

Mendlesham Neighbourhood Plan

2018 – 2037

(the Modification Draft Plan)

**Notes on consultation on SEA Screening
Report with the Statutory Bodies**

Mid Suffolk District Council (March 2022)

Introduction

The Independent Examination of the modification draft Mendlesham Neighbourhood Plan 2018 – 2037 was put on hold in November 2021 when it was identified that the submitted Strategic Environmental Assessment (SEA): Scoping & Environmental Report (August 2020) did not meet the requirements of the Regulations set out in regulations 9(2)(b) and 12(5) of the Environmental Assessment of Plans and Programmes Regulations 2004¹ which refer to consulting the statutory consultation bodies at two early stages.

To rectify this, Mendlesham Parish Council commissioned Essex Place Services (the authors of the August 2020 Scoping and Environmental Report) to prepare an SEA Screening Report which could then be sent to the three statutory consultation bodies (the Environment Agency, Historic England, and Natural England).

Consultation with the statutory bodies

On 27 January 2022, Mid Suffolk District Council wrote to the three statutory bodies (the Environment Agency, Historic England, and Natural England) and asked them two questions. The first question related to the SEA Screening Report (Nov. 2021) and the second question related to the SEA work that had already been undertaken to date. A copy of the consultation letter is included at Appendix A. The responses to this from both Historic England and Natural England are included at Appendix B. No response was forthcoming from the Environment Agency.

Conclusions

Subject to the findings of the Independent Examiner of the modification draft Mendlesham Neighbourhood Plan 2018 – 2037, it is considered that this SEA Screening Report (Nov 2021) and the consultation exercise already undertaken with the relevant consultation bodies now meets the requirements of the Regulations set out in regulations 9(2)(b) and 12(5) of the Environmental Assessment of Plans and Programmes Regulations 2004.

¹ <https://www.legislation.gov.uk/uksi/2004/1633/contents/made>

Appendix A – Letter to statutory consultee bodies

Ref: MNP SEA Screening Consultation

Date: 27 January 2022



Sent by e-mail to:

Environment Agency, Historic England, and Natural England

Dear Consultee,

- **The modification draft Mendlesham Neighbourhood Plan 2018 – 2037**
- **SEA Screening Report (Nov 2021) consultation request**

This letter relates to the Mendlesham Neighbourhood Plan (the MNP). More specifically, it looks at the Strategic Environmental Assessment (SEA) work undertaken in relation to the proposed modification of that Plan and asks you to consider two questions. At the end of the letter we also set out a timeline of events which you may find helpful.

Background:

The MNP was first adopted by Mid Suffolk District Council in March 2017. It is now being modified by Mendlesham Parish Council to primarily include housing site allocations. You may recall being consulted on the modification draft Plan by the parish council in early 2021, and then again by us in Summer 2021

In October 2021, the modification draft MNP was submitted for examination. After carrying out a high-level assessment, the Examiner identified the following issue:

“The MNP Submission Version Strategic Environmental Assessment (SEA): Scoping & Environmental Report - August 2020 does not meet the requirements of the Regulations set out in regulations 9(2)(b) and 12(5) of the Environmental Assessment of Plans and Programmes Regulations 2004. These refer to consulting the statutory consultation bodies at two early stages. Unfortunately, this requires the SEA process to be revisited to meet these Regulation requirements.”

Consequently, the examination was suspended to allow this and a secondary issue (not discussed here) to be addressed.

[See: <https://www.midsuffolk.gov.uk/assets/Neighbourhood-Planning/Mendlesham-NP-Mod-Exam-Correspondence.pdf>]

Addressing the SEA issue:

You will know that the SEA process follows the basic principles of 'screen first, then scope, then assess.' To allow the statutory consultees the opportunity to comment on the SEA screening process, the parish council commissioned Essex Place Services to prepare an SEA Screening Report. A copy of that report, which is dated Nov. 2021, accompanies this letter

Our first question is:

Q1: Do you agree with the conclusion reached in the 'SEA Screening Report (Nov 2021)' that *"the Mendlesham Neighbourhood Development Plan can therefore be screened in for its requirement of SEA in line with the requirements of Directive 2001/42/EC."*?

Assuming that your answer to Q1 is 'yes', that then directs us to ask the following:

Q2: Based on all the information now presented to you ... meaning the Screening Report (Nov 2021) and the previously published '[SEA Scoping & Environmental Report \(Aug 2020\)](#)', the '[SEA Non-technical Summary \(Aug 2020\)](#)' and the '[SEA Addendum Report \(Jan 2021\)](#)' ... are you satisfied that, in combination, these adequately identify and address all appropriate areas of concern?

When responding, it would be appreciated if you could clearly set out your separate responses to both questions.

We also acknowledge that you may require more time to (re)assess all the documentation and therefore propose a consultation end date of Friday 25 February 2022.

At the end of this consultation, we will share your responses with the Independent Examiner and, together with this letter, make them publicly available at:

www.midsuffolk.gov.uk/MendleshamNP

With thanks in advance for your time

Yours sincerely

Paul Bryant
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Timeline on next page

The modification draft Mendlesham NP timeline

Up to August 2020

The Parish Council begin work on their modification draft MNP. Essex Place Services (EPS) re commissioned to undertake SEA work. Noting that the MNP intends to allocate sites for housing development, EPS prepare:

[MNDP Submission Version SEA: Scoping & Environmental Report – August 2020](#)

[MNDP Submission Version SEA: Non-Technical Summary – August 2020](#)

- Para 2.1 of the Main report states that .. *“Although a formal screening exercise for SEA has not been undertaken, the undertaking of this SEA satisfies that requirement,”* and that ... *“This report represents that procedural next step of ‘screening in’ the need for SEA in the form of an Environmental Report.”* Figure 1 (pg 3) explains why the decision to undertake a SEA Environmental Report has been made, and why this report is required.
- Section 3 sets the scope of the report. Section 3.4.1 identifies that 16 SEA Objectives had been derived from the appraisal, and these are explored further in Section 3.5.
- Sections 4 & 5 of the report assess, respectively, the Plans Vision and Objectives and the Site Allocation options as they existed at that time.
- Both the Main Report and the Non-technical Summary [at para 8.1] note that: *“Following the finalisation of this Report, the SEA requires consultation.”* It lists the three statutory consultees as being the Environment Agency, Natural England, and Historic England and goes on to say that: *“In addition to these, consultation will seek to engage the wider community in order to encompass comprehensive public engagement.”*

[Nb: It is understood that no direct consultation with EA, NE, & HE took place around Aug. 2020]

circa Aug 2020

The Parish Council arrange for their draft MNP to undergo an independent ‘Health Check.’ This is akin to a mock examination. As a consequence, they make some small changes to Plan which also triggers the preparation of:

[MNDP: Submission Version SEA: Addendum - January 2021](#)

- Para 1.3 sets out what is covered by this Addendum, i.e., *“screens and where deemed necessary re-assesses those elements of the MNDP that have been subsequently amended and looks at the wider implications of the changes in regard to cumulative and synergistic impacts and ‘whole Plan effects’.”* The amendments themselves are set out in Table 1.

- At para 3.10.1 [pg 51] it states that: *“This SEA makes no recommendations at this stage. Through iterative working, the SEA, other supporting evidence base documents and an independent ‘health check’ on the Plan have ensured that all previously identified effects have been adequately mitigated or avoided in the first instance through Plan amendments.”*

15 Feb 2021 to 12 Apr 2021 (Reg 14 Pre-submission consultation)

The modification draft MNP is published for Pre-submission consultation. The three SEA documents, with their SD20, SD20a and SD20b prefixes form part of the suite of supporting evidence documents that are made available on the parish council website.

12 July 2021 to 17 Sep 2021 (Reg 16 Submission consultation)

The submitted modification draft MNP is published for consultation by MSDC.

The same SEA documents are made available although, in retrospect, we accept that we should have better signposted the existence of the Non-tech’ Summary (Aug 2020) and SEA Addendum (Jan 2021). These were listed within the Supporting Evidence document [see link below], with only the Main August 2020 SEA Report being clearly visible on our MNP webpage}

<https://www.midsuffolk.gov.uk/assets/Neighbourhood-Planning/Mendlesham-NP-Mod-DocList.pdf>

[Nb: Please let us know if you would like us to send back to you a copy of any representation you may have made at this stage]

October / November 2021

As set out in this letter, the modification draft MNP is submitted for independent examination, which is then suspended.

[Ends]

Appendix B – Responses from Historic England and Natural England

By e-mail dated 24 February 2022



Re: Mendlesham NP SEA Screening Consultation request

Dear Paul,

Thank you for consulting Historic England about this SEA Screening for Mendlesham. I note the content of your letter and recognise the non-standard approach that has been adopted.

Q1: Upon reviewing the Screening Report, I can confirm that we agree with its conclusions that the Mendlesham Neighbourhood Plan, as amended, should be Screened In for SEA. This is because of the potential for significant negative effects resulting from the development of Site MNDP2 (identified as Site 2/13 in the neighbourhood plan), which is in the setting of Elms Farmhouse (GII*).

Q2: Upon reviewing the other relevant documentation, including the Regulation 16 plan, supporting historic environment assessment, and the linked documentation, I can confirm that we are satisfied that, in combination, these adequately identify and address the appropriate areas of concern with relation to the SEA.

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 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 unjustified negative effect upon the historic environment.

Kind regards,

Edward James
Historic Places Adviser - East of England
Historic England



Historic England
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www.historicengland.org.uk

Date: 18 February 2022
Our ref: 382603
Your ref:



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BY EMAIL ONLY

Dear Mr Bryant

Planning Consultation: Mendlesham Neighbourhood Plan Strategic Environmental Assessment (SEA) screening

Thank you for your consultation on the above dated 27 January 2022 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.

1) Strategic Environmental Assessment screening opinion

Natural England notes that the draft Mendlesham Neighbourhood Plan allocates land for housing development that has also been allocated in the emerging Local Plan. Since the emerging Local Plan is yet to be adopted, Natural England agrees with the conclusion of the SEA Screening Report (November 2021), which concludes that an SEA is required.

2) SEA Scoping and environmental report

Having reviewed the SEA scoping and Environmental Report (August 2020), the SEA Non-technical Summary (August 2020) and the SEA Addendum Report (January 2021), Natural England is satisfied that all appropriate areas of concern have been addressed.

Yours faithfully

Joanna Parfitt
Norfolk and Suffolk Team