

Strategic Environmental Assessment Screening Opinion Determination

For the Draft Shadingfield, Sotterley, Willingham
and Ellough Neighbourhood Development Plan
(2020-2036) version 11-2 (received by East Suffolk
Council on 18 March 2021)

March 2021



EASTSUFFOLK
C O U N C I L

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 Response from Historic England	8
Appendix 2 Response from Natural England.....	10

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 Shadingfield, Sotterley, Willingham and Ellough Neighbourhood Plan (draft V11-2 received by East Suffolk Council on 18 March 2021) 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 Plan and the need for a full SEA.

2. Legislative Background

The basis for Strategic Environmental Assessments and Sustainability Appraisal 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, 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 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 these Regulations (EIA Regulations); and
- b) Consult the consultation bodies.

The consultation bodies are defined in section 4 of the SEA Regulations (as amended, including through EU exit legislation). As the responsible authority, East Suffolk Council (formerly Waveney and Suffolk Coastal District Councils until 1st April 2019) has sought opinions from the statutory consultation bodies: Historic England; the Environment Agency; and Natural England. Their responses to draft version 11-2 (received by East Suffolk Council on 12 November 2020) are in the Appendices to this screening determination. No response was received from the Environmental Agency.

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

1. The characteristics of plans and programmes, having regard, in particular, to:
 - 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,
 - The degree to which the plan or programme influences other plans and programmes including those in a hierarchy,
 - The relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development,
 - Environmental problems relevant to the plan or programme,
 - 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:

- The probability, duration, frequency and reversibility of the effects,
- The cumulative nature of the effects,

- The trans boundary nature of the effects,
- The risks to human health or the environment (e.g. due to accidents),
- The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)
- the value and vulnerability of the area likely to be affected due to:
 - special natural characteristics or cultural heritage;
 - exceeded environmental quality standards or limit values;
 - intensive land-use; and
 - the effects on areas or landscapes which have a recognised national, community or international protection status.

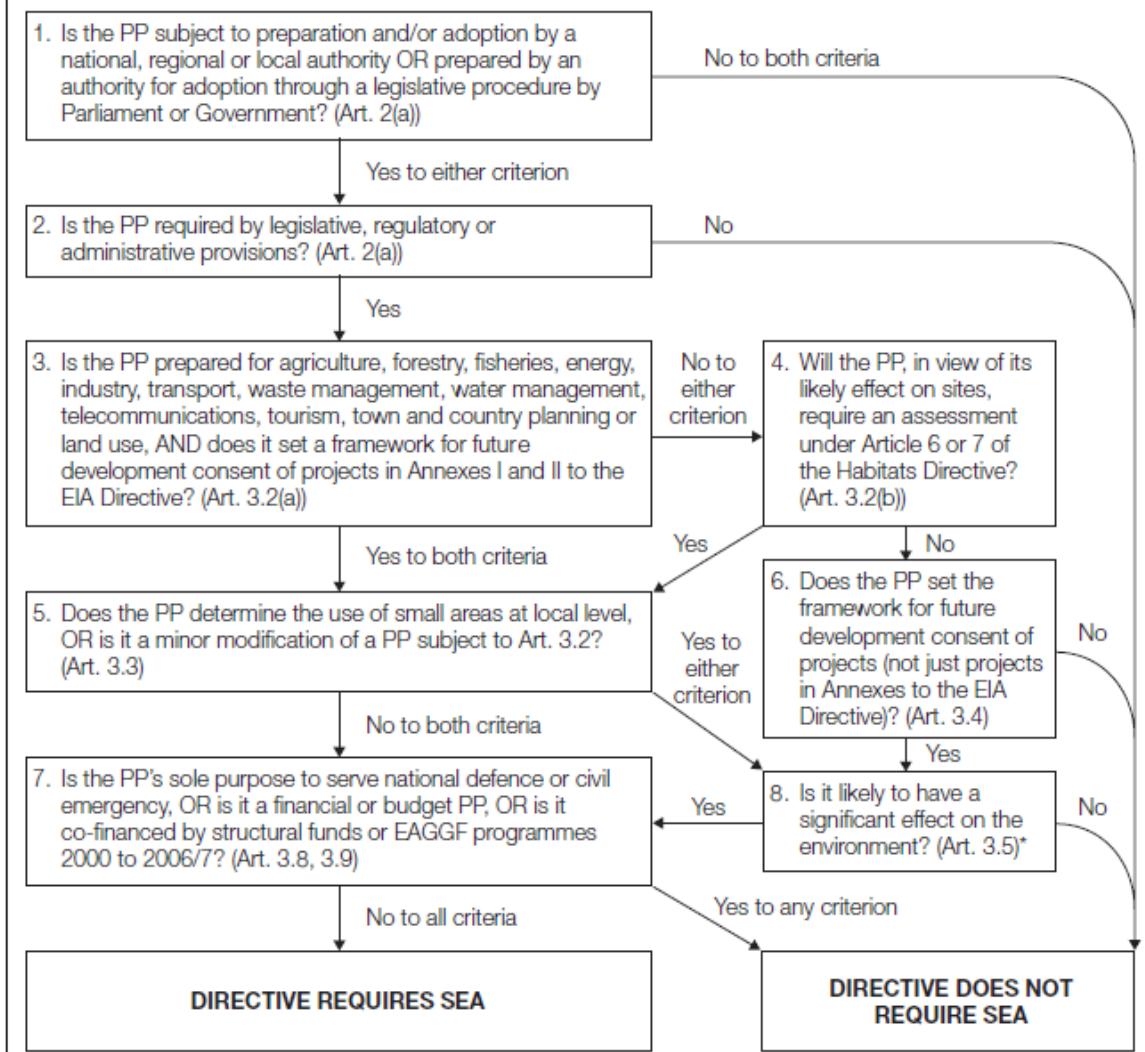
Source: Annex 2 of SEA Directive 2001/42/EC

4. Assessment

The diagram below illustrates the process for screening a planning document to ascertain whether a full SEA is required.

Figure 2 – Application of the SEA Directive to plans and programmes

This diagram is intended as a guide to the criteria for application of the Directive to plans and programmes (PPs). It has no legal status.



*The Directive requires Member States to determine whether plans or programmes in this category are likely to have significant environmental effects. These determinations may be made on a case by case basis and/or by specifying types of plan or programme.

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 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 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 Shadingfield, Sotterley, Willingham and Ellough 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 District 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 town and country planning and relates to the local (parish) level. The designated neighbourhood plan area is largely the same as Shadingfield, Sotterley, Willingham and Ellough Parish administrative boundary within the East Suffolk District Council area. The current draft neighbourhood plan (V11-2) contains 13 numbered policies of which the only allocated land use is in the improving of the playingfield facilities and either the redevelopment or improvement to a village hall. Policy support is provided for development within settlement boundaries, for small scale infill outside settlement boundaries, for limited employment and rural tourism. Other policies define local green space, support the conservation of non-designated heritage assets, provide a criteria of low energy and sustainable energy projects, support pedestrian and cycle access, ensure suitable access with limited impact on existing transport networks, the retention of communal facilities, additional housing design criteria and the retention of defined open landscapes and tree and hedge planting.

All neighbourhood plan policies have their basis in strategic policies set out in the East Suffolk Waveney Local Plan which was adopted in March 2019. This latter Plan identifies Willingham (with Shadingfield) as a smaller village and Ellough and Sotterley as countryside. These parishes have allocated an area of open space (Willingham) and one housing site for 10 units (in Willingham) as part of the district wide housing provision as well as defining the settlement boundaries. In addition, an existing employment area and

an extension to this employment area (in Ellough) is also allocated. The neighbourhood plan makes no change to these strategic policies, neither does it impact on other strategic designations. The East Suffolk Waveney Local Plan has been subject to both sustainability appraisal (including strategic environmental assessment) and Appropriate Assessment under the Habitats Regulations.

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 with the exception of communal facilities. The policy permits the expansion or partial redevelopment of existing communal facilities and new development if the communal facilities are no longer viable, relevant or necessary. It is not considered that this would result in significant environmental impacts. The East Suffolk Waveney Local Plan, to which this Neighbourhood Plan must be in general conformity, has already been subject to Sustainability Appraisal (including Strategic Environmental Assessment) and Appropriate Assessment under the Habitats Regulations. A separate Habitats Regulations Assessment Screening Statement has been produced for the Neighbourhood Plan and this concludes that an Appropriate Assessment will not be 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)

Yes. The draft Neighbourhood Plan relates solely to the Neighbourhood Plan area. Specific designations are included for an area of local green space and allocation of non-designated heritage assets and communal facilities. Other policies set out a local approach to development within or adjoining the settlement boundary and add support to strategic policies in the East Suffolk Waveney Local Plan. The East Suffolk Waveney Local Plan sets a requirement for and allocates land for ten dwellings at Willingham. There is therefore no obligation on the draft neighbourhood plan to make provision for any additional housing land allocations. No further allocations are proposed. Other policies would allow for minor infilling and for limited residential development within the defined settlement boundaries and within the wider Countryside where it accords with national guidance and strategic policies in the East Suffolk Waveney Local Plan. Being a predominantly rural parish new housing may also come forward under agricultural permitted development rights.

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))

No. The plan does not allocate land for new built development. The draft NP is consistent with the local plan which has been subject to Sustainability Appraisal and Habitats Regulations Assessment. There is no requirement for additional project level environmental assessment work for the housing allocation WLP7.16 identified and allocated in Willingham in the East Suffolk Waveney Local Plan.

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 and is not considered to result in significant effects on the environment. Policy NEP1 makes reference to landscape and rural character of the village, to the tranquil nature of the parish, the retention of trees and hedgerows and replacement landscaping using native trees and hedgerows.

5. Conclusion

The draft Shadingfield, Sotterley, Willingham and Ellough Neighbourhood Plan (v11-2 received by East Suffolk Council on 18 March 2021) does not allocate land for built development (aside for potential replacement of Shadingfield village hall) and applies to a localised area. All of the policies reflect and implement strategic policies in the East Suffolk Waveney Local Plan which has been subject to Sustainability Appraisal including Strategic Environmental Assessment and Appropriate Assessment under the Habitats Regulations Assessment. Natural England and Historic England both responded to the consultation and based on the information provided did not consider a Strategic Environmental Assessment is required. No response was received from the Environmental Agency following the consultation period but given the nature of the plan and that it does not seek to allocate land for development it is reasonable to conclude that a Strategic Environmental Assessment is not required.

It is considered by East Suffolk District Council in consultation with Natural England, Environment Agency and Historic England that it is not necessary for a Strategic Environmental Assessment to be undertaken of the draft Shadingfield, Sotterley, Willingham and Ellough Neighbourhood Plan to ensure compliance with EU obligations.

Signed:



26 March 2021

Desi Reed
Planning Policy and Delivery Manager
East Suffolk Council

Appendix 1 Response from Historic England

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 Shadingfield, Sotterley, Willingham and Ellough 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 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,

Edward James Historic Places Adviser - East of England Historic England

Appendix 2 Response from Natural England

Thank you for your consultation on the above dated 10 December 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 is a statutory consultee in neighbourhood planning and must be consulted on draft neighbourhood development plans by the Parish/Town Councils or Neighbourhood Forums where they consider our interests would be affected by the proposals made.

Natural England does not have any specific comments on this draft neighbourhood plan.

However, we refer you to the attached annex which covers the issues and opportunities that should be considered when preparing a Neighbourhood Plan.

Strategic Environmental Assessment (SEA) Screening

Natural England considers that, based on the material supplied with the consultation, in so far as our strategic environmental interests are concerned, significant environmental effects resulting from the neighbourhood plan are unlikely. We therefore agree with the conclusion of the SEA screening report that a Strategic Environmental Assessment would not be required.

Further guidance on deciding whether the proposals are likely to have significant environmental effects and the requirements for consulting Natural England on SEA are set out in the National Planning Practice Guidance.

Habitats Regulations Assessment (HRA) Screening

Natural England agrees with the report's conclusions that the Shadingfield, Sotterley, Willingham & Ellough Neighbourhood Plan would not be likely to result in a significant effect on any European Site, either alone or in combination and therefore no further assessment work would be required.

For any further consultations on your plan, please contact:
consultations@naturalengland.org.uk.

Yours sincerely,
Ben Jones
Consultations Team

Annex 1 - Neighbourhood planning and the natural environment: information, issues and opportunities

Natural environment information sources

The Magic¹ website will provide you with much of the nationally held natural environment data for your plan area. The most relevant layers for you to consider are: **Agricultural Land Classification, Ancient Woodland, Areas of Outstanding Natural Beauty, Local Nature Reserves, National Parks (England), National Trails, Priority Habitat Inventory, public rights of way (on the Ordnance Survey base map)** and **Sites of Special Scientific Interest (including their impact risk zones)**. Local environmental record centres may hold a range of additional information on the natural environment. A list of local record centres is available here².

Priority habitats are those habitats of particular importance for nature conservation, and the list of them can be found here³. Most of these will be mapped either as **Sites of Special Scientific Interest**, on the Magic website or as **Local Wildlife Sites**. Your local planning authority should be able to supply you with the locations of Local Wildlife Sites.

National Character Areas (NCAs) divide England into 159 distinct natural areas. Each character area is defined by a unique combination of landscape, biodiversity, geodiversity and cultural and economic activity. NCA profiles contain descriptions of the area and statements of environmental opportunity, which may be useful to inform proposals in your plan. NCA information can be found here⁴.

There may also be a **local landscape character** assessment covering your area. This is a tool to help understand the character and local distinctiveness of the landscape and identify the features that give it a sense of place. It can help to inform, plan and manage change in the area. Your local planning authority should be able to help you access these if you can't find them online.

If your neighbourhood planning area is within or adjacent to a **National Park or Area of Outstanding Natural Beauty** (AONB), the relevant National Park/AONB Management Plan for the area will set out useful information about the protected landscape. You can access the plans on from the relevant National Park Authority or Area of Outstanding Natural Beauty website. General mapped information on **soil types** and **Agricultural Land Classification** is available (under 'landscape') on the Magic⁵ website and also from the LandIS website⁶, which contains more information about obtaining soil data.

Natural environment issues to consider

The National Planning Policy Framework⁷ sets out national planning policy on protecting and enhancing the natural environment. Planning Practice Guidance⁸ sets out supporting guidance.

Your local planning authority should be able to provide you with further advice on the potential impacts of your plan or order on the natural environment and the need for any environmental assessments.

Natural environment issues to consider

The National Planning Policy Framework⁷ sets out national planning policy on protecting and enhancing the natural environment. Planning Practice Guidance⁸ sets out supporting guidance. Your local planning authority should be able to provide you with further advice on the potential impacts of your plan or order on the natural environment and the need for any environmental assessments.

Landscape

Your plans or orders may present opportunities to protect and enhance locally valued landscapes. You may want to consider identifying distinctive local landscape features or characteristics such as ponds, woodland or dry stone walls and think about how any new development proposals can respect and enhance local landscape character and distinctiveness. If you are proposing development within or close to a protected landscape (National Park or Area of Outstanding Natural Beauty) or other sensitive location, we recommend that you carry out a landscape assessment of the proposal. Landscape assessments can help you to choose the most appropriate sites for development and help to avoid or minimise impacts of development on the landscape through careful siting, design and landscaping.

Wildlife habitats

Some proposals can have adverse impacts on designated wildlife sites or other priority habitats (listed here⁹), such as Sites of Special Scientific Interest or Ancient woodland¹⁰. If there are likely to be any adverse impacts you'll need to think about how such impacts can be avoided, mitigated or, as a last resort, compensated for.

Priority and protected species

You'll also want to consider whether any proposals might affect priority species (listed here¹¹) or protected species. To help you do this, Natural England has produced advice here¹² to help understand the impact of particular developments on protected species.

Best and Most Versatile Agricultural Land

Soil is a finite resource that fulfils many important functions and services for society. It is a growing medium for food, timber and other crops, a store for carbon and water, a reservoir of

biodiversity and a buffer against pollution. If you are proposing development, you should seek to use areas of poorer quality agricultural land in preference to that of a higher quality in line with National Planning Policy Framework para 171. For more information, see our publication Agricultural Land Classification: protecting the best and most versatile agricultural land¹³.

Improving your natural environment

Your plan or order can offer exciting opportunities to enhance your local environment. If you are setting out policies on new development or proposing sites for development, you may wish to consider identifying what environmental features you want to be retained or enhanced or new features you would like to see created as part of any new development. Examples might include:

- Providing a new footpath through the new development to link into existing rights of way.
- Restoring a neglected hedgerow.
- Creating a new pond as an attractive feature on the site.
- Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- Incorporating swift boxes or bat boxes into the design of new buildings.
- Think about how lighting can be best managed to encourage wildlife.
- Adding a green roof to new buildings.

You may also want to consider enhancing your local area in other ways, for example by:

- Setting out in your plan how you would like to implement elements of a wider Green Infrastructure Strategy (if one exists) in your community.
- Assessing needs for accessible greenspace and setting out proposals to address any deficiencies or enhance provision.
- Identifying green areas of particular importance for special protection through Local Green Space designation (see Planning Practice Guidance on this 14).
- Managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips in less used parts of parks, changing hedge cutting timings and frequency).
- Planting additional street trees.
- Identifying any improvements to the existing public right of way network, e.g. cutting back hedges, improving the surface, clearing litter or installing kissing gates) or extending the network to create missing links.

- Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition, or clearing away an eyesore).

Links:

¹ <http://magic.defra.gov.uk/>

² <http://www.nbn-nfbr.org.uk/nfbr.php>

³ <http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

⁴ <https://www.gov.uk/government/publications/national-character-area-profiles-data-for-local-decision-making>

⁵ <http://magic.defra.gov.uk/>

⁶ <http://www.landis.org.uk/index.cfm>

⁷ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/807247/NPPF_Feb_2019_revised.pdf

⁸ <http://planningguidance.planningportal.gov.uk/blog/guidance/natural-environment/>

⁹ <http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

¹⁰ <https://www.gov.uk/guidance/ancient-woodland-and-veteran-trees-protection-surveys-licences>

¹¹ <http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

¹² <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

¹³ <http://publications.naturalengland.org.uk/publication/35012>

¹⁴ <http://planningguidance.planningportal.gov.uk/blog/guidance/open-space-sports-and-recreation-facilities-public-rights-of-way-and-local-green-space/local-green-space-designation/>