

# SEA Screening Opinion for Draft Hemsby Neighbourhood Plan (dated February 2022)

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## Contents

SEA Screening Opinion for Draft Hemsby Neighbourhood Plan (dated February 2022).....	1
<b>SEA Screening Opinion</b> .....	1
Introduction .....	1
Background.....	1
Strategic Plan .....	1
Hemsby Draft Neighbourhood Plan proposals .....	2
Suggested amendments to submitted SEA Screening Report.....	2
Responses from statutory consultees .....	3
SEA Screening Opinion Checklist .....	4
SEA Screening Opinion Conclusion .....	5
<b>HRA Screening Opinion</b> .....	7
Introduction .....	7
Submitted HRA Screening Assessment .....	7
HRA Screening Opinion Conclusion.....	8

## SEA Screening Opinion

### Introduction

This screening opinion determines whether or not the draft Hemsby Neighbourhood Plan (February, 2022) is likely to have significant environmental effects and therefore require a full Sustainability Appraisal incorporating Strategic Environmental Assessment (SEA) in accordance with the [Environmental Assessment of Plans and Programmes Regulations \(2004\)](#).

### Background

In order to meet the relevant 'Basic Conditions' (tests that the neighbourhood plan is examined with), a neighbourhood plan must contribute to sustainable development and must not breach or be otherwise compatible with the retained EU obligations. In some limited circumstances, where a neighbourhood plan is likely to have significant environmental effects, it may require a full Sustainability Appraisal (SA). Draft neighbourhood plan proposals should be assessed to determine whether the plan is likely to have significant environmental effects. This process is commonly referred to as a "screening" assessment and the requirements are set out in regulation 9 of the Environmental Assessment of Plans and Programmes Regulations 2004.

Sustainability appraisals incorporate the requirements of the Environmental Assessment of Plans and Programmes Regulations 2004 (commonly referred to as the 'Strategic Environmental Assessment Regulations' (SEA)), which implement the requirements of the European Directive 2001/42/EC (the 'Strategic Environmental Assessment Directive') on the assessment of the effects of certain plans and programmes on the environment. A sustainability appraisal ensures that potential environmental effects are given full consideration alongside social and economic issues.

As part of the screening exercise, the neighbourhood plan will be assessed for likely significant effects upon the environment in light of across the 'plan characteristics', the 'effects and area characteristics' including the environmental areas listed under Schedule 2 Part 6 of the Environmental Assessment Regulations (2004) such as biodiversity and human health. In most cases, neighbourhood plans will not require a full SA, but are more likely to be required where the neighbourhood plan allocates sites for development, contains policies that may affect sensitive environmental assets, or where significant environmental effects have not been addressed through a sustainability appraisal of the local plan.

### Strategic Plan

The draft Hemsby Neighbourhood Plan, subject to the suggested changes, is largely in conformity with the Borough Council's adopted [Local Plan Part 1: Core Strategy](#) and the strategic policies of the [Local Plan Part 2](#). Each of the local plan documents were subject to a full Sustainability Appraisal and identified that generally there were no adverse environmental effects, and where there were effects these were adequately mitigated through the plan.

### Hemsby Draft Neighbourhood Plan proposals

The draft policies of this plan generally detail a restrictive stance on development, with particular focus to preserving both the historic character and rural/village environment of the settlement and parish. Within the designated neighbourhood area, the draft policies will seek to:

- support affordable housing, elderly housing, and lower occupancy housing
- to promote good design through the use of design codes
- encourage locally distinctive and more energy efficient homes
- to review the plan should land become available for relocation of properties at risk from coastal erosion
- support walking and cycling and public transport improvements
- support tourist accommodation & tourist facilities
- mitigate the impacts of flooding
- improve biodiversity & support green corridors
- designate Local Green Spaces
- protect and maintain key views within the parish
- identify non-designated heritage assets

Most of the policies seek to protect the more sensitive qualities of the environment and to ensure that development will be compatible with the existing village. This approach combined with existing local and national planning policies to protect environmental assets, will ensure that likely significant effects on the environment are negligible, and will generally seek improvements.

A 'Habitat Regulations Assessment' (HRA) Screening Assessment has also been reviewed (this is detailed below), and this has also fed in as part of the overall assessment of environmental effects.

### Suggested amendments to submitted SEA Screening Report

- Paragraph 19 & any other references to 'EU designated sites' suggest renaming to 'National Site Network habitat sites'
- Paragraph 25 – may need to consider re-wording the final two sentences as the best and most versatile land is not a showstopper for development. See paragraph 174 of the NPPF – part a) and part b) 'recognise... benefits...'
- Paragraph 30 – Coastal erosion could have its own sub heading and more explanation in terms of proposed solutions, i.e. the rock berm. This is a serious environmental issue within the parish and needs further recognition within the baseline.

- Paragraph 40 – There are 2 Conservation Areas within the parish, each of which need to be referred to:
  - [Hemsby](#)
  - [Newport Cottages](#)

#### Responses from statutory consultees

The relevant statutory ‘consultation bodies’ (Environment Agency, Natural England and Historic England) were consulted on the SEA Screening Assessment and the responses have been summarised as follows:

#### **Environment Agency**

Agreed with the conclusion that the Neighbourhood Plan HNP does not have the potential to have significant environmental impacts, and SEA is not required.

#### **Natural England**

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.

#### **Historic England**

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.

#### **Norfolk County Council**

Having reviewed the Strategic Environmental Assessment (SEA) and Habitat Regulations Assessment (HRA) Screening Report for the Hemsby Neighbourhood Plan and Norfolk County Council is satisfied with the conclusion i.e., that a full Strategic Environmental Assessment (or Appropriate Assessment) is not required.

#### **Lead Local Flood Authority (NCC)**

- We welcome the references to fluvial and surface water flood risk within Section 3.6 of the report. The Parish of Hemsby is known to have surface water flood risk (both flow paths and ponding) according to Environment Agency (EA) data.
- References to drainage within the report are few. There are few specific references to SuDS or ‘sustainable drainage’ as a whole. The use of sustainable drainage systems provides opportunity to reduce the environmental impacts of flooding with specific reference to ordinary watercourses, surface water and groundwater flood risk.
- References to water quality measures within the report are very minimal. In terms of sustainable drainage, water quality is a fundamental component of the SuDS

philosophy and acts as one of four key pillars in their use and application.

- We welcome inclusion that Hemsby is identified as a Critical Drainage Catchment (CDC) in the Great Yarmouth Strategic Flood Risk Assessment.
- We welcome the inclusion of Policy 15: ‘Surface Water Flooding’ within the report.
- The LLFA expect the neighbourhood plan to limit or, more importantly, better the environmental impacts of flood risk for future developments with a clear focus on sustainability within the named Parish. Flood risk should not be increased as a consequence of any development scope.
- We would advise that the benefits of a SEA will only support the Plan development and far outweigh the loss of not doing so, but ultimately, we recognise that it is the responsibility of the LPA to decide whether a full SEA is required or not.

This Screening Opinion should be read in conjunction with the submitted shadow screening assessment and full consultation responses.

#### SEA Screening Opinion Checklist

The neighbourhood plan has been assessed using the ‘Practical Guide to SEA Directive’s’ application chart. The following paragraphs set out the ‘SEA guide Criteria’ questions and responses (including justification).

**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. If passed through a referendum, the neighbourhood plan becomes part of the Borough Council’s adopted Development Plan.

**Is the PP required by legislative, regulatory or administrative provisions? (Art. 2(a))**

No. Communities have the choice to prepare a neighbourhood plan. However, because the plan (if adopted) will form part of the Development Plan, it must be screened for SEA.

**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 is prepared for town and country planning and land use. The plan sets out a framework (within the neighbourhood plan area) for the design of housing and the protection of the environment, which could fall under part 10 of Annex II of the EIA Directive.

**Will the PP, in view of its likely effect on sites, require an assessment under Article 6 or 7 of the Habitats Directive? (Art. 3.2(b))**

No. For full details, see this HRA screening opinion. (No likely significant effects).

**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 neighbourhood plan does not specifically allocate any sites for development. The policies relating to residential, and tourist uses have the potential to lead to small areas of development, and the plan designates 'Local Green Spaces' and 'non-designated heritage assets' as well as other environmental protections.

**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 Neighbourhood Plan sets a framework for future development within the neighbourhood plan area up to 2030.

**Is the PP's sole purpose to serve 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. This is not applicable to neighbourhood plans.

**Is it likely to have a significant effect on the environment? (Art. 3.5)**

No. The plan has been assessed for having "likely significant effects" across the 'plan characteristics', the 'effects and area characteristics' including the environmental areas listed under Schedule 2 Part 6 of the EA Regulations (2004). Overall, the plan is considered to have a negligible effect on the environment. While there some sensitive environmental assets (The Broads SAC, in particular) within the neighbourhood area, impacts upon the environment are considered to be minimal owing to the limited potential of future development, the environmental protection based policies, and absence of any site allocations, and the level of conformity with the strategic plan which is supported by its own SEA.

**Requires / Does not require SEA**

No SEA required, for the reasons set out above (and discussed in further detail within this report).

SEA Screening Opinion Conclusion

In accordance with the Environmental Assessment of Plans and Programmes Regulations (2004) incorporating Strategic Environmental Assessment, the Borough Council is satisfied to conclude that through the information submitted by the SEA Screening Assessment (subject to the above suggested amendments) and the statutory body responses along with this Screening Opinion, the draft Hemsby Neighbourhood Plan is **not likely to have significant environmental effects**. The main reasons for this conclusion are that the draft neighbourhood plan:

- generally, conforms to the adopted Core Strategy & Local Plan Part 2 (subject to suggested amendments)
- operates at relatively small scales of development or land use



- does not contain site allocations
- generally offers limited opportunity for new development
- recognises its sensitive landscape and largely seeks to conserve and enhance its environmental assets.

The draft Hemsby Neighbourhood Plan as currently drafted is consequently 'screened out'.

## HRA Screening Opinion

### Introduction

This screening opinion determines whether or not the draft Hemsby Neighbourhood Plan (February 2022) will have ‘likely significant effects’ upon internationally designated habitat sites (or National Site Network habitat sites). If ‘likely significant effects’ are established, an ‘Appropriate Assessment’ will need to be undertaken, this is usually incorporated into a ‘Habitat Regulations Assessment’ (HRA), in accordance with the [Conservation of Habitats and Species Regulations 2017](#).

### Submitted HRA Screening Assessment

The Borough Council has assessed the submitted shadow HRA screening report (dated February 2022) in consultation with Natural England. While the designated plan area does include The Broads Special Area of Conservation (SAC) and Broadland Special Protection Area (SPA), the draft neighbourhood plan does not allocate any sites for development, and sets out a generally restrictive approach to development. Many of the policies seek to conserve and enhance the natural environment. In this context the plan is highly unlikely to present additional residential or recreational disturbance (likely significant effects) beyond that from growth identified within the Borough Council’s Local Plan Core Strategy and Local Plan Part 2. The policies and proposals of the neighbourhood plan also do not pose likely significant effects in relation to air quality, water quality (including the treatment of wastewater and surface water) or urban impacts.

While the HRAs supporting the Borough Council’s Core Strategy and Local Plan Part 2 do conclude in-combination likely significant effects from increased visitor pressures (resulting from new residential and tourist growth), the neighbourhood plan does not have site allocations and the policies generally do not seek to promote further residential or tourist development. No in-combination effects are identified from the neighbourhood plan.

Any residential or tourist developments coming forward would still be subject to a project level screening or habitat regulations assessment in accordance with the Norfolk Green Infrastructure & Recreational Avoidance & Mitigation Strategy.

Natural England has been consulted and responded as follows:

*‘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.’*

#### HRA Screening Opinion Conclusion

As Competent Authority and in accordance with the Conservation of Habitats and Species Regulations 2017, the Borough Council identifies **no 'likely significant effects'** on nearby internationally protected wildlife sites (particularly The Broads SAC and Broadland SPA) resulting from the draft Hemsby Neighbourhood Plan either alone or in combination with other projects and programmes. No 'appropriate assessment' or full 'Habitat Regulations Assessment' is therefore required.

Note – Should the neighbourhood plan content change significantly from that of the February 2022 submitted draft, there may be potential for likely significant effects on the environment which have not been considered in this 'Screening Opinion', in such cases the neighbourhood plan may need to be re-screened for both SEA and HRA by the Borough Council.