



**Strategic Environmental Assessment (SEA)
Screening Determination Statement**

for

Ashwell Neighbourhood Plan

July 2019

Determination Statement

- 1.1. This statement has been prepared to ensure that the Neighbourhood Plan will, when examined, comply with the Neighbourhood Planning (General) Regulations 2012 (as amended) and in particular, Regulations 32 and 15(1)e(ii) of the Neighbourhood Planning (General)(Amendment) Regulations 2015
- 1.2. A neighbourhood plan is required to meet a number of basic conditions (set out in the Town and Country Planning Act 1990), one of which being it must not breach and must be otherwise compatible with EU and Human Rights obligations. This requires neighbourhood plans to consider the requirements of the SEA regulations¹ which transpose the EU's SEA Directive² into law and which requires those making plans that could impact on the environment to consider whether they are likely to have a significant effect or not.
- 1.3. Regulation 32 in the Neighbourhood Planning (General) Regulations 2012 (as amended) sets out an additional basic condition to those set out in the primary legislation. Regulation 32 states: "The making of the neighbourhood development plan is not likely to have a significant effect on a European sites (as defined in the Conservation of Habitats and Species Regulations 2017 or a European offshore marine site (as defined in the Conservation of Offshore Marine Habitats and Species Regulations 2017) (either alone or in combination with other plans and projects)."
- 1.4. Ashwell Parish Council completed an initial SEA screening assessment and Habitats Regulation Assessment for consultation with the Environment Agency, Historic England and Natural England to establish whether an SEA would be required for the Ashwell Neighbourhood Plan.
- 1.5. The SEA screening assessment concluded that the neighbourhood plan could have significant environmental effects and that a SEA might be required. The SEA screening assessment concluded that:
 - three sites are allocated for development, two greenfield sites outside the settlement boundary and one brownfield site within the settlement boundary;
 - that the policies in the neighbourhood plan would have a positive effect on the environment by providing an additional layer of protection; and
 - whilst the neighbourhood plan area contained sensitive heritage and natural features, the allocated sites and policies would not have significant effects on them.
- 1.6. The Habitats Regulations Assessment screening concluded that whilst there are three sites allocated in the neighbourhood plan, because the parish is not situated in, or in close proximity to, the Thames River Basin there are not likely to be any significant adverse effects on a designated European site.
- 1.7. Following consultation with the three agencies, responses were received from Historic England and Natural England which are summarised here:

¹ The Environmental Assessment of Plans and Programmes Regulations 2004

² European Union Directive 2001/42/EC

Natural England : based on the material supplied, Natural England concluded that there are unlikely to be significant environmental effects from the proposed plan.

Historic England : Historic England noted that the neighbourhood plan proposes to allocate three sites for housing and that within the neighbourhood plan area there are a range of designated historic environment assets. At that stage, concerns had been raised in the response to the first consultation draft of the neighbourhood plan that it was not clear whether an assessment of the heritage assets has been undertaken or what consideration of alternative sites had been made. Historic England concluded they did not concur with the screening opinion that there were no significant environmental effects and that there was insufficient evidence to support that conclusion. Historic England state that given the likely significant effects on the historic environment that a Strategic Environmental Assessment of the neighbourhood plan should be undertaken.

Environment Agency : No response was received from the Environment Agency.

- 1.8. Copies of the full responses from Historic England and Natural England are attached as Appendices A and B respectively.
- 1.9. In light of the SEA screening assessment prepared by Ashwell Parish Council Based and the consultation responses from the statutory environmental bodies, North Hertfordshire District Council determines that a Strategic Environmental Assessment of the Ashwell Neighbourhood Plan is required in accordance with the Environmental Assessment of Plans and Programmes Regulation 2004. The Council also determines that the Neighbourhood Plan is not likely to result in significant effects on any European site.

APPENDIX A

Response from Historic England



Historic England

By e-mail to:
Clare Skeels
Senior Planning Officer
North Herts District Council.

Our ref: PL00580365
Your ref:
Date: 12/06/2019
Direct Dial: 01223 582747

Dear Ms Skeels,

RE: Ashwell Neighbourhood Plan SEA Screening

Thank you for your email of 29 April 2019 regarding the above consultation. As the Government's adviser on the historic environment Historic England is keen to ensure that the protection of the historic environment is fully taken into account at all stages and levels of the local planning process. For the purposes of this consultation, Historic England will confine its advice to the question, "Is it (the Ashwell 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 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. 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 Ashwell Neighbourhood Plan proposes to allocate three sites for housing. Historic England made the following comments regarding these site allocations at Regulation 14 Consultation Stage:

Historic England has concerns about two of the three areas identified for housing development. Site two is adjacent to grade II The Orchard (41 West End) and opposite grade II 39 West End. The policy and supporting text only considers any harm to 41 West End and should also include 39 West End. The policy also does not seek to avoid harm first before seeing where harm can be mitigated. If a site assessment has identified appropriate mitigation measures, these could be incorporated into your policy. The test for assessing harm against public benefit differs as to whether it is substantial or less than substantial harm. For substantial harm the public benefit has to outweigh the harm or loss; for less than substantial harm the public benefits have to be weighed against the harm or loss. These are



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different tests to balancing harm against public benefit. Please see section 16 of the NPPF for the appropriate wording.

The access to site three appears to be the access beside grade II Woodlands and its attached barns. This access is opposite two further grade II listed buildings - The Old Cottage and 1 & 3 West End. The northern most boundary of the site comes close to the grade II registered park and garden of Ashwell Bury. It abuts the conservation area boundary to the south and is close to the boundary to the north. The proposed site also impacts on identified key views out of the conservation area 6 and 9. None of these points are picked up in the supporting text or policy of site 3. Whether or not Site 3 is a formal site allocation, it is not clear what consideration there has been of alternative sites and whether an assessment of heritage impacts has been carried out. If this site is carried forward within the Plan a heritage impact assessment should be undertaken to define an appropriate site boundary and identify appropriate avoidance and mitigation measures. These should be incorporated into the policy and not left to a developer masterplan.

The development of these two sites would potentially have significant effects on the historic environment, and we would note, therefore, that a Strategic Environmental Assessment may need to be carried out for this plan.

We do not concur with the Screening Report where it states, in reference to heritage assets in the vicinity of site allocations, “The proposals in the Plan are not felt to have significant environmental effects on these features”, and the report does not provide evidence to support this assertion.

Given the likely significant effects upon the historic environment, Historic England hence considers that 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.

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 29 April 2019. 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



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consider that, despite the SA/SEA, these would have an adverse effect upon the environment.

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

Yours sincerely,



Dr Natalie Gates
Team Leader, Partnerships Team, East of England
Natalie.Gates@HistoricEngland.org.uk



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APPENDIX B

Response from Natural England

Date: 20 May 2019
Our ref: 282330
Your ref: Ashwell Neighbourhood Plan



Ms Clare Skeels
Senior Planning Officer
North Hertfordshire District Council
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Nottingham
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Cheshire
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BY EMAIL ONLY

T 0300 060 3900

Dear Ms Skeels,

Ashwell Neighbourhood Plan – SEA Screening

Thank you for your consultation on the above dated and received by Natural England on 29 April 2019.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Screening Request: Strategic Environmental Assessment

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.

Natural England has no further comments to make on the SEA screening.

Neighbourhood Plan

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

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

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

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

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

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

For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours sincerely,

Clare Foster
Consultations Team