



# **Strategic Environmental Assessment Screening Opinion**

**March 2017**

Wenhaston with Mells Hamlet Neighbourhood  
Development Plan



## **Neighbourhood Plan**



## **Contents**

1.	Introduction	3
2.	Legislative Background	3
3.	Criteria for assessing the effects of Planning Documents	4
4.	Assessment	5
5.	Conclusion	7

# Strategic Environmental Assessment Screening Opinion

## March 2017

### 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 Wenhaston with Mells Hamlet Neighbourhood Development Plan 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, Suffolk Coastal District Council will seek the opinions from 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:

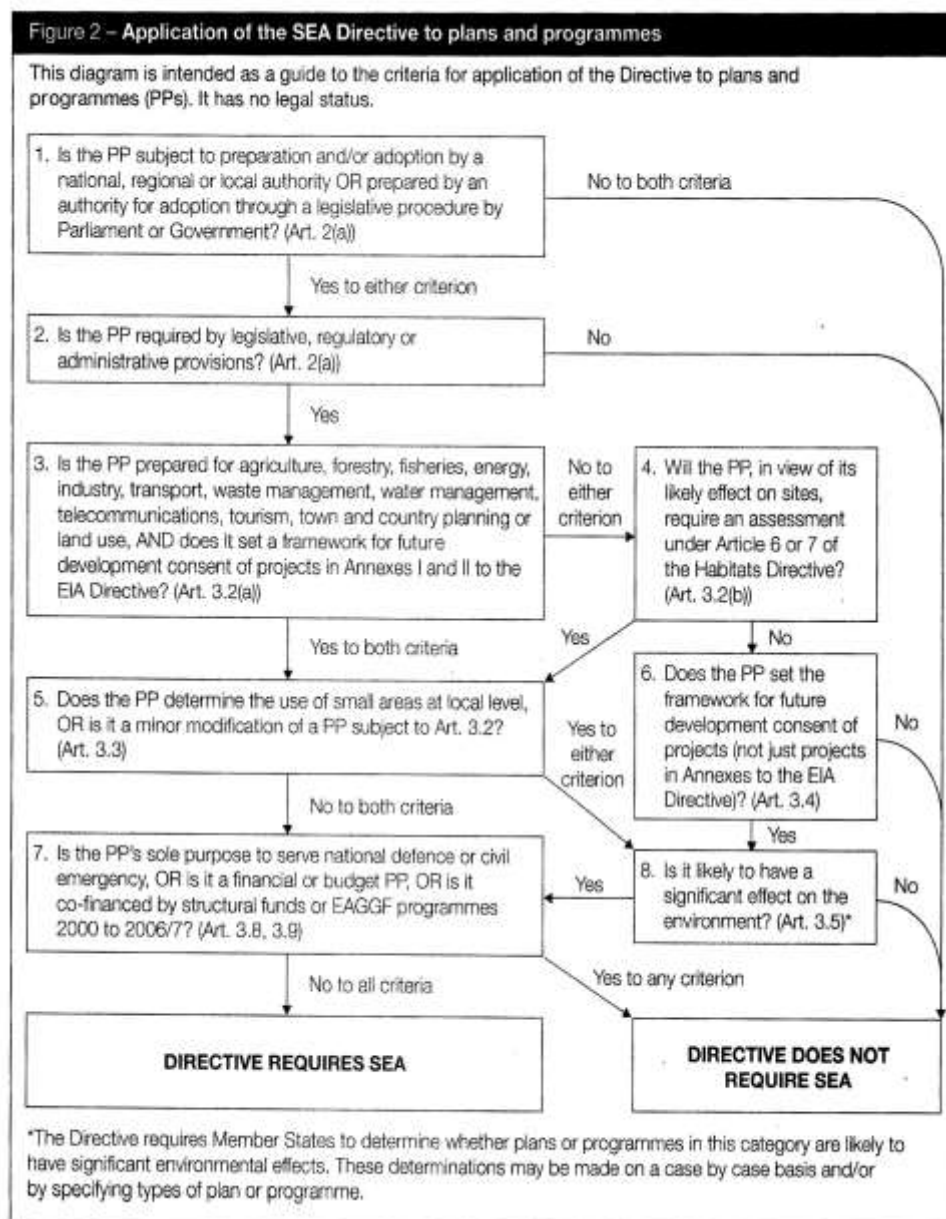
- The probability, duration, frequency and reversibility of the effects.
- The cumulative nature of the effects.
- The trans boundary nature of the effects.
- The risks to human health or the environment (e.g. due to accidents).
- The magnitude and spatial extent of the effects (geographical area and 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 Wenhaston with Mells Hamlet 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 Suffolk Coastal District Council as the local authority.

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

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 policies do not promote any new built development but relate to environment and design for the parish area.

- 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 plan does not allocate any land for built development. The plan extends physical limits of the settlement but only to include a site subject to planning permission for new housing development (under construction at the time of this screening opinion).

- 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 Development Plan relates solely to the parish council administrative area. It does not make provision for housing land

allocations. Rather its policies focus on environmental conservation. The Core Strategy of the local plan identifies Wenhaston as a local service centre and the rest of the parish as countryside. The Neighbourhood Development Plan relies on the Core Strategy policy approach for local service centres. This is for small scale developments within or abutting existing villages, housing allocations in the form of minor extensions to some villages which are consistent with their scale and character and, within defined physical limits, development as appropriate normally in the form of groups infill. Suffolk Coastal District Council's recently adopted Site Allocations and Area Specific Policies local plan document sets out only existing planning consents as Wenhaston's contribution to district housing growth. So there is no obligation on the Neighbourhood Development Plan to make provision for housing land allocations.

**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.

**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 plan does not allocate land for built development and applies to a localised area. The design and environmental policies implement strategic policies in the Suffolk Coastal District Local Plan – Core Strategy and Development Management Policies (adopted July 2013) which has been subject to Environmental Assessment and Appropriate Assessment under the Habitats Regulations Assessment. It is considered by Suffolk Coastal District Council that it is not necessary for a Strategic Environmental Assessment to be undertaken to ensure compliance with EU obligations.



## Appendix A - Responses Received from Statutory Consultees



EAST OF ENGLAND OFFICE

Ms Laura Mundy  
582747  
Suffolk Coastal and Waveney District Councils

Direct Dial: 01223

Our ref: PL00081894  
9 May 2017

Dear Ms Mundy

**Ref: Wenhaston with Mellis Hamlet Neighbourhood Plan Strategic Environmental Assessment Screening Opinion**

Thank you for your email requesting a screening opinion for Wenhaston with Mellis Hamlet Neighbourhood Plan.

We would refer you to our advice on Strategic Environmental Assessment, Sustainability Appraisal and the Historic Environment which can be found here: [https://content.historicengland.org.uk/images-books/publications/strategic-environmental-assessment-sustainability-appraisal-historic-environment/SA\\_SEA\\_final.pdf](https://content.historicengland.org.uk/images-books/publications/strategic-environmental-assessment-sustainability-appraisal-historic-environment/SA_SEA_final.pdf) This advice sets out the factors which need to be considered when assessing whether a Strategic Environmental Assessment or Sustainability Appraisal is required.

If you have any further questions, please contact the Historic Places Team who can be reached on 01223 582749.

Yours sincerely,

A handwritten signature in black ink, appearing to read "N Gates", written over a faint, light blue watermark of the Historic England logo.

Natalie Gates  
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