



Elmsett Neighbourhood Plan Focused Review (March 2024)

Strategic Environmental Assessment *and* Habitats Regulations Assessment Determination Notices

August 2026

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ELMSETT NEIGHBOURHOOD PLAN REVIEW (March 2024)

Strategic Environmental Assessment *and* Habitats Regulations Assessment Screening Determination Notices (August 2026)

Overview

This new Determination Notice has been issued in response to additional screening work undertaken on the Elmsett Neighbourhood Plan Review document (hereafter referred to as the 'Elmsett NP Review' or 'the Review Plan'). The original screening work carried out in May 2024 only considered those parts of the Review Plan that were being changed. It was subsequently established through correspondence with the Review Plan Examiner that the whole of the plan as proposed, including those elements not subject to change, should be screened.

As before, this Notice is divided into two parts. Part A determines whether a Strategic Environmental Assessment (SEA) is required. Part B determines whether an Appropriate Assessment is required in relation to Habitats Regulations Assessment (HRA) matters.

It refers to:

- the latest SEA and HRA Screening Reports prepared on behalf of the district council by Land Use Consultants, which can be found online at:

<https://www.babergh.gov.uk/documents/d/babergh/elmsett-np-review-sea-screening-July26>

<https://www.babergh.gov.uk/documents/d/babergh/elmsett-np-review-hra-screening-July26>

- the consultation responses to these from the statutory bodies, reproduced in Appendix 1.

Background

The Elmsett Neighbourhood Plan 2017 - 2036 was 'made' (adopted) by Babergh District Council in December 2019. It contains sixteen policies, one of which allocated a site for approximately 41 new dwellings. Planning permission was subsequently granted for a development comprising 44 dwellings, with the site now having been built out.

Following adoption of Part 1 of the Babergh & Mid Suffolk Joint Local Plan in November 2023, Elmsett Parish Council decided that it was necessary to undertake a partial review of their Plan. This review is limited in scope, bringing the Planning Policy Context chapter (Chapter 4), the Planning Strategy chapter (Chapter 7) and the Spatial Strategy Policy (Policy EMST1) up to date. The latter in particular was felt to be 'out of sync' with the new district policy position. The site allocation policy referred to above was also deleted from the Plan.

As now re-worded, Policy EMST1 states that the Neighbourhood Plan will accommodate development commensurate with the policies of the adopted Babergh and Mid Suffolk Joint Local Plan - Part 1, that the focus for new development will be within the defined Settlement Boundaries where the principle of development is accepted and that proposals for development outside of the defined settlement boundaries will only be permitted where they are in accordance with national, district and neighbourhood level policies and where they would not have a detrimental impact.

Part A - Strategic Environmental Assessment Determination

1. Introduction

One of the basic conditions that all neighbourhood plans will be tested against by the independent examiner is whether the making of that Plan is compatible with European Union obligations, as incorporated into UK law. Whether a neighbourhood plan requires a SEA and the level of detail needed will depend on what is proposed in the draft Neighbourhood Plan and the characteristics of the local area.

2. Legislative Background

European Union Directive 2001/42/EC (the SEA Directive), transposed into UK law through the SEA Regulations, 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 & 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) asked Babergh District Council (BDC) (the responsible authority) to determine whether an environmental report on proposed modifications to their Neighbourhood Plan was required due to significant environmental effects. In making this new determination, BDC has had regard to Schedule 1 of the Regulations.

In line with advice contained within the National Planning Policy Framework (NPPF) and Planning Practice Guidance, and after also establishing a correct approach, the whole of the Elmsett NP Review document as proposed was re-assessed against the criteria set out in Schedule 1 of the 2004 Environmental Assessment Regulations to assess whether SEA would be required. As before, Land Use Consultants (LUC) were commissioned to undertake this work.

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 the plan is likely to have significant environmental effects. This is the purpose of the SEA Screening Report.

3. Criteria for determining likely significance of effects

The criteria are set out in the following table:

1. The characteristics of plans and programmes, having regard, in particular, to:
 - a) 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,
 - b) the degree to which the plan or programme influences other plans and programmes including those in a hierarchy
 - c) (the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development,
 - d) environmental problems relevant to the plan or programme,
 - e) 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:
 - a) the probability, duration, frequency and reversibility of the effects,
 - b) the cumulative nature of the effects,
 - c) the trans-boundary nature of the effects,
 - d) the risks to human health or the environment (e.g. due to accidents),
 - e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected),
 - f) the value and vulnerability of the area likely to be affected due to:
 - i) special natural characteristics or cultural heritage,
 - ii) exceeded environmental quality standards or limit values,
 - iii) intensive land-use,
 - g) the effects on areas or landscapes which have a recognised national, Community or international protection status.

[Source: Schedule 1 of Environmental Assessment of Plans & Programmes Regulations 2004]

4. Assessment

An overview of the proposed changes being made to the adopted Elmsett Neighbourhood Plan, and an assessment of the likely effects of these are now set out in the July 2026 Screening Report.

5. SEA Screening Conclusion

The July 2026 Screening Report first notes that the adopted Elmsett Neighbourhood Plan (2019) was screened by Place Services on behalf of Babergh District Council and that this had determined that a full SEA would not be required. It goes on to note that the Elmsett NP Review ... *“amends one policy in the 2019 Plan, to bring it into lines with the new policies for the location of development across Babergh, as set out in Part 1 of the Joint Local Plan.”* ... and, ... *“that it does not allocate any sites for development, with the previous allocation policy EMST3 being deleted from the Plan due to the site that it allocated having now been built out.”*

On this basis, it concludes that ... *“the Elmsett NP Review is unlikely to have significant environmental effects and full SEA is therefore not required.”*

The July 2026 SEA Screening Report was sent to the Environment Agency (EA), Historic England (HE), and Natural England (NE) for consultation. Written responses were received from all three, and these are reproduced in Appendix 1.

- The EA response explains that they are satisfied with the conclusions of the SEA report and that they have no further comments to make.
- HE have concluded that, 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], that the preparation of a Strategic Environmental Assessment is not required.
- NE have concluded that, on the basis of the material supplied with the consultation, that significant effects on statutorily designated nature conservation sites or landscapes are unlikely.

6. SEA Determination

In the light of the SEA Screening Report (July 2026) prepared by LUC and having considered the responses to this from the three statutory consultees, it is our determination that the Elmsett Neighbourhood Plan Review as now re-assessed **does not require** a Strategic Environmental Assessment in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004.

Part B – Habitats Regulations Determination

1. Introduction

It is a requirement of European Law that a plan or project is subject to an assessment to determine whether it is likely to have a significant effect on the integrity of any 'European Site', in terms of impacting on the site's conservation objectives.

Submitted neighbourhood plans need to be accompanied by a statement to explain how the proposed Plan meets the 'basic conditions' set out in Schedule 4B of the 1990 Town and Country Planning Act. These include a requirement to demonstrate how the Plan is compatible with EU obligations, which includes the need to undertake a Habitats Regulations Assessment (HRA). This is one of the matters that will be tested at the independent examination.

The assessment itself and the level of detail needed will depend on what is proposed in the draft Neighbourhood Plan and the potential impacts on Habitats Sites designated for their nature conservation interest.

This report therefore determines whether a HRA under the UK Conservation of Habitats and Species Regulations 2017, which enacts the Habitats Directive¹, is required for the Elmsett NP Review.

2. Legislative Background

One of the basic conditions that neighbourhood plans must meet is that:

"The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017"

¹ Directive 92/43/EEC 'on the conservation of natural habitats and of wild fauna and flora': <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:31992L0043>.

The Conservation of Habitats and Species Regulations 2017 include regulations on the assessment of plans (including neighbourhood plans) and projects on a Habitats Site (European Site or a European offshore marine site). The first stage is to screen the plan to see whether it is likely to have a significant effect on any Habitats sites. If the plan is 'screened-in' because likely significant effects cannot be ruled out, the next stage is for an Appropriate Assessment to be carried out considering the impact on the Habitats site's conservation objectives. Consent for the Plan can only be given if it is 'screened-out' at the first stage, or the Appropriate Assessment concludes the integrity of the Habitats site will not be adversely affected.

Case law is also relevant, including most notably the 'People over Wind' and 'Holohan' rulings. The 'People Over Wind, Peter Sweetman v Collie Teoranta' judgement ruled that it is not permissible to take account of measures intended to reduce or avoid any harmful effects of a plan or project on a European Site at the screening stage. Any mitigation measures can now only be considered at the appropriate assessment stage. The 'Holohan and Others v An Bord Pleanála' judgement also imposes more detailed requirements on the competent authority for any plans or projects at the Appropriate Assessment stage, including, but not limited to cataloguing the entirety of habitat types and species for which a site is protected and being beyond reasonable scientific doubt concerning the effects of the work envisaged on the site concerned.

3. Assessment

In determining whether a proposed development plan or programme is likely to have significant effects, the local authority must incorporate the 'precautionary principle' into its decision. This means that if there is uncertainty as to whether the plan or programme would cause significant effects on a Habitats Site, the full Appropriate Assessment would be required.

A re-assessment of the proposed changes being made to the adopted Elmsett Neighbourhood Plan and of the likely effects of those are set out in the July 2026 Screening Report. This new screening has also been prepared in accordance with the relevant CJEU judgements.

Two European sites remain identified for inclusion in the HRA on the basis of their being within 20km of Elmsett parish. They are the Stour and Orwell Estuaries Special Protection Area (SPA) and Ramsar site, and the Deben Estuary SPA and Ramsar site.

4. HRA Screening Conclusion

The July 2026 Screening Report concludes that: *'No likely significant effects are predicted on European sites as a result of the Elmsett Neighbourhood Plan Review, either alone or in combination with other policies and proposals. This is because, although there are potential impact pathways from the Neighbourhood Plan Review area to European sites, the Neighbourhood Plan Review does not include policies that will result in new development.'*

It goes on to say that: *'An Appropriate Assessment is therefore not required for the Elmsett Neighbourhood Plan Review.'*

The July 2026 HRA Screening Report was sent to the Environment Agency (EA) and to Natural England (NE) for consultation. Their responses are set out in Appendix 1.

- The EA response does not specifically comment on HRA matters.

- NE have concluded, on the basis of the material supplied with the consultation, that significant effects on Habitats sites, either alone or in combination, are unlikely.

5. HRA Determination

In light of the HRA Screening Report (July 2026) prepared by LUC and having considered the responses to this from the statutory consultees, it is our determination that the Elmsett NP Review as now re-assessed is '**screened out**' from further assessment under the Habitats Regulations 2017 and that an Appropriate Assessment is not required.

Appendix 1

creating a better place
for people and wildlife



Elmsett Parish Council Links
Cottage
13 Bells Lane
Glemsford Sudbury
CO10 7QA

Reference: AE/2026/131346/SE-01/SC1

Date: 14 August 2026

Dear Elmsett Parish Council,

Elmsett Neighbourhood Plan Review - Consultation on new SEA & HRA Screening Reports

Thank you for consulting us on the Elmsett Neighbourhood Plan Review.

We are satisfied with the conclusions of the SEA report and have no further comments to make.

We trust that this advice is useful.

Yours sincerely,

Ms Amy Smart
Sustainable Places Planning Advisor

Team e-mail: Planning.Eastanglia@Environment-agency.gov.uk
Team number: 02084 745242

Environment Agency, Bromholme Lane, Brampton, Huntingdon, PE28 4NE

By e-mail dated 31 July 2026

**PL00796066 Elmsett Neighbourhood Plan Review updated
SEA Screening Opinion**



Historic England

Dear Paul,

Thank you for inviting Historic England to comment on this 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 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. 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.

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

Kind regards,

Ross McGivern (he/him)

Historic Places Adviser

East of England Region | Partnerships Team

Historic England | Brooklands | 24 Brooklands Avenue | Cambridge | CB2 8BU

Date: 12th August 2026
Our ref: 554191
Your ref: Elmsett Neighbourhood Plan



Mr Paul Bryant
Babergh & Mid Suffolk District Councils

BY EMAIL ONLY

communityplanning@baberghmidsuffolk.gov.uk

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

T 0300 060 3900

Dear Mr Bryant

Elmsett Neighbourhood Plan - Review - new/updated SEA & HRA Screening Reports

Thank you for your consultation on the above dated and received by Natural England on 22 July 2026.

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 (SEA) and Habitats Regulations Assessment (HRA)

It is Natural England's advice, on the basis of the material supplied with the consultation, that:

- **significant effects on statutorily designated nature conservation sites or landscapes are unlikely; and,**
- **significant effects on Habitats sites¹, either alone or in combination, are unlikely.**

The proposed neighbourhood plan is unlikely to significantly affect any Site of Special Scientific Interest (SSSI), Marine Conservation Zone (MCZ), Special Areas of Conservation (SAC), Special Protection areas (SPA), Ramsar wetland or sites in the process of becoming SACs or SPAs ('candidate SACs', 'possible SACs', 'potential SPAs') or a Ramsar wetland. The plan area is unlikely to have a significant effect on a National Park, Area of Outstanding Natural Beauty or Heritage Coast, and is unlikely to impact upon the purposes for which these areas are designated or defined.

Guidance on the assessment of Neighbourhood Plans, in line with the Environmental Assessment of Plans and Programmes Regulations 2004 is contained within the [Planning Practice Guidance](#). This identifies three triggers that may require the production of an SEA:

- 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.

Natural England does not hold information on the location of significant populations of protected species, so is unable to advise whether this plan is likely to affect protected species to such an extent as to require an SEA. Further information is included in Natural England's [standing advice](#) on protected species.

Furthermore, Natural England does not routinely maintain locally specific data on all environmental assets. The plan may have environmental impacts on priority species and/or habitats, local wildlife sites, soils and best and most versatile agricultural land, or on local landscape character that may be sufficient to warrant an SEA. Information on ancient woodland, ancient and veteran trees is set out in Natural England/Forestry Commission [standing advice](#).

We therefore recommend that advice is sought from your ecological, landscape and soils advisers, local record centre, recording society or wildlife body on the local soils, best and most versatile agricultural land, landscape, geodiversity and biodiversity receptors that may be affected by the plan before determining whether a SEA is necessary.

Natural England reserves the right to provide further advice on the environmental assessment of the plan. This includes any third party appeal against any screening decision you may make. If a SEA is required, Natural England must be consulted at the scoping and environmental report stages.

Please send any new consultations, or further information on this consultation to consultations@naturalengland.org.uk

Yours sincerely

Sally Wintle
Consultations Team

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¹ Habitats sites are those referred to in the [National Planning Policy Framework](#) (Annex 2 - glossary) as “any site which would be included within the definition at regulation 8 of the Conservation of Habitats and Species Regulations 2017 for the purpose of those regulations, including candidate Special Areas of Conservation, Sites of Community Importance, Special Areas of Conservation, Special Protection Areas and any relevant Marine Sites”.