



# **Stradbroke Neighbourhood Plan**

## **Strategic Environmental Assessment Screening Determination**

(Regulation 11 of the Environmental Assessment of Plans and  
Programmes Regulations 2004)

**March 2018**

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# STRADBROKE NEIGHBOURHOOD PLAN

## STRATEGIC ENVIRONMENTAL ASSESSMENT DETERMINATION

### 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 require a 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 and the characteristics of the local area.

The purpose of the Stradbroke Neighbourhood Plan is to provide for the sustainable development of Stradbroke to make it a key service centre village for residents and surrounding villages. To do this, it seeks to phase the provision of good quality housing, educational facilities, business and local retail opportunities through a set of place and people-focused objectives.

This determination refers to:

- A Screening Report for Consultation prepared on behalf of Stradbroke Parish Council by Navigus Planning, which can be viewed at: [www.midsuffolk.gov.uk/StradbrokeNP](http://www.midsuffolk.gov.uk/StradbrokeNP)
- The responses to this from the statutory consultees (See Appendix).

This assessment relates to the Draft Stradbroke Neighbourhood Plan P 2016 - 2036 Pre-submission consultation.

Section 2 sets out the legislative background. Section 3 sets out the criteria for determining the likely significance of effects. Section 4 summarises the assessment and Section 5 sets out the conclusions based on the screening assessment and the responses of the statutory consultees. The determination is set out in Section 6.

### 2. Legislative Background

European Union Directive 2001/42/EC requires a Strategic Environmental Assessment to be undertaken for certain types of plans or programmes that would have a significant environmental effect. The Environmental Assessment of Plans and Programmes Regulations 2004 (the Regulations) require that this is determined by a screening process, which should use a specified set of criteria (set out in Schedule 1 of the Regulations). The results of this process must be set out in an SEA Screening Statement, which must be publicly available.

In accordance with Regulation 9 of the SEA Regulations 2004, Stradbroke Parish Council (the qualifying body) has requested Mid Suffolk District Council (MSDC) as the responsible authority, to determine whether an environmental report on the emerging Stradbroke Neighbourhood Plan is required due to significant environmental effects. In making this determination, MSDC should have regard to Schedule 1 of the Regulations.

Pre-Submission Consultation (Regulation 14 stage) on the Draft Neighbourhood Plan was undertaken between 20 January 2018 and 2 March 2018. In line with the advice contained within the National Planning Policy Framework (NPPF), Planning Practice Guidance, the plan's potential scope should be assessed at an early stage against the criteria set out in Schedule 1 to the Environmental Assessment of Plans and Programmes Regulations 2004. Stradbroke Parish Council has therefore consulted the statutory consultees (Historic England / Natural England / Environment Agency) on the Screening Report prepared by Navigus Planning and asked for their views on whether an SEA is required.

An SEA can be required in some limited situations where a sustainability appraisal is not needed. Neighbourhood Planning is one of these situations. Sustainability Appraisals (SAs) may incorporate the requirements of the Strategic Environmental Assessment Regulations, which implement the requirements of 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 and it is good practice to do one to understand how a plan is to deliver sustainable development. However, NPPF Planning Practice Guidance states that there is no legal requirement for a neighbourhood plan to undertake a sustainability appraisal as set out in section 19 of the Planning and Compulsory Purchase Act 2004. It is down to the qualifying body to demonstrate whether its plan is likely to have significant environmental effects. This is the purpose of the SEA Screening Report.

### **3. Criteria for determining the likely significance of effects referred to in Article 3(5) of Directive 2001/42/EC**

Criteria for determining the likely significance of effects referred to in Article 3(5) of Directive 2001/42/EC are set out in the following table:

- |  |
|--|
| <p>1. The characteristics of plans and programmes, having regard, in particular, to:</p> <ul style="list-style-type: none"><li>- 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,</li><li>- the degree to which the plan or programme influences other plans and programmes including those in a hierarchy</li><li>- the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development,</li><li>- environmental problems relevant to the plan or programme,</li><li>- 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).</li></ul> |
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The table below assesses in broad terms whether the Neighbourhood Plan will require a full SEA. The questions below are drawn from the previous diagram which sets out how the SEA Directive should be applied. The reasons draw on the Screening Report prepared by Essex Place Services and the outcome of consultation with the statutory consultees.

Stage	Y/N	Reason
1. Is the Neighbourhood Plan 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))	Y	The preparation and adoption of the Plan is allowed under The Town and Country Planning Act 1990 as amended by the Localism Act 2011 and the Neighbourhood Planning Act 2017. The Plan is being prepared by Stradbroke Parish Council (as the "relevant body") and will be 'made' by Mid Suffolk District Council as the local authority subject to passing an independent examination and community referendum. The preparation of neighbourhood plans is subject to the following regulations: The Neighbourhood Planning (General) Regulations 2012 (as amended) and the Neighbourhood Planning (referendums) Regulations 2012.
2. Is the Neighbourhood Plan required by legislative, regulatory or administrative provisions? (Art. 2(a))	Y	Whilst the Neighbourhood Plan is not a requirement and is optional under the provisions of the Town and Country Planning Act 1990 as amended by the Localism Act 2011, it will be 'made' and form part of the statutory development plan for Mid Suffolk District. It is therefore important that the screening process considers whether it is likely to have significant environmental effects and hence whether a full SEA is required under the Directive.
3. Is the Neighbourhood Plan 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))	Y	Neighbourhood plans can cover some of the topics identified in this list and they could set the framework for development of a scale that would fall under Annex II of the EIA Directive. However, for neighbourhood plans, developments which fall under Annex I of the EIA Directive are 'excluded development' as set out in Section 61k of the Town and Country Planning Act 1990 (as amended by the Localism Act).
4. Will the Neighbourhood Plan, 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))	N	A screening assessment for a Habitats Regulations Assessment (HRA) has been prepared separately. It has been determined that an HRA is not needed.
5. Does the Neighbourhood Plan 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)	Y	The Plan allocates several sites within the Neighbourhood Area for a range of uses, including housing and community uses.

Stage	Y/N	Reason
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)	Y	The Neighbourhood Plan is to be used by MSDC in helping determine future planning applications. The Neighbourhood Plan however focuses on shaping how development comes forward.
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)	N	Not applicable
8. Is it likely to have a significant effect on the environment? (Art. 3.5)	Y	<p>The environmental designations have been identified further in the Stradbroke baseline information in Section 4 and in the Appendix, which includes maps, distances and vulnerability.</p> <p>As identified in the SEA toolkit for neighbourhood planning<sup>1</sup>, the Environmental Impact Assessment (EIA) Regulations identify a threshold for when an EIA may be needed and the Toolkit recommends this as a starting point for SEA Screening. For 'urban development' projects, one of the thresholds is where development includes more than 150 dwellings.</p> <p>The draft Neighbourhood Plan proposes to allocate four sites (policies STRAD15 - 18) and also allocates a site with planning permission for residential development (STRAD19). These allocations in total, propose to provide between 220 and 260 dwellings. Although spread across five sites, this is significantly in excess of the EIA Regulations threshold. The sites are also located close to one another, therefore any cumulative impacts are likely to be relatively high.</p> <p>As the area characteristics presented in Section 4 show, some of the site allocations could have an impact on the following environmental assets:</p> <ul style="list-style-type: none"> <li>• STRAD15 is adjacent or very close to two County Wildlife Sites.</li> <li>• STRAD18 is close to a priority habitat.</li> <li>• All of the site allocations are close to areas where protected species have been sited.</li> <li>• All of the site allocations are identified as being in Grade 3 agricultural land therefore</li> </ul>

<sup>1</sup> Locality (2016) *Screening neighbourhood plans for strategic environmental assessment: A toolkit for neighbourhood planners*

Stage	Y/N	Reason
		<p>could be 'best and most versatile agricultural land' (Grade 3a).</p> <ul style="list-style-type: none"> <li>• A number of the site allocations have part of their area at risk from 1-in-30-year surface water flood risk.</li> <li>• STRAD16-18 are all close to listed buildings and are adjacent to the Conservation Area and so development at the scale proposed could affect their setting.</li> <li>• STRAD 16 is near to a Historic Environmental Record (HER) monument of archaeological value.</li> <li>• In addition, the following policies could also have an impact on the environment although it is doubtful as to whether these will be significant: <ul style="list-style-type: none"> <li>• STRAD2 (Design principles) expects development to demonstrate good place-making principles in its design and layout.</li> <li>• STRAD10 (Local green spaces) identifies existing green spaces that are special to the community and protects them from development.</li> <li>• STRAD11 (Design and heritage) encourages the use of high quality materials and the retention of traditional heritage features.</li> <li>• STRAD12 (Light pollution) seeks to minimise the impact of light pollution from new development.</li> </ul> </li> </ul> <p>In light of the site allocations proposed in the draft Neighbourhood Plan and their potential impact on a number of environmental assets, it is considered that the Plan could have a significant impact on the environment.</p>

### Assessment of likely significant effects

Under criterion 8 of the assessment in the table above, it was concluded that the Neighbourhood Plan may have a significant effect on the environment depending on the proposals within it and that a case by case assessment was required. The criteria for undertaking such an assessment are drawn from Article 3.5 of the SEA Directive and set out in Section 3 of this report.

## 5. Conclusion

The Screening Report for Consultation prepared by Navigus Planning considered that there could be significant environmental effects arising either individually or cumulatively from the draft Stradbroke Neighbourhood Plan policies. The reasons for reaching this opinion included:

- The location of proposed site allocations could have an impact on various environmental matters including:
  - County Wildlife Sites
  - Priority habitats
  - Protected species
  - Best and most versatile agricultural land (Grade 3a)
  - Surface water flooding
  - Heritage assets, including the Conservation Area, listed buildings and HER designations.
- Certain policies in the draft Neighbourhood Plan addressing design (Policies STRAD2 and STRAD11) and landscaping (Policy STRAD2) could have an impact on the Plateau Clayland landscape

Any development proposal that would be likely to have a significant effect on a European site, either alone or in combination with other plans or projects, will be subject to assessment at the project application stage.

As such, it concluded that under Regulation 9(1) of the Environmental Assessment of Plans and Programmes Regulations 2004, the Stradbroke Neighbourhood Plan does require an SEA to be undertaken because it could have significant environmental effects. Consultation on the screening report was carried out with Natural England, Historic England and the Environment Agency. One response was received, from Historic England, who advised that:

*“Given the likely significant effects (both positive and negative) upon the historic environment, Historic England hence concurs with the Screening Report’s view that a Strategic Environmental Assessment will be required.”*

A copy of the response from Historic England is attached at Appendix 1.

## 6. Determination

In the light of the Screening Report for Consultation prepared by Navigus Planning and the response from Historic England it is determined that the Stradbroke Neighbourhood Plan requires a Strategic Environmental Assessment in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004.



## EAST OF ENGLAND OFFICE

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9 February 2018

Dear Miss Wladon

Thank you for your correspondence of 15th January 2018 regarding 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 Strategic Environmental Assessment (SEA) Screening Report prepared by Navigus Planning for Stradbroke's Neighbourhood Plan. For the purposes of this consultation, Historic England will confine its advice to the question, "Is it (the 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 supporting information (screening statement) supplied with the consultation indicates that within the plan area there is a range of designated historic environment assets within the neighbourhood plan area. There is also likely to be other features of local historic, architectural or archaeological value, and consideration should also be given to the wider historic rural landscape of Stradbroke Parish. It is also noted that the neighbourhood plan intends to allocate five sites for residential development, for a total of c.260 dwellings. A number of these sites are within the Stradbroke Conservation Area and are adjacent to listed buildings.

Given the likely significant effects (both positive and negative) upon the historic environment, Historic England hence concurs with the Screening Report's view that a Strategic Environmental Assessment will be required.

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.

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.

Yours sincerely,

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