



# **Stowupland Neighbourhood Plan**

## **Strategic Environmental Assessment Screening Determination**

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

**September 2018**

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# STOWUPLAND NEIGHBOURHOOD PLAN

## STRATEGIC ENVIRONMENTAL ASSESSMENT DETERMINATION

### 1. Introduction

This assessment relates to the Stowupland Pre-Submission Neighbourhood Plan 2016-2036, dated May 2018.

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 vision of the Stowupland Neighbourhood Plan is to conserve Stowupland as a traditional, attractive, tranquil Parish, with a strong, friendly community and a separate distinct village identity, retaining open and inspirational countryside views and habitats. Growth will be managed through environmental constraints.

The Plan provides for at least 203 new homes by 2036 and three sites are allocated for development.

A SEA/HRA Screening Report for the Plan has been prepared by Essex Place Services on behalf of Mid Suffolk District Council Stowupland Parish Council. This can be viewed at: [www.midsuffolk.gov.uk/StowuplandNP](http://www.midsuffolk.gov.uk/StowuplandNP)

The statutory consultees were consulted in August 2018 and their responses are attached. (See Appendix 1).

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 a SEA Screening Statement, which must be publicly available.

In accordance with Regulation 9 of the SEA Regulations 2004, Stowupland Parish Council (the qualifying body) requested Mid Suffolk District Council (MSDC) as the responsible authority, to determine whether an environmental report on the emerging Stowupland 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) was carried out in June and July 2018. In line with the advice contained within the National Planning Policy Framework (NPPF) and 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. As indicated above Mid Suffolk DC therefore commissioned Essex Place Services to prepare a screening report to assess whether a SEA would be required.

A 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> <p>2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:</p>
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- 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,
- the effects on areas or landscapes which have a recognised national, Community or international protection status.

*Source: Annex II of SEA Directive 2001/42/EC*

#### **4. Assessment**

A full assessment of the likely effects of the Plan is set out in the Screening Report dated July 2018 prepared by Essex Place Services which can be viewed at:

<https://www.midsuffolk.gov.uk/assets/Neighbourhood-Planning/Stowupland-NP-HRA-SEA-Screening-Report-Final.pdf>

In the light of the assessment the Screening Report concludes that the Neighbourhood Plan does not warrant the full application of the SEA Directive in the form of a SEA Environmental Report.

#### **5. Conclusion**

The Screening Report prepared by Essex Place Services noted that the Neighbourhood Development Plan allocates land for development purposes to the tune of 203 dwellings spread over three sites. Typically this would result in a Neighbourhood Development Plan having to adhere to the formal requirements of the SEA Directive in so far as there would have been no consideration of effects and their significance in order to justify their allocation in light of all reasonable alternatives. This would normally be the case due to the Plan's scheduled progression ahead of that of the Local Plan and therefore any reliance on the Local Plan's Sustainability Appraisal not being applicable until the Local Plan is found sound.

Despite this, there should be strong consideration of the fact that the Plan's allocations all have full planning permission. This means that their development would be forthcoming with or without their status as allocations within the Plan. As such the principle of the eventual development of the Plan's allocations is already established and beyond the influence of the Neighbourhood Development Plan. Additionally, any significant effects on the environment resulting from these proposals would have already been identified at the planning application stage and mitigated as part their determination in compliance with LPA and national policy requirements. For this reason it has been determined that the allocation of these sites would not warrant the full application of the SEA Directive in the form of a SEA Environmental Report.

As such, the content of the Stowupland Neighbourhood Plan has therefore been **screened out** for its requirement of Strategic Environmental Assessment in line with the requirements of Directive 2001/42/EC.

Consultation on the Screening Report was carried out with Natural England, Historic England and the Environment Agency.

All three bodies agreed with the conclusion of the Screening Report.

The consultation responses are attached at Appendix 1.

## **6. Determination**

In the light of the Screening Report for Consultation prepared by Essex Place Services and the consultation with Historic England, Natural England and the Environment Agency it is determined that a Strategic Environmental Assessment of the Stowupland Neighbourhood Plan is not required in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004.

Date: 28 August 2018  
Our ref: 254105

Babergh and Mid Suffolk District Council

**BY EMAIL ONLY**

Dear Mr Munson

**STOWUPLAND NEIGHBOURHOOD PLAN**



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

T 0300 060 3900

Thank you for your consultation on the above dated and received by Natural England on 01 August 2018.

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 are concerned (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 SEA Directive 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](mailto:consultations@naturalengland.org.uk)

Yours sincerely  
Dawn Kinrade  
Consultations Team





Mr Paul Munson  
Babergh District Council  
Endeavour House Russell Road  
Ipswich  
Suffolk  
IP1 2BX

Our ref: AE/2018/123156/01-L01  
Your ref: SEA Screening  
Date: 31 August 2018

Dear Mr Munson

**SEA/HRA SCREENING REPORT FOR THE STOWUPLAND NEIGHBOURHOOD  
PLAN PREPARED BY ESSEX PLACE SERVICES STOWUPLAND**

Thank you for consulting us on the SEA screening report for the Stowupland Neighbourhood Plan, which we received on the 1 August 2018. We have reviewed the Screening report as submitted and do not disagree with the conclusions reached.

**Groundwater**

The Sea screening report explores the fact that the Neighbourhood area lies over a Source Protection Zone. The report states that the Neighbourhood Plan does not proposed any development that can be potentially contaminating, thus there should be a minimal impact.

We trust this information is useful.

Yours sincerely

**Miss Natalie Kermath  
Planning Advisor**

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End



Historic England

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Our ref: PL00468650

31 August 2018

Dear Mr Munson

**Re: SEA Screening for Stowupland Neighbourhood Plan**

Thank you for your email 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 SEA Screening Report for the Stowupland Neighbourhood Plan. For the purposes of this consultation, Historic England will confine its advice to the question, "Is it (the Stowupland Neighbourhood Plan) likely to have a significant effect on the historic environment?". Our comments are based on the information supplied with the Screening Opinion.

We note the conclusions reached in Section 5.1 of the Screening Report, and concur with the point made in the third paragraph regarding the planning status of the three sites, irrespective of their being allocated in the plan.

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 conclusions of the report, 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 dated 1 August 2018. To avoid any doubt, this does not reflect our obligation to provide further advice on later stages of the SA/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/guidance) where we consider that, despite the SA/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.

Yours sincerely,

Edward James  
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