



# **Copdock & Washbrook Neighbourhood Plan**

## **Strategic Environmental Assessment Screening Determination**

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

**June 2020**

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# COPDOCK & WASHBROOK NEIGHBOURHOOD PLAN

## STRATEGIC ENVIRONMENTAL ASSESSMENT DETERMINATION

### 1. Introduction

This assessment relates to the 'Copdock & Washbrook Neighbourhood Development Plan 2018 - 2036' which was published for Regulation 14 Pre-Submission consultation at the end of February 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 Copdock & Washbrook 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/CopdockWashbrookNP](http://www.babergh.gov.uk/CopdockWashbrookNP)
- 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, Copdock & Washbrook Parish Council (the qualifying body) requested Babergh District Council (BDC), as the responsible authority, to determine whether an environmental report on the emerging Copdock & Washbrook Neighbourhood Plan is required due to significant environmental effects. In making this determination, BDC should have regard to Schedule 1 of the Regulations.

Pre-Submission Consultation on this draft plan was carried out between late February and early April 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 BDC 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:

*“Copdock and Washbrook will maintain its distinct and separate village character and accommodate new development appropriate to its location, level of services and infrastructure and importance and historic characteristics of the parish.”*

The draft Plan contains twenty-one planning policies. Of those, two are site specific housing allocations. One site already benefits from prior planning permission. The other, much larger site, is being proposed for housing development but has yet to come forward as a formal planning application. The remaining policies seek to realise and deliver the vision and objectives set out in the Plan.

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

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

#### 5. Screening Conclusion

The Screening Report prepared by LUC notes that the Neighbourhood Plan allocates two sites for residential development and that the larger of these sites (allocated for 226 dwellings) does not benefit from a planning permission. It also notes that residential development allocated through the Plan could have a range of environmental effects both during construction and afterwards and, that both allocated sites lie within close proximity of sensitive features. It further concludes that, while policies in the Neighbourhood Plan and in the adopted Babergh Local Plan may provide mitigation, the scale of the allocated site that does not have existing planning permission and the sensitivity of the area in which it is located mean that the need for a Strategic Environmental Assessment is required.

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

No formal response was received from Historic England. Natural England agreed with the conclusion of the Screening Report. The Environment Agency stated that the neighbourhood plan is unlikely to have significant effects on the aspects of the environment which we oversee but that the Strategic Environmental Assessment has been ‘screened in’ due to other considerations. Both 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 Copdock & Washbrook Neighbourhood Plan **does require** a Strategic Environmental Assessment in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004.

Date: 16 June 2020  
 Our ref: 316430  
 Your ref: Copdock & Washbrook Neighbourhood Plan – SEA / HRA  
 Screening Consultation



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**FAO Paul Bryant**  
**BY EMAIL ONLY**

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Dear Mr Bryant

**Screening consultation: Neighbourhood Plan SEA / HRA Screening Consultation.**  
**Location: Copdock & Washbrook**

Thank you for your consultation on the above dated 7 May 2020 that was received by Natural England on the same day. Please accept our apologies for the delayed response.

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 Opinion Report: Strategic Environmental Assessment (SEA)**

Natural England concur with the conclusions of the Copdock and Washbrook Parish Council Neighbourhood Development Plan SEA Screening Opinion final report dated March 2020. It is our advice, 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), that the neighbourhood plan does have the potential to have significant environmental effects in relation to the baseline, and that SEA is required.

**Screening Report: Habitats Regulations Assessment (HRA)**

Natural England agrees with the conclusion of the "Copdock and Washbrook Neighbourhood Plan 2018-2036: Regulation 14 Regulation 14 Pre-Submission Draft. Habitats Regulations Assessment (HRA): Screening Report, and Appropriate Assessment - May 2020". Embedded mitigation measures for projects will need to be considered in project level HRA/AA reports and secured by way of any planning consent. Consequently, there will be no need for further assessment for this Neighbourhood Plan as it is not predicted to result in any Adverse Effect on the Integrity of Habitat Sites either alone or in combination with other plans and projects.

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



Paul Bryant  
Babergh and Mid Suffolk District Council  
8 Russell Road  
Ipswich  
IP1 2BX

Our Ref: AE/2020/125205/01-L01  
Your ref: SEA/HRA Screening  
Date: 05 June 2020

Dear Mr Bryant,

**COPDOCK & WASHBROOK NP - SEA / HRA SCREENING CONSULTATION REQUEST**

**COPDOCK AND WASHBROOK NEIGHBOURHOOD PLANNING AREA DESIGNATION**

Thank you for your consultation of 07 May 2020 inviting us to contribute to the Copdock and Washbrook Neighbourhood Plan SEA screening opinion.

We have inspected the information submitted and consider that the neighbourhood plan is unlikely to have significant effects on the aspects of the environment which we oversee. We have reviewed the environmental constraints of the proposed housing sites and can identify no issues within our remit which cause us concerns: Although the report identifies the environmental constraint of the Source Protection Zone (SPZ3) this would usually not be a concern for us in the case of housing developments. We also found the comments relating to water resources and water treatment of note as these issues will be of greater importance within the plan period.

We note the conclusion of the report and accept that the Strategic Environmental Assessment has been 'screened in' due to other considerations (as described by table 2.2).

In our response to the Regulation 14 consultation we commented on the main environmental issues in the plan area, within our remit, and note that the proposed housing allocations have been sequentially sited in flood zone 1. We also commented on the Washbrook and Belstead Brook; however this is a significant distance from the housing allocation. The issue relating to recreational disturbance mitigation on other important sites is also outside of our role within neighbourhood planning.

Should you require any additional information or wish to discuss these matters further, please do not hesitate to contact me on the number below.

Yours sincerely

Mr Mark Macdonald  
Planning Advisor

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