



Strategic Environmental Assessment Screening Opinion

Otley Neighbourhood Plan

January 2025

Contents

1. Introduction	1
2. Legislative Background.....	1
3. Criteria for determining the likely significance of effects referred to in Article 3(5) of Directive 2001/42/EC	2
4. Assessment	3
5. Conclusion	8
Appendix 1: Responses from Statutory Consultees.....	9

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 Otley 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.

This screening was carried out in 2023 against the Draft Otley Neighbourhood Plan (Version 1.19) and subject to consultation with Natural England at the time. The screening report was then finalised in January 2025 at the point at which the Neighbourhood Plan was submitted to East Suffolk Council.

2. Legislative Background

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).

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 preparation of a 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 the Regulations;
and
- b) Consult the consultation bodies.

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. The Council consulted with the three consultation bodies and provided five weeks for a response. Responses were received from Historic England and Natural England and these are contained in Appendix 1.

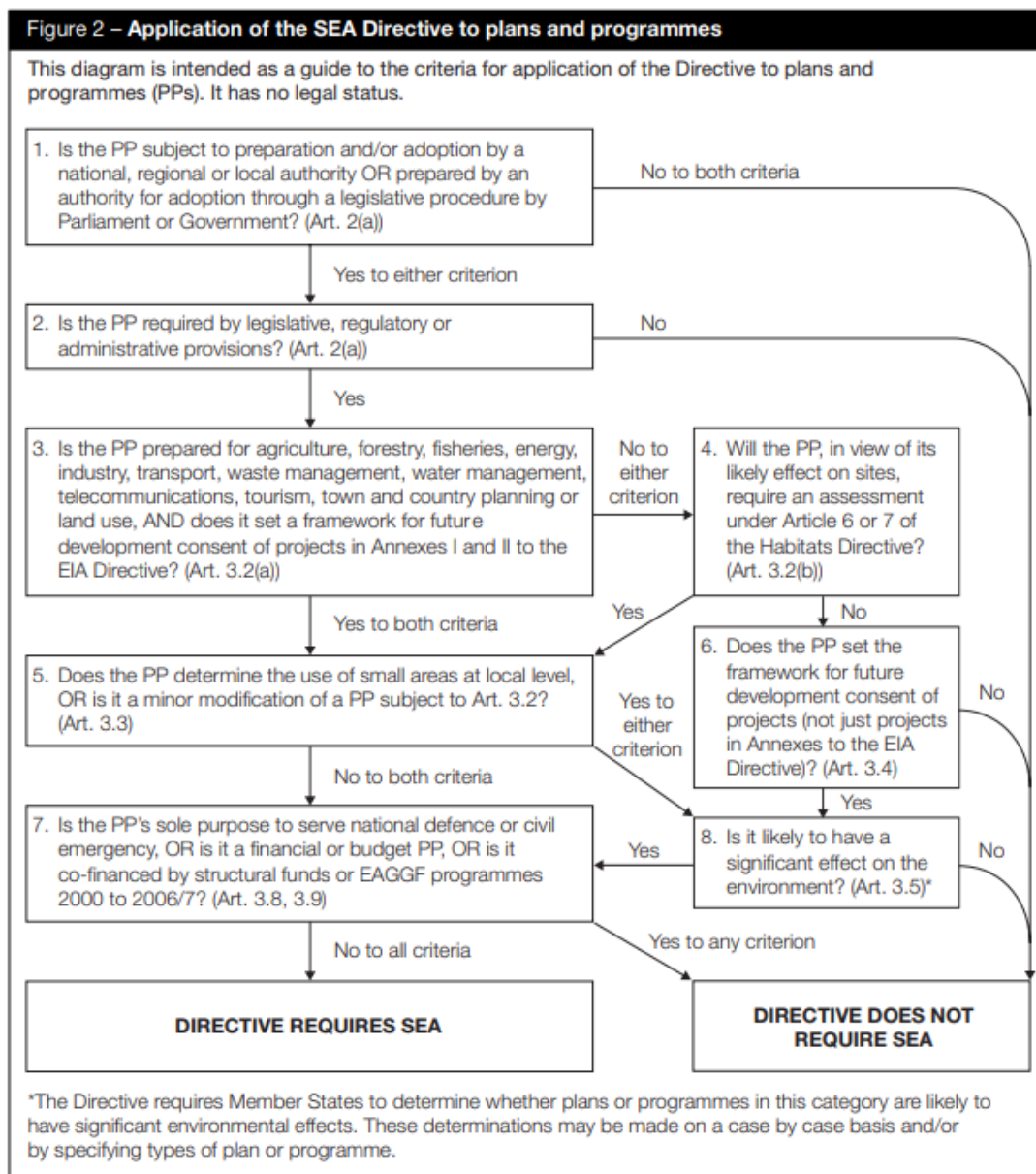
Schedule 1 of the SEA Regulations sets out the criteria for determining likely significant effects as follows:

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

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 Otley 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 Otley 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 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 of town and country planning and relates to the local (parish) level. The designated neighbourhood plan area is identical to the Otley Parish administrative boundary. The current draft Neighbourhood Plan contains 14 numbered policies, none of which allocate land for built development.

The policies cover a number of topics, including Natural Environment, Built Heritage, Local Green Spaces, Climate Change, Housing and Development, Business, Transport and Traffic. The full list of policies contained in the Otley Neighbourhood Plan include:

- Policy ONHP1 Natural Environment – Ecology and Biodiversity
- Policy ONHP2 Natural Environment – Landscape and Amenity
- Policy ONHP3 Conserving the setting of the church
- Policy ONHP4 Local Green Space
- Policy ONHP5 Sustainable transport
- Policy ONHP6 Sustainable construction

- Policy ONHP7 Design Quality
- Policy ONHP8 Site and Plot boundaries
- Policy ONHP9 Digital Infrastructure
- Policy ONHP10 Housing Types
- Policy ONHP11 Land Adjacent to Swiss Cottage Farm
- Policy ONHP12 Business and Commercial
- Policy ONHP13 Transport and Traffic
- Policy ONHP14 Provision for Car Parking

Neighbourhood plan policies have their basis in strategic policies set out in the Suffolk Coastal Local Plan (September 2020). The Local Plan identifies the Parish of Otley as a Large Village within Policy SCLP3.2: Settlement Hierarchy. The Local Plan identifies the Settlement Boundary for the Parish of Otley under Policy within Policy SCLP3.3: Settlement Boundaries. The Local Plan allocates land adjacent to Swiss Farm, Otley (Policy SCLP12.58) for the development of approximately 60 dwellings.

The Neighbourhood Plan contains a policy (Policy ONHP11) relating to the Local Plan allocation at land adjacent to Swiss Cottage Farm, Otley (Policy SCLP12.58). The Neighbourhood Plan policy sets out expectations in relation to landscaping, screening and improved public rights of way access. While Policy ONHP11 sets out criteria which will inform the consideration of development proposals, it does not alter the expected quantum and location of development on the site. The Neighbourhood Plan also does not propose alterations to the Settlement Boundary. 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: <https://www.eastsuffolk.gov.uk/planning/planning-policy-and-local-plans/local-plans/>

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 Neighbourhood Plan does not allocate any land for built development. The Suffolk Coastal Local Plan (September 2020) has been subject to an Appropriate Assessment under the Habitats Regulations. A separate Habitats Regulations

Assessment Screening Statement has been produced and this concludes that an Appropriate Assessment will not be 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)

Yes. The draft neighbourhood plan relates solely to the Otley parish administrative area. Specific designations that relate to the parish of Otley are presented in the Neighbourhood Plan including 9 key views and 4 small areas of Local Green Space. Policy ONHP3 designates one area of land to preserve the setting of St Mary's Church. Policy ONHP11 sets out policy on landscaping for the area of land allocated under Local Policy SCLP12.58. Other policies set out an approach to protect landscape character and important views, protect trees, hedgerows and other natural features, expect new development to reflect the local character of the area, incorporate parking standards including EV charging points and cycle spaces, and to support improvements and extensions to the public rights of way network.

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 projects. 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 Neighbourhood Plan is prepared in the context of the Suffolk Coastal Local Plan which has been subject to Sustainability Appraisal (incorporating the requirement for SEA) 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. The Neighbourhood Plan area does contain 1 County Wildlife Site. The Neighbourhood Plan area does not contain any Sites of Special Scientific Interest, Ramsar Sites, Special protection Areas or Special Areas of Conservation. The Neighbourhood Plan area does contain 2 Scheduled Monuments and 15 Listed Buildings including 12 Grade II, 2 Grade II* and 1 Grade I Listed Buildings. Policies within the Neighbourhood Plan seek to protect Open Spaces, Key Views and Built Heritage. Therefore, the Neighbourhood Plan is not considered to have a significant effect on the environment.

5. Conclusion

The Draft Otley Neighbourhood Plan reviewed does not allocate land for built development and applies to a localised area. The plan has been prepared within the context of the strategic policies of the Suffolk Coastal Local Plan (September 2020) 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 that it is not necessary for a Strategic Environmental Assessment to be undertaken of the draft Otley Neighbourhood Plan to ensure compliance with EU obligations. The Council consulted with the three consultation bodies and provided five weeks for a response. Responses were received from Natural England and Historic England and these are contained in Appendix 1.

Signed:

Dated: 30 January 2025



Andrea McMillan
Planning Manager (Policy, Delivery and Specialist Services)
East Suffolk Council

Appendix 1: Responses from Statutory Consultees

Date: 16 January 2023
Our ref: 417094
Your ref: Otley Neighbourhood Plan



Mr I Plummer
East Suffolk Council
Isaac.Plummer@eastsuffolk.gov.uk

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

T 0300 060 3900

BY EMAIL ONLY

Dear Mr Plummer

Re: Otley Neighbourhood Plan - Draft SEA and HRA Screening

Thank you for your consultation on the above dated and received by Natural England on 06 January 2023

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.

HRA Screening Opinion

Natural England has no detailed comments to make on the HRA

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.


Yours sincerely


Joanne Widgery
Consultations Team

FW: Otley Neighbourhood Plan - Draft SEA and HRA Screening



SM-NE-Consultations (NE) <consultations@naturalengland.org.uk>

To  Isaac Plummer

 Follow up. Start by 16 January 2025. Due by 16 January 2025.

Dear Mr Plummer

Thank you for your email below.

I can confirm that a draft SEA screening is not required for the Otley Neighbourhood plan.

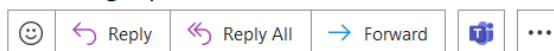
Yours sincerely

Joanne Harrison
Natural England
Consultation Service
Hornbeam House
Crewe Business Park, Electra Way,
Crewe, Cheshire, CW1 6GJ

RE: Otley Neighbourhood Plan - Draft SEA Screening Opinion



James, Edward <Edward.James@HistoricE
To Isaac Plummer



Thu 02/02/2023 14:33

Follow up. Completed on 20 April 2023.

Dear Isaac,

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 Otley 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



Historic England

Work with us to champion heritage and improve lives. Read our Future Strategy and get involved at historicengland.org.uk/strategy.

Follow us: [Facebook](#) | [Twitter](#) | [Instagram](#) Sign up to our [newsletter](#)