



Draft Strategic Environmental
Assessment
Screening Opinion

East Suffolk Draft Community
Infrastructure Levy
Charging Schedule

July 2021

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1. Introduction

In some circumstances a document 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 East Suffolk Draft Community Infrastructure Levy (CIL) Charging Schedule 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 charging schedule and the need for a full SEA.

The CIL Charging Schedule will identify rates of CIL that will be payable to the Council to fund infrastructure. The Council has two adopted Local Plans (Waveney Local Plan 2019 and Suffolk Coastal Local Plan 2020) which set out the strategies, policies and site allocations to inform future development and these have been subject to full Strategic Environmental Assessment in their preparation.

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, or SEA Regulations, (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 CIL

charging schedule 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 a plan or programme 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 or programme 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.

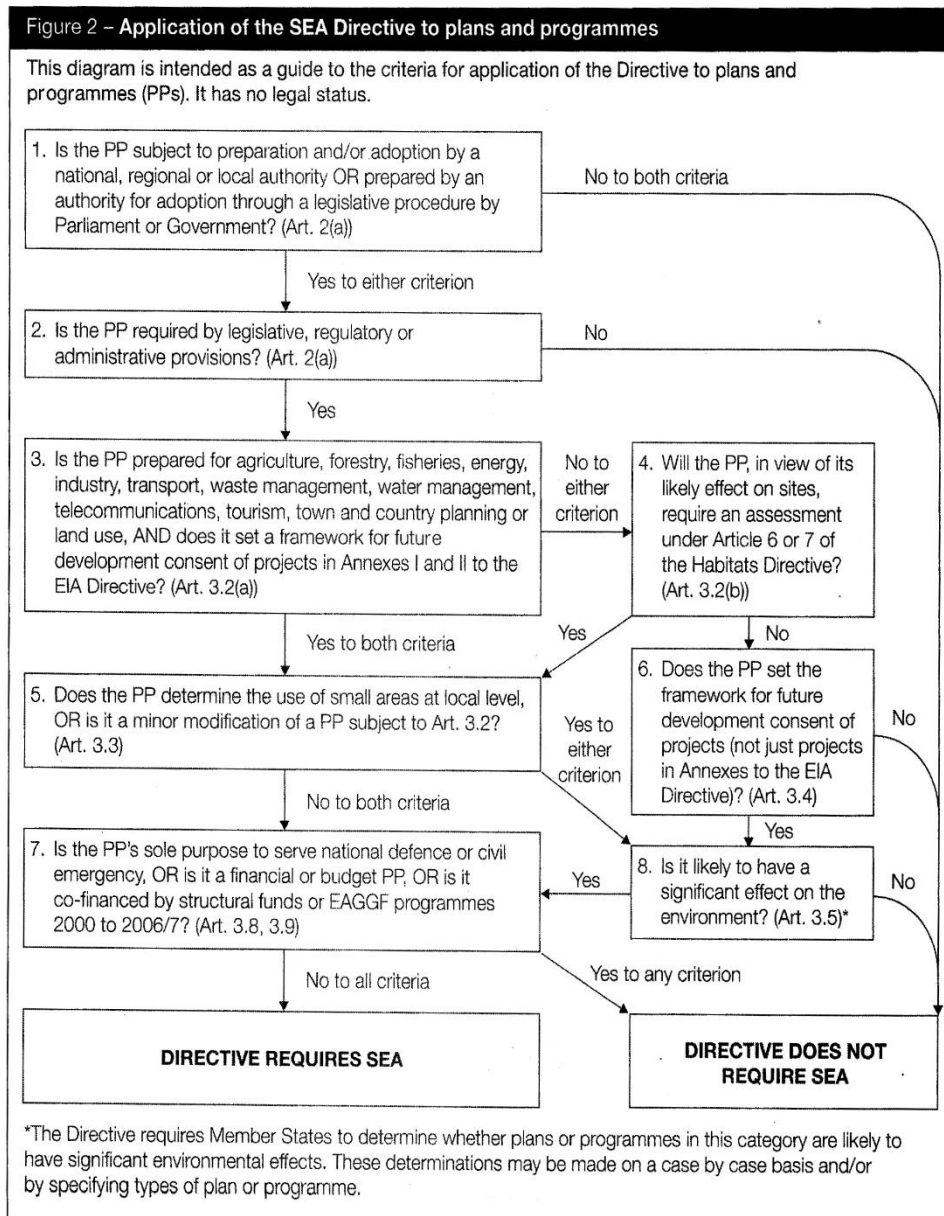
Schedule 1 of the SEA Regulations sets out the criteria for determining likely significant effects as follows:

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 Neighbourhood Plan 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 Draft East Suffolk Community Infrastructure Levy Charging Schedule is being carried out by East Suffolk Council. It is being produced in accordance with the Community Infrastructure Levy Regulations 2010 (as amended).

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

No. The CIL is not a legislative requirement. However, where an authority has made the decision to implement CIL, then this can only be done where a local authority has consulted on, and approved, a Charging Schedule which sets out its levy rates and has published the Charging Schedule on its website. The production of the CIL Charging Schedule is governed by Community Infrastructure Levy Regulations 2010 (as amended) 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 CIL charging schedule is prepared in support of the delivery of town and country planning and infrastructure. The CIL Charging Schedule will not allocate any land for development and 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))

No. The Draft East Suffolk Community Infrastructure Levy Charging Schedule will not allocate any land or sites for new dwellings or other types of development and so therefore it will not give rise to likely significant effects on protected European Sites.

The CIL Charging Schedule is a levy payable by (qualifying) development to support infrastructure delivery.

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 East Suffolk Community Draft Infrastructure Levy Charging Schedule will not allocate any land or sites for new dwellings or other types of development that could give rise to significant effects on environment.

The CIL Charging Schedule is a levy payable by (qualifying) development to support infrastructure delivery.

5. Conclusion

The East Suffolk Draft Community Infrastructure Levy Charging Schedule will not allocate any land or sites for new dwellings or other types of development that could give rise to likely significant environmental effects.

The CIL Charging Schedule is a levy payable by (qualifying) development to support infrastructure delivery.

It is considered by East Suffolk Council that it is not necessary for a Strategic Environmental Assessment to be undertaken of the East Suffolk Draft Community Infrastructure Levy Charging Schedule to ensure compliance with SEA legislation.

Signed:

Dated: 05/08/2021

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

Desi Reed
Planning Policy and Delivery Manager
East Suffolk Council

Appendix 1: Responses from Statutory Consultees

East Suffolk Council carried out a public consultation during the initial stages of preparing a new Community Infrastructure Levy (CIL) Charging Schedule for the District. The public consultation was carried out from Monday 15th March to 5pm on Monday 26th April 2021.

Consultation documents included:

- East Suffolk CIL Charging Schedule Preparation
- East Suffolk CIL Equality Impact Assessment Screening Opinion
- East Suffolk CIL Instalment Policy
- Habitats Regulations Assessment of the Draft East Suffolk Community Infrastructure Levy Charging Schedule
- Strategic Environmental Assessment Screening Opinion for the East Suffolk CIL Charging Schedule Preparation

Consultees included East Suffolk Town and Parish Councils, neighbouring Town and Parish Councils, developers, landowners, agents, architects and individuals who have requested to be consulted on planning consultations. Natural England, Historic England and the Environment Agency were all consulted as statutory consultees.

Date: 26 April 2021
Our ref: 346651
Your ref:

planningpolicy@eastsoffolk.gov.uk

BY EMAIL ONLY



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Dear Adam Nicholls,

Planning consultation: East Suffolk Sustainable Construction Supplementary Planning Document and baseline evidence for the East Suffolk Community Infrastructure Levy Charging Schedule – Initial Consultations

Thank you for your consultation on the above dated 15 March 2021 which was received by Natural England on the same date.

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.

NATURAL ENGLAND'S ADVICE

Sustainable Construction Supplementary Planning Document (SPD)

Natural England does not have any comments to make on the Sustainable Construction SPD.

East Suffolk Community Infrastructure Levy (CIL) Charging Schedule

Natural England does not have any comments to make on the East Suffolk CIL Charging Schedule.

Habitat Regulations Screening Assessment of the Draft CIL Charging Schedule

Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, has screened the proposal to check for the likelihood of significant effects.

Your assessment concludes that the proposal can be screened out from further stages of assessment because significant effects are unlikely to occur, either alone or in combination. On the basis of the information provided, Natural England concurs with this view.

Strategic Environmental Assessment of the Draft CIL Charging Schedule

Your assessment concludes that it is not necessary for a Strategic Environmental Assessment to be undertaken of the East Suffolk Community Infrastructure Levy Charging Schedule to ensure compliance with SEA legislation. On the basis of the information provided, Natural England concurs with this view.

Should the proposal change, please consult us again.

If you have any queries relating to the advice in this letter please contact me on 07768 237040.

Yours sincerely

Sam Kench
Norfolk and Suffolk Team

From: Marsh, Andrew <[REDACTED]>
Sent: 30 June 2021 14:55
To: Ruth Bishop <Ruth.Bishop@eastsoffolk.gov.uk>
Cc: Marsh, Andrew <[REDACTED]>
Subject: East Suffolk Council - SEA Screening Opinion for East Suffolk Community Infrastructure Levy

Dear Ruth

Re: SEA Screening Opinion for East Suffolk Community Infrastructure Levy

Thank you for inviting Historic England to comment on the SEA Screening Opinion of East Suffolk's Community Infrastructure Levy. Having reviewed the report I can confirm that we agree that no further SEA work is required. We have no further comments to make. I would be grateful if you would confirm receipt of this email.

Kind regards,

Andrew Marsh BSc MA MRTPI
Historic Environment Planning Adviser
Development Advice | East of England
Historic England
Mobile: [REDACTED]
Direct line: [REDACTED]

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Dear Sir / Madam

East Suffolk Council – initial consultation to inform the Sustainable Construction Supplementary Planning Document, and initial work on development costs to inform the CIL charging schedule

Thank you for inviting Historic England to comment on both the initial consultation to inform the Sustainable Construction Supplementary Planning Document and the CIL charging schedule. 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.

We have reviewed both consultations and very much welcome the preparation of these documents which will support policy in East Suffolk Local Plan, provide guidance to developers and help guide the preparation and assessment of future planning applications.

While we don't have any specific comments to make at this stage regarding the initial CIL work, we particularly welcome the proposed inclusion of a section on the historic environment within the Sustainable Construction DPD. Listed buildings, buildings in conservation areas and scheduled monuments are exempted from the need to comply with energy efficiency requirements of the Building Regulations where compliance would unacceptably alter their character and appearance. Special considerations under Part L are also given to locally listed buildings, buildings of architectural and historic interest within registered parks and gardens and the curtilages of scheduled monuments, and buildings of traditional construction with permeable fabric that both absorbs and readily allows the evaporation of moisture.

In developing policy covering this area you may find the Historic England guidance *Energy Efficiency and Historic Buildings – Application of Part L of the Building Regulations to historically and traditionally constructed buildings* <https://historicengland.org.uk/images-books/publications/energy-efficiency-historic-buildings-ptl/> to be helpful in understanding these special considerations.

Finally, we should like to stress that this opinion is based on the information provided by the Council in its consultation. To avoid any doubt, this does not affect our obligation to provide further advice and, potentially, object to specific proposals, which may subsequently arise where we consider that these would have an adverse effect upon the historic environment.

If you have any questions with regards to the comments made then please do get back to me. In the meantime we look forward to continuing to work with you and your colleagues. I would be grateful if you would confirm receipt of this email.

Kind regards

Andrew Marsh BSc MA MRTPI
Historic Environment Planning Adviser
Development Advice | East of England
Historic England
Mobile: [REDACTED]
Direct line: [REDACTED]



Work with us to champion heritage and improve lives. Read our Future Strategy and get involved at historicengland.org.uk/strategy.

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From: Ipswich, Planning <[REDACTED]>
Sent: 25 June 2021 13:05
To: Ruth Bishop <Ruth.Bishop@eastsuffolk.gov.uk>
Subject: RE: SEA Screening Opinion for East Suffolk Community Infrastructure Levy

Good Afternoon Ruth

Thank you for your consultation.

The Environment Agency have no comments to make.

Kind Regards

Liam

Liam Robson

Sustainable Places Planning Advisor – East Anglia Area (East)

Environment Agency | Icen House, Cobham Road, Ipswich, Suffolk, IP3 9JD

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