

Strategic Environmental Assessment Screening Opinion Determination

For the draft Lound with Ashby, Herringfleet and
Somerleyton Neighbourhood Plan (December 2019)

February 2020



Contents

1. Introduction.....	1
2. Legislative Background	2
3. Criteria for determining the likely significance of effects referred to in Article 3(5) of Directive 2001/42/EC	3
4. Assessment.....	5
5. Conclusion	9
Appendix 1 Response from Natural England.....	10
Appendix 2 Response from Historic England	12
Appendix 3 Response from Environment Agency.....	14

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 Lound with Ashby, Herringfleet and Somerleyton Neighbourhood Development Plan (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, including through EU exit legislation). As the responsible authority, East Suffolk Council (formerly Waveney and Suffolk Coastal District Councils until 1st April 2019) has sought 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:

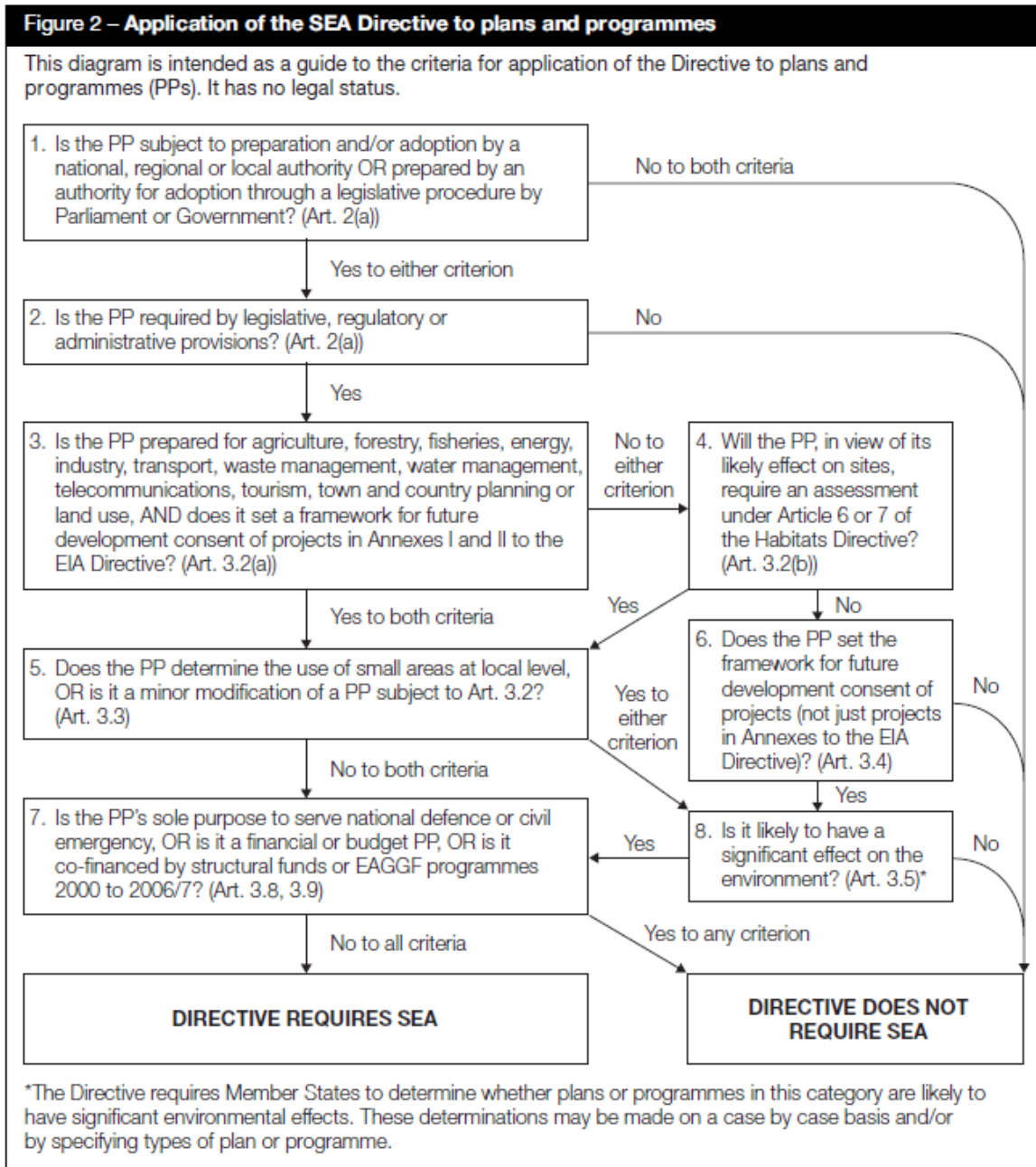
1. The characteristics of plans and programmes, having regard, in particular, to:
 - The degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources,
 - The degree to which 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 Lound Parish Council and Ashby, Herringfleet and Somerleyton Parish Council as the relevant bodies 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.

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 Lound Parish and Ashby, Herringfleet and Somerleyton Parish administrative boundaries within the East Suffolk Council area. The current draft NP contains 8 numbered policies, one of which allocates land for built development.

Policies in the draft NP address: housing, open space, design, walking routes, parking, community facilities; tourism development; and employment.

The neighbourhood plan policies have their basis in strategic policies set out in the East Suffolk – Waveney Local Plan (adopted March 2019) (the local plan).

The Local Plan identifies Lound, Ashby, Herringfleet and Somerleyton as within the rural areas of the Waveney area. Local Plan policy WLP1.1 (Scale and Location of Growth) allocates 10% of growth to the rural areas as a whole.

The Local Plan allocates settlement boundaries for Lound and Somerleyton, plus there are three site allocations (Policies WLP7.5, 7.6 and 7.12). One of these is located within Lound (WLP7.12) and the other two in Somerleyton (WLP7.5 & 7.6). WLP7.5 is allocated for approximately 10 dwellings on 0.65ha of land. WLP7.6 is allocated for approximately 35 dwellings across 1.9ha. WLP7.12 is allocated for approximately 10 dwellings across 0.43ha.

The neighbourhood plan, through Policy LAHS 3, expects that the aforementioned allocations comply with the requirements of the design guidelines, which accompany the Neighbourhood Plan in the Appendices. While Policy LAHS 3 changes the way in which allocated development will be considered, it does not alter the expected quantum and location of development. The Local Plan has been subject to both sustainability appraisal (including strategic environmental assessment) and Appropriate Assessment under the Habitat Regulations.

The Local Plan including supporting documents and policy maps can be viewed here:

<http://www.eastsuffolk.gov.uk/planning/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 that would have a likely significant effect on European Sites. Policy LAHS 6 allocates land adjacent to the built area of Somerleyton for the development of a village hall and changing rooms. This development would enhance the recreational use of the site and therefore reduce the recreational pressure on European Sites.

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 NP relates solely to the administrative areas of both Lound Parish Council and Ashby, Herringfleet and Somerleyton Parish Council. The policies do not relate to the allocation of land for built development, other than for the provision of a village hall and changing rooms (as discussed in 4). The Local Plan allocates land for development in Lound and Somerleyton (as described in 3) and sets out settlement boundaries within which development is directed. 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))

Yes. The draft NP does not, on its own, set the framework for future development consent of project. By virtue of its inclusion as part of the Development Plan, upon the making of the Neighbourhood Plan, the Neighbourhood Plan contributes to the framework for future development consent of projects. Thus, the Neighbourhood Plan does contribute to the setting of the framework. The draft NP is consistent with the 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 allocates land for built development, namely for a village hall and changing rooms within Somerleyton. However, such development would not contribute to recreational pressures on the environment. Rather, this development would enhance the recreational use of Somerleyton and therefore likely reduce the recreational pressure on the environment. Therefore, the draft Neighbourhood Plan would not likely have a significant effect on the environment.

5. Conclusion

The draft Lound with Ashby, Herringfleet and Somerleyton Neighbourhood Development Plan does not allocate land for built development that would have a likely significant effect on the environment and applies to a localised area. All of the policies reflect and implement strategic policies in the 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 Natural England, Environment Agency and Historic England, that it is not necessary for a Strategic Environmental Assessment to be undertaken of the draft Lound with Ashby, Herringfleet and Somerleyton Neighbourhood Plan to ensure compliance with EU obligations.



Signed:

Dated: 20th February 2020

Desi Reed
Planning Policy and Delivery Manager
East Suffolk Council

Appendix 1 Response from Natural England

Thank you for your consultation on the above dated 19 December 2019 which was received by Natural England on 19 December 2019.

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.

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

Appendix 2 Response from Historic England

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 plan. For the purposes of this consultation, Historic England will confine its advice to the question, "Is it (the 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 proposes to allocate one site for a new Village Hall and changing rooms, on a site to the south of Somerleyton, outside the conservation area. We do not think it likely that this development would cause significant effects to the historic environment in the context of this assessment. We would recommend, however, that the neighbourhood plan policy allocating this site sets out some additional design criteria for its construction (for example, regarding locally distinctive materials, energy usage and consumption etc).

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 19 December 2019. 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 above, if you have any queries.

Appendix 3 Response from Environment Agency

Thank you for consulting us on the SEA Screening Report for the Lound with Ashby, Herringfleet and Somerleyton Neighbourhood Plan, which we received on the 19 December 2019. We have reviewed the Screening report as submitted and do not disagree with the conclusions reached.

Allocated Sites

Although the Neighbourhood plan describes allocated sites for future development we concur with the conclusion that they would not have a significant environmental effect. We therefore do not disagree that the Neighbourhood Plan can be screened out and does not require an SEA report.