

Draft Strategic Environmental Assessment Screening Opinion

Draft North Lowestoft Heritage
Action Zone Design Guide
Supplementary Planning Document

Draft - December 2019



Contents

1. Introduction.....	1
2. Legislative Background.....	1
3. Criteria for determining the likely significance of effects referred to in Article 3(5) of Directive 2001/42/EC	1
4. Assessment.....	3
5. Conclusion	6
Appendix 1: Responses from Statutory Consultees	7

1. Introduction

- 1.1 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.
- 1.2 This screening report is designed to test whether or not the contents of the North Lowestoft Heritage Action Zone Design Guide SPD 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.

2. Legislative Background

- 2.1 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, or SEA Regulations.
- 2.2 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

- 3.1 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. 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.

3.2 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.

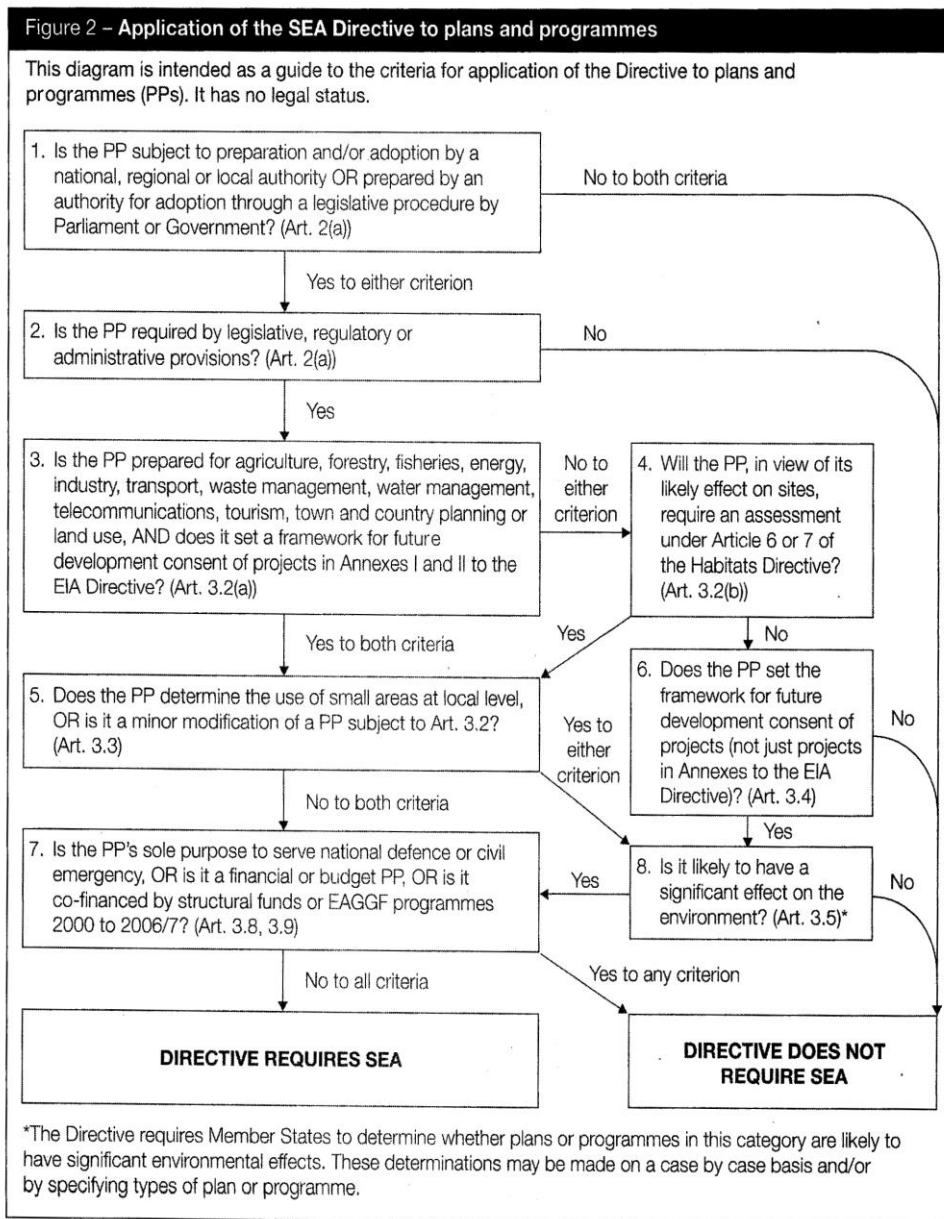
3.3 Schedule 1 of the SEA Regulations sets out the criteria for determining likely significant effects as follows:

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

4.1 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)

4.2 The following assessment applies the questions from the preceding diagram. The answers determine whether the North Lowestoft Heritage Action Zone Design Guide 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 North Lowestoft Heritage Action Zone Design Guide SPD is being carried out by East Suffolk Council. The North Lowestoft Heritage Action Zone Design Guide 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. 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 of 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 North Lowestoft Heritage Action Zone Design Guide SPD will be a material consideration in the determination of planning applications and will be applied alongside the policy framework provided by the Local Plan.

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 guidance contained within the SPD seeks to improve and enhance the quality of the existing built fabric of the Heritage Action Zone. It also seeks to improve permeability through the area for cyclists and pedestrians. It is therefore unlikely that the SPD will have a significant impact upon the environment. Waveney Local Plan policies that impact upon the North Lowestoft HAZ, and to which this SPD relates, have been subject to a full Sustainability Appraisal, incorporating the requirements for Strategic Environmental Assessment. These include WLP2.1 (Central and Coastal Lowestoft Regeneration), WLP2.2 (Power Park), WLP2.5 (East of England Park), WLP2.9 (Historic High Street and Scores Area); WLP8.37 (Historic Environment), WLP8.38 (Non-Designated Heritage Assets), WLP8.39 (Conservation Areas) and WLP8.40 (Archaeology).

5. Conclusion

The North Lowestoft Heritage Action Zone Design Guide SPD reviewed applies to a localised area and sets out design guidance for new development in the area.

The North Lowestoft Heritage Action Zone Design Guide SPD policies seek to reflect and implement policies in the Waveney Local Plan which has been subject to Sustainability Appraisal including Strategic Environmental Assessment.

It is considered by East Suffolk Council that it is not necessary for a Strategic Environmental Assessment to be undertaken of the North Lowestoft Heritage Action Zone Design Guide SPD to ensure compliance with SEA legislation.

The Screening Opinion will be finalised taking into account responses from the consultation bodies.

Signed:

Dated:

Desi Reed
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Appendix 1: Responses from Statutory Consultees

To be added on finalisation of Statement