



# **Wilby Neighbourhood Plan**

## **Strategic Environmental Assessment Screening Determination**

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

**July 2020**

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# WILBY NEIGHBOURHOOD PLAN

## STRATEGIC ENVIRONMENTAL ASSESSMENT DETERMINATION

### 1. Introduction

This assessment relates to the 'Wilby Neighbourhood Development Plan 2018 – 2036' which was published for Regulation 14 Pre-submission consultation between late January and mid-March 2020.

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 (SEA).

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.

This report therefore determines whether a Strategic Environmental Assessment is required for the Wilby Neighbourhood Plan. In doing so it refers to:

- The SEA Screening Report prepared by Land Use Consultants [*hereafter referred to as LUC*] which can be viewed at: [www.midsuffolk.gov.uk/WilbyNP](http://www.midsuffolk.gov.uk/WilbyNP)
- The responses to this from the statutory consultees (See Appendices).

Section 2 below 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, Wilby Parish Council (the qualifying body) requested Mid Suffolk District Council (MSDC), as the responsible authority, to determine whether an environmental report on the emerging Wilby 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 on this draft plan was carried out between late January and mid-March 2020. 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 MSDC therefore commissioned LUC to prepare a screening report to assess whether an 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**

The criteria are set out in the following table:

<p>The characteristics of plans and programmes, having regard, in particular, to:</p> <ol style="list-style-type: none"><li>1. 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>2. the degree to which the plan or programme influences other plans and programmes including those in a hierarchy</li><li>3. the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development,</li><li>4. environmental problems relevant to the plan or programme,</li><li>5. 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></ol> <p>Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:</p> <ol style="list-style-type: none"><li>6. the probability, duration, frequency and reversibility of the effects,</li><li>7. the cumulative nature of the effects,</li><li>8. the trans-boundary nature of the effects,</li><li>9. the risks to human health or the environment (e.g. due to accidents),</li><li>10. the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected),</li><li>11. the value and vulnerability of the area likely to be affected due to:<ul style="list-style-type: none"><li>o special natural characteristics or cultural heritage,</li><li>o exceeded environmental quality standards or limit values,</li><li>o intensive land-use,</li></ul></li><li>12. the effects on areas or landscapes which have a recognised national, Community or international protection status.</li></ol>
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[Source: Annex II of SEA Directive 2001/42/EC]:

## 4. Assessment

The Neighbourhood Plan includes the following Vision Statement:

*“Our vision for future Wilby sees the rural beauty if its natural environment preserved, with changes to its amenities and built environment managed pro-actively, creatively and sustainably to the benefit of all those living here, working here, visiting or passing through.”*

The draft Plan contains ten planning policies, which focus specifically on meeting the vision and plan objectives. The Plan also allocates one site which is expected to deliver five new dwellings during the plan period.

A full assessment of the likely effects of the Plan is set out in the Screening Report dated February 2020 prepared by LUC. A copy of this can be viewed at:

<https://www.midsuffolk.gov.uk/assets/Neighbourhood-Planning/Wilby-NP-SEA-Screening-Report-Feb20.pdf>

## 5. Screening Conclusion

The Screening Report prepared by LUC notes that the neighbourhood plan allocates one small site for residential development, delivering five homes. It notes also that residential development allocated through this Plan could have a range of environmental effects both during construction and afterwards but that the scale of any such effects is expected to be minor as the allocated site would include five properties only. The Report also notes that while there are heritage assets within the parish, the allocated site is located 160m to the north of the nearest listed building. Taking these and other factors into consideration, the report concluded that the Wilby Neighbourhood Plan will not have significant environmental affects and can 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 then carried out with Natural England, Historic England, and the Environment Agency.

The response from all three statutory consultees are attached at Appendix 1. In summary:

- Natural England agreed with the conclusions of the Screening Report.
- The Environment Agency offered a cautionary note but, otherwise, said that they do not disagree with the Screening Report conclusions.
- Historic England advised that, given the likely significant effects upon the historic environment, a Strategic Environmental Assessment will be required to assess the potential impacts of the site’s development and provide conclusions as to any necessary mitigation required to avoid or minimise the harm to the significance of the Church of St Mary.

## 6. Determination

In the light of the SEA Screening Report for consultation prepared by Land Use Consultant and the responses from the statutory bodies (more specifically, in having regard to the response from Historic England), it was determined that a cautionary approach be taken and

that the Wilby Neighbourhood Plan **does require** a Strategic Environmental Assessment – albeit that this be guided by Historic England’s suggestion that this need only be “*proportionate and not overly onerous in terms of the resources required to complete it*” and, that the SEA and its supporting evidence be tightly focused on this question: “*Is it (the Wilby Neighbourhood Plan) likely to have a significant effect on the historic environment?*”.

## **7. Site Heritage Impact Assessment (SHIA)**

It was agreed that, to respond to the concern raised by Historic England this matter could be dealt with through the preparation of ‘Site Heritage Impact Assessment’ (SHIA).

The Wilby Neighbourhood Planning Group, with the help, support and guidance of Historic England have prepared such as document in respect of the proposed housing allocation on land East of Stradbroke Road. The SHIA recommended amendments to the wording of Policy WIL6 which sets out the criteria for guiding the development of this site. These recommendations have been taken on board and the proposed policy wording amended accordingly. This SHIA document will form part of the supporting evidence to the submission draft version of the Wilby Neighbourhood Plan.

In response to the above, Historic England issued an update to their original SEA Screening Report response which now confirms that they **no longer consider it likely that the Wilby Neighbourhood Plan will result in Significant Effects on the historic environment**, and that therefore an SEA can certainly be screened out from our perspective.

A full copy of Historic England’s updated response is reproduced at Appendix 2.

Date: 20 March 2020  
Our ref: 310357  
Your ref: Wilby Neighbourhood Plan



[communityplanning@babergmidsuffolk.gov.uk](mailto:communityplanning@babergmidsuffolk.gov.uk)

FAO Paul Bryant  
**BY EMAIL ONLY**

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

T 0300 060 3900

Dear Mr Bryant

### **Wilby Neighbourhood Plan - SEA and HRA Screening Consultation**

Thank you for your consultation on the above dated 26 February 2020 which was received by Natural England on the same day.

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 Report: Strategic Environmental Assessment**

Natural England agrees with the conclusion of the screening report and that an SEA is not required.

#### **Screening Report – Habitats Regulation Assessment**

Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, has screened the proposal to check for the likelihood of significant effects. Your assessment concludes that your authority is able to rule out the likelihood of significant effects arising from the neighbourhood plan. Natural England agrees with the conclusion of the screening report that this plan is not likely to result in an adverse effect on any international site from recreational disturbance effects.

For any queries relating to the specific advice in this letter only please contact Patrick Robinson on [REDACTED]. 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

Patrick Robinson  
Norfolk and Suffolk Area Team

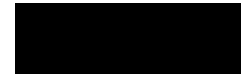


Historic England

By e-mail to:  
Paul Bryant,  
Neighbourhood Planning Officer

Our ref: PL00690853  
Your ref:  
Date: 19/03/2020

Direct Dial:  
Mobile:



Dear Mr Bryant,

**RE: Wilby Neighbourhood Plan SEA Screening**

Thank you for your email of 26 February 2020 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 Screening Report and Regulation 14 Draft Neighbourhood Plan for Wilby. For the purposes of this consultation, Historic England will confine its advice to the question, "Is it (the Wilby 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 report and draft neighbourhood plan) supplied with the consultation indicates that within the plan area there is a range of designated historic environment assets, which includes most notably the Church of St Mary (Grade I listed, and therefore of the highest significance), as well as five other listed buildings all listed at grade II. 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 landscape. The documentation indicates that the Wilby Neighbourhood Plan proposes to allocate a site for housing to on the north east side of the village, to provide 5 residential units.

The Site currently affords excellent views of the Church of St Mary, which are an important part of how this heritage asset is experienced in its setting, and contributes to its significance. These views may be disrupted by the development of the site. As the National Planning Policy Framework makes clear, heritage assets are an irreplaceable resource, the significance of which should be conserved for future generations. Paragraph 185 requires that Plans (including neighbourhood plans) should set out a positive strategy for the conservation and enjoyment of the historic environment. Paragraph 190 sets out that the significance of heritage assets can be harmed through development in their setting. The NPPF also requires that great weight is given to the conservation of heritage assets, and that the more important the asset, the greater that weight is.

Given the likely significant effects upon the historic environment, Historic England hence considers that a Strategic Environmental Assessment will be required to assess the potential impacts of the site's development and provide conclusions as to any necessary mitigation required to avoid or minimise the harm to the significance of the Church of St Mary. We would suggest, in order to ensure that the SEA is proportionate and not overly onerous in terms of the resources required to complete it, that the SEA and its supporting evidence is tightly focused on this question.



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.

We should like to stress that this opinion is based on the information provided by you with your correspondence dated 26 February 2020. 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/guidance) where we consider that, despite the SEA, these would have an adverse effect upon the environment.

Please do contact me, either via email or the number above, if you have any queries.

Yours sincerely,

Edward James  
Historic Places Advisor, East of England



Historic England, Brooklands, 24 Brooklands Avenue, Cambridge CB2 8BU

Telephone 01223 58 2749 [HistoricEngland.org.uk](http://HistoricEngland.org.uk)

Please note that Historic England operates an access to information policy.

Correspondence or information which you send us may therefore become publicly available.





Mid Suffolk District Council  
Endeavour House  
8 Russell Road  
Ipswich  
IP1 2BX

**Our ref:** AE/2020/124838/02-L01  
**Your ref:** SEA

**Date:** 17 March 2020

Dear Sir/Madam

**SEA SCREENING CONSULTATION - WILBY NEIGHBOURHOOD PLAN**

Thank you for consulting us on the consultation for the Strategic Environmental Assessment (SEA) screening report for the Wilby Neighbourhood Plan. We have reviewed the SEA screening report as submitted.

The designated neighbourhood area for Wilby contains an area in Flood Zone 3 and lies within a source protection zone. However, the screening report states that there is one allocated site in the neighbourhood area for approximately 5 houses. Should the allocated site fall outside of Flood Zone 3 and as residential development falls outside the DoE industrial uses list we do not disagree with the screening report conclusion that a SEA report is not required.

If a SEA report is screened in, these are the constraints that we would advise that should be reviewed within the report.

We trust the above is useful.

Yours faithfully

Miss Natalie Kermath  
Planning Advisor

Environment Agency  
Iceni House Cobham Road, Ipswich, IP3 9JD.  
Customer services line: 03708 506 506  
[www.gov.uk/environment-agency](http://www.gov.uk/environment-agency)

**Received by e-mail**

**From:** Edward James (Historic England)  
**To:** Paul Bryant (Babergh & Mid Suffolk District Councils)  
**Cc:** *Andrea Long (obo Wilby NP Group), Joanne Robinson (Historic England)*  
**Date:** 27 July 2020  
**Subject:** RE: Wilby - Site Heritage Impact Assessment

Dear Paul,

I hope you are well.

I have now had a chance to review the final version of the Wilby Site Heritage Impact Assessment, as well as the proposed modifications to the Site Allocation policy for Site H1 – Land East of Stradbroke Road, as informed by the HIA's conclusions. The staged assessment approach taken by the HIA follows Historic England advice, and I consider it to be robust. Overall, the production of the HIA, and the informed modifications to the site allocation policy, reflects a positive strategy for the conservation of the historic environment as required by the NPPF.

I understand that this report was produced by the Wilby community with Andrea's assistance, and they are certainly to be commended and thanked for their efforts in producing a comprehensive and helpful document.

I can confirm that Historic England no longer consider it likely that the Wilby Neighbourhood Plan will result in Significant Effects on the historic environment, and that therefore an SEA can certainly be screened out from our perspective.

Kind regards,

Edward



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