



Strategic Environmental Assessment Screening Opinion

Westerfield Neighbourhood Plan

July 2024

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1. Introduction

In some circumstances a Neighbourhood Plan could have significant environmental effects and may fall within the scope of the Environmental Assessment of Plans and Programmes Regulations 2004 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 Westerfield Neighbourhood Plan requires a full Strategic Environmental Assessment (SEA). The screening was undertaken on the Draft Westerfield Neighbourhood Plan (Westerfield Neighbourhood Plan 2023-2036 Pre-Submission Draft Plan, November 2023). 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 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. Responses from Natural England and Historic England can be found in Appendix 1 of this report.

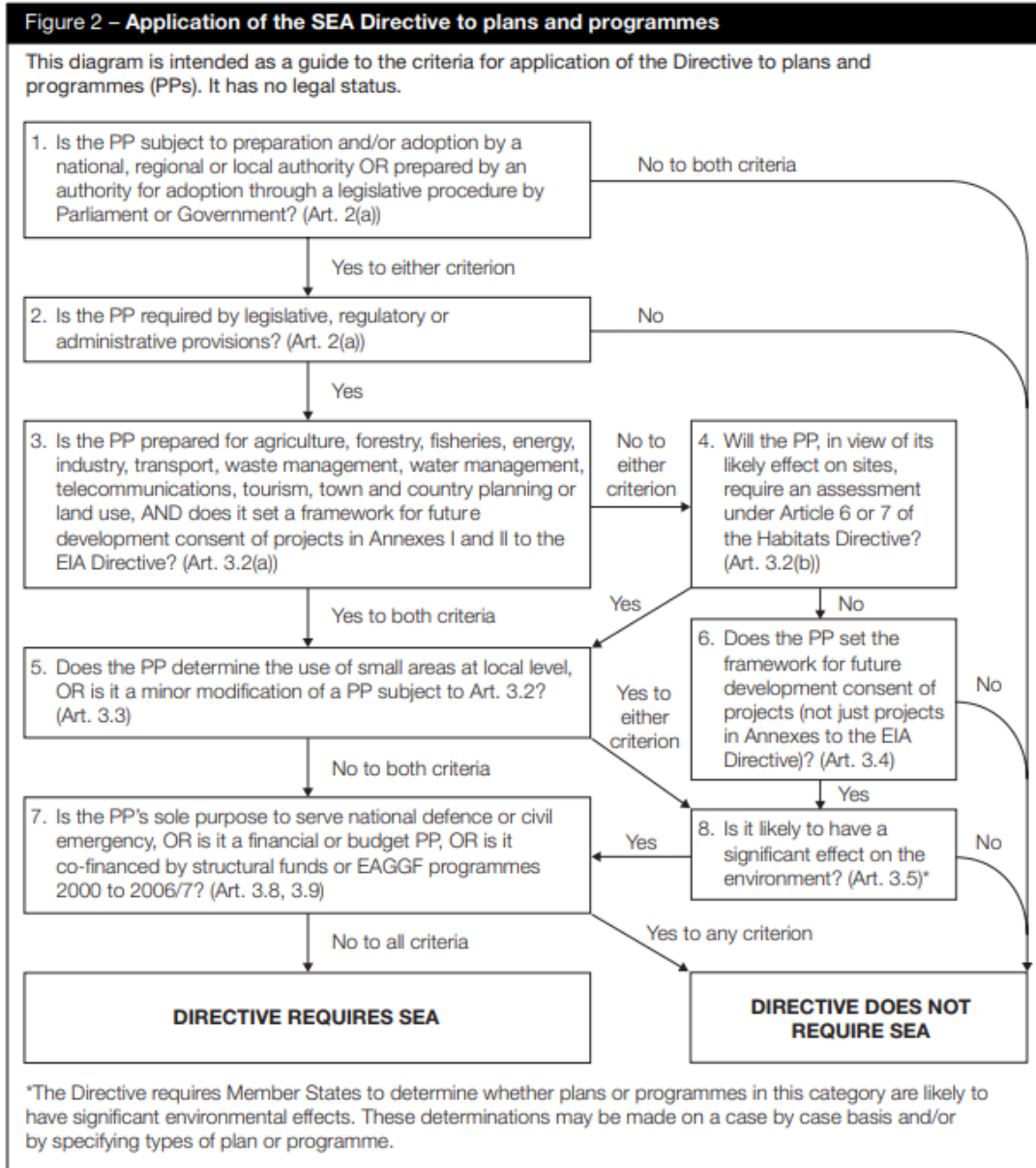
Schedule 1 of the SEA Regulations sets out the criteria for determining likely significant effects as follows:

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 Westerfield 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 Westerfield 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 Westerfield 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 Westerfield Parish administrative boundary. The current draft Neighbourhood Plan contains 9 numbered policies, none of which allocate land for built development.

The policies cover a number of topics, including landscape and natural environment, built environment, services and facilities, and highways and travel. The full list of policies contained in the Westerfield Neighbourhood Plan include:

- Policy WFD1 – Landscape Buffer
- Policy WFD2 – Sensitive Landscape
- Policy WFD3 – Local Green Spaces
- Policy WFD4 – Protection of Important Views
- Policy WFD5 - Protection of Trees, Hedgerows and other Natural Features
- Policy WFD6 – Design Considerations

- Policy WFD7 – Artificial Lighting
- Policy WFD8 – Parish Services and Facilities
- Policy WFD9 – Public Rights of Way

Neighbourhood plan policies have their basis in strategic policies set out in the Suffolk Coastal Local Plan (September 2020). The Local Plan identifies the Settlement Boundary for Westerfield under Policy within Policy SCLP3.3: Settlement Boundaries and the Neighbourhood Plan does not amend this. The Local Plan has been subject to both Sustainability Appraisal (including Strategic Environmental Assessment) and Appropriate Assessment under the Habitat Regulations.

The Neighbourhood Plan does not allocate land for development.

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 of the Westerfield Neighbourhood Plan has been produced and this concludes that an Appropriate Assessment will not be required (currently in draft form).

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 Westerfield parish administrative area. Specific designations that relate to the parish of Westerfield are presented in the Neighbourhood Plan including 4 Local Green spaces, 12 important views and 7 important parish services and facilities. Other policies set out an approach to protect and enhancing landscape, protecting existing trees and hedgerows, design guidelines to guide future development, policy criteria to mitigate the impacts of artificial lighting and public rights of way improvements.

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 Neighbourhood Plan 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 contains 1 County Wildlife Site and 1 Site of Special Scientific Interest but does not contain any Ramsar Sites, Special protection Areas or Special Areas of Conservation. The Neighbourhood Plan area does contain 1 Scheduled Monument and 7 Listed Buildings including 5 Grade II and 2 Grade II* Listed Buildings. Policies within the Neighbourhood Plan seek to protect Non-Designated Heritage Assets, Key Views and Built Heritage. Therefore, the Neighbourhood Plan is not considered to have a significant effect on the environment.

5. Conclusion

The Draft Westerfield 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 Westerfield Neighbourhood Plan to ensure compliance with EU obligations.

Historic England, the Environment Agency and Natural England were consulted on a draft screening opinion. Responses were received from Natural England and Historic England and these are appended to this report in Appendix 1. The responses agreed with the conclusion that it is not necessary for a Strategic Environmental Assessment to be undertaken of the Westerfield Neighbourhood Plan.

Signed:



Dated: 25 July 2024

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

Appendix 1: Responses from Statutory Consultees

Date: 15 July 2024
Our ref: 480610
Your ref: [Click here to enter text.](#)



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

BY EMAIL ONLY

Dear Laura Mundy

Westerfield Neighbourhood Plan

Thank you for your consultation on the above dated 28 June 2024 which was received by Natural England on 28 June 2024.

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 (SEA) and Habitats Regulations Assessment (HRA)

It is Natural England's advice, on the basis of the material supplied with the consultation, that:

- **significant effects on statutorily designated nature conservation sites or landscapes are unlikely; and,**
- **significant effects on Habitats sites¹, either alone or in combination, are unlikely.**

The proposed neighbourhood plan is unlikely to significantly affect any Site of Special Scientific Interest (SSSI), Marine Conservation Zone (MCZ), Special Areas of Conservation (SAC), Special Protection areas (SPA), Ramsar wetland or sites in the process of becoming SACs or SPAs ('candidate SACs', 'possible SACs', 'potential SPAs') or a Ramsar wetland. The plan area is unlikely to have a significant effect on a National Park, Area of Outstanding Natural Beauty or Heritage Coast, and is unlikely to impact upon the purposes for which these areas are designated or defined.

Guidance on the assessment of Neighbourhood Plans, in line with the Environmental Assessment of Plans and Programmes Regulations 2004 is contained within the [Planning Practice Guidance](#). This identifies three triggers that may require the production of an SEA:

- 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.

¹ Habitats sites are those referred to in the [National Planning Policy Framework](#) (Annex 2 - glossary) as "any site which would be included within the definition at regulation 8 of the Conservation of Habitats and Species Regulations 2017 for the purpose of those regulations, including candidate Special Areas of Conservation, Sites of Community Importance, Special Areas of Conservation, Special Protection Areas and any relevant Marine Sites".

Natural England does not hold information on the location of significant populations of protected species, so is unable to advise whether this plan is likely to affect protected species to such an extent as to require an SEA. Further information is included in Natural England's [standing advice](#) on protected species.

Furthermore, Natural England does not routinely maintain locally specific data on all environmental assets. The plan may have environmental impacts on priority species and/or habitats, local wildlife sites, soils and best and most versatile agricultural land, or on local landscape character that may be sufficient to warrant an SEA. Information on ancient woodland, ancient and veteran trees is set out in Natural England/Forestry Commission [standing advice](#).

We therefore recommend that advice is sought from your ecological, landscape and soils advisers, local record centre, recording society or wildlife body on the local soils, best and most versatile agricultural land, landscape, geodiversity and biodiversity receptors that may be affected by the plan before determining whether a SEA is necessary.

Natural England reserves the right to provide further advice on the environmental assessment of the plan. This includes any third party appeal against any screening decision you may make. If a SEA is required, Natural England must be consulted at the scoping and environmental report stages.

Please send any new consultations, or further information on this consultation to

[REDACTED]

Yours faithfully

Joanna Parfitt
Norfolk and Suffolk Team

Westerfield NP SEA Screening Opinion



McGivern, Ross <[redacted]>
To Laura Mundy

☺ Reply Reply All Forward 📧 ⋮

Fri 05/07/2024 09:52



Dear Laura,

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 Westerfield 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 draft 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,
Ross