

Strategic Environmental Assessment Screening Report (under Regulation 9 of the Environmental Assessment of Plans and Programmes Regulations 2004) for the Ipswich Borough Council Article 4 Direction for Small Homes of Multiple Occupation 2022

Introduction

Ipswich Borough Council is preparing an Article 4 Direction requiring the change of use of small Homes of Multiple Occupation (HMOs) to require formal planning consent.

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 Ipswich Borough Council Article 4 Direction.

The Article 4 Direction assists in the implementation of Policy DM20 Houses in Multiple Occupation 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).

What is the legislative background?

This screening report is designed to test whether or not the Article 4 Direction 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 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.

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 the Article 4 Direction?

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;

¹ As set out in Annex II of the Directive

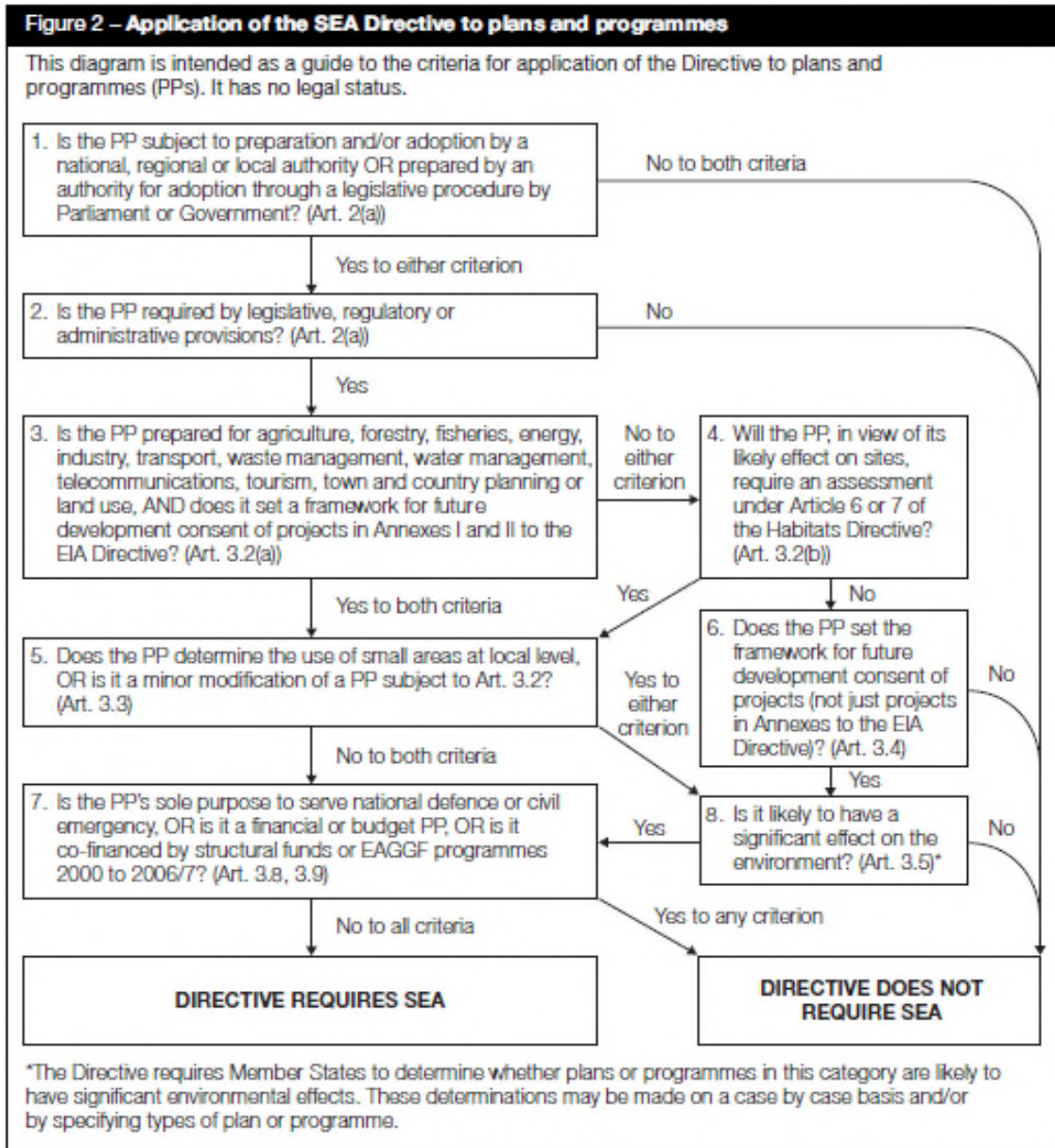
- (e) the relevance of the plan for the implementation of Community legislation on the environment (for example, plans linked to waste management or water protection).

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 Article 4 Direction 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.



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 Article 4 Direction

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 Article 4 Direction 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))?	No – it is not required by legislative, regulatory or administrative provisions. The Council are choosing to implement the Article 4 Direction to protect local amenity and the wellbeing of the area. (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 Article 4 Direction is prepared for town and country planning and land use. It supports 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 Article 4 Direction determines the use of land at a local level. (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 Article 4 Direction is to protect local amenity and the well-being of the area. Therefore, the Article 4 Direction 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. 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). (No - Directive does not require SEA).

Based on the assessment contained in the table above, it is expected that the Article 4 Direction will have no significant environmental effects.

Conclusion

SEA is not required in relation to the production of the Ipswich Borough Council Article 4 Direction for small homes in multiple occupation.

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
- the probability, duration, frequency and reversibility of the effects,	The adopted Ipswich Local Plan Review policies have been subject to SEA as part of the sustainability appraisal process.
- the cumulative nature of the effects,	There could be cumulative beneficial effect as the Article 4 Direction could assist in the implementation of planning policy (DM20 Houses in Multiple Occupation) 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).
- the transboundary nature of the effects,	There would not be transboundary effects.
- the risks to human health or the environment (e.g. due to accidents),	The Article 4 Direction does not present a risk to human health or the environment.
- the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected),	Any effects are likely to be positive, as outlined above. The magnitude and extent of such effects will mitigate the effects of development in Ipswich Borough.
- the value and vulnerability of the area likely to be affected due to: <ul style="list-style-type: none"> - special natural characteristics or cultural heritage, - exceeded environmental quality standards or limit values, - intensive land-use, 	Any effects are likely to be positive helping to protect local amenity and the well-being of the area.
- the effects on areas or landscapes which have a recognised national, community or international protection status.	The Article 4 Direction will cover an area of central Ipswich and will not affect an area or landscape which has a recognised national, community or international protection status.