

Mrs Joanne Brown (Clerk)
West Wittering Parish Council

If calling please ask for: Andrew Frost
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Our ref:

Your ref:

6 December 2016

Dear Mrs Brown,

West Wittering Parish Neighbourhood Development Plan

Strategic Environmental Assessment (SEA) Opinion Screening Determination under Regulation 9 and Schedule 1 of the Environmental Assessment of Plans and Programmes Regulations 2004

Screening Determination under the European Directive on the Conservation of Natural Habitats and Wild Flora (the Habitats Directive) and Conservation of Habitats and Species Regulations 2010 (Habitats Regulations)

This letter addresses the request from West Wittering Parish Council in relation to the issue of whether or not there is a need for environmental assessment of the pre submission version of the West Wittering Neighbourhood Plan and, as such, whether it meets one of the basic conditions that a neighbourhood plan must meet in order to proceed to referendum: that it does not breach, and is otherwise compatible with, EU obligations.

On the basis of the contents of the neighbourhood plan as proposed and subsequent consultation with the relevant statutory agencies in accordance with Regulation 9(2) of the Environmental Assessment of Plans and Programmes Regulations 2004, the following determination can be made.

The screening determination is that **an environmental assessment of the West Wittering Neighbourhood Plan is required** due to there being a likely significant environmental effect as a result of the proposals in the plan as currently identified. This view is informed by comments received from Historic England, Natural England and the Environment Agency and for the reasons set out in the Criteria and response of screening which are attached as part of this letter.

As such it is the opinion of Chichester District Council that the West Wittering Neighbourhood Plan will need to have a formal Strategic Environmental Assessment for it to be in accordance with the provisions of the European Directive 2001/42/EC as incorporated into UK law by the Environmental Assessment of Plans and Programmes Regulations 2004.

In addition, this letter also addresses the request from West Wittering Parish Council as to whether or not there is a need for a screening exercise to be undertaken of the pre submission version of the West Wittering Neighbourhood Plan under the European Directive on the Conservation of Natural Habitats and Wild Flora (the Habitats Directive) and Conservation of Habitats and Species Regulations 2010 (Habitats Regulations).

Following comments received from Natural England, it is the opinion of Chichester District Council that a screening exercise should be undertaken for the pre submission West Wittering Neighbourhood Plan for it to be in accordance with the provisions of the European Directive on the Conservation of Natural Habitats and Wild Flora (the Habitats Directive) and Conservation of Habitats and Species Regulations 2010 (Habitats Regulations). This is on the basis the Parish Council has identified that the neighbourhood plan is likely to allocate sites for development that may not have been assessed and/or included in the Habitats Regulations Assessment for the Chichester Local Plan: Key Policies 2014-2029. Currently therefore, at this stage, the likelihood of significant effects on any European Site, either alone (or in combination with other plans and projects) can not be ruled out.

These determinations are made on the basis that the Neighbourhood Plan is being prepared in the context of the adopted Chichester Local Plan: Key Policies 2014-2029 and the requirements therein. As such they relate to the scoping report and information relating to that Plan and not any subsequent work undertaken in relation to the forthcoming Local Plan Review.

These decisions have been based on the information provided. If the contents of the Neighbourhood Plan are revised and/or there is a material change in the environmental characteristics in the locality (e.g. any additional nature conservation or other environmental designations), then the comments contained in this decision would need to be reconsidered in order to take account of the changes.

Yours sincerely,

Andrew Frost
Head of Planning Services

Screening Report for the West Wittering Neighbourhood Plan
Criteria and response of screening

Criteria (from Annex II of SEA Directive and Schedule I of Regulations)	Relevance in context of this screening report
The characteristics of plans and programmes	
(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>The West Wittering Neighbourhood Plan would, if adopted, form part of the Statutory Development Plan and as such will establish the development management framework for West Wittering and surrounding environs.</p> <p>The Neighbourhood Plan is prepared for town and country planning and land use and sets out a framework for future development in West Wittering. The nature of the proposed Neighbourhood Plan is for it to include allocated sites for development; policies that may affect sensitive natural or heritage assets located in or in proximity to the Neighbourhood Area; and/or have significant environmental effects that have not already been considered and dealt with through an up-to-date Sustainability Appraisal of the Chichester Local Plan: Key Policies 2014 -2019 (CLP:KP).</p>
(b) the degree to which the plan or programme influences other plans and programmes including those in a hierarchy;	<p>The Neighbourhood Plan is the lowest tier in the planning hierarchy and must be in conformity with the National Planning Policy Framework, the strategic policies of the development plan and European Directives.</p> <p>The Neighbourhood Plan is not intended to influence other plans or programmes.</p>
(c) the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development;	There may be opportunities for integrating environmental considerations within West Wittering parish.
(d) environmental problems relevant to the plan or programme; and	Without further detail on the policies proposed in the West Wittering Neighbourhood Plan, and taking account of interests of acknowledged importance, it is considered there may be likely significant environmental effects as a result.
(e) the relevance of the plan or programme for the implementation of Community legislation on the environment (for example,	This Neighbourhood Plan has no relevance to the implementation of Community legislation.

plans and programmes linked to waste management or water protection).	The Neighbourhood Plan is a land-use plan and will set the framework for future development consents within the West Wittering Neighbourhood Plan area.
Characteristics of the effects and of the area likely to be affected	
(a) the probability, duration, frequency and reversibility of the effects;	On the basis of the limited information available proposals for development in the West Wittering NP may have significant environmental effects that have not already been considered as part of the Local Plan process.
(b) the cumulative nature of the effects;	The requirements of CLP:KP Policy 5 have been met. Further allocations for development in the West Wittering NP may therefore have the potential for cumulative effects beyond the parish that have not been considered as part of the CLP:KP process.
(c) the transboundary nature of the effects;	The effects of the Plan are unlikely to have transboundary ¹ impacts.
(d) the risks to human health or the environment (for example, due to accidents);	West Wittering parish does not currently have any AQMAs but there are three in Chichester City. It is thought unlikely that the Neighbourhood Plan will increase risks to human health but there may be potential for this depending on the detail of any proposals.
(e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);	West Wittering forms the main area of settlement in the parish. Limited employment opportunities result in out-commuting for work and access to facilities and this has the potential for the indirect effects of proposals to extend beyond the immediate area of the parish. Equally at certain times of the year, seasonal in-commuting may have the potential to exacerbate any environmental effects.
(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	The Parish Council has indicated that the West Wittering NP may contain policies that may affect sensitive natural or heritage assets located in or in proximity to the Neighbourhood Area.

¹ Transboundary effects are understood to be in other Member States

<p>standards or limit values; or (iii) intensive land-use; and</p>	<p>West Wittering has 29 listed buildings, one scheduled monument and a conservation area. It is therefore a sensitive historic environment. Until proposed sites are identified it is possible that development would have significant effects on the historic environment.</p> <p>The NP area is in close proximity to various designated sites.</p> <p>As a result of the proximity of these areas, the admission by the Parish Council that the NP is likely to allocate sites for development; contain policies that may affect sensitive natural or heritage assets located in or in proximity to the Neighbourhood Area; and /or have other significant environmental effects that have not already been considered and dealt with through an up-to-date Sustainability Appraisal of the CLP:KP, there is potential for significant environmental effects to occur.</p>
<p>(g) the effects on areas or landscapes which have a recognised national, Community or international protection status.</p>	<p>The NP area is in close proximity to various designated sites.</p> <p>As a result of the proximity of these areas, the admission by the Parish Council that the NP is likely to allocate sites for development; contain policies that may affect sensitive natural or heritage assets located in or in proximity to the Neighbourhood Area; and /or have other significant environmental effects that have not already been considered and dealt with through an up-to-date Sustainability Appraisal of the CLP:KP, there is potential for significant environmental effects to occur.</p>

**West Wittering Neighbourhood Plan
Summary of Statutory Consultations – Strategic Environmental Assessment (SEA)
and Habitats Regulations Assessment (HRA)**

Statutory Consultee	Summary of Comments
Historic England	
Historic England (HE) – Reply 3 November 2016	<p>West Wittering has 29 listed building entries on the National Heritage List for England, one scheduled monument and a conservation area. It is therefore a sensitive historic environment.</p> <p>HE note that the Parish Council has indicated that the neighbourhood plan is likely to:</p> <ul style="list-style-type: none"> • allocate sites for development; • contain policies that may affect sensitive natural or heritage assets located in or in proximity to the Neighbourhood Area; and/or • have other significant environmental effects that have not already been considered and dealt with through an up-to-date Sustainability Appraisal of the District Council’s Local Plan. <p>HE therefore consider that it is likely that the West Wittering Neighbourhood Plan will have significant environmental effects, and it should therefore be subject to Strategic Environmental Assessment.</p>
Environment Agency	
Environment Agency – reply – 14 November 2016	<p>Given the limited amount of information provided (in terms of the scale and location of proposed development), it is difficult to make an informed determination in this case. However, West Wittering Parish Council have specifically stated that the neighbourhood plan is likely to result in the following:</p> <ul style="list-style-type: none"> • contain policies that may affect sensitive natural or heritage assets located in or in proximity to the Neighbourhood Area; and/or • have other significant environmental effects that have not already been considered and dealt with through an up-to-date Sustainability Appraisal of the Chichester Local Plan. <p>Based on this, we can only conclude at this stage that the plan has the potential to give rise to significant environmental effects for areas within our remit.</p> <p>Should more information become available as to the scale and location of proposed development, we would be happy to revisit our opinion.</p>

Natural England

Natural England –
reply – 2 November
2016

The neighbourhood plan area is in close proximity to various designated sites, including but not limited to;

- Chichester Harbour Site of Special Scientific Interest
- Bracklesham Bay Site of Special Scientific Interest
- Chichester and Langstone Harbours Special Protection Area
- Solent and Dorset Coast potential Special Protection Area
- Chichester and Langstone Harbours Ramsar
- Solent Maritime Special Area of Conservation
- Chichester Harbour Area of Outstanding Natural Beauty

1. Strategic Environmental Assessment - Screening

Considering;

- the proximity of the plan area to the designated sites
- the admission the plan will be allocating sites
- the plan could have other significant environmental effects that have not already been considered and dealt with through an up-to-date Sustainability Appraisal of the Chichester Local Plan

It would be our advice at this time that a SEA should be carried out.

If this Neighbourhood Plan allocates sites for development, which have not been fully assessed as part of the Local Plan process and which could lead to significant environmental effects, a SEA would be required.

Where Neighbourhood Plans could have significant environmental effects, they may require a Strategic Environmental Assessment (SEA) under the Environment Assessment of Plans and Programmes Regulations 2004. Further guidance on deciding whether the proposals are likely to have significant environmental effects and the requirements for consulting Natural England on SEA are set out in the National Planning Practice Guidance at:

<http://planningguidance.communities.gov.uk/blog/guidance/strategic-environmental-assessment-and-sustainability-appraisal/sustainability-appraisal-requirements-for-neighbourhood-plans>

2. Habitats Regulations Assessment

Where a neighbourhood plan could potentially affect a European protected site, it will be necessary to screen the plan in relation to the Conservation of Habitats and Species Regulations (2010), as amended (the 'Habitats Regulations'). One of the basic conditions that will be tested at Examination is whether the making of the plan is compatible with European obligations and this includes requirements relating to the Habitats Directive, which is transposed into the Habitats Regulations.

In accordance with Schedule 2 of The Neighbourhood Planning (General) Regulations 2012, a neighbourhood plan cannot be made if the likelihood of significant effects on any European Site, either alone (or in combination with other plans and projects) cannot be ruled out. Therefore, measures may need to be incorporated into the neighbourhood plan to ensure that any likely significant effects are avoided in order to secure compliance with the Regulations. A screening exercise should be undertaken if there is any doubt about the possible effects of the plan on European protected sites. This will be particularly important if a neighbourhood plan is to progress **before** a local plan has been adopted and/or the neighbourhood plan proposes development which has not been assessed and/or included in the Habitats Regulations Assessment for the local plan.

Below is an annex of information which should help when drafting the full neighbourhood plan.

Annex 1 - Neighbourhood planning and the natural environment: information, issues and opportunities

Natural environment information sources

The [Magic](http://magic.defra.gov.uk/)² website will provide much of the nationally held natural environment data for the plan area. The most relevant layers to consider are: **Agricultural Land Classification, Ancient Woodland, Areas of Outstanding Natural Beauty, Local Nature Reserves, National Parks (England), National Trails, Priority Habitat Inventory, public rights of way (on the Ordnance Survey base map) and Sites of Special Scientific Interest (including their impact risk zones)**. Local environmental record centres may hold a range of additional information on the natural environment. A list of local record centres is available [here](#)³.

Priority habitats are those habitats of particular importance for nature conservation, and the list of them can be found [here](#)⁴. Most of these will be mapped either as **Sites of Special Scientific Interest**, on the Magic website or as **Local Wildlife Sites**. The local planning authority should be able to supply the locations of Local Wildlife Sites.

National Character Areas (NCAs) divide England into 159 distinct natural areas. Each character area is defined by a unique combination of landscape, biodiversity, geodiversity and cultural and economic activity. NCA profiles contain descriptions of the area and statements of environmental opportunity, which may be useful to inform proposals in the plan. NCA information can be found [here](#)⁵.

There may also be a local **landscape character assessment** covering the area. This is a tool to help understand the character

² <http://magic.defra.gov.uk/>

³ <http://www.nbn-nfbr.org.uk/nfbr.php>

⁴ <http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

⁵ <https://www.gov.uk/government/publications/national-character-area-profiles-data-for-local-decision-making>

and local distinctiveness of the landscape and identify the features that give it a sense of place. It can help to inform, plan and manage change in the area. The local planning authority should be able to help access these if they are not online.

If the neighbourhood planning area is within or adjacent to a **National Park** or **Area of Outstanding Natural Beauty (AONB)**, the relevant National Park/AONB Management Plan for the area will set out useful information about the protected landscape. Access the plans on from the relevant National Park Authority or Area of Outstanding Natural Beauty website.

General mapped information on **soil types** and **Agricultural Land Classification** is available (under 'landscape') on the [Magic](http://magic.defra.gov.uk/)⁶ website and also from the [LandIS website](http://www.landis.org.uk/)⁷, which contains more information about obtaining soil data.

Natural environment issues to consider

The [National Planning Policy Framework](https://www.gov.uk/government/publications/national-planning-policy-framework--2)⁸ sets out national planning policy on protecting and enhancing the natural environment. [Planning Practice Guidance](http://planningguidance.planningportal.gov.uk/blog/guidance/natural-environment/)⁹ sets out supporting guidance.

The local planning authority should be able to provide further advice on the potential impacts of the plan or order on the natural environment and the need for any environmental assessments.

Landscape

The plans or orders may present opportunities to protect and enhance locally valued landscapes. You may want to consider identifying distinctive local landscape features or characteristics such as ponds, woodland or dry stone walls and think about how any new development proposals can respect and enhance local landscape character and distinctiveness.

If proposing development within or close to a protected landscape (National Park or Area of Outstanding Natural Beauty) or other sensitive location, NE recommend that you carry out a landscape assessment of the proposal. Landscape assessments can help to choose the most appropriate sites for development and help to avoid or minimise impacts of development on the landscape through careful siting, design and landscaping.

Wildlife habitats

Some proposals can have adverse impacts on designated wildlife sites or other priority habitats (listed [here](#)¹⁰), such as Sites of Special Scientific Interest or [Ancient woodland](https://www.gov.uk/guidance/ancient-woodland-and-veteran-trees-protection-surveys-licences)¹¹. If there are likely to be any adverse impacts you will need to think about how such impacts can be avoided, mitigated or, as a last resort, compensated for.

⁶ <http://magic.defra.gov.uk/>

⁷ <http://www.landis.org.uk/index.cfm>

⁸ <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

⁹ <http://planningguidance.planningportal.gov.uk/blog/guidance/natural-environment/>

¹⁰ <http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

¹¹ <https://www.gov.uk/guidance/ancient-woodland-and-veteran-trees-protection-surveys-licences>

Priority and protected species

You will also want to consider whether any proposals might affect priority species (listed [here](#)¹²) or protected species. To help do this, Natural England has produced advice [here](#)¹³ to help understand the impact of particular developments on protected species.

Best and Most Versatile Agricultural Land

Soil is a finite resource that fulfils many important functions and services for society. It is a growing medium for food, timber and other crops, a store for carbon and water, a reservoir of biodiversity and a buffer against pollution. If proposing development, you should seek to use areas of poorer quality agricultural land in preference to that of a higher quality in line with National Planning Policy Framework para 112. For more information, see our publication [Agricultural Land Classification: protecting the best and most versatile agricultural land](#)¹⁴.

Improving your natural environment

The plan or order can offer exciting opportunities to enhance the local environment. If setting out policies on new development or proposing sites for development, you may wish to consider identifying what environmental features you may wish to be retained or enhanced or new features you would like to see created as part of any new development. Examples might include:

- Providing a new footpath through the new development to link into existing rights of way.
- Restoring a neglected hedgerow.
- Creating a new pond as an attractive feature on the site.
- Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- Incorporating swift boxes or bat boxes into the design of new buildings.
- Think about how lighting can be best managed to encourage wildlife.
- Adding a green roof to new buildings.

You may also want to consider enhancing your local area in other ways, for example by:

- Setting out in your plan how you would like to implement elements of a wider Green Infrastructure Strategy (if one exists) in your community.
- Assessing needs for accessible greenspace and setting out

¹² <http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

¹³ <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

¹⁴ <http://publications.naturalengland.org.uk/publication/35012>

	<p>proposals to address any deficiencies or enhance provision.</p> <ul style="list-style-type: none">• Identifying green areas of particular importance for special protection through Local Green Space designation (see Planning Practice Guidance on this ¹⁵).• Managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips in less used parts of parks, changing hedge cutting timings and frequency).• Planting additional street trees.• Identifying any improvements to the existing public right of way network, e.g. cutting back hedges, improving the surface, clearing litter or installing kissing gates) or extending the network to create missing links.• Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition, or clearing away an eyesore).
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¹⁵ <http://planningguidance.planningportal.gov.uk/blog/guidance/open-space-sports-and-recreation-facilities-public-rights-of-way-and-local-green-space/local-green-space-designation/>