

Ryburgh Neighbourhood Plan

North Norfolk District Council Response



Thank you for consulting NNDC on the pre submission neighbourhood plan. NNDC is the statutory Local Planning Authority, LPA for the area and is a specific consultee.

The pre submission document demonstrates a significant amount of work has been undertaken by the neighbourhood plan steering group in order to create a plan that supports their vision for the neighbourhood area. The Council supports the emerging document and the consultation being carried out upon it. The comments below form officers' advice on the emerging neighbourhood plan from across the Council's departments at regulation 14 stage of the Neighbourhood Planning (General) Regulations 2012 as amended. The comments are designed to be helpful and supportive in the production ahead of the final submission and prior to independent examination. Comments are mainly restricted to general advice and matters around compliance with government legislation and in particular the basic conditions as set out in paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended). It will be up to the neighbourhood plan steering Group and Parish Council as the Qualifying Body to review these and other comments received and decided how they are taken forward and used to finalise the Draft Plan ahead of submission for independent examination. Officers will continue to assist and provide objective guidance in both the overall approach, statutory requirements, policy wording and around how to reconcile any competing issues raised (if any) in order for the Draft Plan to be prepared ahead of independent examination.

National Policy

Overall neighbourhood planning provides a powerful set of tools for local people to plan for the types of development to meet their community's needs, develop a shared vision for their neighbourhood and shape the development and growth of their local area where the ambition of the neighbourhood is aligned with the strategic needs and priorities of the wider local area, set out through the Local Plan.

NNDC have produced a suit of additional guidance aimed at supporting local communities in North Norfolk undertaking neighbourhood planning. These are based around specific check sheets including one to guide any submission of a Draft Plan for examination and frequent topics that town and parish councils have sought to include in neighbourhood plans. They are designed to provide background information, and guidance on how neighbourhood planning groups can reflect local circumstances and develop policies that are justified and evidence in a positive and realistic way, which if followed will provide more certainty at examination. These guides are updated from time to time and can be found on the Council's web site: <https://www.north-norfolk.gov.uk/section/planning/planning-policy/neighbourhood-planning/>

In addition, those producing neighbourhood plans should refer to the national Planning Practice Guidance which provides the government guidance and parameters around planning. <https://www.gov.uk/government/collections/planning-practice-guidance>

Only a draft Neighbourhood Plan that meets each of the set of "Basic Conditions" can be put to a referendum and be "made". The basic conditions for *Neighbourhood Development Plans* are:

- having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;

- the making of the plan contributes to sustainable development;
- **the making of the plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);**
- the making of the plan does not breach, and is otherwise compatible with, EU obligations;
- prescribed conditions are met in relation to the Order (or neighbourhood plan) and prescribed matters have been complied with in connection with the proposal for the Order (or neighbourhood plan).
- In addition, neighbourhood plans must be compatible with Human Rights requirements.

The national Planning Practice Guidance (PPG) provides comprehensive web based guidance for the planning system which all Plans and Programmes should be in general conformity with. In many cases the guidance adds detail and interpretation of the National planning policy Framework, NPPF, which neighbourhood planners need to be familiar with.

The PPG at [Reference ID: 41-074-20140306](#) advises that the basic condition relating to 'general conformity' with strategic policies contained in the Local Plan should consider the following:

- whether the neighbourhood plan policy or development proposal supports and upholds the general principle that the strategic policy is concerned with;
- The degree, if any, of conflict between the draft neighbourhood plan policy or development proposal and the strategic policy;
- whether the draft neighbourhood plan policy or development proposal provides an additional level of detail and/or a distinct local approach to that set out in the strategic policy without undermining that policy;
- the rationale for the approach taken in the draft neighbourhood plan and the evidence to justify that approach.

Key to the development of a sound neighbourhood plan is the evidence base, which should be fully transparent, referenced and verifiable. Evidence, rather than views, should be used to inform and justify the development of any plans options and emerging proposed policies. Building a strong evidence base, to support and inform the production of a neighbourhood plan is vital to the immediate and longer term success of a neighbourhood plan. The evidence can be both quantitative (facts and figures such as census data) as well as qualitative (e.g. opinions given in consultation responses, as long as backed by facts and justified) and should be used to support the decisions made and the policies developed to be included in your neighbourhood plan.

Officers are supportive of the approach taken in the emerging plan where in the main additional specific local evidence has been commissioned and prepared to inform the emerging plan and published alongside the consultation document.

The Development Plan

The Development Plan consists of: the adopted Core Strategy, the Site Allocations Development Plan Document (DPD). Of material consideration are the Design Guide Supplementary Planning Document, SPD and the Landscape Character Assessment SPD. The emerging Local Plan, associated background documents and updated evidence underpinning them are also at an advanced stage and are a material consideration especially in the considerations of longevity of the emerging Neighbourhood Plan policies.

Time Frame of the Neighbourhood Plan

Consideration could be given to aligning the end date of the emerging neighbourhood plan with that of the emerging Local Plan. i.e 2036.

Subjects of the Neighbourhood Plan

It is recognised that the subjects covered in a neighbourhood plan are down to the steering group and community as supported and justified by evidence. Neighbourhood plans are not obliged to contain policies addressing all types of development, nor should they repeat or duplicate existing policy approaches in the wider Development Plan. However, it remains notable the neighbourhood plan remains silent on the Malting's development aspirations, especially given the overarching vision. The Great Ryburgh Maltings site is located in the village and forms a substantial part of the built up area. The site forms the headquarters of a multi-million-pound international business with a turnover of approximately £200 million pounds and has a supply chain of over 280 local farmers. The site has recently expanded through the construction of a specialty malt plant, steep house and warehouse (Planning application reference PF/15/0837, June 2015). The permission granted was subject to a specific condition that limited future output tonnage from the Maltings site at Great Ryburgh did not exceed 115,000 tonnes in one calendar year. The reason given was *"to ensure that vehicular movements to and from the site, are not increased through increased output and associated traffic movements in the interests of highway safety in accordance with policy CT5 of the adopted North Norfolk Core Strategy"* There is also a further permission which is understood to have been commenced but not yet completed for the construction of a further two silos and lorry park on adjacent grounds, (planning application reference PF/09/0966 (April 2010).

In July 2017 a public exhibition was held outlining initial proposals for a further expansion of the site incorporating the previous permission but to include between 50 - 75 residential units, new access road bypassing the west of the village, further industrial expansion and provision of community facilities. The proposals included the aspirations to handle an increased tonnage, up to 175,000 annually but with a decrease in traffic movements through the village.

The Maltings is an integral part of the village and although the absence of specific reference to guiding future development at the Maltings may be deliberate and as such is accepted as the authors prerogative, it is however thought that through the neighborhood plan there remains an opportunity to explore further sustainable growth options and influence economic growth, proposals and decisions including those of the Maltings if it was thought appropriate.

Further commentary is provided on this by the Economic Growth manager at the Council towards the end of this response.

General comments - policy wording

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the development plan unless there are material considerations suggesting otherwise. Officers find the suggestion that proposals will be refused if they do not accord to various policies in the neighbourhood plan misleading and incorrect. It is not the Neighbourhood Plan which will determine decisions but the policies contained in the overall Development Plan and material considerations which will inform the decision maker. There are several policies in the plan where this issues can be raised and as such all policies should be reviewed and should be rephrased. E.g. policies such as policy 1 could be amended to not supported. policy 5 could be amended to be supported rather than *only be permitted ...*

National policy states that Plans should be prepared positively to support local development, be in a way that is aspirational but deliverable and which supports the strategic policies of the Local Plan. Any approach must be positively worded to facilitate sustainable growth rather be restrictive or negative.

As such policies should generally be positively worded and consideration could be given to rephrasing some of the current wording throughout the neighbourhood plan i.e where policies stipulate what would not be supported the wording could be changed placing a more positive emphasis which indicated where proposals would be supported. For example, policy 1 could be altered to *..Proposals for development within the Neighbourhood Area that would NOT result in sustained additional HGV movements in Bridge Road, Station Road and/or Fakenham Road shall BE SUPPORTEDsix months*

Government guidance also states that,

“a policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications”

Some policies in the Plan would benefit from amended wording and or amalgamation to ensure clarity for application and implementation purposes. Where this is the case, officers have raised concerns, suggested policy deletions and or amended wording where they consider the policy cannot be achieved through the planning system or greater clarity could be achieved.

Overall, the plan presents an opportunity to define and refine development proposals in the parish of Ryburgh and its production is welcomed and supported.

Section 4 Planning Policies

Section 4.1 Traffic Safety

This section of the Plan mainly talks about HGV movements to and from the identified industrial area, i.e the Crisp Malting site as identified in annex 4 and the concern of local residents. The site remains a significant employer in the district and a world leader in the production of barley, wheat and rye for the brewing industry. However, it should be noted that not all traffic will be generated by this works and it is thought that the policy will be ineffective in controlling through traffic or that generated from other means outside the neighbourhood plan area. Evidence could be collated through a traffic survey to establish the level of traffic movements, direction of travel and the proportion of through traffic – any survey should account for variations of days of the week and seasonal variations. Further advice from the Norfolk County Council Highways should be sought in finalising this policy. In relation to the Maltings to what extent is the business movements of the Malting’s seasonal and will this approach be effective, seen as reasonable and or defensible?

As explained above it is not the Neighbourhood Plan which will determine decisions but the policies contained in the overall Development Plan and material considerations which will inform the decision maker. Wording in policies such as *shall be refused* should be amended to not supported or re worded to say where development will be supported.

Safeguard Land for Public Access

The policy approach and retention of the railway beds for public access is supported. Future iterations of the plan could provide a map of the former railway bed. The policy could also be

enhanced by requiring all development to incorporate green infrastructure principles into proposals and also by adding further wording along the lines of *development proposals will fully incorporate green infrastructure principles into proposals, and provide detailed scheme for the provision of new green infrastructure, mitigation and enhancement of existing green infrastructure contribute to enhancements and opportunities for the enhanced public access to the railway bed.....*and or any other identified opportunities you may care to list in an annex or mini GI strategy to be contained in the plan.

Section 4.3 New Housing

The parish is currently identified as open countryside and as such sits outside the settlement hierarchy where residential development would normally be permitted. The distribution of growth and the housing target are seen as strategic policies that neighbourhood plans are required to confirm with. The Government's overall premise for neighbourhood plans is to bring forward additional growth and seek to add local distinction providing it is justified, supported by appropriate evidence and in general conformity with the strategic priorities and strategic local planning policies i.e the adopted Local Plan , though regard should also be had to the emerging policies in the emerging local plan which was recently consulted on ¹.

In doing so, for neighbourhood plans it is clear that the expectation is that *neighbourhood plans allow communities to choose where they want new growth² to be and have a say on what they look like and what infrastructure should be provided..... in order to meet their communities needs and where the ambition of the neighbourhood is aligned with the strategic needs of the wider local area* i.e as set out in the Planning Practice Guidance - paragraph 001

Paragraph 003 goes on to say that neighbourhood planning provides the opportunity for communities to *set out a positive vision on how they want their communities to develop.... In ways that meet identified local need and make sense for local people.*

Where neighbourhood planning bodies have decided to make provision for housing in their plan, the housing requirement figure and its origin are expected to be set out in the neighbourhood plan in agreement with the local planning authority, as a basis for their housing policies and any allocations that they wish to make. In order to meet need neighbourhood plans are encouraged by the Government to plan to meet their housing requirement and where possible exceed it³ and should set out in the plan additional housing allocations.

In recognising the small scale nature of the village of Ryburgh and seeking to support a small but limited amount of growth through the establishment of a settlement boundary and an infill policy Officers are supportive of the ambition of the Plan to help ensure the sustainability of Ryburgh.

It is however considered that the boundary as currently drawn may not provide the opportunities for infill development in accordance with the aims of the Plan. Further consideration could be given to the inclusion of the built up area to the east along Bridge Road and Mill Road which although forms part of the existing conservation area still remains part of the built up area (and could be

¹ The National Planning Policy Framework outlines in [paragraph 13](#) that a neighborhood plan should [support the delivery of strategic policies set out in the Local Plan and should shape and direct development that is outside of those strategic policies.](#)

² i.e in addition to that set out in the Local Plan

³ PPG para 103 Ref ID 41-103-20190509 09 05 2019

considered the heart of the village) and whether it remains appropriate to draw the boundary as tightly to the residential curtilage.

Please also refer to separate comments by the conservation officer on this matter which can be found under section 4.7 Protection of the Historic Environment.

Policy 3

- Bullet 4 could refer to consideration of the wider matter of amenity rather than un-neighbourly development.
- The references to Local policy guidance should be clarified.

Section 4.4 Protection of the Environment

Comments from Landscape officer

Evidence base

Section 2.1.1 of the Ryburgh Landscape Character Assessment that forms part of the Evidence Pack (p.11) states that the primary aim of the Ryburgh Landscape Character Assessment (LCA) is to inform the development of the Core Strategy policies on landscape protection, in particular EN2: Protection and Enhancement of Landscape and Settlement Character. This is NOT the case of this evidence base. The Ryburgh LCA is an evidence base to support the relevant landscape policies in the Ryburgh Neighbourhood Plan. All reference to the now adopted North Norfolk Core Strategy and its policies should be removed from this document in this regard, as previously advised.

The Ryburgh LCA should complement the draft Supplementary Planning Document the North Norfolk LCA, dated Nov 2018 which has been out to public consultation and is planned for adoption in accordance with the emerging Local Plan work programme and reference to the Councils updated LCA in the text of the Ryburgh LCA and Np would be encouraged.

The purpose of the Ryburgh LCA is to expand on the classifications contained within the North Norfolk LCA in the Ryburgh Neighbourhood Area (Ryburgh NA) and to identify in more detail the special landscape characteristics of the Ryburgh NA in order to inform the proposed policies. Both LCA's should then be used to inform and support policy within the Ryburgh NP.

In addition, officers have concerns that the language in places is overly prescriptive (e.g. not accounting for permitted development rights) and is in places negative towards development, as such caution is advised in quoting directly from the evidence in certain circumstances and a wider perspective taken in order to justify the approaches taken.

Policy 4: Landscape Character

The wording of this policy implies that the Ryburgh LCA by Chris Yardley is the policy and this is misleading. Officers would advise that the wording should be re-phrased and consideration given to that as set out below

Policy 4 Protection and Enhancement of Landscape and Settlement Character

- *Proposals for development within the Ryburgh NA should be informed by, and sympathetic to, the key characteristics and landscape guidelines of the defined Landscape Character Areas identified in the **Landscape Character Assessment – Ryburgh Neighbourhood Plan December 2018.** (CJ Yardley)*

- *Proposals should demonstrate that their location, scale, design and materials will protect, conserve and where possible enhance, the local distinctiveness of the area, the settlement character, and key landscape features and characteristics.*

Policy 5: Protection and Enhancement of Local Habitats, Landscape and Amenity

This policy seems to be duplicated in Policy 4 and Policy 7,8 & 9. Suggest consideration is given to the amalgamation of one concise policy which would strengthen the approach.

Policy 6: Dark Skies

Officers welcome the inclusion of this policy and the recognition of the significance of dark skies in the character of the North Norfolk landscape

Section 4.5 Protection of the Environment

Comments from landscape officer

Evidence Base

Section 4.5.1 states that the Ecological Report (by Wild Frontier Ecology) was “commissioned to demonstrate the ecological importance of the river Wensum valley” and tributaries. This is quite a *leading* statement, the purpose of the report was to provide an ecological report on Ryburgh Parish to inform the preparation of the NP, i.e. assess the baseline ecological features/assets of the whole parish. It is the conclusion of the report that demonstrates the ecological importance of the River Wensum valley. Is recommended that consideration is given to altering the text accordingly.

The report identified ecological assets outside of River Wensum corridor and tributaries such as West Wood CWS (an ancient woodland), hedgerows and a network of ponds. The NP and its policies (Habitat Areas Map) focuses on the River Wensum and tributaries and therefore misses out on the other important ecological assets of the Parish. Whilst it is recognised that the river Wensum is an important asset, and should be protected as such, the NP fails to go that step further to identify and protect the other ecological assets in the Parish as identified in Section 8.3 ‘Suggested Policy Input for Biodiversity’ of the Ecological Report.

As such further consideration should be given to policy inputs in accordance with section 8 of the evidence report.

Policy 7: Protection and Enhancement of Local Habitats (1)

This policy relies on the habitat areas that are set out on the map in Annexe 6. There appears to be little justification for the delineation of these areas set out in either in the Ecology Report or the LCA, meaning that the policy and area delineated may not be robustly identified or justified. As such officers would advise caution.

Officers agree that the physical area of designation of the River Wensum SAC/SSSI is limited to just the river and that the adjacent river valley sides, tributaries and associated pasture are important supporting habitats. Natural England recognise this and have established clearly defined Impact Risk Zones. These are defined zones around each SSSI which reflect the particular sensitivities of the feature for which it is notified and indicate the type of development that could have adverse impacts. Officers would suggest that incorporating these geographical zones into the delineation of

the proposed habitat Area is a more evidence-based methodology that would withstand scrutiny. (please note that they do not however consider the tributaries or ancient woodland nearby).

Natural England mapping can be found at <https://magic.defra.gov.uk/MagicMap.aspx>

Suggested policy wording...

Policy 7 Protection and Enhancement of Local Habitat Zones

Development proposals within or adjacent to the defined Local Habitat Zones should aim to protect and enhance the local conservation features and habitats.

Where adverse impacts are identified, proportionate and relevant mitigation measures should form part of the proposals.

The second section of the above suggested policy is based around the requirement that any approach must be positively worded to facilitate sustainable growth rather be restrictive or negative as detailed in the general comments at the start of this response.

Policy 8: Protection and Enhancement of Local Habitats (2)

See comments relating to policy 5

Policy 9: Ecology Network

Officers support the inclusion of this policy. The Plan could however go further and identify potential restoration projects and or policy requirements such as development to incorporate biodiversity friendly landscaping, nest boxes and other suggested policy consideration as set out in the Ecology evidence section 8.

Section 4.6 Open Land Areas

Comments from landscape officer

Policy 10: Open land

The justification for the Open Land Areas Map at Annexe 7 is set out in 4.6.2 as the Landscape Character Assessment and the Ecological Report. The geographical area of the Open Land designation is largely contained within the Habitat Areas Map/Impact Risk Zones Areas.

The significance of the 'openness' of the landscape within the Open Land designation is clearly set out within each of the defined Landscape Character Areas and is highlighted as a valued characteristic of these particular landscapes. It therefore seems superfluous to reiterate the Open Land characteristic in a separate policy

Officers would advise that this important aspect of the landscape is therefore accounted for within Policy 4: Protection and Enhancement of Landscape and Settlement Character and also supported through Policy 7: Protection and Enhancement of Local Habitat Zones. Policy 10 Open Land is therefore a repetition which could be avoided through the amalgamation of the above policies.

Section 4.7 Protection of the Historic Environment

Comments from Conservation Design & Landscape Officer (CD&L)

The historic environment chapter is rather brief and could benefit for further expansion into referencing design if thought appropriate.

Locality have published a new guidance note on Design – Achieving well- designed places through neighbourhood planning – which may be of interest. <https://neighbourhoodplanning.org/toolkits-and-guidance/>

Policy 11: Archaeology

The first para of this policy seems quite onerous if they are genuinely talking about *all* planning applications within 250m of *all* Historic Environment Records – potentially this could encompass most of the village. Particularly as; i) not all development would affect below ground archaeology, and ii) not all records relate to archaeology – some are just listings and building reports, I wonder if this is actually reasonable/defensible.

As a potential solution the policy could be redrafted to include a more selective or targeted approach based around specific criteria or historical assets rather than all historical records.

Further advice should be obtained from Norfolk Historic Environmental Services as part of Norfolk County Council

Settlement Boundary – Annex 5

It is also not clear why the settlement boundary has been drawn to exclude the Great Ryburgh Conservation Area, CA, (with the exception of a small section of the old railway line). After all CAs should be about positively managing rather than preventing development. To have a settlement boundary which excludes the historic core of the village seems questionable at best.

Officers would normally expect the conservation area to be part of the settlement boundary and it is recommended that as part of finalising the plan and any wider review of the settlement boundary consideration is given to the inclusion of the historic core of the village.

Comments Economic Growth Manger

Thank you for the opportunity to make representation to the Ryburgh Neighbourhood Plan.

The proposed Neighbourhood Plan for Ryburgh argues that the high street and adjoining pavements are inadequate in terms of their present and future capacity to support future development from the existing industrial presence. Whilst it is appreciated that this may be a matter of some local concern, the Economic Growth team would suggest that the plan should be cautious in its approach to imposing policies that could later prejudice growth on this site. The predominant business owner in Ryburgh, Crisp Malt, are a significant employer locally and are a very important business on a national scale, forming an integral part of the supply chain across a number of business sectors. Preferably it would be welcomed to instead see detail (presently lacking) that better describes how the village can explore sustainable growth and development. This would seem an appropriate and healthy approach to welcoming growth that supports rather than hinders commercial opportunity and local employment opportunities.

Comments from the Housing Strategy & Delivery Manager

Here are the comments of the Strategic Housing Team on the aims and policy of the Housing Section of the Draft Ryburgh Neighbourhood Development Plan (NDP).

The NDP sets out the following vision:

VISION: Ryburgh will be a place where people want to live that has a stimulating environment with access to all the facilities and amenities to enable someone to live a happy and fulfilling life from cradle to grave within a thriving village community.

In terms of housing, to deliver this vision Ryburgh will need housing which meets a diverse range of needs including:

- Family homes for the children of current residents who wish to remain in Ryburgh and bring up families of their own.
- Small homes for households who wish to 'downsize'.
- Homes suitable to meet the needs of people with limited mobility including homes suitable for households which include a wheelchair user.
- A proportion of affordable homes in all of the above categories for households who cannot afford to rent or buy a market home.

The existing housing stock will meet much of this need as properties change ownership/change tenant over time. The NDP plans for some infill housing which will allow for some population growth and/or some demographic changes.

Some specific observations on the Housing Policy within the NDP

Policy 3 Infill Housing in Great Ryburgh

Proposals for new dwellings representing small-scale growth within the settlement of Great Ryburgh will be supported provided that:

1. The development consists of infilling (the filling of a small gap with one to five dwellings) of a small undeveloped plot or on a brownfield site; and,
2. the proposed development is similar in scale and height to existing neighbouring dwellings; and,
3. will not involve the outward extension of the village of Great Ryburgh; and,
4. is not considered to consist of un-neighbourly development that requires unsuitable access, reduces the privacy of adjoining properties or is inconsistent with the character of the locality; and,
5. where more than one new home is proposed on the same site, then at least one small home with two or fewer bedrooms is provided for every one larger dwelling with four or more bedrooms.

Proposals for the extension of existing buildings within the RNA will be supported provided that they comply with local policy guidance.

Proposals for the replacement of existing buildings for housing within the RNA will be supported provided that they comply with local policy guidance.

Strategic Housing observations:

1. The Settlement Boundary (Annex 5 of the NDP) is very tightly drawn and may not provide enough sites to deliver the required new/redeveloped housing.
 - a. Possible remedy – loosen the settlement boundary.
2. Infill development is unlikely to provide any new affordable housing. Possible remedies:
 - a. Allocate a housing development site – the developer would provide some affordable housing as part of the s106 process (subject to viability).
 - b. Support the development of affordable housing on exceptions housing sites as and when there is evidence of local need for a development. (Great Ryburgh has two exceptions housing

schemes and any relets on these sites will provide a limited supply of affordable homes for local allocation).

3. Infill development is unlikely to provide homes suitable for people with limited mobility/wheelchair users.
 - a. Possible remedy – amend the requirement for infill sites of two or more homes to include the provision of a home built to Category 2: Accessible and adaptable dwellings M4(2) standard (as an alternative to a home of two-bedrooms or fewer).

(please note further information on this can be obtained from the emerging Local Plan policy HOU8 pages 129 – 134 and or from planning policy team).

General comments re requirement for Strategic Environmental Assessment, SEA and Habitat Assessment HA screening opinion.

At this stage no Screening Assessment or Screening Opinion has been undertaken / issued and it is recommended that once consideration of representations from this consultation have been undertaken and well before the finalisation of policies that a screening request is submitted to the Council in relation to SEA and HRA regulations along with any updated policies.

To be ‘made’, a neighbourhood plan must meet certain Basic Conditions. These include that the making of the plan *“does not breach, and is otherwise compatible with, EU obligations”* as incorporated into UK law. A Neighbourhood Plan must be compatible with European Union obligations, as incorporated into UK law, in order to be legally compliant.

As such a neighbourhood plan may require a Strategic Environmental Assessment, SEA and a separate assessment in relation to the Habitats Regulations 2017, HRA. Guidance strongly advises neighbourhood planning groups to consider the environmental implications at an appropriate stage following the finalisation of the draft policies and prior to any submission for examination. In doing so it is **essential to seek** the advice of the local planning authority on whether an SEA and a HRA is required. As the responsible and competent authority in law the Council must be satisfied that a neighbourhood plan has adhered to these regulations and as such offers to undertake the required initial screening review in the first instance.

For the purposes of a fuller explanation. Strategic Environmental Assessment (SEA) is the process by which environmental considerations are required to be fully integrated into the preparation of Plans and Programmes prior to their final adoption. SEA is a tool used internationally to improve the environmental performance of plans so that they can better contribute to sustainable development.

Habitat Regulation Assessment, (HRA) is the process undertaken to identify if a Plan would have a likely significant impact on nature conservation sites /habitat site that are of European importance, also referred to as Natura 2000 sites.

Establishing whether a Neighbourhood Plan takes into account SEA and HRA legislation are important legal requirements. Establishing this can only be done when the Plan is sufficiently advanced but should be undertaken at the earliest opportunity so as to allow refinement through further iterations of the Plan. Undertaking it too early may however result in the exercise being required to be undertaken again and further changes made to a *“finished”* Plan. At assessment stage a neighbourhood plan proposal must be deemed to provide sufficient information to enable a competent authority (in Law), to undertake a screening exercise to determine whether there are to

be likely significant effects. If it is concluded that there are likely to be significant effects than a full sustainability appraisal which include the requirements of the SEA legislation would need to be produced i.e one which includes a robust exploration of the effects of alternative approaches to the policies in the Plan. Similarly, in terms of HRA legislation then an Appropriate Assessment would need to be carried out to identify the potential risks to European sites posed by the emerging policies, and seek to find solutions that enable sustainable development to meet the needs of an area whilst protecting the European sites. Guidance stipulates that if an appropriate assessment is required, then it will engage the need for a full strategic environmental assessment.

Following on from screening, if such documents are required, the production of them will be the responsibility of the Qualifying Body (Parish Council). These are considered to be of a specialist and technical nature and further specific grant support and technical assistance can be obtained from Locality. Officers can provide further advice based on the outcome of any screening exercise. If it is concluded that no further reports are required, the Council will be asked at independent examination to confirm this formally and provide the necessary evidence, it is therefore in the interests of everyone concerned to ensure this important legal process conducted to the legislative requirements.

In meeting these obligations, the national PPG sets out that an initial screening stage is required to establish whether the Plan is to have a likely significant environmental effects and or likely significant impacts on nature conservation sites that are of European importance. As part of this process the Council will need to consult separately with the Environment Agency, Historic England and Natural England as the statutory consultees in this process on its screening opinion.

As a general rule of thumb, SEA is more likely to be necessary if:

- a neighbourhood plan allocates sites for development (for housing, employment etc.) that haven't already been appraised through the sustainability appraisal (SA) of the relevant Local Plan)
- the neighbourhood plan area contains sensitive environmental assets that may be affected by the policies and proposals in the neighbourhood plan
- the neighbourhood plan is likely to have significant environmental effects not already addressed through the sustainability appraisal of the relevant Local Plan.

In terms of habitat regulations, a neighbourhood plan or any plan cannot proceed if a risk of significant effects on a European site cannot be excluded. i.e through mitigation or policy amendment.

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18/08/2019