

Strategic Environmental Assessment Screening Opinion Determination

Oulton Neighbourhood Plan

October 2021



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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 report is written to assess whether or not the contents of the Oulton Neighbourhood Development Plan (the draft NP) requires a full Strategic Environmental Assessment (SEA). The legislative background below outlines the regulations that require the use of this screening exercise.

Oulton Parish Council is the Qualifying Body for the neighbourhood plan and they have set up a working group to oversee the preparation of the plan. Planning consultants 'Collective Community Planning' have produced a screening assessment of the draft NP.

The Oulton Neighbourhood area is covered by both the Broads Authority and East Suffolk Council. As such there are two local planning authorities for the neighbourhood area. The Oulton Neighbourhood Plan will need to be in general conformity with the strategic policies of the Local Plans of both the Broads Authority and East Suffolk Council. The adopted Local Plans are currently the Local Plan for the Broads (2019) and the East Suffolk Council Waveney Local Plan (2019) (referred to collectively as the 'local plans' for the purposes of this document). The Oulton Neighbourhood Plan is being developed within the context of both of the local plans.

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 a responsible authority, East Suffolk Council has sought opinions from the statutory consultation bodies: Historic England; the Environment Agency; and Natural England. Their responses (where provided) are in the Appendices to this screening determination.

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 SEA Screening Assessment in Appendix 1 makes the assessment of the draft NP. It concludes that as there is no intention to allocate a site(s) for residential development this will not give rise to significant effects on the environment. There are no cumulative impacts in relation to the quantum of housing proposed in Oulton overall. The Assessment found that the neighbourhood plan should therefore be screened out for the requirement for Strategic Environmental Assessment.

5. Conclusion

The draft Oulton Neighbourhood Plan does not propose to allocate land for residential development and will be used for determining planning applications alongside the local plans. Therefore, the Oulton neighbourhood plan is screened out for the requirement for Strategic Environmental Assessment.

Signed: 

Dated: 15.10.2021

Desi Reed
Planning Policy and Delivery Manager
East Suffolk Council

Appendix 1: SEA Screening Assessment by Collective Community Planning

See attached PDF

Appendix 2: Responses from Statutory Consultees

Response from Natural England received 09/09/2021

Oulton Neighbourhood Plan SEA Screening

Thank you for your consultation on the above dated 20 August 2021 which was received by Natural England on the same date.

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

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.

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,
Ben Jones
Consultations Team

Response from Historic England received 01/10/2021

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 Oulton 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.

We note that the Oulton Neighbourhood Plan intends to identify and protect a number of non-designated heritage assets in the parish. We welcome this intention, and suggest the group review our advice on Local Heritage Listing, which can be found on our website. We also strongly advise that the conservation and archaeological staff of the East Suffolk and Suffolk County Council 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

Edward James
Historic Places Adviser - East of England
Historic England