

# Strategic Environmental Assessment Screening Opinion

## Coastal Adaptation Supplementary Planning Document

October 2022



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## 1. Introduction

In some circumstances a Supplementary Planning Document (SPD) 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.

This screening report is designed to test whether or not the contents of the Coastal Adaptation Supplementary Planning Document requires a full Strategic Environmental Assessment (SEA). 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 SPD and the need for a full SEA.

The Coastal Adaptation Supplementary Planning Document (SPD) is being prepared by a partnership of East Suffolk Council, Great Yarmouth Borough Council, North Norfolk District Council, The Broads Authority, and the shared Coastal Partnership East team. The purpose of the SPD is to provide guidance on aligned policy approaches along the coast. The SPD follows on from the Statement of Common Ground on Coastal Zone Planning agreed between the partnership authorities in September 2018. The SPD will ensure planning guidance is up to date, aid the interpretation and delivery of planning policy, and provide case study examples of coastal adaptation best practice.

## 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. SEA requirements relate to plans or programmes which are subject to preparation or adoption by an authority at national, regional or local level, which includes those prepared for town and country planning and

land use. SEA is required where the plan or programme is likely to have significant environmental effects. It is therefore necessary to screen the SPD to identify whether significant environmental effects are likely. Where screening identifies significant environmental effects, a full Strategic Environmental Assessment is required.

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

The preparation of the SPD 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<sup>1</sup>. 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.

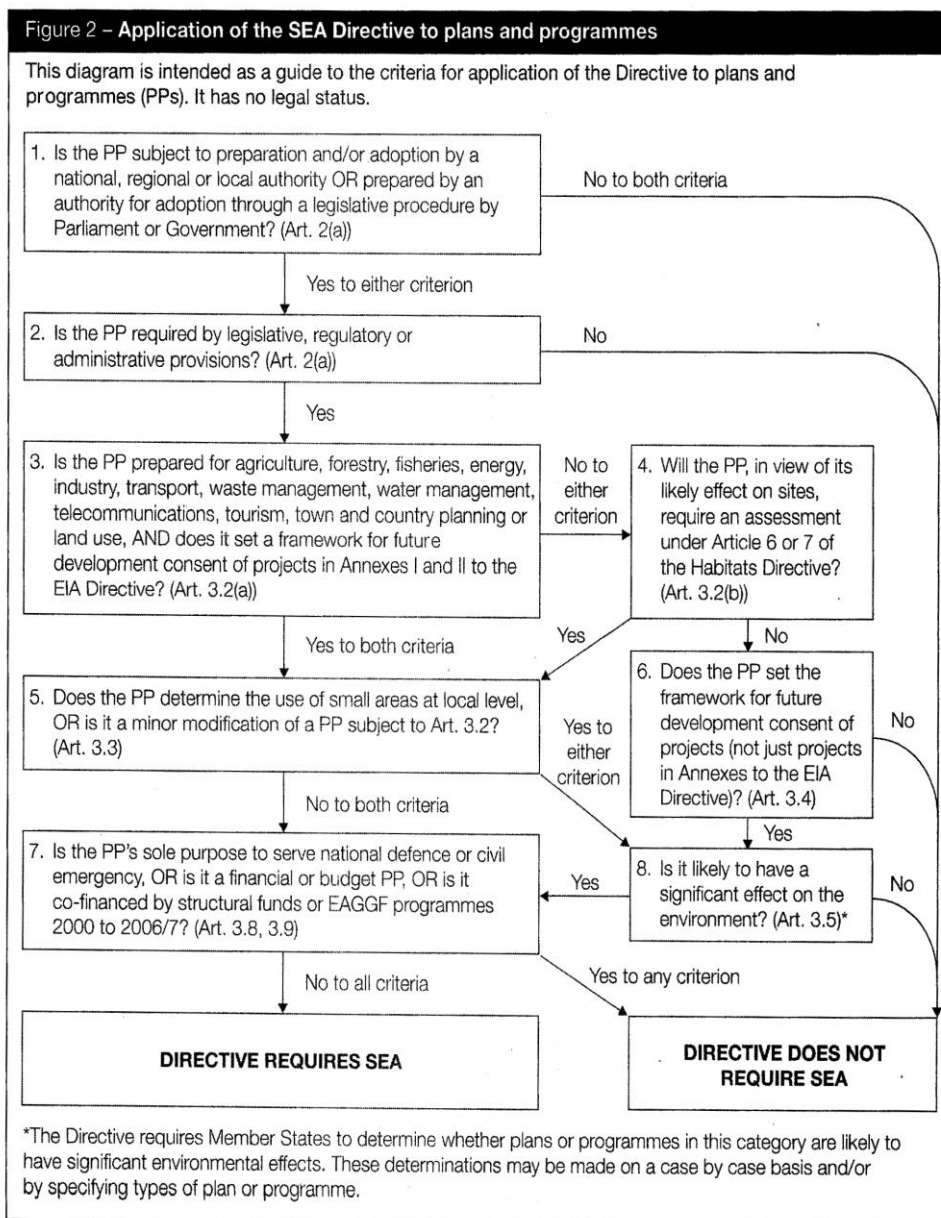
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<sup>1</sup> The responsible authorities in this case are: East Suffolk Council, Great Yarmouth Borough Council, North Norfolk District Council, and The Broads Authority.

- 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 SPD 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 SPD is being carried out by a partnership of East Suffolk Council, Great Yarmouth Borough Council, North Norfolk District Council, The Broads Authority, and the shared Coastal Partnership East team. The SPD is being produced in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).

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

Yes. Although producing the SPD is optional, the production of the SPD forms part of the delivery of the statutory Development Plan and the process for preparing SPDs is set out in the Town and Country Planning (Local Development) (England) Regulations 2012 and relates to the administration of the Council's planning service.

**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))**

The SPD is prepared in support of the delivery town and country planning and land use policies.

The SPD will not set a framework for the future consent of projects listed in Annexes I and II of the EIA Directive.

**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))**

A separate screening exercise has been carried out under the Habitats Directive (92/43/EEC) and Conservation of Habitats and Species Regulations (2017) (as amended). This has determined that a full Appropriate Assessment is not 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)**

Not applicable (based on the responses to questions 3 and 4 above).

**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 SPD will be a material consideration in the determination of planning applications and will be applied alongside the policy framework provided by the Local Plans.

**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 Coastal Adaptation Supplementary Planning Document (SPD) is being prepared by a partnership of East Suffolk Council, Great Yarmouth Borough Council, North Norfolk District Council, The Broads Authority, and the shared Coastal Partnership East team. The purpose of the SPD is to provide guidance on aligned policy approaches along the coast. The SPD follows on from the Statement of Common Ground on Coastal Zone Planning agreed between the partnership authorities in September 2018. The SPD will ensure planning guidance is up to date, aid the interpretation and delivery of planning policy, and provide case study examples of coastal adaptation best practice. It is unlikely that the SPD will have a significant impact upon the environment. All policies within the relevant Local Plans have been subject to a full Sustainability Appraisal, incorporating the requirements for Strategic Environmental Assessment.

## 5. Conclusion

The Coastal Adaptation Supplementary Planning Document seeks to reflect and implement policies in Local Plans across the SPD partnership area (East Suffolk Council, Great Yarmouth Borough Council, North Norfolk District Council, The Broads Authority) which have both been subject to Sustainability Appraisal including Strategic Environmental Assessment.

It is considered by the SPD partners (East Suffolk Council, Great Yarmouth Borough Council, North Norfolk District Council, The Broads Authority, and the shared Coastal Partnership East team) that it is not necessary for a Strategic Environmental



Assessment to be undertaken of the SPD to ensure compliance with SEA legislation. This view has been supported by the statutory consultation bodies (see Appendix 1 for responses).

Signed:

Dated: 26 October 2022



Iain Withington  
Planning Policy Team Leader  
North Norfolk District Council

Signed:

Dated: 21 October 2022



Andrea McMillan  
Planning Manager - Policy, Delivery and Specialist Services  
East Suffolk Council

Signed:

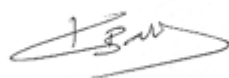
Dated: 31 October 2022



Marie-Pierre Tighe  
Director of Strategic Services  
The Broads Authority

Signed:

Dated: 31 October 2022



Kim Balls  
Principal Strategic Planner  
Great Yarmouth Borough Council

## Appendix 1: Responses from Statutory Consultees

### Environment Agency Response

**From:** Ipswich, Planning <[REDACTED]>  
**Sent on:** Friday, September 9, 2022 1:24:08 PM  
**To:** Laura Mundy <[REDACTED]>  
**Subject:** FW: SEA Screening Coastal Adaptation Supplementary Planning Document

Good afternoon,

Thank you for the below consultation. As the SPD does not look to create new policy we do not disagree with the conclusion reached that further SEA reports are not required.

Kind regards,

Natalie Kermath

## Historic England Response

From: Marsh, Andrew [REDACTED]  
Sent on: Thursday, September 29, 2022 9:04:54 AM  
To: Laura Mundy [REDACTED]  
CC: EastPlanningPolicy [REDACTED] Marsh,  
Andrew [REDACTED]  
Subject: RE: SEA Screening Coastal Adaptation Supplementary Planning Document

Dear Laura,

RE: SEA Screening Coastal Adaptation Supplementary Planning Document

Thank you for consulting Historic England on the draft SEA screening determination for the Coastal Adaptation Supplementary Planning Document (SPD). Having reviewed both the SPD and the draft Screening Statement I can confirm that we support the conclusion that an SEA is not required for the SPD. I would be grateful if you could confirm receipt of this email.

Best wishes,

Andrew Marsh BSc MA MRTPI  
Historic Environment Planning Adviser  
Development Advice | East of England  
Historic England  
Mobile: [REDACTED]

Direct line: [REDACTED]

Historic England

Brooklands | 24 Brooklands Avenue | Cambridge | CB2 8BU

[www.historicengland.org.uk](http://www.historicengland.org.uk)

## Natural England Response

Date: 14 October 2022  
Our ref: 405837



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

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**BY EMAIL ONLY**

Dear Laura Mundy

### **Natural England's response to the consultation on the draft strategic environmental assessment for the coastal adaptation supplementary planning document**

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.

Thank you for the opportunity to comment on the draft strategic environmental assessment and Habitat Regulations Assessment that relate to the coastal adaptation supplementary planning document.

#### **Summary of response:**

- Natural England looked for consistency of language between coastal adaptation supplementary planning document (SPD), the Shoreline Management Plan (SMP) and the Local Plans so that policies can be interpreted clearly and implemented correctly by planners and relevant stakeholders
- We recognise that there is generally a consistency of language between the SPD and the relevant planning policies they relate to (i.e. Local and Neighbourhood Plans)
- The SPD does a good job of explaining the hierarchy of embedded policy details clearly (e.g. Coastal Management Areas are identified in Local Plans which are derived from SMPs)
- We concur with the conclusions of the documents presented to us that the coastal adaptation SPD does not require an EIA
- We also concur with the conclusions of the Habitat Regulations Assessment (HRA) on the coastal adaptation SPD that it will not lead to likely significant effects on protected European sites

Natural England is pleased with the approach and cooperation between the planning authorities across the Norfolk and Suffolk coastline to establish this joined up strategic approach and welcome the delivery of this work, which seeks to establish a consistent interpretation of policies related to coastal change and adaptation along the Norfolk and Suffolk coastline.

We understand that the aim of the SPD is to provide guidance on the correct interpretation of planning policy and aid the implementation of relevant policies and it cannot create new or amend existing planning policies nor can it prescribe that particular areas of land be developed for particular uses. On this basis Natural England does not wish to offer substantive comments on the SPD as this is the role of Development Plans of each Local Authority. However, please see below some very brief comments on the SPD.

## Comments

**Section 4.29 SPD:** *“Open Land Uses Open land uses are likely to be appropriate within the CCMA and indeed may be encouraged as part of the implementation of ‘roll-back’ proposals and could include Biodiversity Net Gain”.* What leavers and/or mechanisms will be used to encourage the implementation of roll-back in this context? A reference to local plan policies would be useful here if available.

**Section 4.45 (Table 2):** It would be easier to interpret the table if the explanations of Level A and B CEVA” (section 4.47) came before the table.

**Section 5.7 and 5.8 SPD:** In the “Identifying alternative sites or land” and “Identifying appropriate site sizes” sections of the SPD, there is no reference to European Designated sites in the guidance around identification of alternative and appropriate sites. Natural England would like to point out that any alternative sites should seek to avoid likely significant effects if on or near European Designated sites and not undermine the sites conservation objectives.

**General comments - Coastal SPD HRA:** Document refers to both Supplementary Planning document and SPD interchangeably. Once the SPD acronym has been introduced, it is more concise to use the abbreviated SPD.

### **Draft Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment screening opinions**

Natural England are satisfied with the conclusions of the SEA and HRA Screening Documents; it is not necessary for a SEA to be undertaken in relation to the SPD and we agree with the conclusion of the HRA Screening Statement. Implementation of the SPD will not lead to likely significant effects on protected European sites and therefore no further assessment is necessary

Should the proposal change, please consult us again.

If you have any queries relating to the advice in this letter please contact me [REDACTED]

Yours sincerely

Daniel Turner  
Norfolk and Suffolk Team