

Church Minshull Parish Council Neighbourhood Plan SEA Screening Report

Prepared by Cheshire East Council, February 2019

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Abbreviations:

CEC	Cheshire East Council
CELPS:	Cheshire East Local Plan Strategy
CNBLP:	Crewe and Nantwich Borough Local Plan
CMNDP:	Church Minshull Neighbourhood Development Plan
CMNA:	Church Minshull Neighbourhood Area
NP:	Neighbourhood Plan
KSC:	Key Service Centre

1.0 Introduction

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

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

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

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

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

1.1 Requirement for Strategic Environmental Assessment (SEA)

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

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

1. A neighbourhood plan allocates sites for development
2. The neighbourhood area contains sensitive natural or heritage assets that may be affected by proposals in the plan

3. The neighbourhood plan may have significant environmental effects that have not already been considered and dealt with via a sustainability appraisal of the Local Plan.

1.2 Requirement for HRA

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

1.3 Legislative Background

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

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

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

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

1.4 The Cheshire East Local Plan Strategy (CELPS)

The basic conditions require Neighbourhood Plans to be in general conformity with the strategic policies contained in the development plan for the area of the authority. The Crewe and Nantwich Borough Local Plan was adopted in 2005. Some of the policies within the Local Plan have been 'saved', which means they are still used in determining planning applications. As policies become out of date through lack of conformity with the NPPF or where more up to date evidence is available, they can be given less weight for decision making purposes, particularly on strategic issues.

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

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

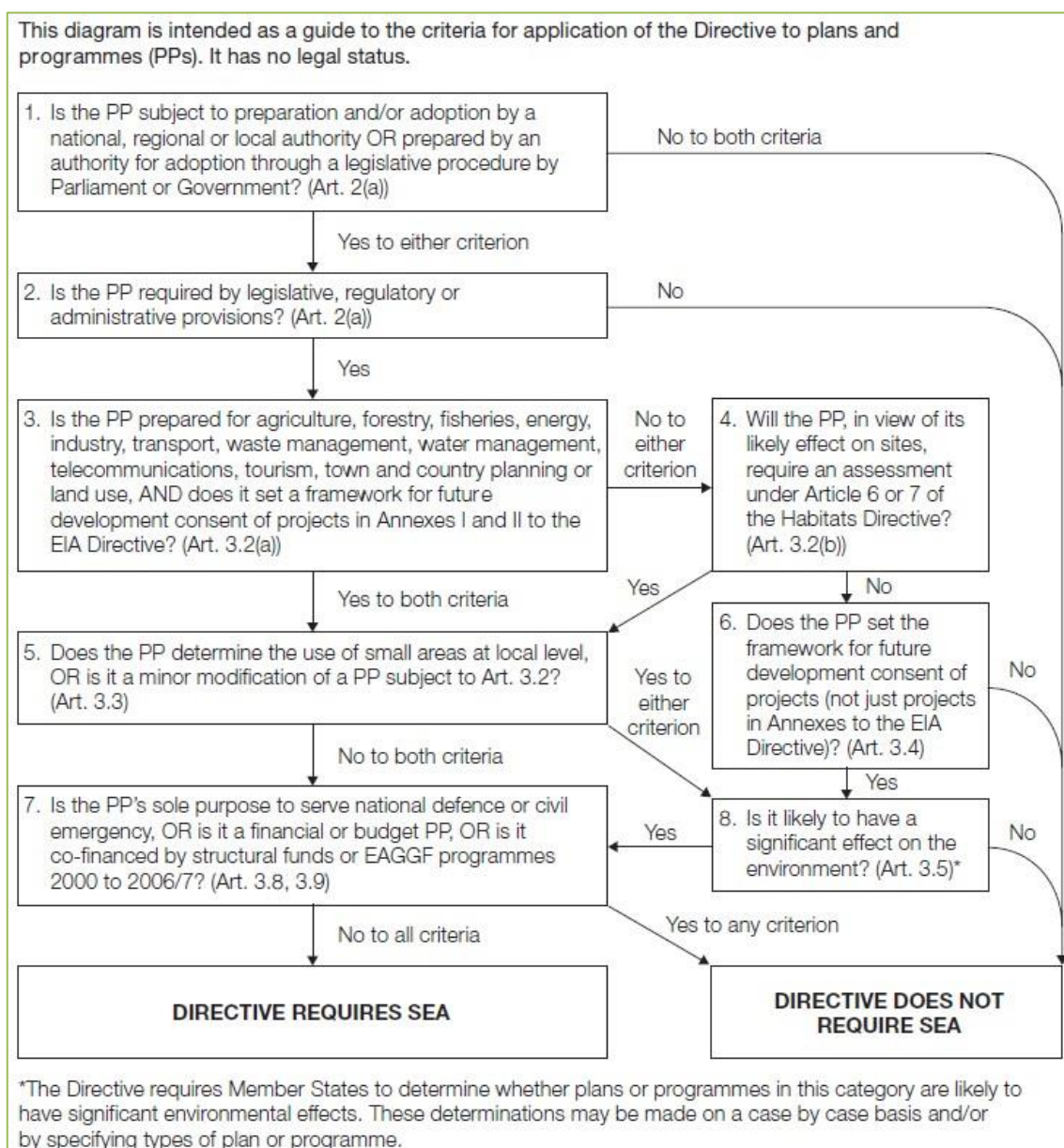
1.5 Screening Process

Church Minshull Parish Council has requested a SEA screening opinion of its Neighbourhood Plan. It is the qualifying body's responsibility to undertake an assessment of whether their proposed policies are likely to have 'significant environmental effects' however on request, CEC will undertake such an assessment on behalf of the qualifying body. The Plan does not have to be at a final draft stage to be assessed.

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

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

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



1. 5.1 Summary of the Screening Assessment

Summary	
Name	Church Minshull Neighbourhood Plan
Geographic Coverage of	The Parish of Church Minshull
Key Topics/scope of the Plan	- To provide housing which is in keeping with existing properties as local need arises - To maintain the rural character of Church Minshull - To maintain and improve the high quality natural environment - To encourage a thriving and prosperous community
Key Issues	Regulation 14 plan with some scope to revise policies. Rural parish with significant and multiple heritage assets and some flooding. Biodiversity assets present.
Summary of Screening opinion	
Assessor:	Tom Evans, Neighbourhood Planning Manager
Date of assessment	February 2019
Conclusion:	SEA is not required
Reason for conclusion	The Neighbourhood Plan does not propose to allocate specific sites for future development, and promotes criteria based policies that seek to shape future development proposals, on a small scale basis, that reduce and manage impact on the environment (both natural and built). Designated sites within the neighbourhood area: There are no European Sites within the neighbourhood area and eight within 15km of it (see appendix C). There are multiple Sites of Biological Importance, Ancient Woodland, Local Nature Reserves within and immediately adjacent to the Church Minshull Neighbourhood area. Designated heritage assets within the neighbourhood area: There are 17 Grade II and 4 Grade II* Listed Buildings within the neighbourhood area (see appendix D). There is a designated conservation area within Church Minshull. Flood Risk zones within the neighbourhood area: Flood Risk Zones 2 and 3 are present in the neighbourhood area, in eastern boundary section of the area (see appendix E). Effect on the Environment: As a lower tier plan all development proposals will be subject to assessment against higher tier policies, plans and legislation that seek to protect locally, nationally and internationally designated sites. This includes the saved policies of the Crewe and Nantwich Borough Local Plan that are specially relevant to heritage and natural assets within the neighbourhood plan and beyond; this also includes relevant CELPS policies. The neighbourhood plan does not introduce new policy that enables a significant effect on the environment to be implemented. The CELPS sets the strategic development framework for Church Minshull, including broad levels of growth appropriate to rural areas, and has been tested through integrated SEA to ensure the effect of this growth is acceptable in environmental terms. The CMNDP does not propose additional growth at a significant scale beyond that already accepted in the CELPS, nor does it include specific proposals of a scale or intent large enough or with an impact significant enough, that would lead to additional significant effects on the environment or designated sites. The policies in the Neighbourhood Plan are criteria based and seek to safeguard existing heritage assets and wildlife habitats and the plan does not introduce policies which would significantly change the status of land beyond the planning framework in place, therefore SEA is not required.
Statutory Consultee:	Summary
Environment Agency	SEA not required
Natural England	SEA not required
Natural England	SEA not required

2.1 Plan Context

Church Minshull is a rural parish and for the purposes of the Cheshire East Local Plan Strategy (CELPS) Settlement Hierarchy, falls within the category of 'Other Settlements and Rural Areas'. Policies PG1 and PG2 of the CELPS set out the preferred development strategy and distribution of development for the Borough. The distribution of future development in the Borough is intended to be focused on the Key Towns of Crewe and Macclesfield and the 9 Key Service Centres.

The parish area is covered by Policy PG6 Open Countryside which generally restricts development in the countryside but does also sets out the principles of acceptable development here.

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

The Plan area contains important natural habitats, ancient woodlands, and sites of biological importance, a conservation area and hosts some small scale residential development areas. The parish abuts the border of Cheshire West and is north of Crewe with neighbouring parishes Leighton and Minshull Vernon.

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

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

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

2.2 Aims of the Plan:

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

'We want Church Minshull to thrive as a vibrant and distinctive Parish and to evolve and grow in a sustainable way. We want the Parish to continue to provide an outstanding quality of life for current and future residents.'

2.3 Objectives

In order to deliver their vision, the CMNDP has set out the objectives (aims) on the following subjects:

- To provide housing which is in keeping with existing properties as local need arises
- To maintain the rural character of Church Minshull

- To maintain and improve the high quality natural environment
- To encourage a thriving and prosperous community that delivers a high quality of life for all its residents and supports a distinctive and a flourishing local economy

2.4 Designated sites within the neighbourhood area:

There are no European Designated Sites within the Neighbourhood Area and eight within 15km of it, albeit at some distance. The nearest designated site is a RAMSAR Component Site, some 21km kilometers beyond the eastern edge of the neighbourhood area.

2.5 Policies

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

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

3.0 Screening Assessment

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

Stage	Y/N	Reason
1. Is the Neighbourhood Plan (NP) subject to preparation and/or adoption by a national, regional or local authority, OR prepared by an authority for adoption through a legislative procedure by Parliament or Government? (Art. 2(a))	Y	The preparation and adoption of the NP is allowed under the Town and Country Planning Act 1990 as amended by the Localism Act 2011. The NP will be prepared by (as the 'relevant body') and will be 'made' by Cheshire East Council as the local authority. The preparation of NPs is subject to the following regulations: The Neighbourhood Planning (General) Regulations 2012 and The Neighbourhood Planning (referendums) Regulations 2012.
		GO TO STAGE 2
2. Is the NP required by legislative, regulatory or administrative provisions? (Art. 2(a))	Y	Whilst the NP is not a requirement and is optional under the provisions of the Town and Country Planning Act as amended by the Localism Act 2011, it will if 'made', form part of the Development Plan for the Borough. It is therefore important that the screening process considers whether it is likely to have significant environmental effects and hence whether SEA is required under the Directive.
		GO TO STAGE 3
3. Is the NP prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, telecommunications, tourism, town and country planning or land use, AND does it set a framework for future development consent of projects in Annexes I and II to the EIA Directive? (Art. 3.2(a))	Y	The NP is being prepared for town and country planning, local transport and land use as it makes proposals to manage the development of land for housing and employment uses. As such, the NP contains a framework for future development consent of urban development projects (listed as 10(b) in Annex II of the EIA Directive). The NP does not specifically allocate any land for development purposes.
		GO TO STAGE 5
4. Will the NP, in view of its likely effect on sites, require an assessment for future development under Article 6 or 7 of the Habitats Directive? (Art. 3.2(b))	N/A	No, there are no designated sites within the neighbourhood area or within such proximity to be affected by implementation of the plan.
5. Does the NP determine the use of small areas at local level OR is it a minor modification of a plan or programme subject to Art. 3.2? (Art. 3.3)	Y	The NP intends to support local development for residential and employment/commercial use through criteria based policies. There is therefore the potential for an effect on the environment resulting from policies in the plan. However, policies are criteria based and do not instigate changes to land use directly. Additionally The Neighbourhood Plan sits within the wider framework of the National Planning Policy Framework (NPPF), the adopted Cheshire East Local Plan strategy and the saved policies of the Crewe and Nantwich Borough Local Plan 2005, therefore the Neighbourhood Plan will help to set the framework for projects that are localised in nature and are likely to have limited resource implications.
		GO TO STAGE 8
6. Does the NP set the framework for future development consent of projects (not just projects in annexes to the EIA Directive)? (Art. 3.4)	Y	Yes, the NP contributes to establishing a local policy framework within which planning consent will be considered for a wide range of development proposals. Whilst the NP may establish very local criteria to enable development within criteria based parameters, higher tier policies, plans and legislation exist to ensure that the NP is used within a framework with sufficient protection for environmental considerations.

7. Is the NP's sole purpose to serve the national defence or civil emergency, OR is it a financial or budget plan or programme, OR is it co-financed by structural funds or EAGGF programmes 2000 to 2006/7? (Art. 3.8, 3.9)	N	The NP does not fall into any of the criteria listed.
8. Is it likely to have a significant effect on the	N	See Assessment 2: Likely significant effects on the environment
On the basis of criterion 1, 2, 3, 5 and 6 above, it is necessary to assess whether the neighbourhood plan is likely to have a significant effect on the environment. This assessment is undertaken through Assessment 2 below.		

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

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

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

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

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

The CMNDP does not exceed any of the thresholds identified in the EIA regulations. It is therefore reasonable to suggest that the effects of the plan on the environment, in general, cannot be significant. However there may be specific features or special characteristics in this location upon which the plan may have a significant effect. It is therefore important to understand if there is any specific reason the plan could be considered to give rise to a significant effect on the environment. Using Schedule 1 of the SEA regulations, the following assessment has been undertaken to determine if there is any other reason why the CMNDP may give rise to a significant effect on the environment.

Issue	Effect?	Reasons
Biodiversity	1. No significant effect	Whilst there are significant local assets, the policy framework provided by the neighbourhood plan, alongside existing policy held in the CELPS and the wider Development Plan provides sufficient protection. No proposed policies are likely to give rise to a substantially negative impact on biodiversity and natural assets.
Population	1. No significant effect	Church Minshull Parish has a population of 426 people (2011 Census). Most people are aged between 45 and 64 (36.85%) which may lead to a demand in the future for accommodation more suitable for an elderly population. Outside of committed sites there is no allocated land for residential development that may accommodate future housing need locally within the neighbourhood area. The policies in the neighbourhood plan anticipate this to some degree in policy H2 and are unlikely to exert a significant impact on population/demographic change but do seek to ensure an appropriate mix of housing is secured where it does come forward.
Human health	1. No significant effect	Housing is a key detriment of human health. On a limited basis, the plan seeks to provide housing suitable for the local population which would result in a positive effect on human health and enable older residents to downsize within their community, and first time buyers and families to access suitable housing contributing to well being. The Index of Multiple Deprivation shows Church Minshull to be generally lower levels of deprivation (outside top 30% of the most deprived neighbourhoods). The Joint Strategic Needs assessment for Church Minshull Wards (Bunbury) shows the population here is generally in good health with notable exceptions to health equality being admissions for injury age 0-4, emergency admissions age 0-4, binge drinking, new cases of breast cancer. The neighbourhood plan introduces positive criteria based policies to assist in delivering the type of development that will contribute in addressing some of these issues however the policies included are unlikely to have a significant effect beyond the local area.
Fauna	1. No significant effect	Designated sites are subject to existing protection via other policies. The neighbourhood plan seeks to protect existing assets and does not introduce policies that are likely to harm local fauna.
Flora	1. No significant effect	Designated sites are subject to existing protection via other policies. The neighbourhood plan seeks to protect existing assets and does not introduce policies that are likely to harm local flora.
Soil	1. No significant effect	Agricultural land classification grade 2 and 3 is present within the neighbourhood area. Most land is grade 3. No development is proposed in the neighbourhood plan that would give rise to agricultural land.
Water	1. No significant effect	Flood zones two and three are present at the eastern side of the neighbourhood area. The policies proposed are unlikely to exert a significant impact on the existing approach to development in areas of flooding, and flooding issues are addressed by policies in the wider development plan/other legislation.
Air	1. No significant effect	There are no air quality management areas within the neighbourhood area. The policies contained in the plan are unlikely to significantly impact this issue.
Material assets	1. No significant effect	There are two historic landfills within the neighbourhood area within the area. The policies in the plan do not address such issues and are therefore unlikely to result in a significant effect on the environment. No other material assets are present.
Landscape	1. No significant effect	There is a conservation area in Church Minshull and several ancient woodlands. CMNDP emerging policies seek to ensure that new development does not harm locally valued landscapes and the rural setting.
Cultural heritage, inc. architectural / archaeological heritage	1. No significant effect	There are a number of Grade 17 II and 4 II* Listed Buildings and structures within the neighbourhood area and a conservation area. If necessary, the usual mitigation measures will be required to be adhered to through the implementation of planning permission and therefore it is reasonable to expect that the effect of development on these structures and their settings will be addressed by other parts of the planning system. As such the NP policies are unlikely to have a significant effect on heritage assets directly or on the approach taken to heritage assets in the development planning process.

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

To provide housing which is in keeping with existing properties as local need arises	POLICY H1 – NEW HOUSING	1A. No negative effect
	POLICY H2 – HOUSING MIX	1A. No negative effect
To maintain the rural character of Church Minshull	POLICY CDH1 – CHARACTER AND DESIGN	1B. No negative effect
	POLICY CDH2 – IMPORTANT VIEWS AND VISTAS	1B. No negative effect
	POLICY CDH3– HERITAGE AND CONSERVATION	1B. No negative effect
To maintain and improve the high quality natural environment	POLICY ENV1 – FOOTPATHS AND TOWPATHS	1A. No negative effect
	POLICY ENV2 – TREES AND HEDGEROWS	1B. No negative effect
To encourage a thriving and prosperous community that delivers a high quality of life for all its residents and supports a distinctive and a flourishing local economy	POLICY ECON1: ECONOMY	1A. No negative effect
	POLICY ECON2: TOURISM	1A. No negative effect
	POLICY ECON3: COMMUNITY FACILITIES	1B. No negative effect

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

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

Characteristics of the Neighbourhood Plan, having regard to:	Cheshire East Council assessment	Likely significant effect?
The degree to which the Plan sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources.	The NP would, if made, form part of the statutory Development Plan and as such does contribute to the framework for future development consent of projects. The NP is expected to determine the use of small areas at a local level enabling the provision of up to 30 dwellings across the plan period to 2030. New residential development is identified to be delivered adjacent to the existing settlement within a revised settlement boundary. The NP sits within the wider framework of the National Planning Policy Framework (2012), the CEC Local Plan Strategy (2014) and the 'saved' Local Plan policies contained within the Crewe and Nantwich Borough Local Plan 2005 (CNBLP), therefore the projects for which this NP helps to set a framework are localised in nature but may have resource implications.	N
The degree to which the Plan influences other plans and programmes including those in a hierarchy.	The NP must be in conformity with the National Planning Policy Framework. The policies within the NP should also be in general conformity with any strategic 'saved' Local Plan policies held within the Crewe and Nantwich LP, and complement any LPS Strategic Policies. The CELPS is being prepared in two stages and because Church Minshull Parish falls with the Rural and Other Settlements category, the detailed policy framework for this tier of settlement is yet to be fully developed and therefore the conclusions reached in the NP may exert a limited degree of influence over the formation of future strategic and non-strategic policies in the Development Plan. However, the scope to depart from conclusions reached in the NP remains available to plan makers addressing issues relevant to this location.	N
The relevance of the Plan for the integration of environmental considerations in particular with a view to promoting sustainable development.	The NP is expected to work to protect and enhance the natural environment of the area within a wider policy framework including, but not limited to the NPPF, the saved policies of the Development Plan for Cheshire East Council and the Cheshire East Local Plan Strategy. The NP addresses a series of local environmental issues. Draft policies have been identified to provide a sustainable level of growth within the parish and recognise the granting of recent consents to achieve this. In combination with other plans and legislation, it is considered that the NP will integrate environmental considerations and promote sustainable development but may also give rise to an effect on the environment through the identification of a growth location.	N
Environmental problems relevant to the Plan.	There are no environmental problems relevant to the Plan. Where relevant, future development proposals will need to consider the impact of the plan on flood risk, designated sites and other primary and secondary impacts on the environment.	N

The relevance of the Plan for the implementation of Community legislation on the environment (for example, plans and programmes linked to waste management or water protection).	The NP is not directly relevant to the implementation of European legislation, although it will need to take the impact of the Water Framework Directive into account.	N
The probability, duration, frequency and reversibility of the effects of the Plan.	Whilst development may take place which is informed by the NP, the NP does not assist in instigating development directly through allocation of sites. There are therefore likely to be short-term effects resulting from activity associated with the development of small scale, un-allocated sites within the AEHNA.	N
	There may also be longer-term effects relevant to changes in land use which may be positive but on a limited scale may have a negative impact on environmental factors. The plan seeks to establish a local framework to address such issues and also relies on higher tier plans and policies to deliver mitigation of such negative impacts.	N
	Where proposals are received to develop small scale sites in accordance with draft NP policies, such proposals will also be subject to national and local policies in regard to environmental protection and mitigation of impacts.	N
The cumulative nature of the effects of the Plan.	The NP does not seek to bring forward allocation of small scale sites that are not specifically detailed in the Cheshire East LPS or already have planning permission granted. Given the limit levels of growth supported in the plan, such effects are likely to be limited.	N
The trans-boundary nature of the effects of the Plan.	There are not expected to be any significant trans-boundary effects.	N
The risks to human health or the environment (e.g. due to accidents).	There are no significant risks to human health. Indeed, the NP is likely to improve human health through positive assertions on protection of natural assets and sustainable transport.	N
The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected) by the	Church Minshull Neighbourhood Plan covers the parish of Church Minshull Parish. The NP is likely to affect a resident population of approximately 426 people over the life of the Plan across a parish located in a mainly rural area. The population within the parish is expected to grow due to the delivery of consented development sites and potential site allocations through the part two of the Cheshire East Local Plan	N

The value and vulnerability of the area likely to be affected by the Plan due to: Special natural characteristics or cultural heritage; Exceeded environmental quality standards or limit values; or intensive land use	The neighbourhood area contains a number of important cultural, natural and environmental assets both within and adjacent to the plan area however the limited levels of development supported, and existence of other mitigating policies seek to minimise impact here. The NP sets out to deliver new development within framework supportive of small scale development, implemented sensitively to preserve and enhance local natural, environmental and heritage assets. Given that the Borough is generally rural in nature, and Church Minshull Parish is predominantly a rural parish with a wealth of biodiversity and natural habitats, most proposed development will have an impact on the environment in the wider sense, and in some cases in a specific, locationally based sense that cannot yet be identified or assessed. Higher tier policies exist to offer adequate protection to the existing natural, cultural and environmental assets within and adjacent to the plan area.	N
	The draft NP does not exceed environmental quality standards or limit values.	N
	No specific sites are identified for development and therefore no assessment has been undertaken to investigate whether those sites selected make the best and most efficient use of land. Future development proposals will be assessed against other policies within the Development Plan (which, in totality, should mitigate against the over-development of land).	N
The effects of the Plan on areas or landscapes which have recognised national, community or international protection status.	There are some of Biological Importance, Local Wildlife Sites and areas of Ancient Woodland located within and immediately adjacent to the Church Minshull Neighbourhood Area. Policies are included in the Plan which seek to preserve and protect biodiversity and habitats.	N
	The plan area does not include designated landscapes however introduces policies that address landscapes, and views in particular, that may be locally sensitive to development.	N
	The location of these sites within the neighbourhood plan area makes their presence relevant however the limited levels of growth and locations of sites do not give rise to a significant impact	N
Assessment 2 Conclusion	The CMNDP is unlikely to have a significant effect on the environment.	Directive does not require SEA

4.0 Screening Conclusion

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

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

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

4.1 Monitoring of CMNDP Policies

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

5.0 Appendices

Appendix A: Responses from Statutory Consultees:



Tom Evans
Spatial Planning
Cheshire East
1st Floor
Westfields
Middlewich Road, Sandbach
Cheshire
CW11 1HZ

Our ref: PL00514562& PL00514482
Your ref: E-mail 27th Nov 2018
Telephone: 07500 121974

4th December 2018

Dear Tom,

Re: Early Draft Church Minshull Neighbourhood Plan and SEA Screening Opinion.

Thank you for consulting Historic England. 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.

In order to comment on SEA screening it is necessary for me to consider the associated draft plan; I am therefore also providing early advice to the forum on the emerging plan.

The Church Minshull Neighbourhood Plan falls within the boundary of the Church Minshull Conservation Area and includes Mill House, Wades Green Hall, Minshull Hall Farmhouse and the Church of St Bartholomew which are listed in Grade II*. There are a further 18 buildings or structures within the plan area listed in Grade II. It will be important that the strategy the Forum put together for this area safeguards those elements which contribute to the significance of those historic assets. This will ensure that they can be enjoyed by future generations of the area and make sure it is in line with national planning policy.

I was pleased to note the history of Church Minshull mentioned in the introduction, although the yellow comment on the draft plan suggests that the text has been taken off Wikipedia and previous documents; should local historians be engaged in the production of the plan? If the Forum has not already done so, we would recommend that they speak to the staff at *Cheshire Archaeological Advisory Service* who look after the Historic Environment Record and give advice on archaeological matters. They should be able to provide details of not only any designated heritage assets but also locally-important buildings, archaeological remains and landscapes. Some Historic Environment Records may also be available on-line via the



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Telephone 0161 242 1416 HistoricEngland.org.uk

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Correspondence or information which you send us may therefore become publicly available.



Heritage Gateway (www.heritagegateway.org.uk). It may also be useful to involve local voluntary groups such as the local Civic Society, local history groups, building preservation trusts, etc. in the production of your Neighbourhood Plan. I commend Historic England's new guidance note, and trust that the guidance within it may be of value as the Forum move forward:
<https://historicengland.org.uk/images-books/publications/neighbourhood-planning-and-the-historic-environment/>

The conservation officer at Cheshire East Council will be the best placed person to assist the Forum during the development of the Plan with respect to the historic environment and can help the Forum to consider and clearly articulate how a strategy can address the area's heritage assets. Although the neighbourhood area does contain designated heritage assets, at this point we don't consider there is a need for Historic England to be involved in the development of the strategy for this area, but we offer some general advice and guidance below.

Your local authority might also be able to provide the Forum with more general support in the production of the Neighbourhood Plan, including the provision of appropriate maps, images and supporting documentation. There are also funding opportunities available from Locality that could allow the community to hire appropriate expertise to assist in such an undertaking. This could involve hiring a consultant to help in the production of the plan itself, or to undertake work that could form the evidence base for the plan. More information on this can be found on the My Community website here: <http://mycommunity.org.uk/funding-options/neighbourhood-planning/>.

Although Church Minshull was designated as a Conservation Area in 1969 and an appraisal updated in 2007, there appears to be no Appraisal or Management plan undertaken or adopted for the area in the last 10 years, I therefore wish to point out the statutory duties at S69 and 71 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to review conservation areas from time to time, this is generally taken as being every 5 years or so. The neighbourhood plan is an opportunity for the community to clearly set out which elements of the character and appearance of the neighbourhood area as a whole are considered important, as well as provide specific policies that protect the positive elements, and address any areas that negatively affect that character and appearance. An historic environment section of the Forums plan could include policies to achieve this and, in the absence of a more up to date Conservation Area Appraisal, these policies could be underpinned by a local character study or Historic Area Assessment. This could be included as an Appendix. Historic England's guidance for this process can be found here: [HE Advice Note 1 - conservation area designation, appraisal and management](#) and funding opportunities available from Locality discussed above could also assist with having the work undertaken.

The government's National Planning Practice Guidance is clear that, where relevant, Neighbourhood Plans need to include enough information about local heritage to guide local authority planning decisions and to put broader strategic heritage policies from the local authority's local plan into action but at a neighbourhood scale. If appropriate this should include enough information about local non-designated heritage assets, including sites of archaeological interest or locally listed buildings. At present there is no clear evidence base



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within the emerging plan to demonstrate that the historic environment is being fully considered.

In addition to considering designated heritage assets therefore, a Neighbourhood Plan is an important opportunity for a community to develop a positive strategy for the area's locally important heritage assets that aren't recognised at a national level through listing or scheduling. This includes identifying any non-statutorily designated historic buildings, sites, views or places of importance to the local community, and setting out what factors make them special. These elements can then be afforded a level of protection from inappropriate change through an appropriately worded policy in the plan. The plan could also include consideration of any Grade II listed buildings or locally-designated heritage assets which are at risk or in poor condition, and which could then be the focus of specific policies aimed at their enhancement.

Your neighbourhood plan is also an opportunity for the community to designate Local Green Spaces. Green spaces are often integral to the character of place for any given area, and your plan could include policies that identified any deficiencies with existing green spaces or access to them, or aimed at managing development around them. Locality has produced helpful guidance on this, which is available here:

<https://mycommunity.org.uk/resources/neighbourhood-planning-local-green-spaces>.

You can also use the neighbourhood plan process to identify any potential Assets of Community Value in the neighbourhood area. Assets of Community Value (ACV) can include things like local public houses, community facilities such as libraries and museums, or again green open spaces. Often these can be important elements of the local historic environment, and whether or not they are protected in other ways, designating them as an ACV can offer an additional level of control to the community with regard to how they are conserved. There is useful information on this process on Locality's website here:

<http://mycommunity.org.uk/take-action/land-and-building-assets/assets-of-community-value-right-to-bid/>.

Communities that have a neighbourhood plan in force are entitled to claim 25% of Community Infrastructure Levy (CIL) funds raised from development in their area. The Localism Act 2011 allows this CIL money to be used for the maintenance and on-going costs associated with a range of heritage assets including, for example, transport infrastructure such as historic bridges, green and social infrastructure such as historic parks and gardens, civic spaces, and public places. As a Qualifying Body, the neighbourhood forum can either have access to this money or influence how it is spent through the neighbourhood plan process. Historic England recommends that the community therefore identifies the ways in which CIL can be used to facilitate the conservation of the historic environment, heritage assets and their setting, and sets this out in the neighbourhood plan. More information and guidance on this is available from Locality, here:

<https://mycommunity.org.uk/resources/community-infrastructure-levy-neighbourhood-planning-toolkit/>

Further information and guidance on how heritage can best be incorporated into Neighbourhood Plans has been produced by Historic England. This signposts a number of other documents which your community might find useful in helping to identify what it is



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about your area which makes it distinctive and how you might go about ensuring that the character of the area is retained. These can be found here:
<https://historicengland.org.uk/advice/planning/plan-making/improve-your-neighbourhood/>

The following general guidance published by Historic England may also be useful to the Forum in considering how best to develop a strategy for the conservation and management of heritage assets in the area. It may also be useful to provide links to some of these documents in the plan:

HE Advice Note 2 - making changes to heritage assets: <https://historicengland.org.uk/images-books/publications/making-changes-heritage-assets-advice-note-2/>

In the draft Church Minshull Neighbourhood Plan, at Para 6.7, the Forum refer to protecting important *views and vistas*, yet there are no specific views or vistas illustrated, nor policies to protect the setting of designated or undesignated heritage assets in the plan area, in this regard I commend Historic England's Good Practice Advice in Planning 3 - the setting of heritage assets: <https://content.historicengland.org.uk/images-books/publications/gpa3-setting-of-heritage-assets/gpa3.pdf/>

One of the high level aims of the Forums draft plan is to maintain and improve the '*high quality natural environment*'; yet the key aims do not appear to extend to maintaining and preserving the historic environment including the areas heritage assets or their setting?

Your plan indicates a desire to ensure high quality new design. The RIBA has just produced a rather good prospectus of exemplary places that demonstrate high quality design in response to Sir Oliver Letwin's independent review of housing build out rates; the forum may find this to be of interest:

<https://www.architecture.com/-/media/gathercontent/ten-characteristics-of-places-where-people-want-to-live/additional-documents/placeswherepeoplewanttolive2018pdf.pdf>

HE Advice Note 3 - site allocations in local plans: <https://historicengland.org.uk/images-books/publications/historic-environment-and-site-allocations-in-local-plans>

HE Advice Note 7 - local listing: <https://www.historicengland.org.uk/images-books/publications/local-heritage-listing-advice-note-7>

We recommend that a glossary containing relevant terminology contained in the NPPF is attached to the plan, to include heritage terminology, in addition to details about the additional legislative and policy protections that heritage assets enjoy.

Finally, we should like to stress that this advice is based on the information provided in your correspondence. To avoid any doubt, this does not reflect our obligation to provide further advice on or, potentially, object to specific proposals which may subsequently arise as a result of the proposed neighbourhood plan, where we consider these would have an adverse effect on the historic environment.



SEA advice

The Plan documentation is accompanied by a request for a formal Screening Opinion from Historic England in compliance with the *Environmental Assessment of Plans and Programmes Regulations* 2004. The draft Opinion prepared for the Forum concludes that Strategic Environmental Assessment is not required. We note, at this early stage, the Plan appears to propose no site allocations/policies which would have significant environmental effects upon the historic environment and as such we concur that in this regard Strategic Environmental Assessment is **not** required.

If you have any queries about this matter or would like to discuss anything further, please do not hesitate to contact me. Please can you pass our advice onto the Forum's chair.

Yours Sincerely

A handwritten signature in black ink, appearing to read 'Darren Ratcliffe', with a stylized flourish at the end.

Darren Ratcliffe RIBA
Historic Places Adviser

2. Environment Agency:

Cheshire East Council (Macclesfield
Office)
PO Box 40
Macclesfield
Cheshire
SK10 1DP

Our ref: SO/2009/105288/SE-25/SC1-L01
Your ref: Church Minshull Version 4

Date: 29 November 2018

FAO: Tom Evans

Dear Sir

Strategic Environmental Assessment (SEA) Screening Opinion Request – Church Minshull Neighborhood Plan (Version 4)

Thank you for submitting the above SEA screening opinion request for the Church Minshull Neighborhood Plan, your request was received in office on the 27th November 2018.

We have reviewed the following submitted documents:

- Church Minshull Parish Council Neighbourhood Plan SEA Screening Report, (November 2018)
- Church Minshull Neighbourhood Plan, Version 4 (October 2018)

Environment Agency Position

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

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

Yours faithfully

Mr Andy Davies
Sustainable Places Advisor

Direct e-mail andy.davies1@environment-agency.gov.uk

3. Natural England:

Date: 28 November 2018
Our ref: 265991
Your ref: Church Minshull Neighbourhood Plan



Tom Evans
Neighbourhood Planning Manager
Cheshire East Council
neighbourhoods@cheshireeast.gov.uk

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

BY EMAIL ONLY

T 0300 060 3900

Dear Tom

Church Minshull Neighbourhood Plan - Request for Screening Opinion

Thank you for your consultation on the above dated 27 November 2018 which was received by Natural England on the same date.

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

Screening Request: Strategic Environmental Assessment

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

Neighbourhood Plan

Guidance on the assessment of Neighbourhood Plans in light of the SEA Directive 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.

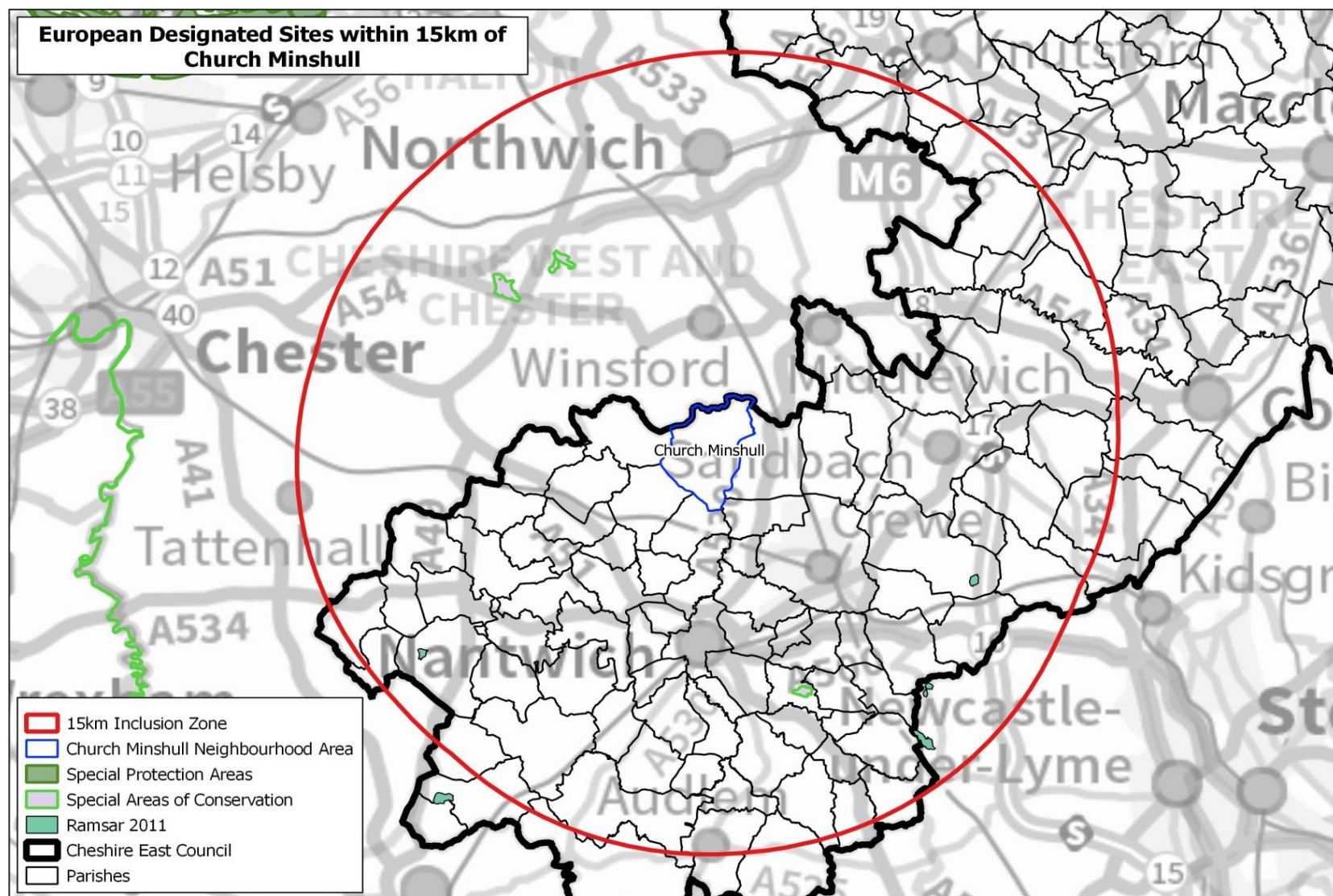
Please note that Natural England reserves the right to provide further comments on the environmental assessment of the plan beyond this SEA/SA screening stage, should the responsible authority seek our views on the scoping or environmental report stages. This includes any third party appeal against any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

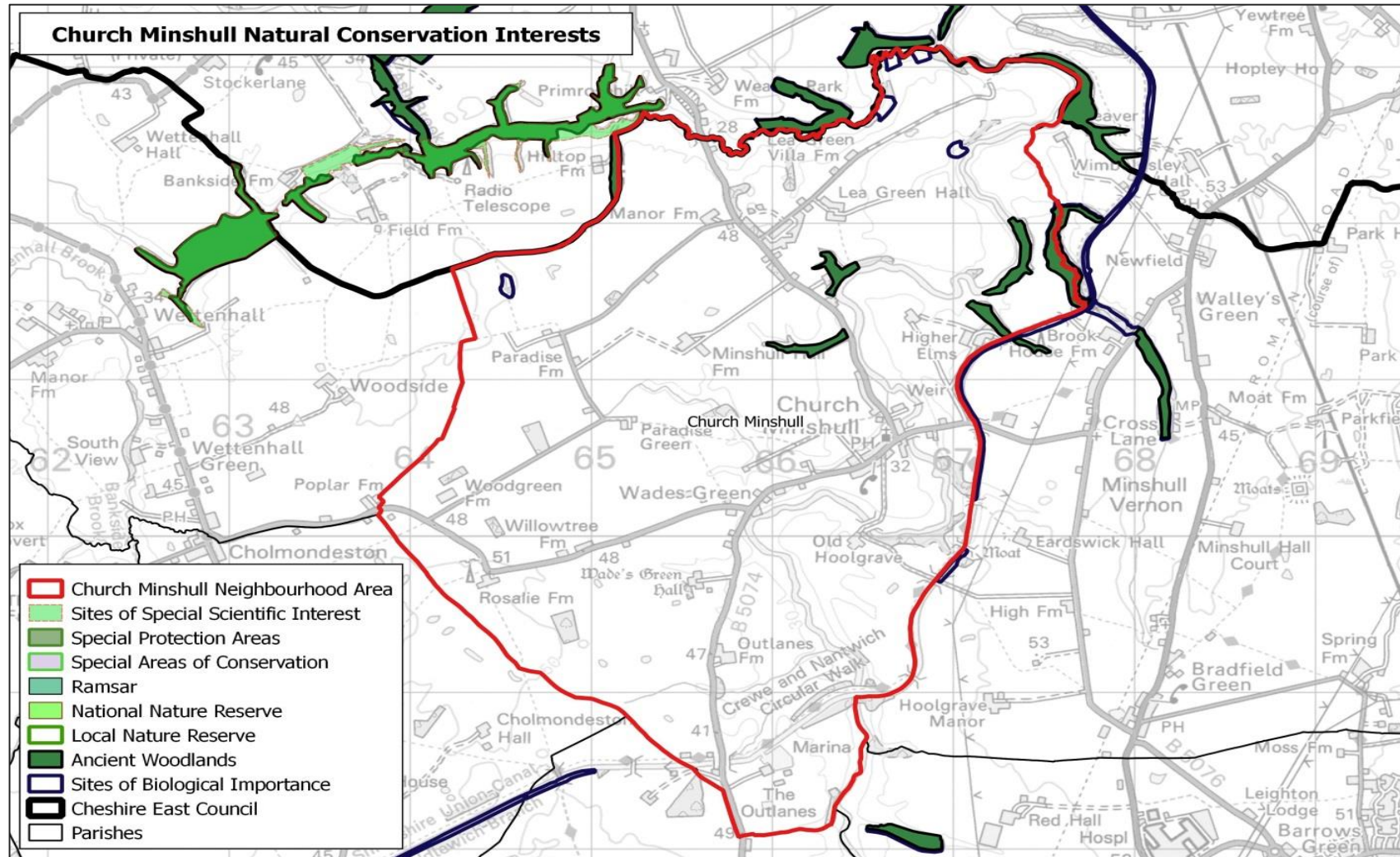
Yours sincerely

Jacqui Salt
Consultations Team

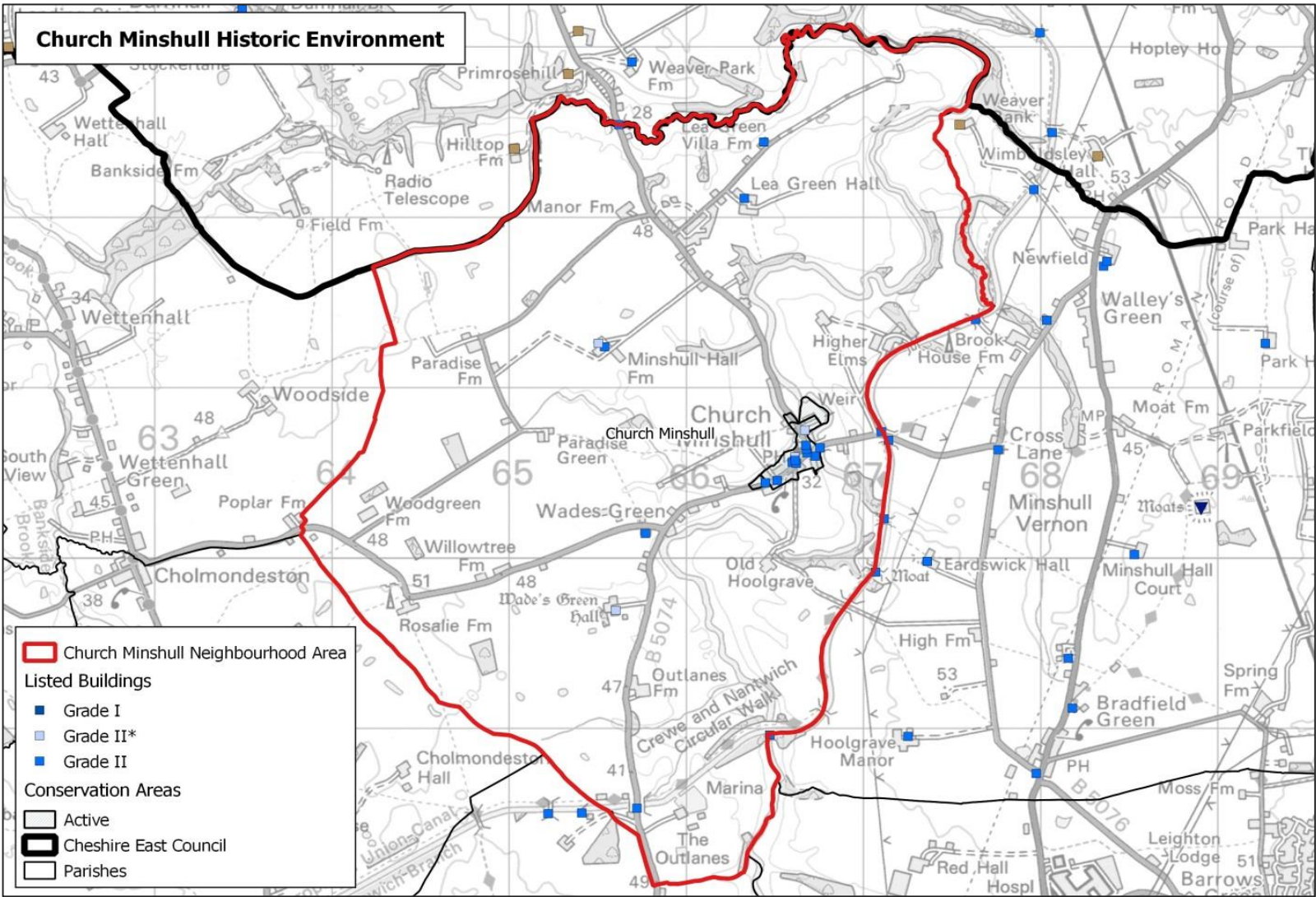
Appendix B: Location of European Sites in Relation to CMNDP



Appendix C: Local Environmental Designations in Relation to CMNDP



Appendix D: Designated Historic Assets in Relation to CMNDP



Appendix E:
Flood Risk in
Relation to
CMNDP

