Ipswich Borough Council Draft Public Open Space Supplementary Planning Document

Strategic Environmental Assessment Screening Report (under Regulation 9 of the Environmental Assessment of Plans and Programmes Regulations 2004)

January 2016

1. Introduction

1.1 Ipswich Borough Council is preparing a Supplementary Planning Document (SPD) to help inform the provision of open space in connection with new development in the Borough. The preparation of the SPD is a response to both national and local planning policy.

1.2 The National Planning Policy Framework March 2012 (NPPF) recognises the importance of the provision of access to high quality open space and sports and recreation facilities. The NPPF states that assessments should identify specific needs in relation to open space to determine what provision is required. This SPD provides guidance on how open space should be provided and designed within Ipswich Borough.

1.3 The Council's adopted Core Strategy and Policies Development Plan Document December 2011 (the 'Core Strategy') contains policies CS16 and DM29 which seek to secure open space as part of new development. Specific standards are set out in Appendix 6. The policy and the standards it sets are subject to review through the Core Strategy Review.

1.4 Thus the SPD does not create new policy but provides detail in respect of the implementation of the policies identified above. The primary purpose of the SPD is to provide detailed guidance on the provision of open space as part of new development but the principles relating to design of open space may equally apply in relation to sites allocated solely for open space. In this respect the SPD will contain guidance relating to calculating and administering requirements for open space, including future maintenance requirements. The SPD will also contain detailed guidance on design including character and connectivity, the provision of Sustainable Drainage Systems, safety and security, community cohesion and nuisance, access (including design of spaces to meet a range of needs), maintenance, wildlife and trees.

2. Legislative Background

2.1 This screening report is designed to test whether or not the Space and Design Guidelines SPD requires a Strategic Environmental Assessment (SEA). Following amendments to the 2004 Planning and Compulsory Purchase Act via the 2008 Planning Act[1], Sustainability Appraisal (SA) is no longer required for Supplementary Planning Documents. However the adopted policies to which the Supplementary Planning Document relates have been subject to both SA and SEA as part of their production.

2.2 The requirement for SEA is established through the European Directive 2001/42/EC on 'the assessment of the effects of certain plans and programmes on the environment.' It is known as the 'SEA Directive'. The SEA Directive was transposed into English law by the Environment Assessment of Plans and Programmes Regulations 2004, or the 'SEA

[1] Part 9, Chapter 2, paragraph 180 of the 2008 Planning Act amended section 19, subsection 5 of the 2004 Planning and Compulsory Purchase Act

Regulations'. Detailed guidance on these regulations can be found in the Government publication 'A Practical Guide to the Strategic Environmental Assessment Directive' published in September 2005.

2.3 The requirement to undertake SEA applies to plans and programmes which are subject to preparation or adoption by an authority at a national, regional or local level. In order to establish whether SEA is required the fundamental consideration is whether the document is likely to have 'significant environmental effects'. The best way to determine this is to carry out a screening assessment. If the screening assessment indicates that there could be significant effects, an SEA is needed. Therefore this report focuses on screening for SEA and the criteria for establishing whether a full assessment is needed.

2.4 A separate statement has been produced which assesses the need for assessment under the Habitats Regulations.

3. Criteria for assessing the effects of Supplementary Planning Documents

3.1 Criteria for determining the likely significant effects referred to in Article 3(5) of Directive 2001/42/EC[2] are set out below:

(a) the degree to which the plan 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 influences other plans and programmes including those in a hierarchy;
(c) the relevance of the plan 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 for the implementation of Community legislation on the environment (for example, plans linked to waste management or water protection).

3.2 Also to be considered are the 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 transboundary nature of the effects;
(d) the risks to human health or the environment (for example, 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; or
(iii) intensive land-use and
(g) the effects on areas or landscapes which have a recognised national, Community or international protection status.

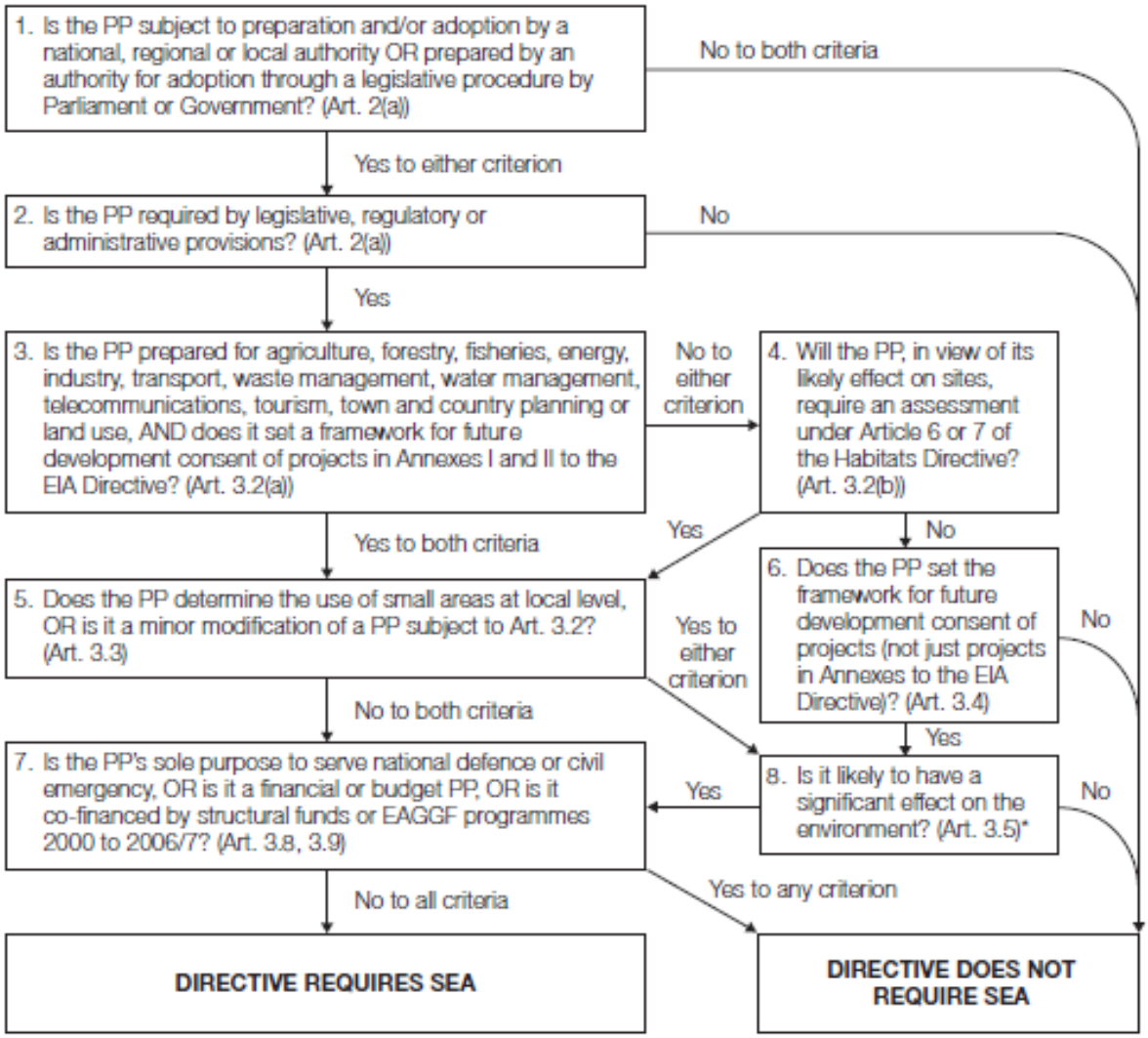
[2] As set out in Annex II of the Directive

4. Assessment

4.1 The following diagram illustrates the process for screening a planning document to ascertain whether a full SEA is needed, based upon the considerations set out in sections 2 and 3 above.

Figure 2 – Application of the SEA Directive to plans and programmes

This diagram is intended as a guide to the criteria for application of the Directive to plans and programmes (PPs). It has no legal status.



*The Directive requires Member States to determine whether plans or programmes in this category are likely to have significant environmental effects. These determinations may be made on a case by case basis and/or by specifying types of plan or programme.

Source: A Practical Guide to the Strategic Environmental Assessment Directive, ODPM,

4.2 The questions from the diagram above, which illustrates how the SEA Directive should be applied, have been put in Table 1 below together with the screening assessment for the draft Ipswich Public Open Space SPD.

Table 1: Screening of the draft Ipswich Public Open Space SPD

SEA Screening Questions	Screening assessment of the draft Ipswich Public Open Space SPD
1. Is the 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 SPD is prepared and adopted by a local planning authority, Ipswich Borough Council. **(Yes to either criterion, go to question 2)**
2. Is the plan or programme required by legislative, regulatory or administrative provisions (Art. 2(a))?	Yes – the SPD is produced as 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 **(Yes – go to question 3)**
3. Is the plan or programme 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 the framework for future development consent for projects listed in Annexes I and II to the EIA Directive (Art 3.2(a))?	Yes – it is an SPD prepared for town and country planning and land use and it provides detail to the Core Strategy policy framework for the future consent of projects listed in Annexes I and II of the EIA Directive (which includes for example 'urban development projects'). **(Yes to both criteria, go to question 5)**
5. Does the plan or programme determine the use of small areas at local level, OR is it a minor modification of a plan or programme subject to Ar. 3.2 (Art. 3.3)?	Yes – the SPD only applies to new residential development proposals, the principle and location of which would be determined by policies in the Core Strategy and Policies DPD. **(Yes to either criterion, go to question 8)**
8. Is it likely to have a significant effect on the environment (Art. 3.5)?	No. The purpose of the SPD is to provide guidance to assist in the interpretation of adopted policies in the Core Strategy and Policies DPD. The policies to which the SPD relates were themselves subject to SEA (incorporated within the SA) through the Core Strategy preparation process. Therefore the SPD will not itself have any significant effects on the environment, and may assist in addressing potential negative effects identified in the SEA of the relevant

	adopted policies. In coming to this view, due regard has been had to Annex II of the SEA Directive (2001/42/EC). The considerations of Annex II (2)[3] were fully examined as part of the SA report for the adopted Core Strategy and Policies DPD (see Appendix 1). **(No - Directive does not require SEA).**

4.3 Based on the assessment contained in the table above, it is expected that the SPD itself will have no significant environmental effects. The effect of the SPD will be to ensure that open space is delivered and is well designed and maintained, in relation the implementation of policies CS16 and DM29.

5 Conclusion

5.1 The SEA is not required in relation to the production of the Ipswich Public Open Space SPD.

5.2 In accordance with Regulation 9(2) of the Environmental Assessment of Plans and Programmes Regulations 2004 the three statutory consultees, the Environment Agency, Historic England (formerly English Heritage) and Natural England, have been consulted on the Screening Assessment. Natural England and Historic England agree that an SEA is not required. The Environment Agency were not able to provide any comments on the screening.

5.3 This conclusion represents the Council's determination under Regulation 9(1) of the 2004 Regulations.

Date of determination: 20th January 2016

[3] See paragraph 3.2 above

Appendix 1: Consideration of the characteristics of the effects and of the area likely to be affected (see 3.1, 3.2 and question 8 in Table 1 above)

- the probability, duration, frequency and reversibility of the effects,	The purpose of the SPD is to provide guidance to assist in the interpretation of adopted Core Strategy Policies (which have been subject to SEA). The SPD is predicted to reinforce the positive effects identified through the SA of the Core Strategy and Development Policies and also address potential negative effects that were identified including through the provision of SuDS, the incorporation of benefits for wildlife and the provision of cycling and pedestrian routes. It should be acknowledged that whilst the SPD provides guidance on these topics in relation to open space they are addressed through policies DM4, DM31 and DM17 respectively. These additional positive effects would not amount to a significant effect in SEA terms.
- the cumulative nature of the effects,	As the SPD is expected to lead to better provision and design of open space in new developments across Ipswich and there are likely to be cumulative positive effects over time.
- the transboundary nature of the effects,	There would be no transboundary effects as the SPD relates only to the provision of open space within Ipswich.
- the risks to human health or the environment (e.g. due to accidents),	There would be no risks to human health or the environment. The SPD contains guidance relating to safety and security of open spaces.
- the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected),	Whilst any effects are likely to be positive, as outlined above, the magnitude and extent of such effects is likely to be localised as most development sites in Ipswich will be relatively small.
- 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 urban areas of Ipswich are intensively used but the SPD will help to ensure that new development incorporates well-designed open spaces. The SPD would not influence the principle of development which would be established through adopted policies which have been subject to SEA.
- the effects on areas or landscapes which have a recognised national, Community or international protection status.	Part of the Stour and Orwell Estuaries Special Protection Area, Ramsar and SSSI (Site of Special Scientific Interest) and the Suffolk Coast and Heaths Area of Outstanding Natural Beauty are within Ipswich Borough in addition to a further two SSSIs. The principle and location of housing development is guided by other policies in

	the Core Strategy and Policies DPD and there would therefore be no effects on these areas resulting from the SPD itself.