

Determination Statement on the need for Strategic Environmental Assessment (SEA) for the Established Employment Areas Supplementary Planning Document.

1.0 Introduction

- 1.1 Under the Environmental Assessment of Plans and Programmes Regulations 2004¹ (the Regulations), Councils must, where appropriate, carry out a Strategic Environmental Assessment (SEA) of land-use and spatial plans.
- 1.2 The first part of the SEA process is to screen the relevant plan or programme to test whether a SEA is required. The Council has a duty to consult with specified environmental organisations (Natural England, English Heritage and the Environment Agency) when determining the need for SEA.
- 1.3 This report constitutes the determination statement as to the need for a full SEA under Regulation 9(3) of the Environmental Assessment of Plans and Programmes Regulations 2004. The report sets out the SEA screening process of the Council's proposed Established Employment Areas Supplementary Planning Document along with the reasoning behind the determination that an SEA is not required.

2.0 Established Employment Areas Supplementary Planning Document and Unitary Development Plan (UDP) Policy E5

- 2.1 The city council is preparing an Established Employment Areas Supplementary Planning Document (SPD). The SPD will supplement the guidance under UDP Policy E5 (Development Within Established Employment Areas) and also provides an explanation of the relationship between this policy and UDP Policy MX1 (Development in Mixed-Use Areas).
- 2.2 Policy E5 is specifically targeted at established employment areas across the city and provides a number of criteria with which these areas are defined. The policy allows for the development of employment uses within these areas and, in order to ensure the city maintains an adequate supply of employment land and premises, identifies a number of policy tests which proposals for non-employment uses have to meet in order to be deemed acceptable within employment areas.

¹ Statutory Instrument 2004/No. 1633

2.3 The SPD will largely focus on these latter protective tests, providing further detail as to the types of evidence that should be submitted alongside relevant applications. The document will not therefore introduce new policy but will focus on implementation and evidence requirements in relation to a policy targeting established employment areas.

3.0 Strategic Environmental Assessment

3.1 Under the Regulations LPAs must, where appropriate, carry out a Strategic Environmental Assessment (SEA) of land-use and spatial plans.

3.2 Regulation 5 (2) of the Regulations describes that an environmental assessment should be undertaken for a plan or programme which -

(a) is prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use, and

(b) sets the framework for future development consent of projects listed in Annex I or II to Council Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment, as amended by Council Directive 97/11/EC.

3.3 The Supplementary Planning Document falls under criterion (a) of Regulation 5(2), being a plan prepared for town and country planning or land use. However, for a plan or programme to be deemed relevant under Regulation 5(2) it must also be consistent with sub-paragraph (b).

3.4 In respect of sub-paragraph (b) the SPD will supplement existing policy within the city's Adopted UDP, providing additional detail about the sorts of evidence that should be submitted alongside relevant planning applications. Furthermore, although UDP Policy E5 does not actively promote a specific use, as established employment area could contain a selection of the uses listed under Annex I and II of EC Directive 85/337/EEC as amended by Directive 97/11/EC it is considered appropriate to review the SPD as relevant to the definition under Article 5(2).

3.5 Further to the above, Regulation 5(6) of the Regulations describes that an environmental assessment need not be carried out -

(a) for a plan or programme of the description set out in paragraph (2) or (3) which determines the use of a small area at local level; or

(b) for a minor modification to a plan or programme of the description set out in either of those paragraphs,

unless it has been determined under regulation 9(1) that the plan, programme or modification, as the case may be, is likely to have significant environmental effects, or it is the subject of a direction under regulation 10(3).

- 3.6 The SPD is specifically focused on a number of established employment areas across the city and is therefore considered to fall under criterion (a) of Regulation 5(6). It is only therefore if it is considered 'likely' that the SPD will have significant environmental effects that a full SEA is required. The SPD is not subject to a direction under regulation 10(3).
- 3.7 The regulations advise that the likelihood of any significant environmental effects should be determined by a screening process, which should use a specified set of criteria (set out in Schedule 1 to the Regulations). The results of this process must be summarised in an SEA screening statement, which must be publicly available.

4.0 SEA Screening of the Established Employment Areas SPD

- 4.1 The screening process set out in Regulation 9 of and Schedule 1 to the Regulations includes two sets of characteristics for determining the likely significance of effects on the environment as follows:
- The characteristics of the Established Employment Areas SPD; and
 - The characteristics of the effects and of the area likely to be affected.
- 4.2 Under each characteristic are a number of criteria with which to assess the SPD against, each is considered below.

1. The characteristics of plans and programmes, having regard, in particular, to –

Criteria	Details	Significant Environmental Impact?
(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;	<p>The Established Employment Areas SPD supplements adopted policy within Salford's UDP (policies E5 and MX1), providing further detail in respect of the types of evidence required in order to consider planning applications against these policies.</p> <p>The SPD will therefore supplement existing policy rather than setting a framework in itself.</p>	No
(b) the degree to which the plan or programme influences other plans and programmes including those in a hierarchy;	The Established Employment Areas SPD supplements policy within the City's adopted UDP and sits at the lowest tier of the Local Development Framework.	No
(c) the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development;	The Established Employment Areas SPD will promote sustainable development by providing further detail about the sorts of evidence that should be considered in relation to Policy E5 of the adopted UDP. It will not however provide environmental policy in its own right so does not have a significant effect on environmental considerations.	No
(d) environmental problems relevant to the plan or programme; and	The Established Employment Areas SPD supplements Policy E5 of the UDP and is not being prepared in order to tackle a particular environmental problem.	No

(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 Established Employment Areas SPD is not relevant to the implementation of EC legislation on the environment. However it does generally allow for the development of waste uses within established employment areas.	No
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2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to –		
Criteria	Details	Significant Environmental Impact?
(a) the probability, duration, frequency and reversibility of the effects;	<p>The SPD supplements policy within the adopted UDP, providing further detail about evidence requirements. The SPD should therefore ensure a greater consistency of decision making against the requirements of E5 made in light of a full and detailed evidence base. Any environmental effects of decisions made against Policy E5 should therefore be further regularised by the SPD, however this impact is unlikely to be significant in environmental terms, particularly when compared with the option of not producing the SPD and relying on Policy E5.</p> <p>The SPD will not result in new development that would have a significant environmental effect. Whilst no established employment area has been specifically identified as having significant environmental problems, a number could contain polluting activities. The additional guidance in the SPD could potentially result in a small number of such activities remaining within</p>	No

	<p>employment areas, due to their economic importance, that may otherwise be redeveloped for other uses. However, such instances are likely to be very limited and the environmental impacts relatively minor given that they will already be controlled under environmental health and other legislation.</p> <p>Furthermore, if any of the existing employment areas were identified as having significant environmental problems, then criterion 2c of UDP Policy E5, which allows for a case of redevelopment to be made around a “strong environmental case for rationalising land uses or creating open space”, could be used to justify the redevelopment of any problem uses/areas where appropriate.</p>	
(b) the cumulative nature of the effects;	<p>As noted above, the SPD would not in itself result in new activities with any significant environmental effects, it may result in the retention of some existing uses that have an environmental impact but this would be expected to be very limited, even when all such instances are considered cumulatively, particularly given that they are already monitored and managed within the relevant regulatory requirements.</p>	No
(c) the trans-boundary nature of the effects;	<p>As described above established employment areas could include activities that emit pollutants, which could contribute to trans-boundary issues such as climate change. However, UDP Policy E5 allows for the consideration of environmental issues, and the SPD would not change that.</p> <p>Also as noted above, by providing further guidance on the need for a full and detailed evidence base, the SPD could act to protect certain polluting uses that would otherwise be lost. However, it could also act to discourage the redevelopment of sites for alternative uses, which can also contribute to CO2 emissions, both in construction and operational phases. Therefore, any</p>	No

	<p>impacts of retaining existing uses are likely to be negligible.</p> <p>Given that decisions are made against the UDP policy, and the SPD only seeks to ensure a greater consistency of decision against that policy, its impact in this regard is not considered to be significant.</p>	
<p>(d) the risks to human health or the environment (for example, due to accidents);</p>	<p>As described above, no established employment areas have been identified as having specific environmental problems. However a number of such areas could contain polluting activities and/or buildings that could be considered environmentally damaging from an aesthetic perspective. Such uses are controlled under environmental health and other legislation and the SPD does not seek to introduce any further such activities.</p> <p>Policy E5 includes criteria that support employment developments in established employment areas that would include the modernisation and refurbishment of existing buildings; that improve the environmental quality of an employment area and improvements to property and personal security consistent with the need to maintain high standards of design. Furthermore, as referred to above, Policy E5 includes a criterion relating to environment issues (criterion 2c). Furthermore, hazardous uses, design and the impact of development on surrounding landscapes and/or areas/ buildings of cultural importance are considered specifically under separate policies within the UDP.</p> <p>As described above, the SPD will help to ensure full consideration is given to all of the issues raised in Policy E5 and this may result in certain industrial uses being protected that would otherwise be lost to alternative uses, or vice versa.</p> <p>The impact of the SPD, whilst important from a transparency and consistency</p>	<p>No</p>

	point of view, is not considered to be significant in terms of the impact on human health or the environment.	
(e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);	Policy E5 of the UDP targets a number of established employment areas across the city and environmental effects are likely to be local to these areas. The SPD will not change the focus of the Policy and is therefore not considered to have any significant impacts in this regard.	No
(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	Policy E5 of the UDP, and therefore the SPD, targets a number of established employment areas across the city. The policy encourages further economic development within these areas, provided it is consistent with a number of criteria, and seeks to manage the introduction of alternative non-employment uses in order to protect the city's supply of employment land and premises. These areas are established in nature and Policy E5 (and the SPD) does not actively promote any significant changes. A number of established employment areas include buildings and structures of cultural importance (locally or nationally listed). The potential impact on these features is considered under separate policies within the UDP, and the SPD itself would not have any particular impact on them.	No
(g) the effects on areas or landscapes which have a recognised national, Community or international protection status.	Salford does not currently include any landscapes which have a recognised national, Community or international protection status. The UDP includes policies which consider the impact of development on recognised areas but it is not the focus of Policy E5 or the proposed SPD.	No

5.0 Consultation with Statutory Bodies

5.1 The Council has a duty to consult with specified environmental organisations (Natural England, English Heritage and the Environment Agency) when determining the need for SEA and, in situations where an SEA is not deemed to be required, it also has a duty to prepare a statement of its reasons for this determination. An SEA Screening Statement was sent to the following organisations:

- Government Office North West.
- The Historic Buildings and Monuments Commission for England (English Heritage);
- Natural England; and
- The Environment Agency.

5.2 Their comments are summarised below:

Organisation	Comment
English Heritage	<p>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?”</p> <p>The Council considers that the SPD will not affect any ‘special natural characteristics or cultural heritage’ in the 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 a Strategic Environmental Assessment is not required.</p> <p>The views of the other three statutory consultation bodies should be taken into account before the overall decision on the need for an SEA is made.</p>
Environment Agency	<p>The Environment Agency is in agreement with the Council that the Supplementary Planning Document would not give rise to significant environmental effects.</p> <p>As such there will be no requirement to undertake a Strategic Environmental Assessment or a full Sustainability Appraisal.</p>
Government Office for the North West	No comments
Natural	We are satisfied with the conclusions of the Screening

England	<p>Statements in respect of the requirement for Strategic Environmental Assessment and Sustainability Appraisal for the Employment Land Supplementary Planning Document, and concur that SEA and SA are not required for the reasons stated.</p> <p>The advice given by Natural England in this letter is made for the purpose of the present consultation only. In accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England expects to be included as a consultee in relation to any additional matters to be determined by Salford City Council that may arise as a result of, or are related to, the present proposal. Natural England retains its statutory discretion to modify its present advice or opinion in view of any and all such additional matters or any additional information related to this consultation that may come to our attention.</p>
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6.0 Conclusion

- 6.1 The Established Employment Areas SPD supplements adopted policy in Salford's UDP, focusing on implementation and evidence requirements. A screening of the document has led to the conclusion that it is not likely that the SPD will have any significant environmental impacts and, therefore, that a SEA is not required. This conclusion has been verified through a consultation with the bodies identified in section 5 above.
- 6.2 This note therefore constitutes the council's 'Determination Statement' outlining the process that has led to the conclusion that a SEA is not required.

7.0 The Statement of Determination

- 7.1 It is considered that a Strategic Environmental Assessment is NOT required for the Established Employment Areas SPD for the reasons set out in Section 4 above.