



Colchester  
City Council

# **Great Tey Neighbourhood Plan**

## **Strategic Environmental Assessment (SEA) Screening Determination**

**September 2023**

# Great Tey Neighbourhood Plan Strategic Environmental Assessment

## 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 City 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 Great Tey Neighbourhood Plan.

**Table 1: Establishing the Need for SEA**

Environmental Regulations Paragraph	SEA Requirement	Comments
2	Is the plan: (a) subject to preparation or adoption by an authority at national, regional or local level; (b) prepared by an authority for adoption, through a legislative procedure by Parliament or Government; and, in either case, (c) required by legislative, regulatory or administrative provisions?	Yes, the plan is subject to preparation and adoption at local level. There are legislative and regulatory provisions in place for Neighbourhood Plans.
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	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).

	assessment of the effects of certain public and private projects on the environment, as amended by Council Directive 97/11/EC(9)?	
4(c)	Is the plan or programme likely to have significant environmental effects?	No significant environmental effects have been identified.
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.
5(3)	Has it been determined that the plan requires an assessment pursuant to Article 6 or 7 of the Habitats Directive?	No, HRA is not required (see HRA screening opinion).
The local planning authority has concluded that the Great Tey 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.		

### 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 Great Tey 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
<b>1. The characteristics of plans and programmes, having regard, in particular, to -</b>	
(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 City Council's adopted plans take priority.
(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 design codes identified within the Great Tey Design Guidelines and Codes report which was commissioned during the production of the Great Tey Neighbourhood Plan. These include, but are not limited to, the following topics: Access and Movement, Wildlife, Biodiversity, Water Management, Trees and Build Form.
(d) environmental problems relevant to the plan or programme; and	There are no environmental problems relevant to this plan. .
(e) the relevance of the plan or programme for the implementation of Community legislation on the environment (for example, plans and programmes linked to waste management or water protection).	This plan has no relevance to the implementation of Community legislation.
<b>2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to -</b>	
(a) the probability, duration, frequency and reversibility of the effects;	As the neighbourhood plan is not allocating any sites for development and is building upon the application of policies in the adopted Local Plan the probability, duration, frequency, and reversibility of the effects to development proposals has already been assessed through the Local Plan.
(b) the cumulative nature of the effects;	The cumulative effect of this plan and the City'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 -	Great Tey is not an environmentally vulnerable area. There are no nationally designated nature conservation sites within the neighbourhood plan boundary.
(i) special natural characteristics or cultural heritage;	Chalkney Wood, an Area of Special Scientific Interest

(ii) exceeded environmental quality standards or limit values;	(SSSI) is located on the northern boundary. There are 56 buildings listed for architectural merit and a conservation area as indicated within the neighbourhood plan, but none of these are likely to be affected by the proposals in the plan.
(iii) intensive land-use; and	
(g) the effects on areas or landscapes which have a recognised national, Community or international protection status.	The landscape surrounding the neighbourhood plan area contains an Area of Special Scientific Interest. This has been recognised within the plan and no significant effect on the area is likely.

#### 4. Consultation

The environmental consultation bodies were consulted on the SEA screening opinion in July 2023. Their consultation responses are set out below.

##### *Historic England*

Thank you for inviting Historic England to comment on this 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 Great Tey Neighbourhood Plan) likely to have a significant effect on the historic environment?". Our comments are based on the information supplied with the Screening Opinion.

The Screening Report indicates that the Council considers that the plan will not have any significant effects on the historic environment. We note that the plan does not propose to allocate any sites for development.

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

## **Natural England**

### **Great Tey Neighbourhood Plan - HRA & SEA Screening Consultation**

Thank you for your consultation on the above dated and received by Natural England on 04 July 2023.

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 (SEA) and Habitats Regulations Assessment (HRA)**

**It is Natural England's advice, on the basis of the material supplied with the consultation, that:**

- **significant effects on statutorily designated nature conservation sites or landscapes are unlikely; and,**
- **significant effects on Habitats sites<sup>1</sup>, either alone or in combination, are unlikely.**

The proposed neighbourhood plan is unlikely to significantly affect any Site of Special Scientific Interest (SSSI), Marine Conservation Zone (MCZ), Special Areas of Conservation (SAC), Special Protection areas (SPA), Ramsar wetland or sites in the process of becoming SACs or SPAs ('candidate SACs', 'possible SACs', 'potential SPAs') or a Ramsar wetland. The plan area is unlikely to have a significant effect on a National Park, Area of Outstanding Natural Beauty or Heritage Coast, and is unlikely to impact upon the purposes for which these areas are designated or defined.

Guidance on the assessment of Neighbourhood Plans, in line with the Environmental Assessment of Plans and Programmes Regulations 2004 is contained within the [Planning Practice Guidance](#). This identifies three triggers that may require the production of an SEA:

- 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.

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<sup>1</sup> Habitats sites are those referred to in the [National Planning Policy Framework](#) (Annex 2 - glossary) as "any site which would be included within the definition at regulation 8 of the Conservation of Habitats and Species Regulations 2017 for the purpose of those regulations, including candidate Special Areas of Conservation, Sites of Community Importance, Special Areas of Conservation, Special Protection Areas and any relevant Marine Sites".

## Additional Comments

### Great Tey Neighbourhood Plan 2022-2033 Pre-Submission (Regulation 14) Version March 2023

Natural England notes that the third Neighbourhood Plan Objective (3.2) aspires to “*minimise the environmental impact of development both in terms of the minimising carbon emissions and enhancing biodiversity*”, and that the detail in Section 6 of the Neighbourhood Plan expands upon how this can be achieved via sustainable development.

We welcome the measures proposed in Policy GTTEY5, which will help to ensure the delivery of “*Wildlife-friendly Development*”.

Natural England acknowledges the Neighbourhood Plan’s support of the Colchester Borough Local Plan, and in particular Policy ENV1’s reference to: a) Designated sites; b) Essex Coast RAMS; c) Biodiversity and geodiversity; and d) Irreplaceable habitats.

Natural England welcomes the Green Infrastructure provisions outlined within the Colchester Borough Local Plan (which are supported by this Neighbourhood Plan). Accessible, high quality green spaces can improve the physical and mental health of the local population, as well as providing material benefits to the local economy. Additionally, we encourage your authority to have an ambitious and proactive approach to the delivery of BNG (beyond the mandatory minimum of +10%), for the benefit of people and nature.

We would like to highlight the opportunities for Great Tey to achieve its environmental objectives via the guidance outlined in policies DM20-DM25, in particular:

- DM20 Promoting Sustainable Transport and Changing Travel Behaviour
- DM21 Sustainable Access to development
- DM23 Flood Risk and Water Management
- DM24 Sustainable Urban Drainage Systems
- DM25 Renewable Energy, Water Waste and Recycling

We agree that Colchester Local Plan Policy DM24 provides sufficient guidance on Sustainable Urban Drainage Systems, which should additionally be integrated with green infrastructure and biodiversity provision wherever possible.

In the context of Colchester’s wider Climate Change Policy, Section 6.3 supports the incorporation of climate mitigation and adaptation measures into new buildings and developments (as outlined in Colchester Local Plan Policy DM25). Natural England encourages your authority to consider how sustainable transport provisions (e.g. pedestrian and cycling infrastructure, EV charging facilities) can be improved through development (see DM20).

Natural England does not hold information on the location of significant populations of protected species, so is unable to advise whether this plan is likely to affect protected species to such an extent as to require an SEA. Further information is included in Natural England’s [standing advice](#) on protected species.

Furthermore, Natural England does not routinely maintain locally specific data on all environmental assets. The plan may have environmental impacts on priority species and/or habitats, local wildlife sites, soils and best and most versatile agricultural land, or on local landscape character that may be sufficient to warrant an SEA. Information on ancient woodland, ancient and veteran trees is set out in Natural England/Forestry Commission [standing advice](#).

We therefore recommend that advice is sought from your ecological, landscape and soils advisers, local record centre, recording society or wildlife body on the local soils, best and most versatile agricultural land, landscape, geodiversity and biodiversity receptors that may be affected by the plan before determining whether a SEA is necessary.



Natural England reserves the right to provide further advice on the environmental assessment of the plan. This includes any third party appeal against any screening decision you may make. If a SEA is required, Natural England must be consulted at the scoping and environmental report stages.

Please send any new consultations, or further information on this consultation to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk)

## ***Environment Agency***

### **REGULATION 14 - GREAT TEY NEIGHBOURHOOD PLAN - SEA AND HRA SCREENING OPINIONS**

#### **GREAT TEY NEIGHBOURHOOD PLAN AREA**

Thank you for consulting us on the above screening opinions the Great Tey Neighbourhood Plan.

#### **Flood Risk**

Based on a review of environmental constraints for which we are a statutory consultee, we find that there are areas of fluvial flood risk and watercourses within the neighbourhood plan area. In particular, we note that the boundary does extend into areas of Flood Zones 2 and 3 of the designated main River 'Roman River'.

On the basis that future development is steered away from the sensitive aspects of the environment highlighted, we do not consider there to be potential significant environmental effects relating to these environmental constraints. Nevertheless, we recommend the inclusion of relevant policies to cover the management of flood risk. Allocation of any sites and any windfall development delivered through the Plan period should follow the sequential approach. National Planning Policy Framework (NPPF) paragraph 161 sets this out.

#### **Informative:**

We encourage you to seek ways in which your neighbourhood plan can improve the local environment. Together with Natural England, Historic England and the Forestry Commission, we have published joint guidance on neighbourhood planning that sets out sources of environmental information and ideas on incorporating the environment into plans. This is available at: [How to consider the environment in Neighbourhood plans - Locality Neighbourhood Planning](#).

We trust this advice is useful.



## **5. Screening Determination**

The Great Tey Neighbourhood Plan determines the use of a small area at local level and is effectively a minor modification to the Colchester 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 Great Tey 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 Great Tey Neighbourhood Plan.