

## Appendix 3

### Ipswich Borough Council Draft Urban Characterisation Supplementary Planning Document

#### Determination Statement on the need for Strategic Environmental Assessment (SEA) of the Urban Character Supplementary Planning Document, July 2014, under regulation 9(3) of the Environmental Assessment of Plans and Programmes Regulations 2004.

##### 1. Introduction

- 1.1 Ipswich Borough Council is preparing a supplementary planning document (SPD) about the urban character of different areas of Ipswich 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 has increased the obligation on local planning authorities to take the initiative in identifying and responding to locally distinctive design issues. In addition, the Council's adopted Core Strategy and Policies Development Plan Document December 2011 (the 'Core Strategy') contains policy commitments on the production of an urban characterisation study to ensure that all development protects and enhances the character and distinctiveness of the town (see policies CS2 and DM5).
- 1.3 Thus the SPD does not create new policy but provides detailed guidance in respect of local and national policies, which require local distinctiveness to be protected and enhanced through the planning of development.

##### 2. Legislative Background

- 2.1 The basis for Strategic Environmental Assessment (SEA) and Sustainability Appraisal (SA) legislation is 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 Environmental 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.
- 2.2 It is considered best practice to incorporate the requirements of the SEA Directive into an SA. The Planning and Compulsory Purchase Act 2004 required local planning authorities to prepare an SA for each local development document (see section 39(2)). The Planning Act 2008 subsequently removed the requirement to undertake an SA for an SPD (Part 9, Chapter 2, paragraph 180 of the 2008 Planning Act amended section 19, subsection 5 of the 2004 Planning and Compulsory Purchase Act). However, an SEA may still be needed, as the requirement to undertake SEA applies to plans and programmes which are subject to preparation or adoption by an authority at a local level.

- 2.3 The fundamental consideration is whether the document may have 'significant environmental effects'. The best way to determine this is to carry out a screening procedure. If the screening procedure indicates that there could be significant effects, an SEA is needed.
- 2.4 The Council is required to consult three statutory bodies on the SEA screening: Natural England, English Heritage and the Environment Agency. However, it is the Council's decision as to whether SEA is required.
- 2.5 The screening process has been completed and the comments of the three statutory agencies have been received. This document is the Council's determination under regulation 9(3) of the Environmental Assessment of Plans and Programmes Regulations 2004 ('the 2004 Regulations') on whether or not a strategic environmental assessment is required for the draft Urban Character Supplementary Planning Document.

### **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 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.

(Source: Annex 2 of the SEA Directive 2001/42/EC)

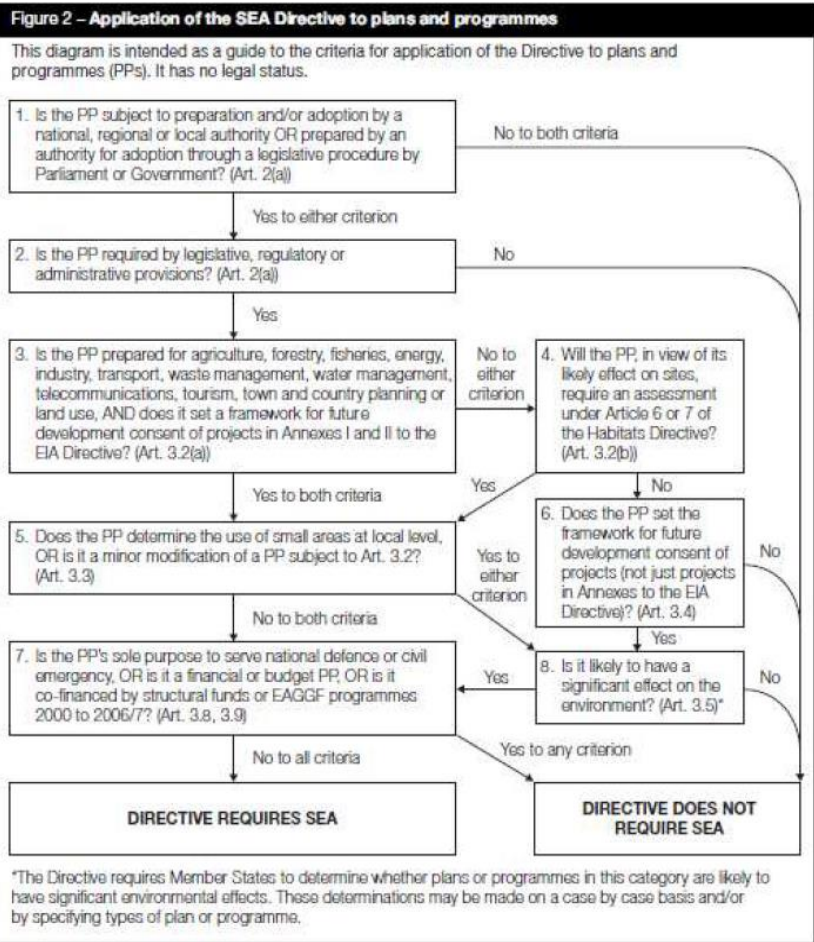
#### **4. The Scope of the draft Urban Character SPD**

- 4.1 The draft SPD is being prepared to provide design guidance to support the implementation of adopted Core Strategy policies CS2, The Local and Nature of Development, and DM5, Urban Design Quality, which aim to protect and enhance the special character and distinctiveness of Ipswich. It will not cover the conservation areas within Ipswich, which already benefit from conservation area character appraisals.
- 4.2 The draft SPD will provide guidance for developers and planners to use. It is not based on administrative boundaries but on character areas, which have been identified on the basis of factors such as historical character, topography, natural features and street types. It will provide urban design analysis and information but not prescriptive advice about how development should be designed.
- 4.3 For each character area, the draft SPD will provide information on the historical background, biodiversity and archaeology, transport and access, open space and green space, landform and views, urban analysis and on sub areas within each broad character area.

#### **5. Assessment**

- 5.1 The following diagram illustrates the process for screening a planning document to ascertain whether a full SEA is needed.





Source: A Practical Guide to the Strategic Environmental Assessment Directive, ODPM, 2005

5.2 The questions from the diagram above, which illustrates how the SEA Directive should be applied, have been considered in Table 1, together with the screening assessment for the draft Ipswich Urban Characterisation SPD. This can be found in Appendix A, together with an assessment of the criteria identified above in paragraph 3.2. Appendix A formed the basis for the screening assessment circulated to the three statutory bodies. The responses received from the bodies are set out below.

Natural England

Having read the SEA screening document for the Ipswich urban characterisation study I can confirm that Natural England agrees with your conclusions that there will not be significant environmental effects and so a full SEA is not required.

#### English Heritage

For the purposes of this consultation, English Heritage will confine its advice to the question, "Is it likely to have a significant effect on the environment?" in respect of our area of concern, cultural heritage. Our comments are based on the information supplied with the Screening Report. It is for the Council to make the final decision in terms of whether SEA is required.

The Screening Report indicates that the Council considers that the Urban Characterisation SPD will not significantly affect any 'special natural characteristics or cultural heritage' in the plan area. On the basis of the information supplied, and in the context of the criteria set out in Schedule 1 of the Environmental Assessment Regulations [Annex II of 'SEA' Directive], English Heritage concurs with the Council that the preparation of an SEA is not required.

The views of other statutory consultation bodies should be taken into account before the overall decision on the need for an SEA is made.

#### Environment Agency

Confirm that, given the nature of the SPD, we do not wish to make a response to the screening report.

- 5.3 On the basis of the screening process and taking into consideration the comments received from the statutory consultees, it is the Council's opinion that the draft Urban Character SPD will not have significant environmental effects and, therefore, it does not require SEA.
- 5.4 The effect of the SPD will be to provide additional guidance to support the implementation of adopted Core Strategy policies CS2 and DM5, which ensure that new development is designed in a way that protects and enhances local character and distinctiveness of the built environment. These policies have already themselves been subject to SEA as part of the sustainability appraisal process. In making this determination the Council has had regard to Schedule 1 of the Regulations and comments made by the consultation bodies.

#### 6. Conclusion

- 6.1 The Council considers that the draft Ipswich Urban Characterisation SPD does not require a full SEA to be undertaken, as it will not have significant environmental effects. This determination was made on 15<sup>th</sup> July 2014.

## Appendix A

Table 1: Screening of the draft Ipswich Urban Characterisation SPD

SEA Screening Questions	Screening assessment of the draft Ipswich Urban Characterisation 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.  <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 statutory development plan commits to its preparation 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 for town and country planning and land use and it provides detailed guidance 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’).  <b>(Yes to both criteria, go to question 5)</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)?	Yes to both – the SPD applies to any developments within the character areas identified within Ipswich Borough. It provides detailed guidance to adopted Core Strategy policy.  <b>(Yes to either criterion, 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 SPD is to provide guidance to assist in the interpretation of adopted Core Strategy Policies, the aim of which is to improve the quality of building design and protect the distinctive character

	<p>of neighbourhoods. It is the policy rather than the SPD which would have effects.</p> <p>The SPD provides detail to one aspect of the design and layout of developments. The assessment of character includes consideration of biodiversity features. The policy to which the guidance relates was itself subject to SA and SEA through the Core Strategy preparation process.</p> <p>Therefore the draft SPD will not have any significant effects on the environment. 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)<sup>1</sup> were fully examined as part of the SA report for the adopted Core Strategy and Policies DPD.</p> <p><b>(No - Directive does not require SEA).</b></p>
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<sup>1</sup> See paragraph 3.2 of main report above



**Table 2: Annex II 2 Characteristics of the effects and of the area likely to be affected**

<p>The probability, duration, frequency and reversibility of the effects,</p>	<p>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 aim of which is to improve the quality of building design and protect the distinctive character of neighbourhoods. It is the policy rather than the SPD which would have effects.</p>
<p>The cumulative nature of the effects,</p>	<p>There would be no cumulative effects.</p>
<p>The transboundary nature of the effects,</p>	<p>There would be no transboundary effects.</p>
<p>The risks to human health or the environment (e.g. due to accidents),</p>	<p>There would be no risks to human health or the environment.</p>
<p>The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected),</p>	<p>There would be no adverse effects. Also development opportunities within Ipswich are limited as the area is already built up, and few development sites are large, therefore the magnitude and extent of any effects would be small.</p>
<p>The value and vulnerability of the area likely to be affected due to:</p> <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>	<p>The draft SPD does not apply to designated conservation areas or relate to environmental standards. The urban areas of Ipswich are intensively used but the SPD will help to ensure that the quality of building design is better than it would otherwise be.</p>
<p>The effects on areas or landscapes which have a recognised national, Community or international protection status.</p>	<p>There are no areas of such status within the character areas identified.</p>