

Myland and Braiswick Neighbourhood Plan Strategic Environmental Assessment (SEA) Screening Determination

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.’*

Colchester Borough Council, as the relevant Local Planning Authority (LPA), has 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 and Braiswick Neighbourhood Plan.

Table 1: Establishing the Need for SEA

Stage	Y/N	Reason
1. Is the PP (plan or programme) 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 to either criterion– go to Question 2	Yes, the plan is subject to preparation and adoption at local level.
	No to both criteria – DOES NOT REQUIRE SEA	
2. Is the PP required by legislative, regulatory or administrative provisions? (Art. 2(a))	Yes – go to Question 3	Yes, There are legislative and regulatory provisions in place for Neighbourhood Plans.
	No – DOES NOT REQUIRE SEA	

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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))	Yes to both criteria – go to Question 5	Yes, the plan is prepared for town and country planning purposes. The plan does not however set the framework for future development consent of those projects in Annexes I and II of the EIA Directive.
	No to either criterion – go to Question 4	
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))	Yes – go to Question 5	No, the content of the plan will not lead to any likely effect on sites that would require an assessment for future development under article 6 or 7 of the Habitats Directive (Art. 3.2 (b)).
	No – go to question 6	
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)	Yes to either criterion – go to Question 8	N/A
	No to both criteria – go to Question 7	
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 – go to Question 8	No, although the plan includes policies that are specific to the plan area, they do not actively set the framework for future development consent of projects nor do they deviate from relevant overarching Colchester Borough Council (development plan) policies which have been subject to independent Sustainability Appraisal incorporating SEA.
	No – DOES NOT REQUIRE SEA	
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	Yes to any criterion – DOES NOT REQUIRE SEA	N/A

structural funds or EAGGF programmes 2000 to 2006/7? (Art 3.8, 3.9)	No to all criteria – REQUIRES SEA	
8. Is it likely to have a significant effect on the environment? (Art. 3.5)	Yes – REQUIRES SEA	N/A
	No – DOES NOT REQUIRE SEA	

Screening Outcome

The local planning authority has concluded that the Myland and Braiswick Neighbourhood Plan, will not require an SEA to be undertaken based on the content of the draft plan received for a screening opinion in January 2015. Although the plan is subject to preparation and adoption at local level and has been prepared for town and country planning purposes, it does not set the framework for future development consent of those projects in Annexes I and II of the EIA Directive or would lead to any likely effect on sites that would require an assessment for future development under the Habitats Directive. In addition, the local planning authority do not believe the plan includes any policies that actively set the framework for future development consent of projects, nor do any policies in the plan deviate from relevant overarching Colchester Borough Council (development plan) policies which have been subject to independent SEA.