



# **Long Melford Neighbourhood Plan**

## **Habitats Regulations Screening Determination**

**April 2019**

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# LONG MELFORD NEIGHBOURHOOD PLAN

## HABITATS REGULATIONS DETERMINATION

### 1. Introduction

This assessment relates to the Long Melford Neighbourhood Plan 2019-2036 Pre-Submission Draft which was published for consultation in January 2019.

It is a requirement of European law that a plan or project is subject to an assessment to determine whether it is likely to have a significant effect on the integrity of any European Site, in terms of impacting on the site's conservation objectives.

Submitted Neighbourhood Plans need to be accompanied by a statement to explain how the proposed plan meets the 'basic conditions' set out in Schedule 4B of the 1990 Town and Country Planning Act. These basic conditions include a requirement to demonstrate how the Plan is compatible with EU obligations, which includes the need to undertake a Habitats Regulations Assessment (HRA). This is one of the matters that will be tested as part of the independent examination of the Plan.

Whether a neighbourhood plan requires a Habitats Regulations Assessment and the level of detail needed will depend on what is proposed in the draft Neighbourhood Plan and the potential impacts on European sites designated for their nature conservation interest.

This report therefore determines whether a Habitats Regulations Assessment under the UK Conservation of Habitats and Species Regulations 2017, which enacts the Habitats Directive<sup>1</sup>, is required for the Long Melford Neighbourhood Plan.

This determination refers to:

- A HRA Screening Report prepared by Place Services, Essex CC [*hereafter referred to as Place Services*] which can be viewed at: [www.babergh.gov.uk/LongMelfordNP](http://www.babergh.gov.uk/LongMelfordNP)
- The responses to this from the statutory consultees (See Appendix 1).

### 2. Legislative Background

One of the basic conditions that Neighbourhood Plans must meet is that:

*“The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017”*

The Conservation of Habitats and Species Regulations 2017 include regulations on the assessment of plans (including neighbourhood plans) and projects on European sites or European offshore marine sites. The first stage is to screen the plan to see whether it is likely to have a significant effect on any Habitats (European) sites. If the plan is “screened in” because likely significant effects cannot be ruled out, the next stage is for an appropriate

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<sup>1</sup> Directive 92/43/EEC 'on the conservation of natural habitats and of wild fauna and flora': <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:31992L0043>.

assessment to be carried out considering the impact on the European site's conservation objectives. Consent for the Plan can only be given if it is "screened out" at the first stage or the appropriate assessment concludes the integrity of the European site will not be adversely affected.

Case law (*People Over Wind, Peter Sweetman v Collie Teoranta*) ruled that it is not permissible to take account of measures intended to reduce or avoid any harmful effects of a plan or project on a European site at the screening stage. Any mitigation measures can now only be considered at the appropriate assessment stage.

### 3. Assessment

In determining whether a proposed development plan or programme is likely to have significant effects, the local authority must incorporate the 'precautionary principle' into its decision. This means that if there is uncertainty as to whether the plan or programme would cause significant effects on a European site, the full Appropriate Assessment would be required.

The Neighbourhood Plan includes the following vision:

*This vision looks ahead to 2036, the final year of the Plan Period. Not all of it will be delivered by the Policies of the Plan; some things will follow as an addition to the Plan and others are included as Community Actions, which will be worked on with other parties as appropriate, after the Plan is adopted.*

*Long Melford is a large village and there are real constraints on further growth, largely because of the rich heritage and landscape assets of the village. There is also a sense that the character of Long Melford would change, for the worse, if significant additional development were to take place. However, any living organism needs to change, to adapt to a changing environment. So, in the vision of the Plan, by 2036 additional housing will have been provided in a sustainable fashion to enable all in the parish to access satisfactory housing. In particular young people will have been able to secure a suitable home in Long Melford.*

*The heritage assets (e.g. historic private houses) of the village, that are open to visitors, will be maintained and enhanced and they will attract visitors from all sections of the community. They will make a bigger contribution to the activities offered by the village. More generally the heritage assets will have been cared for and adapted to suit contemporary lifestyles and to ensure their viability.*

*The natural features that surround the village and which help to define it, will be preserved and enhanced. Where compatible with the main, usually agricultural, use of the land, access for the public will be facilitated. More people will want to walk or cycle in the countryside, either on their way to a destination or for the enjoyment of exercise and the natural world. The network of paths and bridleways will have been extended in order to open up either attractive circuits or more off-road routes to local destinations, with safe pedestrian routes joining all parts of the village.*

*Fundamental to Long Melford's success is the ability to access its services safely and conveniently. In an ideal world through-traffic will have been largely eliminated from Hall Street and there will be an easy mingling of shoppers parking, pedestrians, delivery vehicles and cars moving along Hall Street. This might borrow something from the concept of shared surfaces which have been successfully introduced elsewhere.*

*Increasingly the favoured mode of transport will be pollution-free electric vehicles, some of which will be operating as public transport. Walking is the ultimate sustainable form of transport and Long Melford will offer more attractive and safer opportunities for walking and cycling.*

*There will be a wide range of viable businesses and tourist facilities in and around the parish providing employment and contributing positively to the local economy and village life.*

*Long Melford, as a core village in the context of BDC's Core Strategy 2014, is a service centre for ten hinterland villages. For the sake of the people of the hinterland villages, Long Melford residents and the many visitors from further afield, it is essential that the services provided in Long Melford are maintained and improved. Key facilities that will be flourishing and offering a high standard of service in the future are the shops and services focused in Hall Street, the GP surgery, the primary school and the hospitality establishments.*

*This Neighbourhood Plan is seen as the beginning of a new era of localism, in which the village will take more control over facilities and the environment in Long Melford. Measures such as the Community Infrastructure Levy (CIL), of which the Parish Council will receive 25% once this Plan is adopted, will provide funds with which to secure greater local control.*

*Overall Long Melford will have been cared for, such that it remains an attractive place to live, work and enjoy for families, for retirees, for young people and children.*

The draft Plan provides for around 253 dwellings to be developed in the Neighbourhood Plan area between 2019 and 2036. The Plan notes that there are existing commitments of 168 dwellings not yet built and allocates the following sites for development:

- a. Land at Spicers Lane – 1 dwelling
- b. Land at Cordell Road - 3 dwellings
- c. Land at Cordell Road adjacent to r/o Bull - 3 dwellings
- d. Land at Borley Road - 18 dwellings
- e. Land west of High Street - 30 dwellings
- f. Land west of Rodbridge Hill - 30 dwellings

In addition, the Plan includes a contingent allocation of a site off Station Road.

There are two Habitats sites which lie within 20 km of Long Melford Parish:

- Stour and Orwell Estuaries Special Protection Area
- Stour and Orwell Estuaries Ramsar site

However, the 13km Zones of Influence for the Habitats sites listed above do not overlap with the Long Melford parish boundary.

There are therefore no Habitats sites considered to be within scope for this assessment.

A full assessment of the likely effect of the Plan's policies and proposals on these sites is set out in the Screening Assessment prepared by Place Services which can be viewed at:

<https://www.babergh.gov.uk/assets/Neighbourhood-Planning/Long-Melford-NP-SEA-HRA-Screening-Report-Final.pdf>

The screening has been prepared in accordance with the recent Court judgment (CJEU People Over Wind v Coillte Teoranta C323/17) which ruled that mitigation measures cannot be taken into account when carrying out a screening assessment to determine whether a plan or project is likely to result in significant effects on a Habitats site.

#### 4. **Screening Conclusions**

The Screening Report concluded that, subject to Natural England's review, the Long Melford Neighbourhood Plan is not predicted to have any likely significant effects on a Habitats site.

Consultation on the Screening Report was carried out with Natural England, Historic England and the Environment Agency.

All three bodies agreed with the conclusion of the Screening Report.

The requirement for the Plan to undertake further assessment under the Habitats Regulations 2017 is therefore **screened out**.

The consultation responses are attached at Appendix 1.

#### 5. **Determination**

In the light of the Screening Report prepared by Place Services and the responses from the statutory bodies it is determined that the Long Melford Neighbourhood Plan **does not require** further assessment under the Habitats Regulations 2017

Date: 25 March 2019  
Our ref: 274969

Babergh District Councils

**BY EMAIL ONLY**



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Dear Sir/Madam

## LONG MELFORD NEIGHBOURHOOD – SEA/HRA SCREENING

Thank you for your consultation on the above dated and received by Natural England on 26 February 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/HRA screening**

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. Therefore we agree with the conclusions of the HRA screening.

### **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)

Yours faithfully

Yours faithfully

Dawn Kinrade  
Consultations Team



Mr Paul Munson  
Babergh District Council  
Endeavour House Russell Road  
Ipswich  
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IP1 2BX

**Our Ref:** AE/2019/123902/01-L01  
**Your ref:** \*

**Date:** 01 April 2019

Dear Mr Munson

#### LONG MELFORD NEIGHBOURHOOD PLAN - SEA/HRA SCREENING

Thank you for your consultation request received on 26 February 2019. We have reviewed the Strategic Environmental Assessment screening report for the Long Melford Neighbourhood Plan, as submitted, and agree with the conclusions and recommendations of the report.

#### **Strategic Environmental Assessment**

The report highlights that the policies in the Draft Plan at the time of writing allocate sites for built development, and combined with the significant number of environmental constraints found within the parish, as shown in our data maps and discussed in greater detail throughout the report, it is considered that the cumulative effects of development in the parish have not been formally identified. We agree that there is potential risk of significant effects arising from the plan, which should be explored further, as recommended in the report, through a full SEA Environmental Report.

We therefore consider the Long Melford Neighbourhood Plan should be screened in for its requirement of the Strategic Environmental Assessment.

#### **Habitats Regulations Assessment**

The competent body to review if a HRA report is required is Natural England. Please contact them, if not done so already.

We trust that this advice is useful.

Yours sincerely

**Miss Natalie Kermath**  
**Planning Advisor**

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Customer services line: 03708 506 506  
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Our ref: PL00552809

21 March 2019

Dear Mr Munson,

Thank you for your email of 26 February 2019 regarding the above consultation. As the Government's adviser on the historic environment Historic England is keen to ensure that the protection of the historic environment is fully taken into account at all stages and levels of the local planning process. Therefore we welcome this opportunity to review the Screening Report for the Long Melford Neighbourhood Plan. For the purposes of this consultation, Historic England will confine its advice to the question, "Is it (the Long Melford Neighbourhood Plan) likely to have a significant effect on the historic environment?". Our comments are based on the information supplied with the Screening Opinion.

The supporting information (screening report and draft neighbourhood plan) supplied with the consultation indicates that within the plan area there is a wealth of designated historic environment assets associated with the historic village of Long Melford, including over 200 listed buildings and Long Melford Conservation Area. There is also likely to be other features of local historic, architectural or archaeological value, and consideration should also be given to the wider historic landscape around the settlement too. The documentation indicates that the Long Melford Neighbourhood Plan proposes to allocate a number of sites for development, both within the settlement boundary (and within the Conservation Area) and outside the built up area, but potentially within the setting of the conservation area and other listed buildings. It is considered possible, therefore, that the neighbourhood plan will result in significant effects upon the historic environment.

Given the likely significant effects (both positive and negative) upon the historic environment, Historic England hence concurs with the Screening Report's view that a Strategic Environmental Assessment will be required.

I should be pleased if you can send a copy of the determination as required by REG 11 of the Environmental Assessment of Plans and Programmes Regulations 2004.

We would also be grateful for the opportunity to review and comment upon the Strategic Environmental Assessment report once it is completed.

Historic England strongly advises that the conservation and archaeological staff of the relevant local authorities are closely involved throughout the preparation of the plan and its assessment. They are best placed to advise on; local historic environment issues and priorities, including access to data held in the Historic Environment Record (HER), how the allocation, policy or proposal can be tailored to minimise potential adverse impacts on the historic environment; the nature and design of any required mitigation measures; and opportunities for securing wider benefits for the future conservation and management of heritage assets.

We should like to stress that this opinion is based on the information provided by you with your correspondence dated 26 February 2019. To avoid any doubt, this does not reflect our obligation to provide further advice on later stages of the SEA process and, potentially, object to specific proposals which may subsequently arise (either as a result of this consultation or in later versions of the plan) where we consider that, despite the SEA, these would have an adverse effect upon the environment.

Yours sincerely,

Edward James  
Historic Places Advisor, East of England



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