

Congleton Neighbourhood Plan

Strategic Environmental Assessment and Habitats
Regulations Assessment Screening Report

Congleton Town Council Neighbourhood Development Plan SEA HRA Screening Report

Prepared by Cheshire East Council, September 2024

Abbreviations	
SEA	Strategic Environmental Assessment
HRA	Habitats Regulations Assessment
EIA	Environmental Impact Assessment
CEC	Cheshire East Council
CELPS	Cheshire East Local Plan Strategy (2017)
SADPD	Site Allocations and Development Policies Document (2022)
NDP	Neighbourhood Development Plan
NA	Neighbourhood Area
CNDP	Congleton Neighbourhood Development Plan
CNA	Congleton Neighbourhood Area
KSC	Key Service Centre

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1. Introduction

- 1.1. The SEA is a way of ensuring the environmental implications of decisions are considered 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.

- 1.2. 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 Congleton Town Council however Cheshire East Council, upon request, has agreed to provide a screening opinion on the CNDP to determine if an SEA and HRA are required. If it is concluded that an SEA or HRA is required, Congleton Town 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.
- 1.3. The main determining factor as to whether an SEA and HRA is required on an NDP is if it is likely to have a significant effect on the environment. Those NDPs containing land allocations for development, which are not included in the local authority's plan, are likely to require an SEA or HRA. NDPs which do not contain such allocations (or simply reflect allocations already identified as part of a local authority plan) are less likely to require an SEA or HRA.
- 1.4. If an SEA or HRA is required, Congleton Town 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 an SEA and HRA 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 NDP 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.

Requirement for an SEA

- 1.5. Where an NDP could have significant environmental effects, it may require an SEA.
- 1.6. Whether an NDP requires an SEA and (if so), the level of detail needed, will depend on what is proposed in the draft NDP. An SEA may be required for example when:
1. An NDP allocates sites for development.
 2. The NA contains sensitive natural or heritage assets that may be affected by proposals in the plan.
 3. The NDP may have significant environmental effects that have not already been considered and dealt with via a sustainability appraisal of the Local Plan.

Requirement for a HRA

- 1.7. In the context of neighbourhood planning, a Habitats Regulation Assessment (HRA) is required where an NDP 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, a HRA is not required. Where a HRA is undertaken, it is good practice to identify sites within 10-15km of the plan/project boundary and include them in a HRA.

Legislative Background

- 1.8. The basis for a 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](#)'.
- 1.9. 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.
- 1.10. 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.
- 1.11. This report seeks to determine if the CNDP is likely to have a significant effect on the environment.

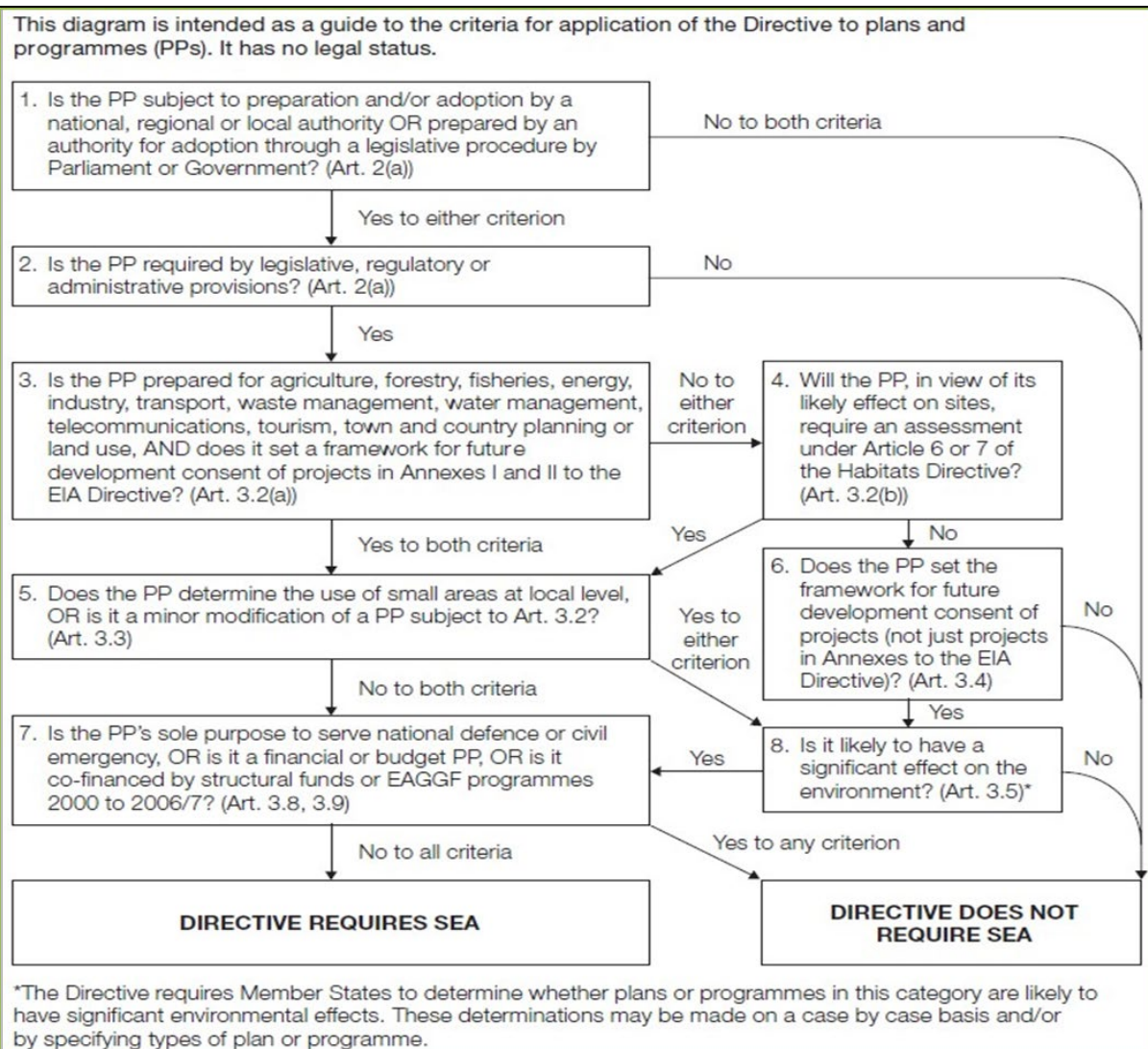
The Cheshire East Local Plan Strategy

- 1.12. The basic conditions require an NDP to be in general conformity with the strategic policies contained in the development plan for the area of the authority.
- 1.13. The CELPS was adopted on the 27th of July 2017 and sets the strategic approach to development across the Borough.
- 1.14. The CELPS was subject to a full Sustainability Appraisal which included an 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.

- 1.15. The SADPD was adopted on the 14th of December 2022 and sets out non-strategic and detailed planning policies to guide planning decisions and allocate additional sites for development, where necessary, to assist in meeting the overall development requirements set out in the CELPS. It has been prepared to support the policies and proposals of the CELPS by providing additional policy detail.
- 1.16. The SADPD was subject to a full Sustainability Appraisal which included an SEA. This ensured that no likely significant effects are expected to arise from the implementation of the SADPD or the delivery of the quantum of development identified in it.

Screening Process

- 1.17. Congleton Town Council has requested an SEA and HRA screening report of its NDP. 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.
- 1.18. The screening opinion assessment is undertaken in two parts: the first part will assess whether the plan requires an SEA (as per the flow chart which follows); and the second part of the assessment will consider whether the NDP 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).
- 1.19. The three statutory consultation bodies (Historic England, Environment Agency, and Natural England) have been consulted to establish whether the Congleton Neighbourhood Plan requires SEA or HRA and whether the plan may have a 'significant environmental effect' on the environment. Should it be concluded that an SEA or HRA is required, Congleton Town Council will need to undertake an SEA or HRA with a screening report exercise as the first stage.
- 1.20. 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:



Summary of the Screening Report

Summary of the NDP	
Name	Congleton Town Council NDP
Geographic coverage	Congleton Parish
Key themes/scope of the NDP	Sustainability, retail, community, and the landscape.
Summary of the Screening Report	
Name and job title of the officer undertaking the screening report	Tom Evans, Neighbourhood Planning Manager And Greg Woolridge, Planning Assistant
Date of report	27/09/2024. Updated 29/07/25: This screening report was updated due to the removal of a policy resulting from the Regulation 14 consultations. CEC did not consider re-consultation necessary in this instance.
Conclusion of the report	An SEA and HRA is not required
Reason for conclusion	The NDP does not propose to allocate specific sites for future development, the proposed policies in the plan are 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). <u>European designated site within the CNA:</u> There are no European designated sites located within the neighbourhood area, although designated sites are located within a 15km proximity to the neighbourhood area (Appendix B). <u>Designated sites within the CNA:</u> There are Sites of Biological Importance, Sites of Special Scientific Interest, and areas of Ancient Woodland within and immediately adjacent to the CNA. (Appendix C). <u>Designated heritage assets within the CNA:</u> The heritage assets within the neighbourhood area are listed below (Appendix D). • 1 Grade I Listed Buildings • 127 Grade II Listed Buildings • 4 Grade II* Listed Buildings • 25 Locally Listed Buildings • 1 Area of Archaeological Potential • 8 Conservation areas • Registered park or garden <u>Flood Risk zones within the CNA:</u> The Flood Risk Zones present within the NA, as well as their location, are listed below (Appendix E). • Flood Risk Zone 2 and 3 ○ River Dane corridor ○ Howty Brook <u>Effect on the environment:</u>

	The CNDP 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 NDP 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 Congleton, 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 CNDP 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 NDP 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 and HRA are not required.
Summary of Responses from Statutory Consultees	
Historic England	SEA is unlikely to be required.
Environment Agency	Provided advice note.
Natural England	Significant effects on statutorily designated nature conservation sites or landscapes are unlikely.

2. Plan Context

- 2.1. Congleton is a rural parish with large urban centre and for the purposes of the CELPS Settlement Hierarchy, falls within the category of 'KSC'. 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 Principal Towns of Crewe and Macclesfield and the nine Key Service Centres.
- 2.2. The parish area is partially covered by Policy PG 3 Green Belt and PG6 Open Countryside which generally restricts development in the countryside but does also identify development which would be considered acceptable.
- 2.3. 18,547 homes and 225.07ha of employment land are allocated across the Key Service Centres. In Congleton, a development target of 4,150 new homes and 24ha of employment land has been established. Except 0.1ha of employment land, all development targets have been met through allocations made in the CELPS and through existing completions and commitments.
- 2.4. The parish area is surrounded by Policy PG3 Green Belt and PG6 Open Countryside which generally restricts development in the countryside, but the policies also identify types of development which would be considered acceptable.
- 2.5. The CNA contains important natural habitats and waterbodies, hosts some larger scale residential development and some employment areas, and is located adjoining the parishes of Astbury, Somerford, Hulme Walfield, Eaton, North Rode and Bosley.
- 2.6. The CNDP does not allocate specific sites for development. The plan identifies a series of criteria-based policies against which development proposals should be assessed within the NA. Such criteria are designed to ensure the delivery of sustainable development to meet the objectives of the CNDP.
- 2.7. Planning applications within the CNA will be assessed against the policies in the CNDP, saved development plan policies and other material planning considerations, including the CELPS and SADPD (once adopted).
- 2.8. As specific development sites have not been identified in the CNDP in this location, no assessment of potential development sites has been undertaken as part of the CNDP process.

Vision of the Plan

- 2.9. The CNDP document sets out a vision for the parish and what the NDP should deliver.
- 2.10. Congleton will thrive as a distinctive town that offers a comprehensive range of homes, shops, jobs, services and facilities supported by the required infrastructure to cater for the needs of all our residents and businesses and encourage an environmentally friendly and sustainable approach. The special and unique character of Congleton, including its heritage assets and the surrounding countryside, will be protected, enhanced and promoted to make the town an attractive place to live, work and visit.

Objectives of the Plan

- 2.11. To deliver their vision, the CNDP has set out the objectives on the following subjects:

Ensure a range of accessible high-quality community, leisure, health, social, creative and cultural facilities for everyone who lives in the town.

Deliver high-quality, distinctive and safe places which respect the town's heritage and character.

Improve the attractiveness, vibrancy and accessibility of the town centre.

Preserve and enhance our green spaces for the community and for wildlife.

Enhance our environment and implement sustainable building and renewable energy initiatives to adapt to climate change.

Develop an integrated sustainable transport framework and improve walking and cycling routes between everyday facilities such as shops, services, open spaces and the surrounding countryside.

Secure the future economic prosperity of Congleton, by retaining and attracting a variety of businesses and employment opportunities.

Policies of the Plan

- 2.12. The CNDP contains several 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.

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

Designated Sites within the NA

- 2.14. There are no European Designated Sites within the NA. The nearest designated site is a Designated Special Area of Conservation (Peak District).

3. Screening Assessment

3.1. Assessment 1: Does the NDP require an SEA?

Stage	Y/N	Reason
1. Is the Neighbourhood Plan (NP) subject to preparation and/or adoption by a national, regional or local authority, OR prepared by an authority for adoption through a legislative procedure by Parliament or Government? (Art. 2(a))	Y	The preparation and adoption of the NDP is allowed under the Town and Country Planning Act 1990 as amended by the Localism Act 2011. The NDP will be prepared by (as the 'relevant body') and will be 'made' by CEC as the local authority. The preparation of NDPs 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))	N	Whilst the NDP 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 an 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 NDP 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 NDP contains a framework for future development consent of urban development projects (listed as 10(b) in Annex II of the EIA Directive). The NDP 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 NDP 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 NDP 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 NDP sits within the wider framework of the National Planning Policy Framework (NPPF), the adopted CELPS (2017) and the SADPD (2022), therefore the NDP 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 NDP contributes to establishing a local policy framework within which planning consent will be considered for a wide range of development proposals. Whilst the NDP may establish very local criteria to enable development within criteria-based parameters, higher tier policies, plans and legislation exist to ensure that the NDP 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 NDP 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

Table 1

Assessment 1 Conclusion

3.2. Based on criterion 1, 2, 3, 5 and 6 above, it is necessary to assess whether the NDP is likely to have a significant effect on the environment. This assessment is undertaken through Assessment 2 below.

3.3. Assessment 2: Is the NDP likely to have a Significant Effect on the Environment?

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

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

- 3.5. Under these thresholds there is no obligation to screen urban development projects for an EIA.
- 3.6. The NDP 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
- 3.7. The CNDP 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 CNDP may give rise to a significant effect on the environment.

Issue	Effect	Reason
Biodiversity	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	No significant effect	Congleton Parish has a population of 28,582 people (2021 Census). Most people are aged between 16 and 64, 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 16 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	No significant effect	Housing is a key determinant of human health. 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, contributing to wellbeing. The index of Multiple Deprivation shows Congleton to be generally affluent however within the neighbourhood area there are isolated areas which are more deprived than the wider location. The Joint Strategic Needs assessment for Congleton Wards shows the population here is generally in good health with notable exceptions to health equality being admission for injury 0-4, hospital stays for self-harm, hospital admissions for hip fracture and new cases of bowel cancer. The higher levels of health inequality can be observed in the east of Congleton. The neighbourhood plan introduces positive criteria based policies to assist in delivering the type

		of development that will assist in addressing some of these issues however the policies included are unlikely to have a significant effect beyond the local area.
Fauna	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	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	No significant effect	Agricultural land classification grades 3 and 4 are present within the neighbourhood area. No development is proposed in the neighbourhood plan that would give rise to the loss of best and most versatile agricultural land.
Water	No significant effect	Flood zones two and three are present throughout the neighbourhood area, notably long the River Dane corridor and other smaller waterways. 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	No significant effect	There are three air quality management areas in the locality. The policies contained in the plan are unlikely to significantly impact these areas or policy.
Material assets	No significant effect	There are two areas of historic landfill within the neighbourhood area. The policies in the plan do not address such issues and are unlikely to result in a significant effect on these sites. No other material assets are present.
Landscape	No significant effect	The area is subject to the Peak Park Fringe landscape designation. Whilst development would have an impact on the local landscape, that impact is likely to be localised and specific to Congleton. Policies seek to protect the local landscape and the setting of the town. Such policies are localised to Congleton.
Cultural heritage, including architectural and archaeological heritage	No significant effect	There are multiple heritage assets in Congleton, some of which, may be directly affected by policies which propose development in the NP. 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.

Table 2

Characteristics of the NDP, regarding:	Cheshire East Council Assessment	Likely Significant Effect? (Y/N)
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 NDP 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 NDP is expected to determine the use of small areas at a local level. The NDP sits within the wider framework of the National Planning Policy Framework (2012), the CEC Local Plan Strategy (2017) and the SADPD (2022), therefore the projects for which this NDP 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 NDP must be in conformity with the National Planning Policy Framework. The policies within the NP should also be in general conformity with any strategic policies held within the CELPS and detailed development policies of the SADPD. The CNDP can exert a limited degree of influence over the formation of future strategic and non-strategic policies in the Development Plan, since these matters are now fully settled with adoption of the part two plan, the SADPD.	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 policies of the Development Plan for Cheshire East Council. 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 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.	N

	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.	
The relevance of the Plan for the implementation of Community legislation on the environment (for example, plans and programmes linked to waste management or water protection).	The NP is not directly relevant to the implementation of European legislation, although it will need to take the impact of the Water Framework Directive into account.	N
The probability, duration, frequency and reversibility of the effects of the Plan.	Whilst development may take place, which is informed by the NP, the NP does not assist in instigating development directly through allocation of sites. There are therefore likely to be short-term effects resulting from activity associated with the development of small scale, un-allocated sites within the NA.	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 NDP does not seek to bring forward allocation of small-scale sites that are not specifically detailed in the CELPS 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 NDP is likely to improve human health through positive assertions on protection of natural assets and sustainable	N

	transport.	
The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected) by the Plan.	CNDP covers the parish of Congleton Parish. The NDP is likely to affect a resident population of approximately 28,582 people over the life of the Plan across a parish located in a mainly urban area.	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 NA 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 NDP 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 Congleton Parish is also 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 NDP does not exceed environmental quality standards or limit values.	N
	Specific sites are not identified 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 SBIs, SSSI and areas of Ancient Woodland located within and immediately adjacent to the NA. However, the policies of the existing Development Plan and those that are included in the NDP seek to preserve and protect biodiversity and habitats.	N

	The NA does include designated landscapes however introduces policies that address landscapes, and views, that may be locally sensitive to development.	N
	The location of these sites within the NDP area makes their presence relevant however the limited levels of growth and locations of sites do not give rise to a significant impact to the environment.	N

Table 3

Assessment 2 Conclusion

3.8. The CNDP is unlikely to have a significant effect on the environment and Directive does not require an SEA.

3.5. Determining whether the NDP is likely to have a Significant Effect on Designated Sites

NDP Policy	Effect on European Designation
Policy 1 – Brownfield Land First	1B. No negative effect
Policy 2 – Householder Conversions and Extensions	1A. No negative effect
Policy 3 – Protection of Traditional Industrial Buildings	1B. No negative effect
Policy 4 – Ensuring a Vibrant Town Centre	1B. No negative effect
Policy 5 – Tourism and Leisure in Congleton	1B. No negative effect
Policy 6 – Local Retail Locations	1A. No negative effect
Policy 7 – Walking and Cycling Strategy	1A. No negative effect
Policy 8 – Sustainable and Public Transport	1A. No negative effect
Policy 9 – Local Ecological Networks	1B. No negative effect
Policy 10 – Accessibility to Health and Wellbeing	1C. No negative effect
Policy 11 – Education Development	1A. No negative effect
Policy 12 – The Future of Local Community Facilities	1C. No negative effect
Policy 13 – Congleton's Unique Character	1B. No negative effect
Policy 14 – Designated and Non-Designated Heritage Assets	1B. No negative effect
Policy 15 – Congleton's Landscape Character	1B. No negative effect
Policy 16 – Housing for an ageing population	1A. No negative effect
Policy 17 – Design at the Settlement Edge	1A. No negative effect
Policy 18 – Views, Vistas and Gateways	1B. No negative effect
Policy 19 – Biodiversity Net Gain and Improvement	1B. No negative effect
Policy 20 – Tree Protection and Planting	1B. No negative effect
Policy 21 – Pop-up Uses in the Town Centre	1C. No negative effect
Policy 22 – Areas for Improvement across the Town	1A. No negative effect

Table 4

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

Table 5

4. Screening Assessment Conclusion

- 4.1. The CNDP includes policies that support small scale development at a scale in conformity with the approach taken by the CELPS. It introduces criteria-based policies (that are yet to be finalised) that address local issues, but which do not alter the status of land to a degree which would have a significant effect on the environment.
- 4.2. There are no designated sites of European significance within the NA but there are within a 15km proximity, however, due to the nature of the policies, and that the NDP does not allocate sites for development, the effect of the plan on these sites is not considered to be significant. The CNDP 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.
- 4.3. The assessment therefore concludes that the CNDP is unlikely to have a significant effect on the environment or on designated sites and therefore an HRA and SEA are not required.

4.4. Monitoring of the NDP Policies

- 4.5. Whilst Congleton Town Council is committed to the delivery of the objectives held within the NDP, there may be circumstances where development will not come forward entirely as anticipated. CEC, as part of it's monitoring of the Development Plan, including this NDP, monitor performance through a Monitoring Report produced annually. The CNDP 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 CNDP. If these actions fail to address under performance, then other complementary plans and strategies should be reviewed.

5. Appendices

Appendix A: Responses from Statutory Consultees

Historic England



Historic England

Neighbourhood Planning
Cheshire East Council

Direct Dial: 0161 242 1445

Our ref: PL00797040
9 December 2024

Dear Neighbourhood Planning

Congleton Neighbourhood Development Plan - SEA Screening Report (revised)

We write in response to your e-mail of 1st November 2024 seeking a formal screening opinion from Historic England on the need to prepare a SEA for Congleton Neighbourhood Development Plan.

Historic England has produced a document that you might find helpful in providing guidance on the effective assessment of the historic environment in Strategic Environmental Assessments. This can be found at:

<https://www.historicengland.org.uk/images-books/publications/sustainability-appraisal-and-strategic-environmental-assessment-advice-note-8/>

For the purposes of this consultation, Historic England will confine the advice given to the question, "Is it likely to have a significant effect on the environment?", in respect to our area of concern, cultural heritage.

In the context of the criteria set out in Schedule 1 of the Environmental Assessment of Plans and Programmes Regulations 2004 [Annex II of SEA Directive], and on the basis of the information supplied, we concur that the draft plan is unlikely to have significant environmental effects upon the historic environment, and so Historic England are of the view that SEA is unlikely to be required.

We would like to stress that this opinion is based on the further information made available in your email dated 1st November 2024. To avoid any doubt, this decision does not preclude Historic England providing further advice on later stages of the SEA process, should this be required, nor objecting to specific proposals that may subsequently arise (either as a result of this consultation or in later versions of the plan/guidance), where we consider that these would have an adverse effect upon the historic environment. We note that the views of the other statutory consultation bodies should be taken into account before the overall decision on the need for SEA is made.

Historic England strongly advises that the conservation and archaeological staff of Cheshire East Council and Cheshire Archaeology Planning Advisory Service are



SUITES 3.3 AND 3.4 CANADA HOUSE 3 CHEPSTOW STREET MANCHESTER M1 5FW

Telephone 0161 242 1416
[HistoricEngland.org.uk](https://www.HistoricEngland.org.uk)

Historic England is subject to both the Freedom of Information Act (2000) and Environmental Information Regulations (2004). Any Information held by the organisation can be requested for release under this legislation.



Historic England

closely involved in the development of the plan. They are best placed to advise on: local historic environment issues and priorities, including access to data held in the HER (formerly SMR); how the policies or proposals can be tailored to minimise potential adverse impacts on the historic environment; the nature and design of any required mitigation measures; and opportunities for securing wider benefits for the future conservation and management of historic assets.

Thank you for consulting Historic England. We request that you please send us a copy of the determination as required by Reg 11 of the Environmental Assessment of Plans and Programmes Regulations 2004.

Yours sincerely,

Pippa Brown
Historic Places Adviser
Pippa.Brown@historicengland.org.uk

cc:



SUITES 3.3 AND 3.4 CANADA HOUSE 3 CHEPSTOW STREET MANCHESTER M1 5FW

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HistoricEngland.org.uk

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Environment Agency

Neighbourhood Plan Advice Note

Updated: February 2024

Neighbourhood Plans provide a unique opportunity to deliver enhancements to the natural environment at the local level. This document sets out the key environmental issues, within our remit, which should be considered.

We have had to prioritise our limited resource and focus on strategic plans where the environmental risks and opportunities are highest. This advice note sets out our substantive response to Neighbourhood Plan consultations including Strategic Environmental Assessment screening and scoping.

Together with Natural England, English Heritage and Forestry Commission we have published joint advice on neighbourhood planning which sets out sources of environmental information and ideas on incorporating the environment into plans. This is available at:

<https://neighbourhoodplanning.org/toolkits-and-guidance/consider-environment-neighbourhood-plans/>

Drawing up a neighbourhood plan is a fantastic opportunity to build community resilience to climate change and make the local natural environment better. Opportunities include:

- New green spaces and improvements to public space through new development. This could include planting trees, creating rainwater gardens or enhancing local waterways for water quality and biodiversity.
- Recognising the value of certain environmental features within a plan area, e.g. a floodplain, wetland habitat or rivers. Identify these features and outline how you intend to protect them and improve them.
- Helping a community to manage and adapt to the risk of flooding and climate change by incorporating natural features and green space to manage and store water, and supporting the use of sustainable drainage systems (SuDS).
- Promoting energy and water efficiency measures for new builds. These measures will reduce the cost of construction for developers and help to reduce utility bills for future occupiers. This will also help reduce unsustainable water consumption and carbon emissions.

We also recommend your Plan takes account of relevant Local Planning Authority's policies, plans and strategies including Local Planning Authority's Strategic Flood Risk Assessment, flood risk strategies (<https://www.gov.uk/government/collections/flood-risk-management-current-schemes-and-strategies>), and your local River Basin Management Plan (<https://www.gov.uk/guidance/river-basin-management-plans-updated-2022>) as appropriate.

customer service line
03708 506 506

incident hotline
0800 80 70 60

floodline
03459 88 11 88

The information below explains the key issues we would consider in reviewing your Plan. We aim to reduce flood risk, while protecting and enhancing the water environment.

Infrastructure Delivery

We recommend that environmental infrastructure, including habitat enhancements, water storage areas, and green space, is taken into account if the Plan looks to fund local infrastructure.

Flood risk

Development must be safe and should not increase the risk of flooding.

Neighbourhood Plans should conform to national and local policies on flood risk:

If a Neighbourhood Plan is proposing sites for development please check whether there are any areas of Flood Zones 2 or 3 within the proposed site allocations. You can view a site's flood zone on the Flood Map for Planning on our website: <https://flood-map-for-planning.service.gov.uk/>

If the proposed allocation is located within Flood Zone 2 or 3 you should consult the Flood Risk and Coastal Change pages of the National Planning Policy Guidance (NPPG):

<http://planningguidance.communities.gov.uk/blog/guidance/flood-risk-and-coastal-change/>.

Here you can determine whether the flood risk vulnerability of the proposed development and the flood zone are compatible. In accordance with national planning policy the Sequential Test should be undertaken to ensure development is directed to the areas of lowest flood risk taking into account climate change. This should be informed by the Environment Agency's Flood Map for Planning and the Local Planning Authority's Strategic Flood Risk Assessment (SFRA), if they have one. We recommend you contact the Local Planning Authority to discuss this requirement further.

If the Neighbourhood Plan proposes development in flood risk areas, any Strategic Environmental Assessment should include baseline information about the flood risks, and include it as a key sustainability issue and as an objective.

We would have concerns if development is allocated in this high risk flood zone without the Sequential Test being undertaken. It is important that your Plan also considers whether the flood risk issues associated with these sites can be safely managed to ensure development can come forward.

We can provide any flooding information which we have available – such as predicted flood levels and historical flood data. Please note that there may be a charge for this information. Please contact our Customers and Engagement Team at inforequests.gmmc@environment-agency.gov.uk for further details.

In addition to the above you should also check with the Local Planning Authority's Neighbourhood Planning team with regards to other sources of flooding (such as surface water, groundwater, sewers and historic flooding) as detailed in their Strategic Flood Risk Assessment (SFRA). The Lead Local Flood Authority (LLFA), now has responsibility for local flood risk management and may hold flooding information that is not identified on our Flood Map.

Climate Change Allowances

The Local Authority's Strategic Flood Risk Assessment should indicate the extent of flood zones with likely climate change. On 19 February 2016, we published new guidance for planners and developers on how to use climate change allowances: <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>

Flood Defences

Areas of your Neighbourhood Plan area, or proposed sites, may be given protection by a flood defence/alleviation scheme. Where this is the case the Plan should acknowledge this and identify the level of protection provided (including any climate change allowance). It should be noted that flood defences are intended to protect existing properties and are not to facilitate new development in areas that would otherwise be impacted by flooding. Any assessment of development behind flood defences should consider the impacts of a breach or overtopping. Where it is determined that new development should be behind a flood defence financial contributions may be sought to maintain or improve the structure.

Ecology and Water Management

Proximity to watercourse/ Ecology

Main rivers can be viewed on the Environment Agency's map: <https://environment.maps.arcgis.com/apps/webappviewer/index.html?id=17cd53dfc524433980cc333726a56386>

The neighbourhood plan should draw upon evidence of designated or non-designated sites of nature conservation sites of international, national or local importance, and seek to ensure these sites are safeguarded and there is no degradation to these sites. The mitigation hierarchy of avoid mitigate and compensate should be followed to ensure this.

In accordance with national policy, any development proposal should avoid significant harm to biodiversity and seek to protect and enhance it; delivering **biodiversity net gain**. [The Environment Act 2021](#) requires major developments from 12 February 2024 to demonstrate a minimum 10% biodiversity net gain using the Defra Biodiversity Metric 4.0, even where development proposals do not result in biodiversity loss. The Neighbourhood Plan could identify opportunities to incorporate requirements for achieving biodiversity and wider environmental net gains.

The provision of green infrastructure, particularly along rivers, can bring about benefits for people and wildlife. Creating networks of green space and habitats can also ensure wildlife are able to migrate and move across sites more easily enabling recovery and resilience of different wildlife species. The Neighbourhood Plan could play a role in helping to preserve, safeguard and establish green buffer zones along rivers by including policies or design guidance for their area. Even where buffer zones do not currently exist it is becoming more vital that we create them not just for the benefit of biodiversity but to reduce flood risk and increase our resilience to climate change.

This is a key way in which we can carry out our legal duty to further and promote the ecological and landscape value of rivers and land associated with them. In urban areas, in particular, rivers have often been degraded by past development, and we expect that any new development should go some way to redress the balance.

Neighbourhood Plans provide an opportunity to promote river restoration and enhancements helping us all to achieve the targets to improve waterbodies as part of the Water Framework Directive (WFD). There should be no deterioration in water quality and development should bring about improvements to the ecological status of any water body. Local WFD catchment data for the rivers in your area can be obtained from: <http://environment.data.gov.uk/catchment-planning/RiverBasinDistrict/>. We have identified WFD action measures for specific locations or whole reaches of watercourse (e.g. river bank restoration, improving fish passage, etc) and can be obtained from inforequests.gmmc@environment-agency.gov.uk on request.

Objectives to achieve WFD improvements across all sectors are outlined in the North West River Basin Management Plan (RBMP) (<https://www.gov.uk/government/publications/river-basin-management-plans-updated-2022-current-condition-and-environmental-objectives>).

An assessment of the potential impacts of the Neighbourhood Plan on watercourses under WFD should be included within the SEA/SA appraisal, making use of the datasets available above.

Groundwater Quality

Development must not cause pollution to the water environment.

Aquifers and Source Protection Zones

Some of your local area, and specific potential site allocations, may be located upon or within aquifers and Source Protection Zones (link below). SPZ 1 is especially sensitive. You might consider these within your Plan and when allocating sites. The relevance of the designation and the potential implication upon development proposals should be seen with reference to our Groundwater Protection guidance: <https://www.gov.uk/government/collections/groundwater-protection>

To see if a proposed development is located within a Source Protection Zone, please use our online map: <https://www.gov.uk/guidance/groundwater-source-protection-zones-spzs>

Land Contamination

You must consider land contamination when preparing your plan. Managing it during development is key to addressing past contamination and preventing further impacts during development.

You can establish if a site may be contaminated in several ways. Your Local Authority may hold a register of sites it knows to be contaminated. A list of potentially contaminated sites can be accessed on the following link:

<https://www.clare.co.uk/useful-government-legislation-and-guidance-by-country/76-key-documents/198-doe-industry-profiles>

We recommend you contact your Local Authority's Environmental Health team who may hold records on known/potential land contamination. Please note our primary concern is with regards to water quality. Your Local Authority's Environmental Health team will advise you on issues related to human health.

Your plan may include areas which are located on aquifers and Source Protection Zones. These areas represent the most sensitive and highest risk in terms of potential pollution to protected groundwater supplies, some of which are used for drinking water. These should be considered within your plan if growth or development is proposed here. Further information can be accessed on the following links:

Guiding principles for the Land Contamination:

<https://www.claire.co.uk/useful-government-legislation-and-guidance-by-country/192-guiding-principles-for-land-contamination-gplc>

Approach to Groundwater Protection:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/692989/Environment-Agency-approach-to-groundwater-protection.pdf

Water supply and foul drainage

When allocating sites in your Plan, you will need to consider if the water supply and foul drainage infrastructure can accommodate the development. Your local water company can provide further information about water supply and sewerage capacity. The Neighbourhood Plan should consider what further measures could help the local area achieve water sustainability that are not already in the Local Plan, water efficiency standards and measures including the retrofitting of existing buildings.

Surface water drainage

The inclusion of Sustainable Drainage Systems (SUDS) should always be a consideration within any development to reduce the risk of surface water flooding on and off site. The Lead Local Flood Authority, is the main contact for SUDS issues. However, we have interest in SUDS from a groundwater protection perspective and improving water quality.

The collection and dispersal of clean surface water to ground to recharge aquifer units and prevent localised drainage or surface systems flooding in heavy rainfall is encouraged. However, dispersal into the ground through soakaways or other infiltration systems requires a site-specific investigation and risk assessment. Generally, we would accept roof drainage going to soakaway (or other systems), but other surface drainage may need to go through treatment systems or to foul main, for instance vehicle parking. Infiltrating water has the potential to cause mobilisation of contaminants present in shallow soil/made ground which could ultimately cause pollution of underlying groundwater resources. Where contamination is known or suspected, remedial or other mitigating measures will likely be required so that it can be demonstrated that there is no resultant unacceptable risk to Controlled Waters.

We advise applicants to follow our guidance – Groundwater Protection. This is a report that highlights the importance of groundwater and encourages industry and other organisations to act responsibly and improve their practices. This can be found at:

<https://www.gov.uk/government/collections/groundwater-protection>

The design of the drainage systems should be in line with G1, G9, G12 and G13 position statements: <https://www.gov.uk/government/publications/groundwater-protection-position-statements>

Please note

This document is a response to a Neighbourhood Plan consultation and does not represent our final view in relation to any future planning application made in relation to any site. You should seek your own expert advice in relation to technical matters relevant to your neighbourhood plan before submission.

If you have any questions, please contact the Greater Manchester, Merseyside, and Cheshire Sustainable Places team: spplanning.rfh@environment-agency.gov.uk

Natural England

Date: 09 December 2024
Our ref: 492465
Your ref: Congleton Neighbourhood Plan



Cheshire East Council

BY EMAIL ONLY

neighbourhoods@cheshireeast.gov.uk

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

T 0300 060 3900

Dear Sir or Madam

Congleton Neighbourhood Plan - SEA Screening

Thank you for your consultation on the above dated and received by Natural England on .

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 (SEA)

It is Natural England's advice, on the basis of the material supplied with the consultation, that significant effects on statutorily designated nature conservation sites or landscapes are unlikely.

The proposed neighbourhood plan is unlikely to significantly affect any Site of Special Scientific Interest (SSSI), Marine Conservation Zone (MCZ), Special Areas of Conservation (SAC), Special Protection area (SPA), Ramsar wetland or sites in the process of becoming SACs or SPAs ('candidate SACs', 'possible SACs', 'potential SPAs') or a Ramsar wetland. The plan area is unlikely to have a significant effect on a National Park, Area of Outstanding Natural Beauty or Heritage Coast, and is unlikely to impact upon the purposes for which these areas are designated or defined.

Guidance on the assessment of Neighbourhood Plans, in line with the Environmental Assessment of Plans and Programmes Regulations 2004 is contained within the [Planning Practice Guidance](#). This identifies three triggers that may require the production of an SEA:

- 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.

Natural England does not hold information on the location of significant populations of protected species, so is unable to advise whether this plan is likely to affect protected species to such an extent as to require an SEA. Further information is included in Natural England's [standing advice](#) on protected species.

Furthermore, Natural England does not routinely maintain locally specific data on all environmental assets. The plan may have environmental impacts on priority species and/or habitats, local wildlife sites, soils and best and most versatile agricultural land, or on local landscape character that may be sufficient to warrant an SEA. Information on ancient woodland, ancient and veteran trees is set out in Natural England/Forestry Commission [standing advice](#).

We therefore recommend that advice is sought from your ecological, landscape and soils advisers, local record centre, recording society or wildlife body on the local soils, best and most versatile agricultural land, landscape, geodiversity and biodiversity receptors that may be affected by the plan before determining whether a SEA is necessary.

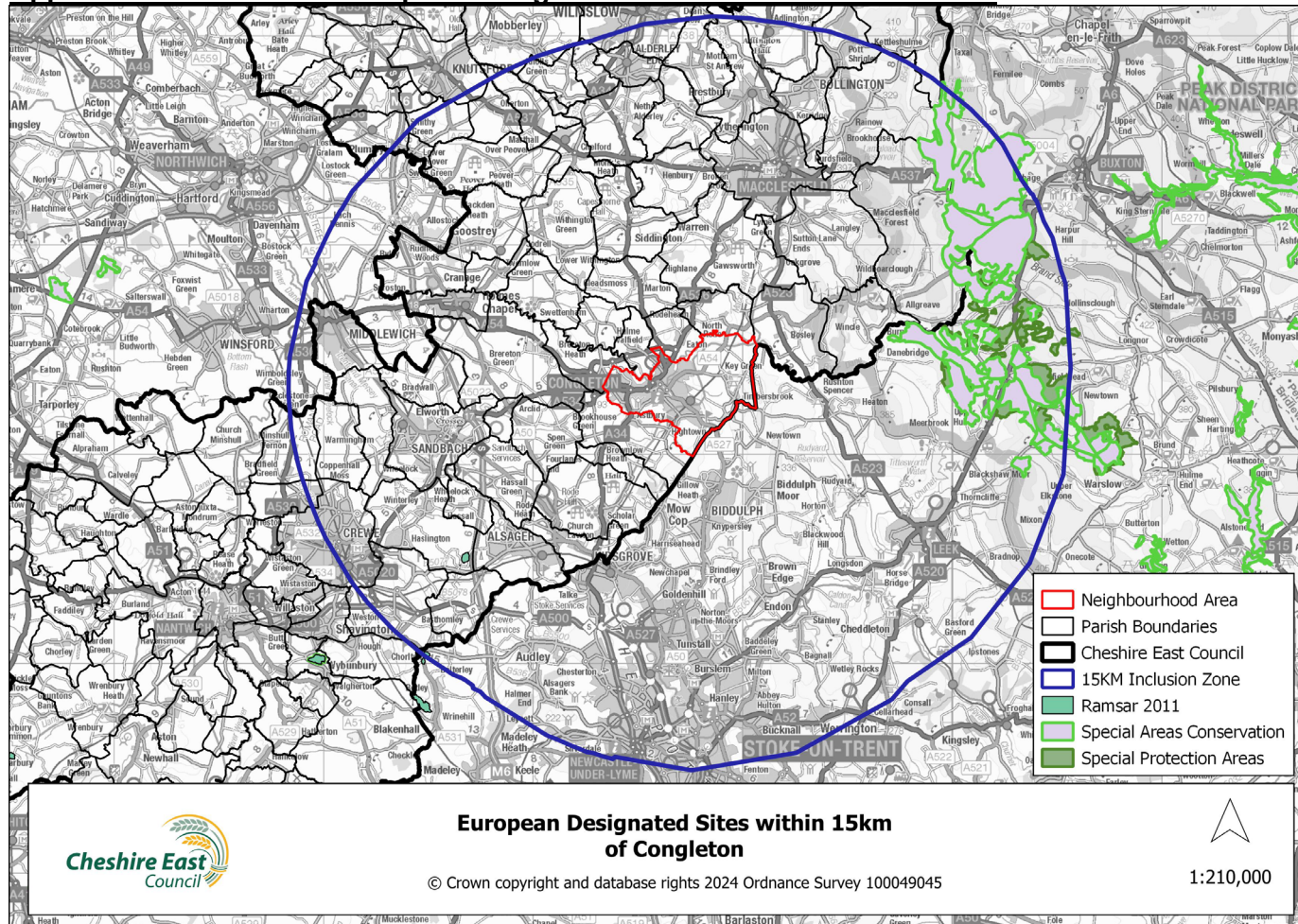
Natural England reserves the right to provide further advice on the environmental assessment of the plan. This includes any third party appeal against any screening decision you may make. If a SEA is required, Natural England must be consulted at the scoping and environmental report stages.

Please send any new consultations, or further information on this consultation to consultations@naturalengland.org.uk.

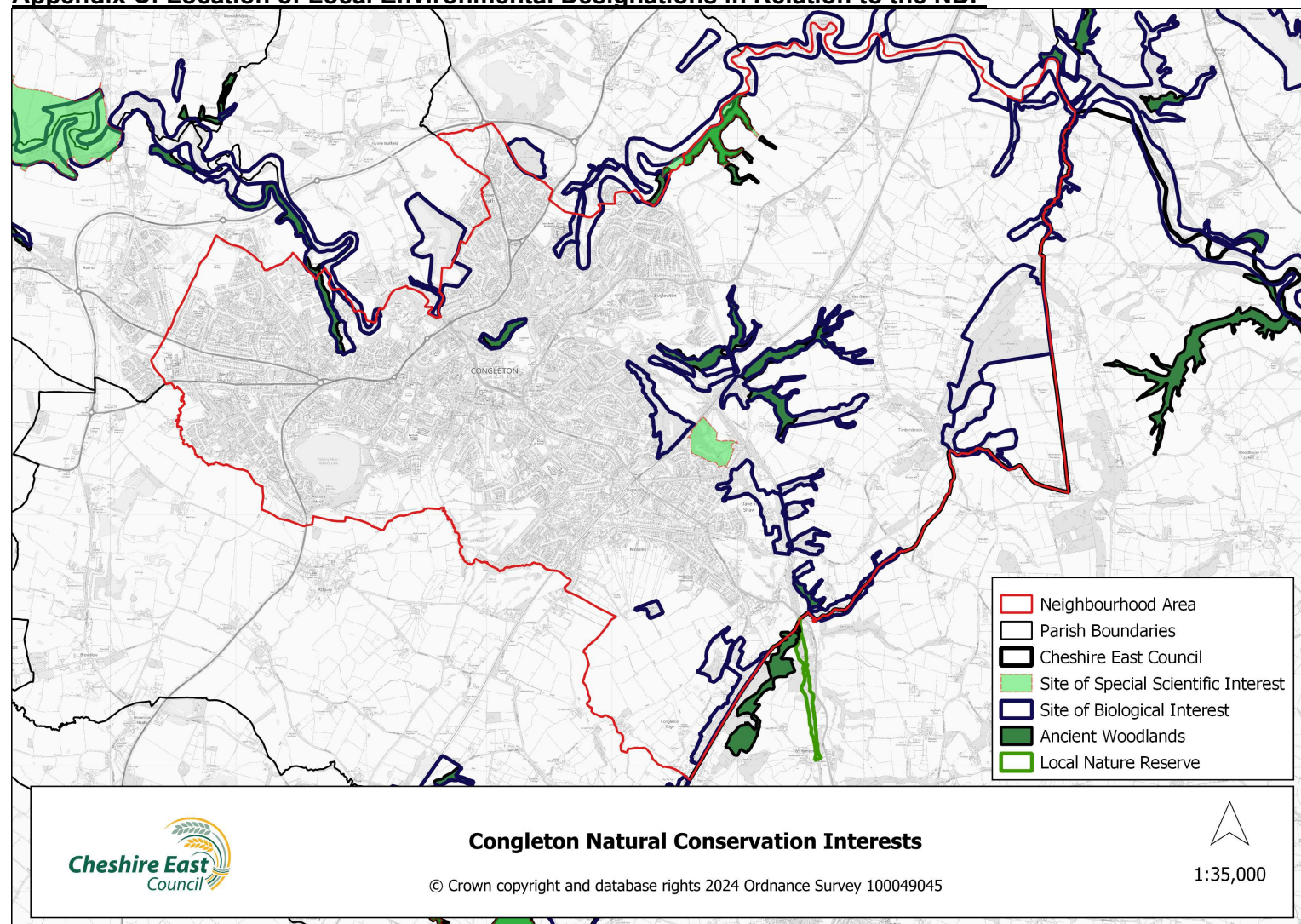
Yours faithfully

Chloe Lancaster
Consultations Team

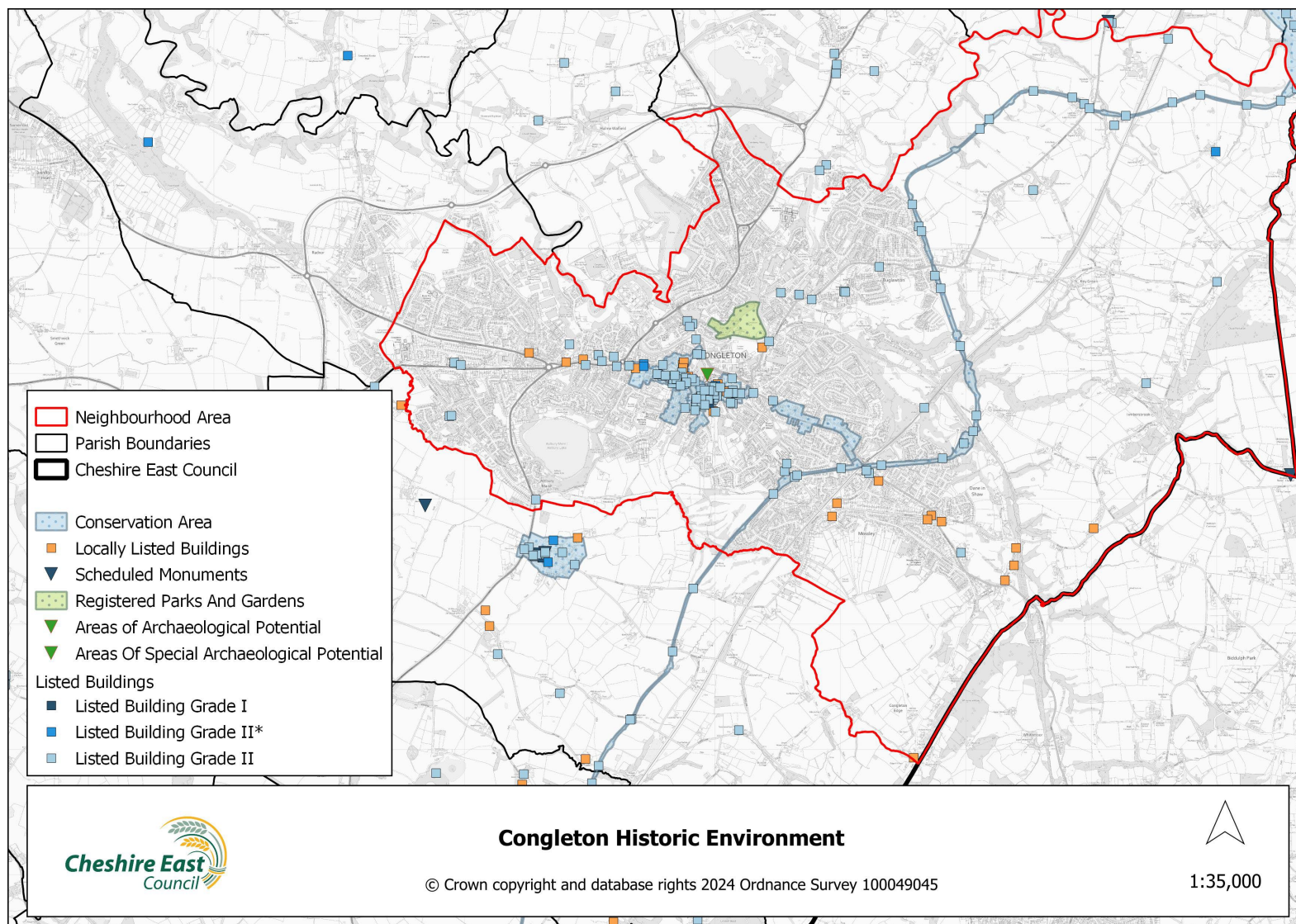
Appendix B: Location of European Designated Sites in Relation to the NDP



Appendix C: Location of Local Environmental Designations in Relation to the NDP



Appendix D: Location of Designated Historic Assets in Relation to the NDP



Appendix E: Location of Flood Risk Zones in Relation to the NDP

