



# **Chelmondiston Neighbourhood Plan**

## **Strategic Environmental Assessment Screening Determination**

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

**May 2020**

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# CHELMONDISTON NEIGHBOURHOOD PLAN

## STRATEGIC ENVIRONMENTAL ASSESSMENT DETERMINATION

### 1. Introduction

This assessment relates to a January 2020 working draft of Chelmondiston Parish Councils 'Regulation 14 Pre-submission Neighbourhood Development Plan'. At the time of first issuing this Determination Notice (May 2020) the 'Chelpin Plan' (as it is referred to) had yet to be published for formal consultation.

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 Chelmondiston 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.babergh.gov.uk/ChelmondistonNP](http://www.babergh.gov.uk/ChelmondistonNP)
- The responses to this from the statutory consultees (See Appendix 1).

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, Chelmondiston Parish Council (the qualifying body) requested Babergh District Council (BDC), as the responsible authority, to determine whether an environmental report on the emerging Chelmondiston Neighbourhood Plan is required due to significant environmental effects. In making this determination, BDC should have regard to Schedule 1 of the Regulations.

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:

*“To conserve and enhance the unique rural character of the Parish of Chelmondiston, its built and natural assets with particular reference to the need for protection of the Conservation Area at Pin Mill, the AONB status of part of the Parish and its areas of special interest (SSSIs and RAMSAR). By 2036 any development will have been sustainable, with the necessary infrastructure resulting in a place that is thriving and enjoyable for residents, local businesses and visitors”*

The draft Plan does not allocate sites for housing or employment development but does contain ten planning policies that seek to shape future development within the designated plan area.

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 which can be viewed at:

<https://www.babergh.gov.uk/assets/Neighbourhood-Planning/Chelmondiston-NP-SEA-Screening-Report-Mar20.pdf>

#### 5. Screening Conclusion

The Screening Report prepared by LUC notes that, although the parish contains sensitive environmental assets, the Plan does not allocate sites for development but instead focuses on ensuring that development is delivered in a way that safeguards these assets. On that basis, it considers that the Chelmondiston 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 carried out with Natural England, Historic England, and the Environment Agency.

In response, all three bodies agreed with the conclusion of the Screening Report. Their consultation responses are attached at Appendix 1.

#### 6. Determination

In the light of the SEA Screening Report for consultation prepared by Land Use Consultant and the responses to this from the statutory bodies it is determined that the draft Chelmondiston Neighbourhood Plan **does not require** a Strategic Environmental Assessment in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004.

Date: 06 May 2020  
 Our ref: 313929  
 Your ref: SEA / HRA Screening Reports



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## BY EMAIL ONLY

Dear Mr Bryant

### Chelmondiston Neighbourhood Plan - SEA / HRA Screening Consultation

Thank you for your consultation on the above dated 07 April 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 Consultation: 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 (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 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.

**Screening Request: Habitat Regulation Assessment**

Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, has screened the Neighbourhood Plan to check for the likelihood of significant effects.

Your assessment concludes that the proposal can be screened out from further stages of assessment because significant effects are unlikely to occur, either alone or in combination. Having considered the document, Natural England advises that we concur with the conclusions.

For any queries relating to the specific advice in this letter only please contact me 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

**By e-mail dated Tue 5 May 2020**



Historic England

Re: Chelmondiston NP – SEA / HRA Screening Consultation

Dear Paul,

Thank you for inviting Historic England to comment on 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 for this plan. For the purposes of this consultation, Historic England will confine its advice to the question, "Is it (the Chelmondiston 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.

We should like to stress that this opinion is based on the information provided by you with your correspondence below. 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.

In particular, and separate from our recommendation on whether an SEA is required or not, I was very pleased to see the inclusion of a list of locally important buildings included and protected by a policy in the plan, but would suggest that the selection criteria for the neighbourhood heritage assets under Policy CNDP4 is robust and included as part of the evidence base. I would refer the plan group to our Advice Note 7: Local Heritage Listing for some hopefully helpful advice on how to ensure that they do this.

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

Kind regards,

Edward James MA BA ACIfA  
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Ms Gill Davis – Parish Clerk  
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Our Ref: AE/2020/125118/01-L01  
Your ref: SEA/HRA Screening

Date: 06 May 2020

Dear Ms Davis

**CHELMONDISTON NEIGHBOURHOOD PLAN SEA/HRA SCREENING**

**CHELMONDISTON SUFFOLK**

Thank you for your consultation dated 07 April 2020. We have reviewed the SEA/HRA Screening Report for the Chelmondiston (Chelpin) Neighbourhood Plan, as submitted, and do not disagree with the conclusions detailed in the report.

We have considered the level of future growth which the Chelpin Neighbourhood Plan demonstrates within the parish over the plan period. The policies do not currently highlight any specific newly allocated sites for development: We therefore conclude that the recommendations and conclusions of the reports are suitable.

We trust this advice is useful.

Yours sincerely

Mr Mark Macdonald  
Planning Advisor

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