

Appendix II: Strategic Environmental Assessment (SEA) Screening – Site Development Brief for Upper Denbigh Site Development Brief

1. Legal Background

- 1.1 This reports looks at determining whether the emerging Site Development Brief (SDB) for Upper Denbigh, must be subject to a (full) Strategic Environmental Assessment (SEA) to comply with the requirements set out in 'Environmental Assessment of Plans and Programmes (Wales) Regulations 2004', henceforth referred to as SEA Regulations 2004, which transposes European Directive 2001/42/EC into national legislation.
- 1.2 The SEA Regulations 2004 place an obligation on local authorities to undertake a SEA on plans and projects;
- that are required for town and country planning or land use; and
 - set the framework for future development consent of projects listed in Annex I or II to European Council Directive 85/337/ EEC.
- Detailed guidance on the methodology is laid out in 'A Practical Guide to the Strategic Environmental Assessment Directive' (ODPM et al, 2005)
- 1.3 The Planning and Compulsory Purchase Act 2004 contained the requirement for local planning authorities to produce a Sustainability Appraisal (SA) for all local development plan documents. It was suggested to be of best practise to incorporate the SEA into the document accompanying SA. The Planning Act 2008 removed the obligation of carrying out a SA for Supplementary Planning Guidance (SPG) including SDB without establishing whether a SPG still requires the SEA.
- 1.4 SEA Regulations 2004, regulation 5(6) further clarifies that a SEA is not required for (1) a plan or programme which determines the use of a small area at local level or (2) minor modification to a plan or programme, unless it has been determined that the plan, programme or modification is likely to have significant environmental effects or the Welsh Government determines so.

2. SEA – screening

- 2.1 Although this site development brief supplements policies from Denbighshire's Local Development Plan (LDP) 2006 – 2021, which has been subject to a full SA (including SEA) appraisal, it is essential to determine whether this SDB is likely to have a significant effect on the environment. Natural Resources Wales (NRW) and Cadw (Welsh Monuments), both are statutory consultation bodies, will be consulted on this document to establish whether they agree with the Council's viewpoint that this SDB would not be 'likely to have significant environmental effects'.

- 2.2 If NRW or Cadw conclude that the plan would be likely to have significant effects on the environment, listing the reasons for their viewpoint, the requirements are established for a (full) SEA.
- 2.3 Table 1 presents the template for this screening process to determine the requirements for a SEA. It is an amended version of 'Figure 2 – Application of the SEA Directive to plan and programmes' in 'A Practical Guide to the Strategic Environmental Assessment' (2005).

Table 1: Screening for the need for an SEA

| Stage | [Y / N] | Reason |
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| 1. Is the PP (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 SDB has been prepared by a local planning authority, and is likely to become adopted by the Council. |
| 2. Is the PP required by legislative, regulatory or administrative provisions? (Art. 2(a)) | Yes | The SDB is not required by legislative provision but amplifies Denbighshire Local Development Plan policy BSC1 (and other relevant LDP policies) and may become a material consideration in determining planning applications. |
| 3. Is the PP 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 a framework for future development consent of projects in Annexes I and II to the EIA Directive? (Art 3.2(a)) | Yes No | The SDB was prepared for town and country planning and may guide future land use if adopted. The SDB currently only suggests residential use for the site. |
| 4. Will the PP, in view of its likely effect on sites, require an assessment for future development under Article 6 or 7 of the Habitats Directive? (Art. 3.2 (b)) | N/A | N/A |
| 5. Does the PP Determine the use of small areas at local level, OR is it a minor modification of a PP subject to Art. 3.2? (Art. 3.3) | Yes Yes | The SDB will be used to guide development of small areas (2.82 and 0.73 ha) at local level. The SDB amplifies policies contained in the Denbighshire Local Development Plan 2006 - 2021 that was subject to a full SEA as part of the Plan process. |
| 6. Does the PP set the framework for | N/A | N/A |

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| future development consent of projects (not just projects in annexes to the EIA Directive)? (Art 3.4) | | |
| 7. Is the PP's sole purpose to serve the national defence or civil emergency, OR is it a financial or budget PP, OR is it co-financed by structural funds or EAGGF programmes 2000 to 2006/7? (Art 3.8, 3.9) | N/A | N/A |
| 8. Is it likely to have a significant effect on the environment? (Art. 3.5) | No | Please refer to table 2 'Assessment of the likely significant effects on the environment' |

Table 2: Assessment of the likely significant effects on the environment

| 1. The characteristics of plans and programmes, having regard, in particular, to: | | |
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| SEA Directive Criteria (Article 3 (5) of directive 2001/42/EC) | Response | Is there a significant or specific effect beyond that anticipated by the parent policy framework? Y/N |
| 1a) 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. | The SPD suggests acceptable uses and seeks to raise the standards of design on the site. | No. |
| 1b) The degree to which the plan or programme influences other plans and programmes including those in a hierarchy. | The SDB will not influence other plans and programmes but may guide future development on this particular site. | No. |
| 1c) The relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development. | The SDB refers to the fact that all development proposals should be of high quality and inclusive design. Land use proposals, landscape elements and design must principally contribute to the creation of a sustainable community and secure the best environment. | No. |
| 1d) Environmental problems relevant to the plan or programme. | Specific reference has been included to advice on the legal requirements regarding building works affecting nature conservation, alongside policy consideration to flood risk, | No. |

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| | for example. | |
| 1e) 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). | The SDB points out principal design aspirations but does not contain or impose specific measures. Those features are expected to be discussed as part of the planning application. | No. |
| 2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to: | | |
| 2a) The probability, duration, frequency and reversibility of the effects. | The aim of the SDB is to redevelop the site for the long-term future. | No. |
| 2b) The cumulative nature of the effects. | The changes proposed will occur over a gradual period of time, and when taken as a whole, the effects of the SDB if implemented, will be on a local/small scale only. | No. |
| 2c) The trans-boundary nature of the effects. | Indirect effects of redevelopment as outlined in the SDB would relate primarily to transport/highways and (visual) landscape impacts. Environmental considerations are considered at 2f. | No. |
| 2d) The risks to human health or the environment (e.g. due to accidents). | It cannot be envisaged that there are any risks to human health or the environment beyond legal requirements. The provision of quality housing, including affordable housing will be beneficial to human health. | No. |
| 2e) The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected). | The SDB specifically refers to the Upper Denbigh sites in Denbigh. There may positive spill-over effects for the local community, e.g. improved housing and job opportunities during construction. | No. |
| 2f) 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 | The sites are visible from Denbigh castle, the SDB highlights the importance of any development proposals preserving and enhancing the setting and character of the castle. The SDB area does not | No. |

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| <p>values.</p> <ul style="list-style-type: none"> ▪ intensive land-use. | <p>include any environmentally related designations but there is evidence of protected species using the sites.</p> <p>The sites are greenfield sites that were previously used for agricultural purposes. It is acknowledged that potential re-development and subsequent use of the sites for housing would lead to a more intensive land use of the sites but that this could be done without prejudice to the nature conservation interests on the sites.</p> | |
| <p>2g) The effects on areas or landscapes which have a recognised national, Community or international protection status.</p> | <p>The area affected by proposals contained in the SDB is not covered by any landscape designation.</p> | <p>No.</p> |

3. *Conclusion*

- 3.1 The Council awaits responses from statutory consultation bodies: Natural Resources Wales and Cadw before concluding whether the site development brief for Upper Denbigh, Denbigh requires a (full) Strategic Environment Assessment.