



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

**2017**

Martlesham Neighbourhood Plan



## **Neighbourhood Plan**

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# **Strategic Environmental Assessment Screening Opinion 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 Martlesham Pre-submission 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:

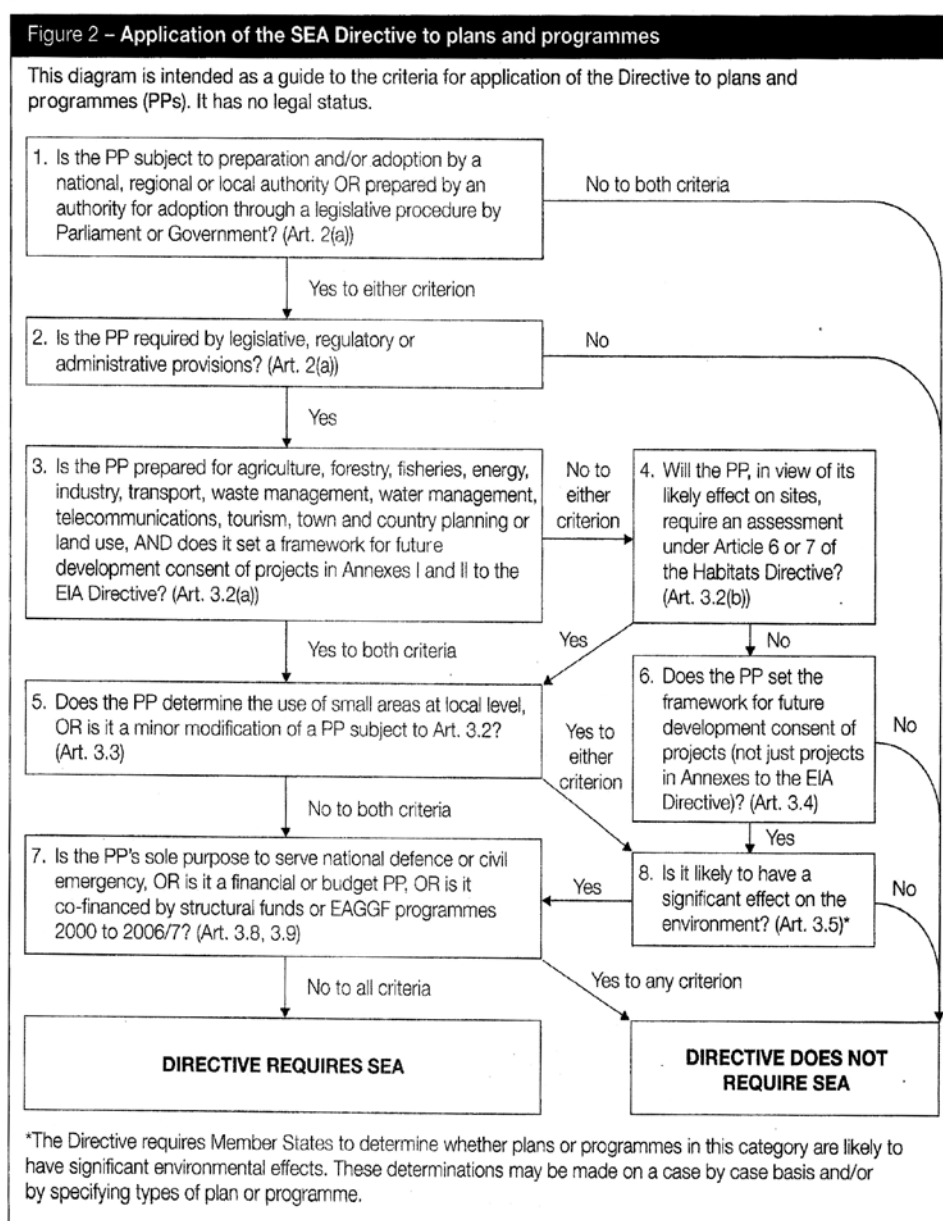
- The probability, duration, frequency and reversibility of the effects.
- The cumulative nature of the effects.
- The trans boundary nature of the effects.
- The risks to human health or the environment (e.g. due to accidents).
- The magnitude and spatial extent of the effects (geographical area and 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 Martlesham 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 (part parish) level. The plan contains a mix of policies including design, and green space. The policies which allocate land for built development relate to existing employment and commercial areas and replace policies from a previous local plan and will help implement the Core Strategy which has been subject to SEA and HRA. The neighbourhood plan does not allocate land for new housing. Policies which encourage improved accessibility around the neighbourhood area are not considered to result in any increased use of sensitive areas, in particular Deben Estuary and Martlesham Creek.

- 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 has 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 which allocate land for built development relate to existing employment and commercial areas and replace policies from a previous local plan and will help implement the Core Strategy which has been subject to SEA and HRA.

**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 plan allocates land for development but this relates in the main to the on-going use of existing commercial and retail premises. There are no new allocations for housing 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 new housing development. Policies promoting improved accessibility within the area are not considered to result in an increased impact or usage of the Deben Estuary or Martlesham Creek that would result in a significant effect on the environment. This is also the view of Natural England.

**5. Conclusion**

The policies and proposals in the plan are designed to help 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 and proposals do not allocate new land for built development but update policies from an earlier local plan. The plan does not allocate land for housing which at the strategic level was determined to be likely to have the most significant environmental effect.

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. A copy of the representations received from the statutory consultees is appended to this determination.

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

Ms Hilary Hanslip  
Suffolk Coastal and Waveney District Councils  
Council Offices  
Melton Hill  
Woodbridge  
Suffolk  
IP12 1AU

Direct Dial: 01223 582717

Our ref: PL00058601

31 January 2017

Dear Ms Hanslip

### **Martlesham Neighbourhood Plan SEA Draft Screening Opinion**

Thank you for consulting Historic England on the SEA Screening Opinion on the draft Martlesham Neighbourhood Plan.

For the purposes of this consultation, Historic England will confine our advice to the question, "is it likely to have a significant effect on the environment" in respect of our areas of concern, cultural heritage. Our comments are based on the information supplied in Suffolk Coastal and Waveney District Councils' Strategic Environmental Assessment Screening reports of both November and December 2016 along with the Martlesham Neighbourhood Plan Draft 2. It is for the Council to make a final decision in terms of whether SEA is required. Please note in Page 4 of your reports, consultation body English Heritage should be replaced with Historic England.

On the basis of the information supplied and in the context of the criteria set in out in Schedule 1 of the Environmental Assessment Regulations 'CRITERIA FOR DETERMINING THE LIKELY SIGNIFICANCE OF EFFECTS ON THE ENVIRONMENT' (Annex II of SEA Directive) and the assessment duties in the Regulations Part 2 (5) (6), Historic England would take a view that an SEA is not required.

The views of other statutory consultation bodies should be taken into account before the overall decision on the need for an SEA is made. I would be pleased if you can send me a copy of the determination as required by Regulation 11 of the Environmental Assessment of Plans and Programmes Regulations 2004.

Finally, we should like to stress that this opinion is based on the information provided by Suffolk Coastal and Waveney District Councils in its consultation on the above document. To avoid any doubt, this does not affect our obligation to provide further advice on later stages of the SA/SEA process and potentially, object to specific proposals, which may subsequently arise in the Neighbourhood Plan where we consider that these would have an adverse effect upon the historic environment.



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Historic England

EAST OF ENGLAND OFFICE

If you have any questions with regards to the comments made then please do get back to me. In the meantime we look forward to continuing to work with you and your colleagues.

Yours sincerely,

Steven King  
Historic Places Advisor  
Steven.King@HistoricEngland.org.uk



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*Historic England is subject to the Freedom of Information Act. 2000 (FOIA) and Environmental Information Regulations 2004 (EIR). All information held by the organisation will be accessible in response to an information request, unless one of the exemptions in the FOIA or EIR applies.*

FAO Stephen Denton  
Suffolk Coastal District Council  
Planning Department  
Council Offices Melton Hill  
Woodbridge  
Suffolk  
IP12 1AU

**Our ref:** AE/2016/121159/01-L01  
**Your ref:** Martlesham Neighbourhood  
Plan  
**Date:** 22 December 2016

Dear Stephen,

**MARTLESHAM (SUFFOLK) NEIGHBOURHOOD PLAN - PRE SUBMISSION  
CONSULTATION (REGULATION 14) MARTLESHAM**

Thank you for consulting the Environment Agency on the Martlesham (Suffolk) Neighbourhood Development Plan. We have checked the constraints of the Neighbourhood Plan area and confirm that it is compliant and satisfactorily addresses the Environment Agency constraints within our remit.

Our principal aims are to protect and improve the environment, and to promote sustainable development, we:

- ☐ Act to reduce climate change and its consequences
- ☐ Protect and improve water, land and air
- ☐ Work with people and communities to create better places
- ☐ Work with businesses and other organisations to use resources wisely

You may find the following two documents useful. They explain our role in in the planning process in more detail and describe how we work with others, they provide:

- ☐ an overview of our role in development and when you should contact us.
- ☐ initial advice on how to manage the environmental impact and opportunities of development.
- ☐ signposting to further information which will help you with development.
- ☐ links to the consents and permits you or developers may need from us.

Building a better environment: Our role in development and how we can help:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/289894/LIT\\_2745\\_c8ed3d.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/289894/LIT_2745_c8ed3d.pdf)

Environmental Quality in Spatial Planning <http://www.english-heritage.org.uk/publications/environmental-quality-in-spatial-planning-supplementary-files/>

Please also find attached to this e mail our document "Planning for the environment at the neighbourhood level."

Please note that the view expressed in this letter by the Environment Agency is a response to the proposed Neighbourhood Development Plan only and does not represent our final view in relation to any future planning or permit applications that may come forward. We reserve the right to change our position in relation to any such application.

Please contact me on the details below should you have any questions or would wish to contact any of our specialist advisors. Please continue to keep us advised on the progress of the plan.

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)

We have recently published new webpages for [LPAs](#), [developers](#) and [Neighbourhood Planning Groups](#) giving clarification on our planning consultation role. Please refer to this to check if we can provide you with advice on your development proposals. For developments in areas at risk of flooding, please refer to our new [Flood Risk Assessment checklist](#).

Direct e-mail [simon.metcalfe@environment-agency.gov.uk](mailto:simon.metcalfe@environment-agency.gov.uk)

Date: 27 January 2017  
Our ref: 202620  
Your ref: Martlesham Neighbourhood Plan



Mr Stephen Denton  
Martlesham Parish Council  
  
martlesham2028@gmx.co.uk

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

**BY EMAIL ONLY**

T 0300 060 3900

Dear Mr Denton,

**Martlesham Neighbourhood Development Plan (Suffolk) - Pre-submission draft plan consultation Reg 14**

Thank you for your consultation on the above.

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.

Natural England is a statutory consultee in neighbourhood planning and must be consulted on draft neighbourhood development plans by the Parish/Town Councils or Neighbourhood Forums where they consider our interests would be affected by the proposals made..

**Natural England does not have any specific comments on this draft neighbourhood plan.**

However, we refer you to the attached annex which covers the issues and opportunities that should be considered when preparing a Neighbourhood Plan.

For clarification of any points in this letter, please contact John Jackson on 020 80264866. For any further consultations on your plan, please contact: [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

Yours sincerely

John Jackson  
Lead Adviser  
Sustainable Development  
Norfolk & Suffolk Team

# Annex 1 - Neighbourhood planning and the natural environment: information, issues and opportunities

## Natural environment information sources

The [Magic](http://magic.defra.gov.uk/)<sup>1</sup> website will provide you with much of the nationally held natural environment data for your plan area. The most relevant layers for you to consider are: **Agricultural Land Classification, Ancient Woodland, Areas of Outstanding Natural Beauty, Local Nature Reserves, National Parks (England), National Trails, Priority Habitat Inventory, public rights of way (on the Ordnance Survey base map) and Sites of Special Scientific Interest (including their impact risk zones)**. Local environmental record centres may hold a range of additional information on the natural environment. A list of local record centres is available [here](#)<sup>2</sup>.

**Priority habitats** are those habitats of particular importance for nature conservation, and the list of them can be found [here](#)<sup>3</sup>. Most of these will be mapped either as **Sites of Special Scientific Interest**, on the Magic website or as **Local Wildlife Sites**. Your local planning authority should be able to supply you with the locations of Local Wildlife Sites.

**National Character Areas (NCAs)** divide England into 159 distinct natural areas. Each character area is defined by a unique combination of landscape, biodiversity, geodiversity and cultural and economic activity. NCA profiles contain descriptions of the area and statements of environmental opportunity, which may be useful to inform proposals in your plan. NCA information can be found [here](#)<sup>4</sup>.

There may also be a local **landscape character assessment** covering your area. This is a tool to help understand the character and local distinctiveness of the landscape and identify the features that give it a sense of place. It can help to inform, plan and manage change in the area. Your local planning authority should be able to help you access these if you can't find them online.

If your neighbourhood planning area is within or adjacent to a **National Park** or **Area of Outstanding Natural Beauty (AONB)**, the relevant National Park/AONB Management Plan for the area will set out useful information about the protected landscape. You can access the plans on from the relevant National Park Authority or Area of Outstanding Natural Beauty website.

General mapped information on **soil types** and **Agricultural Land Classification** is available (under 'landscape') on the [Magic](http://magic.defra.gov.uk/)<sup>5</sup> website and also from the [LandIS website](http://www.landis.org.uk/)<sup>6</sup>, which contains more information about obtaining soil data.

## Natural environment issues to consider

The [National Planning Policy Framework](https://www.gov.uk/government/publications/national-planning-policy-framework--2)<sup>7</sup> sets out national planning policy on protecting and enhancing the natural environment. [Planning Practice Guidance](http://planningguidance.planningportal.gov.uk/blog/guidance/natural-environment/)<sup>8</sup> sets out supporting guidance.

Your local planning authority should be able to provide you with further advice on the potential impacts of your plan or order on the natural environment and the need for any environmental assessments.

### Landscape

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<sup>1</sup> <http://magic.defra.gov.uk/>

<sup>2</sup> <http://www.nbn-nfbr.org.uk/nfbr.php>

<sup>3</sup> <http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

<sup>4</sup> <https://www.gov.uk/government/publications/national-character-area-profiles-data-for-local-decision-making>

<sup>5</sup> <http://magic.defra.gov.uk/>

<sup>6</sup> <http://www.landis.org.uk/index.cfm>

<sup>7</sup> <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

<sup>8</sup> <http://planningguidance.planningportal.gov.uk/blog/guidance/natural-environment/>

Your plans or orders may present opportunities to protect and enhance locally valued landscapes. You may want to consider identifying distinctive local landscape features or characteristics such as ponds, woodland or dry stone walls and think about how any new development proposals can respect and enhance local landscape character and distinctiveness.

If you are proposing development within or close to a protected landscape (National Park or Area of Outstanding Natural Beauty) or other sensitive location, we recommend that you carry out a landscape assessment of the proposal. Landscape assessments can help you to choose the most appropriate sites for development and help to avoid or minimise impacts of development on the landscape through careful siting, design and landscaping.

### Wildlife habitats

Some proposals can have adverse impacts on designated wildlife sites or other priority habitats (listed [here](#)<sup>9</sup>), such as Sites of Special Scientific Interest or [Ancient woodland](#)<sup>10</sup>. If there are likely to be any adverse impacts you'll need to think about how such impacts can be avoided, mitigated or, as a last resort, compensated for.

### Priority and protected species

You'll also want to consider whether any proposals might affect priority species (listed [here](#)<sup>11</sup>) or protected species. To help you do this, Natural England has produced advice [here](#)<sup>12</sup> to help understand the impact of particular developments on protected species.

### Best and Most Versatile Agricultural Land

Soil is a finite resource that fulfils many important functions and services for society. It is a growing medium for food, timber and other crops, a store for carbon and water, a reservoir of biodiversity and a buffer against pollution. If you are proposing development, you should seek to use areas of poorer quality agricultural land in preference to that of a higher quality in line with National Planning Policy Framework para 112. For more information, see our publication [Agricultural Land Classification: protecting the best and most versatile agricultural land](#)<sup>13</sup>.

## **Improving your natural environment**

Your plan or order can offer exciting opportunities to enhance your local environment. If you are setting out policies on new development or proposing sites for development, you may wish to consider identifying what environmental features you want to be retained or enhanced or new features you would like to see created as part of any new development. Examples might include:

- Providing a new footpath through the new development to link into existing rights of way.
- Restoring a neglected hedgerow.
- Creating a new pond as an attractive feature on the site.
- Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- Incorporating swift boxes or bat boxes into the design of new buildings.
- Think about how lighting can be best managed to encourage wildlife.
- Adding a green roof to new buildings.

You may also want to consider enhancing your local area in other ways, for example by:

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<sup>9</sup><http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

<sup>10</sup> <https://www.gov.uk/guidance/ancient-woodland-and-veteran-trees-protection-surveys-licences>

<sup>11</sup> <http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

<sup>12</sup> <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

<sup>13</sup> <http://publications.naturalengland.org.uk/publication/35012>

- Setting out in your plan how you would like to implement elements of a wider Green Infrastructure Strategy (if one exists) in your community.
- Assessing needs for accessible greenspace and setting out proposals to address any deficiencies or enhance provision.
- Identifying green areas of particular importance for special protection through Local Green Space designation (see [Planning Practice Guidance on this](#)<sup>14</sup>).
- Managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips in less used parts of parks, changing hedge cutting timings and frequency).
- Planting additional street trees.
- Identifying any improvements to the existing public right of way network, e.g. cutting back hedges, improving the surface, clearing litter or installing kissing gates) or extending the network to create missing links.
- Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition, or clearing away an eyesore).

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<sup>14</sup> <http://planningguidance.planningportal.gov.uk/blog/guidance/open-space-sports-and-recreation-facilities-public-rights-of-way-and-local-green-space/local-green-space-designation/>