



Botesdale & Rickinghall Neighbourhood Plan 2017 - 2036

Strategic Environmental Assessment Screening Determination

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

Updated: July 2019

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Foreword

This Notice updates and replaces the Botesdale & Rickinghall Neighbourhood Plan HRA Screening Determination Notice published by Mid Suffolk District Council in January 2019.

In late 2018, Mid Suffolk District Council commissioned Place Services, Essex County Council, to undertake a screening assessment of the emerging Botesdale & Rickinghall Neighbourhood Plan. The three statutory bodies (Natural England, Environment Agency, and Historic England) were consulted on the content of the Screening Report and their written responses helped inform the SEA (and HRA) Determination Notices published in January 2019.

In Spring 2019, the Botesdale & Rickinghall Neighbourhood Plan was submitted for independent examination. The Screening Report (December 2018) and two Determination Notices were reviewed as part of that process.

At examination, it became clear that the 2018 Screening Report contained a factual error. It is now established that all of the site allocations in the Neighbourhood Plan fall within the Zone of Influence (Zoi) for the Waveney & Little Ouse Valley Fens Special Area of Conservation (SAC) and the Redgrave & South Lopham Fen Ramsar. Unfortunately the 2018 Screening Report indicated that the site allocations did not fall within the Zois.

At the Examiner's request, the Botesdale & Rickinghall Neighbourhood Plan was re-screened and the statutory bodies consulted for a second time. All three have now confirmed that this new evidence does not alter their original response.

This Determination Notice therefore takes account of all the above and publishes both the original and subsequent consultation responses from the statutory bodies.

Mid Suffolk District Council
July 2019

BOTESDALE & RICKINGHALL NEIGHBOURHOOD PLAN

STRATEGIC ENVIRONMENTAL ASSESSMENT DETERMINATION

1. Introduction

This assessment relates to the Botesdale and Rickinghall Neighbourhood Plan 2017 - 2036 Pre-Submission Consultation Plan dated November 2018.

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.

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.

The vision of the Neighbourhood Plan is that

“In 2036 Botesdale and Rickinghall will have maintained its significant historic built and natural environment while accommodating sustainable growth that meets the needs of the Parishes and their hinterland and ensures that appropriate levels of infrastructure and services are retained and improved.”

The Neighbourhood Plan provides for 200 dwellings to be developed between 2017 and 2036 to be met through the allocation of sites for 10 or more dwellings as listed below plus smaller sites which are not specifically identified.

Land at Back Hills (40 homes)

Land north of Garden House Lane (42 homes)

Land east of Rectory Hill (10 homes)

Land to the rear of Willowmere, Garden House Lane (10 homes)

South of Diss Road (69 dwellings)

A revised (June 2019) SEA / HRA Screening Report for the Plan has been prepared by Place Services, Essex County Council (hereafter referred to as Place Services) on behalf of Mid Suffolk District Council and Botesdale & Rickinghall Parish Councils. This can be viewed at:

www.midsuffolk.gov.uk/BotesdaleRickinghallNP

The statutory consultees were re-consulted in July 2019 and their responses are reproduced at Appendix 1.

Section 2 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, Botesdale & Rickinghall Parish Councils (the qualifying body) requested Mid Suffolk District Council (MSDC) as the responsible authority, to determine whether an environmental report on the emerging Botesdale & Rickinghall Neighbourhood Plan is required due to significant environmental effects. In making this determination, MSDC should have regard to Schedule 1 of the Regulations.

Pre-Submission Consultation (Regulation 14 stage) was carried out between November and December 2018. 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 MSDC commissioned Place Services to prepare a screening report to assess whether a 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

Criteria for determining the likely significance of effects referred to in Article 3(5) of Directive 2001/42/EC are set out in the following table:

- | |
|--|
| <p>1. The characteristics of plans and programmes, having regard, in particular, to:</p> <ul style="list-style-type: none">- 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,
- 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

A full assessment of the likely effects of the Plan is set out in the revised (June 2019) Screening Report prepared by Place Services which can be viewed at:

<https://www.midsuffolk.gov.uk/assets/Neighbourhood-Planning/BoteRick-NP-HRA-SEA-Screening-Report-Jun19.pdf>

In the light of the assessment the Screening Report concludes that the Neighbourhood Plan does not warrant the full application of the SEA Directive in the form of a SEA Environmental Report.

5. Conclusion

The Screening Report prepared by Place Services noted that the Plan allocates sites for development in advance of the emerging Babergh & Mid Suffolk Local Plan however they all have planning permission. The status of these sites cannot be altered by any of the Plan's content.

As such, the content of the Botesdale & Rickinghall Neighbourhood Plan has therefore been **screened out** for its requirement of Strategic Environmental Assessment in line with the requirements of Directive 2001/42/EC. Further analysis of the environmental characteristics of the Plan area and the Plan's policies within the Screening Report has further indicated that there would be no significant effect on the environment.

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

All three bodies agreed with the conclusion of the revised Screening Report.

The consultation responses are reproduced at Appendix 1.

6. Determination

In the light of the Screening Report for Consultation prepared by Place Services and the consultation with Historic England, Natural England, and the Environment Agency, it is determined that a Strategic Environmental Assessment of the Botesdale & Rickinghall Neighbourhood Plan is **not required** in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004.

BY EMAIL ONLY

Dated: 17 July 2019
 From: Kayleigh Cheese (Natural England)
 To: Paul Bryant (Babergh & Mid Suffolk District Councils)

Dear Paul

Thank you for contacting Natural England regarding the update to the SEA screening report for Botesdale & Rickingham Neighbourhood Plan. We have reviewed the updated information and our response remains the same as the previous one, our ref: 268494, in that we concur with the conclusions that the SEA and HRA can be screened out from any further assessments, following the amendments.

Kind regards

Kayleigh Cheese
 Planning Lead Adviser
 Natural England
 County Hall, Spetchley Road, Worcester
 WR5 2NP

A copy of Natural England's previous response (their ref 268494) appears below:

Date: 17 January 2019
 Our ref: 268494

Paul Munson
 Mid Suffolk District Council

BY EMAIL ONLY

Dear Mr Munson

Botesdale and Rickingham Neighbourhood Plan - HRA/SEA Screening

Thank you for your consultation on the above dated 20 December 2018 which was received by Natural England on 20 December 2018.

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 and Habitat Regulations Assessment

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

T 0300 060 3900

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.

Natural England concurs with the conclusions of the HRA Screening.

Neighbourhood Plan

Guidance on the assessment of Neighbourhood Plans in light of the SEA Directive 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 SA/SEA is necessary.

Please note that Natural England reserves the right to provide further comments on the environmental assessment of the plan beyond this SEA/SA 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 new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours sincerely

Alice Watson
Consultations Team



Mr Paul Bryant
Babergh and Mid Suffolk District Council
Spatial Planning Policy Team
8 Russell Road
Ipswich
Suffolk
IP1 2BX

Our Ref: AE/2018/123686/02-L01
Your ref: Botesdale&RickinghamSEA/HRA
Date: 09 July 2019

Dear Mr [Bryant]

**BOTESDALE & RICKINGHALL NEIGHBOURHOOD PLAN SEA/HRA
SCREENING REPORT CONSULTATION BOTESDALE AND RICKINGHALL
PARISH COUNCIL**

Thank you for re-consulting us on 1 July 2019 regarding the SEA screening report dated June 2019. We have reviewed the document as submitted and can confirm that this does not change our previous response and conclusion that was dated 18 January 2019 and referenced AE/2018/123686/01/L01.

We trust this advice is useful.

Yours sincerely

Miss Natalie Kermath
Planning Advisor

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

A copy of the Environment Agency's previous response dated 18 January 2019
appears on the next page:



Mr Paul Munson
Babergh and Mid Suffolk District Council
8 Russell Road
Ipswich
Suffolk
IP1 2BX

Our Ref: AE/2018/123686/01-L01
Your ref: Botesdale&RickinghallSEA/HRA

Date: 18 January 2019

Dear Mr Munson

BOTESDALE & RICKINGHALL NEIGHBOURHOOD PLAN SEA/HRA SCREENING REPORT CONSULTATION

BOTESDALE AND RICKINGHALL PARISH COUNCIL

Thank you for your consultation dated 20 December 2018. We have reviewed the Strategic Environmental Assessment and Habitats Regulations Assessment Screening Report for the Botesdale and Rickinghall Neighbourhood Plan, as submitted, and agree with the conclusions and recommendations of the report.

Our considerations at this stage reflect the scope to which the Draft Plan sets out for future growth and development within its policies. It is noted that there are site allocations detailed in the Plan for built development, and whilst the report explains how the Planning Practice Guidance sets out there is sometimes a requirement for a SEA to analyse the potential likely effects of larger scale development, on this occasion all of the proposed sites have planning permission and therefore cannot be altered through the Plan policies and objectives.

The report recommends that the requirement of a full SEA be screened out, and we consider that this conclusion is suitable.

We also agree that the requirement for a HRA be screened out of the Plan.

We trust that this advice is useful.

Yours sincerely

Mr Ed Abigail
Planning Advisor

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

BY EMAIL ONLY

Dated: 1 July 2019

From: Edward James (Historic England)

To: Paul Bryant (Babergh & Mid Suffolk District Councils)

Dear Paul

Thank you for your phone call, and this subsequent email, explaining the alterations that were necessary to this SEA Screening Report. Having now had an opportunity to review the changes, I can confirm that the alteration to the Zone of Influence (ZOI) for the Waveney and Little Ouse Valley Fens Special Area of Conservation (SAC) and the Redgrave and South Lopham Fen Ramsar, resulting in the site allocations within the neighbourhood plan being encompassed within its extent, does not have a material effect to our assessment of whether or not the neighbourhood plan will have significant effects on the historic environment. Our original response to the consultation and its conclusions are therefore unchanged.

I trust that this is helpful.

Kind regards,

Edward

A copy of Historic England's previous response (dated 16 January 2019) appears below:



Historic England

Paul Munson
Babergh Mid Suffolk District Council
Endeavour House
8 Russell Road
Ipswich
IP1 2BX

Direct Dial: 01223 582746

Our ref: PL00527345

16 January 2019

Dear Mr Munson,

RE: Botesdale and Rickinghall Neighbourhood Plan SEA Screening

Thank you for your email of 20 December 2018 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 Botesdale and Rickinghall Neighbourhood Plan) likely to have a significant effect on the historic environment?". Our comments are based on the information supplied with the Screening Opinion.

We note that the neighbourhood plan allocates sites for development, but that these sites already benefit from planning permission.

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 20 December 2018. To avoid any doubt, this does not reflect our obligation to provide further advice on later stages of the SA/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/guidance) where we consider that, despite the SA/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.

Yours sincerely

Edward James
Historic Places Advisor, East of England



Historic England, Brooklands, 24 Brooklands Avenue, Cambridge CB2 8BU
Telephone 01223 58 2749 HistoricEngland.org.uk
Please note that Historic England operates an access to information policy.
Correspondence or information which you send us may therefore become publicly available.

