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Draft Sustainable Urban Neighbourhood and Kirkley Waterfront Development Brief
SPD Strategic Environmental Assessment Screening Report

1. Introduction
This screening report is designed to test whether or not the Sustainable Urban Neighbourhood and Kirkley Waterfront Development Brief Supplementary Planning Document requires a Strategic Environmental Assessment (SEA) and Sustainability Appraisal (SA). This Development Brief provides guidance about the development of the Sustainable Urban Neighbourhood and Kirkley Waterfront site. 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.

2. Legislative Background
The basis for Strategic Environmental Assessments (SEA) and Sustainability Appraisal (SA) 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, or SEA Regulations. Detailed Guidance of these regulations can be found in the Government publication ‘A Practical Guide to the Strategic Environmental Assessment Directive’ of September 2005. It is considered best practice to incorporate the requirements of the SEA Directive into an SA.

The Planning and Compulsory Purchase Act 2004 required Local Authorities to produce SAs for all local development documents (see section 39(2)). The Planning Act 2008 removed the requirement to undertake a SA for a Supplementary Planning Document (Part 9, Chapter 2, paragraph 180 of the 2008 Planning Act amended section 19, subsection 5 of the 2004 Planning and Compulsory Purchase Act). However, a Strategic Environmental Assessment may still be needed.

Therefore this report focuses on screening for SEA and the criteria for establishing whether a full assessment is needed.

3. Criteria for assessing the effects of Supplementary Planning Documents
Criteria for determining the likely significance of effects referred to in Article 3(5) of Directive 2001/42/EC are set out below:

• 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 degree to which the plan or programme influences other plans and programmes including those in a hierarchy.

• The relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development.

• Environmental problems relevant to the plan or programme.

• 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).
Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:

- The probability, duration, frequency and reversibility of the effects.
- The cumulative nature of the effects.
- The trans boundary nature of the effects.
- The risks to human health or the environment (e.g. due to accidents).
- The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected), the value and vulnerability of the area likely to be affected due to:
  - special natural characteristics or cultural heritage,
  - exceeded environmental quality standards or limit values,
  - intensive land-use,
  - the effects on areas or landscapes which have a recognised national, Community or international protection status.


4. Assessment
The following diagram illustrates the process for screening a planning document to ascertain whether a full SEA is required.
Assessment of whether the SPD will require a full Strategic Environmental Assessment.

The questions below are drawn from the diagram on the previous page which sets out how the SEA Directive should be applied.

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 – the Development Brief is prepared and adopted by a local authority.
2. Is the PP required by legislative, regulatory or administrative provisions? (Art. 2(a))

Yes

(Yes, go to question 3; No – Directive does not require SEA.)

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))

This Development Brief is prepared for town and country planning and land uses and sets a framework for the future consents of projects in Annexes I and II of the EIA Directive.

(Yes to both criteria, go to question 5; 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))

N/A

(Yes, go to question 5; 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 both. The Development Brief applies to an approximately 60 hectare, however, the use of this site was determined by the Lake Lothing and Outer Harbour Area Action Plan which was subject to a full SEA. The Development Brief provides further detail on land use and guides the use of land at a much smaller scale within the site area.

(No to both criteria, go to question 7; Yes to either criterion, go to question 8.)

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)

N/A

(Yes, go to question 8; No – Directive 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 structural funds or EAGGF programmes 2000 to 2006/7?** (Art 3.8, 3.9)

N/A

(No to all criteria – Directive requires SEA; Yes to any criterion – Directive does not require SEA.)

8. **Is it likely to have a significant effect on the environment?** (Art. 3.5)

No. The Sustainable Urban Neighbourhood and Kirkley Waterfront Development Brief SPD only elaborates on guidance contained within the Lake Lothing and Outer Harbour Area Action Plan which was subject to a full SEA. The SPD does not introduce new policy. The Sustainability Appraisal Report for the Lake Lothing and Outer Harbour Area Action Plan did not identify any significant effects on the environment of the allocation of the Sustainable Urban Neighbourhood and Kirkley Waterfront site. Therefore it is unlikely that the Sustainable Urban Neighbourhood and Kirkley Waterfront Development Brief SPD will have any significant effects on the environment. In coming to this view due regard has been had to Annex II of the SEA Directive (Directive 2001/42/EC). The considerations of Annex II(2) were fully examined as part of the Sustainability Appraisal Report for the Lake Lothing and Outer Harbour Area Action Plan.

(Yes, go to question 7; No – Directive does not require SEA.)

**Conclusion**

The Sustainable Urban Neighbourhood and Kirkley Waterfront Development Brief SPD does not require a full SEA to be undertaken.