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Strategic Environmental Assessment Screening Opinion
April 2012

1. Introduction

This screening report is designed to test whether or not the contents of the Development and Coastal Change Draft Supplementary Planning Document (SPD) Requires a Strategic Environmental Assessment (SEA) and Sustainability Appraisal (SA). The Development and Coastal Change Draft SPD provides guidance for land and property owners likely to be affected by coastal erosion. 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 and Sustainability Appraisal 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.

The Planning and Compulsory Purchase Act 2004 required Local Authorities to produce SAs for all local development documents (see section 39(2)). It is considered best practice to incorporate the requirements of the SEA Directive into an SA. However, the 2008 Planning Act removed the requirement to undertake a Sustainability Appraisal for a Supplementary Planning Document, but not a Strategic Environmental Assessment. (Part 9, Chapter 2, paragraph 180 of the 2008 Planning Act amended section 19, subsection 5 of the 2004 Planning and Compulsory Purchase Act).

Therefore this report focuses on screening for SEA and the criteria for establishing whether a full assessment is needed.
3. **Criteria for determining the likely significance of effects referred to in Article 3(5) of Directive 2001/42/EC**

- 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 diagram below illustrates the process for screening a planning document to ascertain whether a full SEA is required.

![Diagram of SEA Screening Process]


The following assessment applies the questions from the diagram above. 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 PP is prepared by a Local Authority.

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

Yes

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))

No – The PP is prepared for town and country planning, but it does NOT set a framework for future development consent of projects 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))

No

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)

No

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)

No

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

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

No

Conclusion

A Strategic Environmental Assessment is not required. The Draft Supplementary Planning Document provides greater clarity for the implementation of Policies DM06, DM07 and DM22 of the Development Management Policies DPD. It does not introduce new policies or proposals or modify adopted planning documents which have already been subject to sustainability appraisal. It is considered that the Development and Coastal Change Draft Supplementary Planning Document will not
give rise to any significant effects which have not been formally assessed in the context of a higher level planning document.