

## Ipswich Borough Council

### **Strategic Environmental Assessment Screening Report (under Regulation 9 of the Environmental Assessment of Plans and Programmes Regulations 2004) for the Suffolk Coast European Sites Recreational disturbance Avoidance and Mitigation Strategy Supplementary Planning Document (SPD) 2019.**

#### **Introduction**

Ipswich Borough Council in collaboration with East Suffolk Council is preparing a Suffolk Coast European Sites Recreational disturbance Avoidance and Mitigation Strategy Supplementary Planning Document (Suffolk Coast RAMS SPD).

The Suffolk Coast RAMS SPD has been prepared as a key resource to assist developers and others to understand the requirements of the Suffolk Coast European Sites Recreational disturbance Avoidance and Mitigation Strategy. The Suffolk Coast RAMS SPD summarises the requirements of the Technical Report including the per-dwelling tariff and provides a framework for implementing those provisions.

The Suffolk Coast European Sites Recreational disturbance Avoidance and Mitigation Strategy will be published alongside the Suffolk Coast RAMS SPD. The Strategy is not up for comment however, as it is a background technical paper in response to the Habitat Regulations Assessment findings of the Local Plan.

The implementation of the Strategy is supported through Policy CS17 Delivering Infrastructure of the Ipswich Local Plan 2011-2031. Policy CS17: Delivering Infrastructure states that *“the Council will seek contributions to ensure that the mitigation measures identified in the Habitats Regulations Assessment and in the Recreational Avoidance and Mitigation Strategy can be addressed and delivered, including for any measures not classified as infrastructure.”* Within the supporting text for Policy CS17, paragraph 8.178 advises that the Habitats Regulations Assessment for the plan has identified a number of measures to mitigate for increased recreation pressure as a result of the cumulative effect of housing growth across the Ipswich Borough and adjoining Districts.

#### **What is the purpose of this statement?**

The purpose of this statement is to assess the need for a Strategic Environmental Assessment (SEA) in relation to the Suffolk Coast European Sites Recreational disturbance Avoidance and Mitigation Strategy Supplementary Planning Document (Suffolk Coast RAMS SPD).

The Suffolk Coast RAMS SPD does not create new policy but provides detail in respect of the implementation of the policy identified above. The Suffolk Coast RAMS SPD will provide further information to applicants so that development can proceed in a timely, appropriate, legally and policy compliant manner.

#### **What is the legislative background?**

This screening report is designed to test whether or not the Suffolk Coast RAMS SPD requires a Strategic Environmental Assessment (SEA). Following amendments to the 2004 Planning and Compulsory Purchase Act via the 2008 Planning Act<sup>1</sup>, Sustainability Appraisal (SA) is no longer required for Supplementary Planning Documents. However the adopted policies to which this

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<sup>1</sup> Part 9, Chapter 2, paragraph 180 of the 2008 Planning Act amended section 19, subsection 5 of the 2004 Planning and Compulsory Purchase Act

Supplementary Planning Document relates have been subject to both SA and SEA as part of their production.

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 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.

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.

### **What are the criteria for assessing the effects of Supplementary Planning Documents?**

Criteria for determining the likely significant effects referred to in Article 3(5) of Directive 2001/42/EC<sup>2</sup> 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).

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.

### **How is the SPD assessed?**

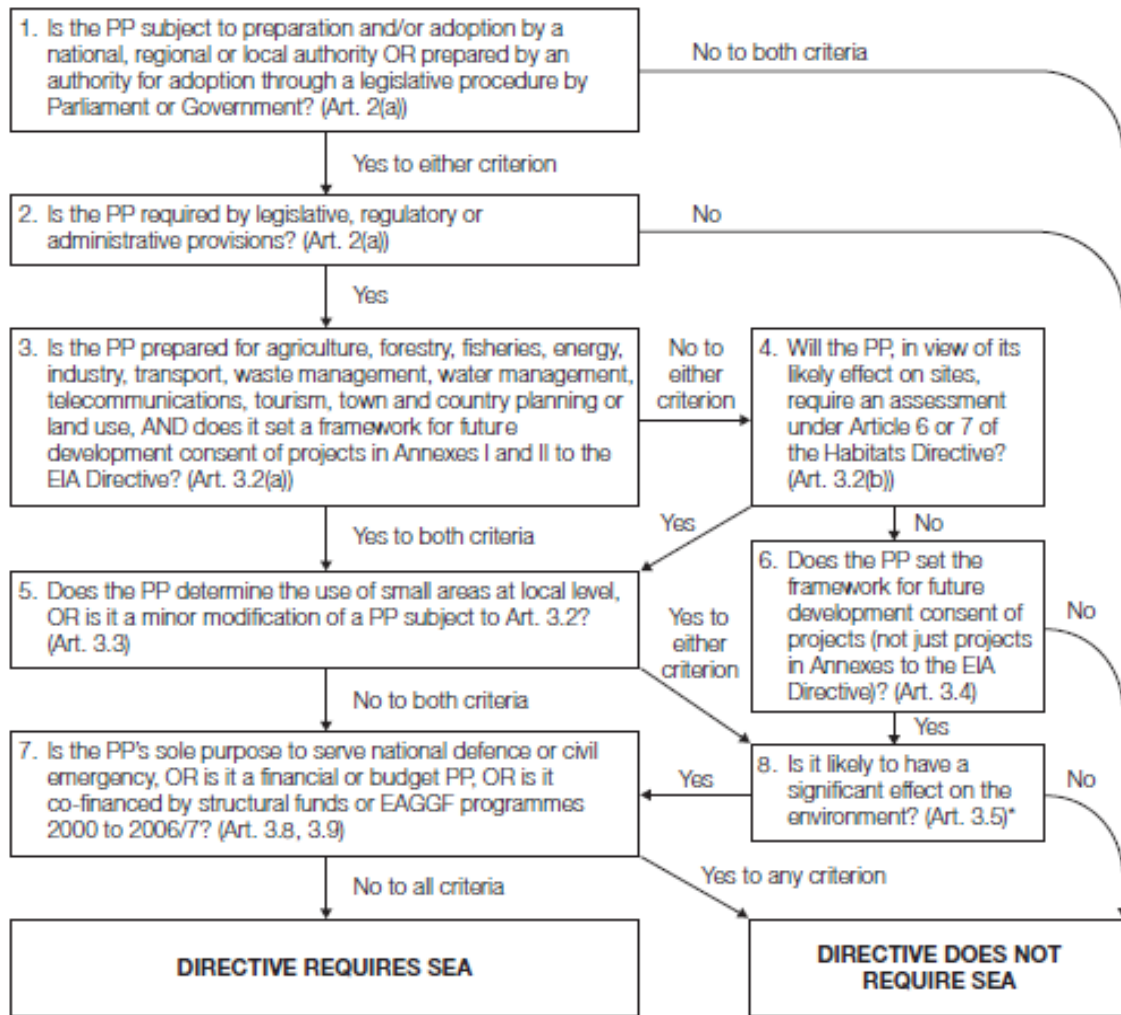
The following diagram illustrates the process for screening a planning document to ascertain whether a full SEA is needed, based upon the considerations set out in the sections above.

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<sup>2</sup> As set out in Annex II of the Directive

**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, 2005

The questions from the diagram above, which illustrates how the SEA Directive should be applied, have been put in Table 2 below together with the screening assessment for the Supplementary Planning Document (SPD).

**Table 2: Screening of the Suffolk Coast RAMS Supplementary Planning Document Development (SPD)**

SEA Screening Questions	Screening assessment of the Suffolk Coast RAMS 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 Suffolk Coast RAMS SPD has been prepared by Ipswich Borough Council in collaboration with East Suffolk District Council. Subject to the outcome of the public consultation the Suffolk Coast RAMS SPD will be adopted by both Local Authorities.  <b>(Yes to either criterion, go to question 2)</b>
2. Is the plan or programme required by legislative, regulatory or administrative provisions (Art. 2(a))?	Yes – the Suffolk Coast RAMS SPD has been 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  <b>(Yes – go to question 3)</b>
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 in support of town and country planning and land use policies contained in an adopted Local Plan.  NO - It will not set a framework for the future consent of projects listed in Annexes I and II of the EIA Directive.  <b>(No to either criterion, go to question 4) (Yes to both criteria, go to question 5)</b>
4. Will the PP, in view of its likely effect on sites, require an assessment under Article 6 or 7 of the Habitats Directive?	The purpose of the Suffolk Coast RAMS SPD is to provide supporting information to assist in the interpretation of the adopted Ipswich Local Plan 2017.  <b>(No – go to question 6)</b>
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)	
6. Does the PP set the framework for future development consent of projects (not just projects in Annexes to the EIA Directive)?	Yes – the Suffolk Coast RAMS SPD will be a material consideration in the consideration of planning applications.  <b>(Yes – go to question 8)</b>
8. Is it likely to have a significant effect on the environment (Art. 3.5)?	No. The purpose of the Suffolk Coast RAMS SPD is to provide supporting information to assist in the interpretation of the adopted Ipswich Local Plan 2017. The policies to which the SPD relates were themselves subject to SEA (incorporated within the SA) through the Local Plan preparation process.

	(No - Directive does not require SEA).
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Based on the assessment contained in the table above, it is expected that the Suffolk Coast RAMS SPD itself will have no significant environmental effects. The effect of the SPD will be to ensure that the Council will meet its duty to comply with legislation when delivering the Ipswich Local Plan.

### **Conclusion**

SEA is not required in relation to the production of the Suffolk Coast RAMS Supplementary Planning Document (SPD).

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. The conclusion will be confirmed following receipt of responses and will represent the Council's determination under Regulation 9(1) of the 2004 Regulations.

Date of determination: *to be confirmed when consultee's responses known*

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

The measures that the RAMS builds on are those set out in Ipswich Local Plan Habitat Regulations Assessment (HRA) itself. Those measures are largely carried through into the adopted Local Plan which has been subject to SEA and HRA. The SPD sets out the process for implementing the measures set out in the Local Plan and therefore will not have a direct impact on European wildlife sites. The question below are therefore not applicable.

<b>Characteristics of Effects</b>	<b>Relationship to Suffolk Coast RAMS SPD</b>
- the probability, duration, frequency and reversibility of the effects,	N.A
- the cumulative nature of the effects,	N.A
- the transboundary nature of the effects,	N.A
- the risks to human health or the environment (e.g. due to accidents),	N.A
- the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected),	N.A
- the value and vulnerability of the area likely to be affected due to: <ul style="list-style-type: none"> <li>- special natural characteristics or cultural heritage,</li> <li>- exceeded environmental quality standards or limit values,</li> <li>- intensive land-use,</li> </ul>	N.A
- the effects on areas or landscapes which have a recognised national, Community or international protection status.	N.A