

**Babergh & Mid Suffolk District
Council**

**Wilby Parish Council
Neighbourhood
Development Plan
SEA Screening Opinion**

Final report

Prepared by LUC
February 2020

Babergh & Mid Suffolk District Council

Wilby Parish Council Neighbourhood Development Plan
SEA Screening Opinion

Version	Status	Prepared	Checked	Approved	Date
1.	Draft SEA Screening Opinion	M Cooke	K Nicholls	J Owen	19.02.2020
2.	Final SEA Screening Opinion	M Cooke	K Nicholls	J Owen	20.02.2020

Contents

Chapter 1	
Introduction	1

Chapter 2	
SEA Screening	2

Scope of the NDP	2
Baseline Information	2
SEA Screening Conclusion	8
Next steps	9

Chapter 1

Introduction

1.1 Wilby Parish Council is in the process of preparing a Neighbourhood Development Plan (NDP). Wilby parish is located within the Suffolk District of Mid Suffolk, to the south east of the town of Diss. LUC has been appointed by Babergh and Mid Suffolk District Councils to consider whether there is a need for Strategic Environmental Assessment (SEA) to be undertaken for the NDP.

1.2 SEA may be required for a Neighbourhood Plan, if it is likely to have significant environmental effects. Sustainability Appraisal (SA) is similar to SEA but includes assessment of the likely significant effects of a plan or programme on economic and social factors, as well as environmental factors. Planning Practice Guidance¹ (PPG) clarifies that there is no legal requirement for a neighbourhood plan to be subject to SA, but that SA can be used to demonstrate how the plan will contribute to sustainable development.

1.3 Babergh and Mid Suffolk District Councils have commissioned LUC to carry out SEA Screening of the Draft Wilby NDP in order to determine whether an assessment is required under European Directive 2001/42/EC (the SEA Directive), transposed into UK law through the SEA Regulations².

¹ <https://www.gov.uk/government/collections/planning-practice-guidance>

² The Environmental Assessment of Plans and Programmes Regulations 2004 (SI 2004/1633), as amended by The Environmental Assessments and Miscellaneous Planning (Amendment) (EU Exit) Regulations 2018 (SI

2018/1232). It should be noted that the purpose of the amendments to the SEA Regulations is to ensure that the law functions correctly after the UK has left the European Union. No substantive changes are made to the way the SEA regime operates.

Chapter 2

SEA Screening

Scope of the NDP

2.1 Wilby Parish Council has prepared the Draft (Regulation 14) version of the NDP which is being subject to public consultation between 22nd January and 12th March 2020.

2.2 The Wilby NDP covers the entire parish, including the main settlement of Wilby as well as the hamlets of Russel's Green, Foals Green and (in part) Stanway Green and Wootten Green.

2.3 The Draft NDP includes a vision for the long-term future of Wilby along with three key objectives. It then sets out 10 planning policies (WIL1-10) to realise and deliver this vision which are structured in line with the themes of the following three NDP objectives:

1. The Natural Environment
2. Housing and the Built Environment
3. Community

2.4 Policy WIL5, concerning housing sites and delivery, refers to a housing target for the parish of around 12 homes (taken from the Preferred Options version of the Babergh and Mid Suffolk Joint Local Plan (July 2019)). The policy also sets out the three ways in which the housing target for the parish will be met:

1. Site Allocation for 5 dwellings (H1) east of Stradbroke Road (B1118).
2. Small windfall sites and infill plots within the Settlement Boundary.
3. Conversions and new development opportunities outside the Settlement Boundary in accordance with paragraph 79 of the NPPF 2019.

2.5 Policy WIL6 details the development requirements (design/access/landscaping) for Housing Allocation Site H1.

Baseline Information

2.6 This section summarises baseline information for the parish of Wilby, drawing from the information set out in the Draft NDP.

Context

2.7 Wilby is a village and civil parish in the Mid Suffolk District of Suffolk, eastern England. It is located around 9 miles south-east of Diss and 1.25 miles south of Stradbroke along the B1118. Wilby village largely consists of three main points of development - a small centre around the church and school, and further clusters at Cole Street and Wilby Green. Secondary settlements also exist at Russell's Green and Foals Green.

Biodiversity, flora and fauna

2.8 There are no internationally or nationally designated nature conservation sites within Wilby Parish. However, the area does have a number of Priority Species and eight Priority Habitats.

2.9 There are a number of Priority Species that can be found in Wilby Parish. These include mammals such as bats (natterers and pipistrelle recorded at Wilby Churchyard), harvest mouse, otter and water vole; amphibians and reptiles including common toad, grass snake and great crested newt; and birds such as breeding pairs of barn owls, bullfinches and dunnocks.

2.10 Priority Habitats located in the area comprise of hedgerows, traditional orchards, wood pasture and parkland, mixed deciduous woodland, arable field margins, lowland meadows, a tributary of the River Dove and a number of ponds.

2.11 A part of Wilby Parish lies within a SSSI Impact Risk Zone³ associated with the Chippenhall Green SSSI.

Population

2.12 The 2011 Census recorded 239 people living in Wilby Parish, of which over 61% were aged 16-64 and 22.2% were aged over 65. The gender balance of the population is relatively equal with 51.5% being female and 48.5% being male.

2.13 The 2011 Census showed that there were 148 (61.9%) working age adults (aged 16-64) which was slightly higher than the Mid Suffolk average of 61.4% but below the England average of 64.7%. The dependency ratio for Wilby i.e. the Ratio of Non-working Age to Working Age Population was 0.61 which is below the Mid Suffolk average of 0.63 but above the England average of 0.55.

Human health

2.14 In terms of the health of the Wilby residents, just over 40% are classified as in very good health, 43% as good, 11% as fair, 3% as bad and 3% as very bad. The good and fair ratings mirror the Mid Suffolk and England averages, however the 'very bad' figure is over double the Mid Suffolk and England figures.

Soil

2.15 The whole of Wilby Parish comprises Grade 3 agricultural land; however it is not known if any or all of this is Grade 3a (classed as best and most versatile agricultural land).

Water

2.16 The area along the western edge of the parish is located within Flood Zone 3 and is associated with a small watercourse running the length of this boundary (a tributary of the River Dove). Flood Zone 3 comprises land assessed as having a 1 in 100 or greater annual probability of river flooding (>1%), or a 1 in 200 or greater annual probability of flooding from the sea (>0.5%) in any year.

2.17 The village has some sewage capacity issues with no mains drainage. Households in the wider Wilby area are also not on mains drainage and have their own sewage systems.

Air and Climatic Factors

2.18 There are no Air Quality Management Areas (AQMAs) that have been declared within or close to Wilby Parish.

2.19 The NDP does not indicate that there are issues with traffic levels in the area of Wilby Parish. The area is, however, poorly served by public transport options.

Material assets

2.20 The parish has a number of areas of green space that local residents consider to be important. However, following assessment through the Neighbourhood Plan process, only two areas meet the NPPF assessment criteria for open spaces.

2.21 Wilby is not well served by public transport with no direct services to or from the village. There is a community bus service provided in the village which operates on a dial-a-ride system.

³ Impact Risk Zones (IRZs) are a Geographical Information Systems (GIS) tool developed by Natural England to make a rapid initial assessment of the potential risks posed by development proposals to SSSIs, SACs, SPAs and Ramsar

sites. They define zones around each site which reflect the particular sensitivities of the features for which it is notified and indicate the types of development proposal which could potentially have adverse impacts.

2.22 There are a number of Public Rights of Way within the parish, however the network isn't coherent and lacks circular routes.

2.23 The parish has one primary school located in the village of Wilby and it is assumed that it is operating sufficiently as there is no need to either expand or contract capacity. The nearest secondary/grammar school is Stradbroke High School located in nearby Stradbroke (circa 4 miles).

2.24 There are no Minerals Safeguarding Areas in close proximity of Wilby Parish.

Cultural heritage

2.25 There are 30 buildings and structures within the parish of Wilby that are included on Historic England's National List. These range from the Church of St Mary which is listed Grade I, Wilby Hall and Wilby Manor both Grade II and a number of Grade II Listed farmhouses such as Rectory Farmhouse, Church Farmhouse and Foals Green Farmhouse. Wilby Hall is of interest due to its 16th century intact medieval moat. None of these features appear on Historic England's Heritage at Risk Register.

Landscape

2.26 Wilby Parish sits within a large area of central north Suffolk identified as Plateau Claylands. The landscape is generally flat or only gently undulating and the edges of the plateau are dissected by valleys. Small tributary streams provide the only relatively significant relief in the landscape.

2.27 There are no designated landscapes within or near to the parish of Wilby.

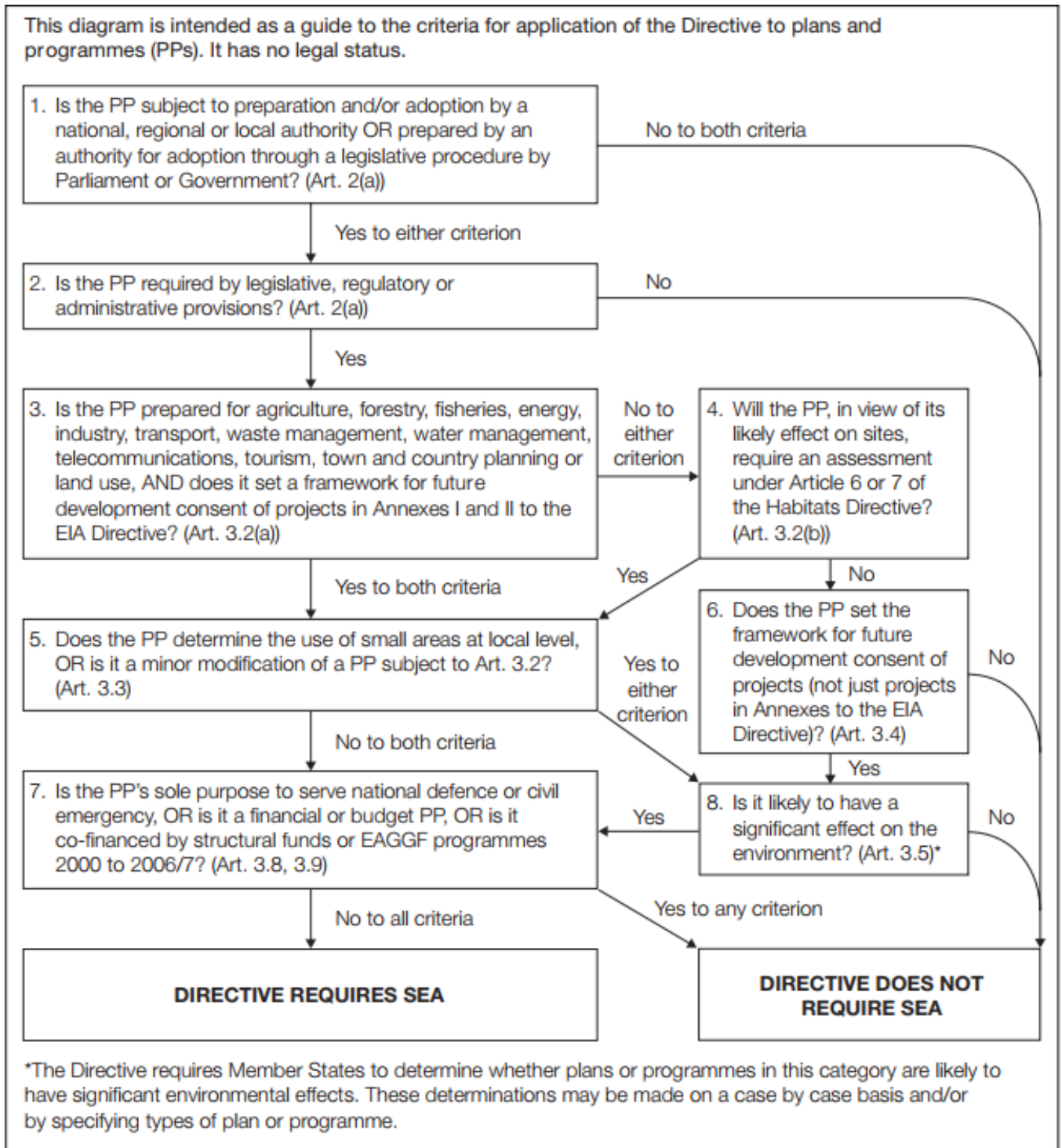
SEA Screening

2.28 An assessment has been undertaken to determine whether the Regulation 14 Draft Wilby NDP requires SEA in accordance with the SEA Regulations.

2.29 Figure 2.1 overleaf presents the flow diagram entitled 'Application of the SEA Directive to plans and programmes' which is taken from the Practical Guide to the Strategic Environmental Assessment Directive⁴, published in September 2005. This is a useful guide when considering whether a plan should be subject to SEA (The Practical Guide has been superseded by the National Planning Practice Guidance; however it still provides a useful and relevant guide to the process to use in making SEA screening decisions).

⁴https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/7657/practicalguidesea.pdf

Figure 2.1: Application of the SEA Directive to plans and programmes



2.30 Table 2.1 below presents the assessment of whether the Wilby NDP will require a full SEA. The questions in the first column are drawn from the diagram above which sets out how the SEA Directive should be applied.

Table 2.1: Application of SEA Directive to the Wilby NDP

Stage	Yes/No	Reason
1. Is the PP (plan or programme) 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 NDP is being prepared under the Localism Act 2011 and will be adopted ('made') by the Local Authority (Mid Suffolk District Council) as part of the statutory development plan. Move to Q2.
2. Is the PP required by legislative, regulatory or administrative provisions? (Art. 2(a))	No	The NDP is being prepared under the Localism Act 2011 and in accordance with the Neighbourhood Planning (General) Regulations 2012. However, there is no requirement to produce a Neighbourhood Plan; it is an optional plan. Once made it will become part of the statutory development plan. Therefore, it should continue to be screened. Move to Q3.
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 and No	The NDP is being prepared for town and country planning and land use, but it does not set a framework for future development consent of projects in Annexes I and II to the EIA Directive. The development allocated in the NDP is small-scale housing development which is not included in Annexes I or II of the EIA Directive. Move to Q4.
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	HRA screening has been undertaken separately on behalf of Mid Sussex District Council and has concluded that Appropriate Assessment is not required. No Move to Q6.
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 NDP allocates a small-scale site for housing development, setting the framework for future development consent. It also provides support for appropriate renewable energy developments, although it does not allocate sites for that purpose. Move to Q8.
8. Is it likely to have a significant effect on the environment? (Art. 3.5)	No	See Table 2.2. SEA IS NOT REQUIRED.

2.31 Schedule 1 of the SEA Regulations sets out the criteria for determining the likely significance of effects. These are listed in Table 2.2 below along with comments on the extent to which the Wilby NDP meets these criteria.

Table 2.2: Likely Significant Effects

Sea Requirement	Comments
The characteristics of plans and programmes, having regard, in particular, to:	
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	<p>Once made, the NDP will become part of the statutory development plan and will guide the delivery of development in Wilby Parish, including in terms of design. The NDP allocates one site for residential development, expected to accommodate approximately five homes. It also supports appropriate renewable energy developments, although it does not allocate sites for that purpose.</p> <p>The adopted Mid Suffolk Core Strategy (2008, review 2012) identifies Wilby as a Secondary Village in Policy CS1 – Settlement Hierarchy. This policy seeks to direct development to towns and key service centres but also with some provision for meeting local housing needs in primary and secondary villages. The Core Strategy does not identify a specific housing delivery target for Secondary Villages over the Plan period to 2025.</p> <p>The total housing figure set out in the NDP has considered the figure proposed by the emerging Babergh and Mid Suffolk Joint Local Plan when determining how much housing to plan for. This housing figure has in part been used to identify the one housing site allocated through the NDP and, when considered alongside housing commitments in the village, meets the identified Joint Local Plan housing requirement of a minimum 12 dwellings in Wilby.</p> <p>The NDP allocates a different site to that which is included in the Regulation 19 version of the Joint Local Plan, although the Local Plan is not yet adopted and it is understood that there is no intention that both sites will be allocated.</p>
2. the degree to which the plan or programme influences other plans and programmes including those in a hierarchy	The NDP has to be in general conformity with the local strategic framework (i.e. the adopted Mid Suffolk Core Strategy (2008/2012) and the emerging Babergh and Mid Suffolk Joint Local Plan) and must have regard to the National Planning Policy Framework. The NDP does not have influence over other plans. Once made, the NDP will form part of the statutory development plan for Wilby Parish and will be used in conjunction with the emerging Babergh and Mid Suffolk Joint Local Plan (once it has been adopted) to determine planning applications.
3. the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development,	One of the Basic Conditions which the NDP must meet is to contribute to sustainable development.
4. environmental problems relevant to the plan or programme,	Baseline information relating to Wilby Parish was described earlier in this chapter. Key issues of relevance to the NDP are the ongoing problems associated with poor access to transport services, the lack of capacity in the sewage system, the presence of potentially high quality agricultural land in the parish, the Priority Species and Habitats in the NDP area, and the presence of designated historic assets within the NDP area.
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).	N/A
Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:	
6. the probability, duration, frequency and reversibility of the effects,	The NDP allocates one site for housing development, and this development is therefore highly likely to come forward within the Plan period. The NDP covers the period 2018-2036. Effects of the Plan, albeit minor, are expected to be long-term and permanent. Any

Sea Requirement	Comments
	effects associated with construction are likely to be short-term and temporary
7. the cumulative nature of the effects,	<p>Cumulative effects could result from the NDP in combination with development that takes place in the surrounding towns and villages – albeit the parish of Wilby is rural and Wilby village itself is some distance from the nearest settlement. As the emerging Babergh and Mid Suffolk Joint Local Plan is still in its development, it is not yet possible to assess with certainty the amount and location of development that may result from that Plan within and close to Wilby Parish. It is noted that the emerging Babergh and Mid Suffolk Joint Local Plan currently seeks to allocate a different site in Wilby to that which is proposed for allocation in the NDP; however it is understood that there is no intention of allocating both sites, if the NDP is made first with a different allocation included.</p> <p>The Adopted Mid Suffolk Core Strategy (2008) identifies Wilby as a 'hamlet' in the settlement hierarchy with the expectation that new development will meet local needs only. Wilby has a number of small housing commitments (7x scattered units).</p>
8. the transboundary nature of the effects,	The NDP focuses on Wilby Parish only. Transboundary effects under the SEA Regulations refers to transboundary effects on other EU Member States; therefore they are not relevant to this NDP.
9. the risks to human health or the environment (e.g. due to accidents),	There are no anticipated risks to human health or the environment from the NDP.
10. the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected),	The NDP covers all of Wilby Parish. The population of the parish in the 2011 Census was 239 people.
11. the value and vulnerability of the area likely to be affected due to: <ul style="list-style-type: none"> ■ special natural characteristics or cultural heritage, ■ exceeded environmental quality standards or limit values, ■ intensive land-use, 	<p>Wilby Parish is home to a number of Priority Species and Priority Habitats; however there are no statutory landscape or biodiversity designations within or close to the boundaries of the parish. The parish is also partially within a SSSI Impact Risk Zone although the only housing site allocated in the NDP falls outside of this zone. There are 30 buildings and structures within the parish of Wilby that are included on Historic England's National List. These range from the Church of St Mary which is listed Grade I, Wilby Hall and Wilby Manor both Grade II and a number of Grade II Listed farmhouses such as Rectory Farmhouse, Church Farmhouse and Foals Green Farmhouse. There are also areas of potentially high-quality agricultural land.</p>
12. the effects on areas or landscapes which have a recognised national, Community or international protection status.	There are no protected landscapes within, or in close proximity to, Wilby Parish.

SEA Screening Conclusion

2.32 A screening assessment has been undertaken by applying the criteria from the SEA Directive and Schedule 1 of the SEA Regulations to determine whether or not the Wilby NDP is likely to have significant environmental effects when assessed against the topics listed in the SEA Regulations.

2.33 The NDP sets out a vision and detailed planning policies to shape development in the parish up to 2036. It allocates one small site for residential development, delivering five homes. While the most recent version of the emerging Babergh and Mid Suffolk Joint Local Plan is seeking to

allocate a different site in Wilby to that identified in the NDP, it is understood that there is no intention of allocating both sites.

2.34 The residential development allocated through the NDP could have a range of environmental effects during the construction period and afterwards, in particular in relation to additional traffic generation and demand for water treatment. However, the scale of any such effects is expected to be minor as the allocated site would include only five properties. While there are heritage assets within the parish, the allocated site is located 160m to the north of the nearest listed building. Priority habitats are located circa 650m (south east) and 700m (east) from the proposed allocation and there are policies in the NDP and in the adopted Mid Suffolk Core Strategy 2008

that should provide mitigation. There may also be mitigation provided by policies in the emerging Babergh and Mid Suffolk Joint Local Plan; however given its current stage of development, emerging policies may change.

2.35 On this basis, it is considered that the Wilby NDP will not have significant environmental effects and that SEA is therefore not required.

Next steps

2.36 This SEA screening opinion will be sent to the three statutory consultees (Natural England, Historic England and the Environment Agency) and will be reviewed as appropriate in light of any comments received.