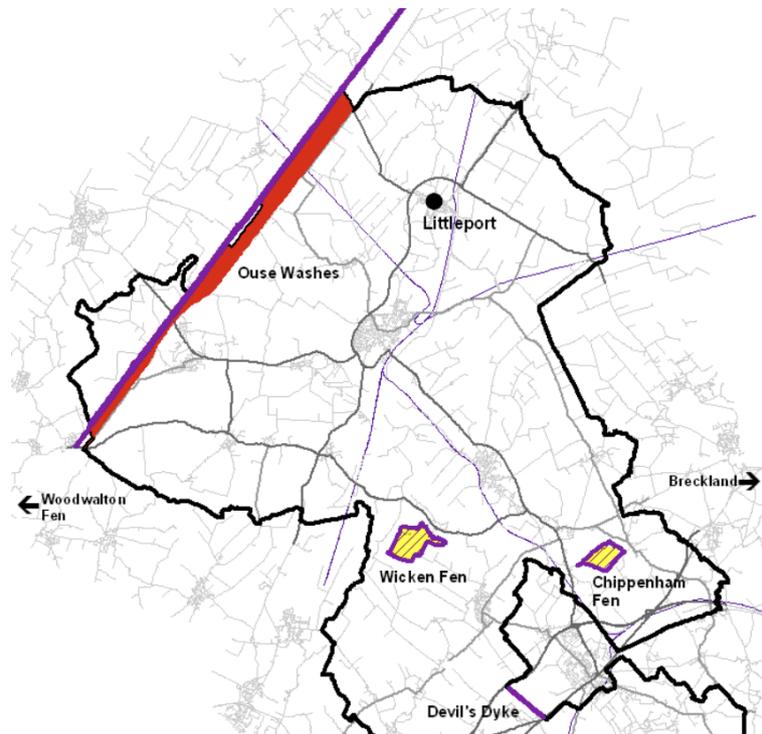


Mepal Neighbourhood Plan 2022-2031



HRA Screening Request December 2022



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Pre-submission draft of the Neighbourhood Plan in accordance with Regulation 14 of Neighbourhood Planning Regulations 2012



The Parish Council received professional planning support from NEIGHBOURHOOD-PLAN.CO.UK during the production of this Neighbourhood Plan.



NEIGHBOURHOOD-PLAN.CO.UK

For any general query relating to the Neighbourhood Plan contact:

Parish Clerk: Karen Peck

Telephone: 01353 741066

Email: clerk@mepalparish.org

Website Contact Form: <https://www.mepalparish.org/contact/#>

For consultation on the Neighbourhood Plan contact:

Email: mnhp@mepalparish.org

<https://www.mepalparish.org/mepal-neighbourhood-plan/>

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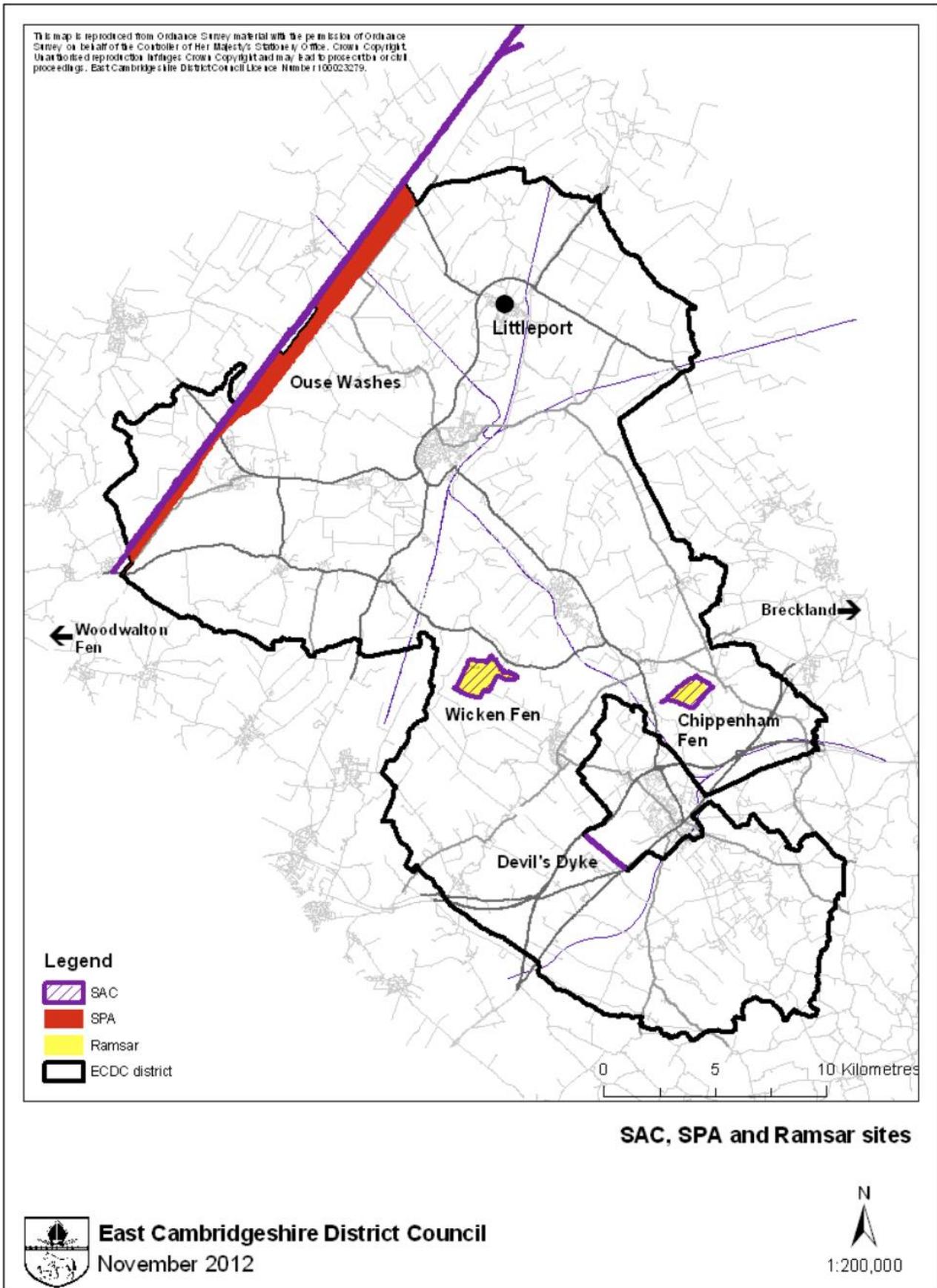


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Introduction

1. Mepal Parish Council have undertaken this Habitats Regulation Assessment Screening Request. It is the role of East Cambridgeshire District Council as the Local Planning Authority (LPA) to undertake a screening of the Neighbourhood Plan under the Habitats Regulations. This document has been produced to assist the LPA undertake the screening in collaboration with the three designated environmental bodies, namely the Environment Agency; Natural England; and Historic England.
2. The Mepal Neighbourhood Development Plan needs to consider whether a Habitats Regulation Assessment (HRA) in accordance with the Conservation of Habitats and Species Regulations 2017 would be required. There is a need to assess the likelihood of proposals or policies within a Neighbourhood Plan having a significant effect on the 'National Sites Network' consisting of areas designated as Special Areas of Conservation (SAC) or Special Protection Areas (SPA's). Consideration of the internationally designated Ramsar sites is also necessary; many Ramsar sites are also SACs or SPAs.
3. In the Mepal Neighbourhood Plan area lie the Ouse Washes SAC, the Ouse Washes SPA and the Ouse Washes Ramsar sites these are part of the 'National Sites Network'. The Ouse Washes SPA and Ramsar designations are contiguous and also cover the SAC area; the SAC covers a narrower corridor. The Ouse Washes is also a Site of Special Scientific Interest (SSSI).
4. In the wider vicinity of the Neighbourhood Plan area the 'National Sites Network' of interest are the Orton Pit SAC (Peterborough); Nene Washes SAC; Portholme SAC (Huntingdon/Godmanchester); Upper Nene Valley SAC/Upper Nene Valley Ramsar (Rushden); Fenland SAC/Woodwalton Fen Ramsar; Fenland SAC/Chippenham Fen Ramsar; Fenland SAC/Wicken Fen Ramsar; Devils Dyke SAC; and Breckland SAC/Breckland SPA/Rex Graham Reserve SAC.
5. The closest site in the 'National Sites Network' but outside of the Neighbourhood Plan area is the Fenland SAC/Wicken Fen Ramsar lying approximately 15km to the south-east.
6. Internationally designated wildlife sites in the 'National Sites Network' are accorded the highest level of protection under UK legislation. The purpose of the screening assessment is to ascertain whether there is potential for implementation of the Neighbourhood Plan to have significant effect on any such site. Therefore, following the advice of Natural England on other Neighbourhood Plans we consider it appropriate to consider the potential effects of any proposed development on these important habitats.
7. The Figure below shows the relevant designated sites within East Cambridgeshire. Within a 15km radius of the Neighbourhood Area boundary are the Ouse Washes SAC, the Ouse Washes SPA and the Ouse Washes Ramsar sites and the Fenland SAC/Wicken Fen Ramsar site.
8. The Habitats Regulations Assessment of land use plans relates to Special Protection Areas (SPAs), Special Areas of Conservation (SAC) and Ramsar Sites. SPAs were sites first classified in accordance with Article 4 of the EC Directive on the conservation of wild birds (79/409/EEC), more commonly known as the Birds Directive. They were classified for rare and vulnerable birds, listed in Annex I to the Birds Directive, and for regularly occurring migratory species. These SPA sites are now designated under the Wildlife & Countryside Act 1981 (as amended) and the Conservation (Natural Habitats, & c.) Regulations 2010 (as amended).



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9. SACs were previously classified in accordance with EC Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (the Habitats Directive). Article

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3 of this Directive requires the establishment of a European network of important high-quality conservation sites that will make a significant contribution to conserving the 189 habitat types and 788 species identified in Annexes I and II of the Directive. These sites are now designated under the Conservation of Habitats and Species Regulations 2017 (as amended).

10. Ramsar Sites are designated under the International Convention on Wetlands of International Importance especially as Waterfowl Habitat (the Ramsar Convention, Iran 1971 and amended by the Paris Protocol 1992). Although Ramsar Sites are not protected in law by domestic UK legislation as a matter of policy government has decreed that unless otherwise specified procedures relating to SPAs and SACs will also apply to Ramsar Sites.
11. The Neighbourhood Plan area contains part of the Ouse Washes designated sites within its boundary. However, the Neighbourhood Plan contains no proposals that are considered to have a direct or indirect impacts on these designated sites. In addition, no cumulative effects with other plans or programmes are likely as the Neighbourhood Plan does not allocate land for development and so will not lead to issues in terms of increased recreational disturbance, water resources or water quality.
12. The Neighbourhood Plan looks to identify land as Local Green Space which includes land that provides recreational opportunities that can help to minimise recreational pressures on the Ouse Washes. In addition, the Neighbourhood Plan looks to secure the retention of existing formal recreational facilities at the Recreation Ground; this can also assist to minimise recreational pressures on the Ouse Washes.
13. The SPA/SAC/Ramsar sites within 15km of the Neighbourhood Area can be described as follows:

Fenland SAC (Incorporating Wicken Fen Ramsar) falls partly within East Cambridgeshire continuing to the west. The SAC and Ramsar site is made up of three component Sites of Special Scientific Interest, which are Woodwalton Fen SSSI, Chippenham Fen SSSI and Wicken Fen SSSI. The part of Fenland SAC within East Cambridgeshire is Chippenham Fen SSSI and Wicken Fen SSSI. Fenland SAC contains one of the most extensive examples of the tall herb-rich East Anglian fen-meadow. The individual sites within Fenland SAC each hold large areas of calcareous fens, with a long and well-documented history of regular management.

Ouse Washes SAC and Ouse Washes SPA (Incorporating Ouse Washes Ramsar) site falls partly within the Mepal Neighbourhood Plan. The Ouse Washes covers 311.35 hectares and is one of the country's few remaining areas of extensive washland habitat. The Ouse Washes forms the largest area of washland, grazing pasture that floods in the winter, in the UK. The associated dykes and rivers hold a great variety of aquatic plants; the pondweeds *Potamogeton* spp. are particularly well represented. The associated aquatic fauna is similarly diverse and includes spined loach *Cobitis taenia*. The Counter Drain, with its clear water and abundant aquatic plants, is particularly important, and a healthy population of spined loach is known to occur. Invertebrate records indicate that the site holds relict fenland fauna, including the British Red Data Book species large darter dragonfly *Libellula fulva* and the rifle beetle *Oulimnius major*. The site also supports a diverse assemblage of nationally rare breeding waterfowl associated with seasonally-flooding wet grassland.

14. This Statement has been prepared to accompany the Mepal Neighbourhood Development Plan ("the Neighbourhood Plan") under the Neighbourhood Planning (General) Regulations 2012 ("the Regulations"). The relevant local planning authority is East Cambridgeshire District Council.

Designation of Mepal Parish as a Neighbourhood Planning Area

15. A formal [application](#)¹ was made by Mepal Parish Council as a ‘relevant body’ under Section 61G of the Town and Country Planning Act 1990 (as amended) for the designation of a neighbourhood area in order to develop a neighbourhood plan. The area of the Neighbourhood Plan is based upon the parish boundary, which was seen as appropriate as this area is recognised as the distinct community of Mepal. The request was that the Parish be recognised as a Neighbourhood Area for the purpose of producing a neighbourhood plan, in accordance with the Neighbourhood Planning Regulations 2012.
16. The Parish was [designated](#)² a Neighbourhood Area on the 28 February 2022.
17. The Neighbourhood Plan has been prepared by Mepal Parish Council, a qualifying body, (Section 38A (12) of the Planning and Compensation Act 2004) for the Neighbourhood Area covering the Parish of Mepal, as designated by East Cambridgeshire District Council. The name of the neighbourhood area is the ‘Mepal Neighbourhood Area’. It does not relate to more than one neighbourhood area.
18. The policies described in the Neighbourhood Plan relate to the development and use of land in the designated Neighbourhood Area only. The document sets out the period of the Neighbourhood Plan which is from 2022 to 2036.

The Development Plan

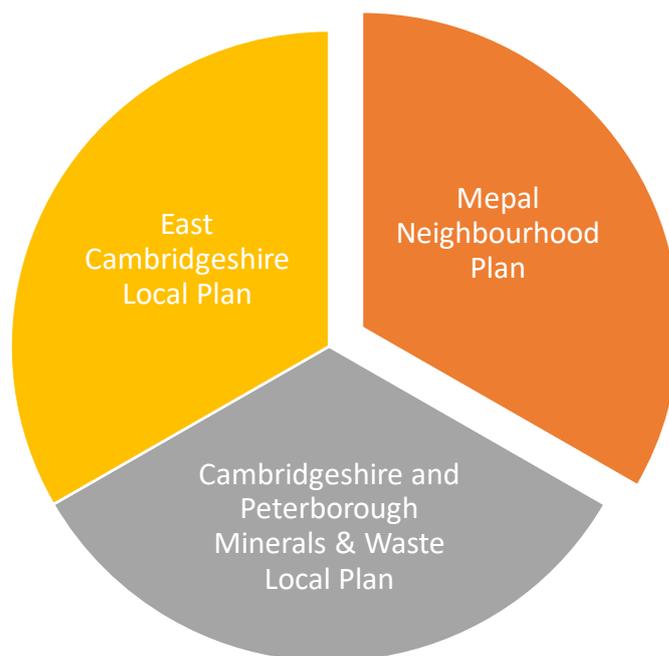
19. The East Cambridgeshire Local Plan sets out the vision, objectives spatial strategy and policies for the future development of the district. It also identifies land and allocates sites for different types of development, such as housing and employment, to deliver the planned growth for the district to 2031.
20. The preparation of the Local Plan was informed through several stages of public consultation. The [Local Plan](#)³ was adopted by the Council on 21 April 2015, it covers the plan period up to 2031. In April 2020 the Council determined that it was necessary to review the Local Plan through what is known as a ‘Single Issue Review’ and addresses the housing requirement for the same plan period up to 2031.
21. Consultation on the Proposed Submission version of the ‘Single Issue Review’ of the Local Plan was carried out between 3 May and 13 June 2022. Two earlier consultations also took place on a draft document, during 2021. On 19 July 2022, the Council submitted its proposed [Single Issue Review Local Plan](#)⁴ to the Planning Inspectorate, so that an independent examination of the proposal can take place. The Examination of the Local Plan Review is underway and the hearing sessions were held in November 2022. Neither the existing East Cambridgeshire Local Plan nor the Single-Issue Review Local Plan allocate sites for development in Mepal.
22. The ‘Development Plan’ for Mepal is made up of 3 main components as follows:

¹ <https://www.eastcambs.gov.uk/local-development-framework/neighbourhood-planning>

² <https://www.eastcambs.gov.uk/sites/default/files/Mepal%20NA%20Map%20A4%20ptrt.pdf>

³ <https://www.eastcambs.gov.uk/local-development-framework/east-cambridgeshire-local-plan-2015>

⁴ <https://www.eastcambs.gov.uk/local-development-framework/local-plan-review>



Strategic policies for the purposes of neighbourhood planning

23. The system of neighbourhood planning allows Parish and Town Councils to produce neighbourhood plans to guide development at a local level. One of the requirements of such plans is that they should be in line with the 'strategic policies' of the adopted development plan for the local area.
24. East Cambridgeshire District Council as the Local Planning Authority defines which policies are to be considered 'strategic' with regard to the production of a neighbourhood plan. However, the Local Plan does not explicitly state which policies within the Local Plan are to be considered 'strategic' for the purposes of neighbourhood planning.

Habitats Regulations Assessment

25. The Habitats Regulations Assessment (HRA) as required under Conservation of Habitats and Species Regulations 2017 require that Development Plans undergo an assessment to determine whether or not the Local Plan will have a significant effect on 'National Sites Network' or Ramsar sites.
26. In relation to the issue of a HRA the Habitats Regulation Assessment (Stage 1 Screening) of the East Cambridgeshire SIR Local Plan (Regulation 19) Main Report dated May 2022 concludes: *"Overall, therefore, it is the opinion of the Local Planning Authority that the SIR Local Plan, alone or in combination with other plans and projects, is unlikely to have any significant effects on any of the applicable protected sites."*
27. HRA looks at the impact that the Local Plan is likely to have on European Sites (Special Areas of Conservation, Special Protection Areas and Ramsar sites). HRA is a two-stage process that starts with a screening stage. If significant impacts on European sites cannot be ruled out by the screening stage a more detailed Appropriate Assessment will be required. No Appropriate Assessment has been undertaken for the Single-Issue Review of

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the East Cambridgeshire Local Plan has been undertaken. In June 2018 a HRA for the East Cambridgeshire Local Plan (Post Submission) was undertaken. That report concluded: *“To conclude, provided the recommendations made in this Report are (where applicable) incorporated into the Local Plan, it is possible to conclude that the East Cambridgeshire Local Plan is compliant with the Habitats Regulations and will not result in likely significant effects on any of the Natura 2000 Sites identified, either alone or in combination with other plans and projects.”* The HRA made 6 recommendations of which only 2 had general applicability across the district. These were adding an explanation as to how land beyond the site boundary of a European site may also provide important functional habitat for qualifying bird species; new residential development should deliver green infrastructure and open space in-line with the standards set out in Policy LP21 Open Space, Sport and Recreational Facilities and Annex A of the Local Plan.

28. A Habitats Regulations Assessment (HRA) in the form of an Appropriate Assessment may also be required to accompany the Neighbourhood Plan where the policies and proposals of the plan may give rise to significant effects on internationally designated wildlife sites. The process to establish whether a HRA is necessary starts with a screening exercise to determine whether any internationally designated sites might be exposed to likely significant effects as a result of implementation of the Neighbourhood Plan and therefore whether further stages of the HRA process are required. The screening process by the LPA must have regard to the European Court of Justice Judgement in the case of *People Over Wind & Sweetman v Coillte Teoranta*.
29. The impact of that case can be summarised as *“In April 2018, in the case People Over Wind & Sweetman v Coillte Teoranta (“People over Wind”), the Court of Justice of the European Union clarified that it is not appropriate to take account of mitigation measures when screening plans and projects for their effects on European protected habitats under the Habitats Directive. In practice this means if a likely significant effect is identified at the screening stage of a habitats assessment, an ‘Appropriate Assessment’ of those effects must be undertaken.”*
30. The Government has now made regulations through the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018. These came into force on 28 December 2018 and now allow neighbourhood plans in areas where there could be likely significant effects on a European protected site to be subject to an ‘Appropriate Assessment’ to demonstrate how impacts will be mitigated, in the same way as would happen for a draft Local Plan or planning application.
31. The Neighbourhood Plan includes no site allocations for development which would in combination with other site allocations in the Development Plan result in a potentially cumulative effect on any ‘National Sites Network’ or Ramsar sites including those within the Neighbourhood Plan area, namely the Ouse Washes SAC, the Ouse Washes SPA and the Ouse Washes Ramsar sites. The Neighbourhood Plan is local in nature and scope, its policies are in conformity with National Planning Policy and the strategic policies of the East Cambridgeshire Local Plan.
32. The SAC/SPA/Ramsar sites are protected, conserved and enhanced by adopted planning policies in the Local Plan. The Local Plan and the emerging Single-Issue Review of the Local Plan has been subject to Sustainability Appraisal (meeting Strategic Environmental Assessment requirements) and appropriate assessment under the Habitat Regulations Assessment. The Neighbourhood Plan does not conflict with any policies in the Local Plan and will have limited additional effect.
33. The criteria for determining if an individual policy, or a combination of policies, would have a likely significant effect, and require assessment, are based on the characteristics of the relevant designated site and the objectives set by Natural England. The main factors to consider are:

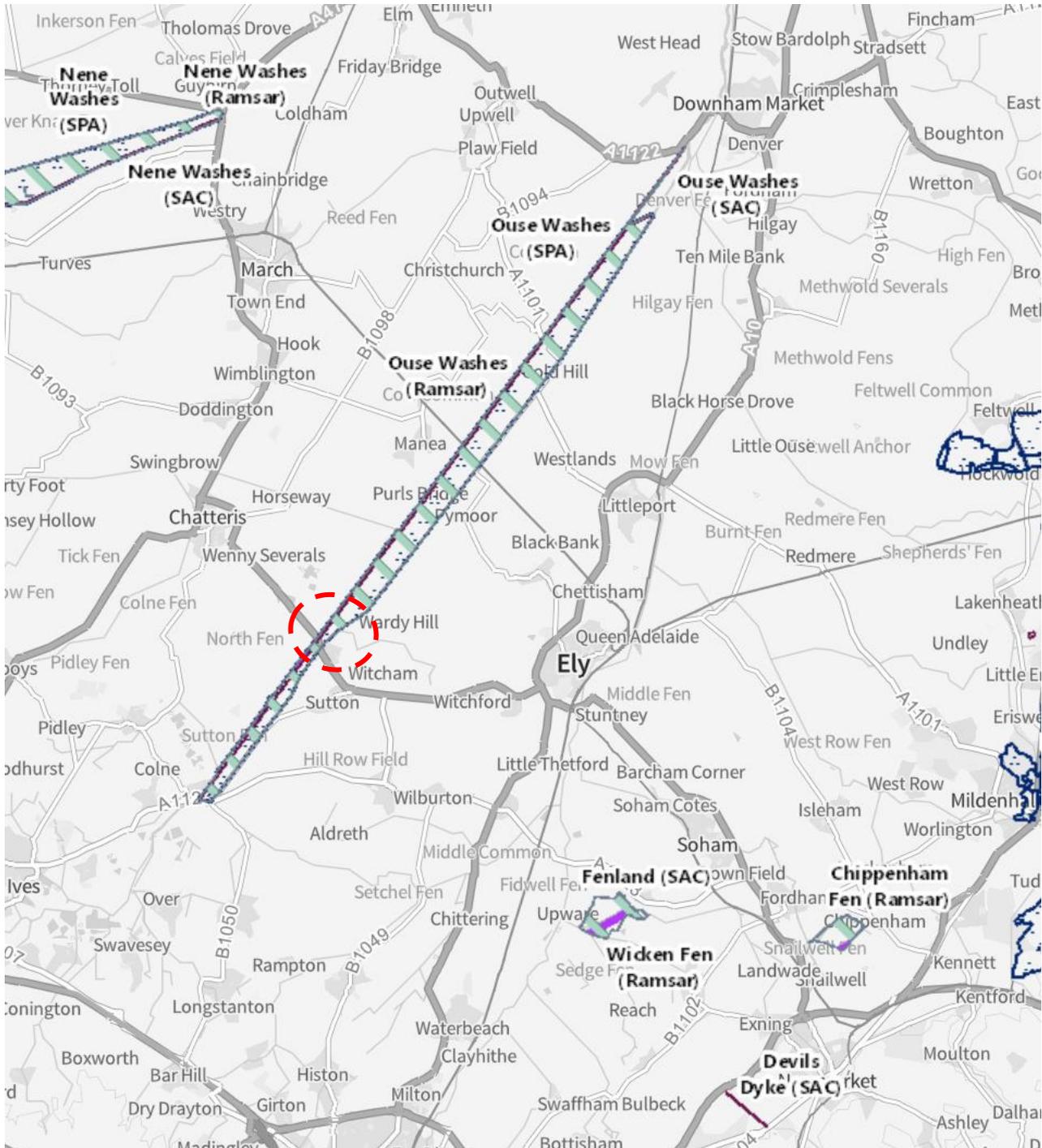
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- Development on or adjacent to the designated site destroying part or all of the site, or changing the ecological functioning of the site (e.g. disrupting water flows or migration routes)
 - Increased public recreation, causing disturbance to birds, damage to vegetation, increased littering / flytipping or leading to management compromises (e.g. grazing being restricted).
 - Reduction in water levels or flow, from increased water demand in the district requiring greater water abstraction
 - Reduction of water quality, from increased discharges of sewage and surface water drainage, or from pollution incidents, either during, or after, construction
34. The Neighbourhood Plan is considered in itself to have only a limited impact on the Ouse Washes SAC, the Ouse Washes SPA and the Ouse Washes Ramsar sites and the Fenland SAC/Wicken Fen Ramsar site as the closest sites in the 'National Sites Network'. The Neighbourhood Plan does not envisage any scale of growth beyond that being planned for in the East Cambridgeshire Local Plan. The policies will ensure that opportunities for additional unplanned growth is limited. As such the Neighbourhood Plan is unlikely to result in significant increases in public recreation, water demand, or discharges of sewage or surface water drainage. The Neighbourhood Plan intends to secure the retention of other open space and local green space across Mepal which can provide suitable opportunities for public recreation which will help to limit any need to utilise the SAC and SPA/Ramsar area. Impacts from the East Cambridgeshire Local Plan have been assessed separately and appropriate changes or mitigation put in place.
35. The other sites in the 'National Sites Network' are relatively distant from the Neighbourhood Plan Area, so impacts will be limited.

Consultation and Conclusion

36. As a result of the screening assessment request above, based on the provisions of the Conservation of Habitats and Species Regulations 2017, the Parish Council as set out above concludes that the Neighbourhood Plan will not have an adverse effect on the integrity of any internationally designated sites either on its own or in combination with any other plans. Therefore, an Appropriate Assessment is not required.
37. Consultation on the draft Neighbourhood Plan and supporting documents will take place and will include a draft of this HRA Screening Request. Consultation will include with East Cambridgeshire District Council as the Local Planning Authority; and the Environment Agency; Natural England; and Historic England as the three statutory environmental bodies. East Cambridgeshire District Council as the Local Planning Authority will, following submission of the Neighbourhood Plan, have to determine following consultation with the Environment Agency; Natural England; and Historic England as the three statutory environmental bodies as to whether an Appropriate Assessment is or is not required.

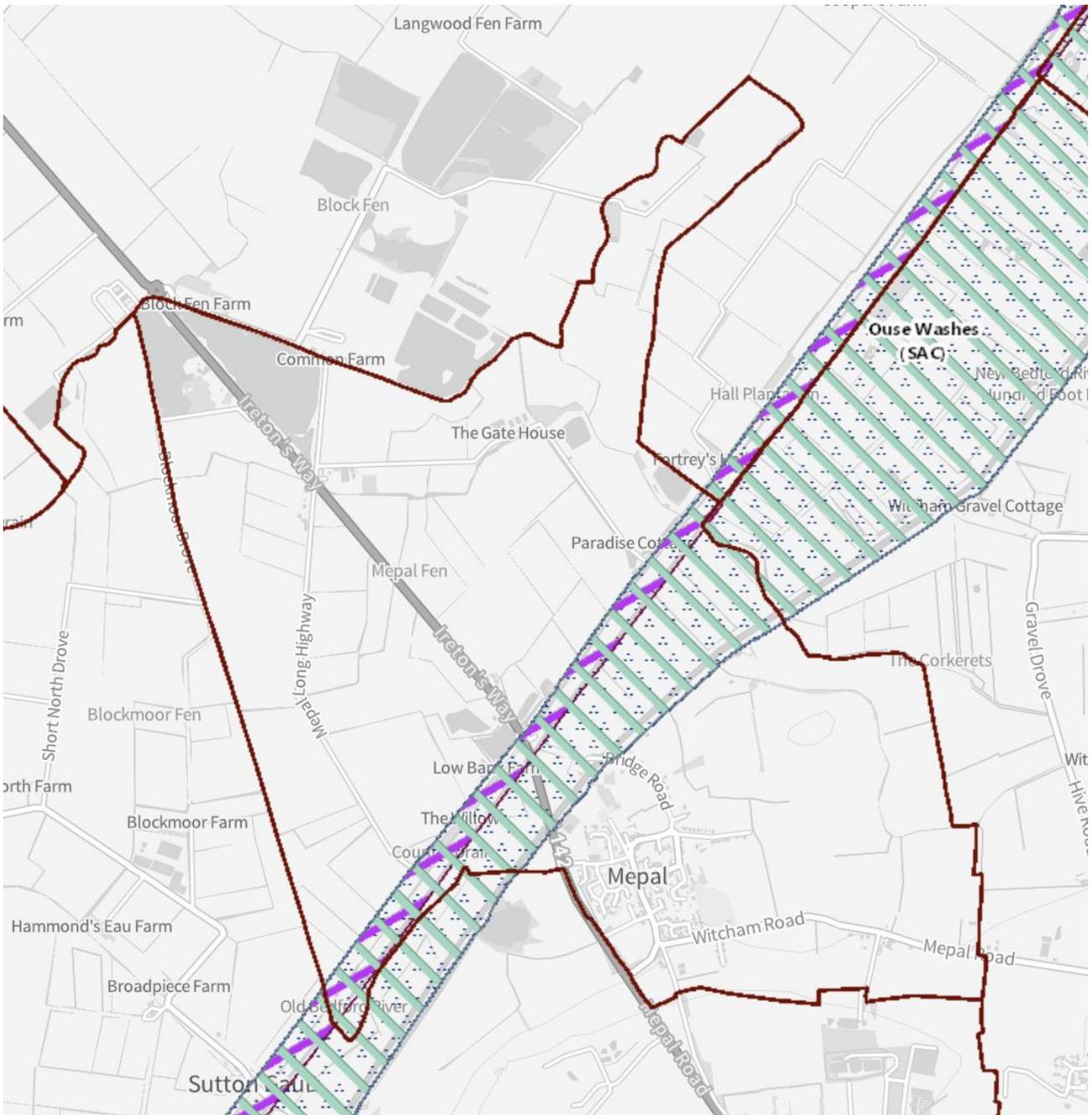
Appendix One: Designated Nature Sites



Extract from Magic.gov.uk website © Defra

 Broad Area of Mepal Parish

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- Parishes (GB)
- Ramsar Sites (England)
- Special Areas of Conservation (England)
- Special Protection Areas (England)

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The Neighbourhood Plan for the Parish of Mepal produced in accordance with the Neighbourhood Planning Regulations 2012



<https://www.mepalparish.org/mepal-neighbourhood-plan/>

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