



# **Debenham Neighbourhood Plan**

## **Strategic Environmental Assessment Screening Determination**

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

**March 2018**

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# DEBENHAM NEIGHBOURHOOD PLAN

## STRATEGIC ENVIRONMENTAL ASSESSMENT DETERMINATION

### 1. Introduction

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 purpose of the Debenham Neighbourhood Plan is to provide for the sustainable development of Debenham to make it a key service centre village for residents and surrounding villages. To do this, it seeks to phase the provision of good quality housing, educational facilities, business and local retail opportunities through a set of place and people-focused objectives.

This determination refers to:

- A Screening Report for Consultation prepared on behalf of Mid-Suffolk District Council and Debenham Parish Council by Essex Place Services. A copy of this can be viewed at [www.midsuffolk.gov.uk/DebenhamNP](http://www.midsuffolk.gov.uk/DebenhamNP)
- The responses to this from the statutory consultees (See Appendix).

This assessment relates to the Debenham NP 2016 - 2036 Pre-submission Draft (v32)

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 an SEA Screening Statement, which must be publicly available.

In accordance with Regulation 9 of the SEA Regulations 2004, Debenham Parish Council (the qualifying body) has requested Mid Suffolk District Council (MSDC) as the responsible authority, to determine whether an environmental report on the emerging Debenham 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 on the Draft Neighbourhood Plan between 1 February and 16 March 2018. In line with the advice contained within the National Planning Policy Framework (NPPF), 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. MSDC has therefore consulted the statutory consultees (Historic England/Natural England/Environment Agency) on the Screening Report prepared by Essex Place Services and asked for their views on whether an SEA is required.

An 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:

1. The characteristics of plans and programmes, having regard, in particular, to:
  - 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,
  - the degree to which the plan or programme influences other plans and programmes including those in a hierarchy
  - the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development,
  - environmental problems relevant to the plan or programme,
  - 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).

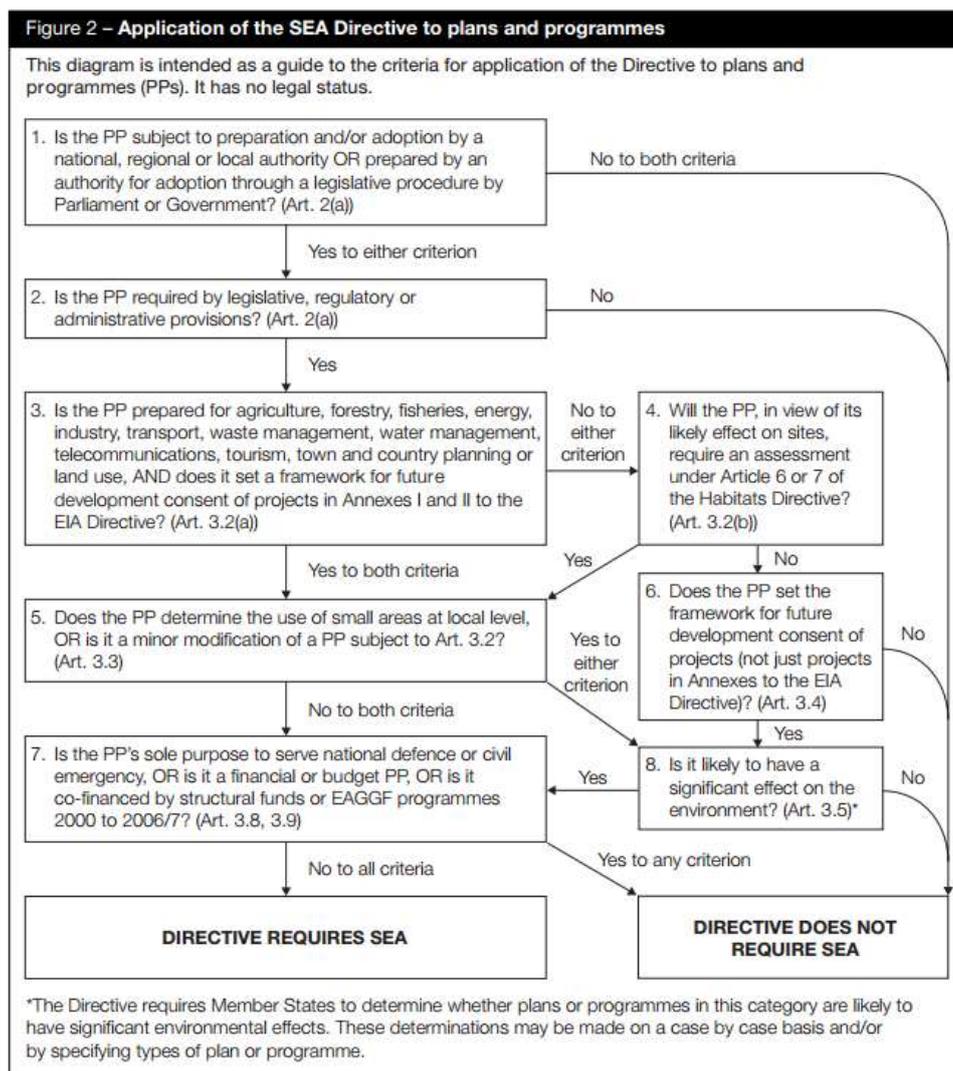
2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:

- 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

The diagram below illustrates the process for screening a planning document to ascertain whether a full SEA is required



The table below assesses in broad terms whether the Neighbourhood Plan will require a full SEA. The questions below are drawn from the previous diagram which sets out how the SEA Directive should be applied. The reasons draw on the Screening Report prepared by Essex Place Services and the outcome of consultation with the statutory consultees.

Stage	Y/N	Reason
1. Is the Neighbourhood Plan 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))	Y	The preparation and adoption of the Plan is allowed under The Town and Country Planning Act 1990 as amended by the Localism Act 2011 and the Neighbourhood Planning Act 2017. The Plan is being prepared by Debenham Parish Council (as the "relevant body") and will be 'made' by Mid Suffolk District Council as the local authority subject to passing an independent examination and community referendum. The preparation of neighbourhood plans is subject to the following regulations: The Neighbourhood Planning (General) Regulations 2012 (as amended) and the Neighbourhood Planning (referendums) Regulations 2012.
2. Is the Neighbourhood Plan required by legislative, regulatory or administrative provisions? (Art. 2(a))	Y	Whilst the Neighbourhood Plan is not a requirement and is optional under the provisions of the Town and Country Planning Act 1990 as amended by the Localism Act 2011, it will be 'made' and form part of the statutory development plan for Mid Suffolk District. It is therefore important that the screening process considers whether it is likely to have significant environmental effects and hence whether a full SEA is required under the Directive.
3. Is the Neighbourhood Plan 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))	Y	Neighbourhood plans can cover some of the topics identified in this list and they could set the framework for development of a scale that would fall under Annex II of the EIA Directive. However, for neighbourhood plans, developments which fall under Annex I of the EIA Directive are 'excluded development' as set out in Section 61k of the Town and Country Planning Act 1990 (as amended by the Localism Act).
4. Will the Neighbourhood Plan, 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))	N	A screening assessment for a Habitats Regulations Assessment (HRA) has been prepared separately. Following consultation with Natural England it has been determined that an HRA is not needed.

Stage	Y/N	Reason
5. Does the Neighbourhood Plan determine the use of small areas at local level, OR is it a minor modification of a PP subject to Art. 3.2? (Art. 3.3)	Y	The Plan allocates several sites within the Neighbourhood Area for a range of uses, including housing and community uses.
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)	Y	The Neighbourhood Plan is to be used by MSDC in helping determine future planning applications. The Neighbourhood Plan however focuses on shaping how development comes forward.
7. Is the PP's sole purpose to serve the national defence or civil emergency, OR is it a financial or budget PP, OR is it co-financed by structural funds or EAGGF programmes 2000 to 2006/7? (Art 3.8, 3.9)	N	Not applicable
8. Is it likely to have a significant effect on the environment? (Art. 3.5)	Y	<p>The likely effect of the Plan's proposals on the environment have been considered in detail in the Screening Report prepared by Essex Place Services. This identifies relevant environmental designations and includes maps, distances and vulnerability.</p> <p>As identified in the SEA toolkit for neighbourhood planning<sup>1</sup>, the Environmental Impact Assessment (EIA) Regulations identify a threshold for when an EIA may be needed and the Toolkit recommends this as a starting point for SEA Screening. For 'urban development' projects, one of the thresholds is where development includes more than 150 dwellings.</p> <p>The draft Neighbourhood Plan proposes to allocate three development sites (policies DEB 2 to 4). These allocations in total, propose to provide between 112 and 262 dwellings. Although spread across three sites, this is potentially in excess of the EIA Regulations threshold. The sites are also located close to one another, therefore any cumulative impacts are likely to be relatively high. The Screening Report prepared by Essex Place Services states "the allocation of these sites ensures that significant effects on the environment can not be ruled out."</p> <p>The Screening Report considers a number of factors and concludes as follows:</p>

<sup>1</sup> Locality (2016) *Screening neighbourhood plans for strategic environmental assessment: A toolkit for neighbourhood planners*

Stage	Y/N	Reason
		<p><b>Biodiversity:</b> No likely significant effects (DEB23 protects important natural features.)</p> <p><b>Population:</b> Combined quantum of proposed allocations between 112 and 262 dwellings (DEB2, 3 &amp; 4).</p> <p><b>Human Health:</b> No likely significant effects (DEB17 and 18 protect green and open spaces).</p> <p><b>Fauna:</b> No significant impact.</p> <p><b>Flora:</b> No likely effects (DEB16,17 and 18 protect assets).</p> <p><b>Soil:</b> Loss of 7.5 ha of Grade 3 agricultural land.</p> <p><b>Water:</b> The Plan's allocated sites require mitigation measures to be embedded in developments to avoid significant impacts on water quality in the tributaries and upper reaches of the River Deben. In the absence of these safeguards within the currently drafted policy likely significant effects can not be ruled out at this stage.</p> <p><b>Air:</b> No likely significant effects.</p> <p><b>Climatic Factors:</b> No significant effects.</p> <p><b>Material assets:</b> No significant impact.</p> <p><b>Cultural Heritage:</b> No likely significant effect (DEB21 seeks to ensure that the significance of heritage assets is preserved and where possible enhanced through proposals).</p> <p><b>Landscape:</b> DEB16 ensures that dwellings on the edge of the development area provide suitable landscaping options to assimilate into the</p>

Stage	Y/N	Reason
		<p>character area. To this extent the Plan ensures that potential landscape implications of proposals are suitably considered and significant effects are minimised.</p> <p><b>The cumulative nature of the effects:</b></p> <p>The Plan allocates land for development purposes which has not been subject to any cumulative assessment of impacts through any formal or legally required process. Environmental protection policies exist within the Plan for the purpose of ensuring that individual schemes are unlikely to result in inappropriate development. However cumulative significant effects on the environment can not be ruled out at this stage</p> <p><b>The trans boundary nature of the effects:</b></p> <p>Although Essex Place Services identified the potential for trans boundary effects related to water quality associated with the Deben Estuary Sandlings SPA and Deben Estuary Ramsar the response from Natural England considers that this would not be significant.</p> <p><b>Risks to human health or the environment:</b></p> <p>Significant risk unlikely</p> <p><b>Magnitude and spatial extent of the effects</b></p> <p>The magnitude and spatial extent of the effects would be best explored through the application of the SEA directive:</p> <p><b>The value and vulnerability of the area likely to be affected due to special characteristics of cultural heritage, exceeded environmental quality standards, intensive land use</b></p> <p>Potential significant effects on environmental quality standards as a result of intensive land use that would warrant further assessment through SEA.</p> <p><b>The effects on areas or landscapes which have a recognised national, community or international protection status:</b></p> <p>No significant effects.</p> <p>In light of the site allocations proposed in the draft Neighbourhood Plan and their potential impact on a number of environmental assets, it is considered that the Plan could have a significant impact on the environment.</p>

## **Assessment of likely significant effects**

Under criterion 8 of the assessment in the table above, it was concluded that the Neighbourhood Plan may have a significant effect on the environment depending on the proposals within it and that a case by case assessment was required. The criteria for undertaking such an assessment are drawn from Article 3.5 of the SEA Directive and set out in Section 3 of this report.

## **5. Conclusion**

The Screening Report for Consultation prepared by Essex Place Services considered that there could be significant environmental effects arising either individually or cumulatively from the draft Debenham Neighbourhood Plan policies. The reasons for reaching this opinion are set out in section above.

As such, the Report concluded that under Regulation 9(1) of the Environmental Assessment of Plans and Programmes Regulations 2004, the Debenham Neighbourhood Plan does require an SEA to be undertaken because it could have significant environmental effects. Consultation on the screening report was carried out with Natural England, Historic England and the Environment Agency.

Historic England advised that *“Given the likely significant effects (both positive and negative) upon the historic environment, Historic England concurs with the Council’s view that a Strategic Environmental Assessment will be required.”*

Natural England has advised that *“We agree that the Plan area is within two SSSI Impact Risk Zones and that within the settlement of Debenham, there are no risks identified for residential development. We have no comment to make with respect to other environmental considerations.”*

The Environment Agency has commented *“We have reviewed the findings of the SEA report and its findings. The conclusion states that the Neighbourhood Plan has been screened in for an SEA and we do not wish to disagree with this.”* 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 the Debenham Neighbourhood Plan requires a Strategic Environmental Assessment in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004.



## EAST OF ENGLAND OFFICE

Mr Paul Munson  
Babergh and Mid Suffolk District Councils  
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8 Russell Road  
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Direct Dial: 01223 582746

Our ref: PL00299523

2 March 2018

Dear Mr Munson

Thank you for your email of 29 January 2018 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 Debenham Neighbourhood Plan. For the purposes of this consultation, Historic England will confine its advice to the question, "Is it (the 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. 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 Debenham Neighbourhood Plan proposes to allocate sites for development.

Given the likely significant effects (both positive and negative) upon the historic environment, Historic England hence concurs with the Council's view that a Strategic Environmental Assessment will be required.

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.

Yours sincerely,  
Edward James  
Historic Places Advisor, East of England

Date: 15 February 2018  
Our ref: 237555  
Your ref: PRM



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**BY EMAIL ONLY**

Dear Paul

**Planning consultation: DEBENHAM NEIGHBOURHOOD DEVELOPMENT PLAN: SEA/HRA SCREENING REPORT**

Thank you for your consultation on the above which was received by Natural England on 29 January 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.

**SUMMARY OF NATURAL ENGLAND'S ADVICE**

Based on the plans submitted, Natural England considers that Debenham Neighbourhood Plan is unlikely to have significant adverse impacts on internationally designated sites and no policy amendments are required.

**Habitats Regulations Assessment (HRA)**

The *Debenham Neighbourhood Plan 2016 - 2036 Pre-Submission Draft Strategic Environmental Assessment (SEA) & Habitat Regulations Assessment (HRA): Screening Report – January 2018* has concluded that there is a potential pathway from developments in Debenham to Deben Estuary SPA/Ramsar site via River Deben and its tributaries which run through the neighbourhood. However, our SSSI Impact Risk Zones do not identify any risks to Deben Estuary SPA/Ramsar from residential developments at this distance (20km) from the international site. We therefore advise that the Debenham Neighbourhood Plan can be screened out from further considerations under the Habitats Regulations and no policy amendments to the Neighbourhood Plan are required. We agree that no 'in combination' effects are likely to arise from other plans or projects.

To meet the requirements of the Habitats Regulations, we advise you to record your decision that a likely significant effect can be ruled out. The following may provide a suitable justification for that decision:

- There is unlikely to be a significant adverse effect at Deben Estuary SPA/Ramsar site from development in Debenham which is 20km upstream.

## Strategic Environmental Assessment (SEA)

Table 2: Assessment of Likely Significant Effects on the Environment states that The Plan area is within two SSSI Impact Risk Zones; however no impacts are predicted relevant to the content of the Plan. We agree that the Plan area is within two SSSI Impact Risk Zones and that within the settlement of Debenham, there are no risks identified for residential development. We have no comment to make with respect to other environmental considerations.

If you have any queries relating to the advice in this letter please contact me on 01284 735236.

Yours sincerely

Alison Collins  
Norfolk & Suffolk Team  
[alison.collins@naturalengland.org.uk](mailto:alison.collins@naturalengland.org.uk)

**From:** Kermath, Natalie J  
**Sent:** 21 February 2018 12:00  
**To:** 'Paul Munson'  
**Subject:** FW: DEBENHAM NEIGHBOURHOOD PLAN - SEA/HRA SCREENING ASSESSMENT

Good Morning,

Thank you for sending through the SEA screening report to us.

We have no comment to make on the HRA, comments for this will be supplied by Natural England.

With regards to the SEA screening, we have reviewed the SEA report and its findings towards whether an SEA should be undertaken for the Debenham Neighbourhood plan. The conclusion states that the Neighbourhood plan has been screened in for an SEA and we do not wish to disagree with this.

If you require anything further please do not hesitate to contact us.

Kind regards,

Natalie Kermath  
Sustainable Places Planning Advisor  
East Anglia area East

<https://www.gov.uk/government/organisations/environment-agency>  
<https://www.gov.uk/flood-risk-assessment-for-planning-applications>  
<https://www.gov.uk/flood-risk-assessment-local-planning-authorities>

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National Customer Contact Centre: 03708 506506

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**Do your future plans have environmental issues or opportunities? Speak to us early!**



If you are planning a new project or development, we want to work with you to make the process as smooth as possible. We offer a tailored advice service with an assigned project manager giving you detailed and timely specialist advice. Early engagement can improve subsequent planning and permitting applications to you and your clients' benefit. More information can be found on our website [here](#).