

Strategic Environmental Assessment Screening Opinion Determination

Southwold Neighbourhood Plan - Draft for
Consultation (2018)

February 2019



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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 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 Southwold Neighbourhood Development Plan (Draft for Consultation September 2018) (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, 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 opinions from the statutory consultation bodies: Historic England; the Environment Agency; and Natural England. Their responses are in the Appendix to this screening determination.

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).

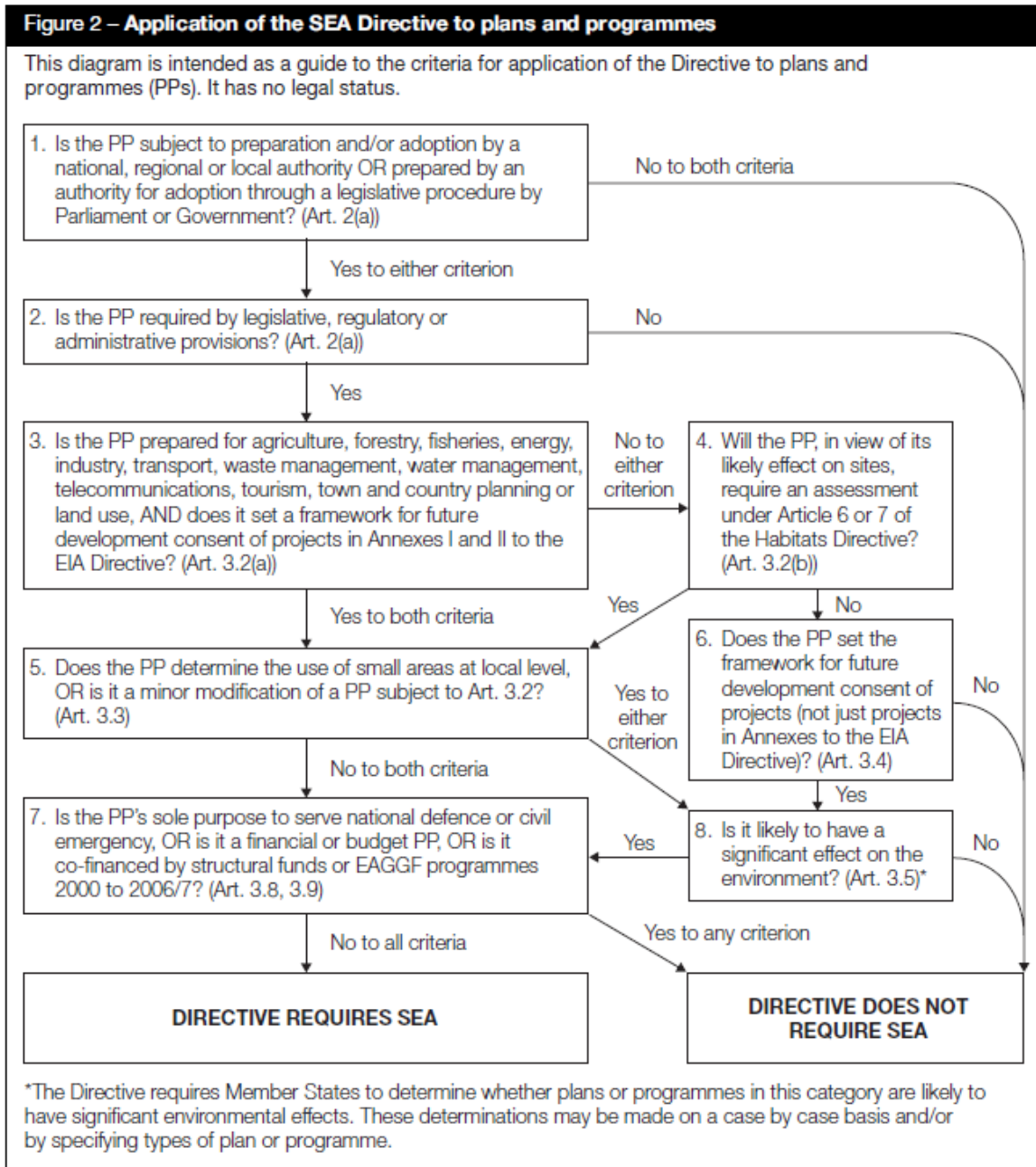
2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:
 - The probability, duration, frequency and reversibility of the effects,
 - The cumulative nature of the effects,
 - The trans boundary nature of the effects,
 - The risks to human health or the 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 Southwold 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 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 Southwold Parish administrative boundary within the Waveney District Council area. The current draft NP contains 11 numbered policies, none of which allocate land for built development.

Policy support in the draft NP is provided for: new dwellings where they are used as a 'principal residence'; retaining smaller shop units; support for start-up business units; development which encourages wildlife; designation of local green spaces; and a mix of uses on sites for development. Policies also address how development contributes to local character; parking provision; protection of private garden space; minimising flooding from development; and loss of community facilities. The neighbourhood plan policies have their basis in strategic policies set out in the Final Draft Waveney Local Plan (March 2018) which is currently at examination stage. The hearings took place in October 2018 and a

consultation on proposed modifications closed on 28th January 2019. The Local Plan is due to be adopted at the end of March 2019.

This final draft Waveney Local Plan identifies Southwold as a market town and allocates 4% of growth to Southwold together with Reydon. The final draft Waveney Local Plan allocates a settlement boundary for Southwold, but there is no specific site allocated for housing development. There is a site in Reydon which is allocated for housing development (outside of the Neighbourhood Area). The final draft Local Plan includes a specific policy for Southwold Harbour that identifies types of development which will be permitted. The policy map for Southwold allocates the following:

- A settlement boundary
- Southwold Harbour
- A number of open spaces
- Primary shopping area
- Town centre boundary
- Primary shopping frontage
- Secondary shopping frontage

The policies map confirms the parish is made up of the Suffolk Coast and Heaths Area of Outstanding Natural Beauty; Heritage Coast; partly Site of Special Scientific Interest; County Wildlife Site; Archaeological Site of Regional Importance; and Conservation Area. The site is also adjacent to the Outer Thames Estuary Special Protection Area.

The neighbourhood plan makes no change to these strategic policies and is not considered to impact on other strategic designations. The final draft Waveney Local Plan has been subject to both sustainability appraisal (including strategic environmental assessment) and Appropriate Assessment under the Habitat Regulations.

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

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 final draft Waveney Local Plan which has already been subject to Sustainability Appraisal (including Strategic Environmental Assessment) and Appropriate Assessment under the Habitats Regulations.

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. The policies do not relate to the allocation of land for built development. The final draft Waveney Local Plan sets out settlement boundaries around the town of Southwold within which residential, employment and town centre development is directed. As mentioned in 3., there are no specific sites allocated for development in the neighbourhood area, but policies in the final draft local plan would allow for minor infilling and limited residential development within the defined settlement boundaries. Policies also allow opportunities for development outside of the settlement boundaries but this is can take place only when specific criteria are met. Development may also come forward as agricultural 'permitted 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))

No. The draft NP does not allocate land for new built development. The draft NP is consistent with the final draft Waveney Local Plan which has been subject to Sustainability Appraisal 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.

5. Conclusion

The Southwold Neighbourhood Plan Draft for Consultation September 2018 does not allocate land for built development and applies to a localised area. All of the policies reflect and implement strategic policies in the Final Draft Waveney 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 the Environment Agency, Historic England and Natural England, that it is not necessary for a Strategic Environmental Assessment to be undertaken of the draft Southwold Neighbourhood Plan to ensure compliance with EU obligations.



Signed:

Dated: 20th February 2019

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

Appendix 1 Response from Natural England

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 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.

If you have any queries relating to the advice in this letter please contact me on 02080 260981.

For any queries regarding this letter, for new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Appendix 2 Response from Environment Agency

Thank you for your consultation dated 13 December 2018. We have reviewed the Strategic Environment Assessment Draft Screening Opinion, as submitted, and agree with the conclusions of the report that a full SEA is not required.

Our considerations at this stage reflect the depth and level of detail to which the Southwold Draft Neighbourhood Plan demonstrates for future growth within the parish. The policies do not currently highlight specific allocated sites for built development, therefore we consider the recommendations and conclusions of the report are suitable.

We note that there are a significant number of environmental constraints that can be found in and adjacent to the parish. Despite currently having no major concerns with the Draft Plan as no significant environmentally impacting development is proposed, we do take this opportunity to highlight that we have not, as yet, been consulted on any stage of the Draft Plan. We would welcome future engagement throughout the development of the Draft Plan, to provide guidance on the progress of policies and recommend any improvements that may be suitable to the content of the plan objectives that will help support sustainable development in the area.

Appendix 3 Response from Historic England

Thank you for your email of 13 December 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 Southwold 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 Southwold Neighbourhood Plan will not have any significant effects on the historic environment. We note that the neighbourhood plan does not allocate any sites above those which are identified in the local plan.

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 13 December 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 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.