



Stutton Neighbourhood Plan

Strategic Environmental Assessment Screening Determination

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

May 2022

Contents

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

STUTTON NEIGHBOURHOOD PLAN

STRATEGIC ENVIRONMENTAL ASSESSMENT DETERMINATION

1. Introduction

This assessment relates to the 'Stutton Neighbourhood Development Plan 2022 - 2037' which was published for Regulation 14 Pre-Submission consultation in November 2021.

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 notice therefore determines whether a Strategic Environmental Assessment is required for the Stutton 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/StuttonNP
- 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, Stutton Parish Council (the qualifying body) requested Babergh District Council (BDC), as the responsible authority, to determine whether an environmental report on the emerging Stutton 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 8 November and 20 December 2021. 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.
--

[Source: Annex II of SEA Directive 2001/42/EC]:

4. Assessment

The draft Neighbourhood Plan sets out the following Vision Statements ...

- *“Stutton should remain a vibrant, cohesive community supporting high levels of wellbeing for its residents.*
- *As the village grows and society changes, the character of the village should be maintained, whilst permitting small-scale sustainable growth in line with the needs and wishes of the community.*
- *The beautiful countryside and landscapes will be retained and enhanced and continue to be a source of great pleasure for the community.*
- *Together, we will ensure that the infrastructure of the village supports all residents at different stages of their lives.*

... and contains twenty-three planning policies categorised under seven themes. The Plan makes no sites allocations for housing development or other built development but does contain policies that address topics including landscape, flooding, biodiversity, transport and the protection of the historic environment. Together these policies seek to ensure that new development in Stutton 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 January 2022 prepared by LUC. A copy of this can be viewed at:

<https://www.babergh.gov.uk/assets/Neighbourhood-Planning/Stutton-NP-SEA-Screening-Report-Jan-22.pdf>

5. Screening Conclusion

The Screening Report prepared by LUC notes that although, the Neighbourhood Plan does not directly impact on land use through the allocation of sites for housing or other forms of development, the separate HRA Screening Report (January 2022) prepared on behalf of Babergh District Council by Place Services concluded that an Appropriate Assessment is required as Policies SN11 [Mitigating the impact of development on the Stour & Orwell SPA], SN14 [Visitor and Tourism Development] and SN22 [New and Expanding Businesses] may result in a likely significant effect on one or more European sites. On that basis, it is considered that the Stutton Neighbourhood Plan is likely to have significant environmental effects and that full SEA is therefore required.

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

The response from Natural England states that “in so far as [their] our strategic environmental interests (including but not limited to statutory designated sites, landscapes and protected species, geology and soils) are concerned, [they felt] that there are unlikely to be significant environmental effects from the proposed plan, but also reminded us of our responsibilities in regard to this matter.

The response from Historic England also suggests that a full SEA is not required from the perspective of the historic environment.

No response was forthcoming from the Environment Agency but the two other responses are set out in full at Appendix 1.

6. Determination

In the light of the SEA Screening Report prepared by Land Use Consultant and notwithstanding the consultation responses received, a precautionary approach should be taken and, consequently, it is determined that the Stutton Neighbourhood Plan **does require** a Strategic Environmental Assessment in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004.

Date: 11 March 2022
 Our ref: 385125
 Your ref: Stutton Neighbourhood Plan



Mr P Bryant
 Neighbourhood Planning Officer
 Babergh & Mid Suffolk District Councils

Customer Services
 Hornbeam House
 Crew e Business Park
 Electra Way
 Crew e
 Cheshire
 CW1 6GJ

T 0300 060 3900

BY EMAIL ONLY

Dear Mr Bryant

Stutton NP - SEA & HRA Screening Consultation request (Babergh)

Thank you for your consultation on the above dated and received by Natural England on 01 March 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.

Screening Request: Strategic Environmental Assessment / HRA Screening

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/HRA is necessary.

Please note that Natural England reserves the right to provide further comments on the environmental assessment of the plan beyond this SEA/HRA 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 queries relating to the specific advice in this letter only please contact consultations@naturalengland.org.uk.

Yours sincerely

Joanne Widgery
Consultations Team

By e-mail dated Fri 24 April 2020

Re: Stutton NP - SEA & HRA Screening Consultation request (Babergh)



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 Stutton 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 Stutton plan will require a full SEA as a result of policies SN11, SN14, and SN22, which are considered to trigger the need for an HRA.

Having reviewed the Regulation 14 Draft of the plan and the policies identified, we consider that they are not likely to result in significant effects, as defined in the SEA regulations, on the historic environment. We note that the Stutton plan does not allocate any specific sites for development, and the activities supported or encouraged by the policies above would therefore be subject to assessment against national, local and neighbourhood policy as part of any planning application process. As such, we would suggest that historic environment concerns can be screened out of the SEA process at an early stage.

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 from the perspective of the historic environment.

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 an SEA, these would have an adverse effect upon the environment.

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

Kind regards,

Edward James
Historic Places Adviser - East of England
Historic England



Historic England | Brooklands | 24 Brooklands Avenue | Cambridge | CB2 8BU
www.historicengland.org.uk