

**Borough Council of King's Lynn & West Norfolk screening report for the  
Strategic Environmental Assessment (SEA) and Habitats Regulation  
Assessment (HRA) for the emerging Upwell Neighbourhood Plan**

**May 2018**

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



**Borough Council of King's Lynn & West Norfolk screening report for the Strategic Environmental Assessment (SEA) and Habitats Regulation Assessment (HRA) for the emerging Upwell Neighbourhood Plan**

**1. Introduction**

- 1.1 This screening report is designed to determine whether or not the content of the Upwell Neighbourhood requires a Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plans and Programmes Regulations 2004. A SEA would be required when the implementation of the contents of the Upwell Neighbourhood Plan are likely to cause significant environmental effects.
- 1.2 This report will also determine whether or not the contents of the Upwell Neighbourhood Plan require a Habitats Regulations Assessment (HRA) in accordance with Article 6 (3) of the EU Habitats Directive and with Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended). A HRA is required when the implementation of the contents of the Upwell Neighbourhood Plan are likely to cause significant negative effects on a designated protected European Site (Natura 2000 sites).
- 1.3 This report is based upon the screening opinion request and information provided on the emerging content of the Plan as of March 2018 from Upwell Parish Council (and their consultant) and the screening opinion consultation responses received from the Environment Agency, Historic England and Natural England.
- 1.4 To avoid any doubt, this does not affect the Borough Council's obligation to provide further advice on later stages of the emerging Neighbourhood Plan/SEA process which may subsequently arise if there are changes to the plan's content that could have an adverse effect upon the environment.

## 2. Legislative Background

- 2.1 **Strategic Environmental Assessment (SEA)** - The European Directive 2001/42/EC is the basis for Strategic Environmental Assessments and Sustainability Appraisal legislation, which was transposed into English law by the Environmental Assessment of Plans and Programmes Regulations 2004, or SEA Regulations.
- 2.2 If a neighbourhood plan is likely to cause significant negative environmental effects, it is necessary to undertake a SEA assessment in line with the SEA regulations. To fulfil the legal requirements to identify if a neighbourhood plan requires a SEA, a screening for a SEA has to be undertaken.
- 2.3 **Habitat Regulation Assessment (HRA)** - It is required by Article 6 (3) of the EU Habitats Directive and by regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended) that an appropriate assessment is carried out with regard to the Conservation Objectives of the European Sites and with reference to other plans and projects to identify if any significant effect is likely for any European Site.
- 2.4 To fulfil the legal requirements to identify if likely significant effects will occur with the implementation of a neighbourhood plan upon the European Sites (Natura 2000 sites) a screening assessment has been undertaken

### 3. SEA Screening

- 3.1 The process for determining whether or not an SEA is required is called screening. The SEA screening is a two stage interrelated process. The first part considers the Neighbourhood Plan against the SEA assessment flow chart set out in the national guidance “A Practical Guide to the Strategic Environmental Assessment Directive”, (Paragraph 2.18, Figure 2, ODPM, 2005). The second part of the assessment is required in order to answer specific questions contained in the above, specifically question 8 and considers whether the Neighbourhood Plan is likely to have a significant effect on the environment, using criteria drawn from the EU SEA Directive and Schedule 1 of the UK Environmental Assessment of Plans and Programmes Regulations 2004.
- 3.2 The regulations state that before making a determination the three statutory consultation bodies must be consulted. Accordingly they have been consulted upon the Borough Council’s preliminary opinion (March 2018) and their comments have been taken into consideration within this screening report.
- 3.3 The process taken follows the application of the SEA Directive as set out in Figure 2 of ‘A practical guide to the Strategic Environmental Assessment Directive’ followed by application of the criteria determining the likely significance of effects referred to in Article 3(5) of Directive 2001/42/EC (Annex 11) and Schedule 1 of the UK Environmental Assessment of Plans and Programmes Regulations 2004:

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

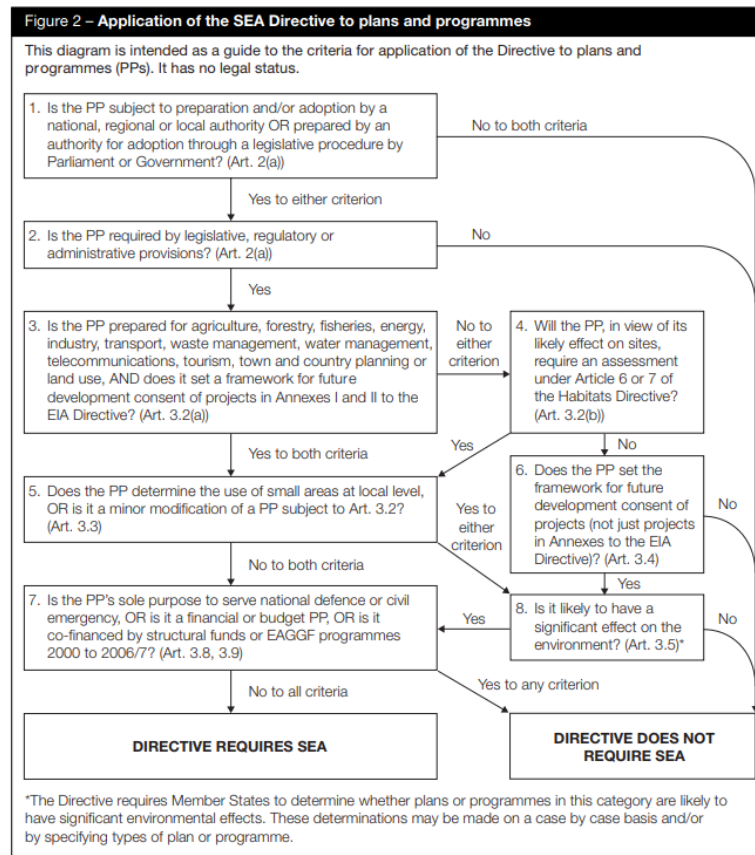


Table 1: Criteria for determining the likely significance of effects

<ol style="list-style-type: none"><li>1. The characteristics of plans and programmes, having regard, in particular, to<ul style="list-style-type: none"><li>• 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</li><li>• the degree to which the plan or programme influences other plans and programmes including those in a hierarchy</li><li>• 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</li><li>• 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)</li></ul></li><li>2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to<ul style="list-style-type: none"><li>• the probability, duration, frequency and reversibility of the effects,</li><li>• the cumulative nature of the effects</li><li>• the trans-boundary nature of the effects</li><li>• the risks to human health or the environment (e.g. due to accidents)</li><li>• the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)</li><li>• the value and vulnerability of the area likely to be affected due to:<ul style="list-style-type: none"><li>• special natural characteristics or cultural heritage</li><li>• exceeded environmental quality standards or limit values</li><li>• intensive land-use</li></ul></li><li>• the effects on areas or landscapes which have a recognised national, Community or international protection status</li></ul></li></ol>
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Source: Annex 11 of SEA Directive 2001/42/EC and Schedule 1 of the UK Environmental Assessment of Plans and Programmes Regulations 2004

#### 4. Assessment

##### 4.1 Application of the SEA Directive to plans and programmes:

Stage	Yes/No	Reason
1. Is the Neighbourhood Plan subject to preparation and/or adoption by national, regional or local authority OR prepared by an authority for adoption through a legislative procedure by Parliament or Government? (Art. 2(a))	Yes	<p>The preparation and adoption of the Neighbourhood Plan is allowed under the Town and Country Planning Act 1990 as amended by the Localism Act 2011. The NP is being prepared by the parish council (as the “relevant body”) and will be “made” by the Borough Council of King’s Lynn and West Norfolk as the local authority subject to passing an independent examination and community referendum. The preparation of NP’s are subject to the following regulations (not intend to be a complete list):</p> <ul style="list-style-type: none"> <li>• The Neighbourhood Planning (General) Regulations 2012,</li> <li>• the Neighbourhood Planning (referendums) Regulations 2012</li> <li>• the Neighbourhood Planning (General)(Amendment) Regulations 2015</li> <li>• the Neighbourhood Planning (General)and Development Management Procedure (Amendment) Regulations 2016</li> <li>• the Neighbourhood Planning (General)and Development Management Procedure (Amendment) Regulations 2017</li> </ul>
2. Is the Neighbourhood Plan required by legislative, regulatory or administrative provisions? (Art. 2(a))	Yes	<p>Whilst the Neighbourhood Plan is not a requirement of the Town and Country Planning Act as amended by the Localism Act 2011, it will be “made” and eventually form part of the Development Plan for the Borough. These are directed by legislative processes and it is important that the screening process considers whether it is likely to have significant environmental effects and hence whether SEA is required under the Directive</p>
3. Is the Neighbourhood Plan 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	Yes	<p>A Neighbourhood Plan can include these policy areas and could provide, at a Neighbourhood Area level, the framework for development that would fall within Annex II of the EIA Directive. Developments that fall within Annex I are ‘excluded’ development for Neighbourhood Plans (as set out in the Localism Act 2011 and Section 61(k) of the Town and Country Planning Act 1990 (as subsequently amended).</p> <p>The Neighbourhood Plan is being prepared to set out a</p>

<p>development consent of projects in Annexes I and II to the EIA Directive? (Art 3.2(a))</p>		<p>framework for town and country planning and land use within the Parish of Upwell. Its intention is to complement the higher order strategic framework that already exists for land use planning across the Borough.</p> <p>The strategic framework for development is set by the adopted Core Strategy (2011) and the Site Allocations and Development Management (2016) of the Borough Council of King's Lynn and West Norfolk. The Neighbourhood Plan seeks to align and be in general conformity with these. The Neighbourhood Plan does not anticipate being the tool to manage development of the scale and nature envisaged by Annex I and Annex II of the EIA Directive.</p>
<p>4. Will the Neighbourhood Plan, 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))</p>	<p>Yes / No</p>	<p>A Neighbourhood Plan could potentially have impacts on sites covered by the Habitats Directive. Although there are no European sites located in the Neighbourhood Plan Area, nearby there are.</p> <p>Namely The Ouse Washes SAC / SPA/ Ramsar / SSSI. A Habitats Regulation Assessment (2015) was carried out as part of Borough Council of King's Lynn and West Norfolk's site allocation process to support the Site Allocations and Development Management Policies Plan (2016) which concluded with regard to Upwell/Outwell and Three Holes that <i>'Development not sufficiently close or large enough to Natura 2000 site to cause a likely significant effect. Too far to travel for most on-foot visitors, and not a likely destination for vehicle-bound visitors unless it is Welney where access is strictly controlled'</i>. Development considered at this time was and additional 90 dwellings.</p> <p>Given the intention that the Neighbourhood Plan will be in general conformity with the existing Local Plan, especially given its scale and local context it could be reasonable to conclude at this stage that this Neighbourhood Plan is unlikely to have any substantial effect on the network of protected sites. Never the less the overall numbers and locations of the intended allocations are not yet established and as the plan intends to allocate sites, in addition to those allocated in the Borough Council's adopted Local Plan, it remains appropriate to conclude that their remains a possibility that an assessment could be required. Given this ambiguity both question 5 and 6 of the flowchart are enacted.</p>
<p>5. Does the Neighbourhood Plan determine the use of small areas</p>	<p>Yes</p>	<p>A Neighbourhood Plan can determine the use of small areas at a local level. The Neighbourhood Plan for</p>



<p>at local level, OR is it a minor modification of a plan or project subject to Art. 3.2? (Art. 3.3)</p>		<p>Upwell proposes to include policies relating to the location of sustainable development, including policies whose purpose is specifically to allocate areas of land for development. The draft Neighbourhood Plan documentation does not contain sufficient information in relation to potential future allocation(s) for residential development, in terms of location, proximity to heritage assets within the neighbourhood plan area (including the conservation area) or size in terms of area and units. Consequently there is a lack of sufficient policy protection for heritage assets within the neighbourhood plan area in the draft plan; if the plan was to be implemented as is there is the potential for significant effects which could be both positive and negative upon the historic environment.</p>
<p>6. Does the Neighbourhood Plan set the framework for future development consent of projects (not just projects in annexes to the EIA Directive)? (Art. 3.4)</p>	<p>Yes</p>	<p>Once “made” a Neighbourhood Plan forms part of the statutory Development Plan and will be used by the Borough Council of King’s Lynn and West Norfolk in the determination of planning applications. The intention is that the Neighbourhood Plan will provide a land use policy framework for future development at a local level.</p>
<p>7. Is the plan or programme’s sole purpose to serve the national defence or civil emergency, OR is it a financial or budget plan or programme, OR is it co-financed by structural funds or EAGGF programmes 2000 to 2006/07? (Art. 3.8, 3.9)</p>	<p>No</p>	<p>Does not apply to a Neighbourhood Plan.</p>
<p>8. Is it likely to have a significant effect on the environment? (Art. 3.5)</p>	<p>No</p>	<p>The Neighbourhood Plan seeks general conformity with the adopted Core Strategy (2011) and the Site Allocations and Development Management Policies Plan (2016) Development Plan Documents and has regard to the emerging Local Plan review. From the application of criteria for determining the likely significant effects below it is considered it is unlikely that three will be significant effect.</p>

4.2 SEA Screening Stage 2: SEA Directive Article 3(5) Annex II – Application of Criteria for determining the likely significance of effects of a Neighbourhood Plan:

Criteria in Annex 11 of the SEA Directive	Response	Is there a significant effect
<b>(1) Characteristics of the plan and programmes, having regard in particular, to:</b>		
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 strategic framework for development is set by the adopted Local Plan of King’s Lynn and West Norfolk Borough Council which currently comprises the Core Strategy (2011) and the Site Allocations and Development management Policies Plan (2016). The Borough Council are currently in the process of reviewing the Local Plan.</p> <p>Neighbourhood Plan seeks to align and be in general conformity with this</p>	No
The degree to which the plan or programme influences other plans or programmes including those in a hierarchy;	The Neighbourhood Plan will be adopted alongside the higher order Local Plan and form part of the Borough’s Development Plan. The Neighbourhood Plan will expand upon some of the Local Plan and emerging Local Plan policies, providing supplementary information on a local scale	No
The relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development;	Any Development that comes forward through the Neighbourhood Plan will be subject to environmental considerations of the Core Strategy and the Site Allocations and Development Management Policies Plan. These policies have been subject to sustainability appraisal, and are in place to ensure that sustainable development is achieved	No
Environmental problems relevant to the plan or programme;	There are not considered to be any significant environmental problems which are specific to the area, above and beyond those considered and addressed in the Local Plan. The Neighbourhood Plan may include policies which provide additional environmental protection	No
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).	The implementation of community legislation is unlikely to be significantly compromised by the Neighbourhood Plan	No

<b>(2) Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:</b>		
The probability, duration, frequency, and reversibility of the effects;	Although the Neighbourhood Plan is seeking to allocate sites to cater for in the region of 45 dwellings for development the emerging information is that these are likely to be small scale and fairly well integrated with existing settlement. The overall numbers are expected to be reflective of what is currently anticipated through the higher order Development Plan, the Local Plan review. There is also a preference to allocate on brownfield sites. However, the draft Neighbourhood Plan documentation does not contain sufficient information in relation to potential future allocation(s) for residential development, in terms of location, proximity to heritage assets within the neighbourhood plan area (including the conservation area) or size in terms of area and units. Consequently there is a lack of sufficient policy protection for heritage assets within the neighbourhood plan area in the draft plan; if the plan was to be implemented as is there is the potential for significant effects which could be both positive and negative upon the historic environment.	Yes / No
The cumulative nature of the effects;	It is considered unlikely that the degree of development proposed through the Neighbourhood Plan when combined with the Current Local Plan and emerging Local Plan review will introduce significant environmental effects. Whilst both the Neighbourhood Plan and Local Plan review are being prepared, the Local Plan review will be subject to full SEA including SA and Habitats Regulations and a Sustainability Appraisal is recommended as part of the Neighbourhood Plan process	No
The trans-boundary nature of the effects;	The emerging Neighbourhood Plan policy areas provide supplementary policy areas on a local scale. The impacts beyond the parish are unlikely to be significant	No
The risks to human health or the environment (e.g. due to accidents);	The Neighbourhood Plan is unlikely to produce any significant effects in relation to this criteria	No
The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);	The Neighbourhood Plan covers the Parish of Upwell. The 2011 census recorded the population of Upwell as 2,750 (including the settlements of Three Holes and Lakes End) 2,769 ha. In comparison the Borough of King's	No

	Lynn and West Norfolk is 152,760 ha and has population of 147,451 (2011 census).	
<p>The value and vulnerability of the area likely to be affected due to:</p> <p>i) Special natural characteristics or cultural heritage;</p> <p>ii) Exceeded environmental quality standards or limit values</p> <p>iii) Intensive land use</p>	<p>i) The Plan Area contains a Conservation Area and a number of listed buildings but does not contain any areas of environmental designations. The Neighbourhood Plan by virtue of the “basic conditions” will however conform to the existing Development Plan, which provides protection to environmental characteristics across the Borough to ensure that they are not vulnerable to significant impacts from development. The draft Neighbourhood Plan documentation does not contain sufficient information in relation to potential future allocation(s) for residential development, in terms of location, proximity to heritage assets within the neighbourhood plan area (including the conservation area) or size in terms of area and units. Consequently there is a lack of sufficient policy protection for heritage assets within the neighbourhood plan area in the draft plan; if the plan was to be implemented as is there is the potential for significant effects which could be both positive and negative upon the historic environment.</p> <p>ii) The Neighbourhood Plan is unlikely to result in exceedance of environmental quality standards, such as those relating to air, water, and soil quality</p> <p>iii) The Neighbourhood Plan is unlikely to bring forward development of an extent that would result in a significant intensification of Local land Use</p>	<p>Yes / No</p> <p>No</p> <p>No</p>
The effects on areas or landscapes which have a recognised national, Community or international protection status	The Plan Area includes listings which reflect the cultural and heritage value of the area such as listed buildings. The environmental effects on areas of biodiversity designations have been considered through the emerging Local Plan	No

## 5. Habitat Regulations

5.1 Plans which may have a significant effect on designated European Sites are required to undertake a HRA. A HRA for the Local Plan (Site Allocations and Development Management Policies Plan 2016) was undertaken in 2015. This can be used as basis to analyse if the proposed Upwell Neighbourhood Plan might have a significant effect on designated European sites.

5.2 Whilst there are no International and European Protected Sites within the Parish Boundary and Neighbourhood Plan Area, the Ouse Washes are located to the south.

5.3 The Ouse Washes have the following designations:

- Special Areas of Conservation (SAC)
- Special Protection Area (SPA)
- Wetlands of International Importance (Designated under the Ramsar Convention)
- It is also a Site of Special Scientific Interest (SSSI)

5.4 Of the proposed policies and contents of the Neighbourhood Plan, only the allocations seem to be likely to have the potential to have a significant effect.

5.5 The Local Plan HRA prepared by Wild Frontier Ecology (2015) states on page 19: *'The Ouse Washes are not open access land, but can be viewed by the public from limited access points, many of which are nature reserve watch-points. Access in West Norfolk is largely limited to such access points, or a substantial walk from nearby settlements or car parking areas.'*

5.6 The table on page 59 consider the likely vulnerability of European Sites and this is of the opinion that it is unlikely that the Ouse Washes will be used by those on foot, by car or by day trippers.

5.7 The table on page 76 sets out that the homes proposed for allocation within the Local Plan for Outwell and Upwell were considered to be 10.5Km from the Ouse Washes. At this time the housing allocations amounted to 85 dwellings and it was considered that:

*'Development not sufficiently close or large enough to Natura 2000 site to cause a likely significant effect. Too far to travel for most on-foot visitors, and not a likely destination for vehicle-bound visitors unless it is Welney where access is strictly controlled.'*

5.8 the table on page 81 sets out that the homes proposed for allocation within the Local Plan for Three Holes were considered to be 7.9Km from the Ouse Washes. At this time the housing allocations amounted to 5 dwellings and it was considered that:

*'Development not sufficiently large or close enough to Natura 2000 site to cause a likely significant effect. Nearest convenient access is Welney reserve, where public access is strictly controlled.'*

5.9 Page 90, although considering in combination effects, expands upon this point and states: *'Although a number of settlements are within 8km of the site by road, there is a significant walk-in at the northern end of the Ouse Washes before the European site is reached. More straightforward access is attainable at Welney reserve, where access is strictly controlled. No in-combination effects are predicted, despite development affecting this site outside the Borough, because of the limited access.'*

5.10 The Local Plan HRA concluded that there would be no likely significant effect upon the Ouse Washes and there was no need for an Appropriate Assessment

5.11 Regarding to the analysis of the present HRA, significant environmental effects, such as additional recreational pressure due to a larger number of local residents, is unlikely and therefore a HRA presumably not be required. In general it is noteworthy, that if a HRA is necessary automatically also a SEA has to be undertaken.

## 6. Screening Outcome

6.1 The Borough Council prepared a preliminary screening opinion (March 2018). The statutory bodies, the Environment Agency, Historic England and Natural England, as required within the SEA and HRA screening process, were consulted upon this (20/03/2018 – 02/05/2018). The consultation responses of the statutory bodies have underpinned the Local Planning Authority's evaluation and conclusions. The statutory bodies consultation responses are appended in full to this report.

6.2 The assessments contained within this report are based upon the Borough Council's preliminary screening opinion and the consultation responses received from the statutory bodies. They clearly identify that, based upon the information available to date, there is the potential for significant environmental effects to arise from the implementation of the proposals in the emerging Neighbourhood Plan for Upwell.

6.3 On the basis of the material supplied Historic England state:

*'The supporting information (screening report and draft neighbourhood plan) supplied with the consultation indicates that within the plan area there is a range of designated historic environment assets, including Upwell Conservation Area. There is also likely to be other features of local historic, architectural or archaeological value, and consideration should also be given to the wider historic landscape. The documentation indicates that the Upwell Neighbourhood Plan proposes to allocate a number of sites for housing. However, neither the draft neighbourhood plan nor the screening report provided identifies the location or extent of any of the sites to be allocated. Although we note that the screening report suggests that the sites will be 'fairly well integrated with existing settlement', there is no evidence provided to demonstrate this. It is considered likely that this statement means development will be encouraged in the settlement of Upwell. As noted above, the village is designated as a conservation area, and development 'integrated with existing settlement' could therefore have an impact on this designated heritage asset. In addition, although we recognise that the draft plan is at an early stage of preparation, it does not yet contain policies that demonstrate a positive vision for the area in terms of the conservation and enjoyment of heritage assets, as required by paragraphs 17 and 126 of the National Planning Policy Framework.*

*In the absence of sufficient information regarding the location and extent of potential development sites, the lack of sufficient policy protection for heritage assets within the neighbourhood plan area in the draft plan, and given the potential significant effects (both positive and negative) upon the historic environment that development could have, Historic England hence considers that a Strategic Environmental Assessment will be required.'*

- 6.4 After careful consideration and on balance the Borough Council agrees with the opinion of Historic England and therefore **the Upwell Neighbourhood Plan does require a Strategic Environmental Assessment (SEA).**
- 6.5 The consultation response from Natural England, agreed with the Borough Council's preliminary screening opinion, and the assessments within this report in that a Habitats Regulation Assessments would not be required for the Upwell Neighbourhood Plan. Neither of the other consultation responses disagreed with this. Therefore **the Upwell Neighbourhood Plan does not require a Habitats Regulation Assessments (HRA).**
- 6.6 This report is based on the screening request March 2018. The Neighbourhood Plan at this stage is emerging. The outcome of this screening report will be subject to review by Natural England, Historic England and the Environment Agency. The screening opinion and report may also need to be reviewed if changes are made to the Neighbourhood Plan.
- 6.7 This report will be issued to the Parish Council, and in line with the requirements, Historic England, Natural England and the Environment Agency. A copy of the report must also be submitted with the Neighbourhood Plan proposal and made available to the independent examiner

Report agreed by:



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Geoff Hall, Executive Director Environment and Planning

25/05/2018

Date



## Appendix: Statutory Body Consultation Responses



Historic England

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Mr Alex Fradley  
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Direct Dial: 01223 582746

Our ref: PL00378202

26 April 2018

Dear Mr Fradley

**RE: SEA for Upwell Neighbourhood Plan: Screening**

Thank you for your email of March 20<sup>th</sup> 2018 regarding the above consultation. As the Government's adviser on the historic environment Historic England is keen to ensure that the protection of the historic environment is fully taken into account at all stages and levels of the local planning process. Therefore we welcome this opportunity to review the Screening Report for the draft neighbourhood plan for Upwell. For the purposes of this consultation, Historic England will confine its advice to the question, "Is it (the neighbourhood plan for Upwell) likely to have a significant effect on the historic environment?". Our comments are based on the information supplied with the Screening Opinion.

The supporting information (screening report and draft neighbourhood plan) supplied with the consultation indicates that within the plan area there is a range of designated historic environment assets, including Upwell Conservation Area. There is also likely to be other features of local historic, architectural or archaeological value, and consideration should also be given to the wider historic landscape. The documentation indicates that the Upwell Neighbourhood Plan proposes to allocate a number of sites for housing. However, neither the draft neighbourhood plan nor the screening report provided identifies the location or extent of any of the sites to be allocated. Although we note that the screening report suggests that the sites will be 'fairly well integrated with existing settlement', there is no evidence provided to demonstrate this. It is considered likely that this statement means development will be encouraged in the settlement of Upwell. As noted above, the village is designated as a conservation area, and development 'integrated with existing settlement' could therefore have an impact on this designated heritage asset. In addition, although we recognise that the draft plan is at an early stage of preparation, it does not yet contain policies that demonstrate a positive vision for the area in terms of the conservation and enjoyment of heritage assets, as required by paragraphs 17 and 126 of the National Planning Policy Framework.

In the absence of sufficient information regarding the location and extent of potential



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development sites, the lack of sufficient policy protection for heritage assets within the neighbourhood plan area in the draft plan, and given the potential significant effects (both positive and negative) upon the historic environment that development could have, Historic England hence considers that a Strategic Environmental Assessment will be required.

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. If, subsequent to this consultation, information regarding the location and extent of the potential development sites can be made available, we would be pleased to be re-consulted on the need for an SEA.

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.

We should like to stress that this opinion is based on the information provided by you with your correspondence dated March 20<sup>th</sup> 2018. To avoid any doubt, this does not reflect our obligation to provide further advice on later stages of the SA/SEA process and, potentially, object to specific proposals which may subsequently arise (either as a result of this consultation or in later versions of the plan/guidance) where we consider that, despite the SA/SEA, these would have an adverse effect upon the environment.

Yours sincerely,

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Date: 30 April 2018  
Our ref: 242096



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Dear Sir/Madam

### **Upwell Neighbourhood Plan – SEA screening determination**

Thank you for your consultation on the above dated 20 March 2018.

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.

The Site Allocations and Development Management Plan for King's Lynn and West Norfolk Borough Council confirms an allocation of 80 houses between Upwell and Outwell. It is Natural England's understanding that this allocation has been screened under the adopted Local Plan HRA. On this basis we agree with the conclusion stated in the preliminary screen opinion.

### **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 are concerned (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 SEA Directive is contained within the National Planning Practice Guidance<sup>1</sup>. The guidance highlights three triggers that may require the production of an SEA, for instance where:

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

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

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

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

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

For any queries relating to the specific advice in this letter or for any new consultations, please send your correspondences to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

Yours faithfully  
Dawn Kinrade  
Consultations Team

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Dear Alex

Thank you for your request for a screening opinion. I apologise for the late response.

Due to resource pressures we are no longer able to provide Local Planning Authorities with bespoke advice on screening opinions. If there is a specific issue that you require our expert advice on before issuing the screening opinion then please contact us with details and we will endeavour to assist you. We remain a statutory consultee for scoping opinions so please continue to submit these for our review and comments.

Below is a link to our developers guidance entitled 'Building a better environment' this sets out our role in development and how we can help.

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/289894/LIT\\_2745\\_c8ed3d.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/289894/LIT_2745_c8ed3d.pdf)

Also attached is a copy of our Planning Guidance document which contains basic information and links to the type of environmental issues we expect to be considered for development proposals.

If you have any further queries please do not hesitate to contact us.

Kind regards  
Elizabeth

**Elizabeth Mugova**  
Sustainable Places  
East Anglia Area (West)

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**Does Your Proposal Have Environmental Issues or Opportunities? Speak To Us Early!**

If you're planning a new development, we want to work with you to make the process as smooth as possible. We offer a bespoke advice service where you will be assigned a project manager who be a single point of contact for you at the EA, giving you detailed specialist advice within guaranteed delivery dates. This early engagement can significantly reduce uncertainty and delays to your project. More information can be found on our website [here](#).

Please note – Our hourly charge is now £100 per hour plus VAT from 1<sup>st</sup> April 2018.