



Strategic Environmental Assessment Screening Opinion Determination

Draft Worlingham Neighbourhood Plan 2020 – 2036 (file version 210120)

March 2020

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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 (as amended, including through EU Exit legislation) 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 Worlingham Neighbourhood Development Plan, January 2020 (file version 210120) 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 through EU Exit legislation). As the responsible authority, East Suffolk Council will seek the opinions from the statutory consultation bodies Historic England, the Environment Agency; and Natural England.

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

- 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).

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.

Act 2011. The Neighbourhood Plan is being prepared by the Worlingham Neighbourhood Plan Team 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 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 identical to the Worlingham Parish administrative boundary within the East Suffolk Council area. The current draft neighbourhood plan (file version 210120) contains 17 numbered policies none of which allocate land for built development. Policy support is provided for the development of the Beccles and Worlingham Garden Neighbourhood allocated in policy WLP3.1 in the Waveney Local Plan. Policies define housing characteristics, set parking standards, protect pedestrian and cycle routes, promote native planting in landscaping and designate local green space.

All neighbourhood plan policies have their basis in strategic policies set out in the Waveney Local Plan adopted 20th March 2019. The Local Plan identifies land in Worlingham, Beccles and Weston parishes for the mixed use site allocation, the Beccles and Worlingham Garden Neighbourhood in policy WLP3.1. The policy includes approximately 1250 new dwellings, employment development, primary school, country park, sports fields, allotments, play areas, retail and community centre. The Local Plan Policy WLP3.1 allocation

forms part of the district wide housing and employment land provision and the Local Plan Policy WLP1.2 and policy maps define the settlement boundaries of Beccles and Worlingham.

The neighbourhood plan makes no changes to the Local Plan strategic policies. The Local Plan has been subject to both sustainability appraisal (including strategic environmental assessment) and Appropriate Assessment under the Habitat 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. The Local Plan, to which this Neighbourhood Plan must be in general conformity, has already been subject to 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. Local Plan Policy WLP3.1 does not require Neighbourhood Plans to undertake environmental assessment work for the site allocated in the Local Plan.

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 Worlingham Neighbourhood Plan relates solely to the neighbourhood plan area and Parish Council administrative area. Specific designations are included for three small areas of local green space. Other policies set out a local approach to development within the Worlingham Neighbourhood Plan area and add support to strategic policies in the Waveney Local Plan. The Waveney Local Plan sets a requirement for and allocates land for 1250 new dwellings on land south of Beccles, Worlingham and Weston parishes. There is therefore no obligation on the draft neighbourhood plan to make provision for any additional housing land allocations. 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 Waveney Local Plan.

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. Environmental assessment work for the housing allocation WLP3.1 allocated in the Waveney Local Plan will be required to accompany a planning application.

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. Policy WORL13 requires landscaping schemes and use of native planting. Policy WORL14 requires local community feedback regarding proposals for a country park on site WLP3.1 allocated in the Local Plan. Policy WORL15 requires proposals on site WLP3.1 allocated in the Local Plan to maximisation of the opportunity to protect and enhance wildlife corridors. Policy WORL16 designates three sites as Local Green Spaces and Policy WORL17 supports Sustainable Drainage Systems.

5. Conclusion

The draft Worlingham Neighbourhood Plan, January 2020 (file version 210120) does not allocate land for built development and applies to a localised area. All of the policies reflect and implement strategic policies in the Waveney Local Plan which has been subject to Sustainability Appraisal including Strategic Environmental Assessment and Appropriate Assessment under the Habitats Regulations Assessment. It is considered by East Suffolk Council that it is not necessary for a Strategic Environmental Assessment to be undertaken of the draft Worlingham Neighbourhood Plan to ensure compliance with EU obligations.

Signed:



Dated: 23/04/2020

Desi Reed
Planning Policy and Delivery Manager
Suffolk Coastal and Waveney District Councils

Appendices

Date: 24 February 2020
Our ref: 309227 & 309228



Ms Ruth Bishop
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BY EMAIL ONLY

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Dear Ms Bishop

Draft Worlingham Neighbourhood Plan SEA Screening and HRA Screening

Thank you for your consultation on the above dated 17 February 2020 which was received by Natural England on 17 February 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.

Screening Request: Strategic Environmental Assessment and HRA Report

It is our advice, on the basis of the material supplied with the consultation, that, in so far as our strategic environmental interests (including but not limited to statutory designated sites, landscapes and protected species, geology and soils) are concerned, that there are unlikely to be significant environmental effects from the proposed plan.

Neighbourhood Plan

Guidance on the assessment of Neighbourhood Plans, in light of the Environmental Assessment of Plans and Programmes Regulations 2004 (as amended), is contained within the [National Planning Practice Guidance](#). The guidance highlights three triggers that may require the production of an SEA, for instance where:

- a neighbourhood plan allocates sites for development
- the neighbourhood area contains sensitive natural or heritage assets that may be affected by the proposals in the plan
- the neighbourhood plan may have significant environmental effects that have not already been considered and dealt with through a sustainability appraisal of the Local Plan.

We have checked our records and based on the information provided, we can confirm that in our view the proposals contained within the plan will not have significant effects on sensitive sites that Natural England has a statutory duty to protect.

We are not aware of significant populations of protected species which are likely to be affected by the policies / proposals within the plan. It remains the case, however, that the responsible authority should provide information supporting this screening decision, sufficient to assess whether protected species are likely to be affected.

Notwithstanding this advice, Natural England does not routinely maintain locally specific data on all potential environmental assets. As a result the responsible authority should raise environmental issues that we have not identified on local or national biodiversity action plan species and/or habitats, local wildlife sites or local landscape character, with its own ecological and/or landscape advisers, local record centre, recording society or wildlife body on the local landscape and biodiversity receptors that may be affected by this plan, before determining whether an SA/SEA is necessary.

Natural England also concurs with the conclusions of the HRA screening Report.

Please note that Natural England reserves the right to provide further comments on the environmental assessment of the plan beyond this SEA/SA screening stage, should the responsible authority seek our views on the scoping or environmental report stages. This includes any third party appeal against any screening decision you may make.

For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours sincerely

Clare Foster
Consultations Team



Ms Ruth Bishop
East Suffolk Council
East Suffolk House Station Road
Melton
Woodbridge
IP12 1RT

Our ref: AE/2020/124912/01-L01
Your ref: SEA
Date: 23 March 2020

Dear Ms Bishop

**WORLINGHAM STRATEGIC ENVIRONMENTAL ASSESSMENT DRAFT
SCREENING OPINION**

Thank you for consulting us on the Strategic Environmental Assessment (SEA) screening opinion report. We have reviewed the report as submitted and can confirm that we do not disagree with the conclusion that a SEA report is not required.

Allocations

The Worlingham Neighbourhood plan does not allocate any new sites. The sites that are allocated are that from the Waveney Local plan that was adopted in 2019 and would have been subject to environmental screening in its adoption process. If further sites are allocated within the Neighbourhood plan then the Neighbourhood plan should be re-screened.

Constraints

If the Neighbourhood plan is screened in for an SEA the constraints that we would recommend being reviewed are: flood zones, source protection zones and waste sites in the area.

We trust the above is useful.

Yours sincerely



Miss Natalie Kermath
Planning Advisor





Ms Ruth Bishop
East Suffolk Council

Direct Dial: [REDACTED]

Our ref: PL00687883
23 March 2020

Dear Ms Bishop

RE: Worlingham Neighbourhood Plan SEA Screening

Thank you for inviting Historic England to comment on the above 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 Worlingham 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 itself 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 dated 17 February 2020. 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



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HistoricEngland.org.uk



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.



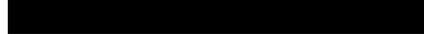
and its assessment. They are best placed to advise on; local historic environment issues and priorities, including access to data held in the Historic Environment Record (HER), how the allocation, policy or proposal can be tailored to minimise potential adverse impacts on the historic environment; the 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 above, if you have any queries.

Yours sincerely,



Edward James
Historic Places Advisor, East of England



cc:

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