



# **Fressingfield Neighbourhood Plan**

## **Strategic Environmental Assessment Screening Determination**

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

**June 2019**

## Contents

	Page
1. Introduction	2
2. Legislative Background	3
3. Criteria for assessing the effects of Planning Documents	3
4. Assessment	4
5. Conclusion	4
6. Determination	5
Appendix 1: Responses from Statutory Consultees	6

# FRESSINGFIELD NEIGHBOURHOOD PLAN

## STRATEGIC ENVIRONMENTAL ASSESSMENT DETERMINATION

### 1. Introduction

This assessment relates to the Fressingfield Neighbourhood Development Plan 2018 - 2036 Pre-Submission Draft which was published for consultation in March 2019.

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.

The Neighbourhood Plan includes the following Vision Statement:

*“By 2036, having built on its reputation, the parish of Fressingfield will continue to be a good place to live with a welcoming, friendly and cohesive community, with its vibrant and diverse range of facilities and cultural activities meeting the existing and future needs of the village and its rural hinterland. It will have a robust and sustainable infrastructure and will be a place where natural and historic assets are protected. Through high quality design, new development will be sympathetic to local building styles that respect the character of the area”*

The draft Plan makes provision for at least 60 dwellings to be built in the Neighbourhood Plan area between 2018 and 2036. The Plan provides for this growth to be met through:

- the allocation of land at Red House Farm for approximately 28 new dwellings
- the allocation of land west of School Lane for approximately 18 new dwellings
- small windfall sites and infill plots within the built-up area boundary
- conversions and new development opportunities outside the built-up area boundary in accordance with para 79 of the National Planning Policy Framework 2019

An SEA/HRA Screening Report for the Plan has been prepared by Place Services, Essex CC [*hereafter referred to as Places Services*] on behalf of Mid Suffolk District Council and Fressingfield Parish Council. This can be viewed at: [www.midsuffolk.gov.uk/FressingfieldNP](http://www.midsuffolk.gov.uk/FressingfieldNP)

The statutory consultees were consulted in May 2019 and their responses are attached at 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, Fressingfield Parish Council (the qualifying body) requested Mid Suffolk District Council (MSDC) as the responsible authority, to determine whether an environmental report on the emerging Fressingfield 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 between March and May 2019. 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 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></ul>
---

- 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

A full assessment of the likely effects of the Plan is set out in the Screening Report dated May 2019 prepared by Place Services which can be viewed at:

<https://www.midsuffolk.gov.uk/assets/Neighbourhood-Planning/Fressingfield-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 Place Services notes that the Plan allocates two sites for development in advance of the emerging Babergh & Mid Suffolk Local Plan however both of these have outline planning permission. It is considered that although the Plan area contains sensitive natural or heritage assets and does 'allocate' sites for future housing development, the effects on the environment would have been considered at the development management stage in determining those planning applications.

As such, the content of the Fressingfield 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.

In their response, Natural England and Historic England agree with the conclusion of the Screening Report. No response was received from the Environment Agency.

The consultation responses are attached at Appendix 1.

## **6. Determination**

In the light of the Screening Report for Consultation prepared by Place Services and the consultation with Historic England, Natural England and the Environment Agency it is determined that a Strategic Environmental Assessment of the Fressingfield Neighbourhood Plan **is not required** in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004.

Date: 23 May 2019  
Our ref: 282952

Paul Bryant  
Babergh & Mid Suffolk District Councils

**BY EMAIL ONLY**



Hornbeam House  
Crewe Business Park  
Electra Way  
Crewe  
Cheshire  
CW1 6GJ

T 0300 060 3900

Dear Mr Bryant

**SEA/HRA Screening Report for the Fressingfield Neighbourhood Plan**

Thank you for your consultation on the above dated 17 May 2019 which was received by Natural England on 17 May 2019

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 Request: 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.

**Habitats Regulation Assessment**

Natural England concurs with the Habitats Regulations Assessment Screening Report.

**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.

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

Alice Watson  
Consultations Team



Historic England

Mr Paul Bryant  
Babergh & Mid Suffolk District Councils

Direct Dial:

Our ref: PL00583663  
19 June 2019

Dear Mr Bryant

**RE: Fressingfield Neighbourhood Plan SEA Screening**

Thank you for your email of 17 May 2019 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 Fressingfield 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 that do not already benefit from outline planning permission, and that therefore would not have been subject to assessment as part of the planning process.

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 17 May 2019. 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/guidance) 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.

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

Yours sincerely,

Edward James  
Historic Places Advisor, East of England



24 BROOKLANDS AVENUE, CAMBRIDGE, CB2 8BU  
Telephone 01223 582749  
[HistoricEngland.org.uk](http://HistoricEngland.org.uk)



*Historic England is subject to both the Freedom of Information Act (2000) and Environmental Information Regulations (2004). Any Information held by the organisation can be requested for release under this legislation.*