



Strategic Environmental Assessment Screening Opinion Statement

November 2016

Melton Neighbourhood Plan



Neighbourhood Plan

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Strategic Environmental Assessment Screening Determination November 2016

1. Introduction

In some circumstances a Neighbourhood Plan can have significant environmental effects and may fall within the scope of the Environmental Assessment of Plans and Programmes Regulations 2004 and so require strategic environmental assessment (SEA).

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 follows a screening opinion that is designed to test whether or not the contents of the Melton Neighbourhood Plan require 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, 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 Development 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 the responsible authority, Suffolk Coastal District Council has sought the opinions of the statutory consultation bodies, Historic England, the Environment Agency and Natural England.

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

- 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).

Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:

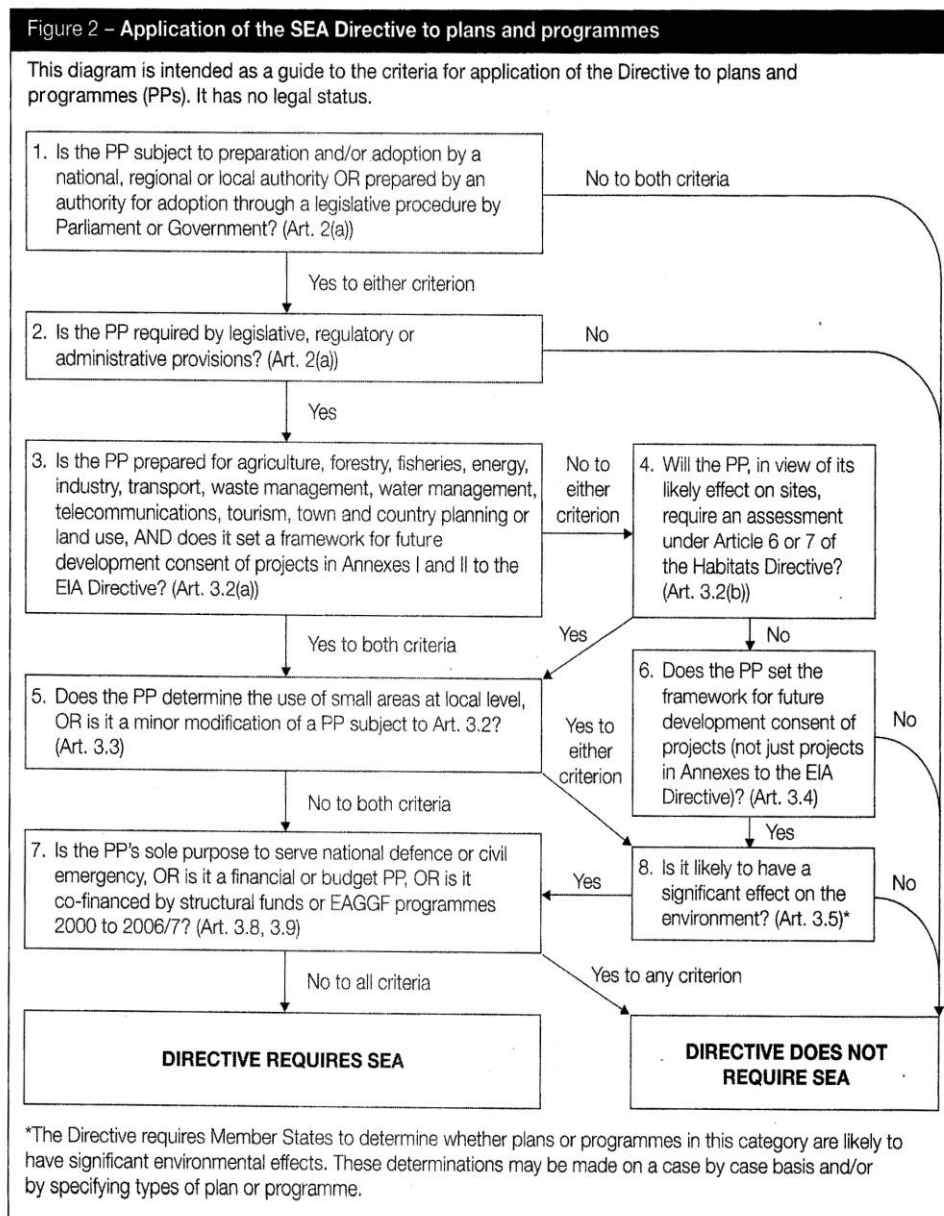
- The probability, duration, frequency and reversibility of the effects.
- The cumulative nature of the effects.
- The trans boundary nature of the effects.
- The risks to human health or the environment (e.g. due to accidents).
- The magnitude and spatial extent of the effects (geographical area and 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 diagram above. 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 Melton Parish Council as the relevant body and, subject to successful completion of the relevant processes as set out in the Neighbourhood Planning (General) Regulations 2012 and the Neighbourhood Planning (Referendums) Regulations 2012, will be made by Suffolk Coastal District Council as the local authority to become part of the statutory Development Plan for that part of the district.

- 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 is prepared for town and country planning and land use. The Neighbourhood Plan contains policies to determine the use of land at the local (parish) level (Art3 (3)). It implements strategic policies in the Suffolk Coastal District Local Plan – Core Strategy and Development Management Policies (adopted 2013) as they relate to the Melton Neighbourhood Plan Area and insofar as part of the plan area comprises part of the greater Woodbridge area identified under strategic policy SP26 Woodbridge.

- 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))**

Yes. The scope of the plan includes a range of policies which re-confirm policies for existing sites including employment and public open space. It will incorporate sites for which new housing has been permitted as well as one

new mixed use allocation. The mixed use allocation includes provision for new housing (approximately 50 homes), employment and potentially a community farm. Other policies look to improve local access through improvements to the foot and cycle path network.

The policies contained in the neighbourhood plan will help implement the policies in the Core Strategy and in particular, will help to contribute to the district wide housing requirement. The Core Strategy was subject to both Sustainability Appraisal (including Strategic Environmental Assessment) and Appropriate Assessment under the Habitats Regulations. That assessment identified a significant effect on Natura 2000 sites from the scales of housing growth proposed and the potential for recreational disturbance particularly from people and dog walkers and other recreational use of the Deben estuary (and other Natura 2000 sites). The neighbourhood plan, when considered cumulatively with other site allocations plans and recently permitted development at Woods Lane for 180 homes is (in conjunction with other sites within the greater Woodbridge area (policy SP26) proposing an increased level of housing above the 300 contribution the scale of housing anticipated for this part of the district. The siting of the mixed use allocation with the possibility for the re-siting of the community farm, very close to the existing Melton Riverside park on the opposite side of the A1152 has the potential to create a “destination” intensifying the use of this part of the estuary. The mixed use site would build on part of the There is a distinct difference in the character and current intensity of use of that part of the estuary to the west of the A1152 adjacent the mixed use site and that on the eastern side of the A1152.

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 Neighbourhood Plan allocates sites for the development of new housing, employment, public open space and community uses within the neighbourhood plan area.

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 Neighbourhood Plan is used for the determination of planning applications including new housing sites and updates policies in relation to existing employment sites and public open space areas..

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))

Potentially, as the Neighbourhood Plan proposes to allocate land for housing and for a community farm in close proximity to a Natura 2000 site. It also includes policies for improvements to the foot and cycle path network which may encourage additional recreational disturbance on or close to the estuary as set out under question 4 above.

5. Conclusion

The plan area is located on the Deben Estuary which is designated for its landscape and nature conservation interest (a Natura 2000 site). As the Melton Neighbourhood Plan will include policies and proposals relating to land use and development there is the potential for the plan to affect a European protected site.

It is considered by Suffolk Coastal District Council in consultation with the Environment Agency, Historic England and Natural England that it will be necessary to undertake a SEA in order to ensure compliance with EU obligations.

A copy of the response received from each of the statutory consultees is attached as Appendix 1 to this determination statement.

Philip Ridley BSc(Hons) MRTPI
Head of Planning & Coastal Management
Suffolk Coastal and Waveney District Councils

APPENDIX 1 – RESPONSES FROM STATUTORY CONSULTEES

Natural England (email response John Jackson)

Dear Hillary,

We agree with the conclusion of the SEA scoping opinion that SEA is required. In terms of sustainability objectives (Table 5.1, 1) we recommend that the criterion for SSSI etc. is amended to ;

Area *and condition* of SSSIs/SPAs/SACs/Ramsar sites within the parish.

Best Regards

John

Historic England (email response Dr Natalie Gates)

Dear Hilary

Unfortunately, resourcing is an issue at the moment. Historic England has published a number of Good Practice Advice and Advice Notes which you may find useful in relation to Neighbourhood Plans. In particular:

Good Practice Advice in Planning 1 – the historic environment in local plans:
<https://historicengland.org.uk/images-books/publications/gpa1-historic-environment-local-plans/>

Advice Note 3 – site allocations in local plans:
<https://historicengland.org.uk/images-books/publications/historic-environment-and-site-allocations-in-local-plans/>.

Strategic Environmental Assessment, Sustainability Appraisal and the Historic Environment: https://content.historicengland.org.uk/images-books/publications/strategic-environ-assessment-sustainability-appraisal-historic-environment/SA_SEA_final.pdf/

We have also produced updated advice on the matter which is currently out for public consultation. This document, entitled Sustainability Appraisal and Strategic Environmental Assessment Historic England Advice Note 8 can be found at: <http://content.historicengland.org.uk/content/docs/guidance/sea-advice-note-consultation-draft-jul16.pdf>

Neighbourhood Plans which include site allocations will need an SEA/SA, however, some LPAs have included these sites within the Local Plan SEA/SA in which case, unless the NP differs or has introduced new sites, it is unlikely that a separate SEA/SA will be required for the NP, please see our guidance for more specific details. NPs which do not include site allocations generally do not require and SEA/SA but where policy/ies are proposed which would

have a significant impact on heritage asset/s this may not be the case. Please refer to our guidance for more information, but if you have a specific query do not hesitate to contact us.

Best wishes,

Natalie

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Environment Agency (email response Graham Steel)

Dear Ms Hanslip

MELTON NEIGHBOURHOOD PLAN SEA SCOPING

Thank you for consulting us on this scoping exercise which we received on 7 October 2016. To ensure that the assessment will appropriately address the environmental issues we consider important for the area we are providing comments on:

Flood risk

The water environment

Soil

Foul water disposal

River basin management plan (RBMP)

Flood risk

Section 3.18 states that sections of the eastern part of the parish closest to the River Deben are classified as Flood Zone 3. This is the high probability flood zone, with an annual probability of flooding of 0.5% (1 in 200 chance). Some land is also classified as Flood Zone 2, the medium risk flood zone, with an annual probability of flooding of 0.1% (1 in 1000 chance) so it may be beneficial to include this in the text. Table 5.1 showing sustainability objectives and criteria for the neighbourhood plan states 'Number of developments in 'highly vulnerable' or 'more vulnerable' flood risk areas'. This is not worded correctly; if the intention was to detail the number of developments in the areas at risk of flooding then this should instead be phrased as 'number of developments in Flood Zone 3 (high probability) and Flood Zone 2 (medium probability)'.

Or if the intention was to look at the number of 'highly vulnerable' developments (e.g. police stations, residential caravans etc.) and 'more vulnerable'

developments (e.g. dwellings, short-let caravans etc.) in flood risk areas then a better wording would be 'number of highly vulnerable and more vulnerable developments in Flood Zone 3 (high probability) and Flood Zone 2 (medium probability)'. The vulnerability of a development is defined in Table 2 in the Planning Practice Guidance

<http://planningguidance.communities.gov.uk/blog/guidance/flood-risk-and-coastal-change/flood-zone-and-flood-risk-tables/table-2-flood-risk-vulnerability-classification/>

Melton is protected from tidal flooding by flood defences along the River Deben. However over time the flood levels will rise with the impacts of climate change, so the defences would not offer the same standard of protection. Consequently in the future the defences are likely to need to be improved and raised. This may require the defence to be widened, so it will be important to ensure that future development or activities do not restrict our ability to do this. It is also important to maintain our maintenance and repair access to the flood defence assets. Development that encroaches this access may not secure and permit for flood defence activities. It would be beneficial if future development in Melton could contribute to the funding of future improvements to the flood defences on the River Deben.

As there are areas at risk of surface water flooding in Melton we recommend that you consult with the Lead Local Flood Authority Suffolk County Council.

The water environment

The section entitled "Water," page 19 and following may wish to make reference to the south of the area being situated over a Source Protection Zone 2 and across the whole area Principle and Unproductive Aquifers. These features will require future developments to put in place measures to protect the water environment.

Soil

Section 3.23 may wish to make reference to the area being a Nitrate Vulnerable Zone.

Foul water disposal

Development that proposes to dispose of foul water to the existing sewer network will increase the discharge loading from the receiving sewage treatment works which may have an adverse impact on the consented permit and subsequent water quality issues.

River basin management plan

Reference to the Anglian RBMP should be updated to refer to the latest information, data sets and targets, February 2016,

<https://www.gov.uk/government/publications/anglian-river-basin-district-river-basin-management-plan>

We trust this advice is useful. The comments set out above are without prejudice to future decisions we make regarding any applications subsequently made to us for our permits or consents or future development proposals.

Yours sincerely

Mr GRAHAM STEEL - Sustainable Places - Planning Advisor

