

Moston Parish Council Neighbourhood Plan SEA Screening Report

Prepared by Cheshire East Council, May 2018

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Abbreviations:

CEC	Cheshire East Council
CELPS:	Cheshire East Local Plan Strategy
CBLP:	Congleton Borough Local Plan
MNDP:	Moston Neighbourhood Development Plan
KNA:	Moston Neighbourhood Area
NP:	Neighbourhod 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 Moston Parish Council however Cheshire East Council, upon request, has agreed to provide a screening opinion on the Moston Neighbourhood Plan (MNDP) to determine if SEA is required. If it is concluded that an SEA is required, Moston 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, Moston Parish Council may wish to consider voluntarily expanding the scope so that it covers wider economic and social issues. This is the approach taken by Cheshire East Council, whereby SEA is included within the broader Sustainability Appraisal of plans. The advantage of undertaking a Sustainability Appraisal is that it can demonstrate the impact of the Neighbourhood Plan on social, economic and environmental factors and therefore demonstrate to an examiner that the Plan that has been prepared is the most sustainable given all alternatives.

1.1 Requirement for Strategic Environmental Assessment (SEA)

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

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

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

1.2 Requirement for HRA

In the context of neighbourhood planning, a Habitats Regulation Assessment (HRA) is required where a

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

1.3 Legislative Background

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

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

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

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

1.4 The Cheshire East Local Plan Strategy (CELPS)

The basic conditions require Neighbourhood Plans to be in general conformity with the strategic policies contained in the development plan for the area of the authority. The Congleton Borough Local Plan was adopted in 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

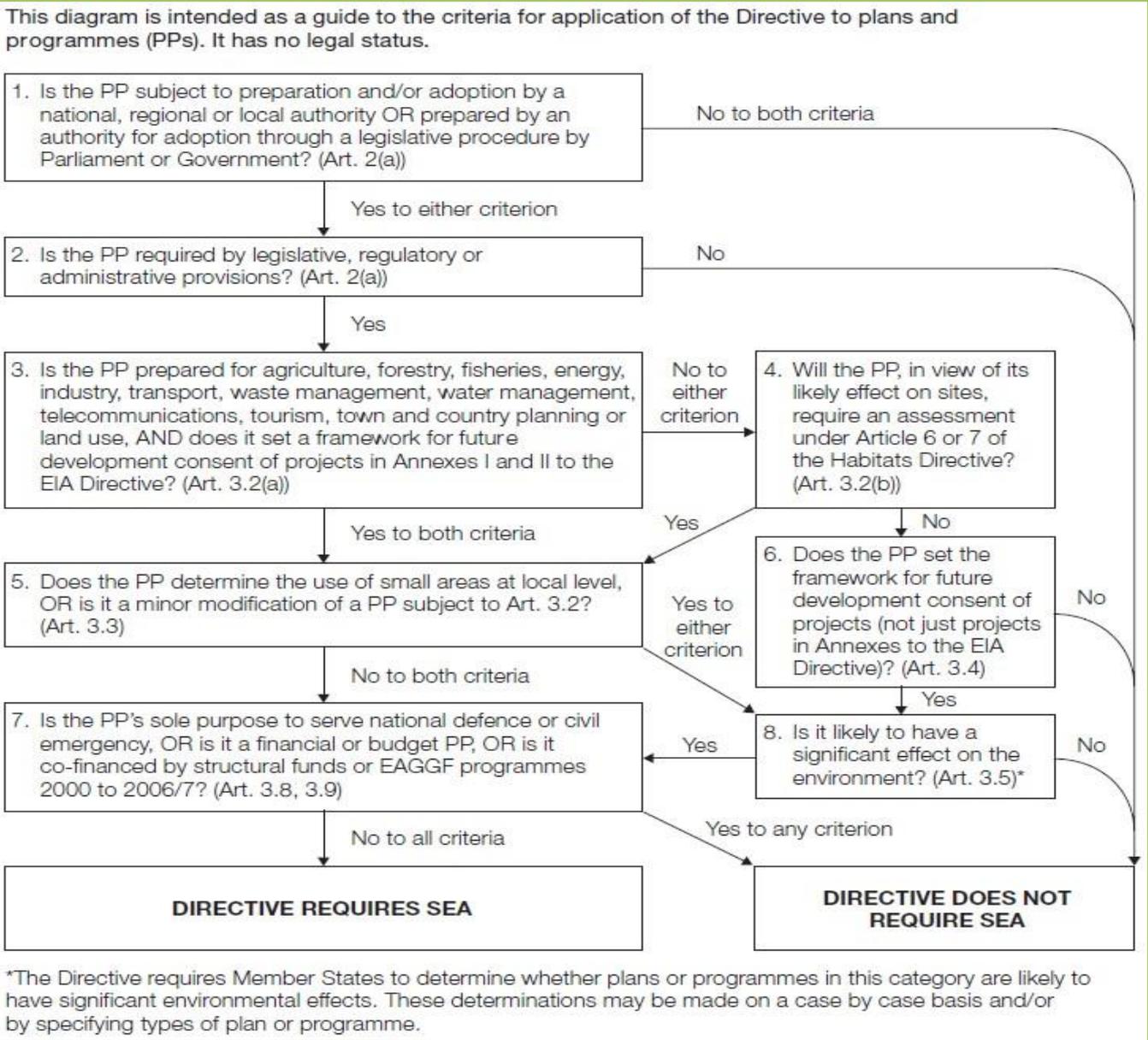
Moston Parish Council has requested a SEA screening opinion of its Neighbourhood Plan. It is the qualifying body's responsibility to undertake an assessment of whether their proposed policies are likely to have 'significant environmental effects' however on request, CEC will undertake such an assessment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

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



1. 5.1 Summary of the Screening Assessment

Summary	
Name of Neighbourhood	Moston Parish Council Neighbourhood Plan
Geographic Coverage of	The Parish of Moston
Key Topics/scope of the Plan	<ul style="list-style-type: none"> • Protecting heritage assets and character • Promoting town centre retail • Protecting green spaces and corridors
Key Issues	Regulation 14 plan with some scope to revise policies. Rural parish with significant waterbodies of biodiversity and habit value, significant growth taking place at the periphery of the parishes in adjoin larger towns, multiple heritage assets and some flooding.
Summary of Screening opinion	
Name and job title of officer undertaking screening opinion	Tom Evans, Neighbourhood Planning Manager
Date of assessment	March 2018
Conclusion of assessment	SEA is not required
Reason for conclusion	<p>The Neighbourhood Plan does not propose to allocate specific sites for future development, and promotes criteria based policies that seek to shape future development proposals, on a small scale basis, that reduce and manage impact on the environment (both natural and built).</p> <p>The plan is likely to propose Local Green Space designations which will likely have a positive effect on the environment, the effect is not considered to be significant.</p> <p>Designated sites within the neighbourhood area: There are no European Sites within the neighbourhood area and four within 15km of it (see appendix C). There are multiple SSSI sites, Local Nature Reserves and areas of Ancient Woodland within and immediately adjacent to the Moston Neighbourhood area.</p> <p>Designated heritage assets within the neighbourhood area: There are 15 Grade II Listed Buildings within the neighbourhood area (see appendix D). No other heritage designations are present.</p> <p>Flood Risk zones within the neighbourhood area: Flood Risk Zones 2 and 3 are present in the neighbourhood area, to the north eastern boundary and in the southern section of the area (see appendix E).</p> <p>Effect on the Environment: The neighbourhood plan does not introduce new policy that enables a significant effect on the environment to be implemented. As a lower tier plan all development proposals will be subject to assessment against the NP and higher tier policies, plans and legislation that seek to protect locally, nationally and internationally designated sites. The CELPS sets the strategic development framework for Moston, 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 MNDP does not propose additional growth at a significant scale beyond that already accepted in the CELPS, nor does it include specific proposals of a scale or intent large enough or with an impact significant enough, that would lead to additional significant effects on the environment or designated sites. The policies in the Neighbourhood Plan are criteria based and seek to safeguard existing assets and the plan does not introduce policies which would significantly change the status of land beyond the planning framework in place, therefore SEA is not required.</p>
Statutory Consultee	Summary of Comments
English Heritage	SEA not required
Environment Agency	SEA not required
Natural England	SEA not required

2.1 Plan Context

Moston 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 Villages'. Policies PG1 and PG2 of the CELPS set out the preferred development strategy and distribution of development for the Borough. The distribution of future development in the Borough is intended to be focused on the Key Towns of Crewe and Congleton and the 9 Key Service Centres.

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

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

The Plan area contains important natural habitats and waterbodies, hosts some small scale residential development and employment areas and abuts the larger settlement of Middlewich and Sandbach where extensions to these towns incorporate larger scale residential development at the fringes of the parish.

The Moston Neighbourhood Development Plan (MNDP) 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 Moston Neighbourhood Plan.

A site is proposed for the allocation as Local Green Space which is on the existing site of an area designated as Open Space.

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

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

2.2 Aims of the Plan:

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

By 2030 Moston will continue to be a rural idyll with a strong community spirit, attractive to both residents and visitors alike. Moston's valued and special ecology will be preserved, protected and enhanced to include wildlife corridors and buffers. Whilst new housing developments will have been built at the outer edges of the parish, elsewhere any new development will meet local needs and be well designed, appropriately situated and small scale, reflecting Moston's character and location within the open countryside. The Gypsy and Traveller community will continue to be recognised and integrated within the parish without sites dominating the area.

2.3 Objectives

In order to deliver their vision, the MNDP has set out the objectives on the following subjects:

- To protect the natural environment from harm, preserve special habitats and seek opportunities to increase biodiversity.
- To improve access to and enjoyment of the countryside for visitors and residents alike.
- To deliver high quality sustainable homes that meet the needs of the parish.
- To protect those characteristics of the landscape and built environment that are most special to the community and positively contribute to quality of place in Moston.
- To successfully accommodate new development that integrates positively with its landscape setting.
- To support and grow the local economy
- To deliver improvements to local infrastructure that improve the experience of living in and visiting Moston

2.4 Designated sites within the neighbourhood area:

There are no European Designated Sites within the Neighbourhood Area and four within 15km of it, albeit at some distance. The nearest designated site is Bag Mere RAMSAR Site, some 7 kilometers beyond the eastern edge of the neighbourhood area.

The Sandbach Flashes SSSI comprises a series of 14 component sites within the neighbourhood area.

2.5 Policies

The MNDP 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 a adoption by a national, regional or local authority, OR prepared by an authority for a adoption through a legislative procedure by Parliament or Government? (Art. 2(a))	Y	The preparation and adoption of the NP is allowed under the Town and Country Planning Act 1990 as amended by the Localism Act 2011. The NP will be prepared by (as the 'relevant body') and will be 'made' by Cheshire East Council as the local authority. The preparation of NPs is subject to the following regulations: The Neighbourhood Planning (General) Regulations 2012 and The Neighbourhood Planning (referendums) Regulations 2012.
		GO TO STAGE 2
2. Is the NP required by legislative, regulatory or administrative provisions? (Art. 2(a))	Y	Whilst the NP is not a requirement and is optional under the provisions of the Town and Country Planning Act as amended by the Localism Act 2011, it will if 'made', form part of the Development Plan for the Borough. It is therefore important that the screening process considers whether it is likely to have significant environmental effects and hence whether SEA is required under the Directive.
		GO TO STAGE 3
3. Is the NP prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, telecommunications, tourism, town and country planning or land use, AND does it set a framework for future development consent of projects in Annexes I and II to the EIA Directive? (Art. 3.2(a))	Y	The NP is being prepared for town and country planning, local transport and land use as it makes proposals to manage the development of land for housing and employment uses. As such, the NP contains a framework for future development consent of urban development projects (listed as 10(b) in Annex II of the EIA Directive). The NP does not specifically allocate any land for development purposes.
		GO TO STAGE 5
4. Will the NP, in view of its likely effect on sites, require an assessment for future development under Article 6 or 7 of the Habitats Directive? (Art. 3.2(b))	N	No, the policies in the plan are criteria based and unlikely to directly affect designated sites.
5. Does the NP determine the use of small areas at local level OR is it a minor modification of a plan or programme subject to Art. 3.2? (Art. 3.3)	Y	The NP intends to support local development for residential and employment/commercial use through criteria based policies. There is therefore the potential for an effect on the environment resulting from policies in the plan. However, policies are criteria based and do not instigate changes to land use directly. Additionally The Neighbourhood Plan sits within the wider framework of the National Planning Policy Framework (NPPF), the adopted Cheshire East Local Plan strategy and the saved policies of the Congleton Borough Local Plan 2004, therefore the Neighbourhood Plan will help to set the framework for projects that are localised in nature and are likely to have limited resource implications.
		GO TO STAGE 8
6. Does the NP set the framework for future development consent of projects (not just projects in annexes to the EIA Directive)? (Art. 3.4)	Y	Yes, the NP contributes to establishing a local policy framework within which planning consent will be considered for a wide range of development proposals. Whilst the NP may establish very local criteria to enable development within criteria based parameters, higher tier policies, plans and legislation exist to ensure that the NP is used within a framework with sufficient protection for environmental considerations.
7. Is the NP's sole purpose to serve the national defence or civil emergency, OR is it a financial or budget plan or programme, OR is it co-financed by structural funds or EAGGF programmes 2000 to 2006/7? (Art. 3.8, 3.9)	N	The NP does not fall into any of the criteria listed.
8. Is it likely to have a significant effect on the environment? (Art 3.5)	N	See Assessment 2: Likely significant effects on the environment
On the basis of criterion 1, 2, 3, 5 and 6 above, it is necessary to assess whether the neighbourhood plan is likely to have a significant effect on the environment. This assessment is undertaken through Assessment 2 below.		

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

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

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

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

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

The MNDP 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 MNDP 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	Moston Parish has a population of 405 people(2011 Census). Most people are aged between 45 and 64 (37%) 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 HOU2 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 Moston to be generally affluent (within 50% of least deprived neighbourhoods). The Joint Strategic Needs assessment for Moston Wards (Brerton Rural) shows the population here is generally in good health with notable exceptions to health equality being admissions for injury and emergency admissions, excess weight 4-5 and 10-11 and heart deaths under 75. 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 (policy RC3 in particular) 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 grades 3 and 4 are 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 north east edge and within the central part 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 five areas of historic landfill within the neighbourhood 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 are no specific designated landscapes within the neighbourhood area. MNDP emerging policies seek to ensure that new development does not harm locally valued landscapes and the rural setting.
Cultural heritage, including architectural and archaeological heritage	1. No significant effect	There are multiple heritage assets in Moston, some of which, particularly the settings, may be directly affected by new development across the Plan period. Nevertheless policies exist in the NP which seek to protect heritage assets, alongside similar policies in the Development Plan and therefore the policies overall are unlikely to enable the delivery of new development which would not already be possible under the existing local framework. As such the NP policies are unlikely to have a significant effect on heritage assets directly or on the approach taken to heritage assets in the development planning process.

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

Moston NP Objective	Moston NP Policy	Effect on European Designation
HOUSING AND DESIGN POLICIES • To deliver high quality sustainable homes that meet the needs of the parish.	POLICYHOU1 – LOCATION OF NEW HOMES	1. No negative effect 1A
	POLICYHOU2 – HOUSING MIX ANDTYPE	1. No negative effect 1A
LOCAL CHARACTER AND DESIGN POLICIES • To protect those characteristics of the landscape and built environment that are most special to the community and positively contribute to quality of place in Moston. • To successfully accommodate new development that integrates positively with its landscape setting.	POLICYLCD1: DESIGN	1. No negative effect 1B
	POLICYLCD2 – DARK SKIES	1. No negative effect 1B
INFRASTRUCTURE POLICIES • To deliver improvements to local infrastructure that improve the experience of living in and visiting Moston.	POLICYINF1 – UTILITIES	1C. No negative effect
	POLICYINF2 – BROADBAND	1C. No negative effect
LOCAL GREEN SPACE POLICY • To protect the natural environment from harm, preserve special habitats and seek opportunities to increase biodiversity. • To improve access to and enjoyment of the countryside for visitors and residents alike.	POLICYLGS1 – LOCAL GREEN SPACE	1. No negative effect 1B
NATURAL ENVIRONMENT POLICIES • To protect the natural environment from harm, preserve special habitats and seek opportunities to increase biodiversity. • To protect those characteristics of the landscape and built environment that are most special to the community and positively contribute to quality of place in Moston. • To successfully accommodate new development that integrates positively with its landscape setting.	POLICYENV1 – TREES AND HEDGEROWS	1. No negative effect 1B
	ENV 2	1. No negative effect 1B

<p>RECREATION AND LEISURE POLICIES</p> <ul style="list-style-type: none"> To improve access to and enjoyment of the countryside for visitors and residents alike. To protect those characteristics of the landscape and built environment that are most special to the community and positively contribute to quality of place in Moston. 	POLICYREC1 - FOOTPATHS, BRIDLEWAYS, CYCLEWAYS AND THE CANAL TOWPATH	1. No negative effect 1B
	POLICYREC2 – MOTOCROSS	1. No negative effect 1B
	POLICYREC 3 – LEISURE AND COUNTRYSIDE PURSUITS	1. No negative effect 1B
<p>RURAL ECONOMY POLICIES</p> <ul style="list-style-type: none"> To support and grow the local economy 	POLICYLE1 - RURAL EMPLOYMENT	1. No negative effect 1A
	POLICYLE2 - NON RURAL EMPLOYMENT	1. No negative effect 1A
<p>HERITAGE POLICY</p> <ul style="list-style-type: none"> To protect those characteristics of the landscape and built environment that are most special to the community and positively contribute to quality of place in Moston. 	POLICYHER1 – HERITAGE	1. No negative effect 1B

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 Congleton Borough Local Plan 2005 (CBLP), therefore the projects for which this NP helps to set a framework are localised in nature but may have resource implications.	N
The degree to which the Plan influences other plans and programmes including those in a hierarchy.	The NP must be in conformity with the National Planning Policy Framework. The policies within the NP should also be in general conformity with any strategic 'saved' Local Plan policies held within the Congleton LP, and complement any LPS Strategic Policies. The CELPS is being prepared in two stages and because Moston 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, unallocated sites within the MNA.	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 Plan.	Moston Neighbourhood Plan covers the parish of Moston Parish. The NP is likely to affect a resident population of approximately 405 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 significantly due to allocated sites adjoin the nearby settlement of Congleton, yet located within the administrative boundary of Moston Parish Council.	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 Moston 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
	Specific sites are identified for development and an assessment has been undertaken to ensure that those sites selected make the best and most efficient use of land – not to intensively use the land for development. Specific policies are included to ensure land is not over developed. Future development proposals will be assessed against other policies within the Development Plan (which, in totality, should mitigate against the over-development of land).	N
The effects of the Plan on areas or landscapes which have recognised national, community or international protection status.	There are SSSI, Local Wildlife Sites and areas of Ancient Woodland located within and immediately adjacent to the Moston 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	N
Assessment 2 Conclusion	The MNDP is unlikely to have a significant effect on the environment.	Directive does not require SEA

4.0 Screening Conclusion

The Moston 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 alter the status of land to a degree which would have a significant effect on the environment.

There are no designated sites of European significance within the neighbourhood area and four 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 MNDP 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 MNDP is unlikely to have a significant effect on the environment or on designated sites and therefore HRA and SEA are not required.

4.1 Monitoring of MNDP Policies

Whilst Moston Parish Council is committed to the delivery of the objectives held within the MNDP, 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 MNDP 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 MNDP. If these actions fail to address under performance then other complementary plans and strategies should be reviewed.

5.0 Appendixes

Appendix A: Responses from Statutory Consultees:

1. Historic England:



Tom Evans
Spatial Planning
Cheshire West and Chester Council
1st Floor
Westfields
Middlewich Road, Sandbach
Cheshire
CW11 1HZ

Our ref: PL00347642 & PL00347603
Your ref: E-mail 16th Mar2018
Telephone: 07500 121974

26th March 2018

Dear Tom,

Re: Draft Moston 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.

The Moston Neighbourhood Plan falls within the boundary of the Trent and Mersey Canal conservation area and includes 16 buildings or structures listed in Grade II. It will be important that the strategy you 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.

The conservation officer at Cheshire East Council will be the best placed person to assist the Forum during the development of their 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.

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



Historic England, Suite 3.3, Canada House, 3 Chepstow Street, Manchester M1 5FW
Telephone 0161 242 1416 HistoricEngland.org.uk

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landscapes. Some Historic Environment Records may also be available on-line via the 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.

The local authority might also be able to provide the Forum with more general support in the production of their Neighbourhood Plan, including the provision of appropriate maps 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 The Trent and Mersey Canal is designated as Conservation Areas, there appears to be no appraisal or management plan adopted for this area contrary to the statutory duties at S69 and 71 of the Planning (Listed Buildings and Conservation Areas) Act 1990. I note there is an appraisal for part of the conservation area which lies outside of your planning authority area dating from 2000. This appraisal document would ordinarily set out what the character and appearance of the area is that should be preserved or enhanced. 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 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 this work undertaken. Please note that Historic England is currently consulting on revised draft guidance.

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.

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



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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 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:

<http://www.historicengland.org.uk/advice/planning/plan-making/improve-your-neighbourhood/>

The following general guidance also published by Historic England may also be useful to the plan forum in preparing the neighbourhood plan, or 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:



Historic England, Suite 3.3, Canada House, 3 Chepstow Street, Manchester M1 5FW
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HE Advice Note 2 - making changes to heritage assets: <https://historicengland.org.uk/images-books/publications/making-changes-heritage-assets-advice-note-2/>

HE 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/>

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 the inclusion of a glossary containing relevant terminology contained in the NPPF, 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

Darren Ratcliffe RIBA
Historic Places Adviser



Historic England, Suite 3.3, Canada House, 3 Chepstow Street, Manchester M1 5FW
Telephone 0161 242 1416 HistoricEngland.org.uk

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2. Environment Agency:

Spatial Planning
Cheshire East Council
Westfields
Middlewich Road
Sandbach
CW11 1HZ

Our ref: SO/2009/105288/SE-
18/DS1-L01
Your ref: N/A
Date: 26 March 2018

FAO Thomas Evans

Dear Sir

SEA SCREENING OPINION REQUEST - MOSTON NEIGHBOURHOOD PLAN

Thank you for sending through for consultation the above screening opinion which was received in this office 16th March 2018.

Environment Agency position

We note and acknowledge the Councils screening decision and have no further comments to make.

Yours faithfully

Mr Stephen Sayce
Sustainable Places Planning Advisor

Direct e-mail stephen.sayce@environment-agency.gov.uk

Environment Agency
Richard Fairclough House Knutsford Road, Warrington, WA4 1HT.
Customer services line: 03708 506 506
www.gov.uk/environment-agency
End

3. Natural England:

Date: 21 March 2018
Our ref: 241949
Your ref: Moston Neighbourhood Plan



Tom Evans
Neighbourhood Planning Manager
Tom.Evans@cheshireeast.gov.uk

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

BY EMAIL ONLY

T 0300 060 3900

Dear Tom

SEA screening opinion request - Moston Neighbourhood Plan

Thank you for your consultation on the above dated 16 March 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 Guidance¹. 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.

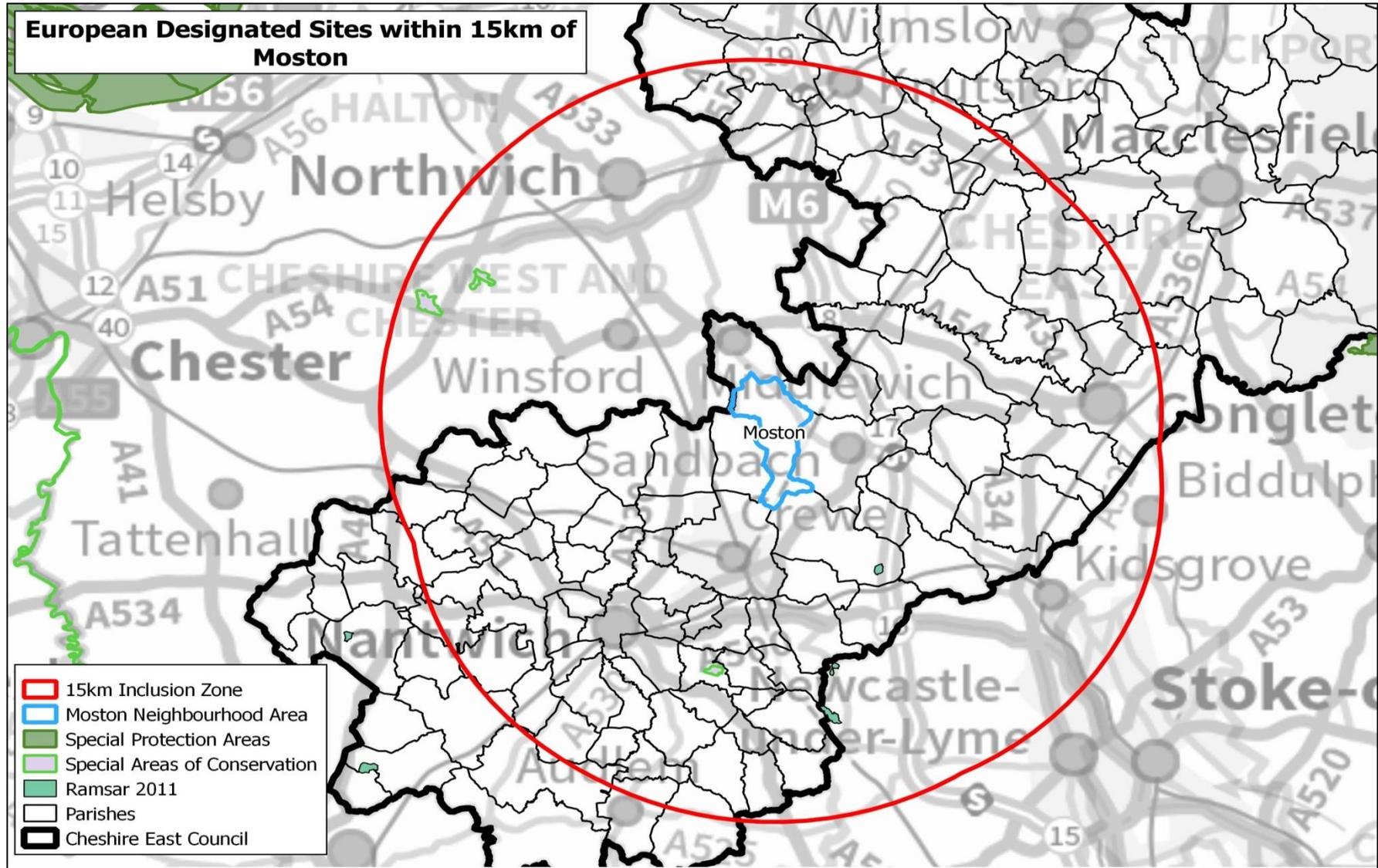
Please note that Natural England reserves the right to provide further comments on the environmental assessment of the plan beyond this SEA/SA screening stage, should the responsible authority seek our views on the scoping or environmental report stages. This includes any third party appeal against any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

For any queries relating to the specific advice in this letter or for any new consultations please send your correspondences to consultations@naturalengland.org.uk.

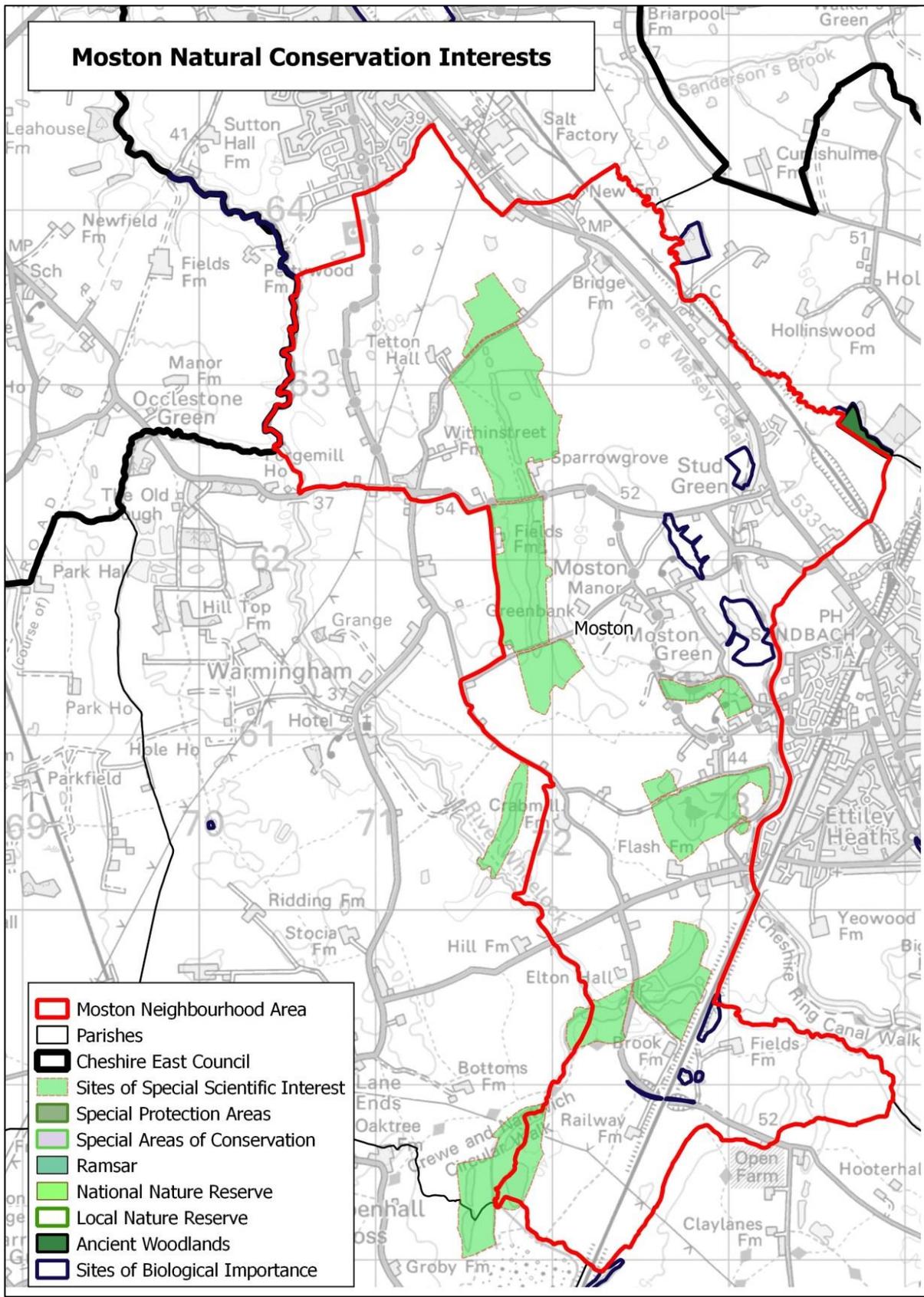
Yours sincerely

Jacqui Salt
Consultations Team

Appendix B: Location of European Sites in Relation to MNDP



Appendix C: Local Environmental Designations in Relation to MNDP



Appendix D: Designated Historic Assets in Relation to MNDP

