

To: The Clerk
West Wittering Parish Council

If calling please ask for: Andrew Frost
01243 534892
afrost@chichester.gov.uk

Our ref:

Your ref:

12 January 2023

Dear Ms Hawker,

West Wittering Neighbourhood Plan 2019-2029

Strategic Environmental Assessment (SEA) Opinion Screening Determination under Regulation 9 and Schedule 1 of the Environmental Assessment of Plans and Programmes Regulations 2004

This letter addresses the issue of whether or not there is a need for environmental assessment of the submission version of the West Wittering Neighbourhood Plan 2019-2029, and as such whether it meets one of the basic conditions that a neighbourhood plan must meet in order to proceed to referendum: that it does not breach, and is otherwise compatible with, EU obligations that are translated into current UK law by the above regulations.

On the basis of the contents of the neighbourhood plan as proposed and consultation with the relevant statutory agencies in accordance with Regulation 9(2) of the Environmental Assessment of Plans and Programmes Regulations 2004, the following determination can be made.

The screening determination is that **an environmental assessment of the West Wittering Neighbourhood Plan is required** due to there being, without mitigation measures, a likely significant environmental effect as a result of the proposals in the plan, acting in-combination with other plans and programmes.

A Strategic scheme of mitigation is in place for recreational disturbance impacts on Chichester and Langstone Harbours SPA/Ramsar site. Following a recent CJEU case ruling these mitigation schemes can only be taken into account at the Appropriate Assessment stage of the Habitats Regulations Assessment procedure (HRA). The need for an Appropriate Assessment in turn leads the screening determination given above in accordance with Regulation 5(3) of the Environmental Assessment of Plans and Programmes Regulations 2004. Consequently, and as the Parish has completed supporting SEA work for the neighbourhood plan, a precautionary approach is taken.

As such it is the opinion of Chichester District Council that the West Wittering Neighbourhood Plan 2019-2029 will need to have a formal Strategic Environmental Assessment for it to be in accordance with the provisions of the European Directive 2001/42/EC as incorporated into UK law by the Environmental Assessment of Plans and Programmes Regulations 2004.

This decision has been based on the information provided. If the contents of the Plan are revised and/or there is a material change in the environmental characteristics in the locality (e.g. any additional nature conservation or other environmental designations), then the

comments contained in this decision would need to be reconsidered in order to take account of the changes.

Yours sincerely,

A handwritten signature in black ink that reads "Andrew Frost". The signature is written in a cursive style with a horizontal line under the letter 't'.

Andrew Frost
Director of Planning and Environment

Screening Report for the West Wittering Neighbourhood Plan 2019 - 2029
Criteria and response of screening

Criteria (from Annex II of SEA Directive and Schedule I of Regulations)	Relevance in context of this screening report
The characteristics of plans and programmes	
(a) the degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources;	<p>The West Wittering Neighbourhood Plan 2019-2029 (NP) would, if 'made', form part of the Statutory Development Plan and as such will establish the development management framework for West Wittering and surrounding environs.</p> <p>The Neighbourhood Plan is prepared for town and country planning and land use and a framework for future development in West Wittering parish. The NP includes policies on design, heritage, biodiversity, coastal enhancements sustainable transport and climate change. The NP does not allocate sites for development.</p>
(b) the degree to which the plan or programme influences other plans and programmes including those in a hierarchy;	<p>The Neighbourhood Plan is the lowest tier in the planning hierarchy and must be in conformity with the National Planning Policy Framework, the strategic policies of the development plan and European Directives.</p> <p>The Neighbourhood Plan is not intended to influence other plans or programmes.</p>
(c) the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development;	<p>The Neighbourhood Plan aims to achieve sustainable development, and this is reflected in its vision and objectives.</p> <p>There are other policies within the NP 2019-2029 which seek to protect and enhance the environment. These include: Policy WW10 Coastal enhancements; Policy WW11 Biodiversity Geodiversity and Mitigating the Impacts of Climate Change; Policy WW 13 Lighting.</p>
(d) environmental problems relevant to the plan or programme; and	<p>The impact of additional windfall housing on recreational disturbance levels in Chichester and Langstone Harbours SPA/ Ramsar site requires mitigation to be put in place under Policy 50 of the Chichester Local Plan 2014-2029 delivered through the Bird Aware Solent Mitigation Strategy. The requirement of mitigation leads to the need for an Appropriate Assessment (AA) under the Habitats Regulations and this in turn</p>

Criteria (from Annex II of SEA Directive and Schedule I of Regulations)	Relevance in context of this screening report
	<p>triggers a requirement for SEA due to the wording of the Environmental Assessment of Plan and Programmes Regulations 2004</p> <p>The loss of functionally linked land used by the Wader and Brent Geese for which the Chichester and Langstone Harbours SPA / Ramsar is designated is a relevant problem, but as no sites are allocated impact on the SPA/ Ramsar site is avoided and no mitigation or AA is required</p>
(e) the relevance of the plan or programme for the implementation of Community legislation on the environment (for example, plans and programmes linked to waste management or water protection).	<p>This Neighbourhood Plan has no relevance to the implementation of Community legislation.</p> <p>The Neighbourhood Plan is a land-use plan and sets the framework for future development management within the West Wittering Neighbourhood Plan area.</p>
Characteristics of the effects and of the area likely to be affected,	
(a) the probability, duration, frequency and reversibility of the effects;	<p>The impact of the proposals for development in the West Wittering NP without mitigation is likely to result in significant effects on:</p> <p>Biodiversity, fauna and flora including the impact on designated sites at Chichester and Langstone Harbours SPA, Ramsar Site and Solent Maritime SAC;</p>
(b) the cumulative nature of the effects;	<p>The impacts of recreational disturbance from any housing that results from the plan are considered in combination with all other housing allocated or permitted through the Chichester Local Plan 2014-2029</p>
(c) the transboundary nature of the effects;	<p>The nature of the NP with no allocated development sites, mean that transboundary effects are very unlikely to occur</p>
(d) the risks to human health or the environment (for example, due to accidents);	<p>No effects likely</p>
(e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);	<p>The geographical area affected is the Parish of West Wittering, population 2,700 in 2011, therefore any effects will be local in nature only.</p>

Criteria (from Annex II of SEA Directive and Schedule I of Regulations)	Relevance in context of this screening report
(f) the value and vulnerability of the area likely to be affected due to: (i) special natural characteristics or cultural heritage; (ii) exceeded environmental quality standards or limit values; or (iii) intensive land-use; and	West Wittering Parish contains parts of the Chichester and Langstone Harbours SPA/Ramsar site so there is the potential for direct impacts due to development. As the NP does not allocate sites any such development will have to be assessed at the planning application stage.
(g) the effects on areas or landscapes which have a recognised national, Community or international protection status.	There is the potential for environmental effect on the landscape due to the impacts on the Chichester Harbour Area of Outstanding Natural Beauty (AONB).

**West Wittering Parish Neighbourhood Plan 2019-2029
Summary of Statutory Consultations – Strategic Environmental Assessment (SEA)**

Statutory Consultee	Summary of Comments
Historic England	
Historic England (HE) – Reply 12 July 2022	<p>The information supplied indicates that the plan will not have any significant effects on the historic environment. We note that the plan does not propose to allocate any sites for development.</p> <p>On the basis of the information supplied, and in the context of the criteria set out in Schedule 1 of the Environmental Assessment Regulations [Annex II of ‘SEA’ Directive], Historic England concurs that the preparation of a Strategic Environmental Assessment is not required.</p> <p>The views of the other two statutory consultation bodies should be taken into account before the overall decision on the need for an SEA is made</p>
Environment Agency	
Environment Agency – reply – 11 August 2022	<p>You have confirmed that there will no development coming forward as part of this plan. Therefore, having taken this into account, we do not consider there to be any Significant Environmental Impacts associated with this plan, and therefore it is our view that a SEA will not be required.</p> <p>Should you determine that a Neighbourhood Plan does require SEA, we must be consulted on the scope to ensure our key environmental issues are addressed. We can also provide baseline information and data.</p>
Natural England	
Natural England – reply – 6 July 2022	<p>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 (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.</p> <p>Neighbourhood Plan Guidance on the assessment of Neighbourhood Plans, in light of the Environmental Assessment of Plans and Programmes Regulations 2004 (as amended), is contained within the National Planning Practice Guidance. The guidance highlights three triggers that may require the production of an SEA,</p>

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.