



Strategic Environmental Assessment Screening Opinion

Kesgrave Neighbourhood Plan

June 2019

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1. Introduction

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 so require Strategic Environmental Assessment.

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.

This screening report is designed to test whether or not the contents of the Kesgrave Neighbourhood Plan (a draft of which was reviewed in April 2019) requires a full Strategic Environmental Assessment (SEA). The legislative background below outlines the regulations that require the use of this screening exercise. Section 4 provides a screening assessment of the likely significant effects of the Plan and the need for a full SEA.

2. Legislative Background

The basis for Strategic Environmental Assessments and Sustainability Appraisal legislation is European Directive 2001/42/EC 'on the assessment of the effects of certain plans and programmes on the Environment'. This document is also known as the Strategic Environmental Assessment (or SEA) Directive. European Directive 2001/42/EC was transposed into English law by the Environmental Assessment of Plans and Programmes Regulations 2004, or SEA Regulations.

The SEA Regulations include a definition of 'plans and programmes' to which the regulations apply, and which programmes are required by legislative, regulatory or administrative provisions.

A Neighbourhood Plan is not required by legislative, regulatory or administrative provisions. It is an optional process under the provision of the Town and Country Planning Act 1990 (subsequently amended by the Localism Act 2011). However, once a Neighbourhood Plan is 'made' it becomes part of

the statutory development plan for the area to which it applies. As such, it therefore forms part of a plan that is required by legislative provisions.

3. Criteria for determining the likely significance of effects referred to in Article 3(5) of Directive 2001/42/EC

The Neighbourhood Plan triggers a requirement to determine whether it is likely to have a significant environmental effect. This requirement is discharged by the 'responsible authority' being the authority by which or on whose behalf the plan is prepared. Before making a determination, the responsible authority shall: -

- a) Take into account the criteria specified in Schedule 1 to these Regulations (EIA Regulations); and
- b) Consult the consultation bodies.

The consultation bodies are defined in section 4 of the SEA Regulations. As the responsible authority, East Suffolk Council is seeking the opinions from the statutory consultation bodies: Historic England, the Environment Agency; and Natural England.

Schedule 1 of the EIA Regulations sets out the criteria for determining likely significant effects as follows:

1. The characteristics of plans and programmes, having regards, in particular to:
 - 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.
 - The degree to which the plan or programme influences other plans and programmes including those in a hierarchy.
 - The relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development.
 - Environmental problems relevant to the plan or programme.

- 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:
- The probability, duration, frequency and reversibility of the effects.
 - The cumulative nature of the effects.
 - The trans boundary nature of the effects.
 - The risks to human health or the environment (e.g. due to accidents).
 - The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected), the value and vulnerability of the area likely to be affected due to:
 - special natural characteristics or cultural heritage;
 - exceeded environmental quality standards or limit values;
 - intensive land-use; and
 - the effects on areas or landscapes which have a recognised national, community or international protection status.

Source: Annex 2 of SEA Directive 2001/42/EC

4. Assessment

The diagram below illustrates the process for screening a planning document to ascertain whether a full SEA is required.

Yes. The preparation and adoption of the Neighbourhood Plan is allowed under the Town and Country Planning Act 1990 as amended by the Localism Act 2011. The Neighbourhood Plan is being prepared by Kesgrave Town Council as the relevant body and, subject to successful completion of the relevant processes as set out in the Neighbourhood Planning (General) Regulations 2012 (as amended) and the Neighbourhood Planning (Referendums) Regulations 2012 (as amended), will be made by East Suffolk Council as the local authority.

2. Is the PP required by legislative, regulatory or administrative provisions? (Art. 2(a))

No. A Neighbourhood Development Plan is not required by legislative, regulatory or administrative provisions. It is an optional process under the Town and Country Planning Act 1990 (amended by the Localism Act 2011). However, once a Neighbourhood Plan is made it becomes part of the statutory development plan for the area to which it applies. As such it forms part of a plan that is required by legislative provisions.

3. Is the PP prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use, AND does it set a framework for future development consent of projects in Annexes I and II to the EIA Directive? (Art 3.2(a))

Yes. The Neighbourhood Plan falls within the category town and country planning and relates to the local (Kesgrave Town) level. The designated neighbourhood plan area is identical to the Kesgrave Town administrative boundary. The draft neighbourhood plan reviewed contains ten numbered policies none of which allocate land for built development.

Policies seek to manage the design and layout of infill, backland and garden residential development, support residential uses in the District Centre as part of a mix of uses, preserve the identity of Kesgrave and reduce coalescence, improve access to public green spaces and provide spaces for food growing, support the provision of wildlife friendly features in new buildings, improve the provision of sports and recreation facilities and enhance access to these, maintain and enhance walking and cycling infrastructure and improve the design of residential parking.

Policies also identify areas of Local Green Space and Non-Designated Heritage Assets.

All neighbourhood plan policies have their basis in strategic policies set out in the Suffolk Coastal Final Draft Local Plan (January 2019) which was submitted in March 2019 for Examination, with hearings anticipated in summer 2019 and adoption anticipated by the end of 2019. This Plan covers the period 2018 – 2036. The Plan identifies Kesgrave as a part of the East of Ipswich Major Centre. It defines the Settlement Boundary of Kesgrave and identifies an indicative minimum housing requirement of 20 dwellings over the plan period. The Neighbourhood Plan makes no changes to these strategic policies. The Neighbourhood Plan does not seek to amend the Settlement Boundary.

The Suffolk Coastal Final Draft Local Plan (January 2019) has been subject to both Sustainability Appraisal (including Strategic Environmental Assessment) and Appropriate Assessment under the Habitat Regulations.

Consideration has also been given to the relevant adopted policies set out in the Core Strategy and Development Management Policies (2013) and the Site Allocations and Area Specific Policies DPD (2017), as the current adopted policies. These plans were both subject to both Sustainability Appraisal (including Strategic Environmental Assessment) and Appropriate Assessment under the Habitat Regulations as part of their production.

The adopted and emerging plans, and supporting documents, can be viewed at <https://www.eastsuffolk.gov.uk/planning/local-plans/suffolk-coastal-local-plan/>.

4. Will the PP, in view of its likely effect on sites, require an assessment for future development under Article 6 or 7 of the Habitats Directive? (Art. 3.2 (b))

No. The draft Neighbourhood Plan does not allocate any land for built development. The Suffolk Coastal Final Draft Local Plan (January 2019) has been subject to an Appropriate Assessment under the Habitats Regulations. The adopted plans have also been subject to Appropriate Assessment. A separate Habitats Regulations Assessment Screening Statement has been produced and this concludes that an Appropriate Assessment will not be required.

5. Does the PP determine the use of small areas at local level, OR is it a minor modification of a PP subject to Art. 3.2? (Art. 3.3)

Yes. The draft neighbourhood plan relates solely to the Town Council administrative area. Specific designations are included for six small areas of Local Green Space and a number of Non Designated Heritage Assets. Other policies set out an approach to manage the development of infill, backland and garden residential development, support above ground floor residential uses in the District Centre as part of a mix of uses, preserve the identity of Kesgrave and reduce coalescence, improve access to green spaces and leisure facilities, support the provision of wildlife friendly features in new buildings and improve the provision of sports and recreation facilities and enhance access to these.

6. Does the PP set the framework for future development consent of projects (not just projects in annexes to the EIA Directive)? (Art 3(4))

No. The plan does not allocate land for new built development. The Draft Neighbourhood Plan seeks to implement the policies of the emerging Suffolk Coastal Local Plan (and also considers the policies of the adopted plans), which have been subject to Sustainability Appraisal (incorporating the requirements for Strategic Environmental Assessment) and Habitats Regulations Assessment.

7. Is the PP's sole purpose to serve the national defence or civil emergency, OR is it a financial or budget PP, OR is it co-financed by structural funds or EAGGF programmes 2000 to 2006/7? (Art 3.8, 3.9)

No. Not applicable.

8. Is it likely to have a significant effect on the environment? (Art. 3(5))

No. The plan does not allocate land for built development. Within the Neighbourhood Plan area, Sinks Pit Site of Special Scientific Interest is located to the north of Main Road. There are two Listed Buildings within Kesgrave. Kesgrave Wood and Foxhall Stadium Wood are County Wildlife Sites. Outside of the Neighbourhood Plan area, Ipswich Heaths Site of Special Scientific Interest is located to the east of Dobbs Lane. The policies seek to support healthy communities, deliver wildlife friendly features, identify and protect Local Green Space and Non Designated Heritage Assets and improve provision of and access to community and leisure

facilities. The policies fall within the scope of the policies of the Suffolk Coastal Final Draft Local Plan (January 2019) which has been subject to Sustainability Appraisal (incorporating the requirements for Strategic Environmental Assessment) and Habitats Regulations Assessment.

5. Conclusion

The Draft Kesgrave Neighbourhood Plan reviewed does not allocate land for built development and applies to a localised area. The policies seek to reflect and implement strategic policies in the Suffolk Coastal Final Draft Local Plan (January 2019) which has been subject to Sustainability Appraisal including Strategic Environmental Assessment and Appropriate Assessment under the Habitats Regulations Assessment. It is considered by East Suffolk Council that it is not necessary for a Strategic Environmental Assessment to be undertaken of the draft Kesgrave Neighbourhood Plan to ensure compliance with EU obligations.

Signed:

A handwritten signature in black ink that reads "Desi Reed". The signature is written in a cursive style with a large initial 'D'.

Dated: 20/06/2019

Desi Reed
Planning Policy and Delivery Manager
East Suffolk Council

Appendix 1: Responses from Statutory Consultees



By e-mail to: Andrea McMillan
Principal Planner
East Suffolk District Council

Our ref: PL00578707
Your ref:
Date: 17/05/2019

Direct Dial: [REDACTED]
Mobile: [REDACTED]

Dear Ms McMillan,

RE: Kesgrave Neighbourhood Plan SEA Screening

Thank you for your email of 26 April 2019 regarding the above 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 Kesgrave 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 dated 26 April. 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



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Email historicengland@historicengland.org.uk
Our headquarters are located at the above address but we also have regional offices.

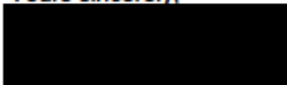


result of this consultation or in later versions of the plan/guidance) where we consider that, despite the SEA, these would have an adverse effect upon the environment.

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 above, if you have any queries.

Yours sincerely,



Edward James
Historic Places Advisor, East of England
[Redacted]@HistoricEngland.org.uk



Historic England, Breaklands, 21 Breaklands Avenue, Cambridge CB2 0JL
Telephone 01223 902079. It is: historicengland.org.uk
Email: enquiries@historicengland.org.uk
Our responsibility for information is set out in our Freedom of Information policy.





Ms Andrea McMillian
East Suffolk Council
Riverside 4 Canning Road
Lowestoft
Suffolk
NR33 0EQ

Our ref: AE/2019/124085/01-L01
Your ref: SEA
Date: 31 May 2019

Dear Ms McMillian

DRAFT KESGRAVE NEIGHBOURHOOD PLAN - SEA SCREENING KESGRAVE

Thank you for consulting us on the SEA screening opinion for the Kesgrave Neighbourhood Plan. We have reviewed the document as submitted and do not disagree with the conclusion reached within the report.

The screening report states that the Neighbourhood plan does not allocate any specific sites for allocation. Due to this we do not disagree that a SEA is not required. Instead impacts on the environment will need to be reviewed at application stage.

Yours sincerely



**Miss Natalie Kermath
Planning Advisor**

Direct dial [REDACTED]
Direct e-mail [REDACTED]@environment-agency.gov.uk

Environment Agency
Cobham Road, Ipswich, Suffolk, IP3 9JD.
Customer services line: 03708 506 506
www.gov.uk/environment-agency
End

Subject: RE: Draft Kesgrave Neighbourhood Plan - SEA and HRA Screening

From: Jackson, John [mailto: [REDACTED]@naturalengland.org.uk]
Sent: 20 June 2019 11:07
To: Andrea McMillan
Subject: RE: Draft Kesgrave Neighbourhood Plan - SEA and HRA Screening

Hi Andrea,
I can also confirm that Natural England agrees with the conclusion that SEA is not required.

Best Regards

John

From: Andrea McMillan
Sent: 26 April 2019 12:29
To: 'consultations@naturalengland.org.uk'
Subject: Draft Kesgrave Neighbourhood Plan - SEA and HRA Screening

Dear Sir/Madam,

Please find attached a Strategic Environmental Assessment draft screening opinion relating to the Draft Kesgrave Neighbourhood Plan, on which I would be grateful for your response. I also attach the Draft Kesgrave Neighbourhood Plan on which the screening is based – please note this is not currently publicly available so please treat as confidential.

The draft screening opinion concludes that no further SEA work is required.

I also attach a draft Screening Assessment in relation to Habitats Regulations Assessment, on which I would also be grateful for your response. This concludes that no Appropriate Assessment will be required. Please note that we are looking to establish a template which can be used for HRA screening of Neighbourhood Plans across East Suffolk (where the Neighbourhood Plan group asks the Council to undertake this on their behalf), and I would therefore also appreciate any comments you have in this respect.

I would be grateful if you could respond within five weeks, by Friday 31st May 2019.

If you have any queries or require any assistance please do not hesitate to contact me.

Yours faithfully,

Andrea McMillan



Andrea McMillan | Principal Planner
East Suffolk Council
[REDACTED]
www.eastsuffolk.gov.uk

East Suffolk Council is a new district authority which, from April 2019, delivers services for the residents, businesses and communities previously served by Suffolk Coastal and Waveney District Councils