



# **Elmsett Neighbourhood Plan**

## **Strategic Environmental Assessment Screening Determination**

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

**January 2019**

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# ELMSETT NEIGHBOURHOOD PLAN

## STRATEGIC ENVIRONMENTAL ASSESSMENT DETERMINATION

### 1. Introduction

This assessment relates to the Elmsett Neighbourhood Plan 2017-2036 Pre-Submission Consultation Version, dated October 2018.

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 vision of the Neighbourhood Plan is that *“In 2036 Elmsett will be a thriving rural village and will have balanced the provision of housing growth with the need to maintain existing village services and minimising the impact of growth on both the local environment and infrastructure.”*

The Neighbourhood Plan provides for up to 60 dwellings to be developed between 2017 and 2036 to be met through the allocation of the sites set out below and smaller sites not specifically identified.

- Land at Hadleigh Road – 41 dwellings
- Land south of Whatfield Road – 7 dwellings

A SEA/HRA Screening Report for the Plan has been prepared by Essex Place Services on behalf of Babergh District Council and Elmsett Parish Council. This can be viewed at:

[www.babergh.gov.uk/ElmsettNP](http://www.babergh.gov.uk/ElmsettNP)

The statutory consultees were consulted in December 2018 and their responses are attached. (See Appendix 1).

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 a SEA Screening Statement, which must be publicly available.

In accordance with Regulation 9 of the SEA Regulations 2004, Elmsett Parish Council (the qualifying body) requested Babergh District Council (BDC) as the responsible authority, to determine whether an environmental report on the emerging Elmsett 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 (Regulation 14 stage) was carried out in October and November 2018. 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 Essex Place Services to prepare a screening report to assess whether a 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**

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:

<p>1. The characteristics of plans and programmes, having regard, in particular, to:</p> <ul style="list-style-type: none"><li>- 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>- the degree to which the plan or programme influences other plans and programmes including those in a hierarchy</li><li>- the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development,</li><li>- environmental problems relevant to the plan or programme,</li><li>- 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></ul>
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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**

A full assessment of the likely effects of the Plan is set out in the Screening Report dated December 2018 prepared by Essex Place Services which can be viewed at:

<https://www.babergh.gov.uk/assets/Neighbourhood-Planning/Elmsett-NP-SEA-HRA-Screening-Report-Final.pdf>

In the light of the assessment the Screening Report concludes that the Neighbourhood Plan does not warrant the full application of the SEA Directive in the form of a SEA Environmental Report.

#### **5. Conclusion**

The Screening Report prepared by Essex Place Services noted that the principle of the eventual development that is identified as coming forward within the Neighbourhood Plan period is already established at the District level; and the Plan's two site allocations both have planning permission. Therefore, any significant effects on the environment directly resulting from these proposals have already sufficiently been identified at the planning application stage as part of their determination in compliance with LPA and national policy requirements.

The HRA Screening element of this Report determines that European Sites lie within 13km of Elmsett parish. The Plan area is within the 13km Zone Of Influence (ZOI) of the Stour & Orwell Estuaries SPA and Ramsar and as such the Plan, in allocating land for development purposes has the potential for Likely Significant Effects in-combination with other plans and programmes that result in a cumulative increase in growth within the ZOI.

Despite this, mitigation relevant to potential effects on the Stour and Orwell Estuaries SPA and Ramsar in-combination with other plans and projects has been secured alongside the applications to which the Plan's allocations relate.

As such, the content of the Elmsett Neighbourhood Plan has 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.

All three bodies agreed with the conclusion of the Screening Report.

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 a Strategic Environmental Assessment of the Elmsett Neighbourhood Plan is **not required** in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004.

Date: 21 January 2019  
Our ref: 267280

Babergh and Mid Suffolk District Council

**BY EMAIL ONLY**



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Dear Paul Munson

Elmsett Neighbourhood Plan SEA/HRA

Thank you for your consultation on the above dated 10 December 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.

**Neighbourhood Plan**

The Elmsett neighbourhood plan follows previous consultation with Natural England on the Babergh Local Plan. At this time Natural England advised that the emerging strategic solution, the Suffolk Coast Recreational Avoidance and Mitigation Strategy (Suffolk RAMS) is a key consideration in the context of the Habitats Regulation Assessment. The Suffolk RAMS seeks to mitigate the recreational impacts as a result of new development within the Zones of Influence (Zoi).

**Elmsett Neighbourhood Plan Policies**

The Elmsett Parish falls in its entirety within one or more of the Zones of Influence (Zoi). There is therefore residential development within the parish area which will be subject to the requirements of this strategic solution. This will be in accordance with the RAMS supplementary planning document once adopted.

All residential development within the zones of influence of European Sites will be required to make a financial contribution towards mitigation measures, as detailed in the Suffolk RAMS, to avoid adverse in-combination recreational disturbance effects on European Sites.

In the interim period, before the Suffolk RAMS is completed, all residential development within the zones of influence will need to deliver all measures identified (including strategic measures) through project level HRAs, or otherwise, to mitigate any recreational disturbance impacts in compliance with the Habitat Regulations and Habitats Directive.

Natural England notes that the two main housing allocations (EMST3 and EMST4) have secured appropriate mitigation at the planning stage. Natural England is therefore satisfied by the conclusions of the HRA with relation to these two developments.

We note that there may be further outstanding developments pending planning approval within Elmsett parish (12 houses). A policy should be included in the Neighbourhood Plan to require and secure contributions to the Suffolk RAMS.

We would also take this opportunity to advise you that these windfall applications which would be in excess of what has been assessed in the Neighbourhood Plan Habitats Regulation Assessment (HRA), would need to be subject to their own, project level HRA.

**Other matters**

A recent judgment from the Court of Justice of the European Union (Case C-323/17 People Over Wind v Coillte Teoranta) has provided authoritative interpretation relating to the use of mitigation measures at the screening stage of a HRA, when deciding whether an appropriate assessment of a plan or project is required. The court concluded that measures intended to avoid or reduce the harmful effects of a plan or project on a European Site can only be considered as part of the appropriate assessment stage of HRA, and not at the preceding screening stage. This means that it is no longer appropriate to rely on these measures when deciding whether a plan or project is likely to have significant effect on a European site(s). Neighbourhood plans which cannot rule out Likely Significant Effect at the screening stage will need to progress to Appropriate Assessment.

For clarification of any points in this letter, please contact Tom Borges on 02080 266 582. For any further consultations on your plan, please contact: [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

Yours faithfully

Tom Borges  
West Anglia Sustainable Development



Mr Paul Munson  
Babergh District Council  
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**Our Ref:** AE/2018/123615/01-L01  
**Your ref:** ElmsettSEAScreening

**Date:** 04 January 2019

Dear Mr Munson

## **ELMSETT NEIGHBOURHOOD PLAN SEA & HRA SCREENING REPORT CONSULTATION**

### **ELMSETT PARISH COUNCIL**

Thank you for your consultation dated 10 December 2018. We have reviewed the SEA & HRA Screening Report and agree with the conclusions and recommendations that both the SEA and HRA are screened out.

Our considerations at this stage reflect the scale of development that is currently proposed within the Plan. Whilst there are two site allocations for housing within the policies, these have already obtained planning permission. The remaining development proposed is of small scale and low risk and should not have significant environmental effects on the area. Policy EMST9: Local Green Spaces, should also help protect and where possible enhance the environment in the area, and so mitigating some potential impacts of development proposed in the Plan. The conclusions of the report are therefore considered suitable.

We trust that this advice is useful.

Yours sincerely

**Mr Ed Abigail**  
**Planning Advisor**

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Our ref: PL00518915

18 December 2018

Dear Mr Munson

**RE: Elmsett Neighbourhood Plan SEA Screening**

Thank you for your email of 10 December 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 for this plan. For the purposes of this consultation, Historic England will confine its advice to the question, "Is it (the Elmsett 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 Elmsett Neighbourhood Plan will not have any significant effects on the historic environment. We note that the allocations in the neighbourhood plan reflect existing outline planning permissions, and that the principle of development is therefore agreed.

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 dated 10 December 2018. To avoid any doubt, this does not reflect our obligation to provide further advice on later stages of the SA/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 SA/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.

Yours sincerely,

Edward James  
Historic Places Advisor, East of England

cc:



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