Dear Mrs McInnes,

Re: Determination under Regulation 9(1) of the Environmental Assessment of Plans and Programmes Regulations 2004

I am writing with regards to the Draft Herstmonceux Neighbourhood Development Plan (NDP) and the recent Strategic Environmental Assessment (SEA) Screening Opinion which was undertaken by Wealden District Council. Wealden District Council prepared an SEA Screening Opinion for the Draft Herstmonceux NDP and consulted on this with the statutory bodies; the Environment Agency, Natural England and Historic England.

The preparation of, and consultation on, the Screening Opinion was undertaken to meet the requirements of the Environmental Assessment of Plans and Programmes Regulations 2004, specifically Regulation 4(1); Regulation 9(2) and Regulation 11(1) and 11(2).

Natural England, Historic England and the Environment Agency have considered the Screening Opinion and have responded that, based on the information provided, the Draft Herstmonceux NDP does not require assessment under the Habitats Directive to be undertaken nor does it require an SEA.

In accordance with the Screening Opinion and the resulting consultation responses it is the conclusion of Wealden District Council, under Regulation 9(1) of the Environmental Assessment of Plans and Programmes Regulations 2004 that it is unlikely for significant environmental effects to arise as a result of the scope and policies of the Draft Herstmonceux NDP. As such, the Draft Herstmonceux NDP does not require an SEA to be undertaken.

However, it is important to remember that this determination is a ‘snapshot in time’ and that if the scope and/or policies contained in the outline of the Draft NDP should change, then a new screening process will need to be undertaken to determine whether an SEA will
Furthermore, Wealden District Council advises that it would be beneficial for the Parish Council to prepare a Sustainability Appraisal (SA) in order to comply with the Government’s requirement that the NDP demonstrate how it contributes to the achievement of sustainable development in their area. This appraisal should take a ‘light-touch’ proportionate approach to the Draft NDP.

As part of the SA of the Herstmonceux NDP, all reasonable alternatives should be assessed and detailed within the final Environmental Report. The SA only needs to be commensurate to the scope of the Plan.

Whilst this determination concludes that SEA is not required, the Herstmonceux Neighbourhood Development Plan Steering Group will need to prepare a statement detailing the reasons for this conclusion to accompany the NDP at submission. This is to be in line with Regulation 9(3) of the Environmental Assessment of Plans and Programmes Regulations 2004.

Yours sincerely,

Mr Nigel Hannam
Director of Planning Policy
and Economic Development