

Strategic Environmental Assessment Screening Opinion

November 2016

Lawshall Neighbourhood Plan

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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 Lawshall Neighbourhood Plan 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 Development 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, Waveney District Council will seek the opinions from the statutory consultation bodies English Heritage, the Environment Agency and Natural England.

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

- 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).

Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:

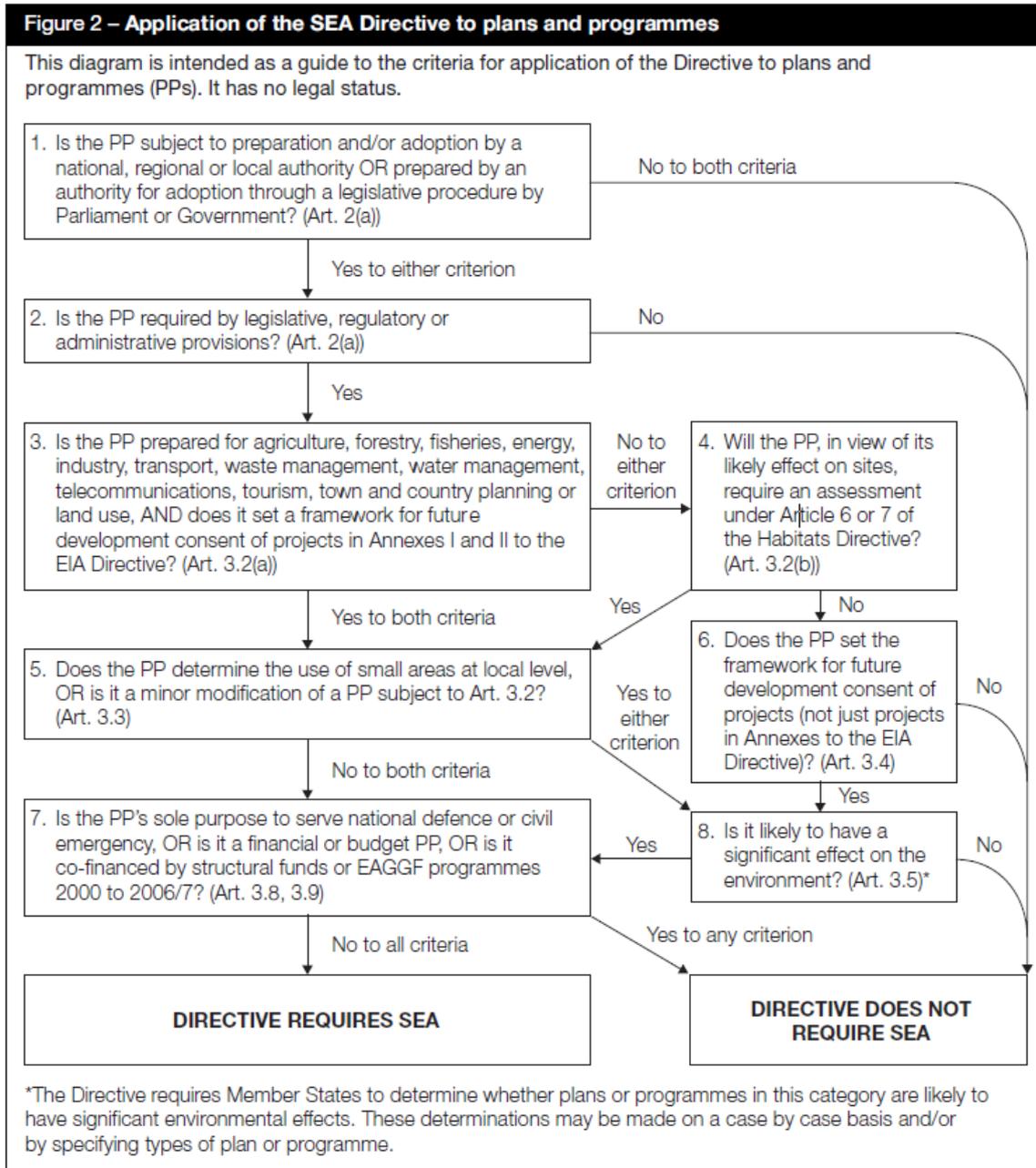
- The probability, duration, frequency and reversibility of the effects.
- The cumulative nature of the effects.
- The trans boundary nature of the effects.
- The risks to human health or the environment (e.g. due to accidents).
- The magnitude and spatial extent of the effects (geographical area and 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.

Diagram



Source: A Practical Guide to the Strategic Environmental Assessment Directive (2005)

The following assessment applies the questions from the diagram above. The answers determine whether the Neighbourhood Plan will require a full Strategic Environmental Assessment.

Stage	Y/N	Reason
1. Is the PP subject to preparation and/or adoption by a national, regional or local authority OR prepared by an authority for adoption through a legislative procedure by Parliament or Government? (Art. 2(a))	Y	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 Lawshall Parish Council as the relevant body and, subject to successful completion of the relevant processes as set out in the Neighbourhood Planning (General) Regulations 2012 and the Neighbourhood Planning (Referendums) Regulations 2012, will be made by Babergh District Council as the local authority.
2. Is the PP required by legislative, regulatory or administrative provisions? (Art. 2(a))	Y	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 Directive¹? (Art 3.2(a))	N	The Neighbourhood Plan contains policies to determine the use of land at the local (parish) level (Art3 (3)).
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))	N	The scope of the plan does not include the allocation of land for housing or employment.
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)		N/A
6. Does the PP set the	Y	The Neighbourhood Plan is to be used by

¹ [Directive 2011/92/EU](#) has been amended in 2014 by [DIRECTIVE 2014/52/EU](#)

framework for future development consent of projects (not just projects in annexes to the EIA Directive)? (Art 3(4))		Babergh District Council in helping determine future planning applications. The neighbourhood plan however, is not site specific, but provides guidance on how the area should be shaped during the plan period.
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)		N/A
8. Is it likely to have a significant effect on the environment? (Art. 3(5))	N	The neighbourhood plan has not allocated sites; therefore it is unlikely to have a significant effect on the environment.

5. Screening Outcome

As a result of the assessment in section 4, it is unlikely there will be any significant environmental effects arising from the draft Neighbourhood Plan.

Any development proposal that would be likely to have a significant effect on a European site, either alone or in combination with other plans or projects, will be subject to assessment at the project application stage.

As such, the Lawshall Neighbourhood Plan does not require a full SEA to be undertaken. The outcome of this screening opinion will be subject to review by Natural England, English Heritage and Environment Agency. The screening opinion will also need to be reviewed if changes are made to the Neighbourhood Plan.