



Strategic Environmental Assessment Screening Opinion

Draft Kirkley Waterfront Planning Position Statement

July 2024

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1. Introduction

In some circumstances a 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 Kirkley Waterfront Planning Position Statement 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 Planning Position Statement and the need for a full SEA. This SEA report reviews the 'Kirkley Waterfront Planning Position Statement Proposed Scope and Structure (April 2024)'.

The Kirkley Waterfront Planning Position Statement is being produced by East Suffolk Council. The Position Statement applies to site WLP2.4 'Kirkley Waterfront and Sustainable Urban Neighbourhood' allocated in the East Suffolk- Waveney Local Plan, March 2019.

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 Kirkley

Waterfront Planning Position Statement 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 Kirkley Waterfront Planning Position Statement 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. They are Historic England, the Environment Agency and Natural England. All three were consulted on a draft of this screening statement and responses were received from Historic England and Natural England which are appended to this statement.

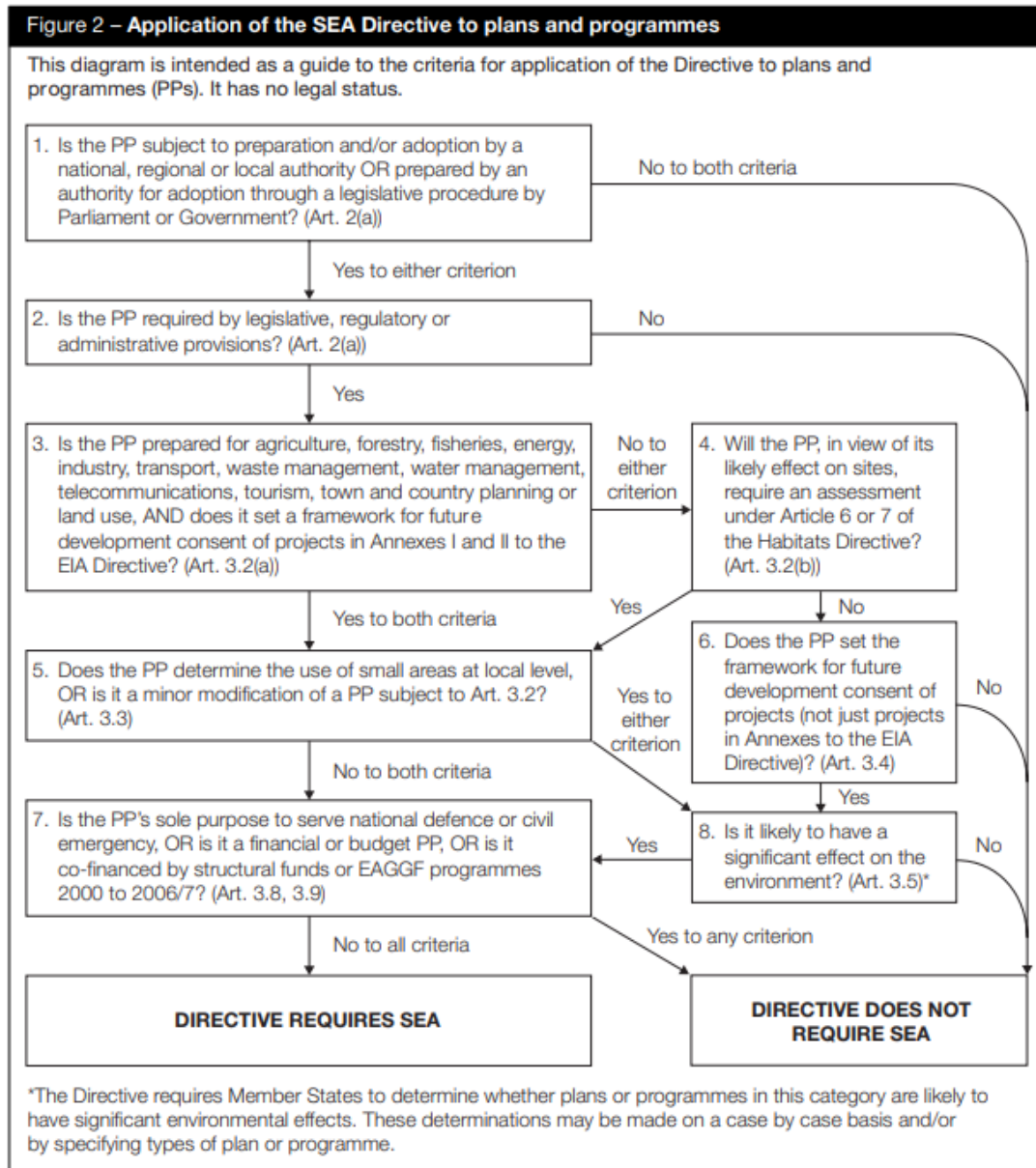
Schedule 1 of the SEA Regulations sets out the criteria for determining likely significant effects as follows:

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 Kirkley Waterfront Planning Position Statement 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 Kirkley Waterfront Planning Position Statement is being carried out by East Suffolk Council. The position statement clarifies the requirements of the adopted Kirkley Waterfront Development Brief Supplementary Planning Document (May 2013) which was 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 position statement clarifies the requirements of the adopted Kirkley Waterfront Development Brief Supplementary Planning Document (May 2013) which was produced in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). The position statement will not form part of the statutory Development Plan for East Suffolk but does relate 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))

Yes. The Kirkley Waterfront Planning Position Statement is being prepared in support of the delivery of town and country planning and land use policies. Site WLP2.4 'Kirkley Waterfront and Sustainable Urban Neighbourhood' is allocated in the East Suffolk-Waveney Local Plan, March 2019. The position statement clarifies the requirements of the Kirkley Waterfront Development Brief Supplementary Planning Document which was adopted in May 2013 to support delivery of the allocated site.

The site extends to 59.76 ha and is allocated in the East Suffolk Council- Waveney Local Plan for:

- Approximately 1,380 new dwellings;
- Retirement community comprising a care home/nursing home and extra care and/or sheltered dwellings;
- 2 form entry primary school and a pre-school setting (2.2 hectares);
- Playing field;
- Local retail centre comprising a mix of convenience retail, cafés and other local services;

- Marina facilities; and
- Approximately 7.5 hectares of employment development (falling under use classes B1, B2 or B8) and/or port related development fronting Lake Lothing.

The Waveney Local Plan was subject to full Sustainability Appraisal incorporating the requirements for Strategic Environmental Assessment during its production.

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))

The Local Plan remains the starting point for decision-making, in line with the national legislation. The Kirkley Waterfront Development Brief Supplementary Planning Document (SPD), which was adopted in May 2013, is a material consideration when determining planning applications for the site. Since the adoption of the SPD in 2013, planning policy has changed both nationally and locally (with the adoption the Local Plan in 2019) and other elements have also changed, such as the construction of a new bridge across Lake Lothing. The position statement will clarify the requirements of the Kirkley Waterfront Development Brief SPD and provide up-to-date guidance regarding the planning policy situation and the expectations of the Council.

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 the Kirkley Waterfront Planning Position Statement will build upon the existing policy framework for site, clarifying the requirements of the Kirkley Waterfront Development Brief SPD and providing up-to-date guidance regarding the planning policy situation and the expectations of the Council. The position statement supports the delivery of site WLP2.4 'Kirkley Waterfront and Sustainable Urban Neighbourhood' allocated in the East Suffolk- Waveney Local Plan, March 2019. The Waveney Local Plan was subject to full Sustainability Appraisal incorporating the requirements for Strategic Environmental Assessment during its production.

The Local Plan site allocation policy (WLP2.4) and the 2013 SPD both require the enhancement of the Brooke Yachts and Jeld Wen Mosaic County Wildlife Site to mitigate the loss of part of the site which is needed to facilitate the construction of the access road. The policy and SPD also require an ecological assessment to be undertaken as part of any planning application. The SPD expands this point to clarify that the ecological assessment will need to examine the impact on the County Wildlife Site and identify a programme of mitigation/ enhancement works and include a Habitat Management Plan setting out how the site will be managed and who will be responsible for this. The position statement will add to this requirement to provide guidance on Biodiversity Net Gain requirements which have been introduced since the adoption of the SPD and Local Plan allocation policy.

5. Conclusion

The Kirkley Waterfront Planning Position Statement will support the implementation of policy WLP2.4 of the East Suffolk Council - Waveney Local Plan (adopted March 2019) which was subject to Sustainability Appraisal including Strategic Environmental Assessment as part of its production. The position statement will clarify the requirements of the Kirkley Waterfront Development Brief Supplementary Planning Document (adopted May 2013) and provide up-to-date guidance regarding the planning policy situation and the expectations of the Council.

It is considered by East Suffolk Council that it is not necessary for a Strategic Environmental Assessment to be undertaken of the draft The Kirkley Waterfront Planning Position Statement to ensure compliance with SEA legislation.

Historic England, the Environment Agency and Natural England were consulted on a draft of this screening opinion and responses were received from Historic England and Natural England which are appended to this statement. Historic England confirmed that they agreed with the conclusions of the screening opinion and Natural England confirmed they had no comments to make on the conclusions of this screening.

Signed: 

Dated: 31 July 2024

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

Appendix 1: Responses from Statutory Consultees

Historic England

Kirkley Waterfront Planning Position Statement - SEA Screening Opinion



McGivern, Ross

To [REDACTED]

 Reply Reply All Forward

 Follow up. Start by 26 April 2024. Due by 26 April 2024.

Fri 26/04/2024 15:59

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 Kirkley Waterfront Planning Position Statement) 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 the site was allocated in the Local Plan and subject to full Sustainability Appraisal, and the planning statement will clarify the requirements of the Kirkley Waterfront Development Brief SPD and provide up-to-date guidance regarding the planning policy situation and the expectations of the Council.

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.

Natural England



SM-NE-Consultations (NE) [REDACTED]
To  Laura Mundy

Follow up. Start by 08 May 2024. Due by 08 May 2024.

Reply

Reply All

Forward

...

Wed 08/05/2024 17:10

 draft Kirkley HRA April 2024.pdf
.pdf File

 draft Kirkley SEA April 2024 .pdf
.pdf File

 Scope and Structure of Sustainable Urban Neighbourhood and Kirkley Waterfront Development Position Statement.pdf
.pdf File

Dear Laura Mundy,

Our Ref: 473421

East Suffolk Council - Kirkley Waterfront Planning Position Statement: SEA Draft Screening Opinion & HRA Screening Assessment

Thank you for your consultation on the above dated 19 April 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.

Further information on when to consult Natural England on planning proposals is here- [Planning and transport authorities: get environmental advice on planning - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/planning-and-transport-authorities-get-environmental-advice-on-planning)

Natural England is not able to provide specific advice on this application and therefore has no comment to make on its details. Although we have not been able to assess the potential impacts of this proposal on statutory nature conservation sites or protected landscapes, we offer the further advice and references to Standing Advice.

Natural England advises Local Planning Authorities to use the following tools to assess the impacts of the proposal on the natural environment:

Impact Risk Zones:

Natural England has provided Local Planning Authorities (LPAs) with Impact Risk Zones (IRZs) which can be used to determine whether the proposal impacts statutory nature conservation sites. Natural England recommends that the LPA uses these IRZs to assess potential impacts. If proposals do not trigger an Impact Risk Zone then Natural England will provide an auto-response email.

Standing Advice:

Natural England has published Standing Advice. Links to standing advice are in Annex A

If after using these tools, you consider there are significant risks to statutory nature conservation sites or protected landscapes, please set out the specific areas on which you require Natural England's advice.

Further information on LPA duties relating to protected sites and areas is here- [Protected sites and areas: how to review planning applications - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/protected-sites-and-areas-how-to-review-planning-applications)

Further guidance is also set out in Planning Practice Guidance on the natural environment [Natural environment - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/natural-environment) and on Habitats Regulations Assessment [Appropriate assessment - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/appropriate-assessment)

Non detailed advice from Natural England does not imply that there are no impacts on the natural environment. It is for the local planning authority to determine whether or not the proposal is consistent with national and local environmental policies. Other bodies and individuals may provide information and advice on the environmental value of this site and the impacts of the proposal on the natural environment to assist the decision making process.

Should the proposal change, please consult us again.

Yours sincerely,

[REDACTED]

Consultations Team
Natural England
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Crewe, Cheshire, CW1 6GJ