



**Design Supplementary Planning Document
Strategic Environment Assessment Screening Statement
January 2019**

Design SPD SEA/HRA Screening Report

1. Introduction

This screening assessment is to determine whether the Design Supplementary Planning Document (Design SPD) requires:

- A Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plans and Programmes Regulations 2004 (as amended) and/or
- A Habitats Regulation Assessment (HRA) under European Directive 92/43/EC on the Conservation of Natural Habitats and Wild Flora (the Habitats Directive) and associated Conservation of Habitats and Species Regulations 2010 (Habitats Regulation).

2. Summary of the document

The purpose of the Design SPD is to build upon and provide more detailed guidance on the Tamworth Borough Council Local Plan (2006-2031), in particular policy EN5 (Design of New Development). The SPD provides greater clarity and local design guidance for developers and decision makers on all future pre-application discussions and planning applications for new development in Tamworth Borough.

3. SEA screening procedure

Part 2 of the Environmental Assessment of Plans and Programmes Regulations 2004 requires a responsible authority (in this case Tamworth Borough Council) to carry out an environmental assessment before adoption of a plan or programme that meets the requirements set out in the regulations, which includes plans prepared for town and country planning or land use. A SEA is only required where the responsible authority determines that the plan or programme would have significant environmental effects.

The National Planning Practice Guidance (NPPG) states that supplementary planning documents *'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 Local Plan'*. The NPPG goes on to state that, before deciding whether significant environment effects are likely, *'the local planning authority should take into account the criteria specified in schedule 1 to the Environmental Assessment of Plans and Programmes Regulations 2004 and consult the consultation bodies.'*

The table below sets out the relevant criteria and assessed the supplementary planning document against them.

Criteria for determining the likely significance of effects on the environment	Assessment against the criteria
1. Characteristics of the document, having particular regard 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	The SPD will not set a framework for other projects or activities- it is providing additional guidance on existing policies within the Local Plan that have been subject

conditions or by allocating resources;	to a Sustainability Appraisal.
(b) the degree to which the plan or programme influences other plans and programmes including those in a hierarchy;	The SPD will have less material weight than the existing Local Plan policies, which have been subject to a Sustainability Appraisal. It sits below 'higher tier' documents and does not set new policies.
(c) the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development;	The SPD provides guidance on the interpretation of existing local policy along with national guidance, all of which promote sustainable development. The SPD does not introduce new policy.
(d) environmental problems relevant to the plan or programme; and	There are no negative environmental issues associated this SPD, moreover the SPD seeks where possible to achieve environmental improvements via good quality, sustainable design.
(e) the relevance of the plan or programme for the implementation of Community legislation on the environment (for example, plans and programmes linked to waste management or water protection).	The SPD will not impact on the implementation of Community legislation on the environment.
2. Characteristics of the effects and of the area likely to be affected, having particular regard to:	
(a) the probability, duration, frequency and reversibility of the effects;	The SPD provides guidance aimed at ameliorating the negative impact of new developments. It is anticipated to have positive and beneficial effects. It offers guidance on the implementation of existing Local Plan policies, which have been subject to a Sustainability Appraisal, to provide further positive effects.
(b) the cumulative nature of the effects;	The effects of this SPD will be largely beneficial- therefore any cumulative effects will also be beneficial e.g. the use of better quality design materials in accordance with the SPD will over time create a better quality built environment.
(c) the transboundary nature of the effects;	The SPD is unlikely to result in any transboundary effects; it is mostly limited to

	<p>areas in the vicinity of new developments within the Borough. Where developments may be transboundary, the SPD would only serve to ameliorate some of the possible effects of such developments.</p>
<p>(d) the risks to human health or the environment (for example, due to accidents);</p>	<p>The SPD does not present any risk to human health or the environment; conversely it aims to encourage improvements in these areas.</p>
<p>(e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);</p>	<p>The SPD will be applied to all relevant planning applications in the Borough, although the effects of the SPD will be more likely felt at a more local scale (i.e. the site or neighbourhood).</p>
<p>(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</p>	<p>The SPD covers areas protected for their special natural characteristics and cultural heritage including the Alvecote Pool Site of Special Scientific Interest (SSSI) and 7 Conservation Areas. However, It is only offering guidance on the implementation of existing Local Plan policies, to provide further positive effects. It does not propose any new development over and above that assessed within the Local Plan policies.</p>
<p>(g) the effects on areas or landscapes which have a recognised national, Community or international protection status.</p>	<p>The SPD coverage is Borough wide which includes 7 Local Nature Reserves, 1 SSSI and a number of non-statutory Sites of Biological Importance. The SPD, however, is only offering guidance on existing Local Plan policies which have been subject to a Sustainability Appraisal to aid implementation and provide further positive effects. It does not propose any new development over and above that assessed within the Local Plan policies.</p>

4. HRA Screening procedure

In respect of HRA (which relates to internationally important nature conservation sites), the aim of this screening is to establish whether the SPD is likely to give rise to significant effects which have not been formally assessed in the context of the HRA of the Local Plan. The requirement under the “Habitats Directive” is to consider potential impacts on sites of European importance for Nature Conservation. This is done through a process referred to as a Habitat Regulations Assessment which starts with a screening stage and may need to be followed with more detailed examination through an “Appropriate Assessment”.

It is a requirement under the Habitats Directive that the potential effects of “plans or projects” on designated European sites (Special Areas of Conservation (SAC)/Special Protection Areas, also referred to as “Natura 2000 sites”) are considered, and where necessary are appropriately assessed. Regulation 61(1) of The Conservation of Habitats and Species Regulations 2010 states:

“A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which—

(a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and (b) is not directly connected with or necessary to the management of that site, must make an appropriate assessment of the implications for that site in view of that site’s conservation objectives.”

The authority may agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site (Regulation 61(5)).

Therefore, where a plan or project is “*not directly connected with or necessary to the management of a [Natura 2000] site*”, the first stage in the HRA process is to establish whether a “*significant effect*” is likely. This is referred to as the “screening stage”. If it is found that a significant effect is not likely then no further action is required but if potential effects are identified and deemed to be significant then further “*Appropriate Assessment*” is required and used as a tool to help modify the plan / project to ensure that impacts are removed or if this is not possible mitigated to prevent an adverse effect upon the integrity of the European site.

As the competent authority under The Conservation of Habitats and Species Regulations 2010 (the Habitats Regulations) Tamworth Borough Council was required to assess its Local Plan through the HRA process as policies and site allocations in the plan could potentially affect the following Natura 2000 sites near the Borough; namely Cannock Chase SAC and River Mease SAC.

The Design SPD is not a plan or project which will be implemented in its own right – it expands upon policies within the Local Plan. The relevant policies within the Local Plan listed in the SPD have already been subject to a HRA and it concluded that it is unlikely that development in Tamworth would lead to significant effects on the integrity of the SACs. The SPD does not introduce new proposals of a type and/or scale outside the parameters of the

Local Plan or amend any of the proposed mitigation measures agreed. It is therefore considered that the Design SPD is not likely to have a significant effect on a European site which means that an “Appropriate Assessment” is not required.

5. Consultation

The Council consulted the three statutory environmental bodies; Environment Agency, Historic England and Natural England on the draft SEA/HRA screening report. The responses agreed that a HRA or SEA assessment was not required.

6. Determination

The Design SPD has not been subject to HRA or SEA assessment because the SPD does not introduce new policies. It simply provides guidance on existing policies within the adopted Local Plan. These policies have been sufficiently appraised via SAs and HRAs. The Council considers that the Design SPD will not result in any additional significant effects to those already identified in the higher level SAs. It will provide more detailed guidance to developers and decision makers to ensure that the positive effects identified in the Local Plan SA are realised and that the neutral and/or negative effects are mitigated further.