neighbourhood development plan to which Screening Report applies:	Whittlesey Neighbourhood Plan (Reg. 14)

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Overview

Neighbourhood Development Plan to which this Screening Report applies:

Whittlesey Neighbourhood Plan

Version/ date of Neighbourhood Development Plan to which this Screening Report applies:

Regulation 14 version

Neighbourhood area to which the Neighbourhood Development Plan applies:

Whittlesey Neighbourhood Area

Qualifying Body within the neighbourhood area:

Whittlesey Town Council

Acronyms

DEFRA	Department for Environment, Food & Rural Affairs
ECJ	European Court of Justice
EIA	Environmental Impact Assessment
EU	European Union
FDC	Fenland District Council
ha	Hectares
HRA	Habitats Regulations Assessment
IRZ	Impact Risk Zone
NCA	National Character Area
NDP	Neighbourhood Development Plan
NNR	National Nature Reserve
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
SA	Sustainability Appraisal
SAC	Special Area of Conservation
SEA	Strategic Environmental Assessment
SPA	Special Protection Area
SSSI	Site of Special Scientific Interest
WNP	Whittlesey Neighbourhood Plan

1. Introduction

- 1.1. The purpose of this report is to undertake a screening exercise against various criteria to determine whether the Whittlesey Neighbourhood Plan (WNP) requires a full Strategic Environmental Assessment (SEA) and / or Habitats Regulations Assessment (HRA).
- 1.2. This version of the Screening Report has been prepared following consultation with statutory consultation bodies on the *Draft Screening Report*. Responses received from Statutory Bodies during consultation on the draft report are set out at section 6.
- 1.3. The Screening Report will support the WNP in satisfying the basic conditions, and will be submitted as part of the evidence base which will accompany the Neighbourhood Development Plan (NDP).

Overview of requirements of the SEA Regulations in regard to Neighbourhood Plans

- 1.4. A NDP must meet the 'basic conditions' set out in 8(2) of *Schedule 4B of the Town and Country Planning Act 1990*. This includes demonstrating that the NDP does not breach, and is otherwise compatible with EU obligations, as incorporated into UK law, such as:
 - **Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment** (the Strategic Environmental Assessment Directive), transposed into UK law by The Environmental Assessment of Plans and Programmes Regulations 2004; and
 - **Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora**, which was initially transposed into UK law by The Conservation (Natural Habitats, &c.) Regulations 1994 with various amendments consolidated by The Conservation of Habitats and Species Regulations 2018.
- 1.5. In addition, basic condition 'g' requires:

*prescribed conditions are met in relation to the Order (or plan) and prescribed matters have been complied with in connection with the proposal for the order (or neighbourhood plan)*¹.
- 1.6. Notably, this includes demonstrating that the making of the neighbourhood plan does not breach the requirements of Chapter 8 of Part 6 of the *Conservation of Habitats and Species Regulations 2017*, which set out the habitat regulation assessment process for land use plans, including consideration of the effect on habitats sites.
- 1.7. Following the United Kingdom's withdrawal from the European Union (i.e. *Brexit*), EU law no longer has supremacy over British laws. Whilst initially introduced by EU Directives, the processes for SEA and HRA have been transposed into UK law, namely *The Environmental Assessment of Plans and Programmes Regulations 2004* (as amended) and the *Conservation of Habitats and Species Regulations 2017* (as amended).

¹ https://www.gov.uk/guidance/neighbourhood-planning--2?mc_cid=e09f0934ad&mc_eid=c5e5a6ab4a#basic-conditions-for-neighbourhood-plan-to-referendum

- 1.8. In light of *Brexit*, to enable the continued operation of the HRA processes *The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019*² made a number of changes to the 2017 Regulations. Most of these changes involved transferring functions from the European Commission to the appropriate authorities in England and Wales, with all other processes or terms in the 2017 Regulations remaining unchanged and existing guidance remaining relevant. The obligations of competent authorities (in this case *FDC*) for the protection of sites or species do not change.
- 1.9. *Special Areas of Conservation* (SACs) were originally designated under the Habitats Directive and target particular habitats (Annex I) and/or species (Annex II) identified as being of European importance. *Special Protection Areas* (SPAs) are classified under the European Council Directive “on the conservation of wild birds” (79/409/EEC; ‘Birds Directive’) for the protection of wild birds and their habitats.
- 1.10. SPAs and SACs in the UK no longer form part of the EU’s Natura 2000 ecological network. The 2019 Regulations have created a ‘national site network’ on land and at sea, including both the inshore and offshore marine areas in the UK, and includes existing SPAs and SACs. Ramsar sites are designated wetlands of international importance. Ramsar sites do not form part of the national site network. Many Ramsar sites overlap with SPAs and SACs, and are designated for the same or different species and habitats. All Ramsar sites remain protected in the same way as SPAs and SACs.
- 1.11. This Screening Report uses the term ‘*European Site*’ when referring collectively to SPAs, 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.
- 1.12. In general terms, a NDP may require full SEA following screening where its policies and proposals are likely to result in significant effects on the environment, particularly where such effects have not already been considered and dealt with, such as through a Sustainability Appraisal (SA) of a Local Plan.
- 1.13. In the context of neighbourhood planning, following screening, should a NDP be deemed likely to result in a significant impact occurring on a protected European Site as a result of the plan’s implementation, the HRA proceeds to Appropriate Assessment. The aim of the HRA process is to assess the potential effects arising from a plan against the nature conservation objectives of any European Site designated for its nature conservation importance.

Responsibilities

Local Planning Authority (FDC)

- 1.14. As local planning authority, FDC is ultimately responsible for ensuring that the SEA requirements have been met prior to the Neighbourhood Plan being made. FDC is best placed to make a screening determination, given its access to environmental information and understanding of strategic-level planning issues relating to the Neighbourhood Area, Fenland district, and surrounding area.
- 1.15. FDC took responsibility for coordinating consultation on the Draft Screening Report, which ran from 13 July to 23 August 2021.

² <https://www.legislation.gov.uk/ukxi/2019/579/contents/made>

Qualifying Body (Whittlesey Town Council)

1.16. Whittlesey Town Council is the Qualifying Body for the Whittlesey Neighbourhood Area (which is coterminous with the parish boundary). Only Whittlesey Town Council has the legal right to prepare a Neighbourhood Plan for the Whittlesey Neighbourhood Area.

Statutory Bodies

1.17. For the purposes of SEA, the statutory bodies are executive non-departmental public bodies with responsibilities for managing the environment on government's behalf, including:

- Environment Agency
- Historic England
- Natural England

1.18. For the purpose of SEA for the WNP, the statutory bodies were requested to review and make representations during consultation on the draft version of the Screening Report. Responses received from the Statutory Bodies are provided in Section 6.

Report structure

1.19. Following this introductory section, Section 2 describes the strategic planning context against which the WNP is being prepared.

1.20. Section 3 provides key information about the WNP and Whittlesey Neighbourhood Area, including its relationship to other plans and strategies and a summary of key environmental characteristics and constraints within, or in proximity of, the Neighbourhood Area.

1.21. Section 4 describes the SEA methodology. Section 5 provides assessment of the WNP against various SEA themes to identify the likelihood of significant effects on the environment, drawing on the environmental constraints identified in section 3.

1.22. Section 6 sets out the response to consultation with Statutory Bodies on the former draft version of the Screening Report. Section 7 provides a summary of the Screening Report's conclusions.

2. Strategic Planning Context

- 2.1. The basic conditions require Neighbourhood Plans to be in *general conformity* with the strategic policies contained in the Development Plan (the Local Plan) for the area.
- 2.2. Through its strategic policies, the Local Plan effectively defines the parameters within which a Neighbourhood Plan may operate. Throughout their preparation, Local Plans are subject to SEA (generally incorporated through a SA) 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 planning policy states that evidence should be ‘adequate and proportionate’³. Repeating of policy assessment already undertaken should be avoided. 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.

Fenland Local Plan 2014 and Review

Current status

- 2.4. The current Fenland Local Plan was adopted in 2014. The Local Plan defines strategic and locally specific policies for the district, and covers a plan period from 2011 to 2031. During its preparation, the Local Plan was subject to a full SA (incorporating SEA) and HRA.
- 2.5. Being greater than five years old, it is necessary (by law) to regularly review its content to determine if the plan remains ‘up to date’. At FDC’s Full Council meeting of 21 February 2019, it was agreed that a full review of the Local Plan would commence. FDC consulted on an *Issues & Options* document in October and November 2019. Consultation on a draft Local Plan is expected to commence later this year.
- 2.6. At the time at which the WNP reaches examination, it is likely that the Fenland Local Plan 2014 will remain the adopted Local Plan for the area. The basic conditions require Neighbourhood Plans to achieve ‘general conformity with the strategic policies in the development plan for the local area’. Therefore, for SEA screening, the WNP is assessed in the context of the adopted Fenland Local Plan 2014.

Local Plan Strategy for Whittlesey

- 2.7. Local Plan Policy LP3 sets out a spatial strategy for Fenland, which directs growth to settlements based on their position in a ‘settlement hierarchy’. The policy indicates that the majority of growth is directed to the ‘market towns’ at the ‘top’ of the hierarchy. Within the ‘market towns’ tier of the settlement hierarchy, the policy identifies March and Wisbech as ‘Primary Market Towns’, with Chatteris and Whittlesey defined as ‘Other Market Towns’. As one of the four Market Towns, the Local Plan identifies Whittlesey *town* as a location for *major new housing, employment growth, retail growth and wider service provision*.
- 2.8. It is important to note that the Local Plan is settlement, rather than parish, focussed. Therefore, where the Local Plan makes reference to ‘Whittlesey’ it is referring to Whittlesey *town*. The Whittlesey Neighbourhood area applies to the whole of Whittlesey Civil Parish

³ Para. 31, NPPF 2019

which, in addition to Whittlesey town, includes the villages of Eastrea, Coates, Turves, and Pondersbridge, and extensive open countryside.

2.9. The settlement hierarchy identifies Coates as a 'Limited Growth Village', within which:

a small amount of development and new service provision will be encouraged and permitted in order to support their continued sustainability, but less than would be appropriate in a Growth Village. Such development may be appropriate as a small village extension.

Policy LP3, Fenland Local Plan 2014 (p16)

2.10. Eastrea and Turves are defined as 'Small Villages', where:

development will be considered on its merits but will normally be of a very limited nature and normally be limited in scale to residential infilling or a small business opportunity.

Policy LP3, Fenland Local Plan 2014 (p17)

2.11. Pondersbridge is identified as an 'Other Villages', in which:

residential development will be considered on its merits and will normally be restricted to single dwelling infill sites situated within an otherwise built up frontage.

Policy LP3, Fenland Local Plan 2014 (p17)

2.12. For the remainder of the Whittlesey Neighbourhood Area, i.e. land falling outside any given settlement (such as the open countryside), development opportunities are restricted to that which is demonstrably essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation, transport or utility services; and to minerals or waste development in accordance with separate Minerals and Waste Local Development Documents.

Strategic allocations at Whittlesey town

2.13. The adopted Local Plan enables 11,000 new homes to be built in the district between 2011 and 2031⁴. Policy LP4 directs the majority of growth to the four market towns of Wisbech, March, Chatteris and Whittlesey. Of the market towns, Whittlesey receives the lowest growth target of 1,000 dwellings (approximately 9% of Fenland's total growth requirement). Whittlesey town therefore plays a critically important role in the meeting Fenland's development needs.

2.14. In the market towns, Local Plan policy LP4 directs major growth to strategic allocations and 'broad locations for growth'. Large scale housing developments (of 250 dwellings or more) outside these areas are resisted.

2.15. *Policy LP11: Whittlesey* identifies Whittlesey town as "a focus for some housing, employment and retail growth" and includes a range of measure to retain the town's character and ensure development proposals respond appropriately to environmental constraints and natural features.

⁴ Plus a further 550 on the edge of Wisbech in the Kings Lynn and West Norfolk Borough Council (KLWNBC) area.

2.16. The policy identifies a new urban extension to Whittlesey through the strategic allocation of land located north and south of Eastrea Road (A605). The policy indicates that land north of the A605 will be predominantly residential, with land to the south providing a mix of uses. Residential development of land north of the A605 has been in progress for several years, with many dwellings currently completed and occupied. Land to the south of the A605 has recently been granted planning permission for 169 dwellings (ref: F/YR20/0471/RM). Policy LP11 expected that the strategic allocation as a whole would deliver around 500 dwellings, but following the approval of various planning applications, this estimate will likely be exceeded.

Employment uses

2.17. Policy LP11 indicates that new business uses are likely to be supported adjacent to existing businesses in the Station Road / Benwick Road Industrial Area, and to the west of the town along the A605 and to the north of the King's Dyke as far as Field's End Bridge.

Regional Freight Interchange

2.18. At the time of preparing the Local Plan, Whittlesey was earmarked as a location for the development of a Regional Freight Interchange. Policy LP11 sets out requirements for the planning application for a freight interchange, including to undertake an Appropriate Assessment. There now appears little prospect of the Regional Freight Interchange being developed in the foreseeable future.

Infrastructure

2.19. Policy LP11 makes reference to the existing issues in and around Whittlesey that relate to road and rail freight, railway level crossing closures and the A605. In peak periods, the level crossing barrier can be down for between 12 and 23 minutes per hour, resulting in significant delays to traffic. Future plans by the rail industry to increase the number of trains travelling along the route looked likely to further increase traffic delays. To address the conflict between road and rail traffic, a major project is currently under construction to provide a new King's Dyke rail crossing.

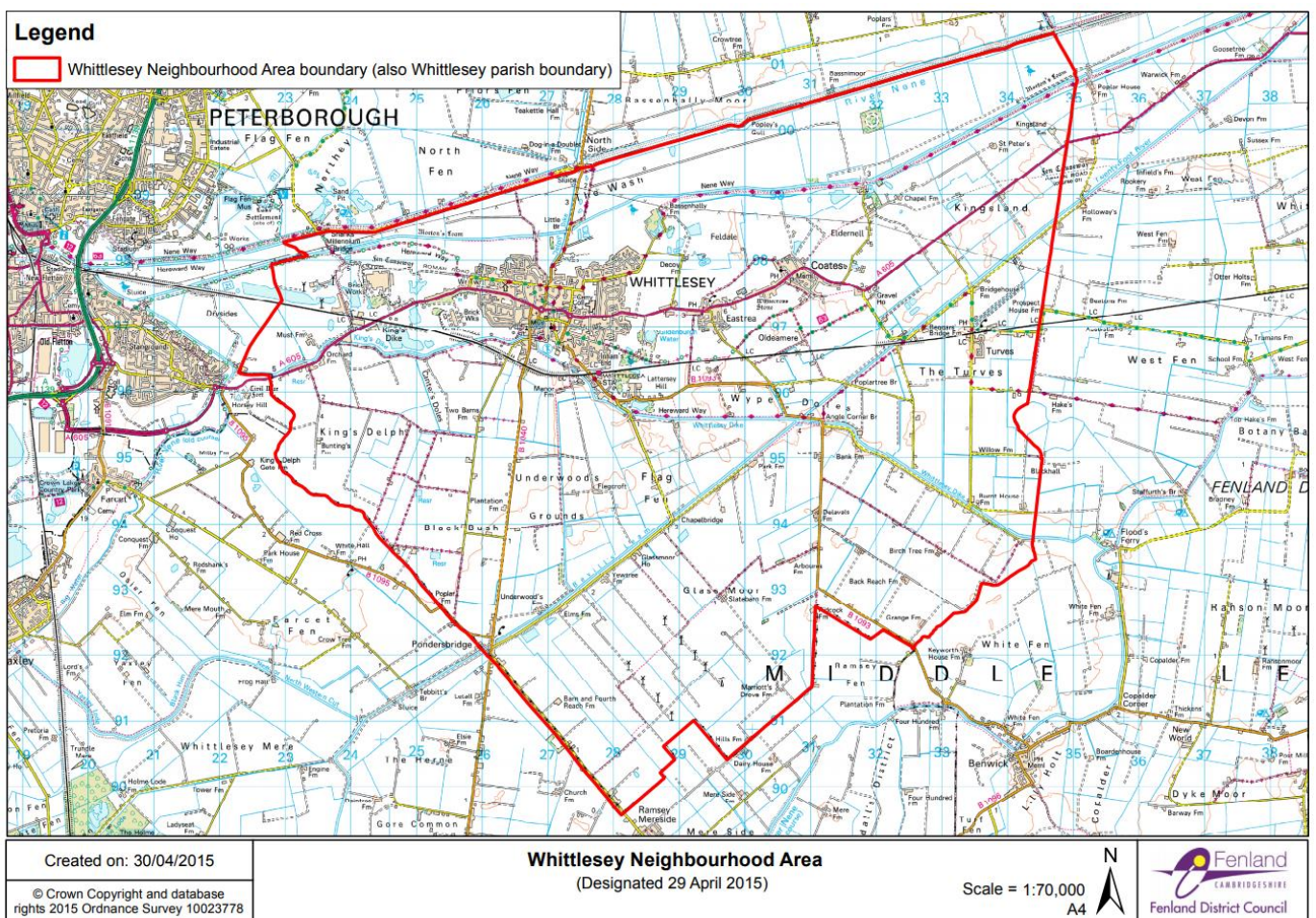
2.20. Policy LP11 notes that Whittlesey Waste Water Treatment Works is currently at capacity in terms of its consented flows and the town's sewerage infrastructure network is currently operating at capacity.

3. Summary of Whittlesey Neighbourhood Plan

Overview of the Neighbourhood Development Plan

- 3.1. The subject of this screening report is the draft Whittlesey Neighbourhood Plan. The current stage of preparation of the WNP is the Regulation 14 consultation, which is taking place in July and August 2021.
- 3.2. The WNP has been prepared by Whittlesey Town Council, the 'qualifying body' for the purposes of neighbourhood planning. The Whittlesey Neighbourhood Area was formally designated by FDC in April 2015 and comprises the whole of the parish area of Whittlesey. The designated area is shown in **Map 1** below.

MAP 1: BOUNDARY OF THE DESIGNATED WHITTLESEY NEIGHBOURHOOD AREA (FDC)



- 3.3. The WNP sets out the following Vision for the Neighbourhood Area:

"It's the year 2037 and a visitor has arrived in Whittlesey Parish. It's their first visit to the area - they were attracted by the fascinating heritage and are particularly keen to see the mud walls and explore the Bronze Age settlement at Must Farm.

Our visitor strolls down Market Street admiring the thriving town centre. There are many different shops and businesses and they don't seem to be short of customers! On rounding the corner they encounter a bustling market. The stalls are bursting with

unique local produce and the visitor gets chatting to a friendly stallholder while sampling a local ale.

The stallholder has lived in the area all his life, as have several generations of his family. He's seen the area change over the years; new people have moved into the community, attracted by well-designed new housing in sustainable locations, great public transport access and excellent local services.

New residents feel welcome and part of a strong community, and the population is now a sustainable mix of both younger and older people. The population growth has helped to support local businesses, which is why the town centre and market are doing so well."

- 3.4. The WNP sets seven objectives to achieve the vision, and which echo the three over-arching objectives for sustainable development: environmental, social and economic:
1. **Provide new high-quality homes in appropriate sustainable locations that meet the need of the Neighbourhood Area without compromising the distinctive and attractive setting of the Town and Villages, or their natural environment, securing high-quality development in all new schemes.**
 2. **The Neighbourhood Area maintains its vibrant community through proportionate growth, which delivers a range of housing, retains or enhances employment opportunities whilst protecting the rural setting of the settlements within. Local people will have opportunities to live and work in the area they have grown up in and remain essential and thriving within the community.**
 3. **Promote new high quality economic and employment opportunities in appropriate locations and encourage the retention of existing employers in the Neighbourhood Area.**
 4. **Secure the appropriate regeneration of the town centre, tackling long-standing issues around traffic, parking, and retail offer, to give an improved shopping experience.**
 5. **Seek ongoing improvements to transport, specifically east-west connectivity and access to industrial areas, and to remove the designated HGV route from residential areas. To encourage a southern relief road or bypass, which local people have said that they support.**
 6. **Seek ongoing improvement to flood defences, utility infrastructure, and digital connectivity, especially mobile phone reception and broadband.**
 7. **Seek improvements to public transport, mainly the frequency and span of operation.**
- 3.5. To deliver the Vision and Objectives, the WNP proposes 12 policies in total, which are summarised in Table 1. Note that the table provides a *summary* of the policies intent, not the actual policy wording.

Table 1: Summary of Draft Whittlesey Neighbourhood Plan Policies

Policy	Summary
Policy 1: Spatial Strategy	<p>The policy affirms Whittlesey as the main location for growth within the Neighbourhood Area.</p> <p>The policy identifies environmental constraints to the north and south of Whittlesey town, and in the villages of Coates, Eastrea, Turves and Pondersbridge.</p> <p>New development is directed to the east of Whittlesey town. The policy also sets design principles to limit the visual impact of new development, reduce flood risk and provide investment in infrastructure.</p> <p>The policy strictly limits development in the countryside to developments where a countryside location is essential.</p> <p>Crucially, the policy does not seek to increase growth beyond that identified by the Local Plan and does not allocate specific sites.</p>
Policy 2: Local Housing Need	<p>The policy includes a range of measures to ensure new housing development meets local housing needs, in accordance with a local housing needs assessment commissioned by the Town Council.</p> <p>The policy supports proposals for affordable homes, smaller homes, adaptable homes, self-build, residential care accommodation, and opportunities for home ownership.</p>
Policy 3: Primary Retail Frontage	<p>The policy seeks to retain retail uses within the primary retail frontage of Whittlesey's town centre, and includes proposals to manage larger retail developments outside the town centre.</p>
Policy 4: Open Space	<p>The policy resists the loss of existing open spaces, requires new developments to make provision for additional open spaces, and supports connectivity between open spaces and habitats.</p>
Policy 5: Local Green Spaces	<p>The policy designates 34 green areas as Local Green Spaces, providing protection from development in accordance with national policy for Green Belts.</p>
Policy 6: Country Park	<p>The policy supports the creation of a new Country Park, and design requirements for the park.</p>
Policy 7: Design Quality	<p>The policy provides an extensive list of design principles and requirements to ensure new development is high quality, and respects the character and setting of Whittlesey and its villages.</p>
Policy 8: Historic Environment	<p>The policy requires development proposals to conserve and enhance Whittlesey's heritage assets.</p> <p>In particular, the policy includes measures to conserve the Mud Walls which are a unique part of Whittlesey's heritage.</p>
Policy 9: Garden Development	<p>The policy includes design principles for the development of new dwellings on garden land, and ensure that such developments are not detrimental to character or amenity.</p>

Policy 10: Flood Risk	The policy ensures that development proposals appropriately manage flood risk.
Policy 11: Coalescence of Villages	<p>The policy requires development proposals to respect the individual and distinct identities of the villages in the Parish, and ensure there is distinct separation between the villages and Whittlesey Town.</p> <p>The policy resists proposals if, individually or cumulatively, it results in the loss of the visual and physical separation of the villages.</p>
Policy 12: Delivering sustainable transport	Making reference to other plans and strategies, the policy requires development proposals to support the provision of a range of transport infrastructure priorities and initiatives.

Summary of Whittlesey Neighbourhood Area Characteristics

3.6. In order to determine the likely significant effects of the WNP on the environment, it is important to consider the characteristics of the area likely to be affected. A range of sources of information have been used to gather this information, including DEFRA Magic Maps⁵, the Environment Agency Flood Risk Map for Planning⁶, Nomis⁷, Cambridgeshire Insight parish profile⁸, and Fenland's Development Plan and accompanying documents.

Geography

3.7. Whittlesey parish covers a total area of approximately 9,014 ha. It is located in the west of Fenland district, approximately 5 miles east of Peterborough.

Population & households

3.8. The Census 2011 indicates there were 16,058 residents in the parish at 2011. Estimates from the Office for National Statistics indicate that the parish population in mid-2018 was 16,613; or a population density of 1.84 persons per ha.

3.9. The Census 2011 shows there were 6,914 households in Whittlesey parish at 2011. Of which 75.3% were either owned outright or owned with a mortgage or loan. Whittlesey has an average household size of 2.3 people per household (Nomis). This is equal to the Fenland average.

3.10. The mean age of the population living in the parish of Whittlesey at the time of the Census 2011 was 42.3 years. This is higher than the national average of 39.3 years and the average for Fenland of 42.1 years. In 2011, there were 3,111 residents aged 65 and over living within the WNP area.

3.11. In terms of the health of the population living within the WNP, at the time of the 2011 Census, 41.5% of the population of Whittlesey described their health as 'very good' and 38.1% as 'good'.

3.12. 15.2% of all households in Whittlesey at the time of the 2011 Census had no cars or vans in the household. This is lower than the figure for Fenland (18.1%), and markedly lower than the figure for England (25.8%).

Internationally Designated Sites

3.13. The **Nene Washes (SPA, SAC, Ramsar)** intersects land at the north of the Whittlesey Neighbourhood Area. In identifying internationally designated habitats sites, an area of search of 30km has been applied due to the potential effects of development on functionally related land. The following European Sites (Special Protection Areas, Special Areas of Conservation and Ramsar) lie within 30km of the Whittlesey Neighbourhood Area (see **Map 2** for their location):

- Barnack Hills & Holes SAC
- Baston Fen SAC
- Fenland SAC
- Orton Pit SAC
- Ouse Washes SPA, SAC, Ramsar

⁵ <https://magic.defra.gov.uk/>

⁶ <https://flood-map-for-planning.service.gov.uk/>

⁷ www.nomisweb.co.uk

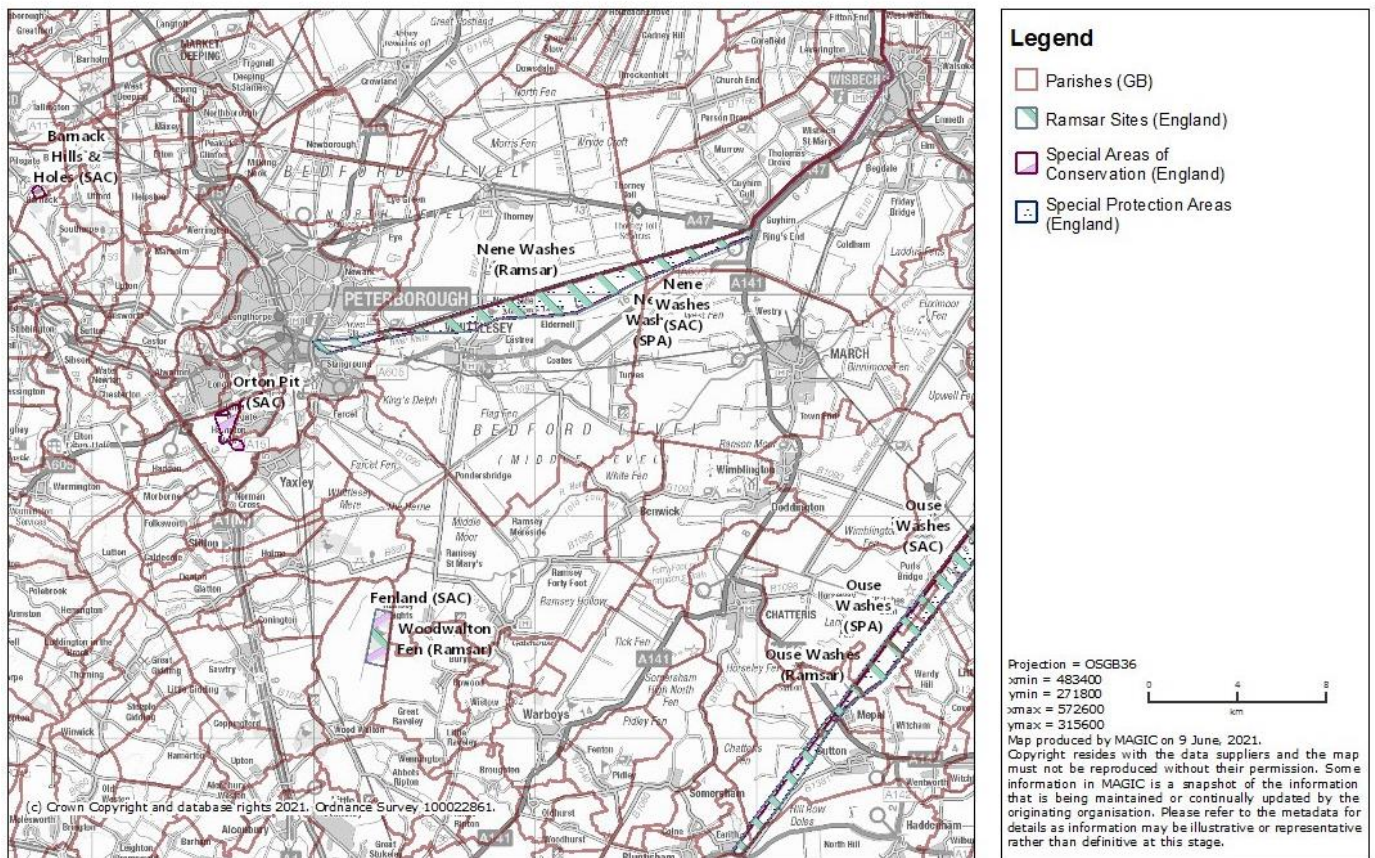
⁸ <https://cambridgeshireinsight.org.uk/parish-profile/?geographyId=7f94ea12b8914d3cb0c0c29bc9ad1767&featureId=E04001639>

- Portholme SAC
- Rutland Water SPA, Ramsar
- The Wash & North Norfolk Coast SPA, SAC, Ramsar
- Upper Nene Valley Gravel Pits SPA, Ramsar
- Woodwalton Fen Ramsar

3.14. There are no Proposed Ramsar sites, Possible Special Areas of Conservation, or Potential Special Protection Areas within or in proximity of the Whittlesey Neighbourhood Area.

MAP 2: INTERNATIONALLY DESIGNATED SITES IN PROXIMITY OF WHITTLESEY

MAGiC European Sites in prox. of Whittlesey



Sites of Special Scientific Interest

3.15. There are two Sites of Special Scientific Interest (SSSI) within the boundary of the WNP area:

- Nene Washes SSSI; and
- Bassenhally Pit SSSI

3.16. New development has the potential to increase visitor disturbance and recreational pressure on SSSIs. The following SSSI's are located within 8km of the Whittlesey Neighbourhood Area:

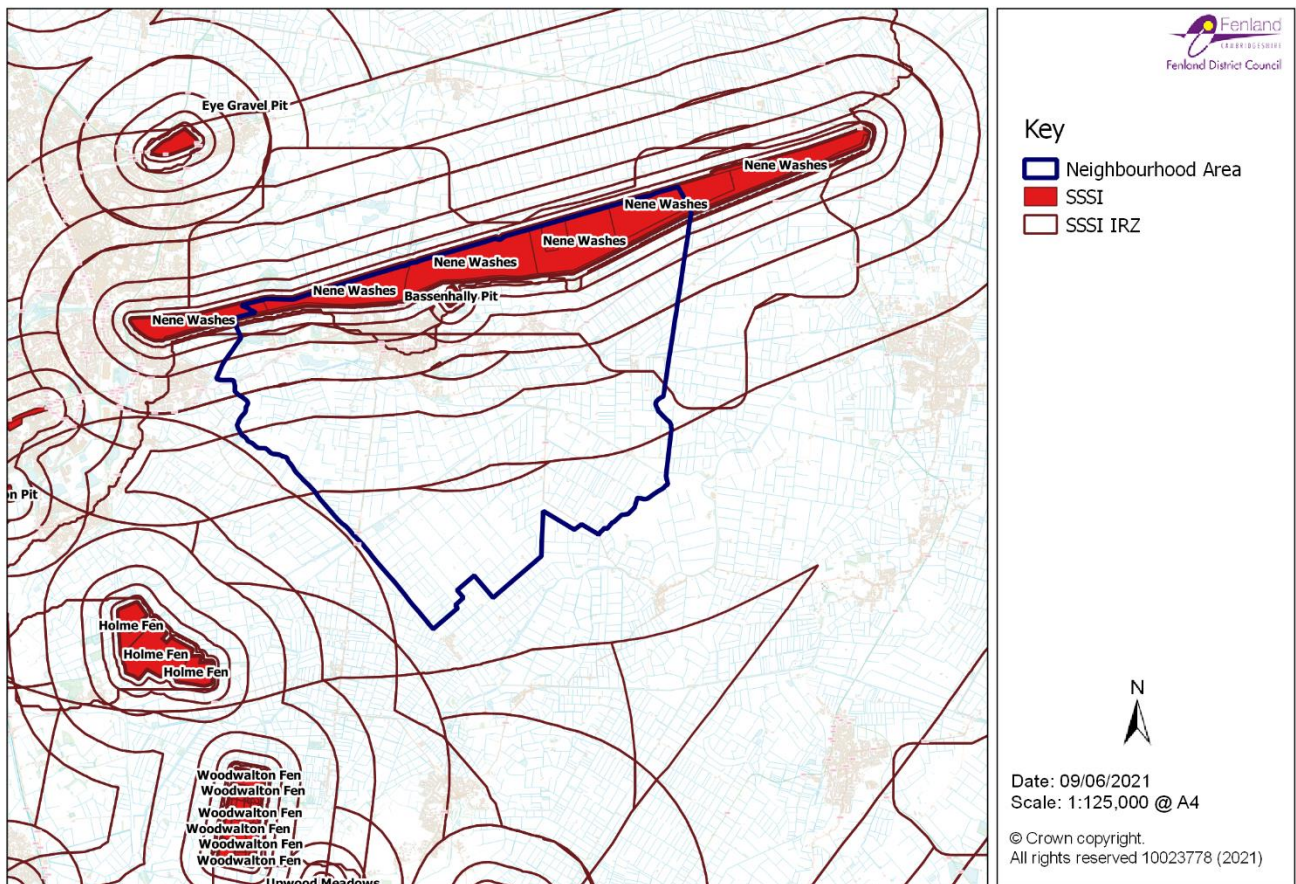
- Adventurers' Land SSSI
- Dogsthorpe Star Pit SSSI
- Eye Gravel Pit SSSI
- Holme Fen SSSI

- Orton Pit SSSI
- Upwood Meadows SSSI
- Warboy's and Wistow Wood SSSI
- Warboys Claypit SSSI
- Woodwalton Fen SSSI

SSSI Impact Risk Zones

3.17. The SSSI Impact Risk Zones (IRZs) relating to the **Nene Washes SSSI** and **Bassenhally Pit SSSI** extend into the Whittlesey Neighbourhood Area (see **Map 3**). IRZs are defined by Natural England define zones around each SSSI site and reflect the particular sensitivities of the features for which it has been notified and indicate the types of development proposal which could potentially have adverse impacts.

MAP 3: SSSIs & IRZs IN WHITTLESEY NEIGHBOURHOOD AREA



Locally Designated Sites

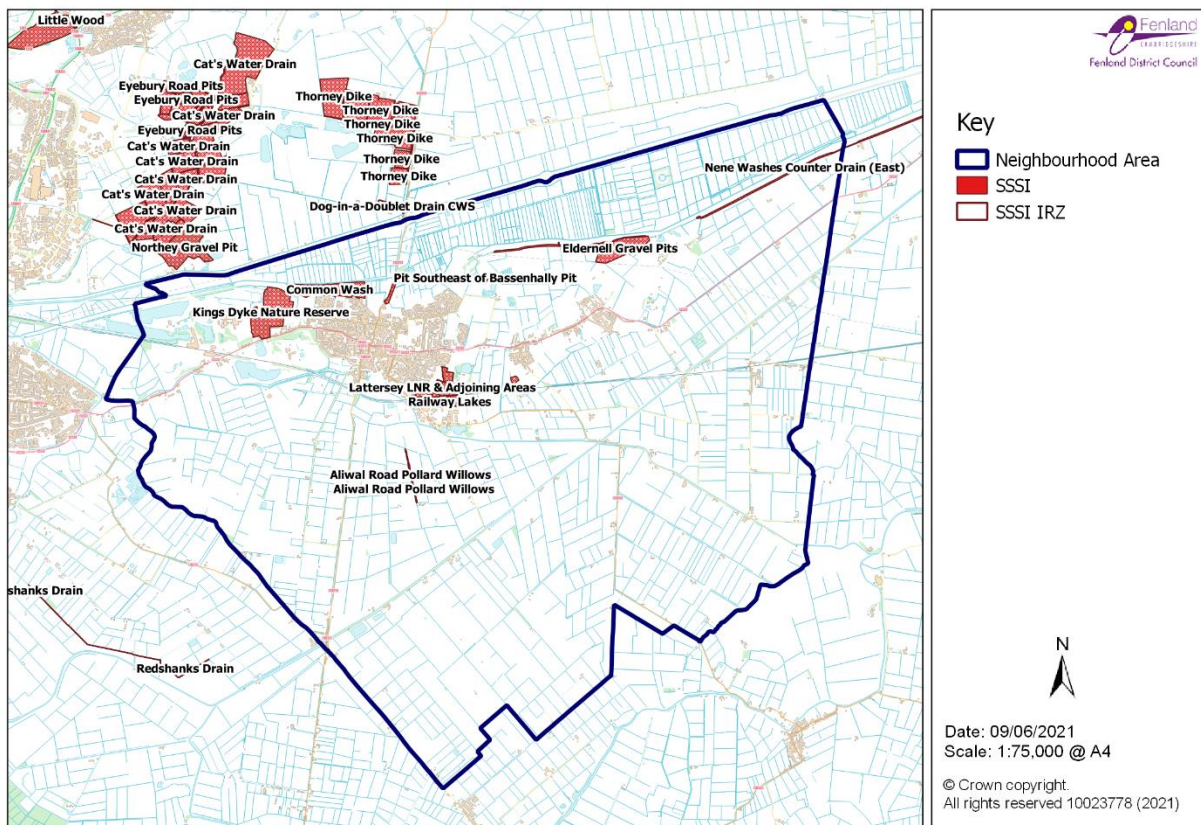
3.18. The **Lattersey Field Local Nature Reserve** is located within the WNP area, at the eastern edge of Whittlesey town's built area. There are a number of County Wildlife Sites (CWS) within the boundary of the WNP area (see **Map 4**). Due to the potential impacts of urbanisation on CWS, the area of search included the Neighbourhood Area and a 400m buffer.

3.19. The following CWSs are located within Whittlesey Neighbourhood Area or a 400m radius:

- Aliwal Road Pollard Willows CWS
- Common Wash CWS
- Dog-in-a-Doublet Drain CWS*
- Drover's Field, Eastrea CWS
- Eldernell Gravel Pits CWS
- Kings Dyke Nature Reserve CWS
- Lattersey LNR Adjoining Areas CWS
- Nene Washes Counter Drain (East) CWS
- Nene Washes Counter Drain (West) CWS
- Northey Gravel Pit CWS*
- Pit Southeast of Bassenhally Pit CWS
- Railway Lakes CWS
- Wash Road Pollard Willows CWS

* Within 400m of Neighbourhood Area

MAP 4: COUNTY WILDLIFE SITES IN WHITTLESEY NEIGHBOURHOOD AREA



National Character Areas

3.20. The WNP area lies The Fens National Character Area (NCA). The key characteristics of this NCA includes:

The Fens NCA⁹

- Expansive, flat, open, low-lying wetland landscape influenced by the Wash estuary, and offering extensive vistas to level horizons and huge skies throughout, provides a sense of rural remoteness and tranquillity.
- Jurassic clays are overlain by rich, fertile calcareous and silty soils over the coastal and central fens and by dark, friable fen peat further inland. The soils are important for agriculture, which is hugely significant for the rural economy in the Fens. There are over 4,000 farms in the Fens; enough wheat is grown here annually to produce a quarter of a million loaves of bread and one million tons of potatoes are grown here. In addition to traditional vegetables, exotics such as pak choi are now cultivated. Some 40 per cent of England's bulbs and flowers are also produced in the Fens.
- The Wash is the largest estuarine system in Britain, supporting internationally important intertidal and coastal habitats influenced by constant processes of accretion and deposition, forming salt marsh and mudflats and providing habitats for wildfowl, wading birds and other wildlife, including grey seals and approximately 90 per cent of the UK's common seals. It also provides important natural sea defences and plays a key role in climate change regulation. Flood storage areas on the Nene, Cam, Lark and Ouse washes also provide significant biodiversity interest. True fen mainly occurs at remnant conservation sites, such as Baston or Wicken Fen.
- Overall, woodland cover is sparse, notably a few small woodland blocks, occasional avenues alongside roads, isolated field trees and shelterbelts of poplar, willow and occasionally leylandii hedges around farmsteads, and numerous orchards around Wisbech. Various alders, notably grey alder, are also used in shelterbelts and roadside avenues.
- The predominant land use is arable – wheat, root crops, bulbs, vegetables and market gardening made possible by actively draining reclaimed land areas. Associated horticultural glasshouses are a significant feature. Beef cattle graze narrow enclosures along the banks of rivers and dykes and on parts of the salt marsh and sea banks.
- Open fields, bounded by a network of drains and the distinctive hierarchy of rivers (some embanked), have a strong influence on the geometric/rectilinear landscape pattern. The structures create local enclosure and a slightly raised landform, which is mirrored in the road network that largely follows the edges of the system of large fields. The drains and ditches are also an important ecological network important for invertebrates, fish including spined loach, and macrophytes.
- The area is very rich in geodiversity and archaeology, with sediments containing evidence for past environmental and climate changes and with high potential for well-preserved waterlogged site remains at the fen edge, within some of the infilled palaeo-rivers and beneath the peat.
- Large, built structures exhibit a strong vertical visual influence, such as the 83 m-high octagonal tower of 'Boston Stump' (St Botolph's Church), Ely Cathedral on the highest part of the Isle of Ely dominating its surrounding fen, wind farms and other modern large-scale industrial and agricultural buildings, while drainage and flood storage structures and embanked rail and road routes interrupt the horizontal fen plain.
- Settlements and isolated farmsteads are mostly located on the modestly elevated 'geological islands' and the low, sinuous roddon banks (infilled ancient watercourses within fens). Elsewhere, villages tend to be dispersed ribbon settlements along the main arterial routes through the settled fens, and scattered farms remain as relics of earlier agricultural

⁹ [46 The Fens 240215.pdf](#)

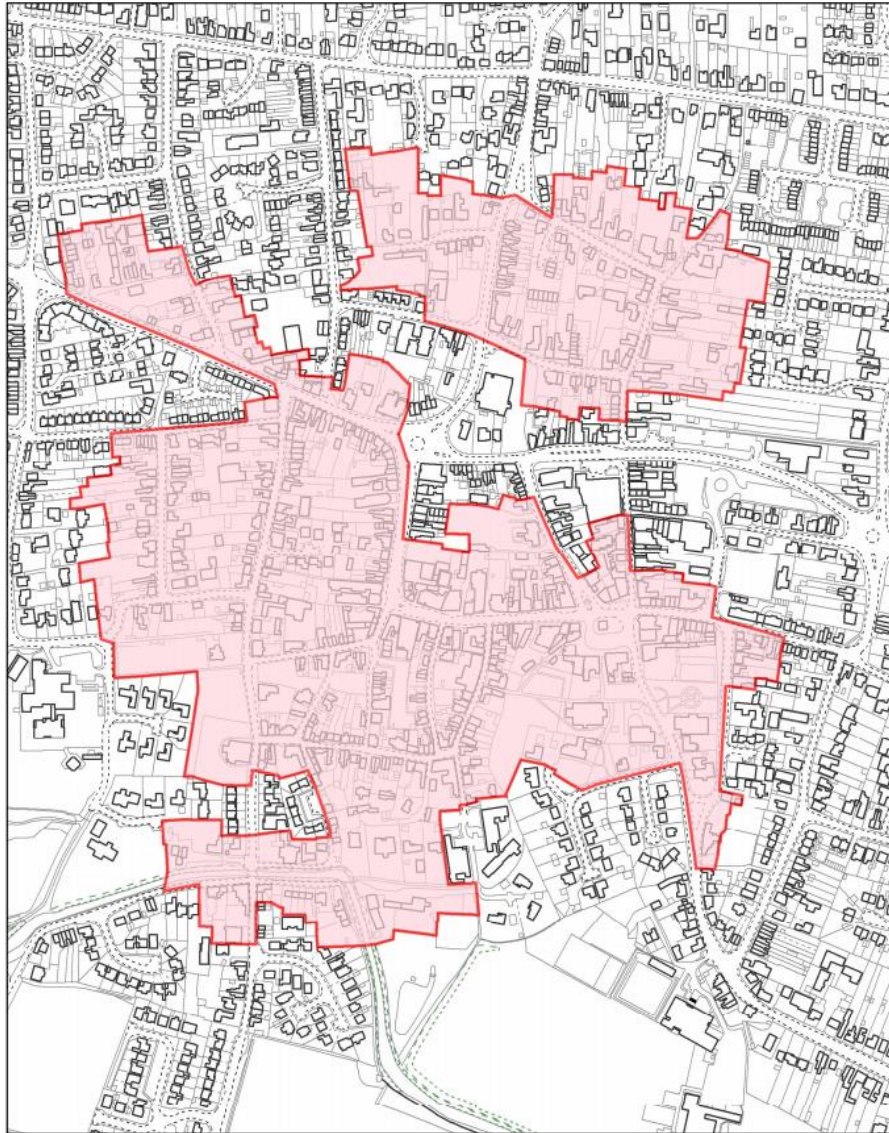
settlements. Domestic architecture mostly dates from after 1750 and comprises a mix of late Georgian-style brick houses and 20th century bungalows.


Historic environment

Conservation Area

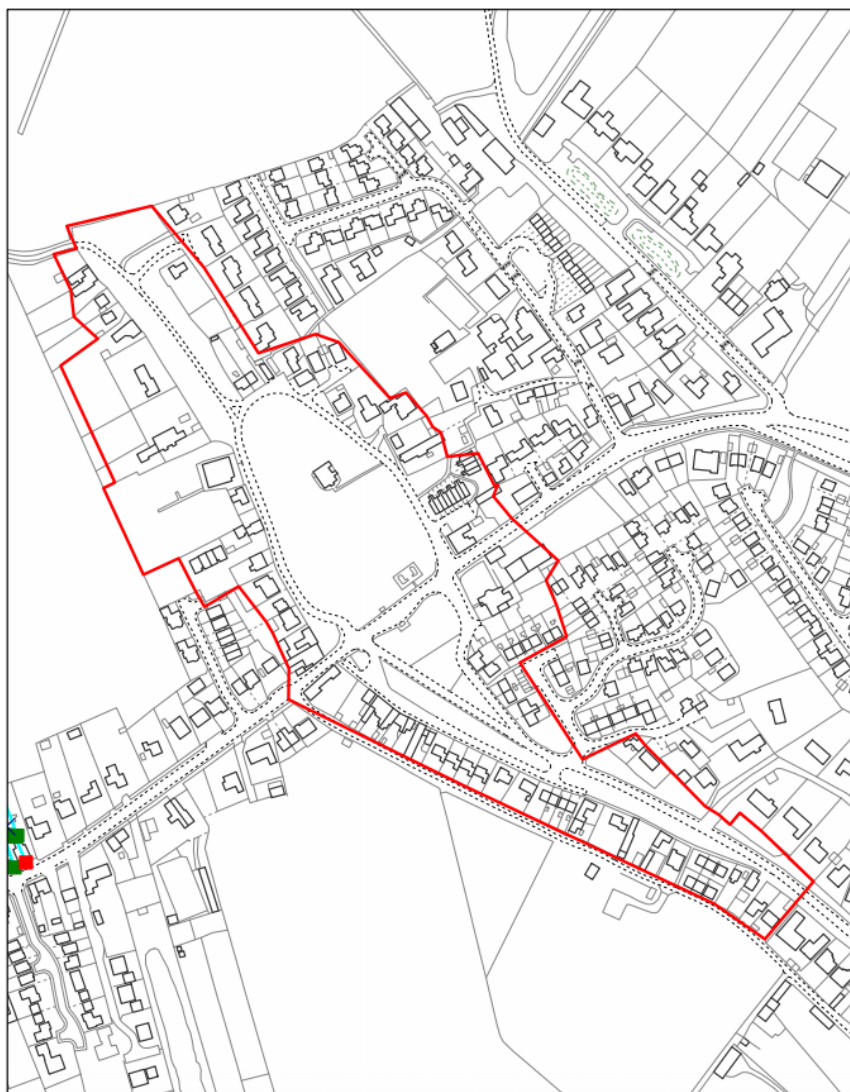
3.21. Much of Whittlesey's town centre is designated as a Conservation Area (as illustrated on **Map 5**), and the area around North Green and South Green in Coates is designated as a Conservation Area (as illustrated on **Map 6**).


MAP 5: WHITTLESEY CONSERVATION AREA



Created on: 03/03/2015 © Crown Copyright and database rights 2014 Ordnance Survey 10023778	Whittlesey Conservation Area	N ↑	
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MAP 6: COATES CONSERVATION AREA



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Listed Buildings

3.22. There are 85 listed buildings within the Whittlesey Neighbourhood Area¹⁰, and their location is shown on **Map 7**. They are concentrated within Whittlesey, Coates and Eastrea. The listed buildings within the WNP area are:

- 10, Delph Street (Grade II)
- 3, East Delph (Grade II)
- Flint Farmhouse (Grade II)
- 1, Finkle Lane (Grade II)
- 2 And 3, The Bower (Grade II)
- The Lindens (Grade II)
- 10, Gracious Street (Grade II)

¹⁰ <https://historicengland.org.uk/listing/>

- 5, Market Place (Grade II)
- 6,7, Market Place (Grade II)
- 6, High Causeway (Grade II)
- 74, Eldernell Lane (Grade II)
- 8, Market Place (Grade II)
- New Crown (Grade II)
- Post Office (Grade II*)
- 13A, Market Place (Grade II)
- Grove House (Grade II*)
- Cottage, Rear Of No. 91 (Grade II)
- Church Of St Mary (Grade I)
- Tower Windmill, Rear Of Number 40, West End (Grade II)
- 1 And 3, Briggate West (Grade II)
- Lodge And Gatepiers And Gates (Grade II)
- Wall Adjoining Number 4 (Grade II)
- 56, Whitmore Street (Grade II)
- Chapel And Mortuary (Grade II)
- 3, Springfields (Grade II)
- 38, Church Street (Grade II)
- Manor House (Grade II)
- 46, Church Street (Grade II)
- Letter A Studio (Grade II)
- 48, Church Street (Grade II)
- 64, Wype Road (Grade II)
- Church Of St Andrew (Grade II*)
- Park House (Grade II)
- 16, Gracious Street (Grade II)
- 8, Claygate (Grade II)
- 22, North Green (Grade II)
- Two Gate Piers With Vases And Wall (Grade II)
- War Memorial And Enclosure Fence (Grade II)
- Gatepiers Rear Of Number 8 Market Place (Grade II)
- 40, North Green (Grade II)
- Two Piers Each With Sculpture Of Eagle, At No. 11 (Grade II)
- Wilderness House (Grade II*)
- 2, Low Cross (Grade II)
- Hermitage Rest Home (Grade II)
- 13, 15, Low Cross (Grade II)
- 20 And 22, St Marys Street (Grade II)
- 98, South Green (Grade II)
- George Hotel (Grade II)
- Market Cross (Grade II*)
- Tomb Of Sir Harry Smith East North East Of Cemetery Chapel (Grade II)
- 10, Claygate (Grade II)
- 9, Claygate (Grade II)
- Fernlea (Grade II)
- 27, Eastgate (Grade II)
- 398 And 400, Eastrea Road (Grade II)
- 45, Fieldside (Grade II)

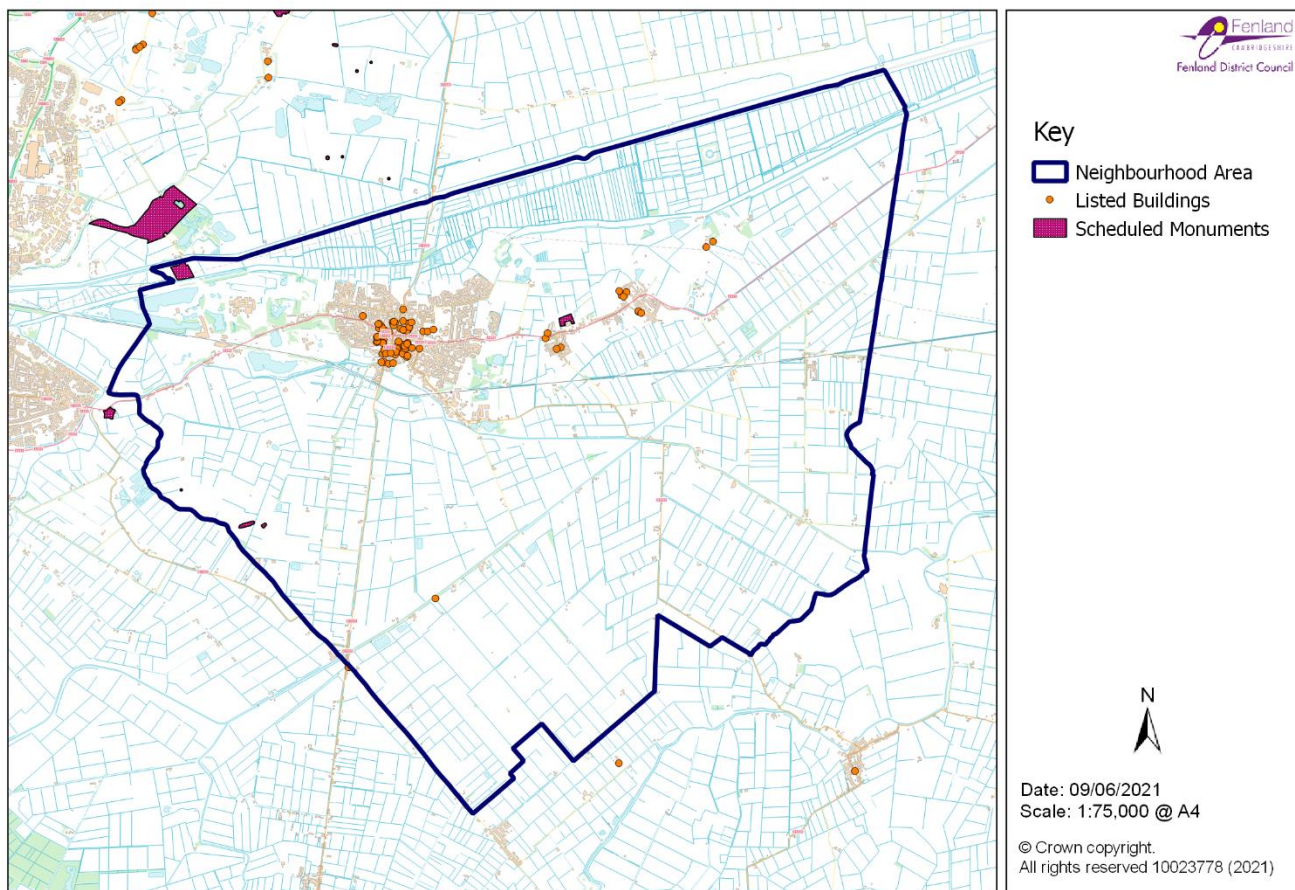
- 12, Market Place (Grade II)
- Glassmoor Pumping Station (Grade II)
- 8, Arnolds Lane (Grade II)
- 9, Horsegate (Grade II)
- 21, Horsegate (Grade II)
- 23, Horsegate (Grade II)
- 22, London Street (See Details For Further Address Information) (Grade II)
- 56, High Causeway (Grade II)
- 14, Market Place (See Details For Further Address Information) (Grade II)
- 68, High Causeway (Grade II)
- Horsegate House (Grade II)
- 17, Horsegate (Grade II)
- 1-5, Arnolds Lane (Grade II)
- 2 And 4, Briggate East (Grade II)
- The Falcon Hotel (Grade II)
- 10, Low Cross (Grade II)
- 7A,7B, Market Street (Grade II)
- 9, Market Street (Grade II)
- 17, Market Street (Grade II)
- National Westminster Bank (Grade II)
- Town Hall (Grade II)
- Black Bull Public House (Grade II)
- Vinpenta House (Grade II*)
- 6, Mayfield Road (Grade II)
- The Rectory (Grade II)
- 8, Gracious Street (Grade II)
- 38, Gracious Street (Grade II)
- Curtilage Wall, Rear Of Black Bull Public House (Grade II)
- Church Of Holy Trinity (Grade II)

Scheduled Monuments

3.23. There are five Scheduled Monuments within the WNP area, as indicated on **Map 7**:

- Ring ditch and settlement site north of Eastrea
- Whittlesey Butter Cross
- Suet Hills round barrow cemetery
- Bowl barrow 500m south of Bunting's Farm
- Roman field system and trackway with later field ditches and drove on Whittlesey Washes, 60m south of Bedford House

MAP 7: LISTED BUILDINGS & SCHEDULED MONUMENTS IN WHITTLESEY NEIGHBOURHOOD AREA



3.24. There are no Registered Parks and Gardens in the WNP area.

3.25. The following heritage assets within the WNA are identified as 'Heritage at Risk'¹¹:

- Bowl barrow 500m south of Bunting's Farm
- Ring ditch and settlement site north of Eastrea
- Roman field system and trackway with later field ditches and drove on Whittlesey Washes, 60m south of Bedford House
- Suet Hills round barrow cemetery
- Whittlesey Butter Cross

¹¹ <https://historicengland.org.uk/listing/the-list/>

Environmental Designations

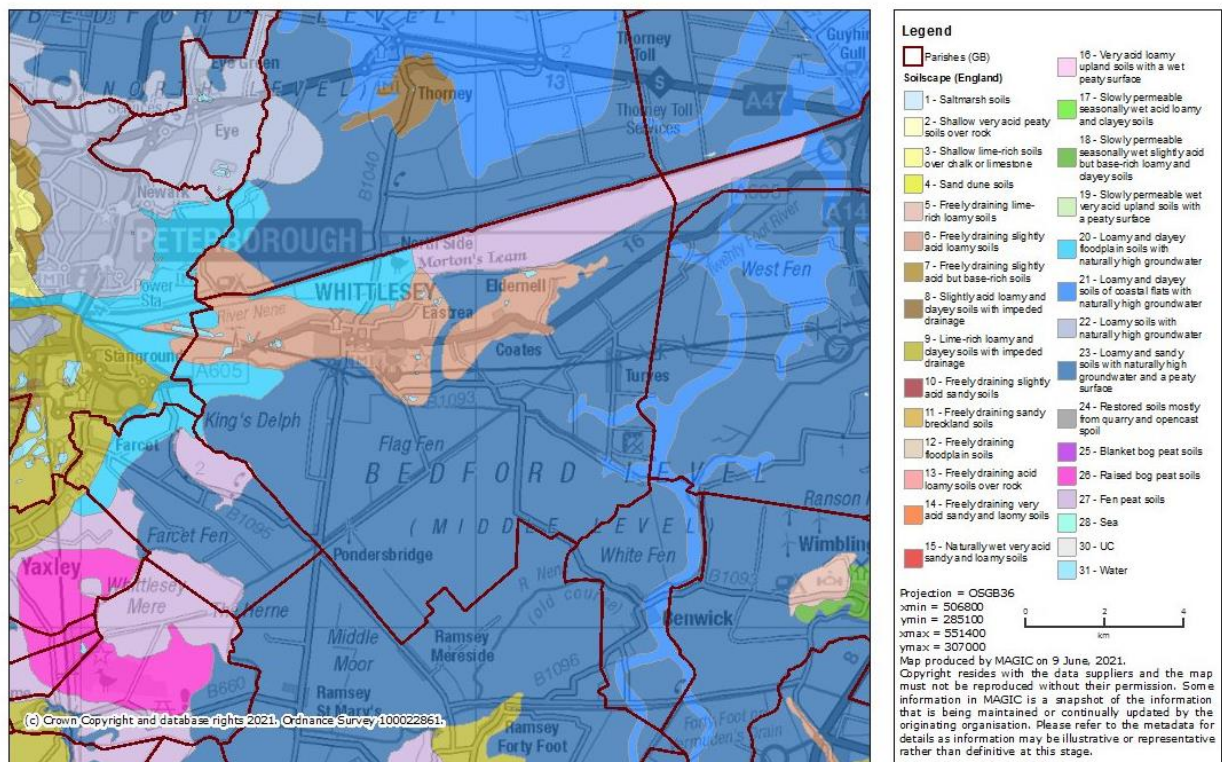
Soil

3.26. Map 8 shows soil types in the Whittlesey Neighbourhood Area. Much of the area has 'loamy and sandy soils with naturally high groundwater and a peaty surface'. The built areas of Whittlesey, Eastrea and Coates have 'freely draining slightly acid loamy soils'. The location of differing soil types reflects the low lying fen landscape in the open countryside, and the higher ground in the built areas.

MAP 8: SOILSCAPE IN WHITTLESEY NEIGHBOURHOOD AREA

MAGiC

Whittlesey's Soilscape



Air

3.27. There are two Air Quality Management Areas within the WNP area:

- AQMA No.1 - Two rural areas near Flag Fen, to the east of Peterborough between the City and Whittlesey. Declared due to emissions from the brickworks outside the Local Authority area at Whittlesey.
- Whittlesey AQMA No.1 (SO₂) - An area along roads and cycle routes to the west and northwest of Whittlesey brickworks and an area covering roads, footpaths, dwellings, schools and public open spaces to the east of Whittlesey brickworks.

Water environment & flood risk

3.28. In terms of the water environment, the WNP area falls within the Environment Agency's Nene Management Catchment and Old Bedford and Middle Level Management Catchment.

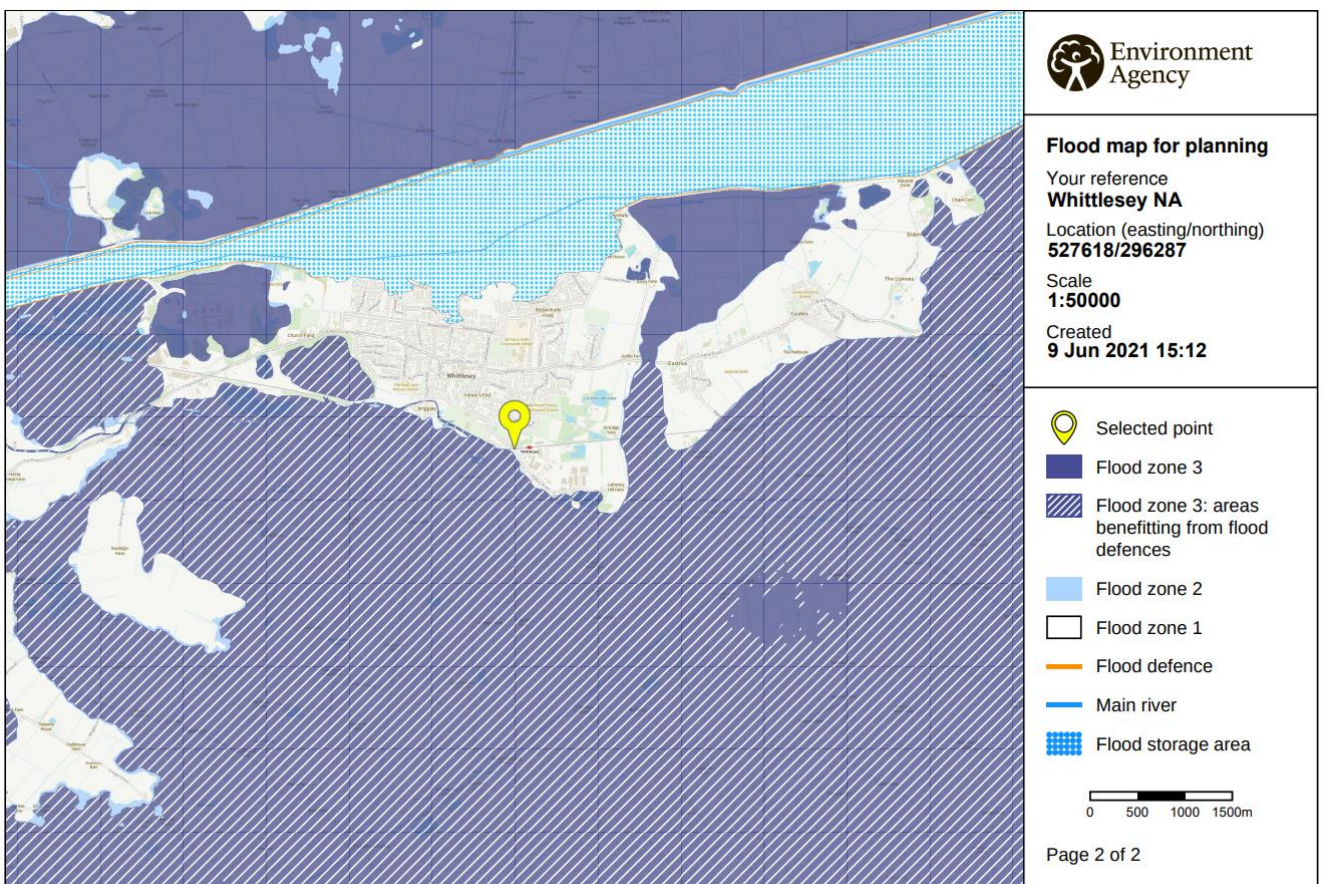
3.29. The Middle Level Catchment includes much of the land within the Neighbourhood Area south and east of Whittlesey town, and is monitored by the Environment Agency for its chemical and ecological status and is currently classified as moderate (base date 2019). The River

Nene forms the northern boundary of the Neighbourhood Area. The Nene Catchment is an extensive area. A watercourse in the north of Whittlesey Neighbourhood Area, known as Morton's Leam, is currently classified as 'moderate' (base date 2019).

3.30. According to the Environment Agency's Flood Risk Maps (see **Map 9**), the vast majority of Whittlesey Neighbourhood Area is at risk from fluvial flooding (i.e. flood risk zones 2 and 3). This reflects the low-lying fen topography of the parish. The existing built areas of Whittlesey town, Coates and Eastrea are generally located on higher land, predominantly in Flood Zone 1.

3.31. Land in the north of the Neighbourhood area, and in proximity of the River Nene provides flood storage.

MAP 9: FLUVIAL FLOOD RISK (ENVIRONMENT AGENCY FLOOD MAP FOR PLANNING)



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Source Protection Zones & Groundwater Protection Zones

- 3.32. Source Protection Zones are defined around large and public potable groundwater abstraction sites, including wells, boreholes and springs. There are no Source Protection Zones within the Whittlesey Neighbourhood Plan area.
- 3.33. Groundwater Source Protection Zones are areas of groundwater where there is particular sensitivity to pollution risks due to the closeness of a drinking water source and groundwater flows. There are no Groundwater Protection Zones within the Whittlesey Neighbourhood Area.

4. Screening Methodology: Criteria for Assessing the Effects of Neighbourhood Plans

Strategic Environmental Assessment (SEA)

- 4.1. The Localism Act 2011 (Schedule 9) introduced neighbourhood planning into the Town and Country Planning Act 1990. The 1990 Act, as amended by Schedule 10 of the Localism Act 2011, requires that NDPs meet a set of basic conditions, one of which being that the making of the plan does not breach, and is otherwise compatible with, EU obligations, *incorporated into UK law*.
- 4.2. To ensure that a NDP meets this basic condition, a SEA may be required to determine the likely significant environmental effects of implementing the NDP. The basis for Strategic Environmental legislation is European Directive 2001/42/EC, which was initially transposed into domestic law by the *Environmental Assessment of Plans and Programmes Regulations 2004*, or 'SEA Regulations'. Detailed guidance of these regulations can be found in the Government publication 'A Practical Guide to the Strategic Environmental Assessment Directive'¹² and paragraph 073 of National Planning Practice Guidance (NPPG) 'Neighbourhood Planning' section¹³. Paragraph 073 of the Neighbourhood Planning section advises that a NDP should be screened early. Whether a NDP proposal requires a SEA, and (if so) the level of detail needed, will depend on what is proposed within the plan.
- 4.3. Where a proposed plan is likely to have a significant effect on a European site or European offshore marine site (in relation to the Habitats Regulations), this will also trigger the need to undertake a SEA. Schedule 2 of the Neighbourhood Planning (General) Regulations 2012 makes provision in relation to the Habitats Regulations. The regulations require that any plan or project likely to have a significant effect on a European site must be subject to an Appropriate Assessment. To achieve this, paragraph 1 of Schedule 2 of the Neighbourhood Planning (General) Regulations 2012 prescribes a basic condition that the making of a NDP is not likely to have a significant effect on a European site or a European offshore marine site. Paragraphs 2 to 5 go on to amend the Conservation of Habitats and Species Regulations 2010 so as to apply its provisions to neighbourhood development orders and plans. A NDP's (or Neighbourhood Development Order) requirements for Appropriate Assessment are clarified further by the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018.
- 4.4. Article 3(5) of Directive 2001/42/EC details the criteria for determining whether plans are likely to have significant environmental effects. These criteria are outlined in **Figure 1**.
- 4.5. The Department of the Environment produced a flow chart diagram¹⁴ which sets out the process for screening a planning document to ascertain whether a full SEA is required. The flow chart diagram is provided in **Figure 2**.

¹² Available at:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/7657/practicalguidesea.pdf

¹³ Available at: <https://www.gov.uk/guidance/neighbourhood-planning--2#basic-conditions-for-neighbourhood-plan-to-referendum>

¹⁴ Department of the Environment, A Practical Guide to the Strategic Environmental Assessment Directive (2005)

- 4.6. **Section 5** provides firstly, a screening assessment of the draft WNP, against the assessment criteria (in **Figure 1**) to identify the significance of effects which may arise as a result of the plan's implementation.
- 4.7. Secondly, **Section 5** applies the SEA Directive to the draft WNP, as per the flow chart in **Figure 2**, to determine whether the principle of the NDP would warrant the need for SEA.
- 4.8. In order to decide whether a SEA is required, the Council needs to consider the following:
- 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 Natura 2000 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 Fenland Local Plan and that has been assessed by the SA 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.

Habitats Regulations Assessment

Case Law

- 4.9. 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 NDPs 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.
- 4.10. Following the UK's withdrawal from the EU, decisions by the ECJ are no longer legally binding but may continue to be relevant¹⁵.
- 4.11. 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 NDP includes measures to counter the plan's effects on European Sites these should, in effect, be ignored at the screening stage.
- 4.12. 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.'
- 4.13. The government has acknowledged that the ECJ's ruling has caused uncertainty in preparing NDPs, 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 2018¹⁶ came into force, amending the basic conditions and allowing affected NDPs and Orders to proceed.
- 4.14. For the avoidance of doubt, this screening assessment has been undertaken in accordance with the ECJ's ruling, insofar that the effects on European Sites of any mitigation measures set out in the policies of the WNP have not been considered.

¹⁵ <https://www.legislation.gov.uk/ukpga/2018/16/section/6/enacted>

¹⁶ <http://www.legislation.gov.uk/uksi/2018/1307/contents/made>

FIGURE 1: SEA ASSESSMENT CRITERIA

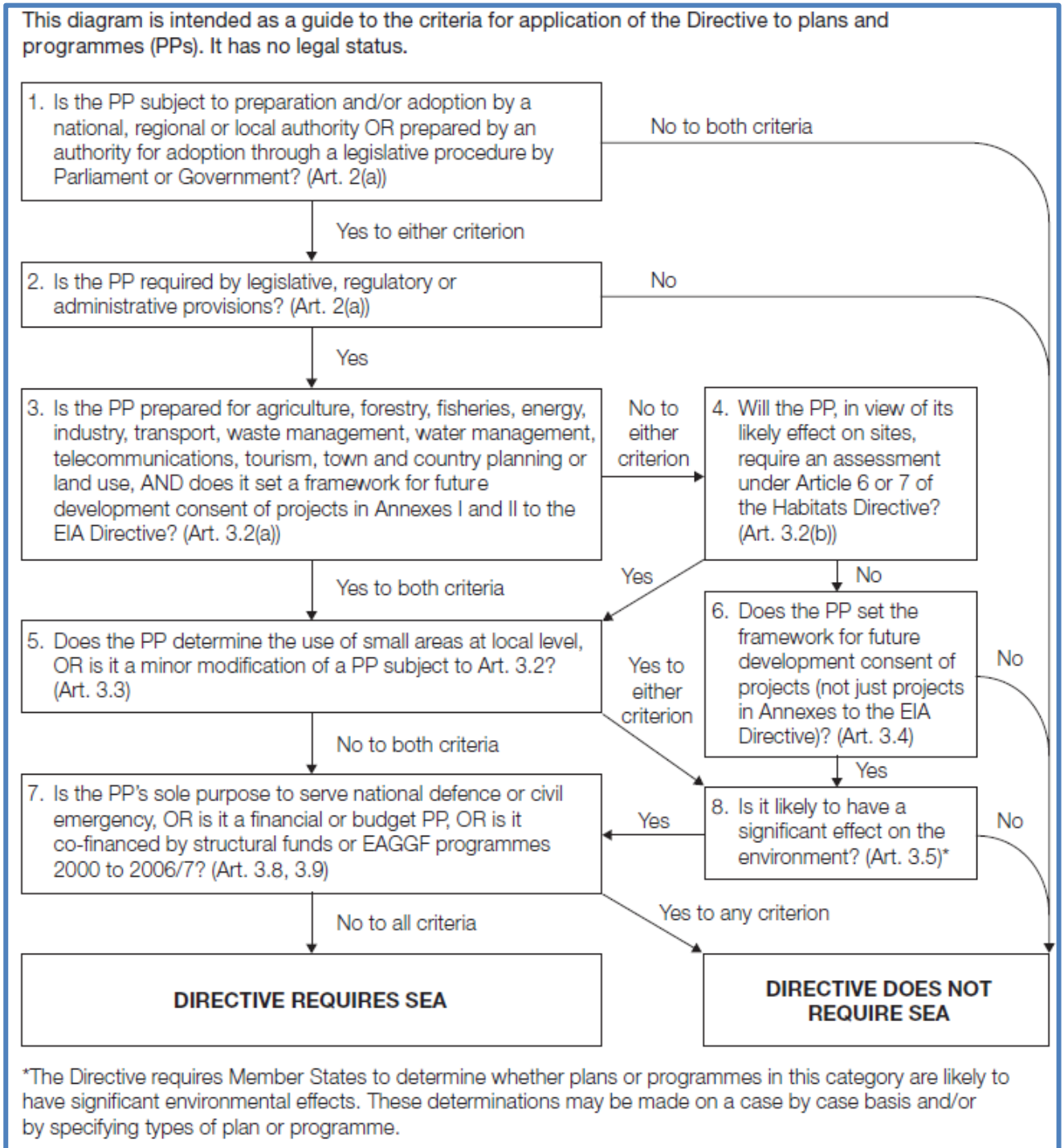
Article 3, Scope

5. Member States shall determine whether plans or programmes referred to in paragraphs 3 and 4 are likely to have significant environmental effects either through case-by-case examination or by specifying types of plans and programmes or by combining both approaches. For this purpose Member States shall in all cases take into account relevant criteria set out in Annex II, in order to ensure that plans and programmes with likely significant effects on the environment are covered by this Directive.

Annex II Criteria for determining the likely significance of effects referred to in Article 3(5)

1. The characteristics of plans and programmes, having regard, in particular, to
 - the degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources;
 - the degree to which the plan or programme influences other plans and programmes including those in a hierarchy;
 - the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development;
 - environmental problems relevant to the plan or programme;
 - the relevance of the plan or programme for the implementation of Community legislation on the environment (e.g. plans and programmes linked to waste-management or water protection).
2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to
 - the probability, duration, frequency and reversibility of the effects;
 - the cumulative nature of the effects;
 - the transboundary nature of the effects;
 - the risks to human health or the environment (e.g. due to accidents);
 - the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);
 - the value and vulnerability of the area likely to be affected due to:
 - special natural characteristics or cultural heritage;
 - exceeded environmental quality standards or limit values;
 - intensive land-use;
 - the effects on areas or landscapes which have a recognised national, Community or international protection status.

FIGURE 2: APPLICATION OF THE SEA DIRECTIVE TO PLANS AND PROGRAMMES ¹⁷



¹⁷ Annexes I and II of Directive 2011/92/EU (as referred to in Figure 2, question 3) available at: <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32011L0092&from=EN> (see <http://ec.europa.eu/environment/eia/eia-legalcontext.htm> for details of amendments). Articles 6 and 7 of the Habitats Directive (as referred to in Figure 2, question 4) available at: <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:31992L0043&from=EN>.

5. SEA and HRA Screening Assessment of Whittlesey Neighbourhood Plan

Introduction

- 5.1. The 'responsible authority' in the case of SEA and the 'competent authority' in the case of HRA, must determine whether a plan or programme, in this case the WNP, is likely to have a significant environmental effect with reference to specified criteria. The following section sets out an assessment of the WNP against these criteria.
- 5.2. **Figure 3** and **Figure 4** consider the WNP against the criteria from Annex II of the SEA Directive and Schedule 1 of the Environmental Assessment of Plans and Programmes Regulations 2004. Paragraphs **5.4 to 5.49** that follow consider the likely environmental effects of the WNP policies in relation to the topics set out in Annex I (f) of the SEA Directive. These are biodiversity, population, human health, fauna, flora, soil, water, air, climatic factors, material assets, cultural heritage including architectural and archaeological heritage, landscape, and includes the interaction between these factors.
- 5.3. Paragraphs **5.50 to 5.53** consider the likely significant effects of the WNP policies in the context of the requirements of the Habitats regulations.

Determination of likely significant environmental effects - SEA Screening

Sustainability Appraisal of the Fenland Core Strategy 2013

- 5.4 The Fenland Local Plan 2014 was subject to Sustainability Appraisal (incorporating SEA), and documented in a Sustainability Appraisal Report¹⁸ which fully considered the environmental, social and economic impacts of each of the policies and site allocations within the Local Plan.
- 5.5 As discussed in Section 2, the Local Plan's growth strategy concentrates growth in the market towns, including Whittlesey town, with lesser growth in settlements in the lower tiers of the settlement hierarchy. The SA Report considered a range of options for distributing growth, which included distributing growth across the market towns, concentrating growth in certain market towns, and increasing growth in other locations such as the 'Growth Villages'.
- 5.6 The SA Report concluded that the policy's 'approach of distributing growth across the four market towns will bring overall positive impacts across the district as a whole'¹⁹.

Habitats Regulation Assessment Screening Report 2013

- 5.7 The Fenland Local Plan 2014 is accompanied by a HRA screening report which 'screened out' significant effects on European sites, either alone or in combination with other plans and strategies.
- 5.8 This conclusion was primarily driven by the fact that the growth, in general terms, is strongly directed to the four main market towns which are generally a significant distance from protected sites. Whittlesey, is however identified as an exception due to its proximity to the Nene Washes (SAC, SPA, Ramsar).

¹⁸ <https://fenland.gov.uk/article/15077/The-Planning-Policy-Library>

¹⁹ p30 Sustainability Appraisal Report 2013

- 5.9 The Screening Report determined that some growth at Whittlesey is acceptable (in terms of no harm to protected sites), the report notes uncertainties whether growth to the north of Whittlesey would or would not result in significant effects on the Nene Washes - especially as a result of the potential for increased recreational use of the Nene Washes which might arise should a significant development (such as residential) take place in this area. However, the Local Plan does not identify growth to the north of Whittlesey and the Local Plan's proposals for Whittlesey were screened out from any Appropriate Assessment.
- 5.10 The WNP does not seek to increase growth beyond that proposed by the Local Plan, and is therefore consistent with the Local Plan, Sustainability Appraisal and HRA. WNP *Policy 1: Spatial Strategy* directs proposals for any new housing development to the east of Whittlesey town in proximity of the Local Plan's strategic allocations, and away from sensitive locations to the north as indicated by the HRA Screening Report 2013.

Biodiversity, flora and fauna

- 5.11 As identified in section 3, there are a number of designated wildlife sites within, and in proximity of, the Whittlesey Neighbourhood Area. Notably this includes the *Nene Washes SPA / SAC / Ramsar / SSSI* which includes an extensive area of land within the Neighbourhood Area, north of Whittlesey town and the villages of Coates and Eastrea. The effects on internationally designated sites in the context of the HRA requirements are considered at "*Determination of likely significant effects on European Sites - HRA Screening*" – paras 5.50 to 5.53).
- 5.12 The Site Improvement Plan²⁰ (SIP) for the Nene Washes SPA / SAC, provides the following description of the site:

The Nene Washes SPA represents one of the country's few remaining areas of washland habitat which is essential to the survival nationally and internationally of populations of wildfowl and waders. The site is additionally notable for the diversity of plant and associated animal life within its network of dykes. In summer, the site is of importance for breeding waders, as well as Spotted Crake, whilst in winter the site holds large numbers of waders and wildfowl. Throughout, the area supports a diverse assemblage of waterbirds including Black tailed-godwit, Lapwing, Pochard, Teal, Gadwall, Wigeon, Shoveler, Pintail, Ruff, and Bewick's Swan.

*The Nene Washes SAC supports populations of spined loach *Cobitis taenia*. Moreton's Leam, a large drainage channel running along the eastern flank of the Nene Washes, contains the highest recorded density of spined loach in the UK.*

p2, Site Improvement Plan Nene Washes, Natural England

- 5.13 Natural England's 'Detailed Sites View' database provides data on the condition and management of the Nene Washes²¹. The data shows the condition of the Nene Washes SSSI as:

²⁰ <http://publications.naturalengland.org.uk/file/6584562272436224>

²¹

[https://designatedsites.naturalengland.org.uk/ReportConditionSummary.aspx?SiteCode=S1002071&ReportTitle=Nene Washes SSSI](https://designatedsites.naturalengland.org.uk/ReportConditionSummary.aspx?SiteCode=S1002071&ReportTitle=Nene+Washes+SSSI)

- Favourable: 19.96%
- Unfavourable – recovering: 80.04%

5.14 The SIP identifies the following threats to the integrity of the Nene Washes:

1. **Hydrological changes:** Flooding on the Nene Washes can lead to difficulties in managing the wet grassland habitats, and may result in low numbers of target bird species successfully breeding. It may also impact the numbers of wintering birds at the site
2. **Water Pollution:** Spined Loach requires good water quality of low nutrient status. The favourable conservation table target for the Nene Washes is 0.1 mg L⁻¹ annual mean figures for phosphorus concentration. Higher phosphorus levels will lead to detrimental impacts to the ecology of the river as the type of macrophytes and habitat structure used by this species is changes

5.15 In addition, several SSSI Impact Risk Zones extend across the Neighbourhood Area, notably those relating to the Nene Washes SSSI, and Bassenhally Pit. Notably the Nene Washes IRZ includes the *Goose and Swan Functional Land IRZ*, which indicates land which is functionally related to the Nene Washes, providing opportunities for grazing and roosting for the protected bird species which utilise the Nene Washes. In all locations within or adjoining Whittlesey town or the area's villages, proposals for major²² residential development are required to consult Natural England.

5.16 As discussed in Section 3, there are also a number of Local Nature Reserves and County Wildlife Sites within and in proximity of the Neighbourhood Area. The presence of such habitats is of particular relevance to the screening assessment, since new development can pose a potential threat, for example:

- 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; and/or
- Reduced water quality from pollution due to increased demand for waste-water treatment

5.17 *WNP Policy 1: Spatial Strategy* re-affirms Whittlesey as the main location for growth within the Neighbourhood Area and identifies environmental constraints to the north and south of Whittlesey town, and in the villages of Coates, Eastrea, Turves and Pondersbridge. The policy *directs* (but does not *allocate*) new development to the east of Whittlesey town where there are generally fewer environmental constraints, and therefore away from sensitive habitats located mainly in the north and west of the Neighbourhood Area.

5.18 The policy strictly limits development in the countryside, and crucially, the policy does not seek to increase growth beyond that identified by the Local Plan. The policy is not expected to give rise to additional development not already considered through Sustainability Appraisal and HRA of the Local Plan, and therefore is not expected to give rise to likely significant environmental effects in respect of biodiversity.

²² 10 dwellings or more, or 50 dwellings or more depending on proximity to SSSI

- 5.19 There are a number of policies in the WNP that seek to protect and enhance biodiversity and therefore should result in positive effects.
- 5.20 For example, *Policy 5: Local Green Spaces* designates 34 green areas for protection from development, many of which are of biodiversity value. *Policy 6* supports the creation of a new Country Park, which provide habitats and green corridors. The designation of green areas and formation of a country park could play an important role in reducing visitor disturbance and recreational pressure on designated habitats. In addition, *Policy 7: Design Quality* requires development proposals to retain natural features such as trees and hedgerows.
- 5.21 Overall, the potential for significant negative impacts on biodiversity, flora and fauna to arise from the implementation of the plan are unlikely as the WNP does not allocate sites for development, nor seek to create additional opportunities for growth beyond those already identified by the Fenland Local Plan 2014.
- 5.22 It is expected that the WNP will help to protect and enhance biodiversity, flora and fauna in the Neighbourhood Area through the various policy measures it employs. However, for the purposes of SEA, such effects are not considered 'significant'.

Population and human health

- 5.23 As identified in section 3, the health of the population residing within Whittlesey Neighbourhood Area is generally "very good" or "good".
- 5.24 The WNP indirectly supports human health through creating or maintaining opportunities for recreation through *Policy 4: Open Space*, *Policy 5: Local Green Spaces*, and *Policy 6: Country Park*.
- 5.25 *Policy 2* includes a range of principles to ensure new development meets the housing needs of local people, identified by a local housing needs assessment commissioned by the Town Council.
- 5.26 *Policy 7: Design Quality* provides a set of standards to ensure new development provides high standards of residential amenity.
- 5.27 Through its policy measures, the WNP is likely to make a positive contribution to meeting the needs of the area's population and supporting health. However, no likely significant effects are identified.

Soil, air and water

- 5.28 WNP *Policy 1: Spatial Strategy* strictly limits development in the open countryside, thereby protecting sensitive peat, fenland soils within the Neighbourhood Area.
- 5.29 There are two air quality management areas within the Neighbourhood Area. Since the WNP does not increase overall levels of growth, it the WNP is not expected to affect air quality. *Policy 12* supports the delivery of sustainable transport, and *Policy 7* supports proposals which incorporate renewable energy technologies. Such measures could support improvements in air quality.

- 5.30 As discussed in section 3, extensive areas of Whittlesey Neighbourhood Area are affected by flood risk. *Policy 10* includes a series of requirements to ensure new development appropriately manages flood risk.
- 5.31 Overall, it is significant environmental effects in respect of soil, air or water are not expected to arise from implementation of the WNP.

Climatic factors

- 5.32 Climatic factors involve the consideration of a plan or programme in relation to climate change. Climate change adaptation and mitigation are closely interrelated and are closely linked to other environmental issues.
- 5.33 The WNP includes a range of policies which may contribute to mitigating and adapting to climate change. *Policy 7: Design Quality* requires development proposals to Maximise energy efficiency and support the provision of renewable energy technologies. *Policy 10: Flood Risk* seeks to ensure that the area is adaptive to a changing climate. *Policy 12* seeks to deliver sustainable transport.
- 5.34 Overall, it is considered unlikely that there would be any significant effects in terms of climatic factors as a result of implementing the policies in the WNP, with the potential to provide positive enhancement through reducing emissions.

Material assets

- 5.35 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, minerals resources, flood defences, etc. Impacts on materials assets are likely to relate to a number of other SEA topics.
- 5.36 Objective 2 seeks 'ongoing improvement to flood defences, utility infrastructure, and digital connectivity, especially mobile phone reception and broadband'. This is supported by *Policy 7: Design Quality* requires new development to contribute to the provision of infrastructure. *Policy 12: Delivering Sustainable Transport* sets a range of transport priorities which new development is expected to support.
- 5.37 Policy 3 protects Whittlesey's town centre through resisting the loss of retail frontages and includes requirements for proposals for large scale retail developments outside the town centre.
- 5.38 It is considered not likely that the WNP would have a significant environmental effects on material assets.

Cultural heritage, including architectural and archaeological heritage

- 5.39 As identified above in paragraphs section 3, there are numerous heritage assets within the Neighbourhood Area, including two Conservation Areas, 85 Listed Buildings, and five Scheduled Monuments.

- 5.40 The Heritage Gateway²³ provides information from Cambridgeshire's Historic Environment Record on the various designated heritage assets within WNP area. However, this information does not identify specific threats to those assets.
- 5.41 The historic environment is central to the character and identity of the Whittlesey Neighbourhood Area. This is recognised by the WNP through a range of policies.
- 5.42 *Policy 7: Design Quality* sets out a number of development principles to ensure new development reflects local characteristics, including conserving heritage assets and the historic environment.
- 5.43 *Policy 8: Historic Environment* seeks to conserve Whittlesey's unique and historic 'mud walls', which otherwise lack statutory protection.
- 5.44 For the purposes of SEA, no significant effects on cultural heritage are expected to arise from implementation of the WNP.

Landscape

- 5.45 Conservation of the parish's landscapes is an important theme of the Whittlesey Neighbourhood Plan.
- 5.46 *Policy 11: Coalescence of Villages* requires development proposals to respect the individual and distinct identities of the villages in the Parish, and ensure that the distinct separation between the villages and Whittlesey Town is maintained.
- 5.47 *Policy 7: Design Quality* requires development proposals to respect the character of, and minimise the visual impact on, the surrounding landscape. In addition, *Policy 9: Garden Development* ensures that developments within residential gardens do not erode the built form of the area.
- 5.48 Significant effects on the environment are not expected to arise from implementation of the WNP.

Summary of SEA themes

- 5.49 Following consideration of the WNP's policies against the SEA themes, and taking into account the environmental constraints identified in Section 3, no likely significant environmental effects are identified.

²³ <https://www.heritagegateway.org.uk/gateway/>

Determination of likely significant effects on European Sites - HRA Screening

- 5.50 Section 3 identifies a number of European Sites within 30km of the Whittlesey Neighbourhood Area. Of particular significance is the Nene Washes SPA / SAC / Ramsar, which is located in the north of the Neighbourhood Area, in close proximity to the built area of Whittlesey town and the villages of Coates and Eastrea.
- 5.51 The characteristics and specific threats to the Nene Washes European Site are described at the 'Biodiversity, Flora and Fauna' SEA theme (paras. 5.11-22).
- 5.52 As discussed at paras 5.7 – 5.10, the Fenland Local Plan 2014 is accompanied by a HRA screening report which 'screened out' significant effects on European sites, either alone or in combination with other plans and strategies.
- 5.53 The WNP does not create opportunities for additional new development beyond those identified by the Local Plan. It is therefore concluded that implementation of the WNP is not likely to have significant effects on the integrity of European Sites. The potential for effects of growth on European Sites were considered through the HRA Screening Report of the Local Plan. Consequently, it is concluded that a full Appropriate Assessment is not required.

SEA/HRA Assessment

- 5.4 **Figure 3** provides assessment of the WNP against the SEA Directive criteria to identify likely *significant* effects on the environment.
- 5.5 **Figure 4** applies the SEA Directive criteria to the WNP as per the flow chart in **Figure 2**, to determine whether the *principle* of the WNP would warrant the need for SEA.

FIGURE 3: ASSESSMENT OF THE LIKELY SIGNIFICANT EFFECTS ON THE ENVIRONMENT

SEA Directive criteria and Schedule 1 of Environmental Assessment of plans and programmes Regulations 2004	Assessment	Likely <i>significant</i> environmental effect
1. The characteristics of plans and programmes, having regard, in particular, to –		
(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.	<p>The WNP has been prepared for town and country planning purposes and would, if adopted, form part of the statutory Development Plan and contribute to the framework for future development projects.</p> <p>The principle of development in the Neighbourhood Area, including the nature of development, location and scale, has already been determined by the Fenland Local Plan 2014 and is therefore largely beyond the influence of the WNP. Any significant effects arising from the proposals in the Local Plan have already been identified through the Sustainability Appraisal of that plan, and through the HRA Screening Report 2013.</p>	No

SEA Directive criteria and Schedule 1 of Environmental Assessment of plans and programmes Regulations 2004	Assessment	Likely significant environmental effect
	The WNP would only apply to a relatively small geographical area (the Whittlesey Neighbourhood Area) where a limited number of proposals are anticipated over the plan period.	
(b) the degree to which the plan or programme influences other plans and programmes including those in a hierarchy;	<p>The WNP must be in general conformity with the strategic policies of the Fenland Local Plan and national planning policy as set out in the NPPF.</p> <p>The WNP provides policies for the Plan area, relevant to the parish area only. The WNP would therefore not strongly influence other plans and programmes higher up the spatial planning hierarchy.</p>	No
(c) the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development;	<p>It is a basic condition that a NDP must contribute to the achievement of sustainable development. The WNP seeks to ensure that environmental considerations are taken into account. As discussed in paras. 5.4 to 5.49 (in the context of the various SEA themes), all policies in the WNP play a role in integrating environmental considerations or promoting sustainable development.</p> <p>These policies are compatible with the adopted Fenland Local Plan, which was subject to both SA/SEA and a HRA screening assessment throughout the plan making process.</p>	No
(d) environmental problems relevant to the plan or programme; and	There are no specific environmental problems relevant to the WNP that have not been identified and assessed through the higher-level Local Plan and its accompanying SA/SEA.	No
(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 content of the WNP is not in conflict with any plans or programmes within the wider area for the implementation of Community legislation on the environment.	No
2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to —		
(a) the probability, duration, frequency and reversibility of the effects;	<p>This has been tested through the SA/SEA of the Local Plan.</p> <p>The WNP does not allocate sites for development. The effects of the implementation of the WNP are therefore uncertain to a certain extent, as they will</p>	No

SEA Directive criteria and Schedule 1 of Environmental Assessment of plans and programmes Regulations 2004	Assessment	Likely significant environmental effect
	<p>depend on windfall sites that may come forward. However, such opportunities for windfall sites are expected to be limited and small scale, infill development, therefore the effects are not likely to be significant and are expected to be minimal. It is likely that some policies may result in positive effects by helping to preserve and enhance the environmental features within the Neighbourhood Area.</p> <p>See also paragraphs 5.4 to 5.49 above.</p>	
(b) the cumulative nature of the effects;	As above in 2(a)	No
(c) the transboundary nature of the effects;	The WNP is not expected to give rise to any transboundary effects.	No
(d) the risks to human health or the environment (for example, due to accidents);	The WNP is not anticipated to give rise to any significant environmental effects that would pose risk to human health or the environment: the effects of the policies in the WNP may enhance these elements.	No
(e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);	<p>The Whittlesey Neighbourhood Area is coterminous with the boundary of Whittlesey Civil Parish.</p> <p>The spatial extent of any effects of the implementation of the WNP are expected to be limited to the immediate local area (i.e. the Neighbourhood Area), therefore the magnitude and spatial extent of the effects are expected to be limited in both the local and wider district context.</p>	No
(f) the value and vulnerability of the area likely to be affected due to— (i) special natural characteristics or cultural heritage; (ii) exceeded environmental quality standards or limit values; or (iii) intensive land-use; and	<p>As considered in paras 5.4 to 5.49 it is unlikely that the WNP would adversely impact the special natural characteristics or cultural heritage of the Neighbourhood Area. The WNP is not expected to exceed environmental quality standards or lead to intensive land use.</p> <p>The WNP does not allocate any sites for development. Furthermore, the WNP includes policies which promote environmental considerations and seek to provide greater protection for the character of the area. Therefore it is not considered that there will be any significant adverse impacts in terms of criteria (f) (i to iii).</p>	No
(g) the effects on areas or landscapes which have a	The Whittlesey Neighbourhood Area includes a number of areas and assets benefitting from	No

SEA Directive criteria and Schedule 1 of Environmental Assessment of plans and programmes Regulations 2004	Assessment	Likely <i>significant</i> environmental effect
<p>recognised national, Community or international protection status.</p>	<p>protection through statute of local policies, including Conservation Areas, Listed Buildings, Scheduled Monuments, European Sites, SSSIs and County Wildlife Sites. Since the WNP does not create additional opportunities for growth, and since the WNP includes a range of policies which seek to conserve such features, as discussed in paras 5.4 to 5.49, implementation of the WNP is not likely to result in significant effects.</p> <p>Effects of the WNP on landscapes are expected to be positive and localised. However, the effects are not likely to be significant in the context of SEA.</p>	

FIGURE 4: APPLICATION OF THE SEA DIRECTIVE TO WHITTLESEY 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? (Art 2 (a))	Yes	The preparation and adoption of the WNP is allowed under the Town and Country Planning Act 1990, as amended by the Localism Act 2011. Whilst the WNP has been prepared by Whittlesey Town Council, it will be adopted by FDC as the local authority and will form part of the statutory development plan for Fenland district. GO TO STAGE 2
2. Is the NDP required by legislative, regulatory or administrative provisions? (Art 2 (a))	Yes	Whilst the production of a NDP is not a requirement and is optional, it will, if made, form part of the statutory development plan for the Fenland 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? (Art 3.2 (a))	Yes – Town & Country Planning / land use; No - EIA Directive Annex I & II	The WNP is being prepared for town and country planning and land use, setting a framework for future development consents within the Whittlesey Neighbourhood Area. However, the NDP does not set a framework for 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? (Art 3.2 (b))	No	See paras 5.50 to 5.53 and Figure 3 for assessment of the NP in terms of HRA. GO TO STAGE 6
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? (Art 3.3)	n/a	
6. Does the NDP set the framework for future development consent of projects (not just projects in annexes to the EIA Directive)? (Art 3.4)	Yes	Once 'made' the WNP forms part of the Development Plan and will be used in the decision-making process on planning applications. It therefore sets the framework for future developments at a local level. GO TO STAGE 8

Criteria	Response: Yes/ No/ Not applicable	Details
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	The WNP does not deal with these issues.
8. Is it likely to have a significant effect on the environment?	No	A NDP could potentially have a significant effect on the environment, dependent on the proposed policies within the NDP. This requires detailed assessment to determine – see 5.4 to 5.49 and Figure 3 , which identify that no likely significant effects are expected to arise through implementation of the WNP.
Outcome: SEA NOT REQUIRED		

6 Consultation with Statutory Bodies

6.1 The assessment in **Section 5** concludes that it is unlikely that significant environmental effects will arise from the WNP (as submitted at the date of this assessment) and concludes that SEA is not required. The relevant statutory consultation bodies: the Environment Agency, Historic England and Natural England, have been consulted on this SEA/HRA screening opinion based on the WNP. Fenland District Council consulted the statutory bodies on the findings of its screening assessment and the responses received are summarised below. A full transcript of the responses received are provided in Appendix 1

Environment Agency

6.2 Due to resourcing pressures, Environment Agency confirmed they are unable to provide advice on the screening report.

Historic England

6.3 In its response, Historic England concurs with the Council that the preparation of a Strategic Environmental Assessment is not required.

Natural England

6.4 Natural England confirms it has checked its records and based on the information provided, confirms that the plan will not have significant effects on sensitive sites that Natural England has a statutory duty to protect. Natural England is not aware of significant populations of protected species which are likely to be affected by the policies or proposals within the plan.

6.5 Natural England agrees with the report's conclusions that the Whittlesey Neighbourhood Plan would not be likely to result in a significant effect on any European Site, either alone or in combination and therefore no further assessment work would be required.

7 SEA/HRA Screening Outcome

- 7.1 Having reviewed the environmental characteristics of the WNP area and the vision, objectives and policies against the criteria set out in **Section 5** of this report, FDC consider it is unlikely that there will be any significant environmental effects arising from the WNP and thus the WNP can be **screened out** for further SEA.
- 7.2 **Section 5** of this report also indicates that there are unlikely to be any significant effects on a designated European Site arising from the implementation of the WNP, and therefore further HRA assessment under the Habitats Regulations can be **screened out**.
- 7.3 Through responses received during consultation, the Statutory Bodies either agreed with, or did not object to, these conclusions.
- 7.4 The WNP does not allocate any land or sites for development, but provides guidance and criteria-based policies to be used to determine applications should they come forward. The policies in the WNP generally accord with the adopted Fenland Local Plan, the potential environmental effects of which were duly assessed during the plan-making process through SA/SEA and HRA assessments.
- 7.5 A number of the WNP policies are environmentally conscientious and address environmental issues positively by seeking to improve the quality of new development to reduce its impacts on the environment. For example, the WNP includes policies that: encourage active travel and travel by modes other than the car, seek to protect the townscape, surrounding landscape character and setting of the town, seek to preserve or enhance heritage assets and their settings, and seek to protect and enhance open green spaces.
- 7.6 To take an alternative approach, such as preparing evidence bespoke to the WNP, would be disproportionate and result in unnecessary duplication. This would be contrary to national planning policy.
- 7.7 In the event that the vision, objectives and/or policies covered by the WNP should change significantly during the plan-making process, or specific sites are allocated for development, this screening process should be repeated for the revised plan.

Appendix 1: Consultation Response from Statutory Bodies

Environment Agency

Thank you for your e-mail.

Due to resource pressures we are no longer able to provide you with comprehensive bespoke advice on screening opinions. We remain a statutory consultee for ES/EIAs so please continue to submit these for our review and comment.

Kind regards,

Alison Craggs

Sustainable Places Advisor

East Anglia Area (West)

Environment Agency, Bromholme Lane, Brampton, Huntingdon, Cambs. PE28 4NE

Historic England

Thank you for inviting Historic England to comment on this consultation. As the Government's adviser on the historic environment Historic England is keen to ensure that the protection of the historic environment is fully taken into account at all stages and levels of the local planning process. Therefore we welcome this opportunity to review the Screening Report for this plan. For the purposes of this consultation, Historic England will confine its advice to the question, "Is it (the Whittlesey Neighbourhood Plan) likely to have a significant effect on the historic environment?". Our comments are based on the information supplied with the Screening Opinion.

The Screening Report indicates that the Council considers that the plan will not have any significant effects on the historic environment. We note that the Whittlesey Neighbourhood Plan does not propose to allocate any sites for development.

On the basis of the information supplied, and in the context of the criteria set out in Schedule 1 of the Environmental Assessment Regulations [Annex II of 'SEA' Directive], **Historic England concurs with the Council that the preparation of a Strategic Environmental Assessment is not required.**

The views of the other two statutory consultation bodies should be taken into account before the overall decision on the need for an SEA is made.

I should be pleased if you can send a copy of the determination as required by REG 11 of the Environmental Assessment of Plans and Programmes Regulations 2004.

We should like to stress that this opinion is based on the information provided by you with your correspondence. To avoid any doubt, this does not reflect our obligation to provide further advice on later stages of the SEA process and, potentially, object to specific proposals which may subsequently arise (either as a result of this consultation or in later versions of the plan) where we consider that, despite the SEA, these would have an adverse effect upon the environment.

Historic England strongly advises that the conservation and archaeological staff of the relevant local authorities are closely involved throughout the preparation of the plan and its assessment.

They are best placed to advise on; local historic environment issues and priorities, including access to data held in the Historic Environment Record (HER), how the allocation, policy or proposal can be tailored to minimise potential adverse impacts on the historic environment; the nature and design of any required mitigation measures; and opportunities for securing wider benefits for the future conservation and management of heritage assets.

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

Kind regards,

Edward

Edward James

Historic Places Adviser - East of England

Historic England

Natural England

Thank you for your consultation on the above dated 13 July 2021 which was received by Natural England on the same day.

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

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

Neighbourhood Plan

Guidance on the assessment of Neighbourhood Plans, in light of the Environmental Assessment of Plans and Programmes Regulations 2004 (as amended), is contained within the National Planning Practice Guidance. The guidance highlights three triggers that may require the production of an SEA, for instance where:

- a neighbourhood plan allocates sites for development
- the neighbourhood area contains sensitive natural or heritage assets that may be affected by the proposals in the plan
- the neighbourhood plan may have significant environmental effects that have not already been considered and dealt with through a sustainability appraisal of the Local Plan.

We have checked our records and based on the information provided, we can confirm that in our view the proposals contained within the plan will not have significant effects on sensitive sites that Natural England has a statutory duty to protect.

We are not aware of significant populations of protected species which are likely to be affected by the policies / proposals within the plan. It remains the case, however, that the responsible authority should provide information supporting this screening decision, sufficient to assess whether protected species are likely to be affected.

Notwithstanding this advice, Natural England does not routinely maintain locally specific data on all potential environmental assets. As a result the responsible authority should raise environmental issues that we have not identified on local or national biodiversity action plan species and/or habitats, local wildlife sites or local landscape character, with its own ecological and/or landscape advisers, local record centre, recording society or wildlife body on the local landscape and biodiversity receptors that may be affected by this plan, before determining whether an SA/SEA is necessary.

Please note that Natural England reserves the right to provide further comments on the environmental assessment of the plan beyond this SEA/SA screening stage, should the responsible authority seek our views on the scoping or environmental report stages. This includes any third party appeal against any screening decision you may make.

Habitats Regulations Assessment (HRA) Screening

Natural England agrees with the report's conclusions that the Whittlesey Neighbourhood Plan would not be likely to result in a significant effect on any European Site, either alone or in combination and therefore no further assessment work would be required. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours faithfully,

Ben Jones

Consultations Team