



Lavenham Neighbourhood Plan 2 2023 Draft

Strategic Environmental Assessment Screening Determination

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

February 2023

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LAVENHAM NEIGHBOURHOOD PLAN 2 (2023 DRAFT)

STRATEGIC ENVIRONMENTAL ASSESSMENT SCREENING DETERMINATION

1. Introduction

This assessment relates to the 'Lavenham Neighbourhood Plan 2 - 2023 Draft [hereafter referred to as the 'LNP2']. A copy of this was made available for screening purposes in September 2022.

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 LNP2. In doing so, it refers to:

- The SEA Screening Opinion (October 2022) prepared by Land Use Consultants, which can be found online at: <https://www.babergh.gov.uk/LavenhamNP>
- 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, Lavenham Parish Council (the qualifying body) asked Babergh District Council (BDC), as the responsible authority, to screen their draft LNP2 to determine whether an environmental report was 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">1. The characteristics of plans and programmes, having regard, in particular, to:<ol style="list-style-type: none">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 hierarchyc) (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:<ol style="list-style-type: none">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:<ol style="list-style-type: none">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.
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[Source: Schedule 1 of Environmental Assessment of Plans & Programmes Regulations 2004]

4. Assessment

LNP2 sets out a broad vision for Lavenham based around four key themes: 'Climate Change', a 'Flourishing Village Community', protecting 'Heritage and Landscape', and the 'Movement of people and vehicles'. To deliver this vision, LNP2 contains 17 objectives and 42 planning policies (LAV1 to LAV42). These policies cover topics such as housing, green spaces, heritage, community facilities and transport. Some of these policies are carried over in full or in part from the made (adopted) 2016 Lavenham Neighbourhood Plan (LNP1). None of the policies in LNP2 allocated land for residential use or other forms of built development, although Policy LAV13: A Spatial Strategy for Lavenham sets out the circumstances in which development will be supported, both within and outside of the settlement boundary.

A full assessment of the likely effects of LNP2 are set out in the Screening Report. [See link in section 1 above].

5. Screening Conclusion

The LUC Screening Report noted that LNP2 “sets out 42 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 also noted that the Plan “does not directly impact on land use through the allocation of sites for housing or other forms of development”. On that basis, it concluded that “the Lavenham Neighbourhood Plan 2023 is unlikely to have significant environmental effects and that full SEA is therefore not required.”

Consultation on the Screening Opinion was carried out with Natural England, Historic England, and the Environment Agency. Written responses were received from Historic England and Natural England. Both agreed with the conclusion that SEA is not required. Their responses are set out in Appendix 1. No formal response was received from the Environment Agency.

6. Determination

In the light of the SEA Screening Opinion (October 2022) prepared by LUC, and the responses from the two statutory bodies, it is determined that the Lavenham Neighbourhood Plan 2023 **does not require** a Strategic Environmental Assessment in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004.

7. Postscript (Policy LAV 31)

The Regulation 14 Pre-submission draft version LNP2, which was published shortly after this screening exercise had drawn to a close, contained an additional policy inserted into the Plan as: Policy LAV31 - Land at 47 to 48 Water Street. The policy relates to an existing employment site within the settlement boundary.

As a precautionary measure the District Council asked LUC if this new policy alone altered or changed in any other way their original conclusion, suggesting to them that because it does not specifically allocate the site for development, it was our opinion that it would not trigger the need for full SEA. Responding, LUC confirmed our assumption that the inclusion of this policy would not change their original conclusion. On that basis, the District Council decided that no further action was necessary.

By e-mail dated 15 November 2022

Re: Consultation request - Lavenham NP SEA/HRA screening reports (Babergh DC)



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 Lavenham 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,

Edward James MA BA ACIfA

Historic Places Adviser - East of England

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www.historicengland.org.uk

Date: 11 November 2022
Our ref: 411263
Your ref: Lavenham NP SEA/HRA Screening



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BY EMAIL ONLY

Dear Mr Bryant

Lavenham NP SEA/HRA screening reports

Thank you for your consultation on the above dated and received by Natural England on 31 October 2022

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.

HRA Screening Opinion

Natural England has no detailed comments to make on the HRA

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.

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 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 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

Yours sincerely

Joanne Widgery
Consultations Team