

Strategic Environmental Assessment Screening Opinion Determination

October 2018

Mutford Neighbourhood Development Plan (V10.46)



Neighbourhood Plan

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Strategic Environmental Assessment Screening Opinion Determination August 2018

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 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 Mutford Neighbourhood Development Plan (draft V 10.46) 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, 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 the responsible authority, Waveney District Council has sought the opinions of the statutory consultation bodies Natural England; Environment Agency and Historic England. Their responses are attached as appendices 1-3 to this screening determination.

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).

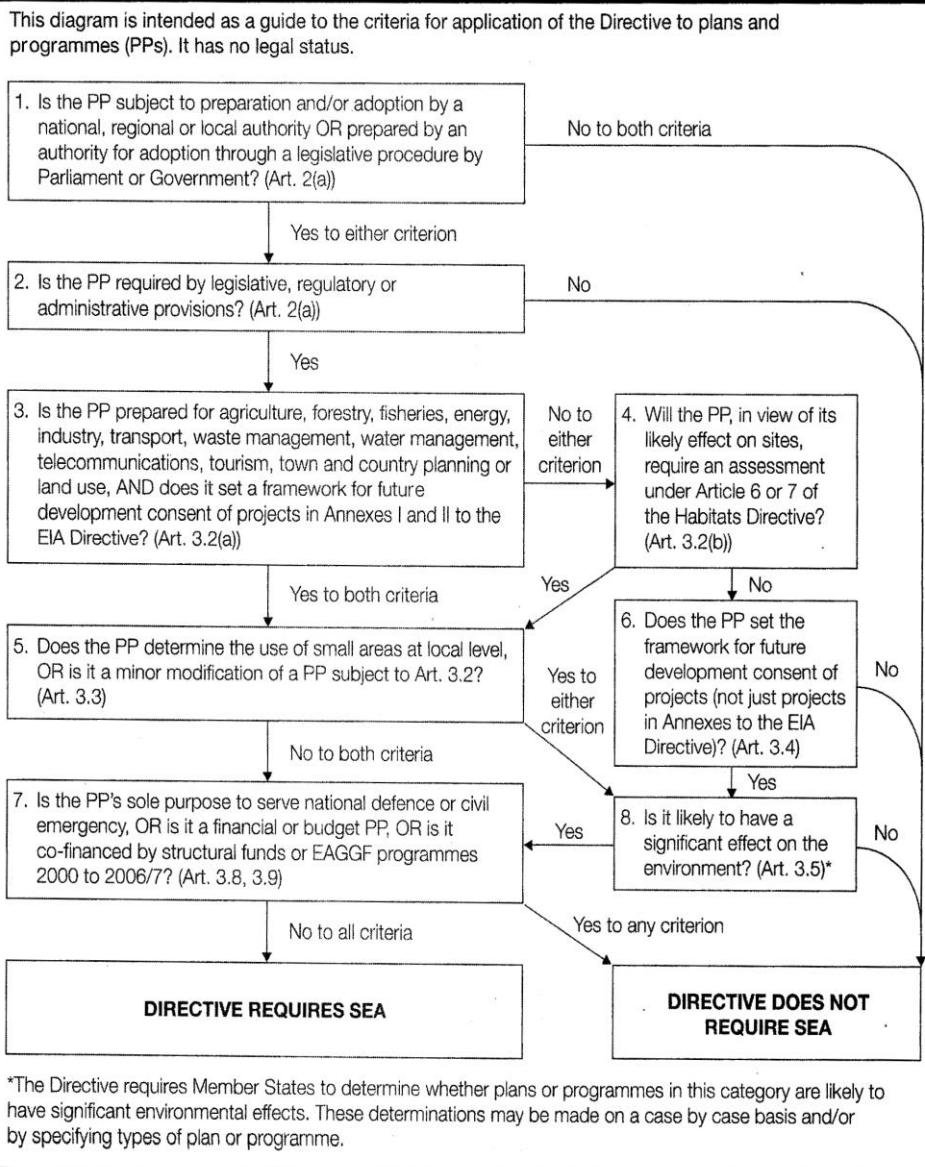
- The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected), the value and vulnerability of the area likely to be affected due to:
 - special natural characteristics or cultural heritage;
 - exceeded environmental quality standards or limit values;
 - 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.

Figure 2 – Application of the SEA Directive to plans and programmes



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 Mutford 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 (as amended) and the Neighbourhood Planning (Referendums) Regulations 2012 (as amended), will be made by Waveney District Council (or its successor East Suffolk Council after 1st April 2019) 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 is identical to the Mutford Parish administrative boundary within the Waveney District Council area. The current draft neighbourhood plan (V10.46) contains 13 numbered policies none of which allocate land for built development. Policy support is provided for development within settlement boundaries, for small scale infill outside settlement boundaries, for small scale employment and rural tourism. Other policies define local green space, support the conservation of dark skies and the retention of defined open landscapes and tree and hedge planting.

All neighbourhood plan policies have their basis in strategic policies set out in the Waveney Final Draft Local Plan March 2018 which is currently at examination stage. Hearings are due to be held in October 2018. This latter Plan identifies Mutford as a smaller village and allocates two areas of open space and one small housing site for six units as part of the district wide housing provision as well as defining the settlement boundaries. The inset map confirms part of the parish lies within the Suffolk Coast and Heaths Area of Outstanding Natural Beauty as well as an area of ancient woodland. The neighbourhood plan makes no change to these strategic policies, neither does it impact on other strategic designations. The Waveney Final Draft Local Plan March 2018 has been subject to both sustainability appraisal (including strategic environmental assessment) and Appropriate Assessment under the Habitat Regulations.

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 neighbourhood plan does not allocate any land for built development but acknowledges and incorporates a small housing allocation WLP7.13 for around 6 units proposed through the Waveney Final Draft Local Plan 2018. The Waveney Final Draft Local Plan has been subject to Sustainability Appraisal (including Strategic Environmental Assessment) and Appropriate Assessment under the Habitats Regulations. Policy WLP7.13 as worded does not require any further project level environmental assessment work to be undertaken. It is noted that an amendment is proposed to WLP7.13 through the Local Plan examination process to add reference to the presence of the Area of Outstanding Natural Beauty. The Local Plan Policies Map will also be updated to correctly define the AONB as designated. It is correctly shown in the Mutford Neighbourhood Plan.

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 solely to the parish council administrative area. Specific designations are included for two small areas of local green space and three local areas of defined open landscape. Other policies set out a local approach to development within or adjoining the settlement boundary and add support to strategic policies in the Waveney Final Draft Local Plan March 2018. The Waveney Final Draft Local Plan sets a requirement for and allocates land for six dwellings at Mutford. There is therefore no obligation on the draft neighbourhood plan to make provision for any additional housing land allocations. No further allocations are proposed. Other policies would allow for minor infilling and for limited residential development within the defined settlement boundaries and within the wider Countryside where it accords with national guidance and strategic policies in the Waveney Final Draft Local Plan March 2018. Being a predominantly rural parish new housing may also come forward under agricultural permitted development rights.

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))

No. The plan does not allocate land for new built development. There is no requirement for additional project level environmental assessment work for the housing allocation WLP7.13 identified and allocated at Mutford in the Waveney Final Draft Local Plan March 2018.

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. Policy 1 makes reference to landscape and rural character of the village, to the tranquil nature of the parish, the retention of trees and hedgerows and replacement landscaping using native trees and hedgerows.

5. Conclusion

The draft neighbourhood plan (v10.46) 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 Final Draft Local Plan March 2018 which has been subject to Sustainability Appraisal including Strategic Environmental Assessment and Appropriate Assessment under the Habitats Regulations Assessment. It is considered by Waveney District Council in consultation with Natural England, Environment Agency and Historic England that it is not necessary for a Strategic Environmental Assessment to be undertaken of the draft Mutford Neighbourhood Plan to ensure compliance with EU obligations.

Signed:

Dated: 25/10/2018



Desi Reed
Planning Policy and Delivery Manager
Suffolk Coastal and Waveney District Councils

Appendices

Date: 15 October 2018
Our ref: 258563
Your ref: Mutford Neighbourhood Plan



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BY EMAIL ONLY

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Dear Ms Hanslip,

Mutford Neighbourhood Plan - SEA screening opinion

Thank you for your consultation on the above dated and received by Natural England on 12 September 2018.

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 are concerned (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 SEA Directive 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 new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours sincerely

Miss Rachel Bowden
Consultations Team

Ms Hilary Hanslip
Riverside 4 Canning Road
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Suffolk
NR33 0EQ

Our ref: AE/2018/123275/01-L01
Your ref: MutfordDraftSEA
Date: 17 October 2018

Dear Ms Hanslip

**MUTFORD NEIGHBOURHOOD PLAN DRAFT SEA SCREENING OPINION
RIVERSIDE 4 CANNING RD LOWESTOFT NR33 0EQ**

Thank you for consulting us on the screening opinion relating to the Mutford Neighbourhood Plan on the 12 September 2018. We have reviewed the Screening opinion with the assistance of the Draft Neighbourhood Plan version v10.46.

Contaminated Land

Mutford Neighbourhood Area lies over a principal aquifer. However, as there is no known potentially contaminating previous use and no proposed potentially contaminating uses, we do not find this constraint to be a concern in the area. We would recommend instead that proposed development is reviewed on an individual basis to ensure the previous and proposed uses are not contaminating.

Proposed Development

The draft plan currently does not allocate any new sites for future development but recognises the site allocation from the Waveney Local Plan, under policy WLP7.13 which calls for 6 new dwellings in the Mutford Neighbourhood Area. The site allocated for this new development is not within a highly vulnerable area nor is it a major proposed development.

Due to the above, we agree with the SEA screening report, that a SEA would not be required in this instance due to a lack of environmental restraints and proposed development within the Neighbourhood Plan.

We trust this advice is useful.

Yours sincerely



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Historic England

EAST OF ENGLAND OFFICE

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Our ref: PL00481265

5 October 2018

Dear Ms Hanslip

RE: Mutford Neighbourhood Plan SEA Screening

Thank you for your email of 12 September 2018 regarding the above 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 Mutford 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 Mutford Neighbourhood Plan will not have any significant effects on the historic environment. We note that the plan does not propose to allocate land 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 dated 12 September 2018. To avoid any doubt, this does not reflect our obligation to provide further advice on later stages of the SA/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/guidance) where we consider that, despite the SA/SEA, these would have an adverse effect upon the



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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.

Yours sincerely,

Edward James
Historic Places Advisor, East of England
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cc:



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