



# Strategic Environmental Assessment Screening Opinion Determination

Carlton Colville

Neighbourhood Plan 2020-2036

Pre-Submission (Regulation 14) Consultation Version

February 2022

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# 1. Introduction

In some circumstances a Neighbourhood Plan could have significant environmental effects and may fall within the scope of the Environmental Assessment of Plans and Programmes Regulations 2004 (as amended, including through EU Exit legislation) and so require Strategic Environmental Assessment.

One of the basic conditions that will be tested by the independent examiner is whether the making of the Plan is compatible with European Union Obligations. Whether a Neighbourhood Plan requires a strategic environmental assessment, and the level of detail needed, will depend on what is proposed in the draft Neighbourhood Plan.

This screening report is designed to test whether or not the contents of the Carlton Colville Neighbourhood Development Plan (Draft for Consultation March 2022) (the draft NP) requires a full Strategic Environmental Assessment (SEA). The legislative background below outlines the regulations that require the use of this screening exercise. Section 4 provides a screening assessment of the likely significant effects of the Plan and the need for a full SEA.

## 2. Legislative Background

The basis for Strategic Environmental Assessments and Sustainability Appraisal legislation is European Directive 2001/42/EC 'on the assessment of the effects of certain plans and programmes on the Environment'. This document is also known as the Strategic Environmental Assessment (or SEA) Directive. European Directive 2001/42/EC was transposed into English law by the Environmental Assessment of Plans and Programmes Regulations 2004 (as amended, including through EU Exit legislation), or SEA Regulations.

The SEA Regulations include a definition of 'plans and programmes' to which the regulations apply, and which programmes are required by legislative, regulatory or administrative provisions.

A Neighbourhood Plan is not required by legislative, regulatory or administrative provisions. It is an optional process under the provision of the Town and Country Planning Act 1990 (subsequently amended by the Localism Act 2011). However, once a Neighbourhood Plan is 'made' it becomes part of the statutory development plan for the area to which it applies. As such, it therefore forms part of a plan that is required by legislative provisions.

### 3. Criteria for determining the likely significance of effects referred to in Article 3(5) of Directive 2001/42/EC

The Neighbourhood Plan triggers a requirement to determine whether it is likely to have a significant environmental effect. This requirement is discharged by the 'responsible authority' being the authority by which or on whose behalf the plan is prepared. Before making a determination, the responsible authority shall: -

- a) Take into account the criteria specified in Schedule 1 to these Regulations (EIA Regulations); and
- b) Consult the consultation bodies.

The consultation bodies are defined in section 4 of the SEA Regulations (as amended through EU Exit legislation). As the responsible authority, East Suffolk Council sought opinions from the statutory consultation bodies: Historic England; the Environment Agency; and Natural England. The responses from the statutory consultation bodies have been added to this screening determination as appendices.

Schedule 1 of the EIA Regulations sets out the criteria for determining likely significant effects as follows:

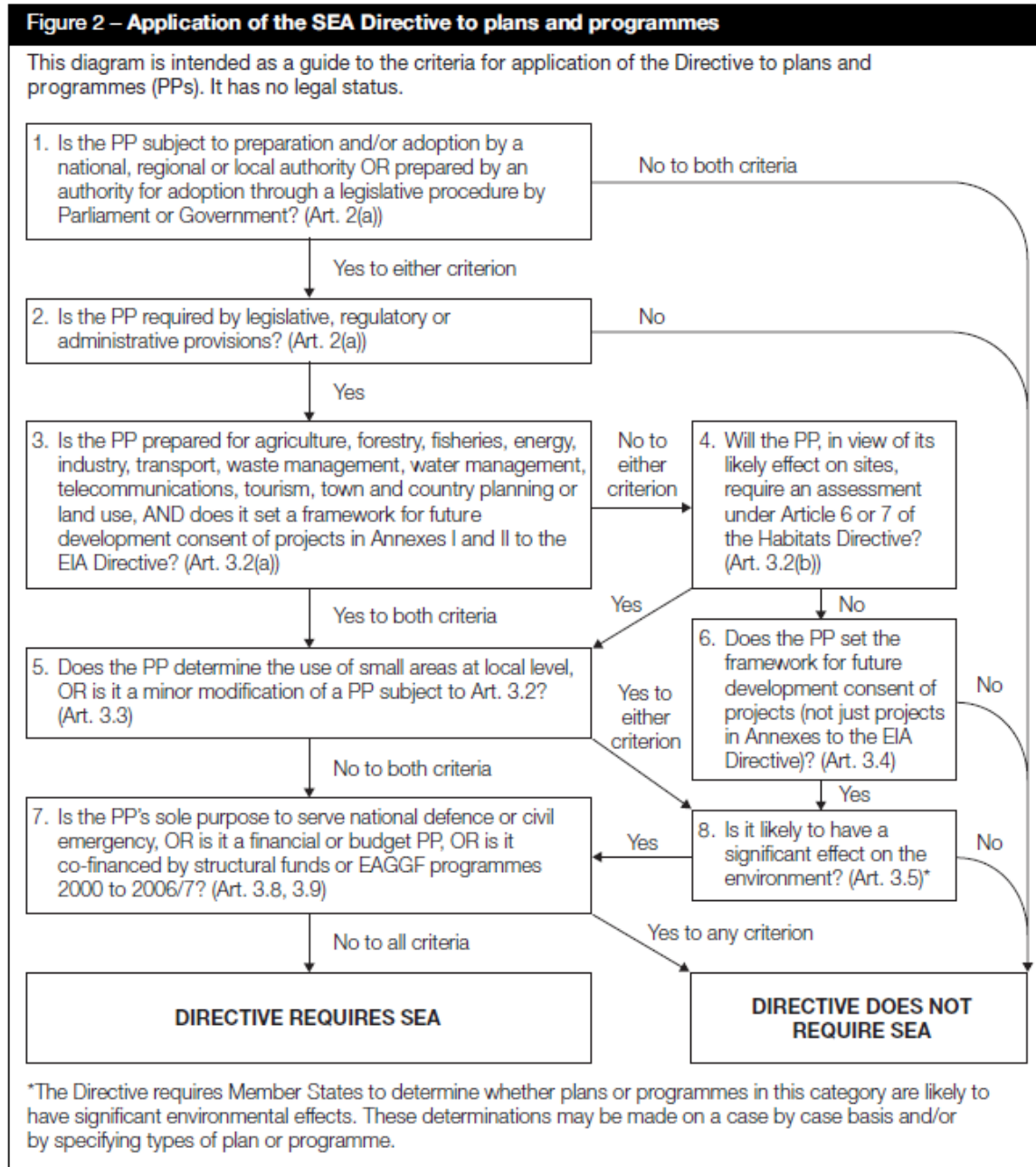
1. The characteristics of plans and programmes, having regard, in particular, to:
  - The degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources,
  - The degree to which the plan or programme influences other plans and programmes including those in a hierarchy,
  - The relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development,
  - Environmental problems relevant to the plan or programme,
  - The relevance of the plan or programme for the implementation of community legislation on the environment (e.g. plans and programmes linked to waste-management or water protection).
2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:
  - The probability, duration, frequency and reversibility of the effects,
  - The cumulative nature of the effects,
  - The trans boundary nature of the effects,

- The risks to human health or the environment (e.g. due to accidents),
- The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)
- the value and vulnerability of the area likely to be affected due to:
  - special natural characteristics or cultural heritage;
  - exceeded environmental quality standards or limit values;
  - intensive land-use; and
  - the effects on areas or landscapes which have a recognised national, community or international protection status.

Source: Annex 2 of SEA Directive 2001/42/EC

## 4. Assessment

The diagram below illustrates the process for screening a planning document to ascertain whether a full SEA is required.



Source: A Practical Guide to the Strategic Environmental Assessment Directive (2005)

The following assessment applies the questions from the preceding diagram. The answers determine whether the Neighbourhood Plan will require a full Strategic Environmental Assessment.

**1. Is the PP 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))**

Yes. The preparation and adoption of the Neighbourhood Plan is allowed under the Town and Country Planning Act 1990 as amended by the Localism Act 2011. The Neighbourhood Plan is being prepared by Carlton Colville Town Council as the relevant body and, subject to successful completion of the relevant processes as set out in the Neighbourhood Planning (General) Regulations 2012 (as amended) and the Neighbourhood Planning (Referendums) Regulations 2012 (as amended), will be made by East Suffolk Council as the local authority.

**2. Is the PP required by legislative, regulatory or administrative provisions? (Art. 2(a))**

No. A Neighbourhood Development Plan is not required by legislative, regulatory or administrative provisions. It is an optional process under the Town and Country Planning Act 1990 (amended by the Localism Act 2011). However, once a Neighbourhood Plan is made it becomes part of the statutory development plan for the area to which it applies. As such it forms part of a plan that is required by legislative provisions.

**3. Is the PP prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water 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))**

Yes. The Neighbourhood Plan falls within the category town and country planning and relates to the local (parish) level. The designated neighbourhood plan area constitutes the entire Carlton Colville Parish administrative boundary, plus the area of Gisleham Parish covered by site allocation WLP2.16 Land South of The Street, Carlton Colville. The current draft NP contains 8 numbered policies, none of which allocate land for built development. The neighbourhood plan policies identify key views and movement routes through the Neighbourhood Plan Area as well as principles for the delivery of community infrastructure on WLP2.16 allocated in the Waveney Local Plan. Policy support in the draft NP is provided for: high quality design, Biodiversity Net Gain and the retention of dark skies. The full list of neighbourhood plan policies is:

- Policy CC1: High Quality Design
- Policy CC2: Particular Views
- Policy CC3: Key Movement Routes
- Policy CC4: Car Parking
- Policy CC5: Biodiversity Net Gain and Wildlife-Friendly Development
- Policy CC6: Dark Skies and Lighting
- Policy CC7: Community Provision at Bell Farm Allocation
- Policy CC8: Carlton Colville Country Park



The neighbourhood plan policies have their basis in strategic policies set out in the Waveney Local Plan adopted March 2019. Part of the Neighbourhood Plan area also falls within the Broads Authority area, therefore the Neighbourhood Plan has also given consideration to the strategic policies with the Broads Authority Local Plan adopted May 2019.

The Waveney Local Plan identifies Carlton Colville as part of the Lowestoft area and allocates 56% of growth to the whole area. The Waveney Local Plan allocates a settlement boundary for the whole Lowestoft area, including Carlton Colville, and there 16 specific site allocations for housing, employment and mixed-use development across the wider Lowestoft area. Of the 16, 2 fall wholly or partly within the Neighbourhood Plan area. The site allocations are:

- WLP2.16: Land South of The Street, Carlton Colville/Gisleham
- WLP2.19: Oakes Farm, Beccles Road, Carlton Colville

The neighbourhood area also borders the South Lowestoft Industrial Estate, which includes an allocation for employment development at WLP2.17: Land at South Lowestoft Industrial Estate.

The Waveney Local Plan includes a number of policies for the Lowestoft area. Those of relevance to the Carlton Colville Neighbourhood Plan area are:

- A settlement boundary (WLP1.2)
- Existing Employment Area (WLP8.12)
- Local Shopping Centre (WLP8.20)
- Open Space (WLP8.23)

The neighbourhood plan makes no change to these strategic policies and is not considered to impact on other strategic designations. The Waveney Local Plan and Broads Authority Local Plan have been subject to both Sustainability Appraisal (including Strategic Environmental Assessment) and Appropriate Assessment under the Habitat Regulations.

The Waveney Local Plan including supporting documents and policy maps can be viewed here: <https://www.eastsuffolk.gov.uk/planning/planning-policy-and-local-plans/waveney-local-plan/>

The Broads Authority Local Plan including supporting documents and policy maps can be viewed here: <https://www.broads-authority.gov.uk/planning/planning-policies/development>

**4. Will the PP, 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))**

No. The draft NP does not allocate any land for built development over and above the Waveney Local Plan and Broads Authority Local Plan which have already been subject to an Appropriate Assessment under the Habitats Regulations. A separate Habitats Regulations Assessment Screening Statement has been produced for the Neighbourhood Plan and this concludes that an Appropriate Assessment will not be required (currently in draft form).

**5. Does the PP determine the use of small areas at local level, OR is it a minor modification of a PP subject to Art. 3.2? (Art. 3.3)**

Yes. The draft neighbourhood plan relates to the entire administrative area of Carlton Colville Parish Council and part of Gisleham Parish. The policies do not relate to the allocation of land for built development. The Waveney Local Plan sets out settlement boundaries around the Lowestoft Area within which residential, employment and town centre development is directed. As mentioned in 3., while there are no specific sites allocated for development in the neighbourhood plan, there are 2/3 site allocations within the Waveney Local Plan that fall within the neighbourhood plan area. Waveney Local Plan policies also allow opportunities for development outside of the settlement boundaries but this can take place only when specific criteria are met. Development may also come forward as agricultural 'permitted development'.

The neighbourhood plan does define specific designations relating to key views and movement routes in the neighbourhood area which will need to be considered by new development.

**6. Does the PP set the framework for future development consent of projects (not just projects in annexes to the EIA Directive)? (Art 3(4))**

Yes. The draft NP does not, on its own, set the framework for future development consent of projects. By virtue of its inclusion as part of the Development Plan, upon the making of the Neighbourhood Plan, the Neighbourhood Plan contributes to the framework for future development consent of projects. Thus, the Neighbourhood Plan does contribute to the setting of the framework. The draft Neighbourhood Plan is prepared in the context of the Waveney Local Plan and Broads Authority Local Plan which have been subject to Sustainability Appraisal (incorporating the requirement for SEA) and Habitats Regulations Assessment.

**7. Is the PP's sole purpose to serve the national defence or civil emergency, OR is it a financial or budget PP, OR is it co-financed by structural funds or EAGGF programmes 2000 to 2006/7? (Art 3.8, 3.9)**

No. Not applicable.

**8. Is it likely to have a significant effect on the environment? (Art. 3(5))**

No. The plan does not allocate land for built development. Within the Neighbourhood Plan area there is the Sprat's Water and Marshes Site of Special Scientific Interest, and the Broads Ramsar Site, Special Protection Area and Special Area of Conservation, all in the northern part of the Neighbourhood Area. Scheduled Monuments and Listed Buildings are also located within the Neighbourhood Area. Policies within the Neighbourhood Plan seek to protect the landscape and promote high quality design to protect the character of the area.

## 5. Conclusion

The Carlton Colville Neighbourhood Plan Pre-Submission (Regulation 14) Consultation Version does not allocate land for built development and applies to a localised area. All of the policies reflect and implement strategic policies in the Waveney Local Plan (March 2019) and Broads Authority Local Plan (May 2019) which have been subject to Sustainability Appraisal including Strategic Environmental Assessment and Appropriate Assessment under the Habitats Regulations Assessment. It is considered by East Suffolk Council, in consultation with the Environment Agency, Historic England and Natural England, that it is not necessary for a Strategic Environmental Assessment to be undertaken of the Carlton Colville Neighbourhood Plan to ensure compliance with EU obligations.

Signed:

A handwritten signature in black ink that reads "D. Reed". The signature is written in a cursive style with a large, looped 'D'.

Dated: 21<sup>st</sup> April 2022

Desi Reed  
Planning Manager (Policy, Delivery & Specialist Services)  
East Suffolk Councils

# Appendix 1 Response from Natural England

Date: 05 April 2022  
Our ref: 385407  
Your ref: Draft Carlton Colville Neighbourhood Plan SEA / HRA

East Suffolk District Council  
[REDACTED]

BY EMAIL ONLY



Hombeam House  
Crewe Business Park  
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Crewe  
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CW1 6GJ

T 0300 060 3900

Dear Sir or Madam

**Draft Carlton Colville Neighbourhood Plan SEA / HRA**

Thank you for your consultation on the above dated 02 March 2022 which was received by Natural England on 02 March 2022

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

## **Screening Request: Strategic Environmental Assessment**

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

## **Neighbourhood Plan**

Guidance on the assessment of Neighbourhood Plans, in light of the 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, for instance where:

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

We have checked our records and based on the information provided, we can confirm that in our view the proposals contained within the plan will not have significant effects on sensitive sites that Natural England has a statutory duty to protect.

We are not aware of significant populations of protected species which are likely to be affected by the policies / proposals within the plan. It remains the case, however, that the responsible authority should provide information supporting this screening decision, sufficient to assess whether protected species are likely to be affected.

Notwithstanding this advice, Natural England does not routinely maintain locally specific data on all potential environmental assets. As a result the responsible authority should raise environmental issues that we have not identified on local or national biodiversity action plan species and/or habitats, local wildlife sites or local landscape character, with its own ecological and/or landscape advisers, local record centre, recording society or wildlife body on the local landscape and biodiversity receptors that may be affected by this plan, before determining whether an SA/SEA is necessary.

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

For any queries relating to the specific advice in this letter only please contact **Julian Clarke** on **0300 060 3900** For any new consultations, or to provide further information on this consultation please send your correspondences to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

Yours faithfully

Julian Clarke  
Consultations Team

## Appendix 2 Response from Environment Agency

Good morning Ben,

Thank you for your below email. We can confirm that we do not disagree with the conclusion reached within the SEA screening document.

Kind regards,

Natalie Kermath

## Appendix 3 Response from Historic England

Dear Ben,

Thank you for inviting Historic England to comment on this consultation. As the Government's adviser on the historic environment Historic England is keen to ensure that the protection of the historic environment is fully taken into account at all stages and levels of the local planning process. Therefore we welcome this opportunity to review the Screening Report for this plan. For the purposes of this consultation, Historic England will confine its advice to the question, "Is it (the Carlton Colville Neighbourhood Plan) likely to have a significant effect on the historic environment?". Our comments are based on the information supplied with the Screening Opinion.

The Screening Report indicates that the Council considers 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.

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 with the Council that the preparation of a Strategic Environmental Assessment is not required.

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.

I should be pleased if you can send a copy of the determination as required by REG 11 of the Environmental Assessment of Plans and Programmes Regulations 2004.

We should like to stress that this opinion is based on the information provided by you with your correspondence. To avoid any doubt, this does not reflect our obligation to provide further advice on later stages of the SEA process and, potentially, object to specific proposals which may subsequently arise (either as a result of this consultation or in later versions of the plan) where we consider that, despite the SEA, these would have an adverse effect upon the environment.

Historic England strongly advises that the conservation and archaeological staff of the relevant local authorities are closely involved throughout the preparation of the plan and its assessment. They are best placed to advise on; local historic environment issues and priorities, including access to data held in the Historic Environment Record (HER), how the allocation, policy or proposal 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 heritage assets.

Please do contact me, either via email or the number below, if you have any queries.

Kind regards,



Edward

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Edward James  
Historic Places Adviser - East of England  
Historic England

Direct Line: [REDACTED]

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**Historic England**

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