

# Marshland St James Neighbourhood Plan 2022-2038



SEA and HRA Screening  
Assessment March 2024

## Table of Contents

<b>INTRODUCTION</b> .....	<b>1</b>
<b>SEA SCREENING</b> .....	<b>3</b>
SCOPE OF THE MARSHLAND ST JAMES NEIGHBOURHOOD PLAN .....	3
<b>BASELINE INFORMATION</b> .....	<b>4</b>
CONTEXT .....	4
BIODIVERSITY, FLORA, AND FAUNA .....	5
POPULATION .....	7
HUMAN HEALTH.....	8
SOIL .....	8
WATER .....	9
AIR AND CLIMATIC FACTORS.....	12
MATERIAL ASSETS .....	12
CULTURAL HERITAGE.....	16
<b>SEA SCREENING</b> .....	<b>20</b>
<b>HRA SCREENING ASSESSMENT</b> .....	<b>31</b>
<b>HRA SCREENING CONCLUSION</b> .....	<b>34</b>

### List of figures:

<b>Figure 1: Designated Neighbourhood Area</b> .....	<b>2</b>
Figure 2- Habitat Networks.....	6
Figure 3- Total Population Source: ONS, Mid-Year Population Estimates at Parish Level .	7
Figure 4- Population Structure Source: Census 2011; 2021 .....	8
Figure 5- Agricultural Land Classification (Source, Natural England 2024) .....	9
Figure 6- Fluvial Flood Risk Source: West Norfolk Strategic Flood Risk Assessment, 2018 .....	10
Figure 7- Surface Water Flood Risk (Source Environment Agency 2024).....	11
Figure 8- Extent of flood risk from Rivers and Sea .....	12
Figure 9- Public Footpath .....	14
Figure 10- National Cycle Route 1 runs through the parish. ....	15
Figure 11- Norfolk Heritage Explorer Map .....	16
Figure 12- Historical Assets .....	17
Figure 13- Light pollution map. ....	19
Figure 14- Schedule 1 Criteria for determining the likely significance of effects .....	22
Figure 15- Application of the SEA Directive to plans and programmes .....	23

Figure 16- Application of SEA Directive to MSJNP .....	24
Figure 17- Likely Significant Effects.....	27
Figure 18- European Sites within 20km of Marshland St James .....	32
Figure 19- HRA Screening Assessment .....	33

# Introduction

1. Marshland St James Parish Council is preparing a Neighbourhood Plan for Marshland St James parish, known as MSJNP throughout this document. The planning period will be 2022-2038. The designated area (**See Figure 1**) is located within King's Lynn & West Norfolk Borough Council area. [Collective Community Planning](#) has been appointed by the parish council to consider whether there is a need for a Strategic Environmental Assessment (SEA) to be undertaken on MSJNP. This is required under European Directive 2001/42/EC (the SEA Directive), transposed into UK law through the SEA Regulations<sup>1</sup>.
2. SEA may be required for a Neighbourhood Plan if it is likely to have significant environmental effects. A Sustainability Appraisal (SA) is like an SEA but includes assessment of the likely significant effects of a plan or programme on economic and social factors, as well as environmental factors. Planning Practice Guidance (PPG) clarifies that there is no legal requirement for a Neighbourhood Plan to be subject to a SA, but that SA can be used to demonstrate how the plan will contribute to sustainable development.
3. 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<sup>2</sup> and with Regulation 105 of the Conservation of Habitats and Species Regulations 2017<sup>3</sup>. 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).

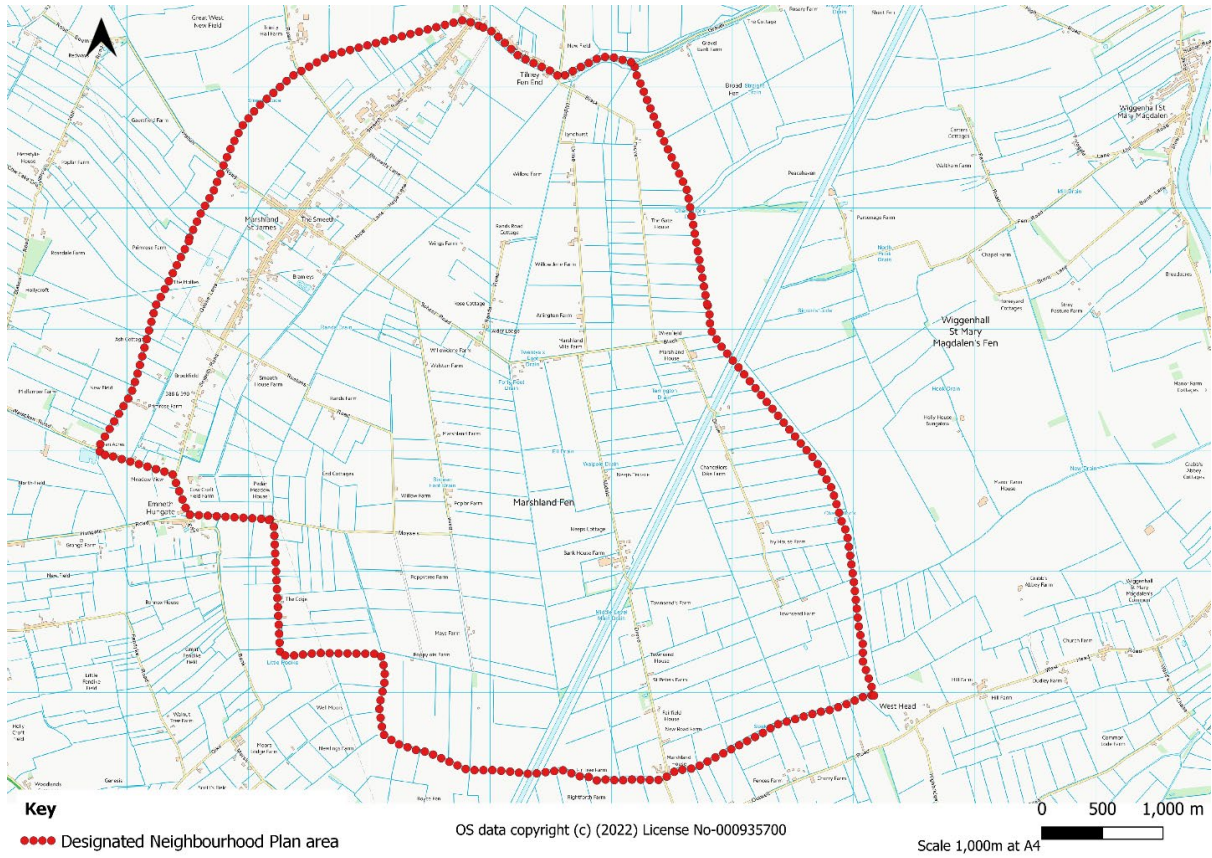
---

<sup>1</sup> The Environmental Assessment of Plans and Programmes Regulations 2004 (SI 2004/1633), as amended by the Environmental Assessment and Miscellaneous Planning (Amendment) (EU Exit) Regulations 2018 (SI 2018/1232). It should be noted that the purpose of the amendments to the SEA Regulations is to ensure that the law functions correctly after the UK has left the European Union. No substantive changes are made to the way the SEA regime operates.

<sup>2</sup> [EUR-Lex - 31992L0043 - EN - EUR-Lex \(europa.eu\)](#)

<sup>3</sup> [The Conservation of Habitats and Species Regulations 2017 \(legislation.gov.uk\)](#)

Figure 1: Designated Neighbourhood Area



# SEA Screening

## Scope of the Marshland St James Neighbourhood Plan

4. A draft (Regulation 14) version of MSJNP is currently being prepared. It is intended that this is subject to public consultation in 2024. MSJNP includes a vision for the long-term future of Marshland St James, along with aims to support delivery of this vision. The current draft vision is:

*In 2038 Marshland St James will be a thriving community with high quality housing, improved transport links and more local services, which is valued by its residents and visitors alike. Any future development will look to support this vision with a suitable balance of housing and economic growth, whilst maintaining the essential rural character of the village.*

5. The draft plan currently includes four specific aims to deliver this vision:
  - A. *Ensure that future housing development is a mix and type that meets the needs of the community.*
  - B. *Encourage investment in infrastructure, including transport, to support a growing population.*
  - C. *Create new employment opportunities.*
  - D. *Support high quality design of new development, both in terms of what development looks like and how it performs from an energy perspective.*
6. MSJNP will have a range of non-strategic planning policies to realise and deliver the above vision and aims. This includes policies:
  - Welcoming new community services, facilities, and employment opportunities such as commercial development and redeveloping redundant farm buildings;
  - To protect the loss of community facilities for the vitality of the parish;
  - To ensure the housing mix, including affordable housing, on new development sites meets local need;
  - To achieve high quality design with the input of Marshland St James design codes/guide, that reinforces and complements local distinctiveness;
  - To tackle the issue of non-residential parking by setting parking standards.
  - Identifying footway improvements for new development.

7. **The plan does not allocate land for development.**

## Baseline Information

8. This section summarises baseline information for the MSJNP area, drawing on the Evidence Base which will accompany the Neighbourhood Plan.

### Context

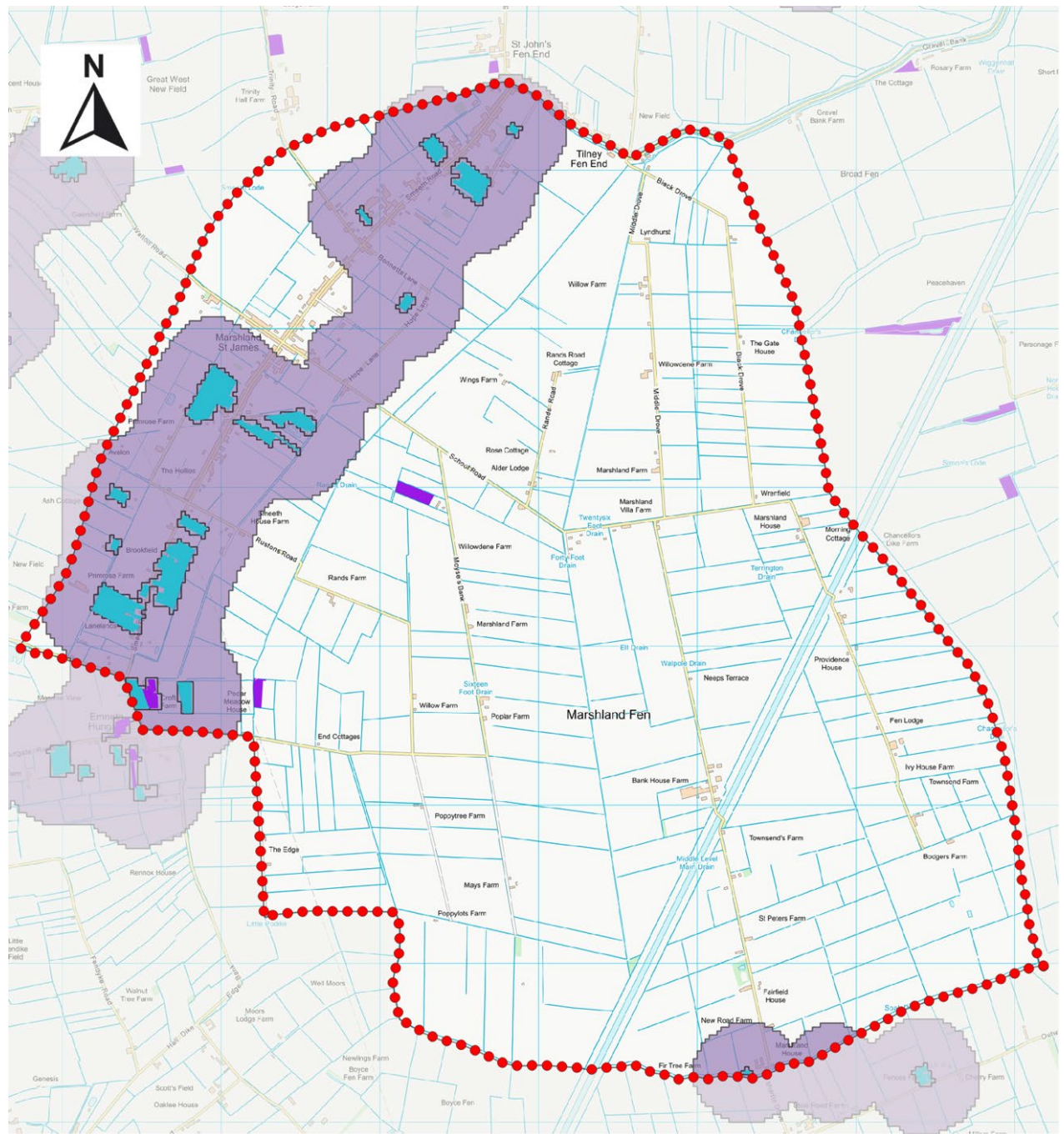
9. Marshland St James is a village in Kings Lynn & West Norfolk Borough, with a resident population of around 1400 according to the Census 2021. Marshland St James is a linear settlement, 11 miles southwest of King's Lynn and six miles (by road) east of Wisbech. The A47 Trunk Road runs north of the parish and the parish sits within the relatively sparsely populated, flat, open countryside of West Norfolk's fenland. The village extends along Smeeth Road with the central part being south of its junction with Walton Road to the cemetery and north to the village hall.
10. Along with St John's Fen End/Tilney Fen End, which are actually in other parishes, it is designated as a Rural Village in the adopted Local Plan Core Strategy. Rural villages have, according to the adopted Core Strategy, a limited but locally important role meeting the needs of the immediate village.
11. The Neighbourhood Plan area does not encompass any statutory or non-statutory wildlife designations. The nearest is around 5km south, the Ouse Washes Special Protection Area, Site of Special Scientific Interest and Ramsar. Parts of the parish contain Habitats of Principle Importance such as traditional orchard. The parish is situated within flood zone 2 and 3 with the highest risk of flooding coming from tidal/coastal due to the community is surrounded by the tidal floodplain and the most likely source of flooding is through surface water.
12. Marshland St James has a small range of services including the primary school, village hall (Marshland Hall), a playing field with a large play area facility, and St James Methodist Church. There is no bus service or bus stops present in the parish and accessing the open countryside, for recreational walks, is not particularly good as there are very few public footpaths.
13. For all its size, evidence of early human activity in the parish is sparse, for the simple reason that it was too wet to use as anything other than grazing land. The parish does not have a conservation area, any scheduled monuments, battlefields, registered parks, or gardens. There is one listed building which is the Marshland Smeeth and Fen War Memorial.

## Biodiversity, flora, and fauna

14. **There are no Natural England statutory designated sites in the neighbourhood area.**
15. The Neighbourhood Plan area also does not encompass any non-statutory wildlife designations. The nearest statutory designation is around 5km south, the Ouse Washes Special Protection Area, Site of Special Scientific Interest and Ramsar. This stretches from Downham Market to near St Ives in Cambridgeshire and is a flood storage area often underwater during the winter. It is internationally significant for wintering and breeding wildfowl and waders and has rich aquatic fauna and flora, and areas of unimproved grassland.
16. Parts of the parish contain Habitats of Principle Importance for biodiversity conservation, those which are most threatened, in greatest decline or where the UK holds a significant proportion of the world's total population, see **Figure 2**.
17. The predominant type of priority habitat is 'traditional orchard', but there is also 'deciduous woodland'. Many of the traditional orchards fall within the main settlement area, and Natural England identifies that there are or is potential for important habitat networks across much of this area of the parish. Local authorities have a duty to consider the conservation of these habitats, and development that would adversely affect these would not normally be acceptable.



Figure 2- Habitat Networks



0 500 1,000 m  
 Scale: 31,500 at A4

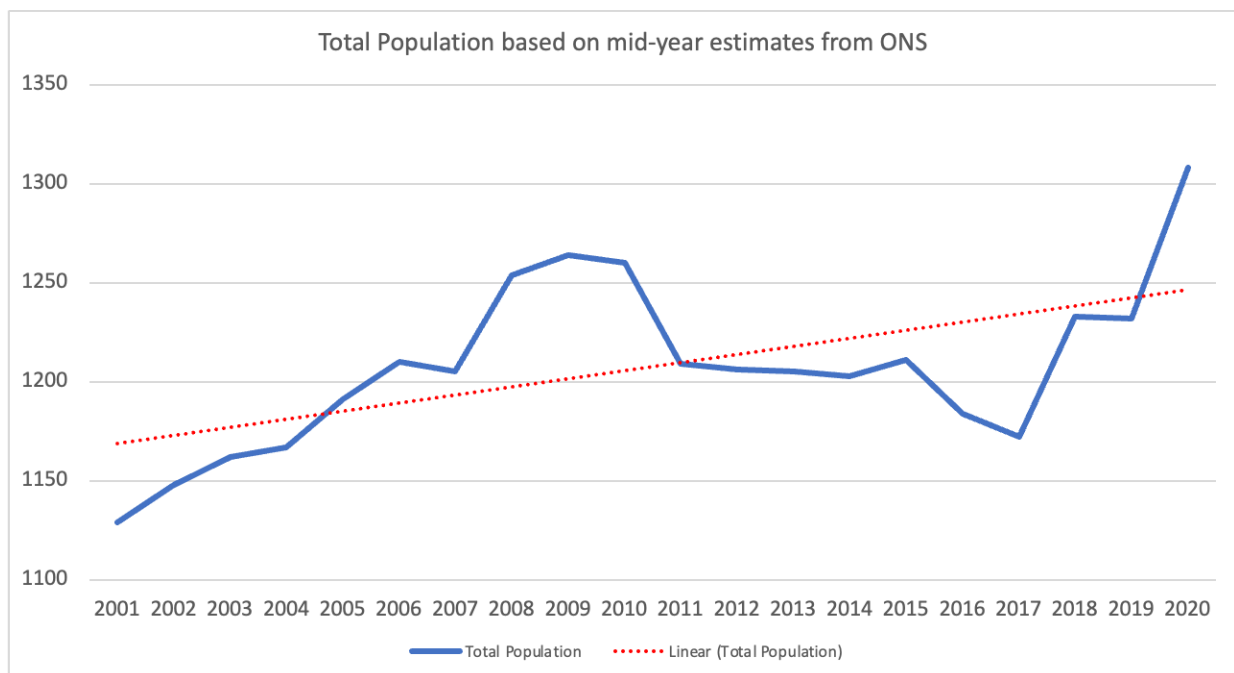
Contains Ordnance Survey data © Crown copyright and database right 2022  
 Source: Natural England 2021

- Priority Habitat**
- Deciduous woodland
  - Traditional orchard
  - Habitat Networks
  - Designated Neighbourhood Area

## Population

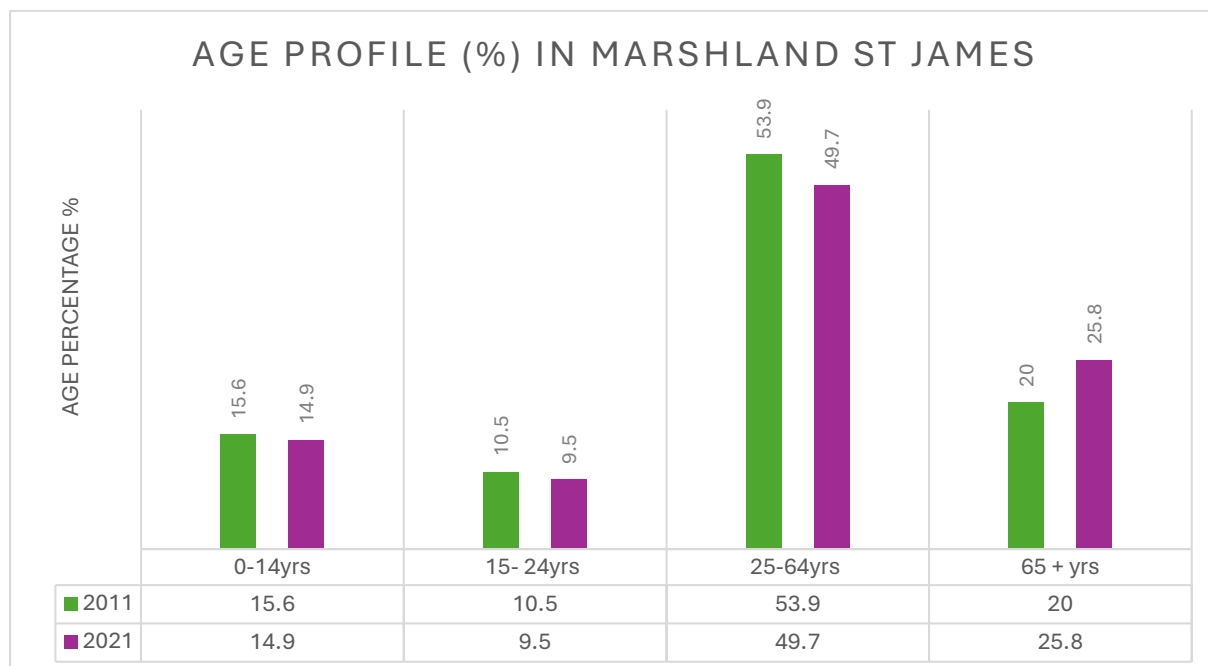
18. According to the Census 2021, Marshland St James has a current population of 1,400 (rounded to the nearest 100). The data indicates around a 16-17% increase in population over the last 20 years. **Figure 3** provides an overview of how the population had changed between 2001 and 2020, although the overall trend is upward, population is predicted to have fallen in some years.

Figure 3- Total Population Source: ONS, Mid-Year Population Estimates at Parish Level



19. The age structure in 2011 compared to 2021 is provided in **Figure 4**. The population has aged over this time with the proportion of people aged 60 and above increasing from 20% to 25.8%. The data indicates there has been a slight decline in all other age groups in the last ten years, with a particularly marked decrease in people aged 25-64yrs. Overall, the sex ratio of males to females is pretty balanced at 50:50, but as is common elsewhere. The Census 2021 data available does not give a specific breakdown as of yet on the age and gender of all residents.

Figure 4- Population Structure Source: Census 2011<sup>4</sup>; 2021<sup>5</sup>



## Human Health

20. Provision of age-related services is likely to become an increasing consideration for the neighbourhood plan area over time as the proportion of over 65s is increasing.

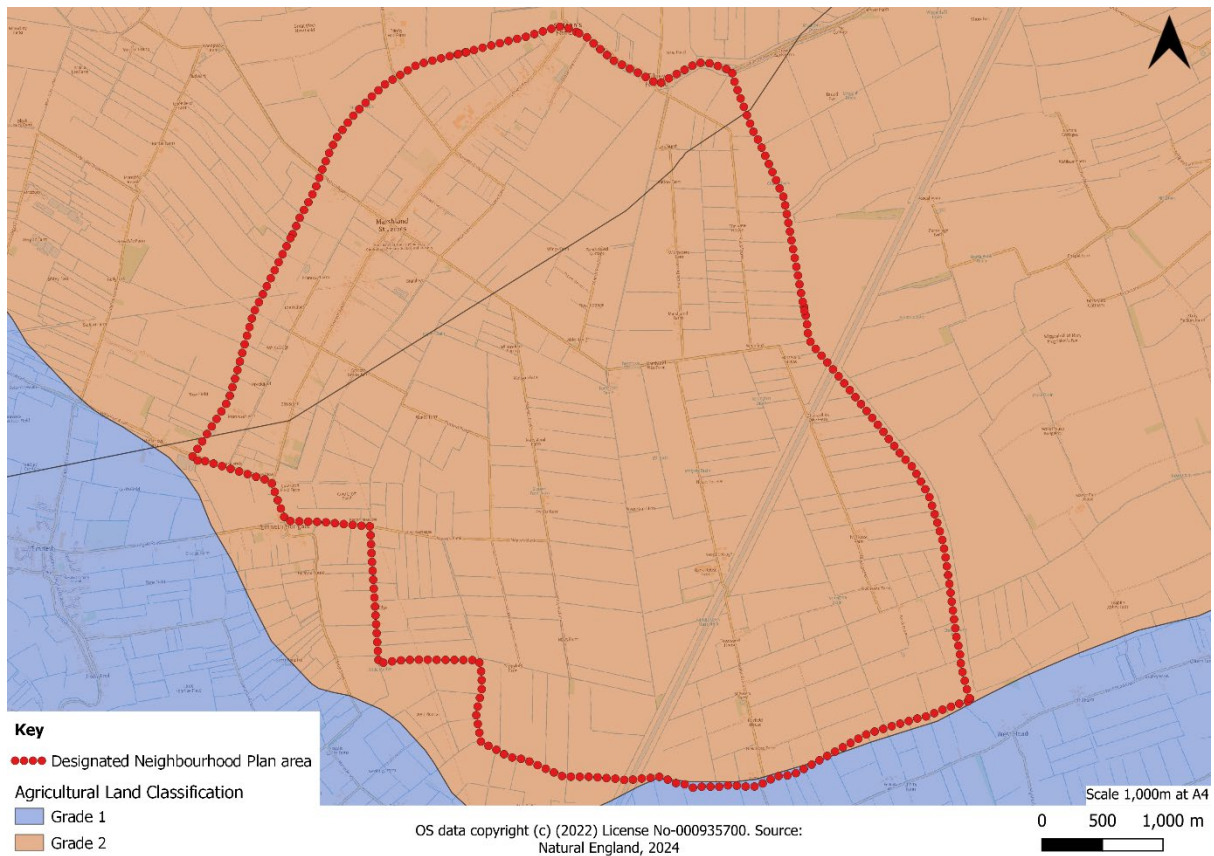
## Soil

21. The parish contains some of the best and most versatile agricultural land in England, as identified by the Agricultural Land Classification Scale. The majority of land is identified as Grade 2 with a small portion to the south being Grade 1 (Figure 5). National policy is to retain high value land such as this for its economic and other benefits. Where land of this quality is in active farming use, it could constrain future growth within the parish.

<sup>4</sup> [Local Area Report for areas in England and Wales - Nomis \(nomisweb.co.uk\)](https://www.nomisweb.co.uk/)

<sup>5</sup> [Build a custom area profile - Census 2021, ONS](https://www.ons.gov.uk/people-population/population-and-demography/census)

Figure 5- Agricultural Land Classification (Source, Natural England 2024)



## Water

22. The settlement is situated within Flood Zone 2 and 3a and the watercourse for flood warning in this area is from Great River Ouse<sup>6</sup>. As stated in the King’s Lynn and West Norfolk Borough Council Strategic Flood Risk Assessment (FRA) Level 2 Appendix B2 (2019)<sup>7</sup>, the area is within the Great Ouse catchment flood management plan and sub area 10 (The Fens) where the current flood risk is classed as appropriately managed. It is also designated as low-lying fenland in the hinterland of the Wash Shoreline Management Plan (SMP) there are embankment and walls as flood defences which cover the area of Marshland St James, St John’s Fen End with Tilney Fen End.

23. Flooding is predominantly from a combination of fluvial and tidal flooding as a consequence of high tide levels affecting river flood levels. Due to its low-lying nature

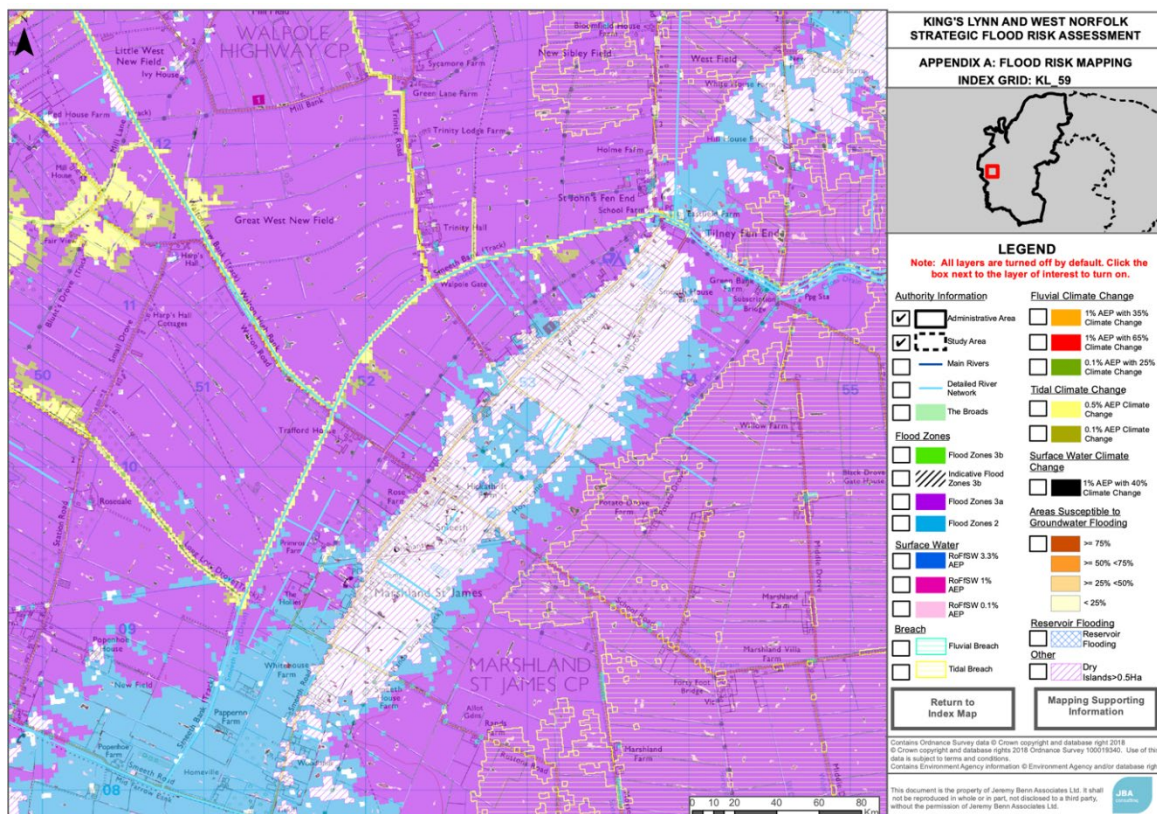
<sup>6</sup> King’s Lynn and West Norfolk Borough Council (2019) Strategic Flood Risk Assessment Level 1 [Flood risk assessment - Level 1 | Flood risk assessment - Level 1 | Borough Council of King's Lynn & West Norfolk \(west-norfolk.gov.uk\)](#)

<sup>7</sup> King’s Lynn and West Norfolk Borough Council (2019) Strategic Flood Risk Assessment Level 2 Community Level Guidance Tables Appendix B2 Marshland St James- [Strategic Flood Risk Assessment level 2 | Borough Council of King's Lynn & West Norfolk \(west-norfolk.gov.uk\)](#)

Marshland St James is predominantly at a medium risk of tidal or fluvial flooding in the event of overtopping/breach from embanked watercourses that are higher than the adjacent land. Flood risk will be a constraint on the location of future development as national policy is to locate development in areas least likely to flood.

24. Marshland St James highest risk of flooding is from tidal/coastal due to the community is surrounded by the tidal floodplain and the most likely source of flooding is through surface water. However, there are no historical records of flooding within the Environment Agency recorded flood outlines or the Local Lead Flood Authority incident reports, however from internet searches there was surface water flooding in August 2014. The area was considered low risk for fluvial flooding, with 1% AEP for surface water flooding and 5% AEP and Breach for tidal and coastal.

Figure 6- Fluvial Flood Risk Source: West Norfolk Strategic Flood Risk Assessment, 2018

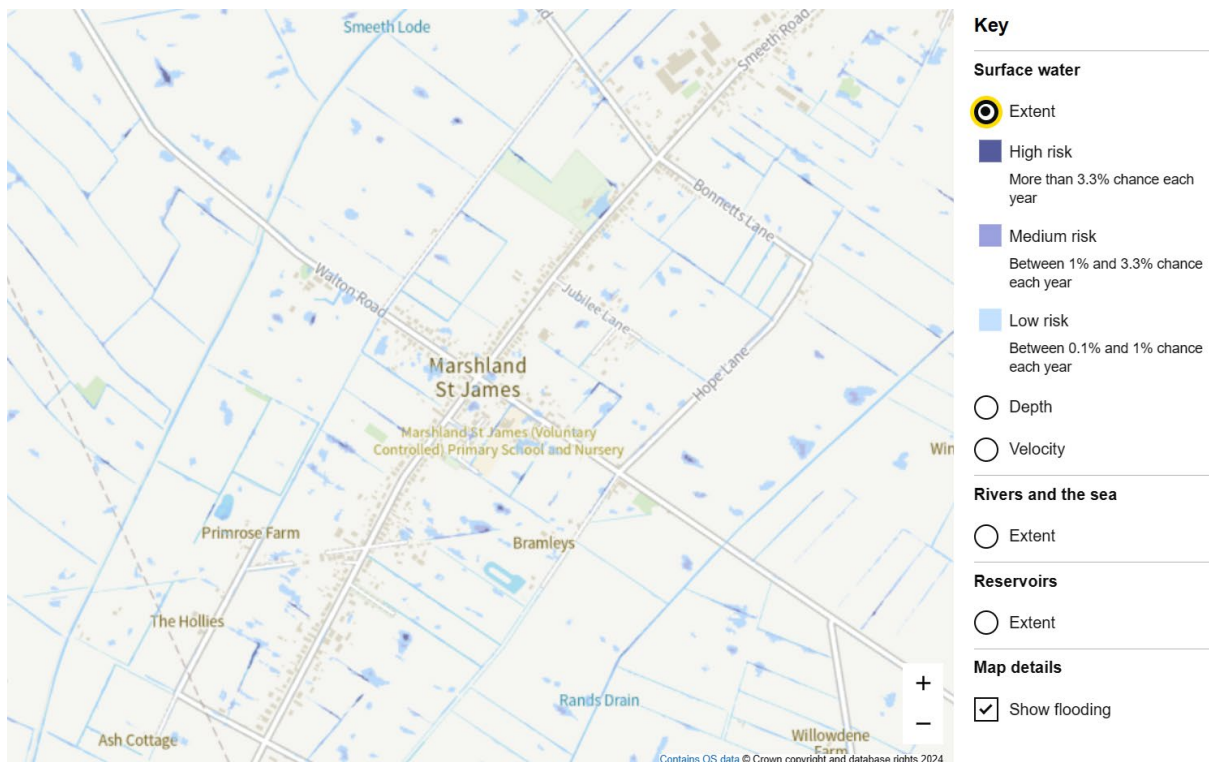


25. Surface water flooding is an issue in some parts of the built-up area, see Figure 7 which is taken from current Environment Agency mapping of surface water flood risk. The risk of surface water flooding is mostly low, but there is medium risk to some properties/gardens. Flooding from surface water runoff is usually caused by intense rainfall that may only last a few hours, occurring often where the natural drainage system is unable to cope with the volume of water. Surface water flooding problems

are inextricably linked to issues of poor drainage, or drainage blockage by debris, and sewer flooding.

26. There are no historical records of flooding within the Environment Agency recorded flood outlines or the Local Lead Flood Authority incident reports, however from internet searches there was surface water flooding in August 2014. The area was considered low risk for fluvial flooding, with 1% AEP for surface water flooding and 5% AEP and Breach for tidal and coastal.

Figure 7- Surface Water Flood Risk (Source Environment Agency 2024<sup>8</sup>)



<sup>8</sup> See [flood risk on a map - Check your long term flood risk - GOV.UK \(check-long-term-flood-risk.service.gov.uk\)](https://www.gov.uk/check-long-term-flood-risk)

Figure 8- Extent of flood risk from Rivers and Sea



## Air and Climatic Factors

27. As part of the National Air Quality Strategy all local authorities are obliged to establish air quality levels in their area that meet national air quality objectives. If an area does not meet these objectives Air Quality Management Areas (AQMAs) are declared. The King’s Lynn & West Norfolk Borough Council Air Quality Annual Status Report (2023) confirms that there are two Air Quality Management Areas in the borough these are within King’s Lynn at Gaywood Clock and Railway Road. Gaywood Clock AQMAs is approximately 3 miles south of the MSJNP area and Railway Road is approximately 4 miles southwest<sup>9</sup>. This would suggest that air quality is generally not of a concern in the MSJNP area, and indeed the report confirms that air quality could be improved but a number of measures have been put in place to improve local air quality.

## Material Assets

28. In terms of services and facilities that are used by local residents, the village offers a small range of services including the primary school, village hall (Marshland Hall), a playing field with a large play area facility, and St James Methodist Church. It also has

<sup>9</sup>Borough Council of King’s Lynn & West Norfolk Air Quality Annual Status Report (2023) Available at: [https://www.west-norfolk.gov.uk/download/downloads/id/7928/air\\_quality\\_annual\\_status\\_report\\_2023.pdf](https://www.west-norfolk.gov.uk/download/downloads/id/7928/air_quality_annual_status_report_2023.pdf) Accessed on 25.03.2024

a mobile library service as well as a weekly hail and ride bus service provided by West Norfolk community transport which provides journeys to King's Lynn. There are also a few local businesses, including Virginia Lake caravan park as well as a small number providing holiday accommodation. The Marshland Arms public house closed a few years ago.

29. In terms of access to services and facilities, there are footways available, although these tend to be quite narrow and only on one side of the road or the other. Getting around within the village is straightforward for most but others, such as those with buggies or wheelchairs might experience some difficulties. Furthermore, a 40mph speed limit prevails which is not conducive to cycling. Nevertheless, the small range of local services are fairly accessible for most, despite the linear nature of the village which means that distances can be quite significant with the built-up part of the village stretching for just under 2km.

30. Residents will clearly be dependent on services in higher order settlements such as Wisbech and King's Lynn for many of their needs. There are no bus stops in Marshland St James and no services stop here<sup>10</sup>; the closest bus stop is in the adjacent village Emneth. The lack of the bus service means that most people will have to depend on the car or other private transport which is not considered sustainable. It also limits the options of young people or elderly who may not have access to ownership of a car and may have to rely on parents or taxi services to take them to their destinations. This is a common rural issue for transport accessibility. However, around 3.6% of households have no car or van (2021 Census). Whilst this is a very small proportion compared to most other places, it does mean that these households will find access to many services especially difficult.

31. Accessing the open countryside, for recreational walks, is not particularly good as there are very few public footpaths. This is perhaps because of the nature of the landscape with the prevalence of drainage ditches. Although there is a long footpath along the middle level main drain to the east, as well as a few others just outside the parish, they are not very accessible for residents and there are no circular walks on public rights of way, see **Figure 9**. There is one long-distance cycle routes such as the National Cycle Network Route 1 which cuts through the western part of the parish, see **Figure 10**<sup>11</sup>.

---

<sup>10</sup> [King's Lynn and West Norfolk – Bus Times](#)

<sup>11</sup> [Route 1 - Sustrans.org.uk](#)



Figure 9- Public Footpath

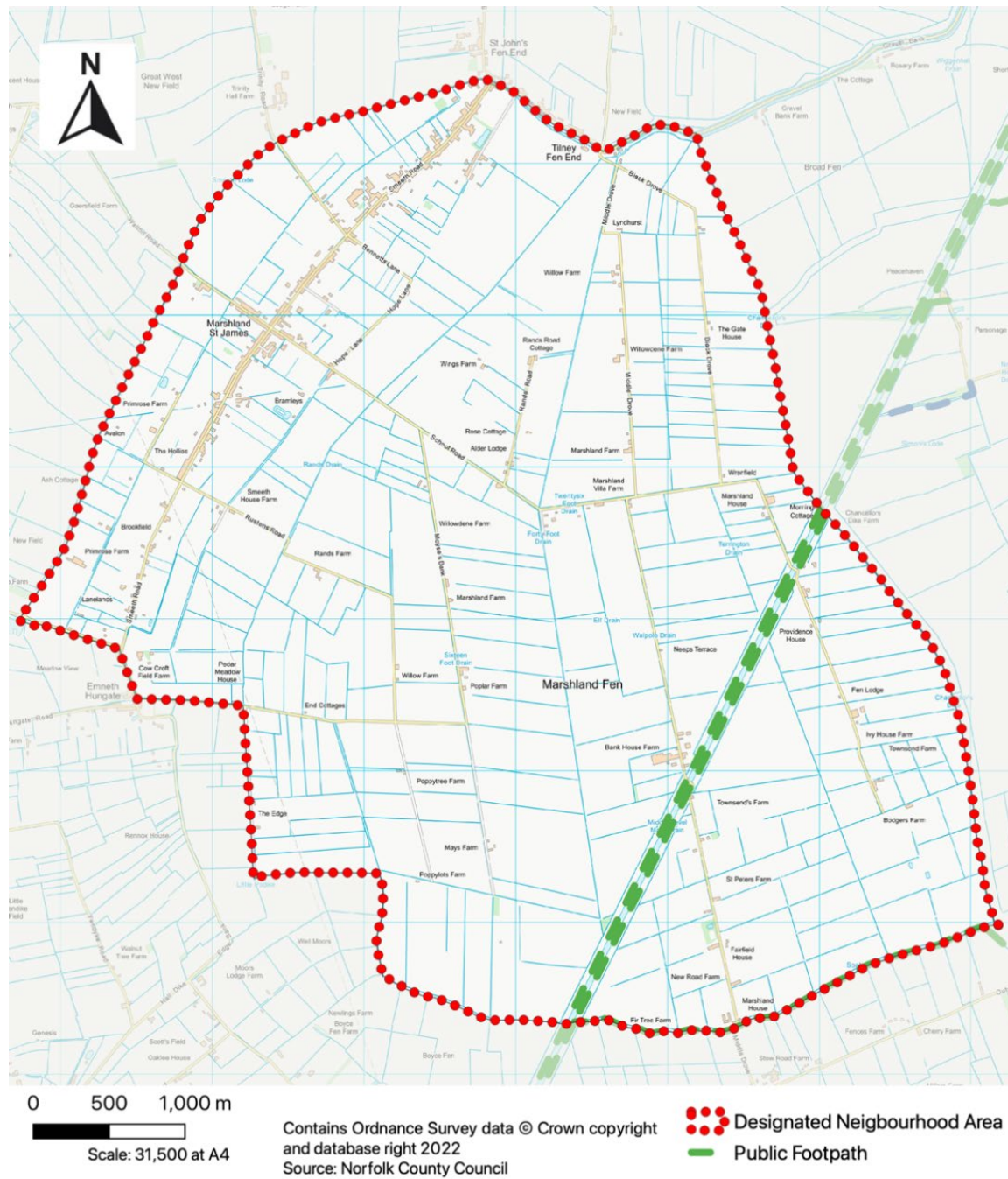
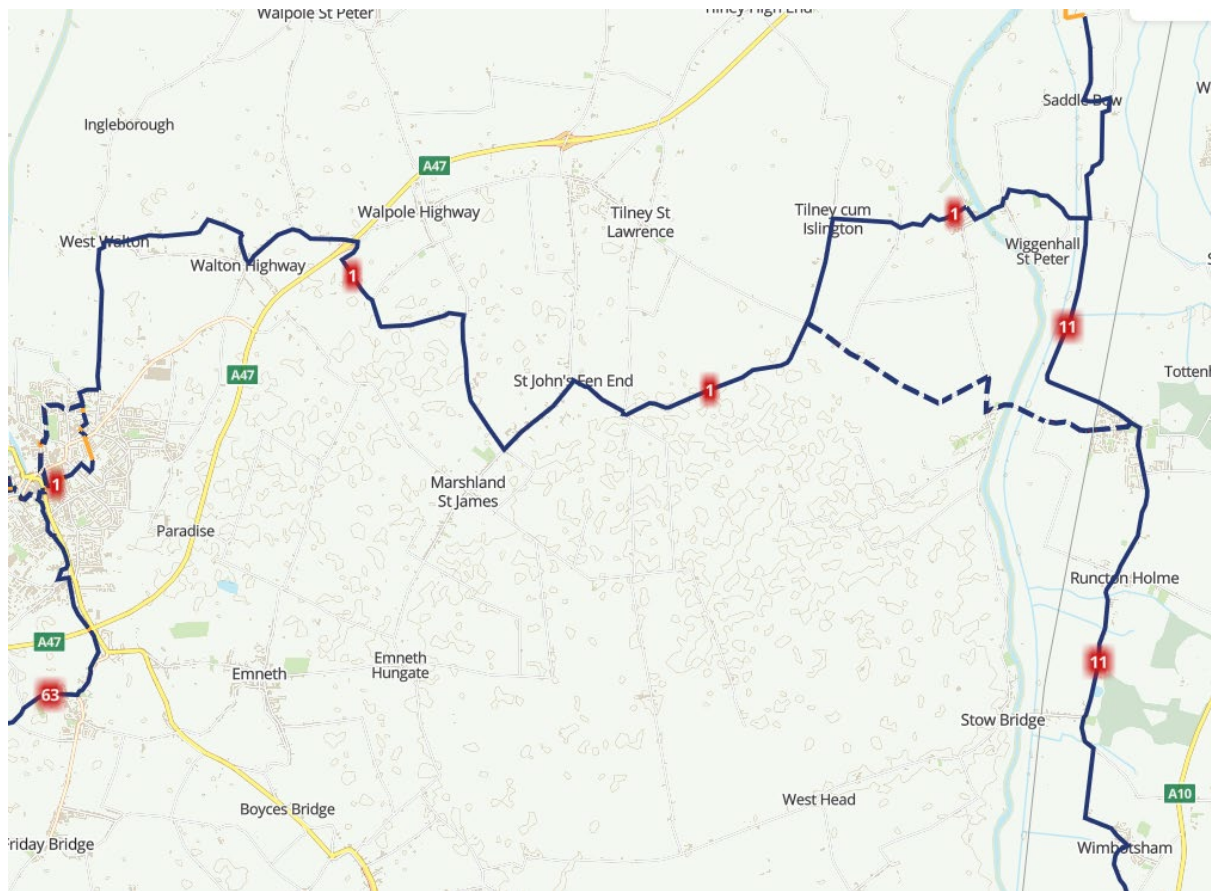


Figure 10- National Cycle Route 1 runs through the parish.

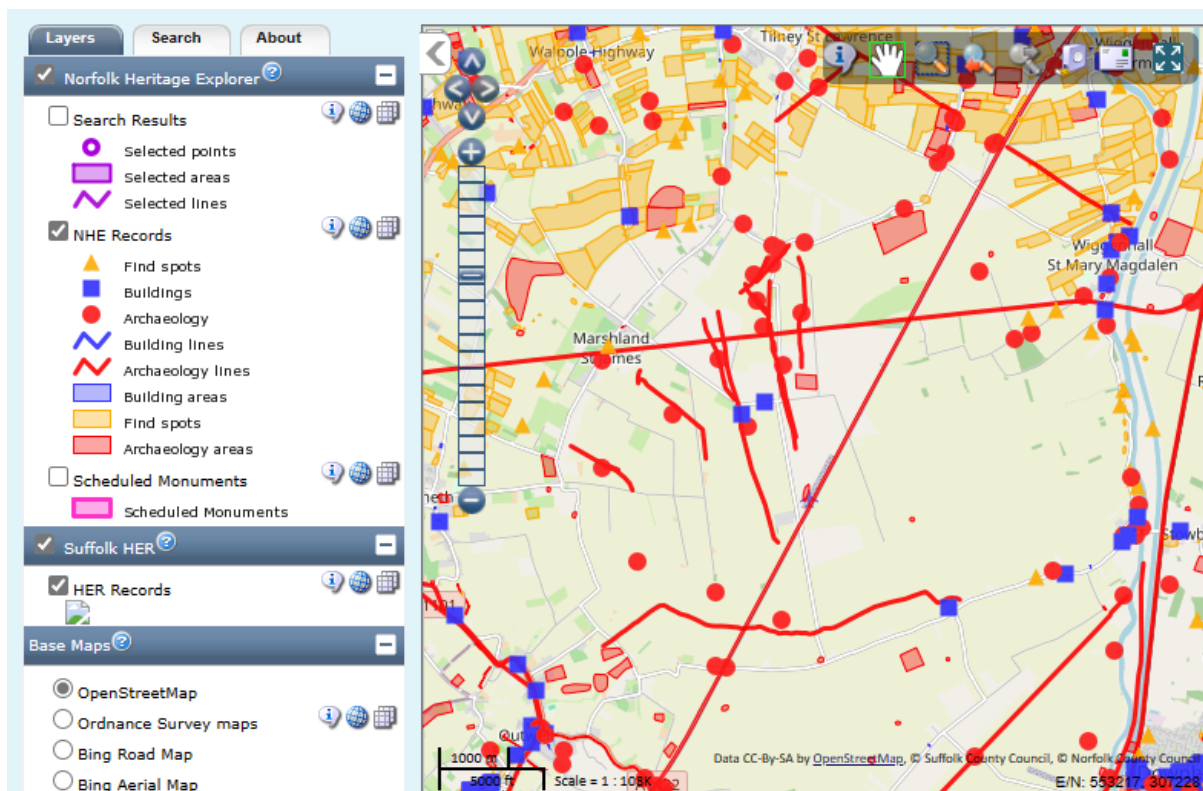


32. Strategic traffic will generally be kept to the A47 west of the parish; these roads generally keep much of the through traffic out of the village.

## Cultural Heritage

33. Marshland St James is a large West Norfolk Fenland parish about seven miles southwest of King's Lynn. The meaning of the first part of its name is self-explanatory, the second part coming from a medieval chapel that stood in the parish. For all its size, evidence of early human activity in the parish is sparse, for the simple reason that it was too wet to use as anything other than grazing land. There are no Stone Age finds, and later settlement has tended to concentrate along The Smeeth Road, a slightly raised infilled ancient river course running along the northwest edge of the parish. According to the Norfolk Heritage Explorer there are 29 records found in the parish (**Figure 11**).

Figure 11- Norfolk Heritage Explorer Map<sup>12</sup>



34. The oldest surviving medieval structure is Old Podyke Bank (NHER 13279). Forming part of the southern boundary of the parish, this is an earthwork bank, originally dating to about 1223, but much repaired and altered over the years. Today, much of it has been levelled and cultivated, though some parts can still be seen. The medieval chapel of St James (NHER 17028) stood somewhere along The Smeeth Road but was washed away by floods. The only post medieval building of note is St James' Church (NHER 2391). This is a modest red and yellow brick mission church of 1896 to 7, which

<sup>12</sup> [Map Selection - Norfolk Heritage Explorer](#)

replaced a corrugated iron church of 1883. The building is in the form of a plain rectangle with an apsed chancel. This was converted to a house in 2002.

35. The most historically recent entries on the record relate to World War Two. In the south of the parish stands a type 22 hexagonal concrete pillbox, part of the anti-invasion defences of 1940. To the northeast of Bodesges Farm, a Spitfire fighter aircraft that crashed during the war was excavated in 1986<sup>13</sup>.

36. There is one listed building, the Marshland Smeeth, and Fen War Memorial, dating from 1920, see **Figure 12**<sup>14</sup>. It is predominantly situated at the entrance to the cemetery and comprises a polished grey granite Latin cross on a four-sided plinth.

Figure 12- Historical Assets



<sup>13</sup> Text taken from the Marshland St James Parish Profile on Norfolk Heritage Explorer. Source: [Parish-Summary-Marshland-St-James-\(Parish-Summary\) - Norfolk Heritage Explorer](#) Accessed: 25/03/2024

<sup>14</sup> [Search the List: Map Search | Historic England](#) Checked for further listed buildings still only one. 25/03/2024

## Landscape

37. The West Norfolk Landscape Character Assessment<sup>15</sup> identifies that the plan area falls within 'The Fens – Open Inland Marshes and Settled Inland Marshes' character area. This character area encompasses a rich mix of arable fields, fruit orchards, plantations and pasture. Intensively managed agricultural fields dominate this remarkably flat, low-lying landscape with agricultural vehicles a recurring feature. Dykes and ditches, frequently lined with reeds, rushes and occasionally shrubs (including ash, willow and hawthorn) divide the generally large fields and bring topographical change. Orchards are particularly abundant directly east of Wisbech and give a sense of enclosure (with the neat rows of low trees channelling views) contrasting greatly with the expansiveness in the rest of the area.
38. Settlement pattern consists of farms, which are generally dotted along the rural roads, and several mainly linear villages including Tilney St. Lawrence, Emneth and Marshland St. James, which has a distinctive character. The roads (often slightly higher than the surrounding landscape) are rural, narrow and often very straight, creating, together with the dense geometric network of drainage channels, a very regular manmade landscape. Sense of tranquillity is generally very strong throughout the area with the only sounds and movement coming from tractors (a constant feature on the horizon) and overhead planes, evoking a strong sense of place.
39. The planning guidelines include:
- Seek to conserve the generally undeveloped, rural character of the area and related strong sense of remoteness and tranquillity.
  - Seek to conserve wide open views across the area.
  - Seek to conserve and enhance ecologically important features.
  - Seek to limit development in prominent skyline locations both within the character area and within adjacent character areas.
  - Seek to ensure that potential new small-scale development within the area is consistent with existing settlement pattern, density and traditional built form.
  - Seek to conserve and enhance a recognisable sense of place within the area.
  - Where appropriate, consider sensitive farm diversification, in keeping with local settlement pattern and character.
40. The CPRE Dark Skies Mapping<sup>16</sup> (**Figure 13**) shows that much of the Parish, apart from the built-up settlement, falls into the darkest categories. These night lights ranged

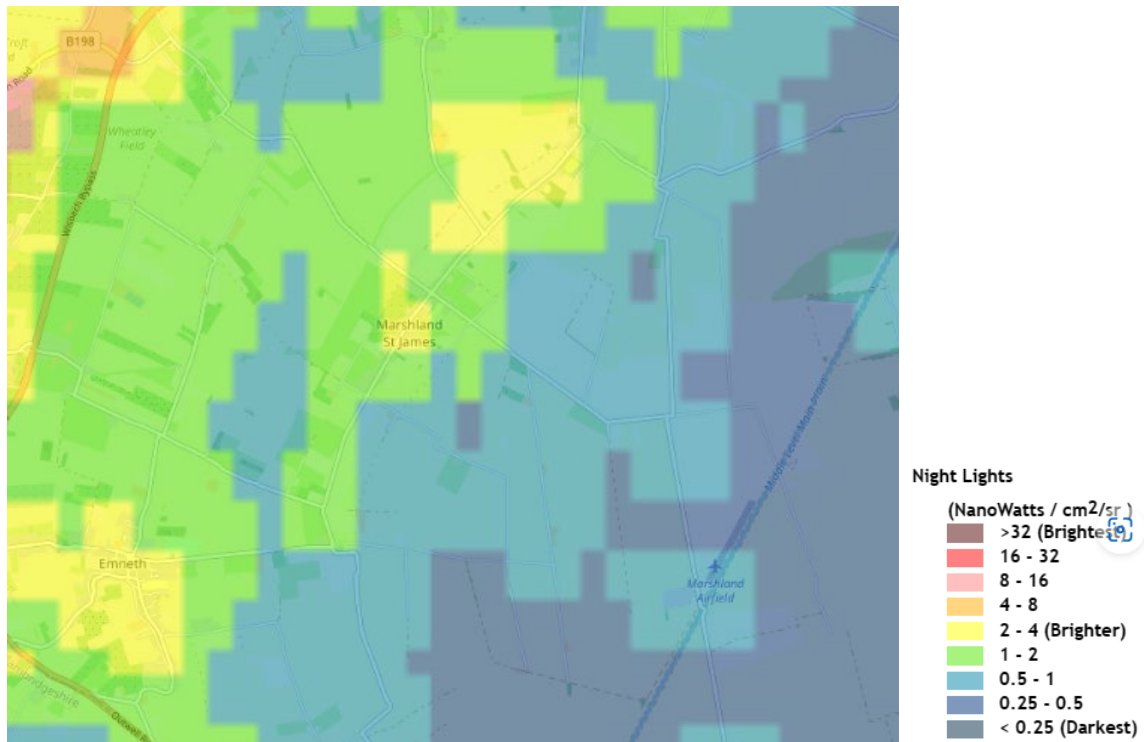
---

<sup>15</sup> BCKLWN Landscape Character Assessment, Final Report March 2007, Chris Blandford Associates

<sup>16</sup> [England's Light Pollution and Dark Skies \(cpre.org.uk\)](http://cpre.org.uk)

between <0.25 (Darkest) to 4 (Brighter). This suggests that as a whole the Parish itself has relatively dark skies and in the surrounding countryside there is very little light pollution. However, where most built up development is the light sources are brighter between 1- 2 predominantly.

Figure 13- Light pollution map.



# SEA Screening

## Legislative Background

### Strategic Environmental Assessment (SEA)

41. The European Directive 2001/42/EC<sup>17</sup> is the basis for Strategic Environmental Assessments and Sustainability Appraisal legislation, which was transposed into English secondary legislation by the Environmental Assessment of Plans and Programmes Regulations 2004 otherwise known as the SEA Regulations. A SEA would be required if the implementation of the contents of the Marshland St James Neighbourhood Plan are likely to cause significant environmental effects.

42. The assessment undertaken will follow and answer specific questions using criteria drawn from the European SEA Directive and Schedule 1 of the UK Environmental Assessment of Plans and Programmes Regulations 2004 when determining the likely significance of effects as shown in **Figure 14**<sup>18</sup>.

43. **Figure 15** presents the flow diagram entitled Application of the SEA Directive to plans and programmes which is taken from the Practical Guide to the Strategic Environmental Assessment Directive, published in September 2005<sup>19</sup>. **Figure 16** below assesses whether MSJNP will require a full SEA. The questions in the first column are drawn from **Figure 14** which sets out how the SEA Directive should be applied.

### Habitat Regulation Assessment (HRA)

44. 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 2017) 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.

45. To fulfil the legal requirements 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.

---

<sup>17</sup> [EUR-Lex - 32001L0042 - EN - EUR-Lex \(europa.eu\)](#)

<sup>18</sup> [The Environmental Assessment of Plans and Programmes Regulations 2004 \(legislation.gov.uk\)](#)

<sup>19</sup>

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/7657/practical\\_guidesea.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/7657/practical_guidesea.pdf)

46. An assessment has been undertaken to determine whether the draft MSJNP requires an SEA or HRA in accordance with the above regulations. The results can be viewed below.



Figure 14- Schedule 1 Criteria for determining the likely significance of effects

## SCHEDULE 1- CRITERIA FOR DETERMINING THE LIKELY SIGNIFICANCE OF EFFECTS ON THE ENVIRONMENT

1. The characteristics of plans and programmes, having regard, in particular, to:
  - a) the degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources;
  - b) the degree to which the plan or programme influences other plans and programmes including those in a hierarchy;
  - c) the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development;
  - d) environmental problems relevant to the plan or programme; and
  - e) the relevance of the plan or programme for the implementation of [F1retained EU law] on the environment (for example, plans and programmes linked to waste management or water protection).
  
2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:
  - a) the probability, duration, frequency and reversibility of the effects;
  - b) the cumulative nature of the effects;
  - c) the transboundary nature of the effects;
  - d) the risks to human health or the environment (for example, due to accidents);
  - e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);
  - f) the value and vulnerability of the area likely to be affected due to—
    - (i) special natural characteristics or cultural heritage;
    - (ii) exceeded environmental quality standards or limit values; or
    - (iii) intensive land-use; and
  - g) the effects on areas or landscapes which have a recognised national, Community or international protection status.

Figure 15- Application of the SEA Directive to plans and programmes

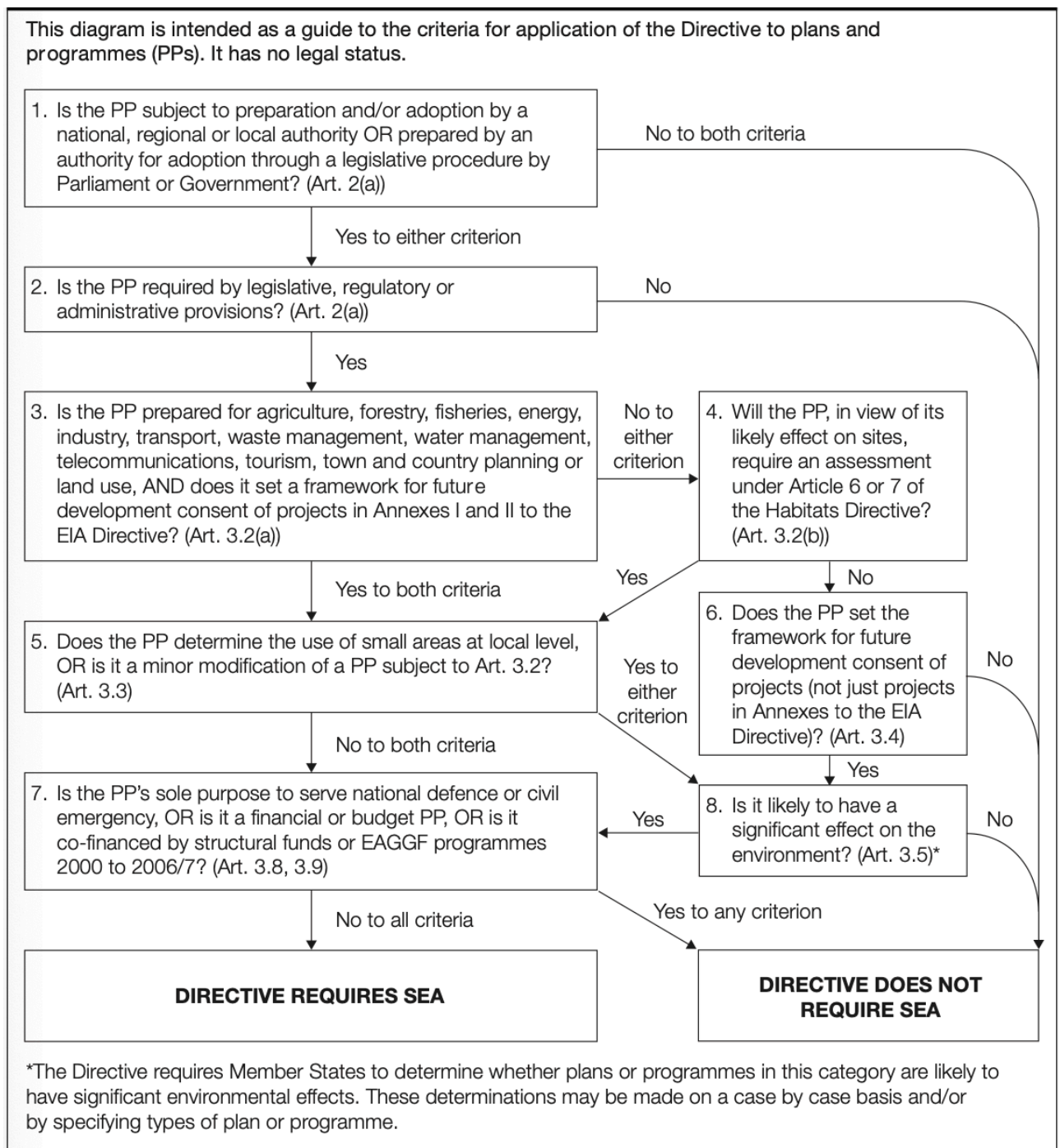


Figure 16- Application of SEA Directive to MSJNP

*\*PP in this instance refers to Neighbourhood Plan*

	Stage	Y/N	Justification
1	Is the Neighbourhood Plan (PP) subject to preparation and/or adoption by a national, regional, or local authority OR prepared by an authority for adoption through a legislative procedure by Parliament or Government (Art. 2(a))	Y	<p>The NP is being prepared by the parish council (as the “relevant qualifying body”) and will be made by the Borough Council of King’s Lynn &amp; West Norfolk the local authority which falls within the designated area subject to Marshland St James passing an independent examination and successful local community referendum.</p> <p>The preparation of the Marshland St James Neighbourhood Plan is allowed under primary legislation: The Town and Country Planning Act (1990) as amended by the Localism Act (2011).</p> <p>The preparation of NP’s are subject to several relevant regulations as shown below (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> <p><b>GO TO STAGE 2</b></p>
2	Is the Neighbourhood Plan (PP) required by legislative, regulatory, or administrative provisions? (Art. 2(a))	Y	<p>Whilst it is not a requirement for a parish to create a Neighbourhood Plan under the Town and Country Planning Act (1990) and Localism Act (2011), the NP will eventually be “made” and form part of the Development Plan for the Borough Council of King’s Lynn &amp; West Norfolk. This authority is directed by legislative processes, and it is important that the screening process considers</p>

	Stage	Y/N	Justification
			<p>whether it is likely to have significant environmental effects and hence whether an SEA is required under the Directive.</p> <p><b>GO TO STAGE 3</b></p>
3	<p>Is the Neighbourhood Plan (PP) prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use, AND does it set a framework for future development consent of projects in Annexes I and II to the EIA Directive? (Art. 3.2(a))</p>	Y/N	<p>Developments that fall within Annex I are ‘excluded’ development for Neighbourhood Plans (as set out in Section 61(k) of the Town and Country Planning Act 1990 (as subsequently amended)<sup>20</sup> and the Localism Act 2011 Schedule 9 Part 2 Para 7 Section 38 B (1)(b),(6)<sup>21</sup>.</p> <p>A Neighbourhood Plan is prepared for Town and Country Planning and Land use. The Marshland St James neighbourhood plan can include at a neighbourhood level, through different policy areas, the framework for development that would fall within Annex II of the EIA Directive. This neighbourhood plan has not set out a framework to manage for future development of the scale and nature envisaged by Annex II of the EIA Directive.</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 Council of King’s Lynn &amp; West Norfolk. The Neighbourhood Plan seeks to align and be in general conformity with the strategic framework.</p> <p>The Neighbourhood Plan is not allocating any development itself but anticipates being one of the key tools to manage future development of Marshland St James.</p> <p><b>GO TO STAGE 4</b></p>

<sup>20</sup> [Town and Country Planning Act 1990 \(legislation.gov.uk\)](http://legislation.gov.uk)

<sup>21</sup> [Localism Act 2011 \(legislation.gov.uk\)](http://legislation.gov.uk)

	Stage	Y/N	Justification
4	Will the Neighbourhood Plan (PP), in view of its likely effect on sites, require an assessment under Article 6 or 7 of the Habitats Directive? (Art. 3.3)	N	A Neighbourhood Plan could potentially have impacts on sites covered by the Habitats Directive. The Neighbourhood Plan does not propose to make site allocations for residential housing or business purposes. <b>Please see chapter 5 of this report for further detail.</b>  <b>GO TO STAGE 6</b>
5	Does the Neighbourhood Plan (PP) determine the use of small areas at local level, OR is it a minor modification of a PP subject to Art. 3.2? (Art. 3.3)	Y	A Neighbourhood Plan can determine the use of small areas at a local level. The Marshland St James Neighbourhood Plan does not allocate any sites for development. However, proposes to include a variety of policies to create sustainable development through location and design.
6	Does the Neighbourhood Plan (PP) set the framework for future development consent of projects (not just projects in Annexes to the EIA Directive)? (Art. 3.4)	Y	Once a Neighbourhood Plan is adopted this 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.
7	Is the Neighbourhood Plan (PP)'s sole purpose to serve national defence or civil emergency, OR is it a financial or budget PP, OR is it co-financed by structural funds or EAGGF programmes 2000 to 2006/7? (Art. 3.8, 3.9)		<b>Does not apply to a Neighbourhood Plan.</b>  <b>SKIPPED AS PER FIGURE 15</b>
8	Is it likely to have a significant effect on the environment? (Art. 3.5)	N	<b>SEE FIGURE 15 – PLAN DOES NOT REQUIRE SEA</b>

47. Schedule 1 of the SEA Regulations sets out the criteria for determining the likely significance of effects. These are listed in **Figure 17** below along with comments on the extent to which the MSJNP meets these criteria.

Figure 17- Likely Significant Effects

SEA Directive Criteria (Annex II)	Comments	Likely Significant Effect? Y/N
<p>1. Characteristics of the plan and programmes, having regard in particular, to:</p>		
<p>a) The degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources</p>	<p>Once made, MSJNP will become part of the statutory development plan and will guide the delivery of development within the designated plan area.</p> <p>The parish of Marshland St James falls within the district of King’s Lynn &amp; West Norfolk area, the Borough Council of King’s Lynn &amp; West Norfolk. The King’s Lynn and West Norfolk 2011 Core Strategy designated Marshland St James as a rural village. As stated in the emerging Policy LP02, <i>“Rural villages have a limited but locally important role meeting the needs of the immediate village. Sustaining the existing services is a key priority. These settlements may see some limited growth, which will help support surrounding rural areas (e.g., some small-scale infilling or affordable housing).”</i><sup>22</sup></p> <p>The Site Allocations and Development Management Policies Plan (2016) allocated two sites. The sites were Policy G57.1, this being for 15 dwellings adjacent to the primary school, and Policy G57.2 for 10 dwellings adjacent to 145 Smeeth Road. Both are subject to extant planning permissions and may have now been built out. The Local Plan review carried forward the two 2016 allocations and does not propose any new or additional allocations.</p>	<p>N</p>

<sup>22</sup> [Local Plan Review Pre-Submission Stage 2021 - Keystone \(objective.co.uk\)](https://www.objective.co.uk)

SEA Directive Criteria (Annex II)	Comments	Likely Significant Effect? Y/N
	<p>The Local Plan review was agreed by King's Lynn and West Norfolk Council on 8 July 2021 and following Regulation 19 has been formally submitted to the secretary of state. This local plan review is currently undergoing its examination.</p> <p><b>The local authority has indicated that Marshland St James can allocate in addition to this, but they have chosen not to after undergoing a call for sites. In terms of the degree to which MSJNP sets a framework, it does not allocate land for development.</b></p>	
<p>b) The degree to which the plan or programme influences other plans and programmes including those in a hierarchy</p>	<p>The Marshland St James Neighbourhood Plan will be adopted alongside the higher order adopted Local Plans and National Planning Policy Framework and form part of the Borough Council's Development Plans. The Neighbourhood Plan must be in general conformity to the strategic framework and will expand upon some of the Local Plan policies, providing supplementary information on a local scale.</p> <p>It does not have influence over other plans. However, once made MSJNP will form part of the statutory development plans for Marshland St James and will be used in conjunction with the current development plans to determine planning applications.</p>	<p><b>N</b></p>
<p>c) The relevance of the plan or programme for the integration of environmental considerations in particular with a view to</p>	<p>One of the Basic Conditions which MSJNP must meet is to contribute towards sustainable development. Policies in the plan have been set to add further detail to housing and design proposals. As well as support for footway improvements, protecting community facilities</p>	<p><b>N</b></p>

SEA Directive Criteria (Annex II)	Comments	Likely Significant Effect? Y/N
promoting sustainable development	<p>and supporting new community and employment opportunities.</p> <p>Given the non-strategic nature of the MSJNP this does not have the potential to restrict the delivery of other plans or programmes.</p>	
d) Environmental problems relevant to the plan or programme	<p>Baseline information relating to MSJNP was described earlier in this Screening Document. There are no Natural England statutory designated sites in the parish. The nearest is around 5km south of the parish being the Ouse Washes a Special Protection Area, Site of Special Scientific Interest and Ramsar Site.</p> <p>The plan does not have any specific environmental policies and the Local Plan Policies will be relevant in this instance.</p> <p><b>The plan itself will not specifically allocate land for development and will not exacerbate any significant known environmental problems.</b></p>	N
e) The relevance of the plan or programme for the implementation of community legislation on the environment (eg plans and programmes linked to waste management or water protection)	<p>The implementation of community legislation is unlikely to be significantly compromised by the Neighbourhood Plan.</p>	N
2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to		



SEA Directive Criteria (Annex II)	Comments	Likely Significant Effect? Y/N
a) The probability, duration, frequency, and reversibility of the effects	MSJNP does not contain any site-specific development proposals that will result in complex, widespread, long lasting, or serious environmental effects.	N
b) The cumulative nature of the effects	As it will not allocate land for development MSJNP will not lead to any cumulative effects in combination with existing or emerging plans.	N
c) Transboundary nature of effects	The emerging MSJNP area provide supplementary policy areas on a local scale. The impacts for transboundary effects beyond the parish are unlikely to be significant.	N
d) The risks to human health or the environment (for example, due to accidents)	MSJNP is unlikely to produce any significant effects to human health or the environment.	N
e) The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)	The MSJNP area has a total population of around 1,400 according to the Census 2021. This sits within the context of a total population in King’s Lynn & West Norfolk of 154,300 (Census 2021). MSJNP remains a non-strategic plan and the principle of development that will take place has already been established within the King’s Lynn & West Norfolk Local Plan.	N
f) The value and vulnerability of the area likely to be affected due to – i. Special natural characteristics or cultural heritage; ii. Exceeded environmental quality standards or limit values; or iii. Intensive land-use	<p>i) There are no statutory natural designations which fall within Marshland St James. As the plan does not allocate land for development it is not anticipated to have likely significant effects on the natural characteristics of the area. The area has a few historic features, including 1 Grade II Listed Building. The plan is not anticipated to have likely significant effects on heritage.</p> <p>ii) MSJNP is unlikely to result in exceedance of environmental quality standards, such</p>	N

SEA Directive Criteria (Annex II)	Comments	Likely Significant Effect? Y/N
	<p>as those relating to air, water, and soil quality.</p> <p>iii) MSJNP is unlikely to bring forward development of an extent that would result in a significant intensification of Local land Use.</p> <p><b>The emerging MSJNP does not include site allocations and therefore are not anticipated to have likely significant effects on the parish.</b></p>	
g) The effects on areas of landscapes which have a recognised national, Community or international protection status	<p>The Neighbourhood Plan Area includes one listing which reflects the cultural and heritage value of the area. The environmental effects on areas with biodiversity designations have been considered through the Local Plan.</p> <p>MSJNP is not anticipated to have likely significant effects on these areas given the plan will not allocate land for development.</p>	N

## HRA Screening assessment

48. 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 2017) 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.

49. To fulfil the legal requirements 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.

50. An assessment has been undertaken to determine whether the draft MSJNP requires an SEA or HRA in accordance with the above regulations.

51. There are no designated European wildlife sites in the MSJNP area.

52. This screening assessment has also considered the impact on European Sites within 20km of the plan area, as an in-combination assessment area.

Figure 18- European Sites within 20km of Marshland St James

Special Areas of Conservation	Special Protection Areas	Ramsar Sites
<ul style="list-style-type: none"> <li>• The Greater Wash</li> <li>• Roydon Common</li> <li>• Ouse Washes</li> </ul>	<ul style="list-style-type: none"> <li>• The Greater Wash</li> <li>• Ouse Washes</li> </ul>	<ul style="list-style-type: none"> <li>• The Greater Wash</li> <li>• Roydon Common</li> <li>• Ouse Wahes</li> </ul>

53. Each European site has a set of interest features which are the ecological features for which the site is designated or classified, and the features for which Member States should ensure the site is maintained or where necessary restored. Each site also has a set of conservation objectives. European sites are at risk if there are possible means by which any aspect of a plan can, when being taken forward for implementation, pose a potential threat to the wildlife interest of the sites. This is often referred to as the 'impact pathway'.

54. Potential impact pathways considered for this assessment include:

- Increased recreational pressure.
- Air quality impacts
- Water issues
- Urban effects

55. MSJNP does not allocate land for development and therefore will not directly result in an increase in the number of new dwellings within the vicinity of European Sites. An assessment of potential impacts of draft policy contained within MSJNP is provided in **Figure 19**.

Figure 19- HRA Screening Assessment

Policy	Description	Likely Significant Effects	Potential Risks	Recommendation at Screening Stage
<b>Policy 1: New Services, Facilities and Employment Opportunities</b>	Welcome development proposals for new community services, facilities, and employment. With effort being made to ensure these are well connected to the main settlement, encourage sustainable travel opportunities and so forth.	No LSE – does not promote development but relates to qualitative criteria for development	N/A	None
<b>Policy 2: Protection of Community Facilities</b>	Policy protects the use of the listed community facilities	No LSE – does not promote development	N/A	None
<b>Policy 3: Housing Mix</b>	Requirements that ensure future housing development meets the needs of local people.	No LSE – does not promote development but relates to qualitative criteria for development	N/A	None
<b>Policy 4: Affordable Housing</b>	Sets a tenure split for affordable housing and the discount required for First Homes	No LSE – policy does not promote land for development	N/A	None
<b>Policy 5: Design</b>	Requiring high quality design that accords with the Marshland St James Design Codes/Guide Document.	No LSE – policy is qualitative and does not promote development	N/A	None
<b>Policy 6: Residential Parking</b>	Policy setting requirements for parking for new residential development	No LSE – policy does not promote development	N/A	None
<b>Policy 7: Footway Improvements</b>	Planning proposals for new development are expected to deliver	No LSE – policy does not promote development	N/A	None

Policy	Description	Likely Significant Effects	Potential Risks	Recommendation at Screening Stage
	improved footway provision. This includes reinstating or improving the standard of footway to Highway Authority standard and widening where necessary.			

## HRA Screening Conclusion

56. The HRA Screening Assessment concludes that no significant effects are likely to occur with regards to the integrity of European Wildlife Sites within 20km of the MSJNP area. As such a full HRA and Appropriate Assessment is not required at this point and is **screened out**.