



Strategic Environmental Assessment Screening Opinion

Draft Sustainable Construction Supplementary Planning Document

October 2021 (Updated March 2022)

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1. Introduction

The Sustainable Construction Supplementary Planning Document (SPD) is being 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 Sustainable Construction 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 reviews an early draft of the Sustainable Construction Supplementary Planning Document (SPD).

This screening report was updated in March 2022 to reflect the receipt of a consultation response from the Environment Agency (see page 2). This does not change the screening conclusions.

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. The Council consulted with the three consultation bodies and provided five weeks for a response. Responses were received prior to public consultation on the Draft SPD from Historic England and Natural England and these are contained in Appendix 1. The Environment Agency responded in November 2021 and their response is also contained in Appendix 1.

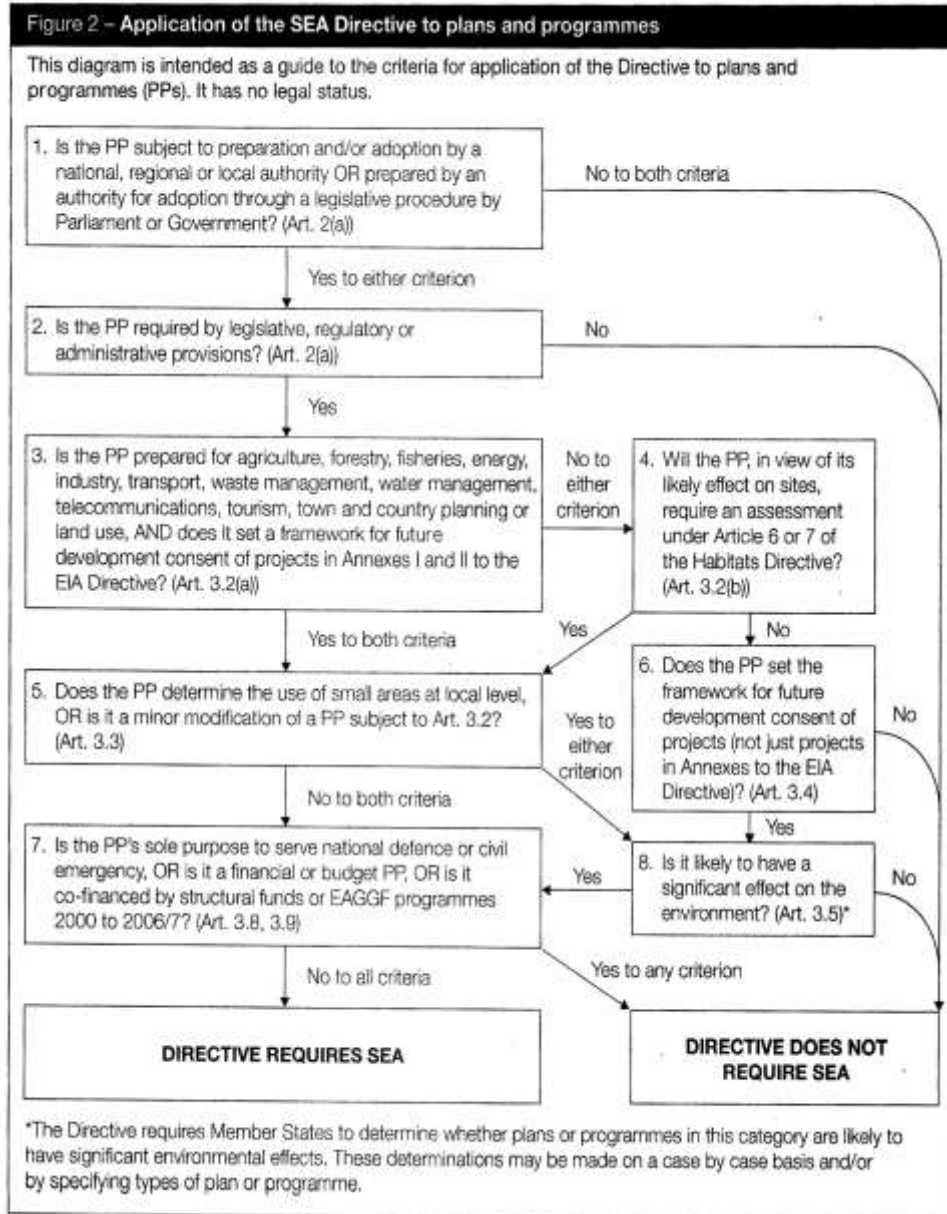
Schedule 1 of the SEA Regulations sets out the criteria for determining likely significant effects as follows:

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 Sustainable Construction 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 Sustainable Construction 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 Sustainable Construction Supplementary Planning Document will provide information and advice concerning the implementation of the Council's Local Plan policies that relate to sustainable construction. The SPD will provide guidance on policies within both the Suffolk Coastal Local Plan and the Waveney Local Plan, principally policies SCLP9.1 'Low Carbon & Renewable Energy', Policy SCLP9.2 'Sustainable Construction', Policy SCLP9.5 'Flood Risk', Policy SCLP9.6 'Sustainable Drainage Systems' and Policy SCLP9.7 'Holistic Water Management' of the Suffolk Coastal Local Plan and policies Policy WLP8.24 'Flood Risk', Policy WLP8.27 'Renewable and Low Carbon Energy' and Policy WLP8.28 'Sustainable Construction' of 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 Sustainable Construction Supplementary Planning Document will support 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 the draft Sustainable Construction Supplementary Planning Document to ensure compliance with SEA legislation.

Signed:



Dated: 09/03/2022

Desi Reed
Planning Manager (Policy, Delivery and Specialist Services)
East Suffolk Council

Appendix 1: Responses from Statutory Consultees

From: Ipswich, Planning <[REDACTED]>
Sent: 22 November 2021 08:57
To: Andrea McMillan <[REDACTED]>
Subject: RE: Supplementary Planning Documents - Draft Strategic Environmental Assessment Screening

Dear Andrea

Apologies for only just replying to your email and thank you for the confirmation. I've taken a quick scan through the document and don't have any initial comments. I note we have missed the deadline so please do let me know if you'd like us to have a look in any further detail.

Kind Regards

Liam

Liam Robson

Sustainable Places Planning Advisor – East Anglia Area (East)
Environment Agency | [REDACTED]

Please be aware that due to COVID-19 – any post will not be picked up. Please direct all correspondence electronically.

[REDACTED]

[REDACTED]

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From: Andrea McMillan [REDACTED]
Sent: 26 October 2021 11:50
To: Ipswich, Planning <[REDACTED]>
Subject: RE: Supplementary Planning Documents - Draft Strategic Environmental Assessment Screening

Dear Liam

Thank you for your response. Apologies for any confusion, however I was seeking your views on the draft Strategic Environmental Assessment Screening Opinions which conclude that it is not considered that SEA will be required for the Supplementary Planning Documents. A consultation on the two SPDs themselves will be taking place between 1st November and 13th December and you will therefore be able to comment on these during this time.

In the meantime I would be grateful if you could respond in relation to the SEA screening to confirm whether you concur or otherwise with our conclusion. We will be publishing the SEA Screening Opinions alongside the SPDs on 1st November and if you are therefore able to provide a response in relation to this over the next couple of days it would be very much appreciated.

Please let me know if you have any queries. I have re-attached the original email which contains all four attachments.

Kind Regards
Andrea



Andrea McMillan BSc(Hons) MRTPI
Principal Planner (Policy and Delivery)
East Suffolk Council

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East Suffolk Council will continue to review and prioritise the delivery of its services during this unprecedented time. The COVID-19 outbreak will severely impact what we are able to do, however we will continue to support and protect our communities, delivering the critical services you need.

From: Ipswich, Planning <[REDACTED]>
Sent: 26 October 2021 09:15
To: Andrea McMillan <[REDACTED]>
Subject: RE: Supplementary Planning Documents - Draft Strategic Environmental Assessment Screening

Dear Andrea

I hope you are well. Thank you for your consultation. I am afraid I have only just got to this consultation so haven't been able to make detailed comments. However, we are pleased to see that you have included the optimal 110 litres per day water consumption target in your Sustainable Construction SPD.

I can confirm that we have no comments on the Affordable Housing Supplementary Planning Document.

Kind Regards

Liam

Liam Robson
Sustainable Places Planning Advisor – East Anglia Area (East)
Environment Agency | [REDACTED]

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Strategic Environmental Assessment Screening Opinion
Draft Sustainable Construction Supplementary Planning Document
October 2021 (updated March 2022)

From: Andrea McMillan [REDACTED]
Sent: 21 September 2021 17:06
To: Ipswich, Planning <[REDACTED]>
Subject: Supplementary Planning Documents - Draft Strategic Environmental Assessment Screening

Dear Sir/Madam,

Please find attached Strategic Environmental Assessment draft screening opinions relating to two documents that the Council is preparing – the Affordable Housing Supplementary Planning Document and the Sustainable Construction Supplementary Planning Document, on which I would be grateful for your response. I also attach the working draft versions of the Supplementary Planning Documents on which the screening is based – please note these are not currently publicly available so please treat as confidential.

The draft screening opinion concludes that no further SEA work is required.

I would be grateful if you could respond within five weeks, by **Tuesday 26th October 2021**.

If you have any queries or require any assistance please do not hesitate to contact me.

Kind Regards

Andrea McMillan



Andrea McMillan BSc(Hons) MRTPI
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www.eastsuffolkmeansbusiness.co.uk

East Suffolk Council will continue to review and prioritise the delivery of its services during this unprecedented time. The COVID-19 outbreak will severely impact what we are able to do, however we will continue to support and protect our communities, delivering the critical services you need.