

Environmental Screening and Habitats
Regulation Assessment Statement

Draft Malpas and Overton Neighbourhood Plan
(updated September 2014)

Prepared on behalf of the Neighbourhood Plan Steering Group by Cheshire West
and Chester Council

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1.0 Introduction

This screening statement determines whether or not the consultation draft Malpas and Overton Neighbourhood Plan (January 2014) requires a Strategic Environmental Assessment (SEA), and/or a Habitat Regulations Assessment (HRA) in accordance with the European Directive 2001/42/EC, and the requirements of the Conservation of Habitats and Species Regulations 2010 (as amended in 2012).

The screening has been based upon the policies set out in the draft Malpas and Overton Neighbourhood Plan, December 2013. The draft plan went out to public consultation between 13 January and 23 February 2014. A draft screening statement was published and consulted upon at the same time. The statutory environmental bodies were consulted on 16 January 2014. Responses were received from Natural England and English Heritage, who agreed with the outcome of the screening exercise. This final screening statement addresses comments made during the consultation. The comments received during the consultation are set out at Appendix 2 of this document.

Location and geographical scope of the Malpas and Overton Neighbourhood Plan

The Malpas and Overton Neighbourhood Plan covers the Malpas Parish Council and Overton Parish areas. It includes the settlements of Malpas and Overton. However, two small areas of Malpas Parish situated adjacent to the villages of Hampton and No Mans Heath have been excluded from the Neighbourhood area as they are considered more integral to those villages (see Map 1).

Malpas is defined as a key service centre in the south of the borough of Cheshire West and Chester and is close to the Welsh border. Malpas Ward has a population of 3,975, the Parish of Malpas has a population 1,673 . The settlement provides key services including a secondary school, leisure centre, a range of shops and employment units. It acts as a rural centre providing higher order services to surrounding villages. Malpas have two local wildlife sites lying to the south east of settlement. There is a large Conservation Area within the village, two Scheduled Monuments and a number of Listed Buildings.

The community has identified the following 12 key points in the introduction to the draft Malpas and Overton Neighbourhood Plan:

- Malpas has a stable, rising population
- Malpas has a large older population
- Although generally affluent, there is a significant proportion of lower income households
- House prices are above average
- Malpas is experiencing development pressure as a popular place to live
- Malpas has affordable and older persons housing needs
- There is a need to conserve, preserve and enhance the historic and cultural environment
- Renewable energy is to be supported where it does not harm landscape character
- Continued provision and access to local services and community facilities, including shops and healthcare is essential
- Malpas has a small but significant rural employment base that must be protected and supported.
- Access to superfast broadband is important and needs to be delivered
- Road transport is important in Malpas but the area experiences traffic congestion and there are conflicts between cars, cyclists and pedestrians.

Relationship to other plans and programmes

Once made the Neighbourhood Plan will form part of development plan for Cheshire West and Chester. The policy framework once made will not work in isolation. The Neighbourhood Plan will work alongside the adopted Local Plan policies in place at the time it is made.

The Neighbourhood Plan must have regard to national policy; be in general conformity with the strategic policies in the adopted Local Plan; must contribute to the achievement of sustainable development and meet EU obligations and human rights requirements.

The current adopted Local Plan for the area is the Chester District Local Plan (adopted May 2006) although Cheshire West and Chester Council are currently preparing a new Local Plan for the borough. This is to be developed in two parts; Part One Strategic Policies and Part Two Land Allocations and Detailed Policies. The preparation of the Local Plan (Part One) Strategic Policies is now well advanced. It sets out the overall vision, strategic objectives, spatial strategy and strategic planning policies for the borough to 2030. Several of the policies in the existing Chester District Local Plan are to be retained alongside the Local Plan (Part One) until such time that they are to be replaced by the Local Plan (Part Two). Preparation of the Local Plan (Part Two) began in 2014.

The policies in the emerging Local Plan applicable to Malpas and Overton are STRAT1 (Sustainable Development); STRAT2 (Strategic Development); STRAT8 (Rural Area) and the suite of economic, social and environmental policies accompanying them.

It is anticipated that the Malpas and Overton Neighbourhood Plan will be made following the adoption of the Local Part One and the screening has been carried out on this assumption.

The emerging Local Plan Part One Strategic Policies have been subject to a Sustainability Appraisal incorporating the requirements of the Strategic Assessment Directive and a screening exercise under the Habitats Directive. This screening exercise has considered the effects of the neighbourhood plan in this context. The Sustainability Appraisal of the emerging Local Plan Part One sets out the impacts of the strategic policies that apply to Malpas and Overton.

The neighbourhood area is close to the Welsh border and 12.3 miles from the settlement of Wrexham. The SEA screening exercise has taken the area's location into account and the potential effects of the plan considered in the context that there

may be potential effects that could have an impact across the administrative border in Wales.

Scope of Neighbourhood Plan

The Malpas and Overton Neighbourhood Plan seeks to build upon the policy framework in the emerging Local Plan (Part One) to:

1. Provide an excellent quality of life in the local area.
2. Promote sustainability and reduce carbon-dependent activities.
3. To deliver housing growth to meet the needs of the local population throughout their lives.
4. To ensure that new development is sustainably located, reflects local character and integrates well with the village
5. To safeguard a comprehensive range of local shops, services and community facilities for all
6. To support a broad and sustainable local economy that provides jobs for residents of Malpas and Overton.
7. To ensure that the area is easy and safe to move around in for all modes of transport and that the infrastructure continues to adequately serve the village as it grows.
8. To ensure our distinctive built character is protected and enhanced.
9. To protect and maintain the existing rural landscape character.
10. To protect and enhance the natural environment.

The draft plan includes a suite of policies covering the topics of:

- Homes for All
- Built Environment and Local Character
- Landscape character and the Natural Environment
- Services and Facilities
- Supporting the Local Economy
- Transport and communications

These policies work within the strategic framework set by the emerging Local Plan Part One Strategic Policies. The proposed policies in the Malpas and Overton

Neighbourhood Plan do not propose a level of development outside of the levels proposed in the emerging local plan or significantly alters the planning policy position for the area. It provides local level guidance on how the community wishes future development as set by the Local Plan should come forward.

2.0 Strategic Environmental Assessment Screening

Legislative Background and Methodology

European Directive 2001/42/EC requires a Strategic Environmental Assessment (SEA Directive) to be carried out for certain plans and programmes to assess their effects on the environment. This Directive was transposed in law by the Environmental Assessment of Plans and Programmes Regulations 2004.

Neighbourhood Development Plans fall within the scope of this legislation. They are a plan as defined by Article 3(2) of the SEA regulations and Regulation 5 paragraph 2 of the Environmental Assessment of Plans and Programmes Regulations 2004. However, Neighbourhood Plans are land use planning documents prepared at the local level to determine land use in a small area.

Under Article 3(2) of the SEA Directive and Regulation 5 paragraph 6 of the Environmental Assessment of Plans and Programmes Regulations 2004, Strategic Environmental Assessment (SEA) is only required for documents that determine land use in small areas at the local level where it is considered that they are likely to have 'significant environmental effects'. This is carried out through a screening determination.

Screening methodology

The role of the screening exercise is to determine whether the effect of the implementation of a plan or programme is likely to have a significant effect on the environment.

The criteria for assessing whether a plan or programme is likely to have a significant environmental effect are set out in Annex II of the SEA Directive and Schedule 2 of the Environmental Assessment of Plans and Programmes Regulations 2004.

The assessment criteria used to determine whether a plan or programme will have significant environmental effects are separated into two categories:

- those relating to the characteristics of the plan; and

- those relating to the characteristics of the plan's effects and of the area likely to be affected.

The assessment of the draft Neighbourhood Plan against these criteria is set out in table 1.

A key part of the Neighbourhood Plan screening has been to consider the context of its preparation and its interaction with the emerging Local Plan (Part One) Strategic Policies for Cheshire West and Chester. In order to inform this assessment a review of the anticipated effects of the draft policies and their relationship to policies at the Local Plan level was carried out. This is set out in appendix 1 to this report. Table 1 sets out the exact nature of the neighbourhood plan policies and how they interact with the Local Plan. Table 1 sets out the findings of the screening. In summary the characteristics of the plan policies mean that:

- Any effects of them are likely to be small scale, local at the neighbourhood level.
- They do not allocate sites for housing or employment development and many of the policies seek to minimise and control the impacts of new development.
- The plan does not set the level of development for the area. The strategic context for the Neighbourhood Plan has been set at the Local Plan level.

Conclusion

As a result of the screening assessment whilst potential environmental effects have been predicated as a result of the Neighbourhood Plan policies (see Table 1 of the screening) these are not significant. The screening has concluded that there will not be significant environmental effects arising from the consultation draft Malpas and Overton Neighbourhood Plan (January 2014). A Strategic Environmental Assessment of the Malpas and Overton Neighbourhood Plan is therefore not required.

However, it is acknowledged that the strategic planning policies for the Malpas and Overton area as set out in the emerging Local Plan (Part One) for Cheshire West and Chester may have the potential for significant environmental effects. However,

these policies have been subject to Strategic Environmental Assessment as set out in the Sustainability Appraisal of the Local Plan (Part One) and no further assessment is required.

Table 1: Assessment of the significant environmental effects of the Malpas and Overton Neighbourhood Plan		
1. Characteristics of the Plan		Significant Environmental Effect?
The degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources	<p>The Neighbourhood Plan is a local level land use planning document to determine land use in a small area. Once made, it will work within the planning policy framework of the Local Plan for the borough.</p> <p>The Neighbourhood Plan will provide a local planning policy framework for Malpas and Overton that will become part of the development plan for Cheshire West and Chester. It is required to be in general conformity with the strategic policies of the adopted Local Plan. The Malpas and Overton Neighbourhood Plan will not impact on the strategic location, nature, size and operating conditions of new development over and above that set by current adopted Local Plan or the emerging Local Plan for the borough. It will however provide local level guidance within the strategic framework on the nature of development in the Malpas and Overton Neighbourhood Area should be brought forward and the mitigation and enhancement measures required in order to minimise impacts. The Neighbourhood Plan policies will work alongside the strategic policies in the development plan; other development management measures and environmental protection legislation.</p>	No
The degree to which the plan or programme influences other plans and programmes including those in a hierarchy.	The Neighbourhood Plan will be the lowest level of planning policy for the area. It has to be in general conformity with the strategic policies of the adopted Local Plan and must contribute to the achievement of sustainable development. It will therefore have limited influence over changing the policies in plans at the higher strategic level or lead to the development of further plans below it.	No
The relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development,	The Neighbourhood Plan is required under legislation to contribute to the achievement of sustainable development. This is one of the basic condition tests. Whether this basic condition is met will be tested during the examination of the Neighbourhood Plan. However, the framework for the promotion of sustainable development is set by the Government's Strategy for Sustainable Development, the National Planning Policy Framework and the policies in the adopted and emerging Local Plan's for the borough. The Neighbourhood Plan will have limited influence over changing the sustainable development policies in plans and policies at the higher strategic level.	No
What are the environmental problems relevant to the plan or programme?	<p>The Sustainability Appraisal Scoping Report for the Local Plan Part One is a comprehensive overview of the issues in Cheshire West and Chester. There are no specific additional environmental problems identified for the Malpas and Overton area.</p> <p>Some of the environmental issues and problems for rural key service centres in the borough are:</p> <ul style="list-style-type: none"> • House prices are above average • Lower income households 	No

	<ul style="list-style-type: none"> • An ageing population • Development pressure as a popular place to live • Affordable housing needs • Need to conserve, preserve and enhance landscape and the historic and cultural environment • High dependence on the use of the car • Provision of local job opportunities and support for the rural businesses and enterprises including agriculture • Continued provision and access to local services and community facilities including shops and healthcare • Access to public transport • Access to broadband <p>The Neighbourhood Plan will seek to address these issues with a focus on ensuring <i>“Malpas will be a thriving, sustainable, small market village offering a comprehensive range of shops, services and facilities, supported by a robust infrastructure and employment opportunities which are able to cater for the needs of all our residents. The special character of Malpas and the surrounding countryside will be protected and celebrated, making the area an attractive place to live and to visit.”</i></p> <p>The focus of the Neighbourhood Plan is about community sustainability and allowing appropriate levels of development into the future to address environmental problems and not exacerbate them.</p>	
The relevance of the plan or programme for the implementation of Community legislation on the environment (e.g. plans and programmes linked to waste-management or water protection).	The Neighbourhood Development Plan will have no direct role in the delivery of community legislation on the environment. It does include policies on these matters. The Neighbourhood Plan has been subject to Habitats Regulation Assessment screening as set out in part 2 of this document.	No

2. Characteristics of the plan's effects and of the area likely to be affected.										
Identified effects of the proposed policies	the probability, duration, frequency and reversibility of the effects,	the cumulative nature of the effects	the trans-boundary nature of the effects ¹ ,	the risks to human health or the environment (e.g. due to accidents),	the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected),	effect on special natural characteristics or cultural heritage,	effect on environmental quality standards or limit values,	effect on intensity of land-use.	the effects on areas or landscapes which have a recognised national, Community or international protection status.	Significant environmental effect?
Biodiversity loss	Low probability and infrequent as neighbourhood plan policies seek to enhance and protect biodiversity. However, biodiversity loss would have long term impacts and they would be irreversible.	Each new development has the potential weaken ecological networks/systems. Potential cumulative effect with other development in borough and in neighbouring Wales.	None	None	Local, small scale at neighbourhood level.	None	None	None	None identified – see HRA screening and no impact on Conservation Area.	No
Enhancement and protection of biodiversity	High probability and would occur as each new development comes forward. Neighbourhood plan policies seek to enhance and protect biodiversity.	Potential to add to biodiversity loss and to weaken ecological networks/systems. Potential cumulative effect with other development in borough and in neighbouring Wales.	None	None	Local, small scale at neighbourhood level.	None	None	None	None identified – see HRA screening and no impact on Conservation Area.	No

¹ The assessment here has considered whether the effect of the policy goes beyond the UK and impacts upon other EU territories. Given scale and nature of Neighbourhood Plan the effects are not considered to be transboundary.

Identified effects of the proposed policies	the probability, duration, frequency and reversibility of the effects,	the cumulative nature of the effects	the trans-boundary nature of the effects,	the risks to human health or the environment (e.g. due to accidents),	the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected),	effect on special natural characteristics or cultural heritage,	effect on environmental quality standards or limit values,	effect on intensity of land-use.	the effects on areas or landscapes which have a recognised national, Community or international protection status.	Significant environmental effect?
Loss of Greenfield land and associated soil impacts	High probability of greenfield loss as a result of policy in Neighbourhood Plan. Effect would be long term and irreversible.	Each new development has the potential to add to greenfield loss. Cumulative effect with other greenfield loss in borough as set by STRAT2 and 8 in the emerging Local Plan.	None	None	Local, small scale at neighbourhood level.	None	None	None	None identified – see HRA screening and no impact on Conservation Area.	No
Loss or harm to cultural heritage and landscape	Low probability as neighbourhood plan and Local Plan policies seek to enhance and protect cultural heritage and landscape. However, there could be harm to cultural heritage and landscape. Effect would be long term and irreversible. Effect would have long term impacts and they would be irreversible.	Each new development has the potential to add harm to overall cultural heritage and landscape. Potential cumulative effect with other development in borough.	None	None	Local, small scale at neighbourhood level.	No	None	None	Potential negative impacts on Conservation Area.	No

Identified effects of the proposed policies	the probability, duration, frequency and reversibility of the effects,	the cumulative nature of the effects,	the trans-boundary nature of the effects,	the risks to human health or the environment (e.g. due to accidents),	the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected),	effect on special natural characteristics or cultural heritage,	effect on environmental quality standards or limit values,	effect on intensity of land-use.	the effects on areas or landscapes which have a recognised national, Community or international protection status.	Significant environmental effect?
Enhancement and protection of cultural and heritage assets	High probability as neighbourhood plan and Local Plan policies seek to enhance and protect cultural heritage and landscape. Effect would be long term and irreversible.	Each new development has the potential to add harm to overall cultural heritage and landscape. Potential cumulative effect with other development in borough.	None	None	Local, small scale at neighbourhood level.	None	None	None	Potential positive impacts on Conservation Area.	No
Environmental impacts of new development e.g. flooding; water consumption; air quality	Low probability as neighbourhood plan and Local Plan policies include measures to ensure the environmental impacts of new development are controlled and mitigated. Impacts would be long term and some would irreversible.	Each new development has the potential to have environmental impacts. Potential cumulative effect with other development in borough and in neighbouring Wales in relation to air quality; flood impacts.	None	None	Local, small scale at neighbourhood level.	None	None	None	None identified – see HRA screening and no impact on Conservation Area.	No

Identified effects of the proposed policies	the probability, duration, frequency and reversibility of the effects,	the cumulative nature of the effects	the trans-boundary nature of the effects,	the risks to human health or the environment (e.g. due to accidents),	the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected),	effect on special natural characteristics or cultural heritage,	effect on environmental quality standards or limit values,	effect on intensity of land-use.	the effects on areas or landscapes which have a recognised national, Community or international protection status.	Significant environmental effect?
Benefits to population and human health of new housing and economic development including new homes, employment and amenities.	Probability difficult to assess as depends on proposals coming forward and on the scale and nature of the development. Impacts would be long term and irreversible.	Each new development has the potential to benefit the local population and health but would be dependent on the nature and scale of the development. Cumulatively several developments may be able to realise and bring about community benefits that one development in isolation may not.	None	None	Local, small scale at neighbourhood level.	None	None	None	None identified – see HRA screening and no impact on Conservation Area.	No

Identified effects of the proposed policies	the probability, duration, frequency and reversibility of the effects,	the cumulative nature of the effects	the trans-boundary nature of the effects,	the risks to human health or the environment (e.g. due to accidents),	the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected),	effect on special natural characteristics or cultural heritage,	effect on environmental quality standards or limit values,	effect on intensity of land-use.	the effects on areas or landscapes which have a recognised national, Community or international protection status.	Significant environmental effect?
New renewable energy development	Probability difficult to assess as depends on proposals coming forward. Renewable energy developments have potential for long term impacts. Development not necessarily permanent so can be reversed.	Potential cumulative impact of increasing borough's contribution to delivering renewable energy supplies if more than one renewable energy development comes forward either in the neighbourhood area or elsewhere in the borough.	None	None	Local, small scale at neighbourhood level.	None	None	None	None identified – see HRA screening and no impact on Conservation Area.	No
Protection and enhancement of community assets and village centre	Probability difficult to assess as depends on proposals coming forward. Impacts could be seen in the short, medium and long term and could be reversed.	New development has potential to strengthen and enhance community assets and the village centre more.	None	None	Local, small scale at neighbourhood level.	None	None	None	Potential positive impact on conservation area.	No

Identified effects of the proposed policies	the probability, duration, frequency and reversibility of the effects,	the cumulative nature of the effects	the trans-boundary nature of the effects,	the risks to human health or the environment (e.g. due to accidents),	the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected),	effect on special natural characteristics or cultural heritage,	effect on environmental quality standards or limit values,	effect on intensity of land-use.	the effects on areas or landscapes which have a recognised national, Community or international protection status.	Significant environmental effect?
Increased traffic	High probability but neighbourhood plan includes policies to manage and mitigate traffic. Impacts could be seen in the short, medium and long term and could be reversed.	Cumulative increases as each development comes forward unless managed and mitigated.	None	None	Local, small scale at neighbourhood level.	None	None	None	None identified – see HRA screening and no impact on Conservation Area.	No
Management and mitigation of traffic impacts	Probability difficult to assess as depends on proposals coming forward. Impacts could be seen in the short, medium and long term and could be reversed.	None as the effect should be to reduce and manage cumulative traffic impact as a result of new development.	None	None	Local, small scale at neighbourhood level.	None	None	None	None identified – see HRA screening and no impact on Conservation Area.	No

3.0 Habitats Regulations Assessment Screening

Legislative Background

The Conservation of Habitats and Species Regulations 2010 (as amended in 2012) transpose the requirements of the European Habitats Directive 92/43/EEC into UK law. The Habitats Directive and Regulations afford protection to plants, animals and habitats that are rare and vulnerable in a European context.

Habitats Regulations Assessment (HRA) is a systematic process through which the performance of a plan or project can be assessed for its likely impact on the integrity of a European Site. European Sites, also referred to as Natura 2000 sites, consist of Special Protection Areas (SPA), Special Areas of Conservation (SAC); Potential Special Protection Areas and candidate Special Areas of Conservation (pSPA and cSAC); and listed or proposed Ramsar sites.

Article 6(3) of the Habitats Directive states: 'Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans and projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives'.

The first stage of HRA is to screen a plan or programme to identify if there are likely to be any significant effects on Natura 2000 sites. This will indicate whether a full Appropriate Assessment is required. The regulations require that the impacts and effects of any land use plan being assessed, are considered in combination with other plans and projects that may also be affecting the relevant European site(s).

Inter-relationship with the Local Plan HRA

The Local Plan has already been through the HRA process, and the results detailed in the Cheshire West and Chester Local Plan Publication Draft (Part 1) Strategic Policies Habitat Regulations Assessment Screening Report. Each of the sites within 15km of Malpas and Overton were assessed at the Local Plan level. This appraisal forms the baseline for the HRA screening assessment of the Malpas and Overton Neighbourhood Plan with the prime consideration being the potential effects of the Neighbourhood Plan over and above those of the already assessed for the Local

Plan. The Local Plan was screened out through this process, as not leading to a likely significant effect on European Sites.

It is considered that as long as the proposed policies of a Neighbourhood Plan do not alter the strategic policy framework assessed in the Local Plan Part One Habitats Regulation Assessment Screening Report then an additional separate full screening exercise on the Neighbourhood Plan will not be required. However, if the Neighbourhood Plan does change the strategic policy framework then a separate Habitats Regulation Assessment Screening Report to assess the effect on European Sites would be required.

Context

There are 15 European designated sites identified within a 15km buffer from the boundaries of the Malpas and Overton Neighbourhood Plan. There are 11 Ramsar sites split between 4 Midland Meres and Mosses Phase 1, and 7 Midland Meres and Moses Phase 2 sites, 4 SAC's, and no SPA's.

These are shown in Map 1.

Outcome of high level screening

1. Is the Neighbourhood Plan directly connected with, or necessary to the management of a European site for nature conservation?

No

2. Does the Neighbourhood Plan propose new development or allocate sites for development?

The Neighbourhood Plan sets out how new development should come forward in Malpas and Overton. It does not set a quantum of development as it looks to support the level of development set out at the Local Plan level. It seeks to set out how new development should be brought forward and whilst still in preparation looks to support the quantum of development set out in the emerging Local Plan for the borough.

3. Are there any other projects or plans that together with the Neighbourhood Plan that could impact on the integrity of a European Site?

Yes, the existing Chester District Local Plan and the Local Plan: Part One Strategic Policies.

4. Are there any potential impacts on the integrity of a European Site?

The Neighbourhood Plan will not work in isolation and will be used alongside other development plan policies including the Local Plan Part One and retained policies in the existing Chester District Local Plan for determining planning applications for new development. The quantum of development to come forward in Malpas and Overton in the future will be set by Local Plan policy. The Neighbourhood Plan will guide how this should come forward locally.

Whether the Neighbourhood Plan alters the policy position for the area is set out in table 2 below.

Table 2: Screening of policies for altering Local Plan Policy	
Policy	Change in policy position in emerging Local Plan and policies to be retained? Y/N
H1 Location of New Housing	No
H2 Rural Housing Development	No
H3 Housing type and tenure	No
H4 Housing character and design	No
BE1 Scale and Form of Development	No
BE2 Design of new buildings	No
BE3 Alterations and extensions	No
BE4 Character Buildings, Structures and Spaces	No
BE5 Archaeology	No
LC1 Landscape Character	No
LC2 Renewable Energy	No
LC4 Key views	No
LC4 Green Spaces	No
LC5 Biodiversity	No
SF1 Village Centre	No

SF2 Church Street	No
SF3 Upper Floors	No
SF4 New Community Infrastructure	No
LE1 Flexible Workspace	No
LE2 Rural diversification and Local Tourism	No
TC1 Village travel plan	No
TC2 Travel and parking impacts	No
TC3 Pedestrian and cycle routes	No

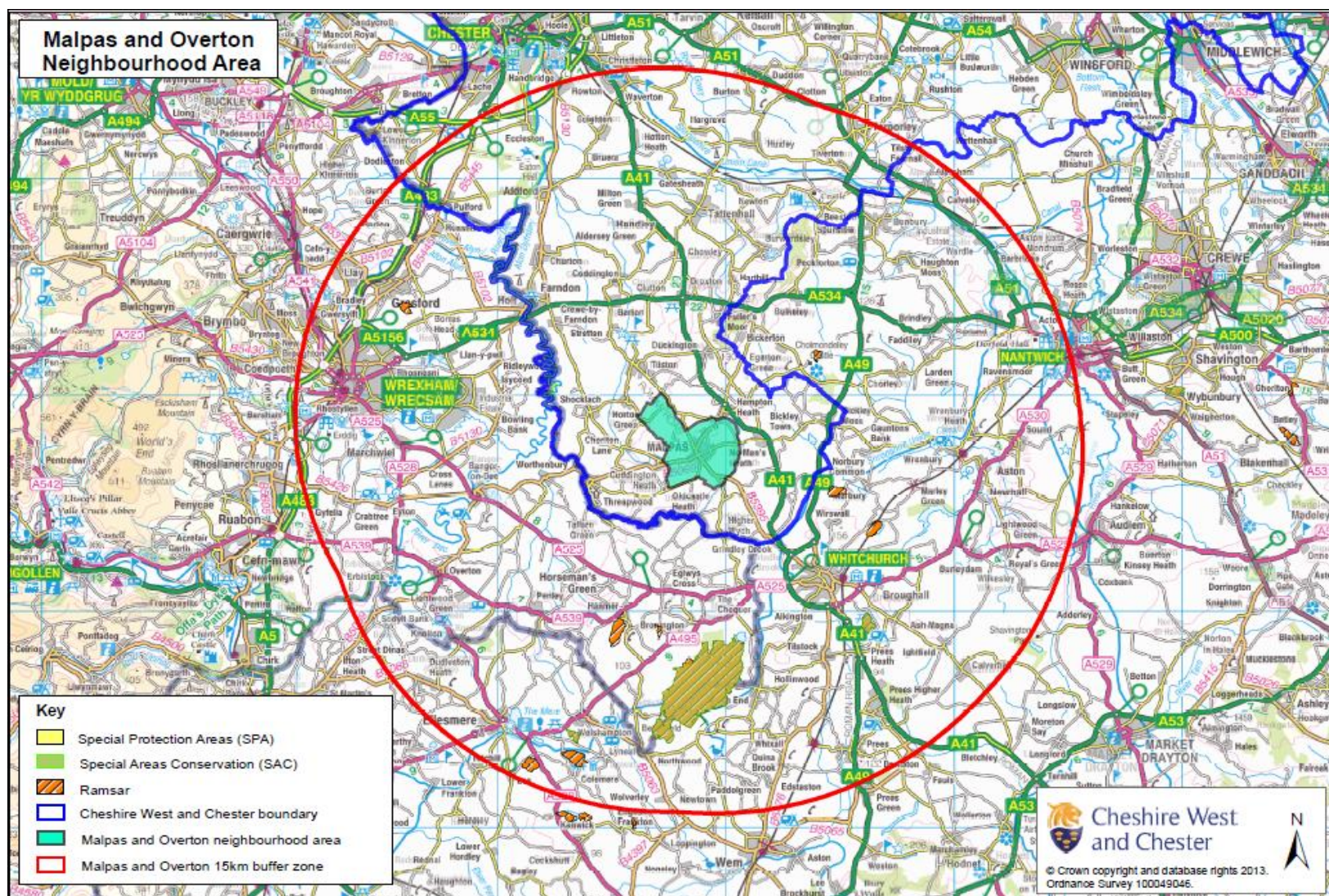
There are no specific issues highlighted in the HRA of the emerging Local Plan in relation to Malpas and Overton, although there are other more general potential impacts highlighted as a result of the quantum and location of development proposed for the borough as a whole in the Local Plan Part One. However, it is considered there are sufficient mitigation and control measures in the policy framework of the Local Plan Part One to avoid and mitigate any of these adverse effects on the integrity of European in the emerging Local Plan.

Therefore, it is considered that any proposals coming forward for Malpas in accordance with the Neighbourhood Plan would not result in a likely significant effect on a European site than already identified and assessed through the Local Plan Part One Habitats Regulation Assessment Report. A separate full screening report is not required.

Conclusion

The Malpas and Overton Neighbourhood Plan is unlikely to have an adverse effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2010 (d), alone or in combination with other plans and projects.

Map 1- European Designations within a 15km distance of the Malpas and Overton Neighbourhood Plan



Appendix 1: Overview of policies and identified effects of the Malpas and Overton Neighbourhood Plan

Plan elements	Summary of policy	Identified potential effects of policy (taking into account SEA topics of Biodiversity, flora and fauna; Population; Human health; Soil; Water; Air; Climatic factors; Material Assets; Cultural Heritage; Landscape.	Relationship to emerging Local Plan Part One Strategic Policies and policies to be retained in the Chester District Local Plan
H1 New Housing	Preferred location for new housing development Support for brownfield redevelopment Greenfield development on sites directly adjacent to existing built up area Quantum of new development in line with emerging Local Plan figures for Malpas Housing above this number potentially permitted if offers significant local benefits Provides a site assessment criteria to determine what sites would be considered suitable.	<ul style="list-style-type: none"> • Biodiversity loss. • Benefits to population and human health. • Loss of greenfield land and soil loss. • Negative or positive impacts upon existing cultural heritage and landscape • Environmental impacts of the development e.g. flooding; increased water consumption; air quality damage etc 	This policy re-iterates the policies STRAT2 and STRAT8 in the Local Plan Part One in relation to the number of houses proposed for Malpas. The assessment of the housing number has been carried out as part of the preparation of the Local Plan Part One. .
H2 Rural Housing Development	Allowance for a very small number of dispersed individual dwellings in the rural area for agricultural workers, relative's accommodation and homes of exceptional innovative design and sustainability.	<ul style="list-style-type: none"> • Biodiversity loss. • Benefits to population and human health. • Loss of greenfield land and soil loss. • Negative or positive impact upon existing cultural heritage and landscape 	Policy H2 is in line with the policy framework provided by the Local Plan Part One policies STRAT 8; STRAT9 and SOC2 and the retained Chester District Local Plan policies HO7 and EC23.
H3 Housing type and tenure	Conformity of new housing development with affordable housing and housing mix and type policies in the emerging Local Plan for the borough. Provision of affordable housing to residents of Malpas before wider local needs. 25% of new homes on development of 10 or more to meet lifetime homes standard.	<ul style="list-style-type: none"> • Benefits to population and human health. 	Policy H4 provides local level detail to support SOC1 of the Local Plan Part One.
H4 Housing character and design	New housing to reflect organic growth of Malpas. Developments of 30 dwellings at a time. Larger development should include distinct areas of 30 at a time.	<ul style="list-style-type: none"> • Impact upon existing cultural heritage and landscape 	Local level detail in line with policies STRAT2 and STRAT8 in the Local Plan Part One.
BE1 Scale and Form of Development	Sets out consideration for the layout and scale of new development	<ul style="list-style-type: none"> • Benefits to population and human health. • Protection and enhancement of existing cultural heritage and landscape 	This policy re-iterates and supports policy ENV6 in the Local Plan Part One in relation to high quality design and sustainable construction and retained policies in the Chester District Local Plan.

BE2 Design of new buildings	Sets out how the design of new buildings should be distinctive to the existing character of Malpas and Overton.	<ul style="list-style-type: none"> Protection and enhancement of existing cultural heritage and landscape. 	This policy re-iterates and supports policy ENV6 in the Local Plan Part One in relation to high quality design and sustainable construction and retained policies in the Chester District Local Plan.
BE3 Alterations & extensions	Sets out how the design of alteration and extensions to existing buildings should be distinctive to the existing character of Malpas and Overton	<ul style="list-style-type: none"> Protection and enhancement of existing cultural heritage and landscape. 	This policy re-iterates policy ENV6 in the Local Plan Part One in relation to high quality design and sustainable construction and retained policy HO8 of Chester District Local Plan.
BE4 Character Buildings, Structures	Sets out how the design of new buildings should maintain, respect and enhance the existing character of Malpas and Overton.	<ul style="list-style-type: none"> Protection and enhancement of existing cultural heritage and landscape. 	This policy provides local level detail on buildings considered to be important to the community. This includes buildings that are already recognised for their architectural or historic interest through listed status. Policy ENV47 of the Chester District Local Plan covers impacts upon locally important buildings.
BE5 Archaeology	Sets out requirements for archaeological surveys and areas of archaeological significance.	<ul style="list-style-type: none"> Protection and enhancement of existing cultural heritage and landscape. 	This policy supports policy ENV5 in the Local Plan Part One and retained policies in the Chester District Local Plan.
LC1 Landscape Character	Sets out requirements for protecting landscape character of new development	<ul style="list-style-type: none"> Protection and enhancement of existing cultural heritage and landscape. 	This policy supports policy ENV2 in the Local Plan Part One and retained policies in the Chester District Local Plan.
LC2 Renewable Energy	Sets out requirements for new renewable energy development in the area including minimum distances from dwellings.	<ul style="list-style-type: none"> Protection and enhancement of existing cultural heritage and landscape. Protection of population and human health Contribution to developing renewable energy supplies in the borough. 	Local level detail in line with policy ENV7 in the Local Plan Part One.
LC3 Key views	Sets out requirements for new development to protect key views	<ul style="list-style-type: none"> Protection and enhancement of existing cultural heritage and landscape. 	This policy supports policy ENV2 in the Local Plan Part One and provides local level detail on important views to be protected in the Neighbourhood Area.
LC4 Green Spaces	Policy seeks protection and enhancement of Green Spaces	<ul style="list-style-type: none"> Protection and enhancement of existing cultural heritage and landscape. Continued open space provision for local population Protection and enhancement of biodiversity. 	This policy re-iterates and supports policy ENV4 and SOC6 in the Local Plan Part One and retained policies in the Chester District Local Plan.
LC5 Biodiversity	Enhancement of biodiversity through new development.	<ul style="list-style-type: none"> Protection and enhancement of biodiversity 	This policy re-iterates and supports policy ENV4 in the Local Plan Part One and retained policies in the Chester District Local Plan. In addition it includes local level requirements on the treatment of tree and hedgerows.

SF1 Village Centre	Definition of the village centre and set out what new development would be allowed and encouraged.	<ul style="list-style-type: none"> • Protection and enhancement of retail and community assets • New economic development and employment opportunities 	This policy re-iterates and supports retained policies in the Chester District Local Plan.
SF2 Church Street	Protection of character and retail and food offer on Church Street.	<ul style="list-style-type: none"> • Protection and enhancement of retail and community assets • Protection and enhancement of existing cultural heritage and landscape. 	This policy re-iterates and supports policy ECON2 and retained policies in the Chester District Local Plan.
SF3 Upper Floors	Encouragement of the use of upper floors in the village centre.	<ul style="list-style-type: none"> • Protection and enhancement of retail and community assets • New residential, economic development and employment opportunities 	This policy re-iterates and supports retained policies in the Chester District Local Plan.
SF4 New Community Infrastructure	Sets out mechanism for provision of new community infrastructure through new development.	<ul style="list-style-type: none"> • Protection and enhancement of community assets and infrastructure 	This policy re-iterates and seeks to work with STRAT11 in the Local Plan Part One and retained policies in the Chester District Local Plan.
LE1 Flexible Workspace	Sets out criteria for identifying suitable locations for new flexible workspace	<ul style="list-style-type: none"> • New economic development and employment opportunities • Potential to impact upon biodiversity. • Benefits to population and human health. • Loss of greenfield land and soil loss. • Impact upon existing cultural heritage and landscape 	This policy supports STRAT8 in the Local Plan Part One and retained employment policies in the Local Plan Part One.
LE2 Rural diversification and Local Tourism	Sets out criteria for identifying suitable locations for new small scale employment and tourism development.	<ul style="list-style-type: none"> • New economic development and employment opportunities • Potential to impact upon biodiversity. • Benefits to population and human health. • Loss of greenfield land and soil loss. • Impact upon existing cultural heritage and landscape 	This policy supports STRAT8 in the Local Plan Part One and retained employment policies in the Local Plan Part One.
TC1 Village travel plan	Preparation of a village travel plan	<ul style="list-style-type: none"> • Promotion of sustainable travel 	This policy re-iterates and supports policy STRAT10 in the Local Plan Part One and retained transport policies in the Chester District Local Plan. However, it sets out the mechanism for determined local travel needs and a mechanism by which developers should contribute to good travel planning for the area.

TC2 Travel and parking impacts	Sets out requirement for assessment of local travel impacts of new development	<ul style="list-style-type: none"> • Management and mitigation of traffic impacts. • Promotion of sustainable travel 	This policy re-iterates and supports policy STRAT10 in the Local Plan Part One and retained transport policies in the Chester District Local Plan.
TC3 Pedestrian and cycle routes	Provision of new safe, direct and attractive travel routes in new development	<ul style="list-style-type: none"> • Promotion of sustainable travel 	This policy re-iterates and supports policy STRAT10 in the Local Plan Part One and retained transport policies in the Chester District Local Plan.

Appendix 2: Comments received during consultation on draft Screening Report – February 2014

Agency	Date consulted	Response
Environment Agency	16.1.2014	None
Natural England	16.1.2014	See correspondence below
English Heritage	16.1.2014	See correspondence below

14 March 2014

Our ref: 110217



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BY EMAIL ONLY

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Dear Louise

Draft Malpas and Overton Neighbourhood Plan

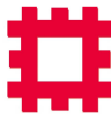
Thank you for your letter dated 5 March 2014, in response to our formal response reference 110217. Natural England welcomes the confirmation that the paragraph of the screening report quoted in the letter could be clearer and should state that there are considered to be no significant effects arising from the Neighbourhood Plan. In particular, we just wanted to highlight the statement that "potential environmental effects have been predicted as a result of the Neighbourhood Plan policies these are not considered to be significant". Any potential environmental effects should be explored to ensure they can be ruled out, i.e. what environment effects have been predicted and on what grounds are they considered not to result in a likely significant effect? Instead the conclusion should be clear that there will be **no likely significant effects** as a result of the Neighbourhood Plan.

Therefore provided the paragraph mentioned is clearer, as outlined in your letter, then Natural England has no further concerns with the Screening Report and agrees with your overall conclusion of no likely significant effect.

For any queries relating to this consultation please contact Kate Wheeler by email at kate.wheeler@naturalengland.org.uk or on 0300 060 4276. For all other correspondence, please email consultations@naturalengland.org.uk, or if it is not possible to consult by email, please send to the above address.

Yours sincerely

Kate Wheeler
Land Use Operations



ENGLISH HERITAGE

NORTH WEST

FAO: Louise Hilder
Spatial Planning
Cheshire West and Chester Council
The Forum Offices
Chester
CHI 2HS

Our ref:

Your ref:

Date: 10th March 2014

Email: Louise.hilder@cheshirewestandchester.gov.uk

Dear Louise

Draft SEA Screening Report – Malpas and Overton Neighbourhood Plan

Thank you for your letter dated 5th March 2014 in relation to the Malpas and Overton Neighbourhood Plan SEA Screening. The letter sent on 19th February 2014, provided a summary of our response to the consultation following on from a telephone conversation prior to the submission of our comments, which discussed the issues English Heritage was going to raise.

English Heritage is concerned that a number of the policies included within the Neighbourhood Plan do not comprehensively deal with all heritage assets in particular scheduled monuments.

We have again assessed the Plan's policies and proposals against the criteria included in the Regulations (2004) and will agree that the neighbourhood plan does not go beyond what is included in the Local Plan and therefore an SEA will not be required.

English Heritage strongly advises that you engage conservation, archaeology and urban design colleagues at the local and county level to ensure you are aware of all the relevant features of the historic environment and that the historic environment is effectively and efficiently considered as part of the Neighbourhood Plan. They are also best placed to advise on local historic environment issues and priorities, including access to data held in the HER (formerly SMR). They will be able to provide you with the Historic Environment Records for the area including any relevant studies, and ensure a joined-up and robust approach is undertaken.

Finally, we should like to stress that this opinion is based on the information provided by you with your letter dated 5th March 2014. To avoid any doubt, this does not affect our obligation to provide further advice and, potentially, object to specific proposals which may

subsequently arise (either as a result of this consultation or in later versions of the Neighbourhood Plan) where we consider that, despite the need for an SEA being screened out, this would have an adverse effect upon the historic environment.

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)

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E-mail: Emily.hrycan@english-heritage.org.uk