



Strategic Environmental Assessment Screening Opinion

Draft Historic Environment Supplementary Planning Document

December 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: Responses from Statutory Consultees.....	8

1. Introduction

The draft Historic Environment 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 draft Historic Environment Supplementary Planning Document 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 SPD 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, 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.

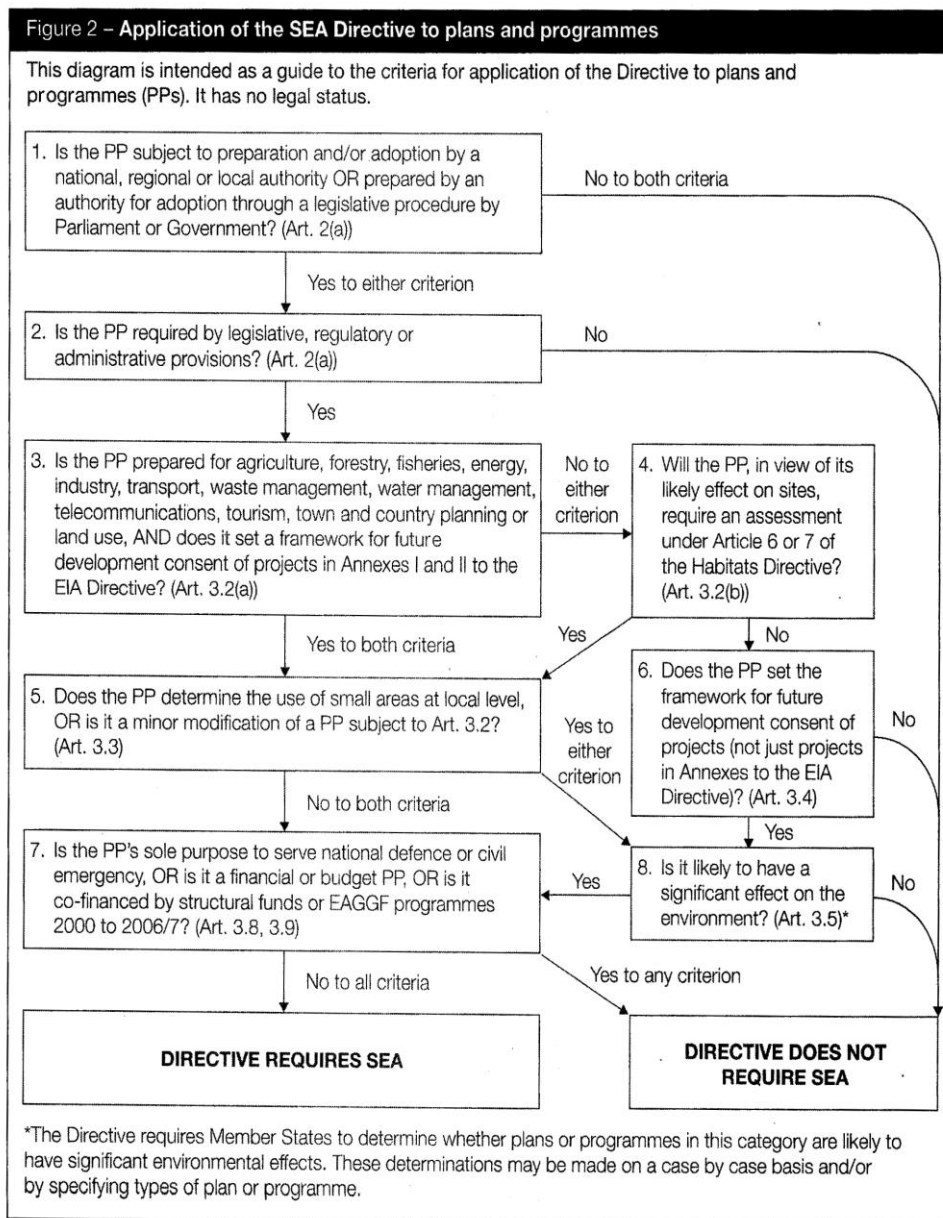
Schedule 1 of the SEA Regulations sets out the criteria for determining likely significant effects as follows:

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 Historic Environment 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 is 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 draft Historic Environment Supplementary Planning Document will be a material consideration in the determination of planning applications and applications for Listed Building Consent 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 draft Historic Environment Supplementary Planning Document provides information and advice concerning the conservation and enhancement of the historic environment and heritage assets. It is unlikely that the SPD will have a significant impact upon the environment. The draft Historic Environment Supplementary Planning Document (SPD) adds detail to policies within both the Suffolk Coastal Local Plan and the Waveney Local Plan, specifically policies SCLP11.3-11.8 of the Suffolk Coastal Local Plan and policies WLP8.37-8.40 of the Waveney Local Plan. All policies within both Local Plans have been subject to a full Sustainability Appraisal, incorporating the requirements for Strategic Environmental Assessment.

5. Conclusion

The draft Historic Environment Supplementary Planning Document supports the implement 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 draft Historic Environment Supplementary Planning Document to ensure compliance with SEA legislation.

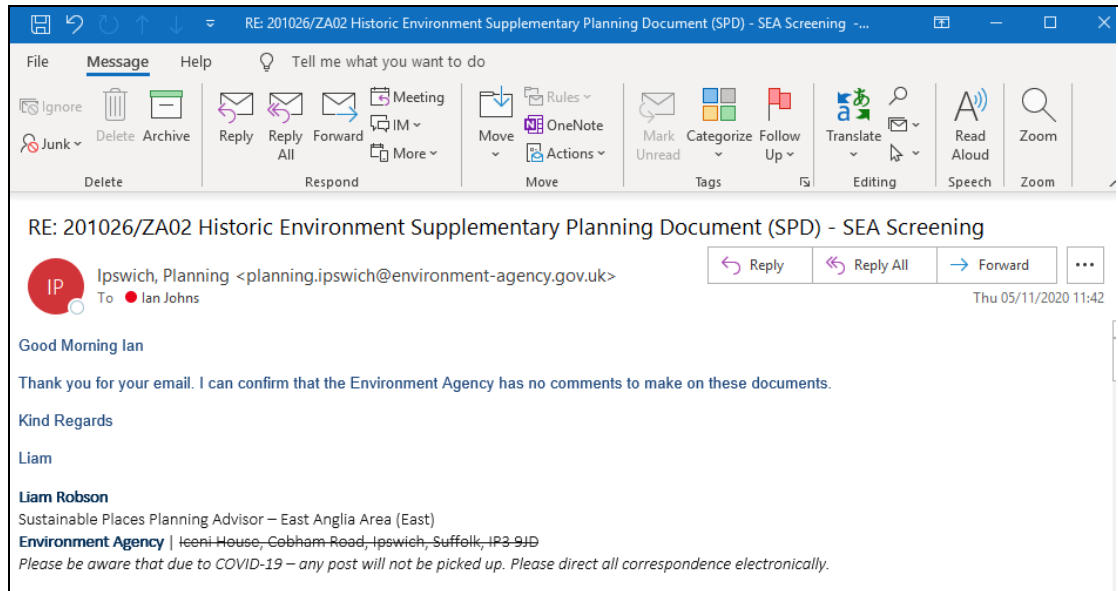
Signed: 

Dated: 02 December 2020

Desi Reed
Planning Policy and Delivery Manager
East Suffolk Council

Appendix 1: Responses from Statutory Consultees

Environment Agency Response



Historic England Response



Historic England

Mr Ian Johns

Direct Dial: 01223 582748

East Suffolk Council

Riverside

Our ref: PL00721922

4 Canning Road

Lowestoft

Suffolk

NR33 0EQ

13 November 2020

Dear Mr Johns

Re: Strategic Environmental Assessment Screening Opinion of the Draft Historic Environment Supplementary Planning Document, October 2020.

Thank you for consulting Historic England on the Strategic Environmental Assessment Screening Opinion of the Draft Historic Environment Supplementary Planning Document (SPD), October 2020. 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. We have reviewed both the draft SPD and the Screening Opinion and agree with the Council's conclusion that Strategic Environmental Assessment is not required in this instance.

Conclusion

We look forward to engaging with you as these proposals progress over the coming months. Finally, we should like to stress that this opinion is based on the information provided by the Council in its consultation. To avoid any doubt, this does not affect our obligation to provide further advice and, potentially, object to specific proposals, which may subsequently arise (either as a result of this consultation or in later versions of the



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Historic England is subject to both the Freedom of Information Act (2000) and Environmental Information Regulations (2004). Any information held by the organisation can be requested for release under this legislation.



Historic England

plan/guidance) where we consider that these would have an adverse impact upon the historic environment.

If you have any queries about any of the matters raised above or would like to discuss anything further, please do not hesitate to contact me.

Yours sincerely,

Andrew Marsh
Historic Environment Planning Adviser, Planning Group
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Natural England Response

Date: 27 October 2020
Our ref: 331792



Ian Johns
East Suffolk Council

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BY EMAIL ONLY

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Dear Mr Johns

Historic Environment Supplementary Planning Document (SPD) - SEA and HRA Screening

Thank you for your consultation on the above dated and received by Natural England on 23 October 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 has no comments to make in regards to the Historic Environment Supplementary Planning Document (SPD). Based on the plans submitted, Natural England agrees with the conclusion of both the Habitats Regulations Assessment Screening Statement and the Strategic Environmental Assessment Screening Opinion and has no objection to the proposed plans.

The lack of comment from Natural England should not be interpreted as a statement that there are no impacts on the natural environment. Other bodies and individuals may wish to make comments that might help the Local Planning Authority (LPA) to fully take account of any environmental risks and opportunities relating to this document.

Should the proposal be amended in a way which significantly affects its impact on the natural environment, then in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, please consult Natural England again.

We really value your feedback to help us improve the service we offer. We have attached a feedback form to this letter and welcome any comments you might have about our service.

Yours sincerely
Dawn Kinrade
Consultations Team