

# Eaton Parish Council Neighbourhood Plan SEA Screening Report

Prepared by Cheshire East Council, March 2019

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## Abbreviations:

CEC	Cheshire East Council
CELPS:	Cheshire East Local Plan Strategy
CBLP:	Congleton Borough Local Plan
ENDP:	Eaton Neighbourhood Development Plan
ENA:	Eaton Neighbourhood Area
NP:	Neighbourhood Plan

## 1.0 Introduction

Strategic Environmental Assessment (SEA) is a way of ensuring the environmental implications of decisions are taken into account before any such decisions are made. The need for environmental assessment of plans and programmes is set out in the EU Directive 2001/42/EC – known as the SEA Directive. Under this Directive, Neighbourhood Plans may require SEA – but this will depend on the content of each Neighbourhood Plan. The SEA Directive makes SEA a mandatory requirement for:

*Plans which are prepared for town and country planning or land use and which set the framework for future development consent of projects listed in the Environmental Impact Assessment (EIA) Directive; or Plans which have been determined to require an assessment under the Habitats Directive.*

A screening of a draft plan must be undertaken by the responsible authority prior to adoption or submission to the legislative procedure. In this case the 'responsible authority' is Eaton Parish Council however Cheshire East Council, upon request, has agreed to provide a screening opinion on the Eaton Neighbourhood Development Plan (ENDP) to determine if SEA is required. If it is concluded that an SEA is required, Eaton Parish Council are responsible for its production and it must form part of the material that is consulted on once the formal consultation stage is reached.

The main determining factor as to whether SEA is required on a Neighbourhood Plan is if it is likely to have a significant effect on the environment. Those Neighbourhood Plans containing land allocations for development, which are not included in the local authority's plan, are likely to require SEA. Neighbourhood Plans which do not contain such allocations (or simply reflect allocations already identified as part of a local authority plan) are less likely to require SEA.

If SEA is required, Eaton Parish Council may wish to consider voluntarily expanding the scope so that it covers wider economic and social issues. This is the approach taken by Cheshire East Council, whereby SEA is included within the broader Sustainability Appraisal of plans. The advantage of undertaking a Sustainability Appraisal is that it can demonstrate the impact of the Neighbourhood Plan on social, economic and environmental factors and therefore demonstrate to an examiner that the Plan that has been prepared is the most sustainable given all alternatives.

### 1.1 Requirement for Strategic Environmental Assessment (SEA)

Where a neighbourhood plan could have significant environmental effects it may require a SEA.

Whether a neighbourhood plan requires SEA and (if so), the level of detail needed, will depend on what is proposed in the draft neighbourhood plan. SEA may be required for example when:

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

## 1.2 Requirement for HRA

In the context of neighbourhood planning, a Habitats Regulation Assessment (HRA) is required where a Neighbourhood Plan is deemed likely to give rise to significant effects on protected European Sites (Natura 2000 sites), as a result of the plan's implementation. If no significant effect is deemed likely, HRA is not required. Where HRA is undertaken, it is good practice to identify sites within 10-15km of the plan/project boundary and include them in a HRA.

## 1.3 Legislative Background

The basis for Strategic Environmental Assessments and Sustainability Appraisal is the [European Directive 2001/42/EC](#) which has subsequently been transposed into English law by the [Environmental Assessment of Plans and Programmes Regulations 2004](#), or SEA Regulations. The government has produced guidance in relation to these regulations, entitled '[A practical guide to the Strategic Environmental Assessment Directive](#)'.

Schedule 2 of the [Neighbourhood Planning \(General\) Regulations 2012](#) makes provision in relation to the Habitats Directive. The Directive requires that any plan or project likely to have a significant effect on a European site must be subject to an Appropriate Assessment. To achieve this, paragraph 1 prescribes a basic condition that the making of a neighbourhood plan is not likely to have a significant effect on a European Site. Paragraphs 2 to 5 of the Schedule amend the Conservation of Habitats and Species Regulations 2010 so as to apply its provisions to neighbourhood development orders and neighbourhood plans. In particular, paragraph 4 inserts new regulation 78A which provides that a neighbourhood development order may not grant planning permission for development which is likely to have a significant effect on a European site.

Schedule 3 of the [Neighbourhood Planning \(General\) Regulations 2012](#) makes provision in relation to the [Environmental Impact Assessment \(EIA\) Directive](#). The Directive requires that EIA development must be subject to a development consent process. To enable this, Schedule 3 prescribes a basic condition that applies where development which is the subject of a proposal for a neighbourhood development order is of a type caught by the EIA Directive, and applies to the relevant provisions of the [Town and Country Planning \(Environmental Impact Assessment\) Regulations 2011\(3\)](#) ("the EIA Regulations") with appropriate modifications ([regulation 33](#) and paragraphs [1 to 4 and 6 of Schedule 3](#)). Paragraphs 5 and 7 to 13 of Schedule 3 correct errors in the EIA regulations.

This report seeks to determine if the ENDP is likely to have a significant effect on the environment.

## 1.4 The Cheshire East Local Plan Strategy (CELPS)

The basic conditions require Neighbourhood Plans to be in general conformity with the strategic policies contained in the development plan for the area of the authority. The Congleton Borough Local Plan was adopted in 2004. Some of the policies within the Local Plan have been 'saved', which means they are still used in determining planning applications. As policies become out of date through lack of conformity with the NPPF or where more up to date evidence is available, they can be given less weight for decision making purposes, particularly on strategic issues.

The Cheshire East Local Plan Strategy (CELPS) was adopted on 27<sup>th</sup> July 2017 and sets the strategic approach to development across the sub-region.

The CELPS was subject to a full Sustainability Appraisal which included SEA. This ensured that no likely significant effects are expected to arise from the implementation of the CELPS or the delivery of the quantum of development identified in it.

## 1.5 Screening Process

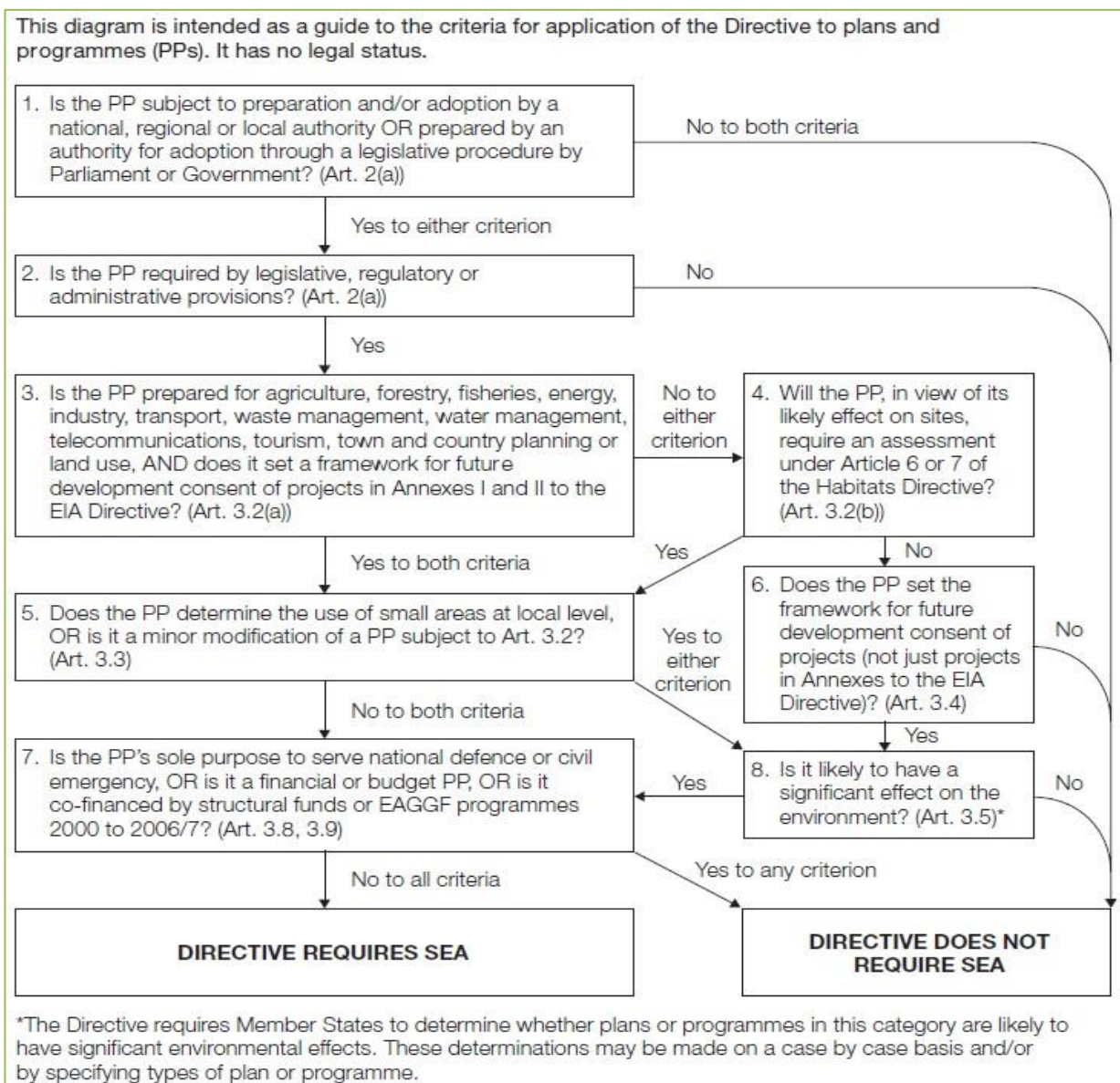
Eaton Parish Council has requested a SEA screening opinion of its Neighbourhood Plan. It is the qualifying body's responsibility to undertake an assessment of whether their proposed policies are likely to have 'significant environmental effects' however on request, CEC will undertake such an

assessment on behalf of the qualifying body. The Plan does not have to be at a final draft stage to be assessed.

The screening opinion assessment is undertaken in two parts: the first part will assess whether the plan requires SEA (as per the flow chart which follows); and the second part of the assessment will consider whether the Neighbourhood Plan is likely to have a significant effect on the environment, using criteria drawn from [Schedule 1 of the EU SEA Directive](#) and the UK Environmental Assessment of Plans and Programmes Regulations 2004 (see section 5).

The three statutory consultation bodies (English Heritage, Environment Agency and Natural England) have been consulted to establish whether the Eaton Neighbourhood Plan requires SEA and whether the plan may have a 'significant environmental effect' on the environment. Should it be concluded that SEA is required Eaton Parish Council will need to undertake a SEA with a SEA Scoping Report exercise as the first stage.

The government guidance [‘A practical guide to the Strategic Environmental Assessment Directive’](#) sets out the following approach to be taken in determining whether SEA is required:



## 1. 5.1 Summary of the Screening Assessment

Summary	
Name of Neighbourhood	Eaton Parish Council Neighbourhood Plan
Geographic Coverage of	The Parish of Eaton
Key Topics/scope of the Plan	<ul style="list-style-type: none"> <li>• Local Green Gap</li> <li>• Restoration of minerals extraction sites</li> <li>• Character, design and biodiversity</li> </ul>
Key Issues	Regulation 14 plan with some scope to revise policies. Role as a village settlement, significant growth taking place within proximity to the neighbourhood plan area, impact on the local environment, local green gap, landscape, design and character.
Summary of Screening opinion	
Assessor:	Tom Evans, Neighbourhood Planning Manager
Date of assessment	March 2019
Conclusion of	SEA is not required
Reason for conclusion	<p>The Neighbourhood Plan does not propose to allocate specific sites for future development, and promotes criteria based policies that seek to shape future development proposals, on a small scale basis, that reduce and manage impact on the environment (both natural and built). It also includes a local green gap policy defining an area of land between the village and the nearest settlement (Congleton) that is identified as especially sensitive in landscape and character terms.</p> <p><b>Designated sites within the neighbourhood area:</b> There are no European Sites within the neighbourhood area and two within 15km of the neighbourhood area (see appendix C). There are Sites of Biological Interest within the neighbourhood area and a Site of Special Scientific Interest immediately adjacent to it.</p> <p><b>Designated heritage assets within the neighbourhood area:</b> There 4 Grade II Listed Buildings within the neighbourhood area (see appendix D). No other heritage designations are present.</p> <p><b>Flood Risk zones within the neighbourhood area:</b> Flood Risk Zones 2 and 3 are present in the neighbourhood area, to the south eastern boundary (see appendix E).</p> <p><b>Effect on the Environment:</b> The neighbourhood plan does not introduce new policy that enables a significant effect on the environment to be implemented. As a lower tier plan all development proposals will be subject to assessment against the NP and higher tier policies, plans and legislation that seek to protect locally, nationally and internationally designated sites. The CELPS sets the strategic development framework for Eaton, including broad levels of growth appropriate to rural areas, and has been tested through integrated SEA to ensure the effect of this growth is acceptable in environmental terms. The ENDP does not propose additional growth at a significant scale beyond that already accepted in the CELPS, nor does it include specific proposals of a scale or intent large enough or with an impact significant enough, that would lead to additional significant effects on the environment or designated sites. The policies in the Neighbourhood Plan are criteria based and seek to safeguard existing assets and the plan does not introduce policies which would significantly change the status of land beyond the planning framework in place, therefore SEA is not required.</p>
Statutory Consultee	Summary of Comments
English Heritage	SEA not required
Environment Agency	SEA not required
Natural England	SEA not required

## 2.1 Plan Context

Eaton is a rural parish and for the purposes of the Cheshire East Local Plan Strategy (CELPs) Settlement Hierarchy, falls within the category of 'Other Settlements and Rural Areas'. Policies PG1 and PG2 of the CELPS set out the preferred development strategy and distribution of development for the Borough. The distribution of future development in the Borough is intended to be focused on the Key Towns of Crewe and Congleton and the 9 Key Service Centres. The OSRA areas are anticipated to accommodate a small proportion of growth to support local needs and services.

The parish area is covered by Policy PG6 Open Countryside which generally restricts development in the countryside but does also identify development which would be considered acceptable.

The CELPS outlines that a small quantum of growth to meet need and support the vitality of smaller centres and rural areas will be supported and identifies a need to deliver some 2950 homes and 8ha of employment land in Other Settlements and Rural Villages (outside of a 61ha allocation at Wardle).

The Plan area contains important natural habitats and waterbodies, hosts some minerals development and adjoins Congleton parish and settlement, the subject of significant planned growth and new infrastructure. A key piece of new infrastructure is the Congleton Link Road that will adjoin the A34 within Eaton Parish.

The Eaton Neighbourhood Development Plan (ENDP) does not allocate specific sites for development and instead identifies a series of criteria based policies against which development proposals should be assessed within the neighbourhood area. Such criteria are designed to ensure the delivery of sustainable development to meet the objectives of the Eaton Neighbourhood Plan.

Planning applications within the Eaton Neighbourhood Area (ENA) will be assessed against the policies in the ENDP, saved development plan policies and other material planning considerations, including the recently adopted CELPS.

As specific development sites have not been identified in the ENDP or in the CELPS in this location, no assessment of potential development sites has been undertaken as part of the ENDP process.

## 2.2 Aims of the Plan:

The ENDP document sets out a vision for the parish and what the neighbourhood plan should deliver:

***Eaton is a small, historic and socially thriving community that will retain its quiet, rural identity whilst supporting its local economy and benefitting from a 21<sup>st</sup> Century infrastructure.***

## 2.3 Objectives

In order to deliver their vision, the ENDP has set out a series of objectives:

- To accept small scale sensitive brownfield housing development on appropriate infill sites and through conversions, in line with numbers contained within the Eaton Housing Needs Advice Report of October 6th 2018.

- To protect and enhance the rural setting of Eaton and to establish and maintain a Local Green Gap between the settlement and Congleton.
- To ensure that any new development is in keeping with local character
- To ensure that important views and local green spaces are protected
- To protect and enhance heritage assets
- To encourage safe and sustainable transport
- To ensure improvements to infrastructure
- To support and encourage leisure activities and community facilities
- To encourage and support a thriving local economy
- To continue the good relationship with the sand extraction industry and ensure that restoration plans will complement the parish

## **2.4 Designated sites within the neighbourhood area:**

There are no European Designated Sites within the Neighbourhood Area and two within 15km. The nearest designated site is a Designated Special Area of Conservation (in the Peak District national park).

## **2.5 Policies**

The ENDP contains a number of policies that will be used to ensure the delivery of the vision and objectives and guide individual development management decisions. An assessment of these policies impact on European Sites has been carried out and concludes that no likely adverse impact will arise. The full assessment and table of policies is included at Table 3 below.

The following sections assess whether the plan requires SEA due to its content and whether it is likely to give rise to a significant effect on designated sites or the environment.

## 3.0 Screening Assessment

### 3.1 Assessment 1: Does the Neighbourhood Plan require a SEA?

Stage	Y/N	Reason
1. Is the Neighbourhood Plan (NP) 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	The preparation and adoption of the NP is allowed under the Town and Country Planning Act 1990 as amended by the Localism Act 2011. The NP will be prepared by (as the 'relevant body') and will be 'made' by Cheshire East Council as the local authority. The preparation of NPs is subject to the following regulations: The Neighbourhood Planning (General) Regulations 2012 and The Neighbourhood Planning (referendums) Regulations 2012.
		GO TO STAGE 2
2. Is the NP required by legislative, regulatory or administrative provisions? (Art. 2(a))	Y	Whilst the NP is not a requirement and is optional under the provisions of the Town and Country Planning Act as amended by the Localism Act 2011, it will if 'made', form part of the Development Plan for the Borough. It is therefore important that the screening process considers whether it is likely to have significant environmental effects and hence whether SEA is required under the Directive.
		GO TO STAGE 3
3. Is the NP prepared for agriculture, forestry, fisheries, energy, industry, transport, waste 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))	Y	The NP is being prepared for town and country planning, local transport and land use as it makes proposals to manage the development of land for housing and employment uses. As such, the NP contains a framework for future development consent of urban development projects (listed as 10(b) in Annex II of the EIA Directive). The NP does not specifically allocate any land for development purposes.
		GO TO STAGE 5
4. Will the NP, in view of its likely effect on sites, require an assessment for future development under Article 6 or 7 of the Habitats Directive? (Art. 3.2(b))	N	No, the policies in the plan are criteria based and unlikely to directly affect designated sites.
5. Does the NP determine the use of small areas at local level OR is it a minor modification of a plan or programme subject to Art. 3.2? (Art. 3.3)	Y	The NP intends to support local development for residential and employment/commercial use through criteria based policies. There is therefore the potential for an effect on the environment resulting from policies in the plan. However, policies are criteria based and do not instigate changes to land use directly. Additionally The Neighbourhood Plan sits within the wider framework of the National Planning Policy Framework (NPPF), the adopted Cheshire East Local Plan strategy and the saved policies of the Congleton Borough Local Plan 2004, therefore the Neighbourhood Plan will help to set the framework for projects that are localised in nature and are likely to have limited resource implications.
		GO TO STAGE 8
6. Does the NP set the framework for future development consent of projects (not just projects in annexes to the EIA Directive)? (Art. 3.4)	Y	Yes, the NP contributes to establishing a local policy framework within which planning consent will be considered for a wide range of development proposals. Whilst the NP may establish very local criteria to enable development within criteria based parameters, higher tier policies, plans and legislation exist to ensure that the NP is used within a framework with sufficient protection for environmental considerations.
7. Is the NP'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 2006/7? (Art. 3.8, 3.9)	N	The NP does not fall into any of the criteria listed.
8. Is it likely to have a significant effect on the environment? (Art 3.5)	N	See Assessment 2: Likely significant effects on the environment
On the basis of criterion 1, 2, 3, 5 and 6 above, it is necessary to assess whether the neighbourhood plan is likely to have a significant effect on the environment. This assessment is undertaken through Assessment 2 below.		

### **3.2 Assessment 2: Is the Neighbourhood Plan likely to have a Significant Effects on the Environment?**

The EIA Regulations include thresholds under which development proposals are not required to be screened to determine whether an EIA should be required. These are:

- The development includes more than 1 hectare of urban development which is not dwelling house development
- The development includes more than 150 dwellings
- The overall area of the development exceeds 5 hectares.

Under these thresholds there is no obligation to screen urban development projects for EIA.

The neighbourhood plan does not include more than 1 hectare of non-residential development; it does not allocate sites for more than 150 dwellings and the overall area of the development does not exceed 5 hectares

Whilst these tests do not apply to plan-making they are useful as bench-mark for comparison. The ENDP does not exceed any of the thresholds identified in the EIA regulations. It is therefore reasonable to suggest that the effects of the plan on the environment, in general, cannot be significant. However there may be specific features or special characteristics in this location upon which the plan may have a significant effect. It is therefore important to understand if there is any specific reason the plan could be considered to give rise to a significant effect on the environment. Using Schedule 1 of the SEA regulations, the following assessment has been undertaken to determine if there is any other reason why the ENDP may give rise to a significant effect on the environment.

Issue	Effect?	Reasons
<b>Biodiversity</b>	1. No significant effect	Whilst there are significant local assets, the policy framework provided by the neighbourhood plan, alongside existing policy held in the CELPS and the wider Development Plan provides sufficient protection. No proposed policies are likely to give rise to a substantially negative impact on biodiversity and natural assets.
<b>Population</b>	1. No significant effect	Eaton Parish has a population of 374 people (2011 Census). Most people are aged between 25 and 64 (55%) which may lead to a demand in the future for accommodation for more suitable for an elderly population. Outside of committed sites there is no allocated land for residential development that may accommodate future housing need locally within the neighbourhood area.
<b>Human health</b>	1. No significant effect	Housing is a key detriment of human health. On a limited basis, the plan seeks to provide housing suitable for the local population which would result in a positive effect on human health and enable older residents to downsize within their community, and first time buyers and families to access suitable housing contributing to well being. The Index of Multiple Deprivation shows Eaton to be generally affluent (within 40% of least deprived neighbourhoods). The Joint Strategic Needs assessment for Eaton Wards (Gawsworth) shows the population here is generally in good health with notable exceptions to emergency admissions age 0-4, new cases of breast cancer. The JNSA shows the over 65 population is high. The neighbourhood plan introduces positive criteria based policies to assist in delivering the type of development that will contribute in addressing some of these issues however the policies included are unlikely to have a significant effect beyond the local area.
<b>Fauna</b>	1. No significant effect	Designated sites are subject to existing protection via other policies. The neighbourhood plan seeks to protect existing assets and does not introduce policies that are likely to harm local fauna.
<b>Flora</b>	1. No significant effect	Designated sites are subject to existing protection via other policies. The neighbourhood plan seeks to protect existing assets and does not introduce policies that are likely to harm local flora.
<b>Soil</b>	1. No significant effect	Agricultural land classification grades two and three are present within the neighbourhood area. No development is proposed in the neighbourhood plan that would give rise to agricultural land.
<b>Water</b>	1. No significant effect	Flood zones two and three are present towards the southern and eastern edge of the neighbourhood area. The policies proposed are unlikely to exert a significant impact on the existing approach to development in areas of flooding, and flooding issues are addressed by policies in the wider development plan/other legislation.
<b>Air</b>	1. No significant effect	There are no air quality management areas within the neighbourhood area. Policies contained in the plan are unlikely to significantly impact this issue.
<b>Material assets</b>	1. No significant effect	There are no areas of historic landfill within the neighbourhood area. Policies in the plan do not address such issues and are therefore unlikely to result in a significant effect on the environment. No other material assets are present.
<b>Landscape</b>	1. No significant effect	There is a Site of Special Scientific Interest, and Sites of Biological Interests within and immediately adjacent to the neighbourhood area. ENDP emerging policies seek to ensure that new development does not harm locally valued landscapes and the rural setting.
<b>Cultural heritage</b>	1. No significant effect	There are a number of Grade II listed buildings within the neighbourhood area, some may be directly affected by new development across the Plan period. If necessary, the usual mitigation measures will be required to be adhered to through the implementation of planning permission and therefore it is reasonable to expect that the effect of development on these structures and their settings will be addressed by other parts of the planning system. Policies exist in the NP which seek to protect heritage assets, alongside similar policies in the Development Plan and therefore the policies overall are unlikely to enable the delivery of new development which would not already be possible under the existing local framework. As such the NP policies are unlikely to have a significant effect on heritage assets directly or on the approach taken to heritage assets in the development planning process.

### 3.3 Determining whether the ENDP is likely to have a significant effect on Designated Sites

Eaton NP Objective	Eaton NP Policy	Effect on European Designation
<p>To protect and enhance the rural setting of Eaton and to establish and maintain a Local Green Gap between the settlement and Congleton</p> <p>To accept small scale sensitive brownfield housing development on appropriate infill sites and through conversions, in line with numbers contained within the Eaton Housing Needs Advice Report of October 6th 2018.</p> <p>To ensure that any new development is in keeping with local character</p> <p>To protect and enhance heritage assets</p> <p>To ensure that important views and local green spaces are protected</p>	POLICY BNE1 – New Housing	1. No negative effect 1A
	POLICY BNE2 – LOCAL GREEN GAPS	1. No negative effect 1B
	POLICY BNE3– LOCAL CHARACTER AND DESIGN	1. No negative effect 1B
	POLICY BNE4 – HERITAGE	1. No negative effect 1B
	POLICY BNE5 – IMPORTANT VIEWS AND VISTAS	1. No negative effect 1B
	POLICY BNE6 – LOCAL GREEN SPACES	1. No negative effect 1B
	POLICY BNE7 - DARK SKIES	1. No negative effect 1B
	POLICY BNE8 – TREES, HEDGEROWS, WATERCOURSES, LAKES AND PONDS	1. No negative effect 1B
<p>To encourage safe and sustainable transport</p> <p>To ensure improvements to</p>	POLICY TI1 – SUSTAINABLE TRANSPORT	1. No negative effect 1A
	POLICY TI2– FOOTPATHS AND ACCESS TO THE COUNTRYSIDE	1. No negative effect 1A
	POLICY TI3– COMMUNICATIONS INFRASTRUCTURE	1. No negative effect 1A

infrastructure		
To support and encourage leisure activities and community facilities	POLICY C1 – LEISURE AND COUNTRYSIDE PURSUITS	1. No negative effect 1A
	POLICY C2 – COMMUNITY FACILITIES	1. No negative effect 1A
To encourage and support a thriving local economy	POLICY LE1 – RURAL ECONOMY	1. No negative effect 1A
To continue the good relationship with the sand extraction industry and ensure that restoration plans will complement the parish	POLICY LE2 – EXTRACTIVE INDUSTRIES AFTER-USE	1. No negative effect 1A

Category	Description
1A. No negative effect	Policy will not lead to development. For example it relates to design or other qualitative criteria, or it is not a land-use planning policy.
1B. No negative effect	Policy intended to conserve or enhance the nature, built or historic environment, where enhancement measures will not be likely to have any negative effect on a European Site.
1C. No negative effect	Policy would have no effect because no development could occur through the policy itself, the development being implemented through other policies in the same plan, which are more specific and therefore more appropriate to assess for their effects on European Sites and associated sensitive areas.
1D. No negative effect	Policy is similar to, or compliant with, The Cheshire East Local Plan Strategy policy which has been assessed as having no negative effects by a HRA/SA.
2. No significant effect	No significant effect either alone or in combination with other plans or projects, because effects are trivial, minimal or mitigated through other policies in combination.
3. Likely significant effect alone	Policy could indirectly affect a European Site, because it provides for, or steers, a quantity or type of development that may be very close to it, or ecologically, hydrologically or physically connected to it, or it may increase disturbance as a result of increased recreational pressure.
4. Likely significant effects in combination	The policy alone would not be likely to have significant effects but if the effects are combined with the effects of other policies or proposals provided for or coordinated by the relevant plans or projects the cumulative effects would be likely to be significant.

### 3.4 Assessment 2: Is the Neighbourhood Plan likely to have a Significant Effects on the Environment?

Characteristics of the Neighbourhood Plan, having regard to:	Cheshire East Council assessment	Likely significant effect?
The degree to which the Plan sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources.	The NP would, if made, form part of the statutory Development Plan and as such does contribute to the framework for future development consent of projects. The NP is expected to determine the use of small areas at a local level and sits within the wider framework of the National Planning Policy Framework (2012), the CEC Local Plan Strategy (2017) and the 'saved' Local Plan policies contained within the Congleton Borough Local Plan 2005 (CBLP), therefore the projects for which this NP helps to set a framework are localised in nature but may have limited resource implications.	N
The degree to which the Plan influences other plans and programmes including those in a hierarchy.	The NP must be in conformity with the National Planning Policy Framework. The policies within the NP should also be in general conformity with any strategic 'saved' Local Plan policies held within the Congleton LP, and CELPS Strategic Policies. The CELPS is being prepared in two stages and because Eaton Parish falls within the Rural and Other Settlements category, the detailed policy framework for this tier of settlement is yet to be fully developed and therefore the conclusions reached in the NP may exert a limited degree of influence over the formation of future strategic and non-strategic policies in the Development Plan. However, the scope to depart from conclusions reached in the NP remains available to plan makers addressing issues relevant to this location.	N
The relevance of the Plan for the integration of environmental considerations in particular with a view to promoting sustainable development.	The NP is expected to work to protect and enhance the natural environment of the area within a wider policy framework including, but not limited to the NPPF, the saved policies of the Development Plan for Cheshire East Council and the Cheshire East Local Plan Strategy. The NP addresses a series of local environmental issues. In combination with other plans and legislation, it is considered that the NP will integrate environmental considerations and promote sustainable development but may also give rise to a limited, but positive effect on the environment through implementation of policies that protect the countryside and habitats.	N
Environmental problems relevant to the Plan.	There are no identified environmental problems relevant to the Plan. Local minerals extraction may have a limited impact on the environment however this is outside of the scope of the neighbourhood plan (although the plan does seek to address remediation issues) Where relevant, future development proposals will need to consider the impact of the plan on flood risk, designated sites and other primary and secondary impacts on the environment.	N
The relevance of the Plan for the implementation of Community legislation on the environment (for example, plans and programmes linked to waste management or water protection).	The NP is not directly relevant to the implementation of European legislation, although it will need to take the impact of the Water Framework Directive into account.	N
The probability, duration, frequency and reversibility of the effects of the Plan.	Whilst development may take place which is informed by the NP, the NP does not assist in instigating development directly through allocation of sites. There are therefore likely to be short-term effects resulting from activity associated with the development of small scale, un-allocated sites within the ENA.	N

	There may also be longer-term effects relevant to changes in land use which may be positive but on a limited scale may have a negative impact on environmental factors. The plan seeks to establish a local framework to address such issues and also relies on higher tier plans and policies to deliver mitigation of such negative impacts.	N
	Where proposals are received to develop small scale sites in accordance with draft NP policies, such proposals will also be subject to national and local policies in regard to environmental protection and mitigation of impacts. The plan does not deviate from such guidance.	N
The cumulative nature of the effects of the Plan.	The NP does not seek to bring forward allocation of small scale sites that are not specifically detailed in the Cheshire East LPS or already have planning permission granted. Given the limit levels of growth supported in the plan, such effects are likely to be limited.	N
The trans-boundary nature of the effects of the Plan.	The plan is limited in geographic extent and its policies and proposals are localized seeking to manage, rather than implement change. Therefore there are not expected to be any significant trans-boundary effects.	N
The risks to human health or the environment (e.g. due to accidents).	There are no significant risks to human health in the plan area and the plan does not support policies or programs that are likely to give rise to such risks. Indeed, the NP is likely to improve human health through positive assertions on protection of natural assets and sustainable transport.	N
The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected) by the Plan.	Eaton Neighbourhood Plan covers the parish of Eaton Parish. The NP is likely to affect a resident population of approximately 374 people over the life of the Plan across a parish located in a mainly rural area. The population within the parish is expected to experience limited population growth.	N
The value and vulnerability of the area likely to be affected by the Plan due to: Special natural characteristics or cultural heritage; Exceeded environmental quality standards or limit values; or intensive land use	The neighbourhood area contains a number of important cultural, natural and environmental assets both within and adjacent to the plan area however the limited levels of development supported, and existence of other mitigating policies seek to minimise impact here. The NP sets out to deliver new development within a framework supportive of small scale development, implemented sensitively to preserve and enhance local natural, environmental and heritage assets. Given that the Borough is generally rural in nature, and Eaton Parish is predominantly a rural parish with a many of biodiversity assets and natural habitats, most proposed development will have an impact on the environment in the wider sense, and in some cases in a specific, locationally based sense that cannot yet be identified or assessed. Higher tier policies exist to offer adequate protection to the existing natural, cultural and environmental assets within and adjacent to the plan area.	N
	The draft NP does not exceed environmental quality standards or limit values.	N
	Specific sites are identified for development and an assessment has been undertaken to ensure that those sites selected make the best and most efficient use of land – not to intensively use the land for development. Specific policies are included to ensure land is not over developed. Future development proposals will be assessed against other policies within the Development Plan (which, in totality, should mitigate against the over-development of land).	N

The effects of the Plan on areas or landscapes which have recognised national, community or international protection status.	There are Sites of Biological Interest, and Sites of Special Scientific Interest located within and immediately adjacent to the Eaton Neighbourhood Area. Policies are included in the Plan that seek to preserve and protect biodiversity and habitats.	N
	The plan area does not include designated landscapes however introduces policies that address landscapes, and views in particular, that may be locally sensitive to development.	N
	The location of these sites within the neighbourhood plan area makes their presence relevant however the limited levels of growth and absence if identified locations of sites do not give rise to a significant impact to the environment.	N
<b>Assessment 2 Conclusion</b>	<b>The ENDP is unlikely to have a significant effect on the environment.</b>	<b>Directive does not require SEA</b>

## 4.0 Screening Conclusion

The Eaton Neighbourhood Plan includes policies that support small scale development at a scale in conformity with the approach taken by the CELPS. It introduces criteria based policies (which are yet to be finalised) that address local issues but which do not alter the status of land to a degree which would have a significant effect on the environment.

There are no designated sites of European significance within the neighbourhood area and two within 15km proximity of the plan but, due to the nature of the policies, and that the plan does not allocate sites for development, the effect of the plan on these sites is not considered to be significant. The ENDP also seeks to ensure that any new development is addressed sensitively in the context of evidence prepared in relation to natural, heritage and landscape assets thus incorporating environmental protection in general and at specific designated locations.

The assessment therefore concludes that the ENDP is unlikely to have a significant effect on the environment or on designated sites and therefore HRA and SEA are not required.

## 4.1 Monitoring of ENDP Policies

Whilst Eaton Parish Council is committed to the delivery of the objectives held within the ENDP, there may be circumstances where development will not come forward entirely as anticipated. Cheshire East Council, as part of it's monitoring of the Development Plan, including this neighbourhood plan, monitor performance through a Monitoring Report produced annually. The ENDP will also be monitored through this process. Generally, the outcome of the monitoring process will inform whether specific intervention actions should be pursued in the ENDP. If these actions fail to address under performance then other complementary plans and strategies should be reviewed.

## 5.0 Appendices

### Appendix A: Responses from Statutory Consultees:

#### 1. Historic England:

By email: [tom.evans@cheshireeast.gov.uk](mailto:tom.evans@cheshireeast.gov.uk)

Our ref: PL00568443

Your ref:

Date: 15 April 2019

Dear Tom

#### **Eaton Parish Neighbourhood Plan – SEA screening**

Thank you for your email dated 27 March 2019 regarding the proposed screening opinion for the Eaton Parish Neighbourhood Plan

Historic England is the Government's statutory adviser on all matters relating to the historic environment in England. We are a non-departmental public body established under the National Heritage Act 1983 and sponsored by the Department for Culture, Media and Sport (DCMS). We champion and protect England's historic places, providing expert advice to local planning authorities, developers, owners and communities to help ensure our historic environment is properly understood, enjoyed and cared for.

Historic England has produced a document, which you might find helpful in providing guidance on the effective assessment of the historic environment in Strategic Environmental Assessments. This can be found at <https://www.historicengland.org.uk/images-books/publications/sustainability-appraisal-and-strategic-environmental-assessment-advice-note-8/>.

In terms of our area of interest, we would concur with your assessment that the document is unlikely to result in any significant environmental effects and will simply provide additional guidance on existing policies which have already been subject to a Sustainability Appraisal. As a result, we would endorse the conclusions that it is not necessary to undertake a Strategic Environmental Assessment of the document.

If you have any queries about this matter or would like to discuss anything further, please do not hesitate to contact me.

Yours sincerely,



**Emily Hrycan**  
Historic Environment Planning Adviser (North West)  
Historic England  
Telephone: 0161 242 1423  
e-mail: [emily.hrycan@HistoricEngland.org.uk](mailto:emily.hrycan@HistoricEngland.org.uk)

## **2. Environment Agency:**

### **Strategic Environmental Assessment (SEA) Screening Opinion Request – Eaton Parish Neighbourhood Plan (Version 4.1)**

Dear Mr Evans

Thank you for submitting the above SEA screening opinion request for the Eaton Parish Neighborhood Plan. This referral was received in office on the 27<sup>th</sup> March 2019.

As part of this consultation we have reviewed the following documentation:

- Eaton Parish Neighbourhood Plan v4.1. Regulation Draft 14. [March 2019].
- Eaton Parish Council Neighbourhood Plan SEA Screening Report. Prepared by Cheshire East Council. [March 2019].

### **Environment Agency Position**

We note and acknowledge the Councils screening decision that no SEA is required and have no further comments to make.

Should you have any queries regarding this response, then please do not hesitate to contact me.

Yours sincerely

**Mr Andy Davies**  
**Sustainable Places Advisor**

### 3. Natural England:

Date: 28 March 2019  
Our ref: 278192  
Your ref: Eaton Neighbourhood Plan

Tom Evans  
Cheshire East Council  
[Tom.Evans@cheshireeast.gov.uk](mailto:Tom.Evans@cheshireeast.gov.uk)

BY EMAIL ONLY



Hornbeam House  
Crewe Business Park  
Electra Way  
Crewe  
Cheshire  
CW1 6GJ

T 0300 060 5000

Dear Tom

#### Eaton Parish Neighbourhood Plan SEA Screening request

Thank you for your consultation on the above dated 27 March 2019 which was received by Natural England on 27 March 2019

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

#### Screening Request: Strategic Environmental Assessment

It is our advice, on the basis of the material supplied with the consultation, that, in so far as our strategic environmental interests (including but not limited to statutory designated sites, landscapes and protected species, geology and soils) are concerned, that there are unlikely to be significant environmental effects from the proposed plan.

#### Neighbourhood Plan

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

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

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

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

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

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

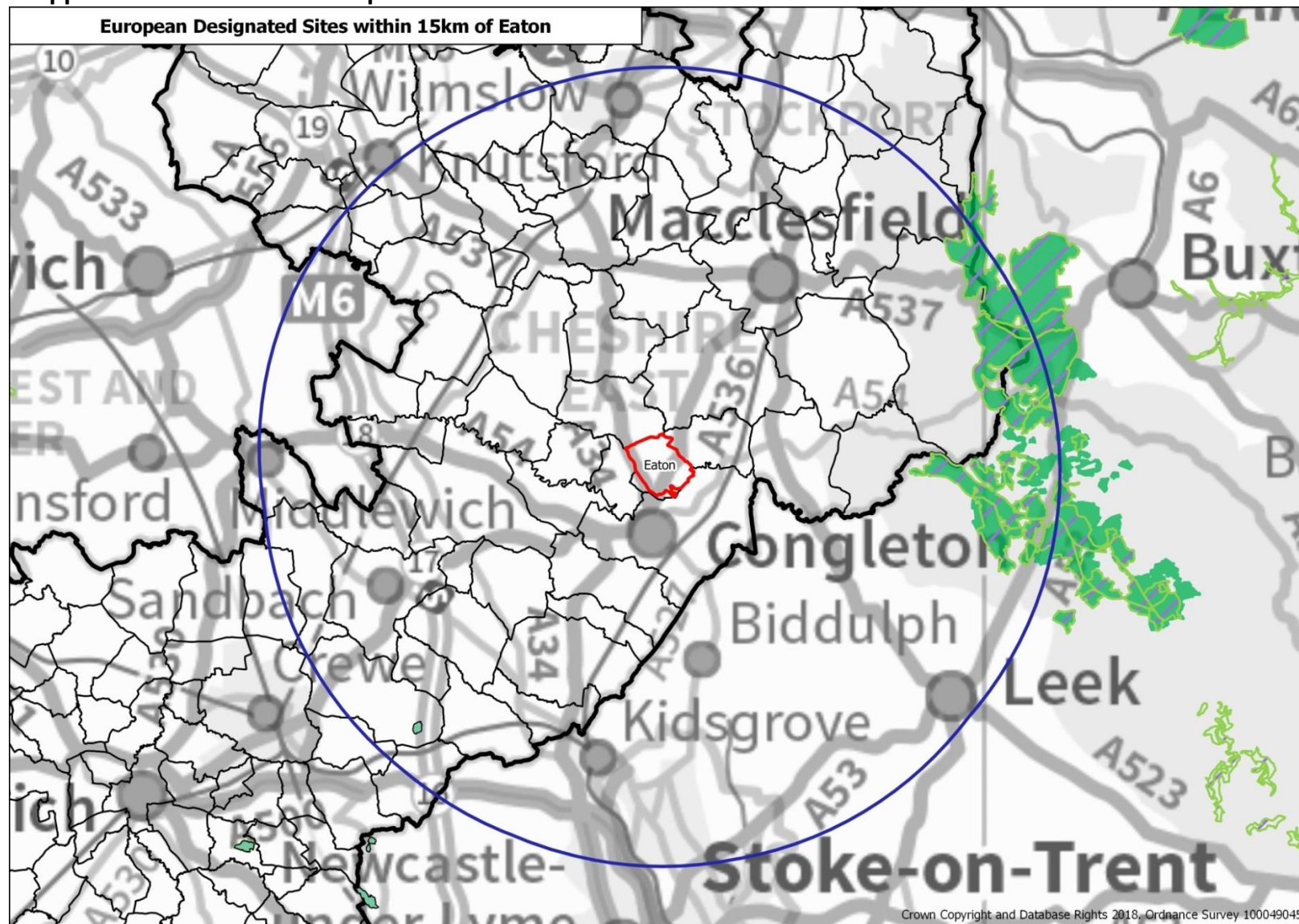
For any new consultations, or to provide further information on this consultation please send your correspondences to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

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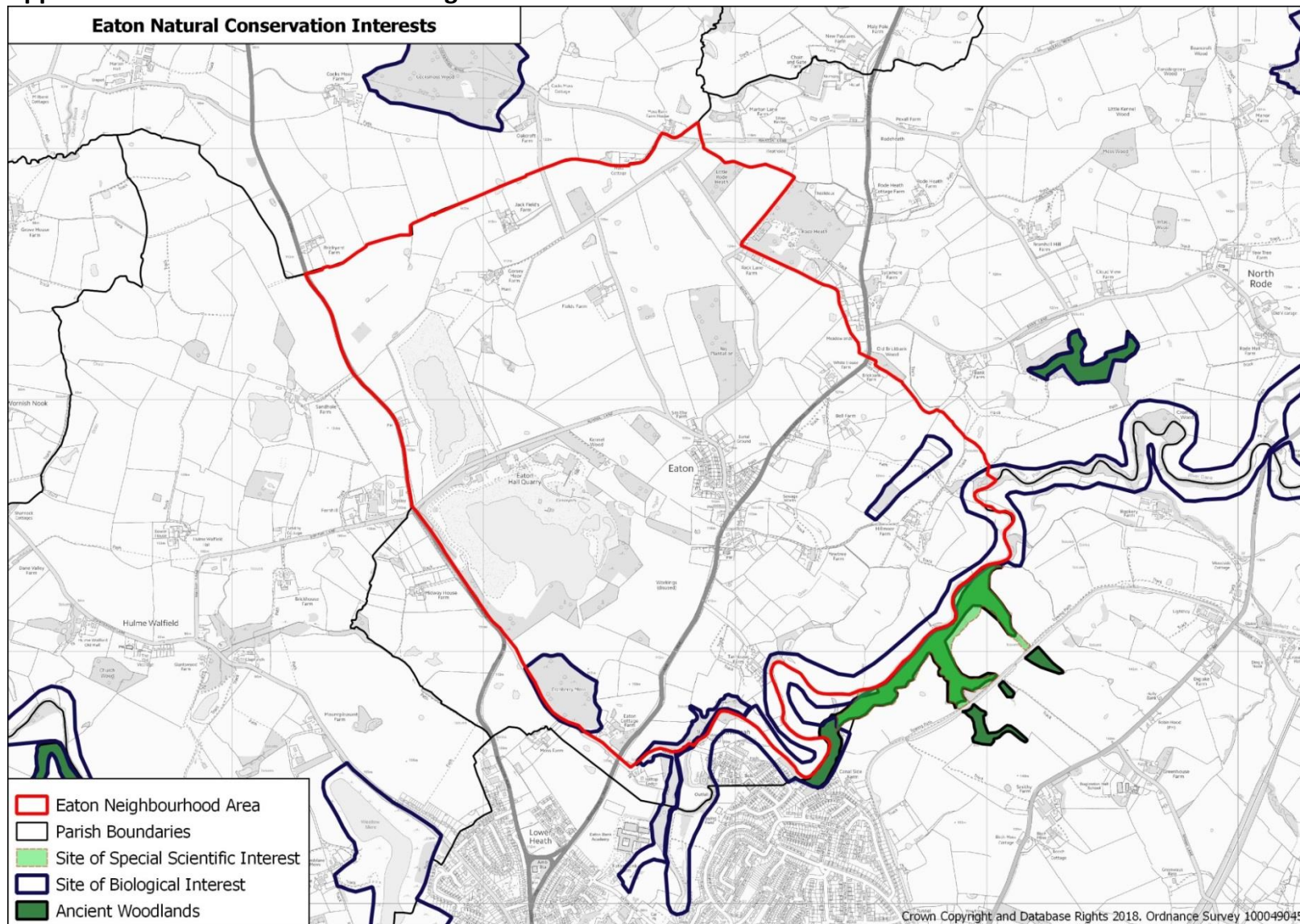
Yours sincerely

Jacqui Salt  
Consultations Team

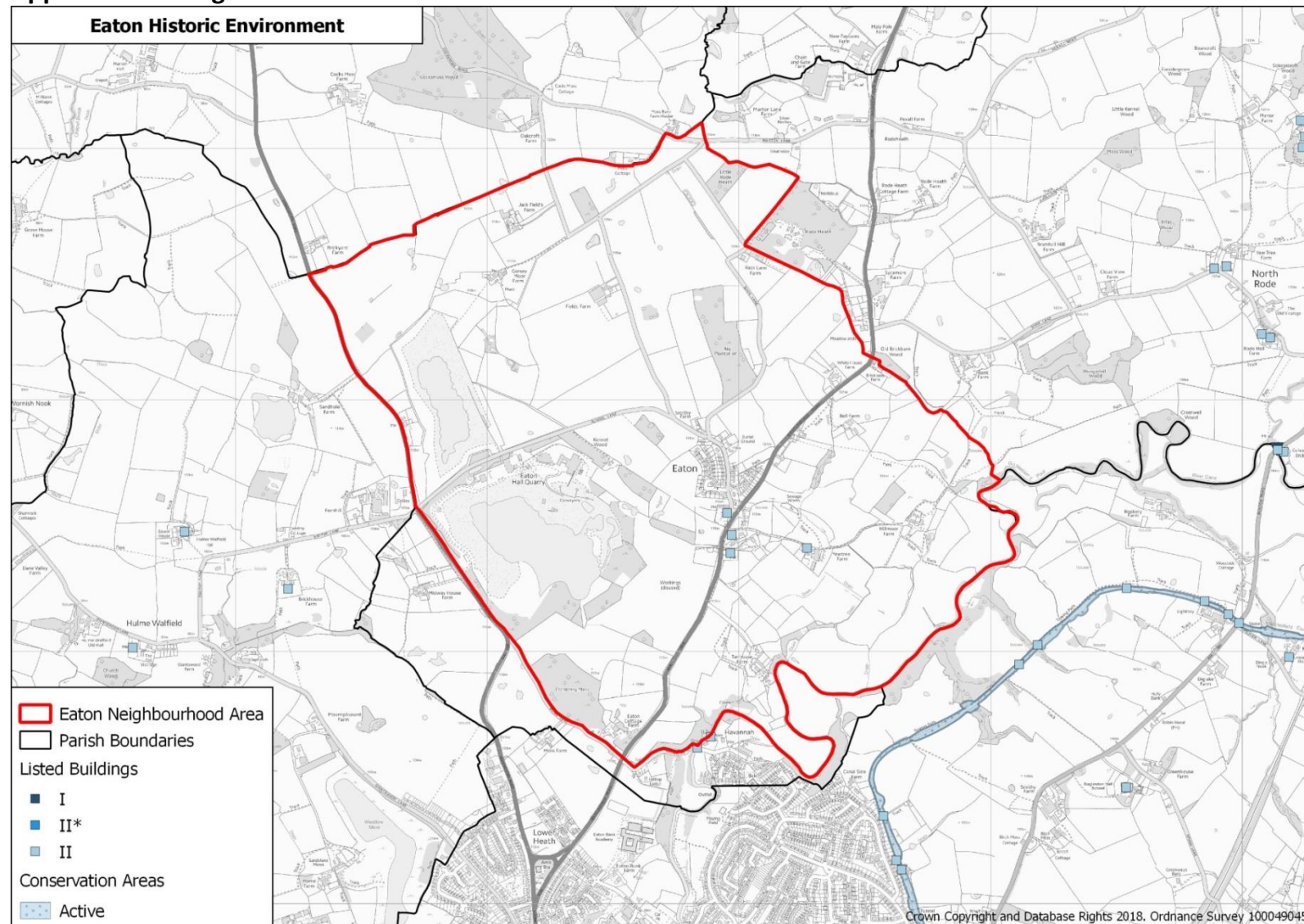
## Appendix B: Location of European Sites in Relation to ENDP



## Appendix C: Local Environmental Designations in Relation to ENDP



## Appendix D: Designated Historic Assets in Relation to ENDP



## Appendix E: Flood Risk in Relation to ENDP

