



Strategic Environmental Assessment Screening Opinion

Saxmundham Neighbourhood Plan

May 2022

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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 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 Saxmundham Neighbourhood Plan requires a full Strategic Environmental Assessment (SEA). The Screening was undertaken on the Draft Saxmundham Neighbourhood Plan (Regulation 14 version). 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 Assessment 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).

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 preparation of a 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 the Regulations;
and
- b) Consult the consultation bodies.

The consultation bodies are defined in section 4 of the SEA Regulations. The opinions from the statutory consultation bodies: Historic England, the Environment Agency and Natural England, are therefore to be taken into account. The Council consulted with the three consultation bodies and provided five weeks for a response. Responses were received from Natural England and Historic England and these are contained in Appendix 1.

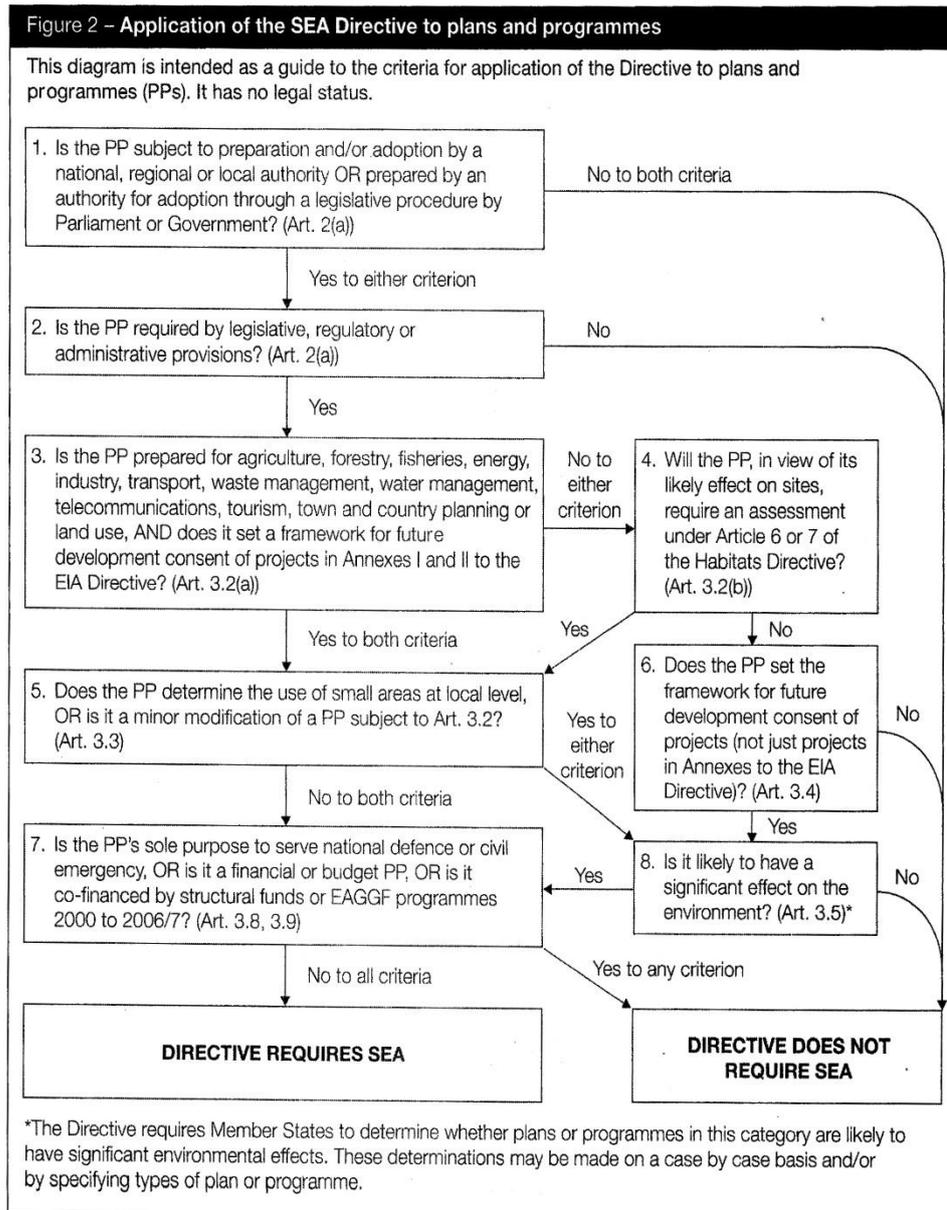
Schedule 1 of the SEA Regulations sets out the criteria for determining likely significant effects as follows:

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

- d. Environmental problems relevant to the plan or programme.
 - e. 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:
- a. The probability, duration, frequency and reversibility of the effects.
 - b. The cumulative nature of the effects.
 - c. The trans boundary nature of the effects.
 - d. The risks to human health or the environment (e.g. due to accidents).
 - e. The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected),
 - f. the value and vulnerability of the area likely to be affected due to:
 - i. special natural characteristics or cultural heritage;
 - ii. exceeded environmental quality standards or limit values;
 - iii. intensive land-use; and
 - g. the effects on areas or landscapes which have a recognised national, community or international protection status.

4. Assessment

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



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 Saxmundham 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 Saxmundham Town 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 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 of town and country planning and relates to the local (parish) level. The designated neighbourhood plan area is identical to the Saxmundham Town Council administrative boundary. The regulation 14 draft Neighbourhood Plan contains 24 numbered policies. None of the policies allocate land for built development.

The policies cover a number of topics, including general design principals; employment and business uses; community facilities; connectivity, rights of way and parking; housing; heritage and conservation, non-designated heritage assets, views and landscape, natural assets, community gardens and allotments, and local green spaces. In addition to the parish-wide policies, the neighbourhood plan also includes three polices relating a Local Plan allocation (Policy SCLP 12.29), and three policies relating to other PP specific locations across the neighbourhood plan area.

Neighbourhood plan policies have their basis in strategic policies set out in the Suffolk Coastal Local Plan (September 2020). The Local Plan identifies Saxmundham as a 'Market Town' in the settlement hierarchy. The Local Plan also sets out a Settlement Boundary for Saxmundham. The Local Plan (through Policy SCLP 12.28) indicates that Saxmundham will be enhanced as a market town, employment and service centre, serving a key role in meeting the needs of residents, surrounding rural communities and visitors, recognising the opportunities offered by its road and rail connections. The Local Plan allocates land to the south of Saxmundham (Policy SCLP 12.29) for an education led development, comprising primary school provision, community facilities, employment land and open space alongside approximately 800 dwellings. The Local Plan allocation extends into the neighbouring parish of Benhall to the south.

The Neighbourhood Plan contains three policies (SAXGN1-3) relating to the Local Plan allocation at South Saxmundham Garden Neighbourhood, setting out expectations relating to connectivity, green infrastructure connections and community facilities. While Policies SAXGN1-3 set out policy which will inform the way in which the allocated development will be considered, it does not alter the expected quantum and location of development. The Neighbourhood Plan also does not propose alterations to the Settlement Boundary. The Local Plan has been subject to both Sustainability Appraisal (including Strategic Environmental Assessment) and Appropriate Assessment under the Habitat Regulations.

The Local Plan including supporting documents and policy maps can be viewed here: <https://www.eastsuffolk.gov.uk/planning/planning-policy-and-local-plans/local-plans/>

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 Suffolk Coastal Local Plan (September 2020) has been subject to an Appropriate Assessment under the Habitats Regulations. A separate Habitats Regulations Assessment Screening Statement has been produced 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 Saxmundham parish administrative area. Specific designations are included for non-designated heritage assets, views, green gateways, and local green spaces. Other policies set out an approach to general design principals; employment and business uses; community facilities; connectivity, rights of way and parking; housing; heritage and conservation; landscape; natural assets; and community gardens and allotments. In addition to the parish-wide policies, the neighbourhood plan also includes three policies relating to a Local Plan allocation (Policy SCLP 12.29), and three policies relating to other specific locations across the neighbourhood plan area.

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))

Yes. The draft Neighbourhood Plan does not, on its own, set the framework for future development consent of projects. By virtue of its inclusion as part of the Development Plan, upon the making of the Neighbourhood Plan, the Neighbourhood Plan contributes to the framework for future development consent of projects. Thus, the Neighbourhood Plan does contribute to the setting of the framework. The draft Neighbourhood Plan is prepared in the context of the Suffolk Coastal Local Plan which has been subject to Sustainability Appraisal (incorporating the requirement for SEA) and Habitats Regulations Assessment.

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))

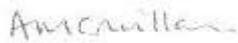
No. The plan does not allocate land for built development. Within the Neighbourhood Plan area there are no significant nature conservation designations but there are a number of veteran trees and areas of ancient woodland. Much of the town centre is covered by the Saxmundham Conservation Area and there are 50 listed buildings within the Parish. The Neighbourhood Plan policies seek to protect the landscape, open and green spaces and the character of the area as well as identifying non designated heritage assets and therefore the Neighbourhood Plan is not considered to have a significant effect on the environment.

5. Conclusion

The draft Saxmundham Neighbourhood Plan reviewed does not allocate land for built development and applies to a localised area. The plan has been prepared within the context of the strategic policies of the Suffolk Coastal Local Plan (September 2020) 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 Saxmundham Neighbourhood Plan to ensure compliance with EU obligations. The Council consulted with the three consultation bodies and provided five weeks for a response. Responses were received from Historic England and Natural England and these are contained in Appendix 1.

Signed:

Dated: 25.05.2022



Andrea McMillan
Planning Manager (Policy, Delivery and Specialist Services)
East Suffolk Council

Appendix 1: Responses from Statutory Consultees

Date: 18 May 2022
Our ref: 390055
Your ref: Saxmundham Neighbourhood Plan



Ms L Mundy
East Suffolk Council
Laura.Mundy@east.suffolk.gov.uk

Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

BY EMAIL ONLY

T 0300 060 3900

Dear Ms Mundy

Saxmundham Neighbourhood Plan

Thank you for your consultation on the above dated and received by Natural England on 13 April 2022

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: Draft Strategic Environmental Assessment and HRA Screening 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 HRA/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/HRA 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

Joanne Widgery
Consultations Team



Historic England
Brooklands | 24 Brooklands Avenue | Cambridge | CB2 8BU
www.historicengland.org.uk

Dear Laura,

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 Saxmundham 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. Please send this to our mailbox at eastplanningpolicy@historicengland.org.uk.

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

Edward James
Historic Places Adviser - East of England
Historic England