



Strategic Environmental Assessment Screening Opinion

Draft Healthy Environments Supplementary Planning Document

November 2023

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1. Introduction

The Healthy Environments Supplementary Planning Document (SPD) has been produced by East Suffolk Council. The SPD will apply to the whole of the East Suffolk Council area, excluding the parts of East Suffolk that are within the Broads National Park, for which the Broads Authority is the local planning authority.

In some circumstances a Supplementary Planning Document 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.

This screening report is designed to test whether or not the contents of the Healthy Environments Supplementary Planning Document require 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 SPD and the need for a full SEA. This SEA report reviewed an early draft of the Healthy Environments Supplementary Planning Document (SPD).

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), or SEA Regulations.

The SEA Regulations include a definition of 'plans and programmes' to which the regulations apply. SEA requirements relate to plans or programmes which are subject to preparation or adoption by an authority at national, regional or local level, which includes those prepared for town and country planning and land use. SEA is required where the plan or programme is likely to have significant environmental effects. It is therefore necessary to screen the SPD

to identify whether significant environmental effects are likely. Where screening identifies significant environmental effects, a full Strategic Environmental Assessment is required.

3. Criteria for determining the likely significance of effects referred to in Article 3(5) of Directive 2001/42/EC

The preparation of the SPD 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. All three consultation bodies were consulted on a draft screening opinion in September 2023. Responses were received from Historic England and Natural England, and these are appended to this report in Appendix 1.

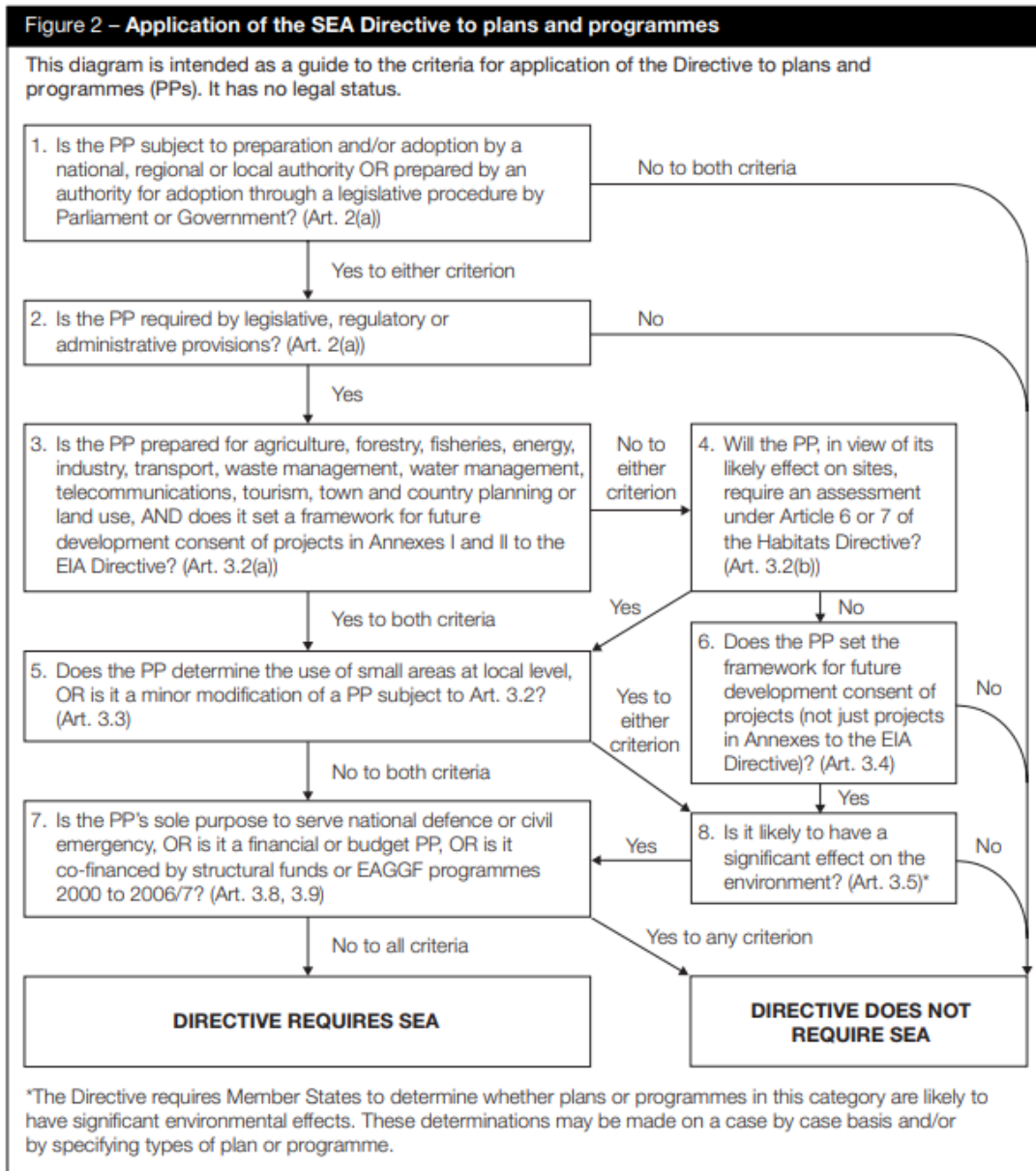
Schedule 1 of the SEA Regulations sets out the criteria for determining likely significant effects as follows:

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 Supplementary Planning Document 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 draft Healthy Environments Supplementary Planning Document (SPD) is being carried out by East Suffolk Council. The SPD is being produced in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).

2. Is the PP required by legislative, regulatory or administrative provisions? (Art. 2(a))

Yes. The production of the SPD forms part of the delivery of the statutory Development Plan and the process for preparing SPDs is set out in the Town and Country Planning (Local Development) (England) Regulations 2012 and relates to the administration of the Council's planning service.

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))

The SPD has been prepared in support of the delivery of town and country planning and land use policies.

The SPD will not set a framework for the future consent of projects listed in Annexes I and II of the EIA Directive.

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))

A separate screening exercise has been carried out under the Habitats Directive (92/43/EEC) and Conservation of Habitats and Species Regulations (2017) (as amended). This has determined that a full Appropriate Assessment is not 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)

Not applicable (based on the responses to questions 3 and 4 above).

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 Healthy Environments Supplementary Planning Document will be a material consideration in the determination of planning applications and will be applied alongside the policy framework provided by the Local Plans.

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))

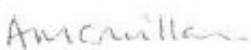
No. The guidance contained in the Healthy Environments Supplementary Planning Document will provide information and advice concerning the implementation of the Council's Local Plan policies. The SPD will provide background on the key health challenges for East Suffolk and provide planning and design guidance to ensure positive health and wellbeing outcomes. The SPD will include case study examples and tools and guidance for use during the design and appraisal process. Topics covered within the SPD include: green infrastructure, active travel, healthy homes, schools and workplaces, healthy centres and community facilities and lifetime homes. The SPD will provide guidance on policies within both the Suffolk Coastal Local Plan and the Waveney Local Plan. It is unlikely that the SPD will have a significant impact upon the environment. All policies within both Local Plans have been subject to a full Sustainability Appraisal, incorporating the requirements for Strategic Environmental Assessment.

5. Conclusion

The Healthy Environments Supplementary Planning Document will support the implementation of policies in the East Suffolk Council - Suffolk Coastal Local Plan (adopted September 2020) and the East Suffolk Council - Waveney Local Plan (adopted March 2019) which were both subject to Sustainability Appraisal including Strategic Environmental Assessment.

It is considered by East Suffolk Council that it is not necessary for a Strategic Environmental Assessment to be undertaken of the draft Healthy Environments Supplementary Planning Document to ensure compliance with SEA legislation.

Historic England, the Environment Agency and Natural England were consulted on a draft screening opinion in September 2023. Responses were received from Historic England and Natural England, and these are appended to this report in Appendix 1. The responses received agreed with the conclusion that it is not necessary for a Strategic Environmental Assessment to be undertaken of the draft Healthy Environments Supplementary Planning Document.

Signed: 

Dated: 13 November 2023

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

Appendix 1: Responses from Statutory Consultees

Historic England Response



Ms Laura Mundy
East Suffolk Council
Riverside
4 Canning Road
Lowestoft
Suffolk
NR33 0EQ

Direct Dial: [REDACTED]

Our ref: PL00794036

4 October 2023

Dear Ms Mundy

Re: draft SEA screening opinion- draft Healthy Environments SPD

Thank you for consulting us regarding the draft SEA screening opinion- draft Healthy Environments SPD. 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, and therefore welcome the opportunity to comment on this document. I can confirm that we agree with the draft screening opinion conclusion that no further SEA work is required. I would be grateful if you would confirm receipt of this email.

Yours sincerely,

Andrew Marsh
Historic Environment Planning Adviser, Planning Group
[REDACTED]

Natural England Response

Date: 09 November 2023
Our ref: 450802

Laura Mundy
East Suffolk Council

BY EMAIL ONLY



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Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

Dear Laura Mundy

East Suffolk Local Plan - draft Healthy Environments Supplementary Planning Document - draft Strategic Environmental Assessment screening opinion & HRA Screening Opinion

Thank you for your consultation on the above dated 15 September 2023 which was received by Natural England on the same date.

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 Supplementary Planning Document 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.

Natural England agrees with the conclusions of the report that it is not likely there will be significant environmental effects arising from the policies in the plan, which have not already been accounted for within the adopted local plan. Therefore, the Healthy Environments Supplementary Planning Document does not require further SEA work to be undertaken. Natural England also agrees that the SPD would be unlikely to result in significant effects to European Sites, either alone or in combination, and therefore an appropriate assessment under the Habitats Regulations is not required.

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 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



Yours sincerely

Alejandra Hart
Norfolk & Suffolk Team