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1. Introduction

1.1 The basis for Strategic Environmental Assessments and Sustainability Appraisals (SA) legislation is the **European Directive 2001/42/EC**, which was transposed into English law by the Environmental Assessment of Plans and Programmes Regulations 2004, or SEA Regulations.

1.2 Planning Policy Guidance (PPG) details that Supplementary Planning Documents (SPDs) may in exceptional circumstances require a strategic environmental assessment if they are likely to have significant environmental effects that have not already been assessed during the preparation of the relevant strategic policies. The PPG is clear that a sustainability appraisal is NOT required for SPDs.

1.3 However, there is the need for local development documents to comply with the Strategic Environmental Assessment required under Council Directive 2001/42 EC. This SEA screening report has been prepared to engage the relevant statutory consultees (**Regulation 4, Environmental Assessment of Plans and Programmes Regulations 2004**) as well as to demonstrate that a Strategic Environmental Report (SEA) is not required. However, the Developer will be required to provide an Environmental Impact Assessment (EIA) as part of any Major Planning Application for Hartley Gardens.

1.4 Tendring District Council has produced the Hartley Gardens Supplementary Planning Document (SPD) to provide further detail to the policies in the adopted and Emerging Section 2 Local Plan, which form part of the Development Plan. The SPD is aimed at the sustainable development of the Hartley Gardens allocation as follows:

Draft Supplementary Planning Document

1.5 Hartley Gardens SPD (SPD)

2. The Development Plan

2.1 The Development Plan for Tendring District Council comprises the Shared Section 1 Local Plan (adopted January 2021) and the Section 2 Local Plan (adopted January 2022) as well as the relevant Policies Maps. The plan period runs from 2021 to 2033.

2.2 In addition, the Local Plan comprises one made Neighbourhood Plans for the Alresford area. The Alresford Neighbourhood Plan was formally made (adopted) on 8th October 2021.

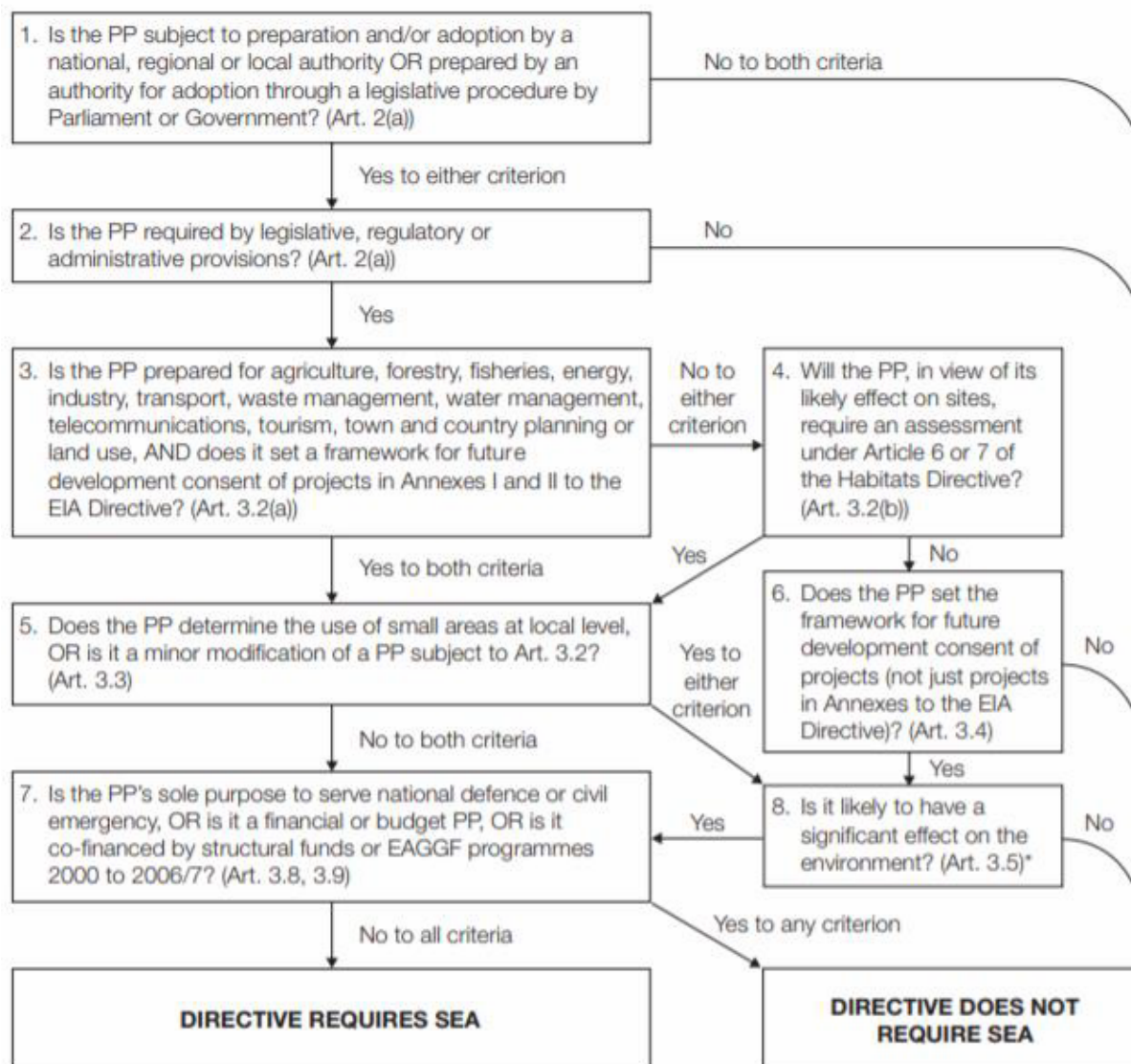
3. SEA Screening Process

3.1 The Council is required to undertake a SEA screening to assess whether the draft Hartley Gardens SPD is likely to have significant environmental effects. If an SPD is considered unlikely to have significant environmental effects through the screening process, then the conclusion will be that the SEA process is not necessary.

3.2 A Practical Guide to the Strategic Environmental Assessment Directive (2005) provides guidance on how to comply with the SEA Directive. Fig 1 outlines the process for establishing the need for SEA.

Fig 1: 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.

3.3 The guidance in Fig 1 is intended to apply to all plans and programmes in the UK which fall within the scope of the Directive. This guide has been used as the basis to identify if there is a need for the Hartley Gardens SPD to engage in the SEA process. Based on the responses a SEA is not required. See Table 1 below:

Table 1: Establishing the need for a SEA

STAGE	CRITERIA	RESPONSE	EXPLANATION
1	Is the SPD subject to preparation and/or adoption by a national, regional or	YES	Following a stakeholder and public consultation, the Council intends to adopt the

	local authority OR prepared through a legislative procedure by Parliament or Government? (Art. 2 (a))		Hartley Gardens SPD for use when preparing and assessing planning applications.
2	Is the SPD required by legislation, regulatory or administrative provisions? (Article. 2 (a))	NO	The Hartley Gardens SPD is being prepared in line with the Emerging Section 2 Local Plan as a site-specific document to aid in the sustainable development of the Hartley Gardens allocation.
3	Is the SPD prepared for agricultural, forestry, fisheries, energy, industry, transport, waste management, telecommunications, tourism, town and country planning or land use, AND does it set a framework for future development consent of projects in Annexes I and II to the EIA Directive? (Article 3.2 (a))	NO	The Hartley Gardens SPD is being prepared for town and country planning use. The SPD does not set a framework for future development consent of projects in Annexes I and II to the EIA Directive (Article 3.2 (a)).
4	Will the SPD, in view of its likely effect on sites, require an assessment under Article 6 or 7 of the Habitats Directive? Art 3.2 (b))	NO	A Habitats Regulations Assessment has already been undertaken for the higher tier Development Plan Documents. The Local Development Documents (LDD) provides additional details for the higher tier DPDs but does not introduce new policy or allocate sites for development. Therefore, it is not considered necessary to undertake an HRA assessment for the Hartley Gardens SPD.
5	Does the SPD set the framework for future development consent of projects (not just projects in Annexes to the EIA Directive)? (Art. 3.4)	NO	The Council's adopted Local Plan provides the framework for the future consent of projects. The Hartley Gardens SPD does not introduce new policies. It is meant to elaborate upon approved and emerging policies in the

			Emerging Section 2 Local Plan.
6	Are the plans likely to have a significant effect on the environment? (Art. 3.5).	NO	The Hartley Gardens SPD is considered not to have a significant effect on the environment that is different to the effects identified within the Section 2 Local Plan. Therefore, SEA is not required. However, an EIA will be required to be submitted with any Major Planning Application for development at Hartley Gardens.

3.4 Table 1 demonstrates that a SEA is not required. Table 2 assesses the Council's response against whether the draft SPD will have any significant environmental effects using the criteria set out in Annex II of SEA Directive 2001/42/EC5 and Schedule 1 of the Environmental Assessment of Plans and Programmes Regulations 2004.

3.3 The screening assessment in Table 2 (below) demonstrates that the Draft Supplementary Planning Document is unlikely to have significant effects on the environment beyond that of those identified in the Section 2 Local Plan. Therefore, it will not be necessary to carry out a SEA in the production of this document.

Table 2: Criteria for determining the likely significance of effects

SEA Directive / Schedule 1 of the Environmental Assessment of Plans and Programmes Regulations 2004	Is there a significant effect?	Justification
1. The characteristics of the SPDs, having regard, in particular to -		
(a) the degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources,	NO	The SPD provides an additional framework of guidance related to policies contained within the adopted Shared Section 1 and Emerging Section 2 Local Plan. The SPD does not allocate resources but will help enable the sustainable delivery of the Hartley Gardens allocation.
(b) the degree to which the plan or programme influences other plans and programmes including those in a hierarchy,	NO	N/A. The SPD provides additional guidance to assist in the delivery of policies in documents, which sit above it in the hierarchy of Development Plan Documents (DPDs). The guidance in the SPD will be consistent with the Council's Section 2 Local Plan which has

		been subject to the SA / SEA process at examination.
(c) the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development.	NO	The Hartley Gardens SPD will promote sustainable development by providing guidance on the implementation and compliance with policies contained in higher tier DPDs.
(d) environmental problems relevant to the plan or programme.	NO	The SPD will assist in providing the details for the delivery of the Hartley Gardens allocation and will require an Environmental Impact Assessment to be carried out for the whole site.
(e) the relevance of the plan or programme for the implementation of Community legislation on the environment (e.g. plans and programmes linked to waste management or water protection).	NO	
2. Characteristics of the effects and of the area likely to be affected, having regard, in particular to - having regard, in particular to -		
(a) The probability, duration, frequency and reversibility of the effects.	NO	There could be adverse effects on environmental interests resulting from the implementation of the SPD and an EIA is required under SAMU2 as identified in the Section 2 Local Plan. The guidance will be used to aid the determination of planning applications for the Hartley Gardens allocation and will thereby help ensure that the duration and frequency of adverse environmental effects are minimised, mitigated and/or enhanced.
(b) The cumulative nature of the effects.	NO	The effect of the guidance to be derived from the Hartley Gardens SPD will be largely beneficial. Therefore, any cumulative impacts, once managed correctly, should also be beneficial.
(c) The trans-boundary nature of the effects.	NO	The Hartley Gardens SPD is not considered to have cross boundary impacts.

(d) The risks to human health or the environment (e.g. due to accidents).	NO	There are likely to be improvements to human health and the environment due to high levels of community engagement, high quality design and good parking standards.
(e) The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected).	NO	The Hartley Gardens SPD will not have a regional or national environmental impact and covers only the local administrative area for Tendring District Council, which has a population of 147,353 (2020).
(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	NO	There are a range of special natural characteristics in the Tendring District area including Ramsar Sites, Special Protection Areas, Special Areas of Conservation, Sites of Special Scientific Interest, Scheduled Monuments, Areas of Archaeological Significance, Listed Buildings, Registered Parks and Gardens, Conservation Areas and other locally important assets. These are protected, conserved, and enhanced by higher tier DPD policies within the Section 2 Local Plan, which also prescribes the standards to be met for environmental and design quality and intensity within the Hartley Gardens allocation. The Hartley Gardens development has been identified as likely to have a significant impact on these areas and the Developer will be required to carry out an Environmental Impact Assessment (EIA) for the Hartley Gardens allocation.
(g) The effects on areas or landscapes which have a recognised national, Community or international protection status.	NO	Impacts on other areas will be considered through the Council's adopted Shared Section 1 Local Plan policies and the Emerging Section 2 Local Plan policies which have both been subject to an SEA.

13. In accordance with the Regulations, Natural England, Historic England, and the Environment Agency will also be consulted on this report to ensure that the reason for determination are robust and credible.

Conclusion

It is the Council's view that a Strategic Environmental Assessment is not applicable to the Hartley Gardens SPD. However, an Environment Impact Assessment (EIA) and Heritage Impact Assessment (HIA) will be required to be provided as part of the Planning Application process. The relevant statutory bodies are being consulted and the comments from Natural England, Historic England, and the Environment Agency are being sought for confirmation.