



# **Strategic Environmental Assessment & Habitats Regulations Screening Determination**

2016

Great Bealings Neighbourhood Plan



## **Neighbourhood Plan**

## **Contents**

|    |   |   |
|----|---|---|
| 1. | Introduction  | 3 |
| 2. | Legislative Background                                      | 3 |
| 3. | Criteria for assessing the effects<br>of Planning Documents | 4 |
| 4. | Assessment  | 5 |
| 5. | Conclusion  | 7 |
| 6. | Appendix A – responses from consultees                      | 8 |

# Strategic Environmental Assessment Screening Opinion 2016

## 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 Great Bealings Neighbourhood 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 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 will seek the opinions from the statutory consultation bodies English Heritage, 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:

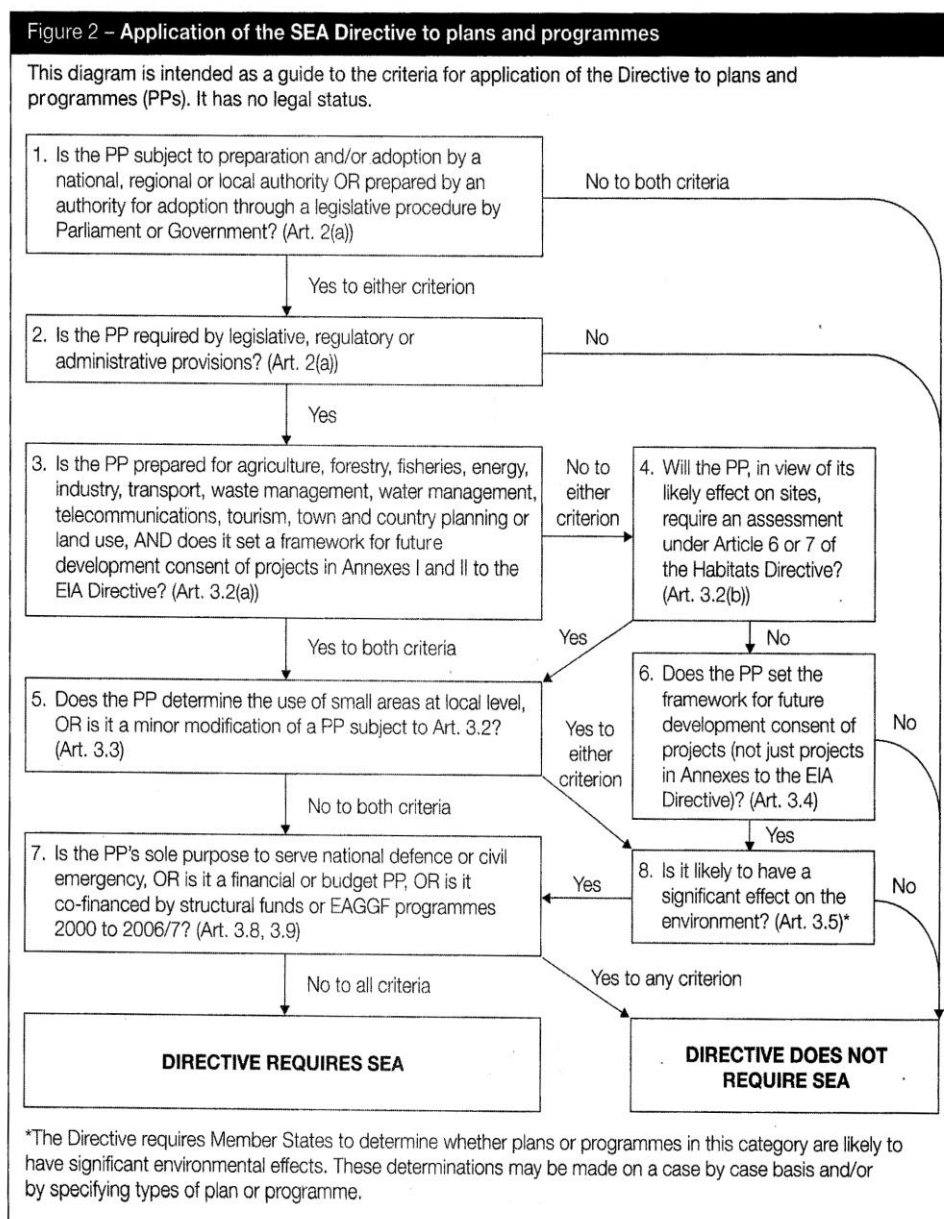
- The probability, duration, frequency and reversibility of the effects.
- The cumulative nature of the effects.
- The trans boundary nature of the effects.
- The risks to human health or the environment (e.g. due to accidents).
- The magnitude and spatial extent of the effects (geographical area and 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 Great Bealings 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.

- 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. Natural England have confirmed no likely effect resulting from the policies contained in the 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 Neighbourhood Plan relates solely to the parish council administrative area. The policies do not relate to the allocation of land for built development but concentrate on environmental and design matters including

the identification of non-designated heritage assets. It is not an area to which strategic policy directs new 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 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 very 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. The policies identify and support local environmental assets and qualities including the identification of non-designated heritage assets within its area.

It is considered by Suffolk Coastal District Council in consultation with the Environment Agency, Historic England and Natural England that the content of the plan is such that it will not be necessary to undertake SEA or HRA in order to ensure compliance with EU obligations.



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

**Appendix A - Copy of Responses from Statutory Consultees.**



## Natural England

Hello Hillary,

Thank you for your messages. I can confirm that we understand your conclusion that an SEA is not required for the Great Bealings Neighbourhood Plan. We also agree that a Habitat Regulations assessment is not necessary, as the Plan is not allocating land for any built development (particularly housing). The village/parish area is also identified in the Core Strategy as an Other Village where new housing growth is not proposed. HRA impact has therefore effectively been considered at the higher Core Strategy level.

Best Regards

John

**John Jackson**  
**Lead Adviser**  
**Sustainable Development and Field Unit**  
**Norfolk & Suffolk Area Team 09**  
**Natural England**  
**Dragonfly House**  
**2 Gilders Way**  
**NORWICH**  
**NR3 1UB**  
**Please Note New Telephone Number: 020 80 264 866**  
**Mob. 07747 065 256**

[www.gov.uk/natural-england](http://www.gov.uk/natural-england)

## Historic England

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-enviro-assessment-sustainability-appraisal-historic-environment/SA\\_SEA\\_final.pdf/](https://content.historicengland.org.uk/images-books/publications/strategic-enviro-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

Dr Natalie Gates  
Principal Adviser, Historic Places  
Planning Group | East of England  
Historic England  
Direct Line: 01223 582747 Mobile: 07766 497750

Historic England  
Brooklands | 24 Brooklands Avenue | Cambridge | CB2 8BU  
[www.historicengland.org.uk](http://www.historicengland.org.uk) @HE\_EoE

FAO Hilary Hislop  
Suffolk Coastal District Council  
Planning Policy  
Council Offices Melton Hill  
Woodbridge  
Suffolk  
IP12 1AU

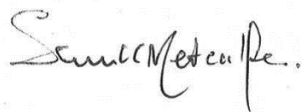
**Our ref:** AE/2009/109507/OR-  
02/IS1-L01  
**Your ref:** Great Bealings  
**Date:** 07 October 2016

Dear Hilary,

**Great Bealings Neighbourhood Plan 2016 – Strategic Environmental Assessment  
Draft Screening Opinion.**

Thank you for consulting us on this Draft Screening Opinion. Having reviewed the documents, as submitted, we confirm that we do not disagree with the conclusions reached and that it is not necessary to undertake an SEA.

Yours sincerely,



**Simon Metcalfe**

Sustainable Places Planning Advisor  
Direct dial 020 847 48012  
[Planning.ipswich@environment-agency.gov.uk](mailto:Planning.ipswich@environment-agency.gov.uk)

