

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 Marshland St James Neighbourhood Development Plan 2022-2038

September 2024

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 Marshland St James Neighbourhood Development Plan 2022-2038

1.0 Introduction

- 1.1 This screening report is designed to determine whether or not the content of the emerging Marshland St James Neighbourhood Development Plan requires a Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/EC; incorporated into UK legislation through the Environmental Assessment of Plans and Programmes Regulations 2004¹. 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 (known collectively as 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. It should be read in conjunction with the SEA and HRA Screening Assessment March 2024, prepared by the appointed consultant on behalf of Marshland St James 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

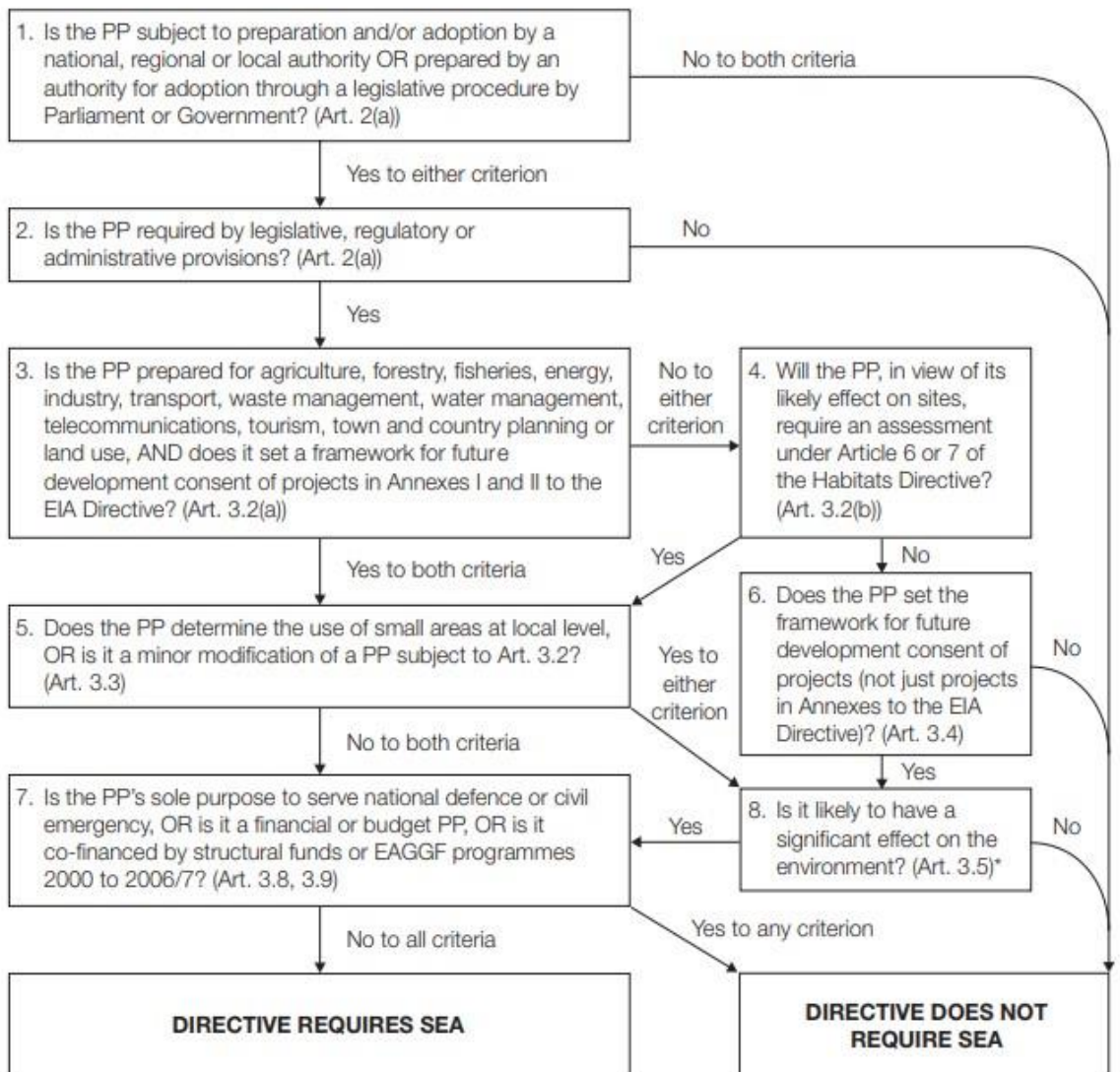
- 3.1 The process for determining whether or not a full SEA is required is called screening. The SEA screening is a two-stage interrelated process. The first part considers the Neighbourhood Plan against the SEA assessment flow chart set out in the national guidance “A Practical Guide to the Strategic Environmental Assessment Directive”, (Paragraph 2.18, Figure 2, ODPM, 2005³). The second part of the assessment is required 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 national statutory consultation bodies (Environment Agency, Historic England and Natural England) 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):

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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. Preparation of Neighbourhood Plans is 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 Marshland St James. 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> <p>The replacement Local Plan 2021-2040 is currently under examination, and it is anticipated this will be adopted by March 2025. Meanwhile, until the replacement Plan is adopted, the Marshland St James Neighbourhood Plan will need to be in general conformity with the strategic policies of the development plan (i.e. 2011 Core Strategy and 2016 Site Allocations and 2016 Development Management Policies Plan).</p>
4.	Will the Neighbourhood Plan, in view of its likely effect on sites, require an assessment for future development under	No	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

	Stage	Yes/ No	Reason
	Article 6 or 7 of the Habitats Directive? (Art. 3.2(b))		<p>allocations) within the parish of Marshland St James.</p> <p>The Neighbourhood Plan initially considered making new site allocations, but is not now proposing to make these for residential housing or business purposes. Instead, this focuses upon protection and enhancement of local community infrastructure and facilities, together with the management of housing mix/ tenure through the planning system and achieving high-quality design.</p> <p>Please see Section 4 of this report for further detail.</p>
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 the use of small areas within the existing built-up area of the village. It includes policies relating to the protection of community services and facilities; and locally distinctive development management policies. Overall, the focus of the Plan is upon delivering overall enhancements to the local community.</p> <p>The Neighbourhood Plan for Marshland St James 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	<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</p>

	Stage	Yes/ No	Reason
			future development at a local level, within the Parish of Marshland St James.
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 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 (submitted March 2022, currently under examination and anticipated to be adopted by spring 2025). 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 Policies Plan (2016). The replacement Local Plan 2021-2040 was submitted for independent examination in March 2022, and it is anticipated that this will be adopted around spring 2025.</p> <p>The Neighbourhood Plan Review seeks to align and be in general conformity with both the current Local Plan and its replacement, when adopted. It is likely that the Review will need to be examined with reference to the replacement Local Plan 2021-2040 (strategic policy framework), rather than the current Local Plan.</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 policies and direction at a local (parish-level) 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 anticipated negative effects

Criteria in Annex 11 of the SEA Directive	Response	Is there a significant effect
	Strategic policies in the replacement Local Plan 2021-2040 have been similarly subject to Sustainability Appraisal ⁴ . Therefore, adopted and replacement Local Plan policies have been subject to similar rigorous assessment under the SEA Regulations.	
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 (both the currently adopted version and emerging replacement Local Plan 2021-2040).	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 Marshland St James Neighbourhood Development Plan	No
(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 2021-2040 will introduce significant environmental effects. Whilst both the Neighbourhood Plan and replacement Local Plan are being prepared, the latter is already subject to full SEA including SA and Habitats	No

⁴ https://www.west-norfolk.gov.uk/info/20079/planning_policy_and_local_plan/629/sustainability_appraisal

Criteria in Annex 11 of the SEA Directive	Response	Is there a significant effect
	Regulations. It should be noted that the Local Plan will not seek to propose new allocations at Marshland St James, as the 2016 Site Allocations and Development Management Policies Plan already allocates land for development in the village, most of which has already been delivered. This planned growth has been subject to both SEA and HRA.	
The trans-boundary nature of the effects;	The emerging Neighbourhood Plan policy areas provide supplementary policy areas on a local scale. It focuses upon the protection and enhancement of community facilities whose catchment may extend beyond the parish (Neighbourhood Area) boundary, although the impacts of these 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 Marshland St James Neighbourhood Development Plan are small scale and of local significance only. These are unlikely to produce any significant effects in relation to this criterion.	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 Marshland St James. The 2011 census recorded the population at 1,336 (approximately 1,400: 2021 census) and the extent of the parish beyond the built-up area of Marshland St James village (rural hinterlands) covers a sparsely populated fenland area to the south-east of the built-up area, bisected by the Middle Level Main Drain. In comparison the Borough of King's Lynn and West Norfolk is 152,760 ha and has population of 154,325 (2021 census). To be clear the local policies sought to be introduced by the Neighbourhood Plan will only apply to the Parish of Marshland St James and therefore unlikely to impact beyond this significantly.	No

Criteria in Annex 11 of the SEA Directive	Response	Is there a significant effect
<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>The Plan Area includes a single listed structure (Marshland Smeeth, and Fen War Memorial). Through listing, National Policy and the Local Plan the appropriate statutory/legal protection for this designated heritage asset and its setting (at the entrance to the cemetery) is afforded.</p> <p>The Neighbourhood Plan seeks to incorporate further policies in relation to the built environment (with reference to design) which to enhance these statutory protections through recognising the setting of designated heritage assets.</p> <p>The Marshland St James Neighbourhood Development Plan, by virtue of the “basic conditions”, will 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. Policies within the Neighbourhood Plan will bolster these protections.</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 Marshland St James; e.g. through detailed design criteria and improved active travel connectivity.</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>No</p> <p>No</p> <p>No</p>

Criteria in Annex 11 of the SEA Directive	Response	Is there a significant effect
	Policies for residential parking standards and design (with reference to detailed local design codes) are of a local scale and significance only.	
The effects on areas or landscapes which have a recognised national, Community or international protection status	<p>The Neighbourhood Plan Area includes a single listed structure, situated within the linear core of the village, as defined by Smeeth Road. In addition to the designated heritage assets, several medieval archaeological sites have been identified, including Old Podyke Bank and St James Church/ chapel (Norfolk HER).</p> <p>The environmental effects on areas of biodiversity designations within the Neighbourhood Area have been considered through the Local Plan. The Plan is broadly silent on matters of protected natural and historic environmental designations, instead focusing upon community infrastructure, connectivity and design.</p>	No

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 Neighbourhood Area is situated to the west of the River Great Ouse and north-west of the New/ Old Bedford Rivers. It is also bisected by the Middle Level Main Drain, which flows south-west/ north-east through the parish. It is equidistant between the following Natura 2000 wildlife sites:

- The Wash and North Norfolk Coast Special Protection Area (SPA)/ Special Area of Conservation (SAC)/ Ramsar site – approximately 14km to the north; and
- Ouse Washes (Old and New Bedford River) SPA/ SAC Ramsar site – approximately 14km to the south.

5.4 The Middle Level Main Drain flows into the tidal part Great Ouse near Wiggshall St Germans. The Great Ouse is one of four major watercourses draining into The Wash (together with the Rivers Nene, Welland and Witham). Growth within the Great Ouse catchment could have implications for downstream designations. However, this is not a significant consideration in the case of Marshland St James, as no additional development (beyond that already committed in the adopted Local Plan) is proposed in the Neighbourhood Plan.

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 Marshland St James Neighbourhood Development Plan contains focuses upon the developed part of the village and does not contain policies relating to the wider countryside beyond. The latter issues are already covered through natural environment policies in the adopted Local Plan.

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 Plan⁵, 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 Marshland St James Neighbourhood Development 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). It focuses upon matters of community sustainability and a high-quality built environment. In terms of the natural environment (with particular reference to Natura 2000 sites), it does not go beyond adopted Local Plan policies.
- 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 designates Marshland St James as a Rural Village and 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 4 weeks (18 June – 16 July 2024, inclusive), in accordance with the requirements of the 2004 Regulations. 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 Marshland St James.
- 6.3 Subject to confirmation by the relevant statutory consultation bodies, the Borough Council has concluded that:

⁵ https://www.west-norfolk.gov.uk/info/20216/local_plan_review_2016_-_2036/882/proposed_pre-submission_local_plan_review_documents

- **The Marshland St James Neighbourhood Development Plan does not require a full Strategic Environmental Assessment (SEA); and**
- **The Marshland St James Neighbourhood Development Plan does not require an Appropriate Assessment, under the Habitat Regulations.**

6.4 This report is based on an initial screening request made by the Marshland St James 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 Marshland St James 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:

Stuart Ashworth

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Assistant Director Environment and Planning

3 September 2024

Appendix: Statutory Body Consultation Responses

Environment Agency

No Response received

Historic England – Response received 28th June 2024

PL00796225: Marshland St. James NDP Screening Opinion SEA

Dear Michael,

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 Marshland St. James 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,
Ross

██████████ (he/him)
Historic Places Adviser
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Natural England – Response received 15th July 2024

Date: 15 July 2024
Our ref: 479670
Your ref: Marshland St James Neighbourhood Plan



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[REDACTED]
King's Lynn & West Norfolk Council

BY EMAIL ONLY

Dear Mr Burton

Marshland St James Neighbourhood Plan 2022-2038 - SEA & HRA Screening Consultation

Thank you for your consultation on the above dated and received by Natural England on 18 June 2024.

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 Habitats Regulations Assessment (HRA)

It is Natural England's advice, on the basis of the material supplied with the consultation, that:

- **significant effects on statutorily designated nature conservation sites or landscapes are**
- **unlikely; and,**
- **significant effects on Habitats sites¹, either alone or in combination, are unlikely.**

The proposed neighbourhood plan is unlikely to significantly affect any Site of Special Scientific Interest (SSSI), Marine Conservation Zone (MCZ), Special Areas of Conservation (SAC), Special Protection areas (SPA), Ramsar wetland or sites in the process of becoming SACs or SPAs ('candidate SACs', 'possible SACs', 'potential SPAs') or a Ramsar wetland. The plan area is unlikely to have a significant effect on a National Park, Area of Outstanding Natural Beauty or Heritage Coast, and is unlikely to impact upon the purposes for which these areas are designated or defined.

¹ Habitats sites are those referred to in the [National Planning Policy Framework](#) (Annex 2 - glossary) as "any site which would be included within the definition at regulation 8 of the Conservation of Habitats and Species Regulations 2017 for the purpose of those regulations, including candidate Special Areas of Conservation, Sites

of Community Importance, Special Areas of Conservation, Special Protection Areas and any relevant Marine Sites”.

Guidance on the assessment of Neighbourhood Plans, in line with the Environmental Assessment of Plans and Programmes Regulations 2004 is contained within the [Planning Practice Guidance](#). This identifies three triggers that may require the production of an SEA:

- 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.

Natural England does not hold information on the location of significant populations of protected species, so is unable to advise whether this plan is likely to affect protected species to such an extent as to require an SEA. Further information is included in Natural England’s [standing advice](#) on protected species.

Furthermore, Natural England does not routinely maintain locally specific data on all environmental assets. The plan may have environmental impacts on priority species and/or habitats, local wildlife sites, soils and best and most versatile agricultural land, or on local landscape character that may be sufficient to warrant an SEA. Information on ancient woodland, ancient and veteran trees is set out in Natural England/Forestry Commission [standing advice](#).

We therefore recommend that advice is sought from your ecological, landscape and soils advisers, local record centre, recording society or wildlife body on the local soils, best and most versatile agricultural land, landscape, geodiversity and biodiversity receptors that may be affected by the plan before determining whether a SEA is necessary.

Natural England reserves the right to provide further advice on the environmental assessment of the plan. This includes any third party appeal against any screening decision you may make. If a SEA is required, Natural England must be consulted at the scoping and environmental report stages.

Please send any new consultations, or further information on this consultation to consultations@naturalengland.org.uk

Yours sincerely



Consultations Team