



# **Capel St Mary Neighbourhood Plan 2018 - 2037**

## **Strategic Environmental Assessment Screening Determination**

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

**September 2022**

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# CAPEL ST MARY NEIGHBOURHOOD PLAN

## STRATEGIC ENVIRONMENTAL ASSESSMENT SCREENING DETERMINATION

### 1. Introduction

This assessment relates to a draft version of the Capel St Mary Neighbourhood Development Plan 2018 - 2037' [version 3.0, dated 16 August 2021], which was made available for screening purposes. It is hereafter referred to as the Capel St Mary NP.

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, 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.

This report therefore determines whether a SEA is required for the Capel St Mary NP. In doing so it refers to:

- The SEA Screening Report (June 2022) prepared by Land Use Consultants, which can be found online at:  
<https://www.babergh.gov.uk/assets/Neighbourhood-Planning/CStM-NP-SEA-Screening-Report-July22.pdf>
- 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. The determination is set out in Section 6.

### 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, Capel St Mary Parish Council (the qualifying body) requested Babergh District Council (BDC), as the responsible authority, to determine whether an environmental report on their emerging neighbourhood plan is required due to significant environmental effects. In making this determination, BDC have had regard to Schedule 1 of the Regulations.

In line with the advice contained within the National Planning Policy Framework (NPPF) and Planning Practice Guidance, the Plan's potential scope has been assessed against the criteria set out in Schedule 1 of the 2004 Environmental Assessment Regulations. As mentioned above, Land Use Consultants (LUC) were commissioned by Babergh District Council to prepare the screening report to assess whether SEA would be required.

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 the likely significance of effects on the environment**

The criteria are set out in the following table:

<ol style="list-style-type: none"><li>1. The characteristics of plans and programmes, having regard, in particular, to:<ol style="list-style-type: none"><li>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,</li><li>b) the degree to which the plan or programme influences other plans and programmes including those in a hierarchy</li><li>c) (the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development,</li><li>d) environmental problems relevant to the plan or programme,</li><li>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).</li></ol></li><li>2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:<ol style="list-style-type: none"><li>a) the probability, duration, frequency and reversibility of the effects,</li><li>b) the cumulative nature of the effects,</li><li>c) the trans-boundary nature of the effects,</li><li>d) the risks to human health or the environment (e.g. due to accidents),</li><li>e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected),</li><li>f) the value and vulnerability of the area likely to be affected due to:<ol style="list-style-type: none"><li>i) special natural characteristics or cultural heritage,</li><li>ii) exceeded environmental quality standards or limit values,</li><li>iii) intensive land-use,</li></ol></li><li>g) the effects on areas or landscapes which have a recognised national, Community or international protection status.</li></ol></li></ol>
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[Source: Schedule 1 of Environmental Assessment of Plans & Programmes Regulations 2004]

#### 4. Assessment

The Capel St Mary NP sets out the following vision, along with 11 objectives that are presented throughout the various chapters of the Plan:

*That Capel St Mary retains its rural quality whilst meeting local housing needs and protecting and developing the infrastructure, including essential services, to provide a sustainable future.*

The draft Plan then sets out 21 policies (CSM1 to CSM21) to realise and deliver this vision. Each policy is linked to a particular objective under the following nine themes: Housing & Design, Localised Flooding, Transport, Infrastructure, Community & Heritage Assets, Environment, Conservation of Flora & Fauna, Enriching our Lives, Local Green Space, Economy & Employment.

A full assessment of the likely effects of the Plan are set out in the Screening Report. [See link in section 1 above].

#### 5. Screening Conclusion

The LUC Screening Report notes that the Capel St Mary NP sets out a vision and detailed planning policies to shape development in the Parish up to 2037 and that decision makers will need to consider the criteria of these policies when determining future applications in the Parish. It does not directly impact on land use through the allocation of sites for housing or other forms of development. On that basis, it concludes that the Plan is unlikely to have significant environmental effects and that full SEA is therefore not required.

Consultation on the Screening Report was carried out with Natural England, Historic England, and the Environment Agency.

Written responses were received from Historic England and Natural England. Both are set out in Appendix 1. No formal response was received from the Environment Agency.

#### 6. Determination

In the light of the SEA Screening Report (June 2022) prepared by LUC, and the responses from the two statutory bodies, it is determined that the Capel St Mary Neighbourhood Plan **does not require** a Strategic Environmental Assessment in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004.

By e-mail dated 29 July 2022

Re: Capel St Mary NP SEA Screening Consultation request



Historic England

Dear Paul,

Thank you for your email.

Having reviewed the new LUC Screening Report, I can confirm that our advice remains that – from the perspective of considering whether or not there will be significant effects on the historic environment as a result of the Capel St Mary Neighbourhood Plan – SEA is **not required**. I note that the Capel St Mary NP will not allocate any sites for development, and that development within the plan area is to come forward as a result of pre-existing permissions and local plan site allocations.

I attach our earlier response for reference, although I expect you will have a copy of this on file.

Best wishes,

Edward James MA BA ACIfA

(Historic Places Adviser - East of England)

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

[www.historicengland.org.uk](http://www.historicengland.org.uk)

\* \* \* \* \*

**BDC note: For the record we set out below a copy of Historic England’s response to the previous SEA Screening Report consultation request. The response was received on 19 October 2021**

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 Capel St Mary 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 from paragraph 2.5 that *“No sites are allocated for development within the Neighbourhood Plan, as the minimum housing figure for Capel St Mary of 792 (as set out in the emerging Joint Local Plan (JLP)) is to be met through the existing planning permission for 100 dwellings at Site LA054 off Little Tufts and Site LA055 which is allocated in the emerging JLP for 520 homes, along with the outstanding planning permissions for 142 homes at the JLP base date of 1st April 2018.”*

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,

Edward James MA BA ACIfA  
(Historic Places Adviser - East of England)  
Historic England

Date: 29 July 2022  
Our ref: 399791  
Your ref:



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Dear Paul Bryant,

**Planning Consultation: Strategic Environmental Assessment screening opinion and Habitats Regulations Assessment for the Capel St Mary Neighbourhood Plan**

Thank you for your consultation on the above dated 07 July 2022 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.

Natural England previously provided advice on the Strategic Environmental Assessment (SEA) screening report (our ref: 368679, dated 28 September 2021). Your authority has since revised its SEA screening report and issued a new HRA, which forms the basis for this consultation. Natural England provides the following advice in response to the revised documents:

**Habitats Regulations Assessment**

Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, has screened the proposal to check for the likelihood of significant effects.

Your assessment concludes that the proposal can be screened out from further stages of assessment because significant effects are unlikely to occur, either alone or in combination. On the basis of the information provided, Natural England concurs with this view.

The HRA indicates that there are no policies which will result in development, as there is no set target for residential housing growth or allocations for residential housing in the plan. Whilst the plan is therefore unlikely to result in a significant effect on any European site as a result of recreational disturbance, the plan provides policies for windfall development. Therefore, section 5.2 of the HRA screening report (prepared by LUC, June 2022) provides positive recommendations "to strengthen the protection for European sites provided by Capel St Mary Neighbourhood Plan policies governing windfall development." The HRA currently recommends the following amendment (3) to Policy CSM5: "this policy should be amended to refer to Suffolk Coast RAMS which provides advice on greenspace for residential development to avoid adverse effect on integrity on the Stour & Orwell Estuaries SPA and Ramsar site."

Whilst it is not a requirement of the HRA, we recommend that the policy text for 'CSM5: Green Infrastructure in New Developments' is further refined for larger scale residential developments within the 13 km Suffolk Coast RAMS zone of influence (50 units +, or equivalent, as a guide). This is because the Suffolk Coast RAMS



strategy does not provide recommendations on “green space” requirements as stated in the suggested amendment. We advise that the policy text should align with Natural England’s minimum open space/green infrastructure recommendations for developments of this size. As a minimum, we advise that such provisions should include:

- High-quality, informal, semi-natural areas
- Circular dog walking routes of 2.7 km<sup>1</sup> 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

These provisions should be provided proportionate to the scale of the development, as well as a proportionate financial contribution to the Suffolk Coast RAMS. Such open space/green infrastructure 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.

### **Strategic Environmental Assessment draft screening opinion**

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.

Natural England agrees with your conclusion that an SEA is not required.

### **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 and 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.

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

Yours faithfully

Sam Kench  
Lead Adviser, Norfolk and Suffolk Team

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<sup>1</sup> 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 I - Neighbourhood planning and the natural environment: information, issues and opportunities

### Natural environment information sources

The [Magic](#)<sup>2</sup> 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](#)<sup>3</sup>.

**Priority habitats** are those habitats of particular importance for nature conservation, and the list of them can be found [here](#)<sup>4</sup>. 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](#)<sup>5</sup>.

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](#)<sup>6</sup> website and also from the [LandIS website](#)<sup>7</sup>, which contains more information about obtaining soil data.

### Natural environment issues to consider

The [National Planning Policy Framework](#)<sup>8</sup> sets out national planning policy on protecting and enhancing the natural environment. [Planning Practice Guidance](#)<sup>9</sup> 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.**

### 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](#)<sup>10</sup>), such as Sites of Special Scientific Interest or [Ancient woodland](#)<sup>11</sup>. 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](#)<sup>12</sup>) or protected species. To help you do this, Natural England has produced advice [here](#)<sup>13</sup> 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](#)<sup>14</sup>.

## **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.

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](#)<sup>15</sup>).
- 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).

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<sup>2</sup> <http://magic.defra.gov.uk/>

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

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

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

<sup>6</sup> <http://magic.defra.gov.uk/>

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

<sup>8</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/807247/NPPF\\_Feb\\_2019\\_revised.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/807247/NPPF_Feb_2019_revised.pdf)

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

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

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

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

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

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

<sup>15</sup> <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/>