

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

September 2022

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



Borough Council of King's Lynn & West Norfolk preliminary screening report for a Strategic Environmental Assessment (SEA) and Habitats Regulation Assessment (HRA) for the emerging Burnham Market Neighbourhood Plan 2022-2036

1.0 Introduction

- 1.1 This screening report is designed to determine whether or not the content of the emerging Burnham Market Neighbourhood Plan requires a Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plans and Programmes Regulations 2004¹ ("the 2004 Regulations"). A SEA would be required if the implementation of the contents of the Neighbourhood Plan are likely to cause significant environmental effects.
- 1.2 This report will also determine whether or not the contents of the Neighbourhood Plan require a Habitats Regulations Assessment (HRA) in accordance with Article 6 (3) of the EU Habitats Directive and with the Conservation of Habitats and Species Regulations 2017². A HRA would be required when the implementation of the contents of the 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 provided by the Parish Council and the screening opinion consultation responses subsequently received from the Environment Agency, Historic England and Natural England under Regulation 11 (2004 Regulations). It should be read in conjunction with the SEA and HRA Screening Assessment July 2022, prepared by the appointed consultant on behalf of Burnham Market Parish Council.
- 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 and SEA/ HRA process which may subsequently arise if there are changes to the plan's content that could have an adverse effect upon the environment. The processes of SEA and HRA screening are iterative and evolve in parallel with the preparation of a Neighbourhood Plan.

2.0 Legislative Background

Strategic Environmental Assessment (SEA)

- 2.1 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.

¹ <https://www.legislation.gov.uk/uksi/2004/1633/contents/made>

² <https://www.legislation.gov.uk/uksi/2017/1012/contents>

Habitat Regulation Assessment (HRA)

- 2.3 HRA is a requirement of Article 6 (3) of the EU Habitats Directive and by the Conservation of Habitats and Species Regulations 2017. The Regulations require 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.

3.0 SEA Preliminary Screening

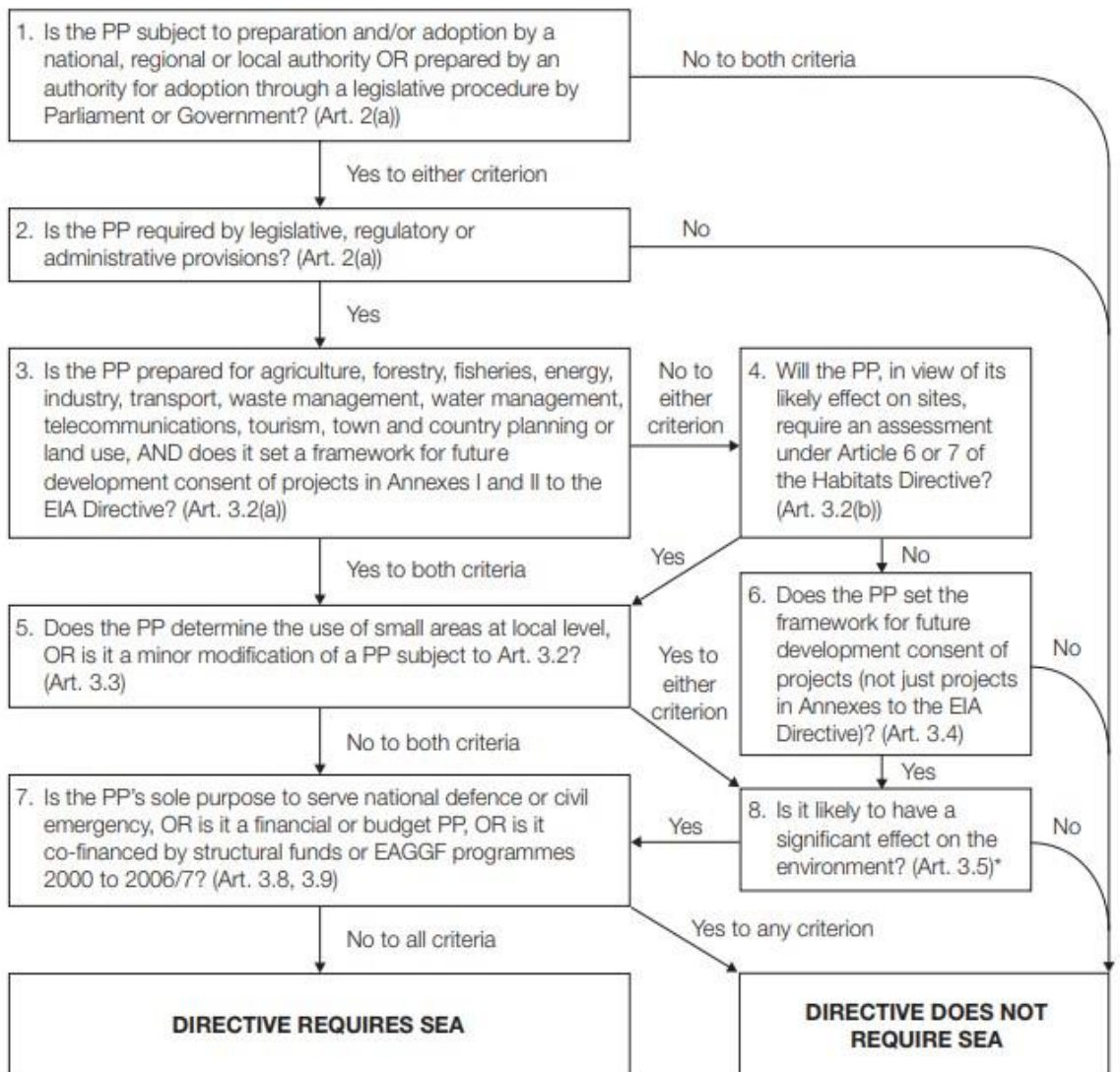
- 3.1 The process for determining whether or not a SEA is required is called screening. The SEA screening is a two-stage interrelated process. The first part considers the Neighbourhood Plan against the SEA assessment flow chart set out in the national guidance “A Practical Guide to the Strategic Environmental Assessment Directive”, (Paragraph 2.18, Figure 2, ODP, 2005³). 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 are being consulted upon the Borough Council’s preliminary opinion 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 (see the next page):

3

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

Figure 2 – Application of the SEA Directive to plans and programmes

This diagram is intended as a guide to the criteria for application of the Directive to plans and programmes (PPs). It has no legal status.



*The Directive requires Member States to determine whether plans or programmes in this category are likely to have significant environmental effects. These determinations may be made on a case by case basis and/or by specifying types of plan or programme.

Table 1: Criteria for determining the likely significance of effects	
1.	<p>The characteristics of plans and programmes, having regard, in particular, to</p> <ul style="list-style-type: none"> • 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.	<p>Characteristics of the effects and of the area likely to be affected, having regard, in particular, to</p> <ul style="list-style-type: none"> • the probability, duration, frequency and reversibility of the effects, • the cumulative nature of the effects • the trans-boundary 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: <ul style="list-style-type: none"> • 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

Source: Annex 11 of SEA Directive 2001/42/EC and Schedule 1 of the UK Environmental Assessment of Plans and Programmes Regulations 2004

4.0 Assessment (SEA)

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	Yes	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

	Stage	Yes/ No	Reason
	prepared by an authority for adoption through a legislative procedure by Parliament or Government? (Art. 2(a))		<p>Neighbourhood Plan is being prepared by the Town 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 Neighbourhood Plans are subject to the following regulations (not intended to be a complete list):</p> <ul style="list-style-type: none"> • The Neighbourhood Planning (General) Regulations 2012 • The Neighbourhood Planning (referendums) Regulations 2012 • the Neighbourhood Planning (General) (Amendment) Regulations 2015 • the Neighbourhood Planning (General)and Development Management Procedure (Amendment) Regulations 2016 • The Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2017
2.	Is the Neighbourhood Plan required by legislative, regulatory or administrative provisions? (Art. 2(a))	Yes	<p>Whilst preparation of a Neighbourhood Plan is not a requirement of the Town and Country Planning Act as amended by the Localism Act 2011, when “made” (adopted) by the local planning authority it will 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,	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’</p>

	Stage	Yes/ No	Reason
	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))		<p>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 framework for town and country planning and land use within the Parish of Burnham Market. 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 Policies Plan (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>
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))	No	<p>A Neighbourhood Plan could potentially have impacts on sites covered by the Habitats Directive. The Neighbourhood Plan operates within a context of significant extant planning commitments (site allocations) within the parish of Burnham Market.</p> <p>The Neighbourhood Plan is not proposing to make site allocations for residential housing or business purposes. Instead, this focuses upon delivering net enhancements to the local environment, through effective locally distinctive development management policies. Please see Section 4 of this report for further detail.</p>

	Stage	Yes/ No	Reason
5.	Does the Neighbourhood Plan determine the use of small areas at local level, OR is it a minor modification of a plan or project subject to Art. 3.2? (Art. 3.3)	Yes	<p>A Neighbourhood Plan can (and should) determine the use of small areas at a local (non-strategic) level. The draft Neighbourhood Plan focuses upon setting policy direction for managing development within the existing built-up area of the village. It includes policies relating to the protection of community services and facilities; protection of the built and natural environment; ensuring housing affordability and managing the historic environment. Overall, the focus of the Plan is upon protecting local character and effective management of development throughout Burnham Market.</p> <p>The Neighbourhood Plan for Burnham Market appears to be in overall conformity with the Borough's Local Plan and proposals are all considered to be of a minor scale and of no strategic significance.</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)	Yes	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, within the Parish of Burnham Market.
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)	No	Does not apply to a Neighbourhood Plan.
8.	Is it likely to have a significant effect on the environment? (Art. 3.5)	No	The Neighbourhood Plan seeks general conformity with the adopted strategic development plan policies in the Core

	Stage	Yes/ No	Reason
			Strategy (2011) and the Site Allocations and Development Management Policies Plan (2016) Development Plan Documents. It also has regard to the emerging replacement Local Plan review (submitted March 2022, currently under examination). From the application of criteria for determining the likely significant effects below it is considered it is unlikely that there will be any significant effects.

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
(1) Characteristics of the plan 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;	<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 Polices Plan (2016). The Borough Council is currently in the process of reviewing the Local Plan and it is anticipated that this should be adopted in 2023.</p> <p>The Neighbourhood Plan seeks to align and be in general conformity with both the current and Local Plan and its replacement, when adopted.</p>	No

Criteria in Annex 11 of the SEA Directive	Response	Is there a significant effect
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;	<p>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.</p> <p>Strategic policies in the replacement Local Plan have been similarly subject to sustainability appraisal. Therefore, adopted and replacement Local Plan policies have been subject to similar rigorous assessment under the SEA Regulations.</p>	No anticipated negative effects
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.	No anticipated negative effects.
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 Burnham Market Neighbourhood Plan	No

Criteria in Annex 11 of the SEA Directive	Response	Is there a significant effect
(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 Neighbourhood Plan is seeking to be in conformity with the adopted Local Plan. It does not propose significant growth not already considered and assessed by the Local Plan.	No
The cumulative nature of the effects;	It is considered unlikely 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 has been subject to full SEA (including SA) and Habitats Regulations Assessment. It should be noted that the Local Plan review will not seek to propose allocations at Burnham Market, as the 2016 Site Allocations and Development Management Policies Plan previously allocated land for development within the village (now fully implemented). This growth was subject to an SEA and HRA.	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);	Policies and proposals in the Burnham Market Neighbourhood Plan are small scale and of local significance only. These are unlikely to produce any significant effects in relation to this criterion.	No

Criteria in Annex 11 of the SEA Directive	Response	Is there a significant effect
<p>The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);</p>	<p>The Neighbourhood Plan covers the Parish of Burnham Market. The 2011 census recorded the population at 877. The northern part of the Parish, including the built-up area of Burnham Market village, is situated within the North Norfolk Area of Outstanding Natural Beauty. In comparison the Borough of King's Lynn and West Norfolk is 152,760 ha and has population of 147,451 (2011 census). To be clear the local policies sought to be introduced by the Neighbourhood Plan will only apply to the Parish of Burnham Market and therefore unlikely to impact beyond this significantly.</p>	<p>No</p>
<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>The Plan Area includes a Conservation Area that incorporates the historic core of the built-up area of the village. There are also a significant number of listed buildings, however through listing, National Policy and the Local Plan the appropriate statutory/ legal protection for these historic assets and their settings is afforded.</p> <p>The Neighbourhood Plan seeks to incorporate further policies in relation to the built and natural environment which to enhance these statutory protections through the development management system measures.</p> <p>The Burnham Market Neighbourhood Plan, by virtue of the “basic conditions”, will conform to strategic policies within the adopted Local Plan and its emerging replacement. The Local Plan provides protection to environmental characteristics across the Borough to ensure that they are not vulnerable to significant impacts from development. Policies within the Neighbourhood Plan will bolster these protections.</p>	<p>No</p>

Criteria in Annex 11 of the SEA Directive	Response	Is there a significant effect
<p>ii) Exceeded environmental quality standards or limit values</p> <p>iii) Intensive land use</p>	<p>The Neighbourhood Plan is unlikely to result in exceedance of environmental quality standards, such as those relating to air, water, and soil quality. Effective application of plan policies may have positive impacts, in terms of delivering an enhanced framework for effectively managing development within the Parish of Burnham Market.</p> <p>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>Policies for local residential parking standards and enhancing connectivity in/ around Burnham Market of local significance only.</p>	<p>No</p> <p>No</p>
<p>The effects on areas or landscapes which have a recognised national, Community or international protection status</p>	<p>The northern part of the Neighbourhood Plan Area is situated within the North Norfolk Area of Outstanding Natural Beauty (AONB). This statutory national designation incorporates approximately 50% of the Neighbourhood Plan Area (the northern part), including the built-up area. The southern part of the Parish (outside the AONB) is entirely rural and no significant development is anticipated in this area.</p> <p>Within the built-up area there are a significant number of designated heritage assets which reflect the cultural and heritage value of the village. It is anticipated the Burnham Market Neighbourhood Plan should bolster the historic environment through policies to encourage good design and effective development management for the historic and built environment.</p> <p>The environmental effects on areas of biodiversity designations within the Neighbourhood Area have been considered through the Local Plan.</p>	<p>No</p>

5.0 Habitat Regulations Assessment

- 5.1 The Habitats Regulations Assessment (HRA) refers to the assessment required for any plan or project to assess the potential impacts against the conservation objectives of Natura 2000 wildlife sites. The assessment must determine whether the plans would adversely affect, or are likely to affect, the integrity of a site(s) in terms of its nature conservation objectives. Where negative effects are identified other options should be examined to avoid any potential damaging effects.
- 5.2 The HRA process is generally divided into three stages:
1. The initial stage of the HRA process is called the screening stage and determines if there are any likely significant effects or risk of significant effects possible, as a result of the implementation of the plan.
 2. The screening process should provide a description of the plan and an identification of the Natura 2000 sites which may be affected by the plan and assess the significance of any possible effects on the identified sites.
 3. If it is determined (in consultation with Natural England) that there are potential significant adverse effects, then the plan will need to be subject to an “Appropriate Assessment”, under the relevant provisions of the Habitat Regulations.
- 5.3 **There are no Designated Sites (including Natura 2000 wildlife sites) within the Neighbourhood Plan Area.** The nearest Special Area of Conservation (SAC)/ Special Protection Area (SPA) Ramsar site(s) are The Wash & North Norfolk Coast SAC/ SPA/ Ramsar site(s), to the north of the Neighbourhood Area. The SAC/ SPA/ Ramsar site(s) are also designated a SSSI. It is noted that a watercourse, which runs through the Burnham Market built-up area, flows into the River Burn which, in turn, drains into the North Sea. The lower reaches of the River Burn lie within the North Norfolk coastal SAC/ SPA/ Ramsar site(s)/ SSSI.
- 5.4 The Neighbourhood Plan includes a specific policy for surface water management. This promotes the development of sustainable drainage systems (SuDS) and gives implicit recognition of the need for effective drainage management, including potential discharges into the River Burn drainage catchment.
- 5.5 There may be other local wildlife designations within the Neighbourhood Plan Area. The Neighbourhood Plan must take this into account and ensure that policies are consistent with the designation objectives. The Burnham Market Neighbourhood Plan contains a suite of policies which aim to achieve this environment.
- 5.6 A ‘Habitats Regulations Assessment of Detailed Policies and Sites Plan: Site Allocations and Development Management Policies – Proposed Submission Document’ was carried out and published in September 2015 by Wild Frontier Ecology to support the Local Plan (Site Allocations and Development Management Policies 2016). This considered the impacts of the housing growth arising from the Local Plan (three sites) and any potential significant impacts upon the Natura 2000 sites. A Habitats Regulations Assessment was also prepared to

accompany the emerging replacement Local Plan⁴, which similarly provided an assessment of the implications of Plan policies for the Borough as a whole, including upon Natura 2000 sites.

- 5.7 The Burnham Market Neighbourhood Plan seeks to be in conformity with the strategic policies of the Local Plan (Core Strategy 2011 and the Site Allocations and Development Management Policies Plan 2016). The site allocation in the 2016 Site Allocations and Development Management Policies Plan has since been implemented. The emerging replacement Local Plan does not propose any further housing land allocations at Burnham Market and the Neighbourhood Plan similarly does not propose any additional housing sites.
- 5.8 The Neighbourhood Plan recognises the quantum of development that is already committed and does not propose any further growth beyond this. This approach would be in conformity with the Local Plan which allows for continued modest levels of development (windfalls) within the development boundary to meet local needs and maintain the vitality of these communities in a sustainable manner. (CS02, CS06, CS09, CS12), and the Neighbourhood Plan 'basic conditions'; i.e. supporting sustainable development.
- 5.9 After careful consideration and on balance based upon the above it is considered unlikely that a HRA will need to be undertaken. In general, it is noteworthy, that if a HRA is necessary automatically also a SEA has to be undertaken.

6.0 Screening Outcome

- 6.1 The Borough Council prepared this document as a preliminary screening opinion. The statutory bodies, the Environment Agency, Historic England and Natural England, as required within the SEA and HRA screening process, were consulted upon this over 6 weeks (3rd August – 14th September 2022, inclusive). Through ongoing discussions and engagement with the qualifying body and the statutory bodies, the Borough Council has reached a conclusion on the matter of the screening report. 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; there is not the potential for significant environmental effects to arise from the implementation of the proposals in the emerging Neighbourhood Plan for Burnham Market.
- 6.3 Based upon the assessment above and the responses from the statutory consultation bodies, the Borough Council has concluded that:
- **The Burnham Market Neighbourhood Plan does not require a full Strategic Environmental Assessment (SEA);** and
 - **The Burnham Market Neighbourhood Plan does not require an Appropriate Assessment, under the Habitat Regulations.**

⁴ https://www.west-norfolk.gov.uk/info/20216/local_plan_review_2016_-_2036/882/proposed_pre-submission_local_plan_review_documents

- 6.4 This report is based on an initial screening request made by the Burnham Market Parish Council (Qualifying Body). The Neighbourhood Plan at this stage is still at an early stage, with a preliminary draft document having now been prepared in advance of public consultation under the Neighbourhood Planning (General) Regulations 2012 (Regulation 14). The Neighbourhood Plan itself may be subject to review by Natural England, Historic England and the Environment Agency through the Regulation 14 consultation. The screening opinion and report may also need to be updated and/ or reviewed if further changes are made to the Neighbourhood Plan following the Regulation 14 consultation.
- 6.5 This report will be issued to Burnham Market 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:

[Signed, Geoff Hall]

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Geoff Hall, Executive Director Environment and Planning

28/09/2022

.....
28 September 2022

Appendix: Statutory Body Consultation Responses

Environment Agency

No response received from the Environment Agency.

As confirmed through a previous SEA consultation for the Grimston, Roydon and Congham Neighbourhood Plan (8th October 2021), the Environment Agency has stated that they will no longer provide bespoke responses to SEA screening consultations for Neighbourhood Plans.

Historic England – email, 5th September 2022

Dear

RE: Burnham Market Neighbourhood Plan - Strategic Environmental Assessment (SEA)/ Habitat Regulations Assessment (HRA) screening (Our Reference: PL00785142)

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 Burnham Market 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 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,

Historic Places Adviser - East of England
Historic England

Direct Line: 01223 582 746

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Historic England

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www.historicengland.org.uk

Natural England – 19th August 2022

Date: 19 August 2022
Our ref: 402721
Your ref: Burnham Neighbourhood Plan



King's Lynn and West Norfolk Borough Council

BY EMAIL ONLY

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Dear

Burnham Market Neighbourhood Plan - Strategic Environmental Assessment (SEA) and Habitat Regulations Assessment (HRA) screening

Thank you for your consultation on the above dated and received by Natural England on 03 August 2022

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

Screening Request: Strategic Environmental Assessment (SEA) and Habitat Regulations Assessment (HRA) screening

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 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 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

Consultations Team