



# Self and Custom Build and Specialist Housing Supplementary Planning Document (SPD)

## Strategic Environmental Assessment (SEA) Screening Report

January 2020

# Self and Custom Build and Specialist Housing SPD Strategic Environmental Assessment (SEA)

## 1. Introduction

The Strategic Environmental Assessment (SEA) Directive (2001/42/EC) on the assessment of the effects of certain plans and programmes requires an environmental assessment to be made of certain plans or programmes. The objective of SEA, as defined in the Government's guidance on strategic environmental assessment, is 'to provide for a high level of protection of the environment and contribute to the integration of environmental considerations into the preparation and adoption of plans....with a view to promoting sustainable development' (Article 1). The SEA Directive has been transposed into UK law through the Environmental Assessment of Plans and Programmes Regulations 2004.

Planning Practice Guidance - Strategic environmental assessment and sustainability appraisal: states at paragraph 8 that *Supplementary Planning Documents do not require a sustainability appraisal but may in exceptional circumstances require a strategic environmental assessment if they are likely to have significant environmental effects that have not already been assessed during the preparation of the relevant strategic policies. A strategic environmental assessment is unlikely to be required where a supplementary planning document deals only with a small area at a local level, unless it is considered that there are likely to be significant environmental effects.*

## 2. The Screening Process

Colchester Borough Council, as the relevant Local Planning Authority (LPA), have taken the cautious approach to provide a screening opinion on whether the proposed Supplementary Planning Document (SPD) will require a Strategic Environmental Assessment, as the SPD covers both policies in the Adopted and Emerging Local Plan and covers the Borough in its entirety.

Whether an SPD requires a strategic environmental assessment, and (if so) the level of detail needed, will depend on what is proposed in the draft SPD.

This document sets out that screening opinion based on the scope of, and detail contained within the Self and Custom Build and Specialist Housing SPD January 2020 consultation draft.

**Table 1: Establishing the Need for SEA**

Environmental Regulations Paragraph	SEA Requirement	Comments
2	Is the plan:	Yes, the SPD is subject to preparation and adoption at local level. There are

	(a) subject to preparation or adoption by an authority at national, regional or local level; or (b) prepared by an authority for adoption, through a legislative procedure by Parliament or Government; and, in either case, (c) required by legislative, regulatory or administrative provisions?	legislative and regulatory provisions in place for SPDs.
5(2)	Is the plan (a) prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use, and does it (b) sets the framework for future development consent of projects listed in Annex I or II to Council Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment, as amended by Council Directive 97/11/EC(9)?	Yes, the SPD is prepared for town and country planning purposes and sets the framework for future development consent of projects listed in Annex I or II to Council Directive 85/337/EEC (urban development projects).
4(c)	Is the plan or programme likely to have significant environmental effects?	No, the SPD is not considered to have likely significant environmental effects.
6	Does the plan (a) determine the use of a small area at local level; or (b) is a minor modification to a plan or programme of the description set out in either of those paragraphs?	Neither - The SPD builds upon the Colchester Borough Adopted Core Strategy and emerging Local Plan.
5(3)	Has it been determined that the plan requires an assessment pursuant to Article 6 or 7 of the Habitats Directive?	No HRA required. The SPD does not include any allocations for development of any kind, there will therefore be no likely significant effects alone or in combination on European sites. The Colchester Adopted and Emerging Local Plan which contain the policies which this SPD builds upon, has been the subject to HRA and Appropriate Assessments.
The local planning authority has concluded that the Self and Custom Build and Specialist Housing SPD is not likely to have significant environmental effects and consequently a Strategic Environmental Assessment (SEA) is not required. The criteria specified in Schedule 1 to the Environmental Assessment of Plans and Programmes Regulations 2004 has been taken into account in reaching this conclusion. Under regulation 9(2)(b) the consultation bodies must be consulted on this conclusion prior to the local planning authority making a formal determination. The consultation bodies will be consulted during the SPD consultation and comments considered		

prior to the next stage. This statement records the local planning authority's determination under regulation 9(1) that a SEA is not required.

### 3. Significance of effects on the environment

To decide whether the draft Self and Custom Build and Specialist Housing SPD might have significant environmental effects, its potential scope should be assessed against the criteria set out in Schedule 1 to the Environmental Assessment of Plans and Programmes Regulations 2004, or Annex II of the SEA Directive 2001/42/EC.

When deciding on whether the proposals are likely to have significant environmental effects, the local planning authority should consult the statutory consultation bodies. Where the local planning authority determines that the plan is unlikely to have significant environmental effects (and, accordingly, does not require an environmental assessment), it should prepare a statement of its reasons for the determination.

Where an SPD is likely to have a significant effect on the environment, a strategic environmental assessment must be carried out.

The following table explores the potential scope of the Self and Custom Build and Specialist Housing SPD against the criteria set out in Schedule 1 to the Environmental Assessment of Plans and Programmes Regulations 2004.

**Table 2: Schedule 1 Criteria for Determining the Likely Significance of Effects on the Environment**

SEA Requirement	Comments
<b>1. The characteristics of plans and programmes, having regard, in particular, to -</b>	
(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;	The SPD sets the framework for development proposals within the borough of Colchester. SPDs must be in conformity with the development plan, for Colchester in this case, and cannot introduce new policies. The SPD provides further guidance around the application of policies within the Adopted and Emerging Local Plan and will build upon the existing policies in the development plan. The SPD is relevant to the entire administrative area of Colchester Borough Council.
(b) the degree to which the plan or programme influences other plans and programmes including those in a hierarchy;	The SPD will not part of the development plan.
(c) the relevance of the plan or programme for the integration of environmental	The plan will promote sustainable development through helping to guide the delivery of self and custom build and specialist housing in Colchester which will help to meet the strategic vision and

considerations in particular with a view to promoting sustainable development;	objectives of the Colchester Local Plan by supporting the creation of a sustainable long-term future for communities.
(d) environmental problems relevant to the plan or programme; and	There are no environmental problems relevant to this SPD. The Adopted and Emerging Local Plans identify problems, which the Plan seeks to address. The SPD provides further guidance of how these policies can be applied and implemented by the Local Authority.
(e) the relevance of the plan or programme for the implementation of Community legislation on the environment (for example, plans and programmes linked to waste management or water protection).	This plan has no relevance to the implementation of Community legislation.
<b>2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to -</b>	
(a) the probability, duration, frequency and reversibility of the effects;	As the SPD is not allocating any sites for development and is building upon the application of policies in the Adopted and Emerging Local Plan the probability, duration, frequency and reversibility of the effects to development proposals has already been assessed through the Local Plan process and will continue to be assessed through a planning application.
(b) the cumulative nature of the effects;	The cumulative effect of this plan and the Borough's local plan will result in positive effects on the delivery of self and custom build and specialist housing.
(c) the transboundary nature of the effects;	There are no transboundary effects; this plan applies to the Colchester Borough area only.
(d) the risks to human health or the environment (for example, due to accidents);	The SPD poses no risk to human health.
(e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);	The administrative area of Colchester Borough will be affected by this plan.
(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; or (iii) intensive land-use; and	As the SPD covers the administrative area of Colchester Borough, there are multiple nationally designated nature conservation sites and listed buildings for architectural merit. As no development is proposed via the SPD, none of these are likely to be affected by the SPD. This would be addressed through a planning application, specific to the proposal.

(g) the effects on areas or landscapes which have a recognised national, Community or international protection status.	As the SPD covers the administrative area of Colchester Borough, parts of the landscape is recognised at national or international level. As no development is proposed via the SPD, the landscape is not likely to be affected by the SPD. This would be addressed through a planning application, specific to the proposal.
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#### **4. Screening Outcome**

The Self and Custom Build and Specialist Housing SPD provides further guidance around the application of policies within the Colchester Adopted and Emerging Local Plan and builds upon the existing policies. The plan will result in positive, long term effects. However, none of these effects will be significant. Therefore, the LPA has concluded that the Self and Custom Build and Specialist Housing SPD will not require an assessment of the significant environmental effects of the plan under the SEA Directive and Environmental Assessment Regulations based on the content of the Self and Custom Build and Specialist Housing SPD Consultation Draft (January 2020).