



Strategic Environmental Assessment Screening Opinion

Draft Housing in Clusters and Small Scale Residential Development in the Countryside Supplementary Planning Document

June 2022

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1. Introduction

The Housing in Clusters and Small Scale Residential Development in the Countryside Supplementary Planning Document (SPD) is being produced by East Suffolk Council. The SPD will apply to the whole of the East Suffolk Council area, excluding the parts of East Suffolk that are within the Broads National Park, for which the Broads Authority is the local planning authority.

In some circumstances a Supplementary Planning Document (SPD) 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.

This screening report is designed to test whether or not the contents of the Draft Housing in Clusters and Small-Scale Residential Development in the Countryside Supplementary Planning Document 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 SPD and the need for a full SEA.

The assessment has been carried out at an early stage, prior to full drafting, but based the proposed content of the SPD.

2. Legislative Background

The basis for Strategic Environmental Assessment 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 (as amended, including through EU Exit legislation).

The SEA Regulations include a definition of 'plans and programmes' to which the regulations apply. SEA requirements relate to plans or programmes which

are subject to preparation or adoption by an authority at national, regional or local level, which includes those prepared for town and country planning and land use. SEA is required where the plan or programme is likely to have significant environmental effects. It is therefore necessary to screen the SPD to identify whether significant environmental effects are likely. Where screening identifies significant environmental effects, a full Strategic Environmental Assessment is required.

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

The preparation of the SPD 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 the Regulations;
and
- b) Consult the consultation bodies.

The consultation bodies are defined in section 4 of the SEA Regulations. The opinions from the statutory consultation bodies: Historic England, the Environment Agency and Natural England, are therefore to be taken into account. The Council consulted with the three consultation bodies and provided five weeks for a response. Responses were received from Historic England and Natural England and these are contained in Appendix 1.

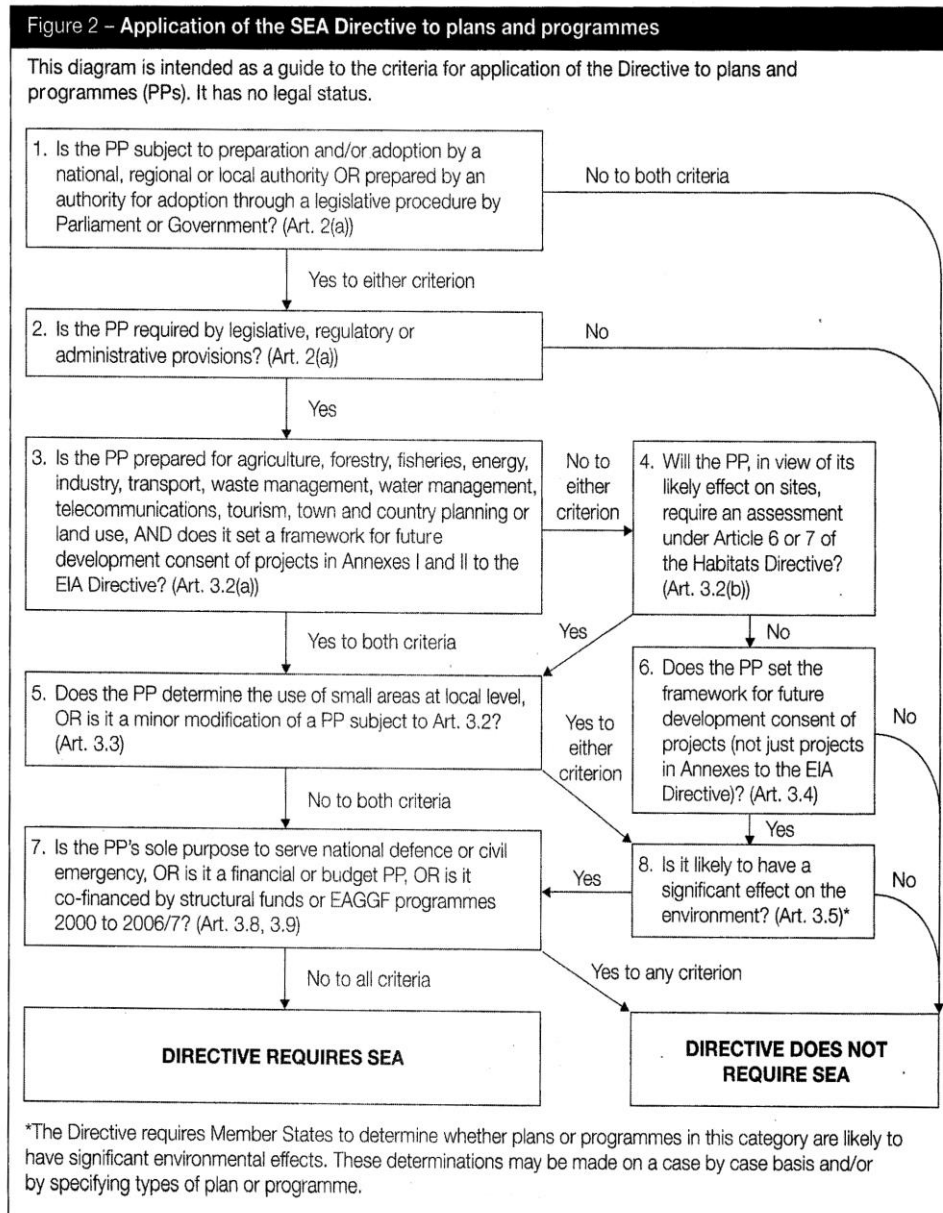
Schedule 1 of the SEA Regulations sets out the criteria for determining likely significant effects as follows:

1. The characteristics of plans and programmes, having regards, in particular to:

- 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 hierarchy.
 - c. 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:
- 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:
 - i. special natural characteristics or cultural heritage;
 - ii. exceeded environmental quality standards or limit values;
 - iii. intensive land-use; and
 - g. the effects on areas or landscapes which have a recognised national, community or international protection status.

4. Assessment

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



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

The following assessment applies the questions from the preceding diagram. The answers determine whether the SPD will require a full Strategic Environmental Assessment.

- 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))**

Yes. The preparation and adoption of the SPD is being carried out by East Suffolk Council. The SPD is being produced in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).

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

Yes. The production of the SPD forms part of the delivery of the statutory Development Plan and the process for preparing SPDs is set out in the Town and Country Planning (Local Development) (England) Regulations 2012 and relates to the administration of the Council's planning service.

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))

The SPD is prepared in support of the delivery town and country planning and land use policies.

The SPD will not set a framework for the future consent of projects listed in Annexes I and II of the EIA Directive.

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))

A separate screening exercise has been carried out under the Habitats Directive (92/43/EEC) and Conservation of Habitats and Species Regulations (2017) (as amended). This has determined that a full Appropriate Assessment is not 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)

Not applicable (based on the responses to questions 3 and 4 above).

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))

Yes. The SPD will be a material consideration in the determination of planning applications, and will be applied alongside the policy framework provided by the Local Plan.

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))

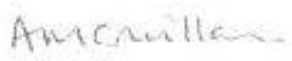
No. The guidance contained in the Housing in Clusters and Small-Scale Residential Development in the Countryside Supplementary Planning Document will provide information and advice concerning the implementation of the Council's Local Plan policies. The SPD will provide guidance principally on Policy SCLP5.4 Housing Clusters in the Countryside (Suffolk Coastal Local Plan) and Policy WLP8.7 Small Scale Residential Development in the Countryside (Waveney Local Plan). It is unlikely that the SPD will have a significant impact upon the environment. All policies within both Local Plans have been subject to a full Sustainability Appraisal, incorporating the requirements for Strategic Environmental Assessment.

5. Conclusion

The Housing in Clusters and Small-Scale Residential Development in the Countryside Supplementary Planning Document seeks to reflect and implement policies in the Suffolk Coastal and Waveney Local Plans which have both been subject to Sustainability Appraisal including Strategic Environmental Assessment.

It is considered by East Suffolk Council that it is not necessary for a Strategic Environmental Assessment to be undertaken of the SPD to ensure compliance with SEA legislation.

Signed:



Dated: 14/06/2022

Andrea McMillan

Planning Manager (Policy, Delivery & Specialist Services)

East Suffolk Council

Appendix 1: Responses from Statutory Consultees

Environment Agency

Natural England

Date: 31 May 2022
Our ref: 390546
Your ref: SPD.

Ben Wright
East Suffolk Council
Ben.Wright@eastsuffolk.gov.uk

BY EMAIL ONLY



Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

Dear Ben Wright

Housing in Clusters and Small-Scale Residential Development in the Countryside Supplementary Planning Document (SPD) – SEA and HRA

Thank you for your consultation on the above dated 28 April 2022, which was received by Natural England on 28 April 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.

Our remit includes protected sites and landscapes, biodiversity, geodiversity, soils, protected species, landscape character, green infrastructure and access to and enjoyment of nature.

Whilst we welcome this opportunity to give our views, the topic of the Supplementary Planning Document does not appear to relate to our interests to any significant extent. We therefore do not wish to comment.

Should the plan be amended in a way which significantly affects its impact on the natural environment, then, please consult Natural England again.

Strategic Environmental Assessment/Habitats Regulations Assessment

A SPD requires a Strategic Environmental Assessment only in exceptional circumstances as set out in the Planning Practice Guidance [here](#). While SPDs are unlikely to give rise to likely significant effects on European Sites, they should be considered as a plan under the Habitats Regulations in the same way as any other plan or project. If your SPD requires a Strategic Environmental Assessment or Habitats Regulation Assessment, you are required to consult us at certain stages as set out in the Planning Practice Guidance.

Please send all planning consultations electronically to the consultation hub at consultations@naturalengland.org.uk.

Yours sincerely

Jacqui Salt
Consultations Team

Historic England



Mr Ben Wright
East Suffolk Council
Riverside
4 Canning Road
Lowestoft
Suffolk
NR33 0EQ

Direct Dial: [REDACTED]

Our ref: PL00773202

31 May 2022

Dear Mr Wright

**Re: Housing in Clusters and Small-Scale Residential Development in the
Countryside SPD - SEA**

Thank you for consulting Historic England on the Strategic Environmental Assessment draft screening opinion relating to the Housing in Clusters and Small-Scale Residential Development in the Countryside Supplementary Planning Document. Having reviewed the report I can confirm that we support the conclusion that it is not necessary for a Strategic Environmental Assessment to be undertaken. I would be grateful if you would confirm receipt of this letter.

Yours sincerely,

|
Andrew Marsh
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