

Strategic Environmental Assessment Screening Opinion

North Lowestoft Heritage
Action Zone Design Guide
Supplementary Planning Document

April 2020



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1. Introduction

- 1.1 In some circumstances a Supplementary Planning Document (SPD) 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.
- 1.2 This screening report is designed to test whether or not the contents of the North Lowestoft Heritage Action Zone Design Guide SPD 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 SPD and the need for a full SEA.

2. Legislative Background

- 2.1 The basis for Strategic Environmental Assessment 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.
- 2.2 The SEA Regulations include a definition of 'plans and programmes' to which the regulations apply. SEA requirements relate to plans or programmes which are subject to preparation or adoption by an authority at national, regional or local level, which includes those prepared for town and country planning and land use. SEA is required where the plan or programme is likely to have significant environmental effects. It is therefore necessary to screen the SPD to identify whether significant environmental effects are likely. Where screening identifies significant environmental effects, a full Strategic Environmental Assessment is required.

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

- 3.1 The preparation of the SPD 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 the Regulations;
and
- b) Consult the consultation bodies.

3.2 The consultation bodies are defined in section 4 of the SEA Regulations. The opinions from the statutory consultation bodies: Historic England, the Environment Agency and Natural England, are therefore to be taken into account.

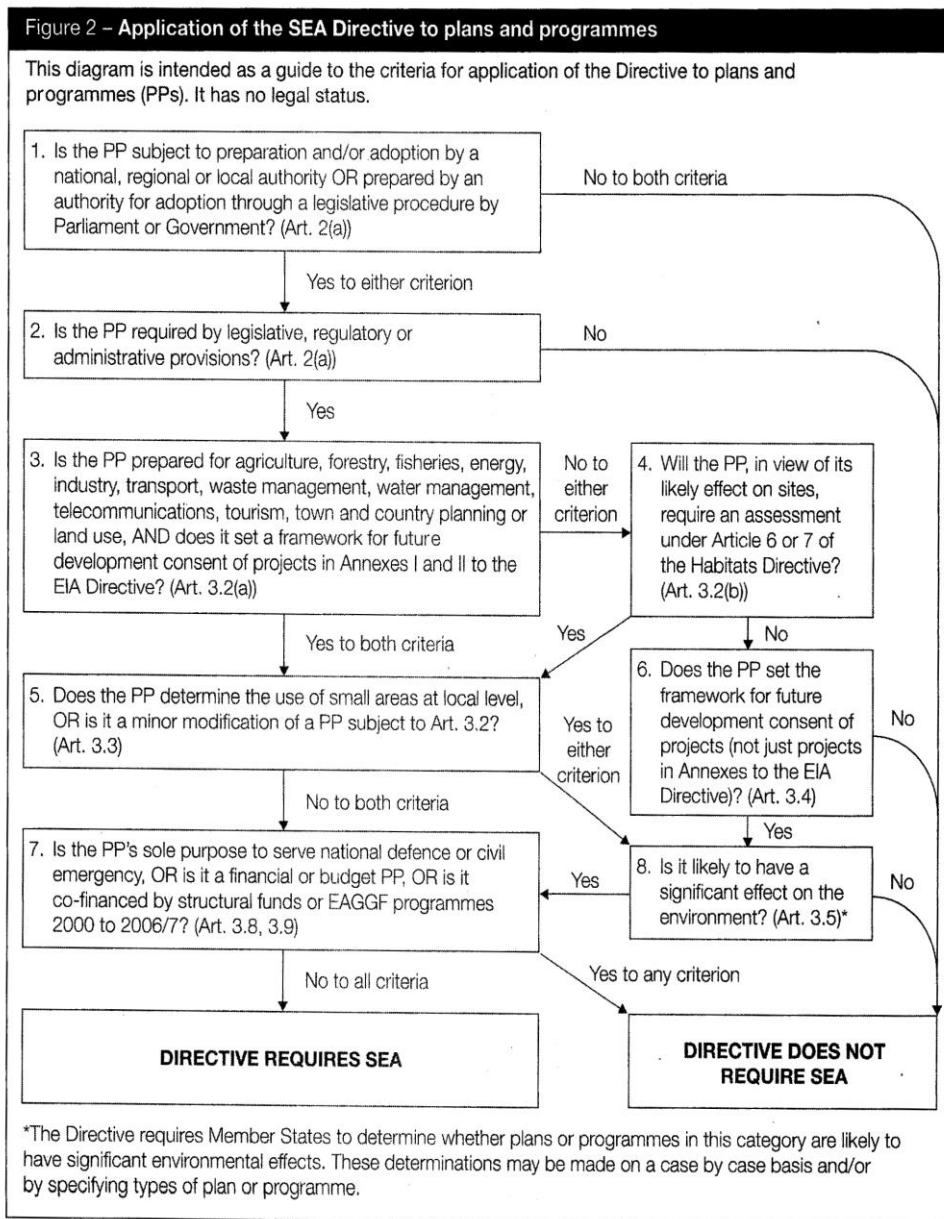
3.3 Schedule 1 of the SEA Regulations sets out the criteria for determining likely significant effects as follows:

1. The characteristics of plans and programmes, having regards, in particular to:
 - a. 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.
 - b. The degree to which the plan or programme influences other plans and programmes including those in a hierarchy.
 - c. The relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development.
 - d. Environmental problems relevant to the plan or programme.
 - e. 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:
 - a. The probability, duration, frequency and reversibility of the effects.
 - b. The cumulative nature of the effects.
 - c. The trans boundary nature of the effects.
 - d. The risks to human health or the environment (e.g. due to accidents).
 - e. The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected),
 - f. the value and vulnerability of the area likely to be affected due to:

- i. special natural characteristics or cultural heritage;
 - ii. exceeded environmental quality standards or limit values;
 - iii. intensive land-use; and
- g. the effects on areas or landscapes which have a recognised national, community or international protection status.

4. Assessment

4.1 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)

4.2 The following assessment applies the questions from the preceding diagram. The answers determine whether the North Lowestoft Heritage Action Zone Design Guide SPD 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 North Lowestoft Heritage Action Zone Design Guide SPD is being carried out by East Suffolk Council. The North Lowestoft Heritage Action Zone Design Guide SPD is being produced in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).

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

Yes. The production of the SPD forms part of the delivery of the statutory Development Plan and the process for preparing SPDs is set out in the Town and Country Planning (Local Development) (England) Regulations 2012 and relates to the administration of the Council's planning service.

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))

The SPD is prepared in support of the delivery of town and country planning and land use policies.

The SPD will not set a framework for the future consent of projects listed in Annexes I and II of the EIA Directive.

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))

A separate screening exercise has been carried out under the Habitats Directive (92/43/EEC) and Conservation of Habitats and Species Regulations (2017) (as amended, including through EU Exit legislation). This has determined that a full Appropriate Assessment is not required.

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)

Not applicable (based on the responses to questions 3 and 4 above).

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 North Lowestoft Heritage Action Zone Design Guide SPD will be a material consideration in the determination of planning applications and will be applied alongside the policy framework provided by the Local Plan.

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 guidance contained within the SPD seeks to improve and enhance the quality of the existing built fabric of the Heritage Action Zone. It also seeks to improve permeability through the area for cyclists and pedestrians. It is therefore unlikely that the SPD will have a significant impact upon the environment. Waveney Local Plan policies that impact upon the North Lowestoft HAZ, and to which this SPD relates, have been subject to a full Sustainability Appraisal, incorporating the requirements for Strategic Environmental Assessment. These include WLP2.1 (Central and Coastal Lowestoft Regeneration), WLP2.2 (Power Park), WLP2.5 (East of England Park), WLP2.9 (Historic High Street and Scores Area); WLP8.37 (Historic Environment), WLP8.38 (Non-Designated Heritage Assets), WLP8.39 (Conservation Areas) and WLP8.40 (Archaeology).

5. Conclusion

The North Lowestoft Heritage Action Zone Design Guide SPD reviewed applies to a localised area and sets out design guidance for new development in the area. The North Lowestoft Heritage Action Zone Design Guide SPD policies seek to reflect and implement policies in the Waveney Local Plan which has been subject to Sustainability Appraisal including Strategic Environmental Assessment.

It is considered by East Suffolk Council that it is not necessary for a Strategic Environmental Assessment to be undertaken of the North Lowestoft Heritage Action Zone Design Guide SPD to ensure compliance with SEA legislation.

The draft Screening Opinion was published for consultation alongside the draft Supplementary Planning Document. The consultation bodies have each responded and concur with the conclusion of the Screening Opinion. The responses of the consultation bodies are contained in Appendix 1.

Signed: 

Dated: 09 April 2020

Desi Reed
Planning Policy and Delivery Manager
East Suffolk Council

Appendix 1: Responses from Statutory Consultees



Mr Ian Johns
East Suffolk Council
Riverside 4 Canning Road
Lowestoft
Suffolk
NR33 0EQ

Our ref: AE/2020/124853/01-L01
Your ref: Lowestoft HAZ
Date: 03 February 2020

Dear Mr Johns

NORTH LOWESTOFT HERITAGE ACTION ZONE - SEA SCREENING REPORT

EAST SUFFOLK COUNCIL RIVERSIDE 4 CANNING ROAD LOWESTOFT NR33 0EQ

Thank you for consulting us on the SEA Screening Report for the Lowestoft Heritage Action Zone, which we received on the 13 December 2019.

We have reviewed the Screening report as submitted and do not disagree with the conclusions reached.

We trust this advice is useful.

Yours sincerely

Mr Mark Macdonald
Planning Advisor

Direct dial
Direct e-mail

Environment Agency
Cobham Road, Ipswich, Suffolk, IP3 9JD.
Customer services line: 03708 506 506
www.gov.uk/environment-agency
End



Mr Ian Johns
East Suffolk Council
Riverside
4 Canning Road
Lowestoft
NR33 0EQ

Direct Dial:
Our ref: PL00677505
31 January 2020

Dear Mr Johns

RE: North Lowestoft Heritage Action Zone Design Guide SPD SEA Screening

Thank you for inviting Historic England to comment on 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 SPD. For the purposes of this consultation, Historic England will confine its advice to the question, "Is it (the SPD) 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 SPD will not have any significant effects on the historic environment, because it does not determine the uses of land at a local level, and does not set a framework for the consent of projects that fall under either Annex I or II or the EIA Directive. It will support the delivery of local planning policy, as set out in the Local Plan.

On the basis of the information supplied, and in the context of the criteria set out in Schedule I 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 28 January 2020. 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 SPD) where we consider that,



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despite the SEA, these would have an adverse effect upon the environment.

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

Yours sincerely,

Edward James
Historic Places Advisor, East of England

cc:



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From: SM-NE-Plan Cons Area Team (Norfolk, Suffolk) (NE)
Sent: 18 December 2019 14:24
To: PlanningPolicy
Subject: 303581 East Suffolk North Lowestoft Heritage Action Zone Design Guide SPD

For the attention of Ian Johns:

Dear Ian

Thank you for consulting Natural England on the draft North Lowestoft Heritage Action Zone Design Guide Supplementary planning document and the accompanying HRA screening and SEA screening opinion documents.

I can confirm that Natural England agrees with the conclusions of both the SEA and HRA screening reports and has no further comments to make on either document. Furthermore we have no comments on the supplementary planning document.

Kind regards

Francesca

Francesca Shapland
Lead Adviser, Planning & Conservation
Suffolk Coast, Norfolk & Suffolk Team

www.naturalengland.org.uk

We are here to secure a healthy natural environment for people to enjoy, where wildlife is protected and England's traditional landscapes are safeguarded for future generations.

In an effort to reduce Natural England's carbon footprint, I will, wherever possible, avoid travelling to meetings and attend via audio, video or web conferencing.