



Bentley Neighbourhood Plan

Strategic Environmental Assessment Screening Determination

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

December 2020

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BENTLEY NEIGHBOURHOOD PLAN

STRATEGIC ENVIRONMENTAL ASSESSMENT DETERMINATION

1. Introduction

This assessment relates to the 'Bentley Neighbourhood Development Plan 2018 - 2036' which was published for Regulation 14 Pre-Submission consultation at the beginning of October 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 Bentley 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/BentleyNP
- 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, Bentley Parish Council (the qualifying body) requested Babergh District Council (BDC), as the responsible authority, to determine whether an environmental report on the emerging Bentley 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 early October and mid November 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">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,2. the degree to which the plan or programme influences other plans and programmes including those in a hierarchy3. the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development,4. environmental problems relevant to the plan or programme,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). <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">6. the probability, duration, frequency and reversibility of the effects,7. the cumulative nature of the effects,8. the trans-boundary nature of the effects,9. the risks to human health or the environment (e.g. due to accidents),10. the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected),11. the value and vulnerability of the area likely to be affected due to:<ul style="list-style-type: none">o special natural characteristics or cultural heritage,o exceeded environmental quality standards or limit values,o intensive land-use,12. the effects on areas or landscapes which have a recognised national, Community or international protection status.
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[Source: Annex II of SEA Directive 2001/42/EC]:

4. Assessment

The Neighbourhood Plan includes the following Vision Statement:

“Our vision is to conserve the sense of community within Bentley, to ensure that we have the robustness to meet the challenges ahead - to enhance our rural nature and agricultural surroundings, for a safe and vibrant place to live for generations to come”

The draft Plan contains twenty-five planning policies. Of those, two are site specific housing allocations. One site already benefits from prior planning permission, the other does not. The remaining policies address a range of topics which, together, seek to ensure that new development is high quality and sensitively designed so as not to have adverse impacts on the surroundings.

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

<https://www.babergh.gov.uk/assets/Neighbourhood-Planning/Bentley-NP-SEA-Screening-Report-Oct20.pdf>

5. Screening Conclusion

The Screening Report prepared by LUC notes that the Neighbourhood Plan allocates two sites for residential development delivering a total of 31 homes (one with and one without 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, and that mitigation may also be provided by the emerging Babergh and Mid Suffolk Joint Local Plan, the sensitivity of the area in which the allocated site is located means that the Bentley NDP has the potential to have significant environmental effects and that SEA is therefore required.

Consultation on the Screening Report was carried out with the Environment Agency, Historic England, and Natural England. No formal response was received from the Environment Agency.

Historic England conclude that a Strategic Environmental Assessment is not required on heritage grounds but advised that the views of the two statutory consultees should also be taken into account. Natural England provided a very detailed response covering both SEA and HRA screenings. On the former, they support the conclusion that SEA is required. 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 from the statutory bodies it is determined that the Bentley Neighbourhood Plan **does require** a Strategic Environmental Assessment in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004.

By e-mail dated Fri 4 December 2020



Historic England

Re: Bentley NP – SEA / HRA Screening Consultation

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 Bentley 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 have significant effects on the historic environment, and recommends that an SEA be undertaken. We note that the plan proposes to allocate two sites for development, one of which, BEN 4 – Fruit Farm, does not benefit from existing planning permissions. The site is not near, or in the vicinity of, any designated heritage assets. In Bentley village, only Bentley Hall and the Bentley War Memorial are designated, both listed at Grade II and not in the vicinity of the Site.

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 considers that the preparation of a Strategic Environmental Assessment is **not required on heritage grounds.**

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,

Edward James MA BA ACIfA
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Date: 04 December 2020
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Dear Mr Bryant,

Planning Consultation: Screening for the Strategic Environmental Assessment (SEA) and Habitats Regulation Assessment (HRA) for the emerging Bentley (Suffolk) Neighbourhood Plan.

Thank you for your consultation on the above dated 12 November 2020 which was received by Natural England on the same date.

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 Request: Strategic Environmental Assessment and Habitats Regulation Assessment

Habitats Regulations Assessment

Babergh DC note: Natural England submitted a detailed response to the HRA Screening Report incl. Appropriate Assessment in their letter dated 4 December. It raising a number of issues which have been addressed. A revised HRA Screening Report incl. AA was sent to Natural England for re-consultation on 22 December 2020. To avoid confusion, we will published this section of their response in full, together with any subsequent and relevant correspondence where we issue our HRA Determination Notice. That is now likely to be in January 2021.

Strategic Environmental Assessment

NE supports the conclusion of the SEA Screening Report (prepared by Land Use Consultants); **they conclude that SEA is required.**

Where Neighbourhood Plans could have significant environmental effects, they may require a Strategic Environmental Assessment (SEA) under the Environment Assessment of Plans and Programmes Regulations 2004 (as amended). Further guidance on deciding whether the proposals are likely to have significant environmental effects and the requirements for consulting Natural England on SEA are set out in the [planning practice guidance](#).

Planning practice guidance also outlines that if an appropriate assessment is required for your neighbourhood plan this will also engage the need for a SEA. One of the basic conditions that will be tested by the independent examiner is whether the neighbourhood plan is compatible with European obligations, including those under the SEA Directive. Where a SEA is required it should be prepared in accordance with [regulation 12](#) of the SEA Regulations.

Where a neighbourhood plan requires an appropriate assessment under the Habitats Directive, Article 3.2 of the SEA Directive also requires a SEA to be undertaken.

Other comments on the Neighbourhood Plan

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.

Please note that Natural England reserves the right to provide further comments on the environmental assessment of the plan beyond this HRA/SEA 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.

Sites of Special Scientific Interest

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 281 (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

Further general advice on neighbourhood planning and the natural environment, including natural environment information sources is provided in Annex II.

Please consult us again once the information requested above, has been provided.

Yours faithfully

Sam Kench
Norfolk and Suffolk Team

Annex I – Natural England’s recommendations for larger scale residential developments within the 13 km Suffolk Coast RAMS zone of influence (50 units +, or equivalent, as a guide)

Developments of this scale should include provision of well-designed open space/green infrastructure, proportionate to its scale. Such provisions can help minimise any predicted increase in recreational pressure to the European sites by containing the majority of recreation within and around the development site boundary away from European sites. We advise that the Suitable Accessible Natural Green Space (SANGS) guidance here can be helpful in designing this; it should be noted that this document is specific to the SANGS creation for the Thames Basin Heaths, although the broad principles are more widely applicable. As a minimum, we advise that such provisions should include:

- High-quality, informal, semi-natural areas
- Circular dog walking routes of 2.7 km¹ within the site and/or with links to surrounding public rights of way (PRoW)
- Dedicated ‘dogs-off-lead’ areas
- Signage/information leaflets to householders to promote these areas for recreation
- Dog waste bins
- A commitment to the long term maintenance and management of these provisions

Natural England would be happy to advise developers and/or their consultants on the detail of this at the pre-application stage through our charged Discretionary Advice Service (DAS), further information on which is available here.

However, the unique draw of the above European sites means that, even when well-designed, ‘on-site’ provisions are unlikely to fully mitigate impacts when all residential development within reach of the coast is considered together ‘in combination’. We therefore advise that consideration of ‘off-site’ measures (i.e. in and around the relevant European designated site(s)) is also required as part of the mitigation package for predicted recreational disturbance impacts in these cases. Such measures are to be delivered strategically through the Suffolk Coast RAMS to make the sites more resilient to increased recreational pressures. A proportionate financial contribution should therefore be secured from these developments in line with the Suffolk Coast RAMS.

¹ Taken from *Jenkinson, S., (2013), Planning for dog ownership in new developments: reducing conflict – adding value. Access and greenspace design guidance for planners and developers*

Annex II - Neighbourhood planning and the natural environment: information, issues and opportunities

Natural environment information sources

The [Magic](http://magic.defra.gov.uk/)² website will provide you with much of the nationally held natural environment data for your plan area. The most relevant layers for you to consider are: **Agricultural Land Classification, Ancient Woodland, Areas of Outstanding Natural Beauty, Local Nature Reserves, National Parks (England), National Trails, Priority Habitat Inventory, public rights of way (on the Ordnance Survey base map)** and **Sites of Special Scientific Interest (including their impact risk zones)**. Local environmental record centres may hold a range of additional information on the natural environment. A list of local record centres is available [here](#)³.

Priority habitats are those habitats of particular importance for nature conservation, and the list of them can be found [here](#)⁴. Most of these will be mapped either as **Sites of Special Scientific Interest**, on the Magic website or as **Local Wildlife Sites**. Your local planning authority should be able to supply you with the locations of Local Wildlife Sites.

National Character Areas (NCAs) divide England into 159 distinct natural areas. Each character area is defined by a unique combination of landscape, biodiversity, geodiversity and cultural and economic activity. NCA profiles contain descriptions of the area and statements of environmental opportunity, which may be useful to inform proposals in your plan. NCA information can be found [here](#)⁵.

There may also be a local **landscape character assessment** covering your area. This is a tool to help understand the character and local distinctiveness of the landscape and identify the features that give it a sense of place. It can help to inform, plan and manage change in the area. Your local planning authority should be able to help you access these if you can't find them online.

If your neighbourhood planning area is within or adjacent to a **National Park** or **Area of Outstanding Natural Beauty** (AONB), the relevant National Park/AONB Management Plan for the area will set out useful information about the protected landscape. You can access the plans on from the relevant National Park Authority or Area of Outstanding Natural Beauty website.

General mapped information on **soil types** and **Agricultural Land Classification** is available (under 'landscape') on the [Magic](http://magic.defra.gov.uk/)⁶ website and also from the [LandIS website](http://www.landis.org.uk/)⁷, which contains more information about obtaining soil data.

Natural environment issues to consider

The [National Planning Policy Framework](#)⁸ sets out national planning policy on protecting and enhancing the natural environment. [Planning Practice Guidance](#)⁹ sets out supporting guidance.

Your local planning authority should be able to provide you with further advice on the potential impacts of your plan or order on the natural environment and the need for any environmental assessments.

² <http://magic.defra.gov.uk/>

³ <http://www.nbn-nfbr.org.uk/nfbr.php>

⁴ <http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/hasandspeciesimportance.aspx>

⁵ <https://www.gov.uk/government/publications/national-character-area-profiles-data-for-local-decision-making>

⁶ <http://magic.defra.gov.uk/>

⁷ <http://www.landis.org.uk/index.cfm>

⁸ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/807247/NPPF_Feb_2019_revised.pdf

⁹ <http://planningguidance.planningportal.gov.uk/blog/guidance/natural-environment/>

Landscape

Your plans or orders may present opportunities to protect and enhance locally valued landscapes. You may want to consider identifying distinctive local landscape features or characteristics such as ponds, woodland or dry stone walls and think about how any new development proposals can respect and enhance local landscape character and distinctiveness.

If you are proposing development within or close to a protected landscape (National Park or Area of Outstanding Natural Beauty) or other sensitive location, we recommend that you carry out a landscape assessment of the proposal. Landscape assessments can help you to choose the most appropriate sites for development and help to avoid or minimise impacts of development on the landscape through careful siting, design and landscaping.

Wildlife habitats

Some proposals can have adverse impacts on designated wildlife sites or other priority habitats (listed [here](#)¹⁰), such as Sites of Special Scientific Interest or [Ancient woodland](#)¹¹. If there are likely to be any adverse impacts you'll need to think about how such impacts can be avoided, mitigated or, as a last resort, compensated for.

Priority and protected species

You'll also want to consider whether any proposals might affect priority species (listed [here](#)¹²) or protected species. To help you do this, Natural England has produced advice [here](#)¹³ to help understand the impact of particular developments on protected species.

Best and Most Versatile Agricultural Land

Soil is a finite resource that fulfils many important functions and services for society. It is a growing medium for food, timber and other crops, a store for carbon and water, a reservoir of biodiversity and a buffer against pollution. If you are proposing development, you should seek to use areas of poorer quality agricultural land in preference to that of a higher quality in line with National Planning Policy Framework para 171. For more information, see our publication [Agricultural Land Classification: protecting the best and most versatile agricultural land](#)¹⁴.

Improving your natural environment

Your plan or order can offer exciting opportunities to enhance your local environment. If you are setting out policies on new development or proposing sites for development, you may wish to consider identifying what environmental features you want to be retained or enhanced or new features you would like to see created as part of any new development. Examples might include:

- Providing a new footpath through the new development to link into existing rights of way.
- Restoring a neglected hedgerow.
- Creating a new pond as an attractive feature on the site.
- Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- Incorporating swift boxes or bat boxes into the design of new buildings.
- Think about how lighting can be best managed to encourage wildlife.
- Adding a green roof to new buildings.

¹⁰ <http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/absandspeciesimportance.aspx>

¹¹ <https://www.gov.uk/guidance/ancient-woodland-and-veteran-trees-protection-surveys-licences>

¹² <http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/absandspeciesimportance.aspx>

¹³ <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

¹⁴ <http://publications.naturalengland.org.uk/publication/35012>

You may also want to consider enhancing your local area in other ways, for example by:

- Setting out in your plan how you would like to implement elements of a wider Green Infrastructure Strategy (if one exists) in your community.
- Assessing needs for accessible greenspace and setting out proposals to address any deficiencies or enhance provision.
- Identifying green areas of particular importance for special protection through Local Green Space designation (see [Planning Practice Guidance on this](#) ¹⁵).
- Managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips in less used parts of parks, changing hedge cutting timings and frequency).
- Planting additional street trees.
- Identifying any improvements to the existing public right of way network, e.g. cutting back hedges, improving the surface, clearing litter or installing kissing gates) or extending the network to create missing links.
- Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition, or clearing away an eyesore).

¹⁵ <http://planningguidance.planningportal.gov.uk/blog/guidance/open-space-sports-and-recreation-facilities-public-rights-of-way-and-local-green-space/local-green-space-designation/>