



Strategic Environmental Assessment Screening Opinion Determination

Halesworth
Neighbourhood Plan 2021-2036
Pre-Submission (Regulation 14) Consultation Version

November 2021

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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 (as amended, including through EU Exit legislation) 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 Halesworth Neighbourhood Development Plan (Draft for Consultation March 2020) (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 (as amended, including through EU Exit legislation), 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 amended through EU Exit legislation). As the responsible authority, East Suffolk Council is seeking opinions from the statutory consultation bodies: Historic England; the Environment Agency; and Natural England. Their responses will be added to this screening determination following consultation.

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

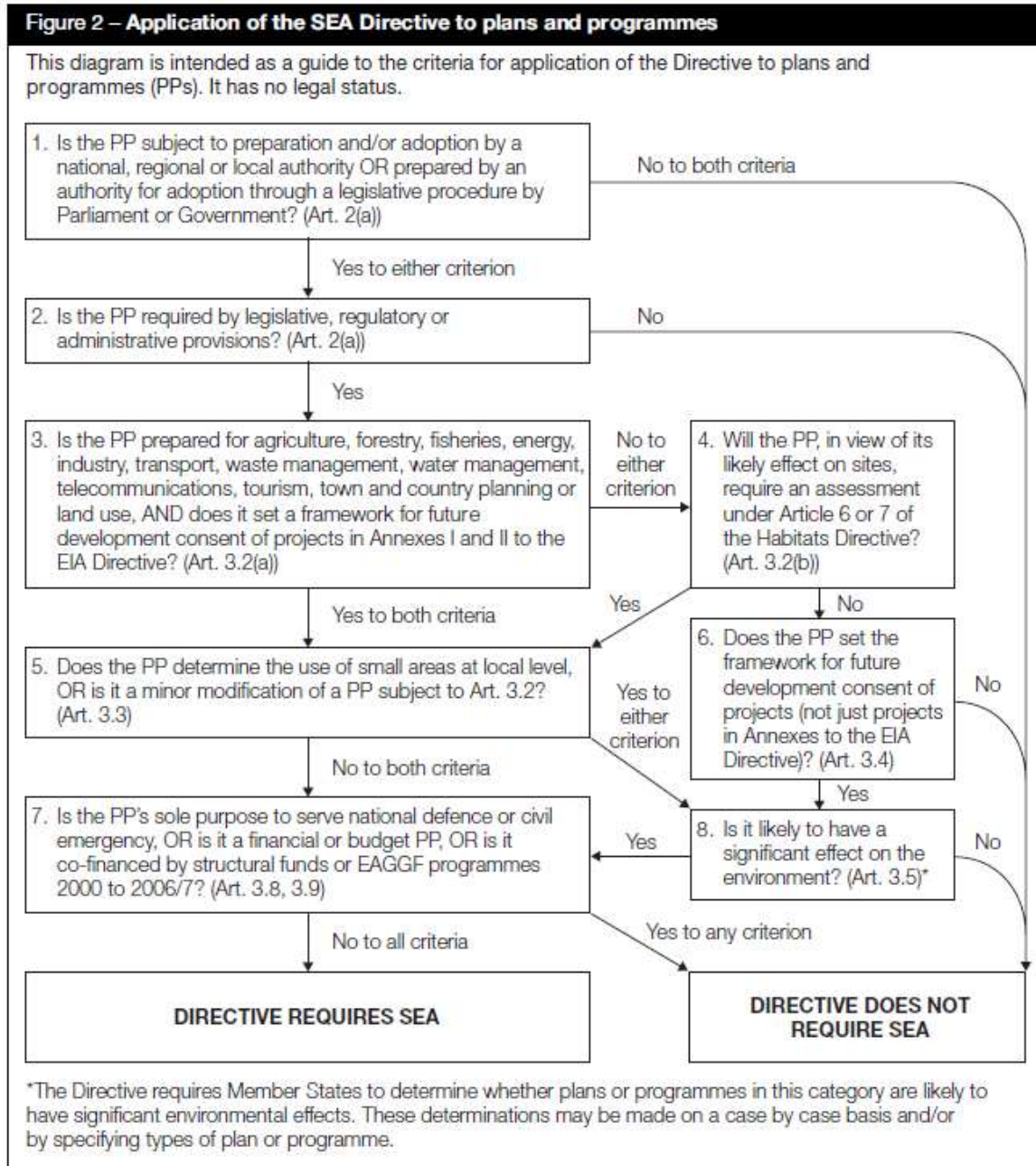
1. The characteristics of plans and programmes, having regard, in particular, to:
 - The degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources,
 - The degree to which 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 Halesworth 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 East Suffolk Council 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 Halesworth Parish administrative boundary within the East Suffolk Council area. The current draft NP contains 19 numbered policies, none of which allocate land for built development. The neighbourhood plan policies designate areas as green space, amenity space, proposed nature reserve, primary shopping and for micro employment uses. These designations do not allocate land for built development but protection and support existing uses.

Policy support in the draft NP is provided for: larger family homes of 4 or more bedrooms, proposal for small housing sites of 10 or less dwellings, low energy and energy efficient housing and two areas identified as Micro Employment Areas; Miles Ward Court and Station Yard. The full list of neighbourhood plan policies is:

- Policy HAL.ENV1: Local green spaces
- Policy HAL.ENV2: Protection of open spaces
- Policy HAL.ENV3: New nature reserve
- Policy HAL.ENV4: Verges
- Policy HAL.ENV5: Heritage trees

- Policy HAL.HSG1: Provision of large family housing
- Policy HAL.HSG2: Small housing sites
- Policy HAL.HSG3: Low energy and energy efficient housing design
- Policy HAL.ED1: Small-scale commercial workspaces and micro employment areas
- Policy HAL.ED2: Tourism and creative industries
- Policy HAL.ED3: Major development opportunities
- Policy HAL.COM1: Play facilities
- Policy HAL.DH1: Design
- Policy HAL.DH2: Views and gateways into and out of Halesworth town
- Policy HAL.DH3: Non-designated heritage assets
- Policy HAL.TM1: Key movement routes
- Policy HAL.TM2: Cycle parking
- Policy HAL.TM3: Residential electric car charging
- Policy HAL.TC1: Enhancing Halesworth town centre

The neighbourhood plan policies have their basis in strategic policies set out in the Waveney Local Plan adopted March 2019.

This Waveney Local Plan identifies Halesworth as a market town and allocates 8% of growth to Halesworth together with Holton. The Waveney Local Plan allocates a settlement boundary for Halesworth and Holton and there 6 specific site allocations for housing, employment and mixed-use development. The site allocations are:

- WLP4.1 Halesworth/Holton Healthy Neighbourhood - Mixed use including residential development (approx. 215 dwellings), health care facility and retirement community, sports pitches and education / training facility
- WLP4.2 Land adjacent to Chediston Street, Halesworth - Residential development (approx. 200 dwellings)
- WLP4.3 Land north of Old Station Road, Halesworth - Residential development (approx. 10 dwellings)
- WLP4.4 Land west of Lodge Road, Holton - Residential development (approx. 15 dwellings)
- WLP4.5 Land at Dairy Farm, Saxons Way, Halesworth - Residential development (approx. 40 dwellings), community centre and pre-school setting
- WLP4.6 Broadway Farm, west of Norwich Road, Halesworth - Employment development

The Waveney Local Plan policy map for Halesworth allocates the following:

- A settlement boundary (WLP1.2)
- Common Land and Village Green
- Town Centre Boundary (WLP8.18)
- Primary Shopping Area (WLP8.18)
- Primary Shopping Frontage (WLP8.19)
- Secondary Shopping Frontage (WLP8.19)

- Open Space (WLP8.23)
- Conservation Area (WLP8.39)

The neighbourhood plan makes no change to these strategic policies and is not considered to impact on other strategic designations. The Waveney Local Plan has been subject to both Sustainability Appraisal (including Strategic Environmental Assessment) and Appropriate Assessment under the Habitat Regulations.

The Waveney Local Plan including supporting documents and policy maps can be viewed here: <https://www.eastsuffolk.gov.uk/planning/planning-policy-and-local-plans/waveney-local-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 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 Town Council administrative area. The policies do not relate to the allocation of land for built development. The Waveney Local Plan sets out settlement boundaries around the town of Halesworth 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 plan area, but policies in the Waveney Local Plan allocate residential, employment and mixed-use developments within the defined settlement boundary of Halesworth. Waveney Local Plan policies also allow opportunities for development outside of the settlement boundaries but this 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 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 Halesworth Neighbourhood Plan Pre-Submission (Regulation 14) Consultation Version 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 Local Plan (March 2019) which has been subject to Sustainability Appraisal including Strategic Environmental Assessment and Appropriate Assessment under the Habitats Regulations Assessment. It is considered by East Suffolk Council, in consultation with the Historic England and Natural England, that it is not necessary for a Strategic Environmental Assessment to be undertaken of the Halesworth Neighbourhood Plan to ensure compliance with EU obligations. The Environment Agency were also consulted but did not provide a response.

Signed:

Dated: 22/02/2022

A handwritten signature in blue ink that reads "D. Reed". The signature is written in a cursive style with a large initial 'D'.

Desi Reed
Planning Manager (Planning Policy, Delivery & Specialist Services)
East Suffolk Councils

Appendix 1 Response from Natural England

Date: 29 November 2021
Our ref: Draft Halesworth Neighbourhood Plan
Your ref: 375449



Ruth Bishop
East Suffolk Council
Ruth.Bishop@eastsuffolk.gov.uk

BY EMAIL ONLY

Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

Dear Ruth Bishop

Draft Halesworth Neighbourhood Plan HRA and SEA Screening Opinions

Thank you for your consultation on the above dated 24 November 2021 which was received by Natural England on 24 November 2021

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 Environmental Assessment of Plans and Programmes Regulations 2004 (as amended), 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.

Habitats Regulations Assessment (HRA) Screening

Natural England agrees with the report's conclusions that the Draft Halesworth Neighbourhood Plan would not be likely to result in a significant effect on any European Site, either alone or in combination and therefore no further assessment work would be required.

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

Yours sincerely

Jacqui Salt
Consultations Team

Appendix 2 Response from Historic England

From: James, Edward <Edward.James@HistoricEngland.org.uk>
Sent on: Thursday, December 9, 2021 3:52:06 PM
To: Ruth Bishop <Ruth.Bishop@eastsuffolk.gov.uk>
Subject: RE: Draft Halesworth Neighbourhood Plan SEA Screening Opinion

Dear Ruth,

Thank you for inviting Historic England to comment on this 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 Halesworth 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 plan will not have any significant effects on the historic environment. We note that the plan does not propose to allocate any sites 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. 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 plan) where we consider that, despite the 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.

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

Kind regards,

Edward

Edward James
Historic Places Adviser - East of England
Historic England

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We'd welcome your views.