



Strategic Environmental Assessment
Screening Opinion
Draft Lowestoft Neighbourhood
Plan

(Rescreening of amended plan)

April 2024

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1. Introduction

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 so require 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.

This screening report is designed to test whether or not the contents of the Lowestoft Neighbourhood Plan require a full Strategic Environmental Assessment (SEA). This screening report reviews an updated version of the Lowestoft Neighbourhood Plan (Lowestoft Neighbourhood Development Plan Regulation 14 Consultation Draft October 2023). The first screening was undertaken in October 2022 and published in February 2023 to accompany the first Regulation 14 consultation. This second screening was considered necessary due to amendments following the first Regulation 14 consultation. The statutory consultation bodies were consulted on the previous screening report and their responses (where received) are included in Appendix 1 for reference. Following the first Regulation 14 consultation the Plan has been amended, including the introduction of three new policies (LOW4, LOW11 and LOW14) alongside other amendments. The extent of these changes is considered to warrant and rescreening of the whole Neighbourhood Plan. This updated screening report was subject to a five week consultation with the three statutory consultation bodies and their responses are also included in Appendix 1.

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 Plan and the need for a full SEA.

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 (as amended, including through EU Exit legislation).

The SEA Regulations include a definition of 'plans and programmes' to which the regulations apply, and which programmes are required by legislative, regulatory or administrative provisions.

A Neighbourhood Plan is not required by legislative, regulatory or administrative provisions. It is an optional process under the provision of the Town and Country Planning Act 1990 (subsequently amended by the Localism Act 2011). However, once a Neighbourhood Plan is 'made' it becomes part of the statutory development plan for the area to which it applies. As such, it therefore forms part of a plan that is required by legislative provisions.

3. Criteria for determining the likely significance of effects referred to in Article 3(5) of Directive 2001/42/EC

The preparation of a Neighbourhood Plan 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 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.

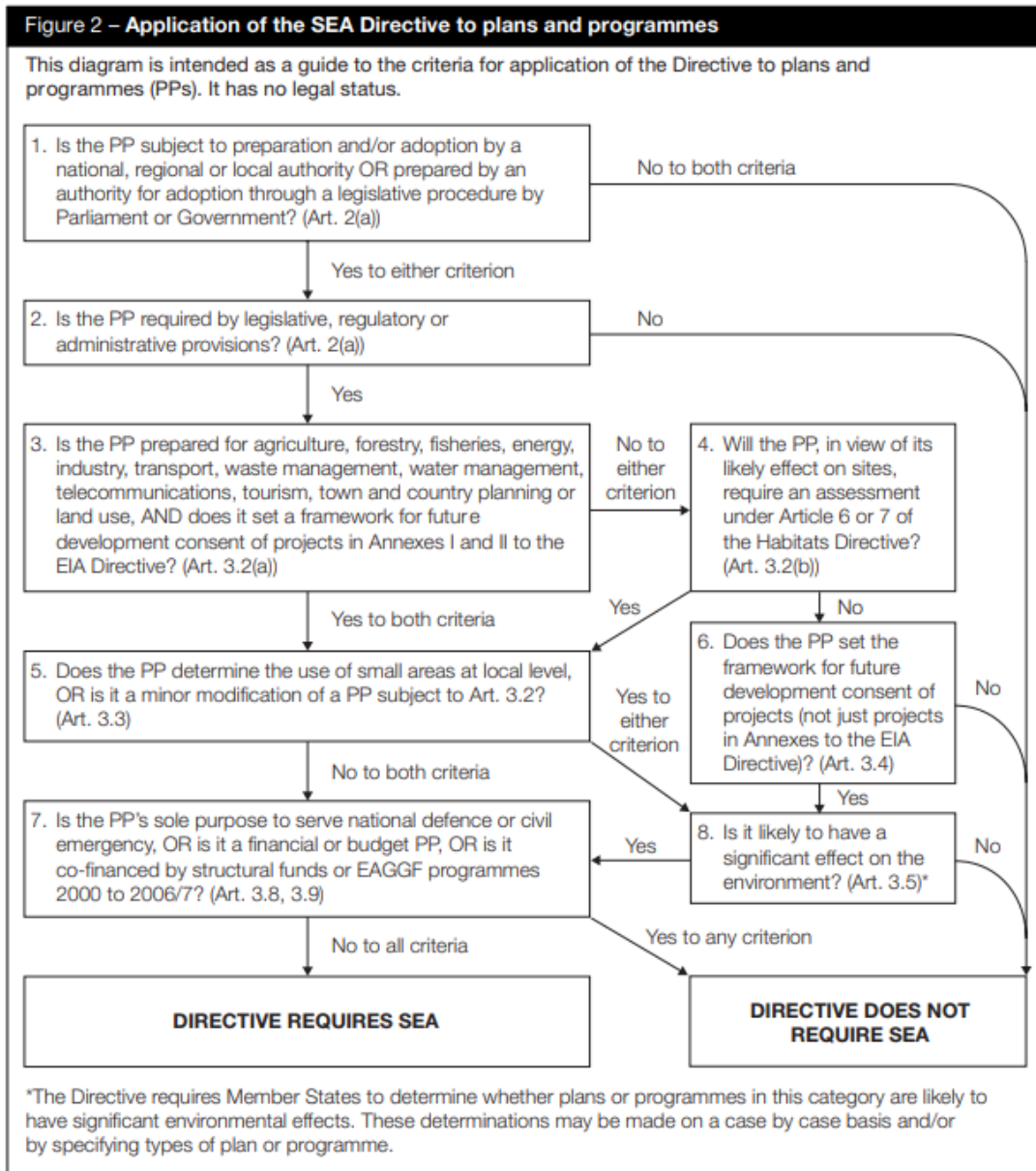
Schedule 1 of the SEA Regulations sets out the criteria for determining likely significant effects as follows:

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 Lowestoft Neighbourhood Plan is allowed under the Town and Country Planning Act 1990- as amended by the Localism Act 2011. The Neighbourhood Plan is being prepared by Lowestoft Town Council as the relevant body and, subject to successful completion of the relevant processes as set out in the Neighbourhood Planning (General) Regulations 2012 (as amended) and the Neighbourhood Planning (Referendums) Regulations 2012 (as amended), will be made by East Suffolk Council as the local planning authority.

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

No. A Neighbourhood Development Plan is not required by legislative, regulatory or administrative provisions. It is an optional process under the Town and Country Planning Act 1990 (amended by the Localism Act 2011). However, once a Neighbourhood Plan is made it becomes part of the statutory development plan for the area to which it applies. As such it forms part of a plan that is required by legislative provisions.

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. The Neighbourhood Plan falls within the category of town and country planning and relates to the local (parish) level. The designated neighbourhood plan area is identical to the Lowestoft Parish administrative boundary. The current draft Neighbourhood Plan contains 20 numbered policies, none of which allocate land for built development.

The policies cover a number of topics, including :

- LOW1 East Point Pavilion
- LOW2 Kirkley Waterfront Site
- LOW3 Lowestoft Town Centre and Historic High Street
- LOW4 Kirkley District Shopping Centre
- LOW5 Historic Town Hall Regeneration
- LOW6 Residential Development
- LOW7 Former Lowestoft Hospital Site

- LOW8 Residential Mix and Standards
- LOW9 Design and Character
- LOW10 Green Infrastructure, Urban Green Spaces and Biodiversity
- LOW11 Infrastructure
- LOW12 Port Development
- LOW13 North Lowestoft Conservation Area
- LOW14 South Lowestoft and Kirkley Conservation Area
- LOW15 Local Heritage
- LOW16 Strategic Green Landscape
- LOW17 Local Green Spaces
- LOW18 Recreational and Sports Spaces
- LOW19 Balanced Transport Provision
- LOW20 Local Energy Schemes

The draft Neighbourhood Plan policies have their basis in strategic policies set out in the East Suffolk - Waveney Local Plan (the Local Plan) which was adopted in March 2019.

The Local Plan identifies Lowestoft, as a location for growth and allocates 56% of growth here. Sites are allocated for housing; existing employment; and open space. The draft Neighbourhood Plan's map shows the neighbourhood plan area contains Ancient Woodland; County Wildlife Site; National Nature Reserve; Ramsar site; Site of Special Scientific Interest; Special Area of Conservation; and Special Protection Area.

The Neighbourhood Plan makes no change to strategic policies and is not considered to impact on other strategic designations. The Local Plan has been subject to both sustainability appraisal (including strategic environmental assessment) and Appropriate Assessment under the Habitat Regulations.

The Local Plan including supporting documents and policy maps can be viewed here: <http://www.eastsuffolk.gov.uk/planning/local-plans/waveney-local-plan/>.

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))

No. The draft Neighbourhood Plan does not allocate any land for built development. The East Suffolk -Waveney Local Plan (March 2019) has been subject to an Appropriate Assessment under the Habitats Regulations. A separate Habitats

Regulations Assessment Screening Statement for the Lowestoft Neighbourhood Plan has been produced and this concludes that an Appropriate Assessment will not be 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)

Yes. The draft neighbourhood plan relates solely to the Lowestoft parish administrative area. The policies within the neighbourhood plan do not relate to the allocation of land for built development. The Waveney Local Plan sets out settlement boundaries around the Lowestoft Area within which residential, employment and town centre development is directed. Specific designations are included within the neighbourhood plan for Local Green Spaces and Recreational and Sports spaces. Other policies set out an approach to development in and around a number of specific areas and significant buildings within the Neighbourhood Plan area. The plan also includes policies relating to residential mix and standards, design and character, green infrastructure, infrastructure, heritage, transport and local energy provision.

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. The draft Neighbourhood Plan does not, on its own, set the framework for future development consent of projects. However, by virtue of its inclusion as part of the Development Plan, upon the making of the Neighbourhood Plan, the Neighbourhood Plan contributes to the framework for future development consent of projects. Thus, the Neighbourhood Plan does contribute to the setting of the framework. The draft Neighbourhood Plan is prepared in the context of the Waveney Local Plan which has been subject to Sustainability Appraisal (incorporating the requirement for SEA) and Habitats Regulations Assessment.

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 plan does not allocate land for built development and is not considered to result in significant effects on the environment.

5. Conclusion

The amended draft Lowestoft Neighbourhood Development Plan dated October 2023 does not allocate land for built development and applies to a localised area. The policies reflect and implement strategic policies in the Local Plan to such a degree as to not result in any significant environmental effects. The Local Plan has been subject to Sustainability Appraisal including Strategic Environmental Assessment and Appropriate Assessment under the Habitats Regulations Assessment.

The views of the three statutory consultation bodies have been sought, and their responses included in Appendix 1.

It is considered by East Suffolk Council, subject to consultation with statutory consultees, that it is not necessary for a Strategic Environmental Assessment to be undertaken of the amended draft Lowestoft Neighbourhood Plan to ensure compliance with EU obligations.

Signed:

Dated: 19 April 2024



Andrea McMillan
Interim Joint Head of Planning
East Suffolk Council

Appendix 1: Responses from Statutory Consultees

Responses received to latest screening report (2024)

Date: 19 March 2024
Our ref: 466929
Your ref: Lowestoft Neighbourhood Plan



Ms Laura Mundy
East Suffolk Council

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

BY EMAIL ONLY

T 0300 060 3900

Dear Ms Mundy

Lowestoft Neighbourhood Plan - HRA & SEA Screening Consultation

Thank you for your consultation on the above dated and received by Natural England on 14 February 2024.

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 sites¹, 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.

¹ 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".

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

Yours sincerely

Sally Wintle
Consultations Team



Laura Mundy
LOWESTOFT TOWN COUNCIL
Hamilton House Business Centre (Part
First Floor) Battery Green Road
Lowestoft
NR32 1DE

Our ref: AE/2023/128959/02-L01
Your ref: Reg 14 Consultation
Date: 05 March 2024

Dear Laura

**CONSULTATION UNDER REGULATION 14 OF THE NEIGHBOURHOOD
PLANNING (GENERAL) REGULATIONS 2012 (AS AMENDED) DRAFT
STRATEGIC ENVIRONMENTAL ASSESSMENT SCREENING OPINION DRAFT
LOWESTOFT NEIGHBOURHOOD PLAN (RESCREENING OF AMENDED PLAN)**

LOWERSTOFT PARISH

Thank you for re-consulting us on the pre-submission plan for the Lowestoft Neighbourhood Plan. We have provided updated flood risk comments below. These should be read in conjunction with our previous letter AE/2023/128959/01 dated 11 December 2023.

Flood Risk

We have reviewed the draft Strategic Environmental Assessment (SEA) Screening Opinion dated February 2024. Please see our comments below:

- We have previously provided comments on the draft Lowestoft Neighbourhood Development Plan dated October 2023 in our response letter referenced AE/2023/128959/01-L01 and dated 11/12/2023. In this letter we highlighted that the draft plan "does not include the chapter on 'Flooding' and so currently has no policies on flood risk". We also highlighted that "Lowestoft is at tidal flood risk from the North Sea and at fluvial flood risk from Kirkley Stream" and that you should "ensure that the plan assesses all sources of flood risk". Please refer to our previous letter for our full comments on the draft Lowestoft Neighbourhood Development Plan dated October 2023.
- We currently have no comments on the draft Strategic Environmental Assessment Screening Opinion dated February 2024, as this screening opinion is based on the draft Lowestoft Neighbourhood Development Plan dated October 2023, which has no flood risk policies for the SEA to assess.
- Assuming that the draft plan is updated to include flood risk policies, we

expect that this SEA Screening Opinion would need to be reassessed, at which point the Environment Agency may have some flood risk comments regarding the SEA.

We trust this advice is useful.

Yours sincerely



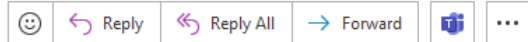
Mr Andrew Thornton
Planning Advisor

Direct dial: [REDACTED]
Mobile: [REDACTED]
Direct e-mail: [REDACTED]
Team e-mail: [REDACTED]

Lowestoft Neighbourhood Plan SEA screening



McGivern, Ross
To Laura Mundy



Fri 15/03/2024 12:41

Dear Laura,

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 Lowestoft 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.

Please do contact me, either via email or the number below, if you have any queries.

Kind regards,
Ross
Ross McGivern (he/him)
Historic Places Adviser

Responses received to previous screening report (2022)

Date: 19 October 2022
Our ref: 409378
Your ref: Lowestoft Neighbourhood Plan



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

T 0300 060 3900

Ms. Seabrook

BY EMAIL ONLY

Dear Ms Seabrook

Lowestoft Neighbourhood Plan – SEA and HRA screening report consultation

Thank you for your consultation on the above dated 10 October 2022 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.

Where Neighbourhood Plans could have significant environmental effects, they may require a Strategic Environmental Assessment (SEA) under the Environment Assessment of Plans and Programmes Regulations 2004 (as amended). Further guidance on deciding whether the proposals are likely to have significant environmental effects and the requirements for consulting Natural England on SEA are set out in the [planning practice guidance](#).

Planning practice guidance also outlines that if an appropriate assessment is required for your neighbourhood plan this will also engage the need for a SEA. One of the basic conditions that will be tested by the independent examiner is whether the neighbourhood plan is compatible with European obligations, including those under the SEA Directive. Where a SEA is required it should be prepared in accordance with [regulation 12](#) of the SEA Regulations.

Where a neighbourhood plan could potentially affect a [‘habitats site’](#), it will be necessary to screen the plan in relation to the Conservation of Habitats and Species Regulations (2017), as amended (the ‘Habitats Regulations’). Where likely significant effects are identified, it will be necessary to undertake an appropriate assessment of the neighbourhood plan and, if needed, identify and secure appropriate mitigation measures to ensure the plan does not result in an adverse effect on the integrity of the habitats site.

Natural England welcomes the Screening Reports which assess the requirement for SEA and Habitats Regulations Assessment (HRA) for the Lowestoft Neighbourhood Plan.

I can confirm that Natural England agrees with the conclusions of the reports that it is not likely there will be significant environmental effects arising from the policies in the plan, which have not already been accounted for within the adopted local plan. Therefore, the Lowestoft Neighbourhood Plan does not require a SEA to be undertaken. Natural England also agrees that the Plan would be unlikely to result in any significant effect to European Sites, either alone or in combination, and therefore an appropriate assessment under the Habitats Regulations is not required.

Aside from this, Natural England have no specific comments at this stage. We would be happy to

comment further should the need arise. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours sincerely

Joe Thompsett
Norfolk & Suffolk Team

From: James, Edward [REDACTED]
Sent: 14 November 2022 16:01
To: Melanie Seabrook
Subject: RE: Lowestoft Neighbourhood Plan SEA Screening October 2022

Dear Mel,

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 Lowestoft Neighbourhood Plan – October 2022 draft) 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.

Please do contact me, either via email or the number below, if you have any queries.

Kind regards,

Ed

Edward James
Historic Places Adviser - East of England