

Strategic Environmental Assessment Screening Opinion Determination

For the Reydon Neighbourhood Plan Final
(Submission) Draft

February 2020



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	7
Appendix 1 Response from Environment Agency.....	8
Appendix 2 Response from Historic England	9
Appendix 3 Response from Natural England.....	10

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 Reydon Neighbourhood Plan Final (Submission) Draft November 2019 (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.

Minor changes to the Neighbourhood Plan have been made since the Plan had been screened for SEA. For this reason, the Neighbourhood Plan has been re-screened for SEA, which has concluded, as the initial SEA Screening had, that a full SEA is not required. The updated statutory consultee responses are appended to this SEA Screening determination.

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. Their responses are in the Appendices to this screening determination.

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

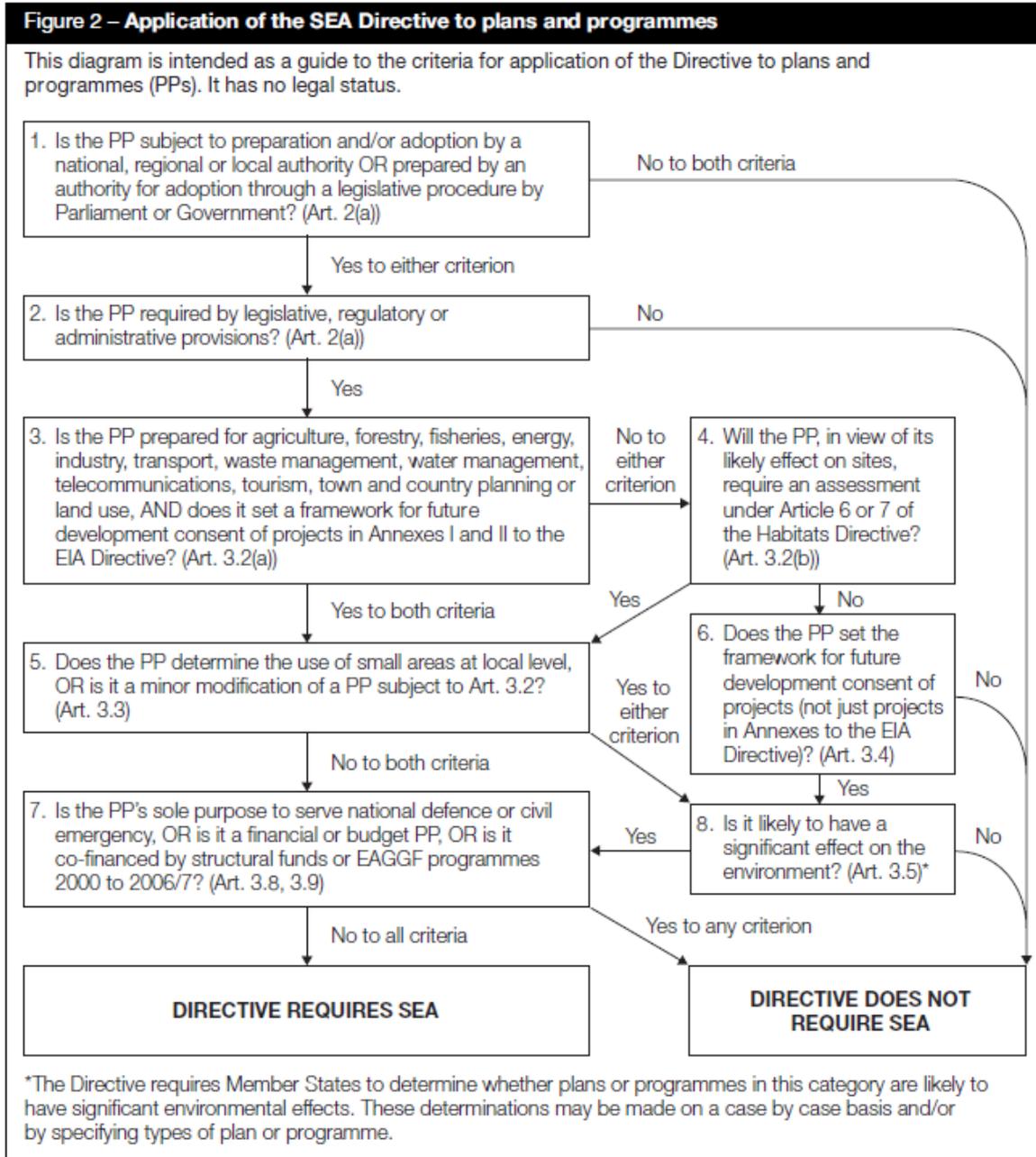
1. The characteristics of plans and programmes, having regard, in particular, to:
 - The degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources,
 - The degree to which 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 Reydon 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.

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 includes all of Reydon Parish and some small elements of the neighbouring Wangford with Henham Parish, all within the East Suffolk Council area. The current draft NP contains ten numbered policies. None of these allocate specific sites for development. Policy RNP 3 allows for small scale Affordable Housing developments to take place adjacent to the Settlement Boundary of Reydon (subject to criteria).

Policy support in the draft NP is provided for: development including Affordable Housing; Small-scale Affordable Housing development adjacent to the Settlement Boundary; new dwellings where they are used as a 'principal residence'; protecting areas of the countryside defined on the policy map; improving footpath access to the countryside; designation of local green spaces; safe access and walking and cycling routes for new development; and design principles. The draft NP policies have their basis in strategic policies set out in the East Suffolk - Waveney Local Plan (the local plan) which was adopted in March 2019.

The local plan identifies Reydon, together with neighbouring Southwold, as a location for growth and allocates 4% of growth here. Sites are allocated for housing; existing employment; and open space. The draft NP's Reydon Nature Designations map shows the neighbourhood plan area lies within the Suffolk Coast and Heaths Area of Outstanding

Natural Beauty and partly within Heritage Coast. The map also shows that the neighbourhood plan area contains Ancient Woodland; County Wildlife Site; National Nature Reserve; Ramsar site; Site of Special Scientific Interest; Special Area of Conservation; and Special Protection Area.

The neighbourhood plan makes no change to these strategic policies and is not considered to impact on other strategic designations. 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. The Local Plan, to which this Neighbourhood Plan must be in general conformity, has already been subject to Appropriate Assessment under the Habitats Regulations. A separate Habitats Regulations Assessment Screening Statement has been produced for the Neighbourhood Plan and this concludes that an Appropriate Assessment will not be required. Policy RNP 3 allows for small scale Affordable Housing development to take place adjacent to the settlement boundary, but it is not considered that this would result in significant environmental effects.

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 neighbourhood plan area. This is marginally larger than the administrative Parish boundary. The policies do not relate to the allocation of land for built development. The local plan sets out settlement boundaries around Reydon within which residential and employment development is directed. As mentioned in 3., there are no specific sites allocated for development in the neighbourhood area. Policy RNP 3 allows for small scale Affordable Housing development to take place adjacent to the settlement boundary. This is considered to be a modification from the local plan of such a small order that it would not result in any significant environmental effects. Policy RNP 2 and the Policies in the local plan would allow for infilling and residential development within the defined settlement boundaries. 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 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 and is not considered to result in significant effects on the environment.

5. Conclusion

The Reydon Neighbourhood Plan Final (Submission) Draft November 2019 does not allocate land for built development and applies to a localised area. The policies reflect and implement strategic policies in the local plan to such a degree as to not result in any significant environmental effects. The local plan 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 Environment Agency, Historic England and Natural England, that it is not necessary for a Strategic Environmental Assessment to be undertaken of the draft Reydon Neighbourhood Plan to ensure compliance with EU obligations.



Signed:

Dated: 11th February 2020

Desi Reed
Planning Policy and Delivery Manager
East Suffolk Council

Appendix 1 Response from Environment Agency

Thank you for re-consulting us on the amended SEA screening opinion for the Reydon Neighbourhood Plan.

We have reviewed the screening opinion as submitted and can confirm that we do not disagree with the outcome that an SEA has been screened out under the constraints that fall under our remit.

Appendix 2 Response from Historic England

Thank you for your email of 20 February 2019 regarding 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 Reydon 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 Reydon Neighbourhood Plan will not have any significant effects on the historic environment.

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 20 February 2019. To avoid any doubt, this does not reflect our obligation to provide further advice on later stages of the SA/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/guidance) where we consider that, despite the SA/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.

Appendix 3 Response from Natural England

Thank you for your consultation on the above dated 17 January 2020

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.

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.

For any further consultations on your plan, please contact:

consultations@naturalengland.org.uk.

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

Natural environment information sources

The Magic website(1) 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(2).

Priority habitats are those habitats of particular importance for nature conservation, and the list of them can be found here(3). 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(4).

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(5) website and also from the LandIS website(6), which contains more information about obtaining soil data.

Natural environment issues to consider

The National Planning Policy Framework(7) sets out national planning policy on protecting and enhancing the natural environment. Planning Practice Guidance(8) 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

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 here⁹), such as Sites of Special Scientific Interest or Ancient woodland¹⁰. 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⁽¹¹⁾) or protected species. To help you do this, Natural England has produced advice here⁽¹²⁾ 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*⁽¹³⁾.

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:

- 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(14)).
- 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).

Links:

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

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

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

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

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

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

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

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

9

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

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

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

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

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

14 <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/>