



Myland & Braiswick Neighbourhood Plan Review

Strategic Environmental Assessment (SEA) Screening Report

August 2022

Myland & Braiswick Neighbourhood Plan Review

Strategic Environmental Assessment (SEA)

1. Introduction

The Strategic Environmental Assessment (SEA) Directive (2001/42/EC) on the assessment of the effects of certain plans and programmes requires an environmental assessment to be made of certain plans or programmes. The objective of SEA, as defined in the Government's guidance on strategic environmental assessment, is *'to provide for a high level of protection of the environment and contribute to the integration of environmental considerations into the preparation and adoption of plans....with a view to promoting sustainable development'* (Article 1). The SEA Directive has been transposed into UK law through the Environmental Assessment of Plans and Programmes Regulations 2004.

Planning Practice Guidance - Strategic environmental assessment and sustainability appraisal: Sustainability appraisal requirements for neighbourhood plans (2014) states that *'in some limited circumstances, where a neighbourhood plan could have significant environmental effects, it may fall within the scope of the Environmental Assessment of Plans and Programmes Regulations 2004 and so require a strategic environmental assessment.'*

2. The Screening Process

Colchester Borough Council, as the relevant Local Planning Authority (LPA), have been approached to provide a screening opinion on whether the proposed neighbourhood plan will require a Strategic Environmental Assessment. Whether a neighbourhood plan requires a strategic environmental assessment, and (if so) the level of detail needed, will depend on what is proposed in the draft neighbourhood plan.

This document sets out that screening opinion based on the scope of, and detail contained within the draft Myland & Braiswick Neighbourhood Plan (Review Spring 2022).

Table 1: Establishing the Need for SEA

Environment I Regulations Paragraph	SEA Requirement	Comments
2	Is the plan: (a) subject to preparation or adoption by an authority at national, regional or local level; or (b) prepared by an authority for	Yes, the plan is subject to preparation and adoption at local level. There are legislative and regulatory provisions in place for Neighbourhood Plans.

	adoption, through a legislative procedure by Parliament or Government; and, in either case, (c) required by legislative, regulatory or administrative provisions?	
5(2)	Is the plan (a) prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use, and does it (b) sets the framework for future development consent of projects listed in Annex I or II to Council Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment, as amended by Council Directive 97/11/EC(9)?	Yes, the plan is prepared for town and country planning purposes and sets the framework for future development consent of projects listed in Annex I or II to Council Directive 85/337/EEC (urban development projects).
4(c)	Is the plan or programme likely to have significant environmental effects?	No. The Myland and Braiswick Neighbourhood Plan is likely to have positive environmental effects through a variety of policies that promote the achievement of sustainable development. However, the plan is unlikely to have significant environmental effects.
6	Does the plan (a) determine the use of a small area at local level; or (b) is a minor modification to a plan or programme of the description set out in either of those paragraphs?	(a) Yes, the plan determines the use of a small area of land at local level. (b) The plan is a minor modification to the Colchester Local Plan.
5(3)	Has it been determined that the plan requires an assessment pursuant to Article 6 or 7 of the Habitats Directive?	No (see HRA screening opinion).
<p>The local planning authority has concluded that the Myland and Braiswick Neighbourhood Plan is not likely to have significant environmental effects and consequently a Strategic Environmental Assessment (SEA) is not required. The criteria specified in Schedule 1 to the Environmental Assessment of Plans and Programmes Regulations 2004 has been taken into account in reaching this conclusion. Under regulation 9(2)(b) the consultation bodies must be consulted on this conclusion prior to the local planning authority making a formal determination.</p>		

3. Significance of effects on the environment

To decide whether a draft neighbourhood plan might have significant environmental effects, its potential scope should be assessed against the criteria set out in Schedule 1 to the Environmental Assessment of Plans and Programmes Regulations 2004, or Annex II of the SEA Directive 2001/42/EC.

When deciding on whether the proposals are likely to have significant environmental effects, the local planning authority should consult the statutory consultation bodies. Where the local planning authority determines that the plan is unlikely to have significant environmental effects (and, accordingly, does not require an environmental assessment), it should prepare a statement of its reasons for the determination. Where a statement of reasons is provided in respect of a neighbourhood plan a copy of the statement should be provided to the qualifying body in order that the statement can be made available to the independent examiner; for example, by including it in the basic conditions statement.

Where a neighbourhood plan is likely to have a significant effect on the environment a strategic environmental assessment must be carried out.

The following table explores the potential scope of the Myland and Braiswick Neighbourhood Plan against the criteria set out in Schedule 1 to the Environmental Assessment of Plans and Programmes Regulations 2004.

Table 2: Schedule 1 Criteria for Determining the Likely Significance of Effects on the Environment

SEA Requirement	Comments
1. The characteristics of plans and programmes, having regard, 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;	The plan sets the framework for development proposals within the neighbourhood plan area. Neighbourhood Plans must be in conformity with the development plan, for Colchester in this case, and so whilst there will be differences between policies (as without which there is no point in preparing a Neighbourhood Plan) the Neighbourhood Plan will effectively be a minor modification to the development plan. The plan includes policies that are specific to the neighbourhood plan area.
(b) the degree to which the plan or programme influences other plans and programmes including those in a hierarchy;	The plan will form part of the development plan. However strategic policies of the Borough Council's adopted plans take priority, and the site allocations are made in the Local Plan.
(c) the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development;	The plan will promote sustainable development through addressing objectives on the following topics: climate change, natural and historic environment, social amenity and sustainable transport.
(d) environmental problems relevant to the plan or programme; and	There are no environmental problems relevant to this plan. The qualifying body has identified problems, which this plan seeks to address.
(e) the relevance of the plan or programme for the implementation of Community legislation on the environment (for example, plans and	This plan has no relevance to the implementation of Community legislation.

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;	Effects are likely beyond the plan period. There is a high probability of positive effects as once adopted the neighbourhood plan will form part of the development plan and will be used to determine planning applications in Myland and Braiswick.
(b) the cumulative nature of the effects;	The cumulative effect of this plan and the Borough's local plan will result in positive effects.
(c) the transboundary nature of the effects;	There are no transboundary effects; this plan applies to the neighbourhood plan area only.
(d) the risks to human health or the environment (for example, due to accidents);	The plan poses no risk to human health.
(e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);	Only the neighbourhood plan area will be affected by this plan.
(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; or (iii) intensive land-use; and	Myland and Braiswick is not an environmentally vulnerable area. There are no nationally designated nature conservation sites. There are listed buildings within the plan area, but none of these are likely to be affected by the proposals in the plan, which does not allocate sites for development.
(g) the effects on areas or landscapes which have a recognised national, Community or international protection status.	The landscape surrounding the neighbourhood plan area is not recognised at national or international level.

4. Screening Outcome

The Myland and Braiswick Neighbourhood Plan determines the use of a small area at local level and is effectively a minor modification to the Colchester Borough Local Plan. The plan will result in positive, long term effects. However, none of these effects will be significant. Therefore, the LPA has concluded that the Review of the Myland and Braiswick Neighbourhood Plan will not require an assessment of the significant environmental effects of the plan under the SEA Directive and Environmental Assessment Regulations based on the content of the draft Myland and Braiswick Neighbourhood Plan (Review) (Spring 2022).