

Strategic Environmental Assessment Screening Report (under Regulation 9 of the Environmental Assessment of Plans and Programmes Regulations 2004) for the Ipswich Borough Council Draft Local Validation List 2022

Introduction

Ipswich Borough Council is preparing a Local Validation List 2022 to provide guidance about the level and type of information required to accompany each type of planning application to enable it to be validated.

Each application type has its own national and local information requirements. National requirements apply to all planning applications in England. The national information requirements for planning applications are set out in the Town and Country Planning (Development Management Procedure) Order 2015 (as amended). Local requirements are set by the local planning authority having regard to the authority's own context and local policy requirements.

In accordance with the national requirement to keep the Local Validation Lists up to date and recent changes to planning policy; the Planning & Development Department have undertaken a review of the current Ipswich Local Validation List.

Updating the Local Validation List will ensure planning applications can continue to be assessed effectively and expediently, as part of the Council's commitment to deliver an efficient and high-quality development management service and support the delivery of new housing and infrastructure.

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 Local Validation List 2022.

The Local Validation List 2022 contains guidance to assist the implementation of planning policies set out in the adopted Ipswich Local Plan Review 2018-2036, which has itself been subject to a Sustainability Appraisal (SA) incorporating a Strategic Environmental Assessment (SEA). All SPD requirements referred to in the Local Validation Update will similarly be subject to 'Habitats Regulations Assessment' screening.

In the absence of procedures for adoption relating to a review of the Local Validation List, the Council's Operations Manager for Legal and Democratic Services has advised that the consultation should be carried out in accordance with SPD procedures, set out in the Ipswich Borough Council Statement of Community Involvement, March 2018.

What is the legislative background?

This screening report is designed to test whether or not the Local Validation List 2022 requires a Strategic Environmental Assessment (SEA).

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 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.

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.

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

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/EC¹ 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.

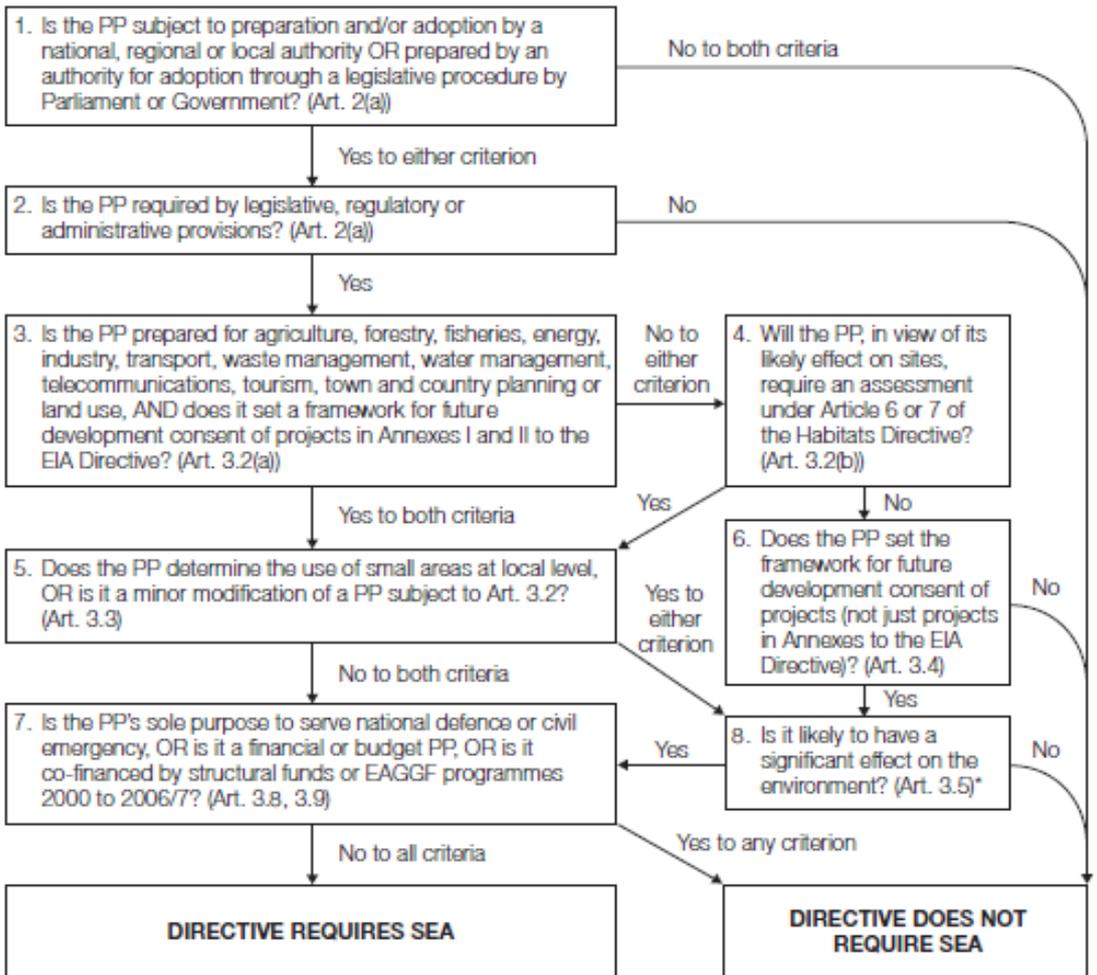
How is the SPD assessed?

The following diagram (Figure 2) 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.

¹ 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 into Figure 3 below together with the screening assessment for the Local Validation List 2022.

Figure 3: Screening of the draft Local Validation List 2022

SEA Screening Questions	Screening assessment of the Local Validation List 2022
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 Local Validation List 2022 is being prepared 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 NPPF 2021 requires that Local planning authorities should publish a list of their information requirements for applications for planning permission. These requirements should be kept to the minimum needed to make decisions, and should be reviewed at least every two years. Local planning authorities should only request supporting information that is relevant, necessary and material to the application in question. (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 – the SPD is prepared for town and country planning and land use. It provides detail to support the implementation of the policy framework set out in the adopted Ipswich Local Plan 2017 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 Local Validation List contains guidance to assist the implementation of planning policies set out in the adopted Ipswich Local Plan Review. (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 Local Validation List is to assist the implementation of planning policies set out in the adopted Ipswich Local Plan Review. It provides guidance about the level and type of information required to make a valid application for planning permission. Therefore, the Local Validation List 2022 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 by helping to ensure that negative environmental impacts are avoided and mitigated.

	<p>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) were fully examined as part of the SA report for the adopted Core Strategy and Policies DPD (see Appendix 1).</p> <p>(No - Directive does not require SEA).</p>
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Based on the assessment contained in the table above, it is expected that the Local Validation List 2022 will have no significant environmental effects.

Conclusion

SEA is not required in relation to the production of the Local Validation List 2022.

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 and Natural England, will be consulted on the Screening Assessment to seek their agreement that a SEA is not required. The feedback from these agencies will be reported in due course.

When it has been confirmed by the three statutory consultees, this conclusion will represent the Council's determination under Regulation 9(1) of the 2004 Regulations.

Date of determination: tbc after feedback received from the key agencies.

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

Characteristics of the Effects	Relationship to the Local Validation List 2022
<p>- the probability, duration, frequency and reversibility of the effects,</p>	<p>The adopted Ipswich Local Plan Review policies have been subject to SEA as part of the sustainability appraisal process.</p> <p>A Local Validation List provides guidance in relation to the level and type of information required to accompany each type of planning application to enable it to be validated.</p> <p>The effects of the Local Validation List 2022 would primarily influence the implementation of policies to ensure they can deliver the policy outcomes required.</p>
<p>- the cumulative nature of the effects,</p>	<p>There could be cumulative beneficial effect as the Local Validation List 2022 would assist in the implementation of planning policies set out in the adopted Ipswich Local Plan REview, which has itself been subject to a Sustainability Appraisal (SA) incorporating a Strategic Environmental Assessment (SEA).</p>
<p>- the transboundary nature of the effects,</p>	<p>There would not be transboundary effects.</p>
<p>- the risks to human health or the environment (e.g. due to accidents),</p>	<p>The Local Validation List 2022 seeks to reduce the risks by supporting the implementation of Local Plan policies including those that contribute to the mitigation of risk to human health and 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>Any effects are likely to be positive, as outlined above. The magnitude and extent of such effects is likely to be localised to mitigate the effects of development in Ipswich Borough.</p>
<p>- the value and vulnerability of the area likely to be affected due to:</p> <ul style="list-style-type: none"> - special natural characteristics or cultural heritage, - exceeded environmental quality standards or limit values, - intensive land-use, 	<p>Any effects are likely to be positive helping to support the delivery of mitigation through the development process.</p>
<p>- the effects on areas or landscapes which have a recognised national, Community or international protection status.</p>	<p>In supporting the delivery of Local Plan policies there could be benefits for the Stour and Orwell Estuary SPA and Ramsar site.</p>