



Allerdale Borough Council

Workington Town Centre Supplementary Planning Document



Image: Workington Town Council

Strategic Environmental Assessment and Habitat Regulations Screening Report

October 2020

1.0 Introduction

This screening report has been prepared to determine whether the Workington Town Centre Supplementary Planning Document (SPD) requires:

A Habitats Regulation Assessment (HRA) under European Directive 92/43/EEC of the Conservation of Natural Habitats and Wild Flora and Fauna (Habitats Directive), and /or;

A Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plans and Programmes Regulation 2004. In the case of this being required then a wider Sustainability Appraisal (SA) may also be necessary.

1.1 The Workington Town Centre SPD

The SPD will provide further guidance to supplement the town centres policies in the Local Plan (part 1) and the retail and town centre uses allocations in Local Plan (part 2). In particular it will provide guidance on design for development on allocated sites and redundant buildings, as well as public realm, green open space and green infrastructure. The SPD will set out further detail on improving connectivity and the mix of town centre uses when repurposing buildings and in new development. It does not contain new policies or allocations, elaborating only on policies within Local Plan (Parts 1 and 2) to assist implementation. The Local Plan (parts 1 and 2) policies and site allocations have been subject to SEA as part of the SA and HRA.

The legislative background set out below outlines the regulations that require the need for this screening exercise. Sections 3 and 4 provide a screening assessment of the likely significant environmental effects of the SPD and examine the need for a HRA and SEA respectively.

2.0 Legislative Background

2.1 Habitat Regulation Assessment

In respect of the 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 (parts 1 and 2). 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 at a screening stage and may need to be followed with more detailed examination through an Appropriate Assessment.

2.2 Strategic Environmental Assessment

The requirement for a Strategic Environmental Assessment (SEA) arises from the European Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment (SEA Directive). This Directive was

transposed in UK law by the Environmental Assessment of Plans 2004 (the SEA Regulations). This legislation places an obligation on local authorities to undertake a SEA on any plan or programme prepared for town and country planning or land use purposes and which sets a framework for future development consent of certain projects.

The Planning Act 2008 removed the requirement to undertake an SA for an SPD, although this did not replace the requirement to establish whether an SPD required SEA. Therefore this report focusses on screening for SEA and the criteria for establishing whether a full Assessment is needed. An SPD will only require SEA if they are likely to have significant environmental effects that have not already been assessed during the preparation of the Local Plan.

2.3 Consultation

There is a duty to consult specified environmental organisations (Natural England, Historic England and Environment Agency) when determining the need for SEA for development falling within the criteria set by this Regulation. In situations where SEA is deemed not to be required the Council has a duty to prepare a statement setting out its reasons. The following sections sets out the screening outcomes for both HRA and SEA regulations and whether further assessment is required.

3.0 Screening for HRA

It is a requirement under the Habitats Directive that the potential effects of plans or projects on designated European sites (Special Areas of Conservation/ 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.

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 the screening stage. If it is found that a significant effect is not likely then no further action is required but if

potential effect have been identified and deemed 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 and Species Regulations 2010 (the Habitats Regulations)) Allerdale Borough Council was required to assess its Local Plan (parts 1 and 2) through the HRA process as policies and site allocations in the Plan could potentially affect Natura 2000 sites with in or near to the Borough.

The Workington Town Centre SPD is not a plan or project which will be implemented in its own right, it expands on policies and site allocations in the Local Plan (part 1 and 2). The relevant policies within the Local Plan and listed in the SPD have already been subject to HRA and measures to address the identified likely significant effects on the integrity of Natura 2000 sites have been incorporated in Local Plan policy. The SPD does not introduce new proposals of a type and/or scale outside the parameters of the Local Plan (parts 1 and 2) or amend any of the proposed mitigation measures agreed. It is therefore considered that the Workington Town Centre SPD is not likely to have a significant effect on a European site which means that an Appropriate Assessment is not required.

4.0 SEA Screening

In order to screen, it is necessary to determine if a plan will have significant environmental effects using the criteria set out in Annex II of the SEA Directive and Schedule I of the SEA Regulations.

The SEA Directive requires plans and programmes to be in general conformity with the strategic policies of the adopted development plan for the local area.

Planning Practice Guidance (PPG) Strategic environmental assessment and sustainability appraisal Paragraph 11-008 states that:

Supplementary Planning Documents do not require a sustainability appraisal but may in exceptional circumstances require a strategic environmental assessment if they are likely to have significant environmental effects that have not already have been assessed during the preparation of the Local Plan

4.1 Establishing whether there is a need for SEA

Stage	Yes/No	Reason
1. Is the PP (plan or programme) subject to preparation and/or adoption through a	Y	The SPD has been prepared by and will be adopted by Allerdale Borough Council to give

legislative procedure by Parliament or Government Act? (Art 2(a))		further detail on the Local Plan (parts 1 and 2)
2. Is the PP required by legislative, regulatory or administrative provisions (Art. 2(a))	Y	When the SPD is adopted it will be a material consideration in planning decisions.
3. Is the PP prepared for agriculture, 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? (Art 3.2 (a))	Y	The SPD is a daughter document to the Local Plan (parts 1 and 2) and will follow the framework set for future development with the Plan area. The SPD, although a material consideration in the consenting process, does not directly set the framework for development rather it sets out a series of requirements for development to adhere to.
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 Habitat Directive? (Art 3.2 (b))	N	The SPD is not anticipated to have a likely significant effect on any European sites
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)	Y	The SPD identifies a range of development guidance for Workington Town Centre
8. Is it likely to have a significant effect on the environment? (Art 3.5)	N	See section 5

4.2 Relevance to the SEA Directive

Question 8 within the ODPM guidance refers to whether the SPD would have a significant effect on the environment. The criteria from Annex II of the SEA Directive and Schedule I of the Environmental Assessment of Plans and Programmes Regulations (2004) can be used to consider the relevance of the plan to the SEA Directive.

Workington Town Centre SPD and the SEA Directive

Criteria (from Annex II of the SEA Directive and Schedule I of Regulations)	Response
The Characteristics of the Plans and Programmes	
(a) the degree to which the plan or programme sets a framework for projects and other activities, either with regard to location, nature, size and operating conditions or by allocating resources	The SPD sets a framework for projects by providing detail on adopted policies of the Local Plan. The SPD forms a material consideration for the nature and operating conditions of the projects.
(b) the degree to which the plan or programme influences other plans and programmes including in a hierarchy	The SPD adds detail to existing strategic planning policies set out in the Local Plan (parts 1 and 2). It does not create 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	There are opportunities for integrating environmental considerations within the SPD. The SPD contains further guidance on enhancing and extending the green infrastructure network in the town centre as well as open space in design and public realm. As well as the introduction of street trees.
(d) environmental problems relevant to the plan or programme	<ol style="list-style-type: none"> 1. Increase in car ownership and impact on congestion and air quality. 2. falling use of public transport 3. flood risk 4. impact of development on the natural and historic environment 5. Decline in the number of protected habitats and species.

(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)	N/A
Characteristics of the effects and of the area likely to be affected	
(a) the probability, duration, frequency and reversibility of the effects	The SPD is not expected to give rise to any significant environmental effects.
(b) the cumulative nature of the effects	The SPD is not considered to have any significant cumulative effects and is not thought to contribute impacts in combination with the Local Plan (part 1 and 2)
(c) the transboundary nature of the effects	The SPD is not expected to give rise to any significant transboundary environmental effects.
(d) the risks to human health or the environment (for example, due to accidents)	There are no anticipated effects of the SPD on human health
(e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be effected)	The SPD covers the town centre of Workington only. It is not expected that the SPD would give rise to significant environmental effects
(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 limits values (iii) intensive land use	The SPD is not anticipated to adversely affect any special natural characteristics or cultural heritage. Nor would the SPD be expected to lead to the exceedance of environmental standards or promote intensive land use.
(g) the effects on areas or landscapes which have a recognised national, community or international protection status	The SPD is not expected to have any adverse effects on areas with national, community or international protection.

5.0 Determination of significant effects

The Workington Town Centre SPD is the daughter-document of the parent-Local Plan (parts 1 and 2). The SPD adds further detail to the policies contained within the Local Plan, and is used to provide further guidance on existing higher level adopted policy. The policies and site allocations in Local Plan (part 1 and 2) have been subject to a full SA. Paragraph 9 of the SEA Directive states that:

“This Directive is of a procedural nature, and its requirements should either be integrated into existing procedures in Member States or incorporated in specifically established procedures. With a view to avoiding duplication of the assessment, Member States should take account, where appropriate, of the fact that assessments will be carried out at different levels of a hierarchy of plans and programmes”

Therefore it is considered that the potential significant effects of the SPD either individually or in combination with other plans and projects, have already been assessed in the SAs of the Local Plan parts 1 and 2. Nonetheless, a full review of the potential effects of the SPD has been undertaken to ensure that the SPD does not give rise to new potential significant environmental effects. This review is set out below.

A summary of baseline conditions affecting the SPD can be found in the Local Plan (part 2) scoping report (2014) and an assessment of the potential effects of the SPD against each of the topics set out in Annex I (f) of the SEA Directive is presented below.

5.1 Biodiversity, Flora and Fauna

The SPD puts forward further guidance which will enhance biodiversity in the town centre. In particular, it expects development and improvements to public realm and open space to include elements that support biodiversity. This is through enhancing and creating green infrastructure networks, tree planting (especially along the main transport corridors), and including landscaping that is biodiversity rich into development schemes.

The biodiversity requirements will also likely benefit other SEA topics including climatic factors (climate change mitigation as well as adaptation) air, (vegetation helps to improve air quality by filtering out pollutants) and human health (access to the natural environment is beneficial to the physical and mental health and wellbeing of residents)

5.2 Population and human health

The SPD promotes a number of features that are likely to have a beneficial effect on the mental and physical health and wellbeing of residents and visitors to the town centre. In particular the creation and design of public realm to promote accessible spaces for people to gather and socialise with friends and family and also improving

the connectivity network to encourage active travel and exercise by walking and cycling. These elements would be expected to help maintain and enhance healthy communities.

5.3 Soil, Water and Air

The SPD requirements to include green infrastructure, tree planting and landscaping in design schemes as well as reducing the need to travel by car through improvements to cycle and pedestrian networks will contribute to improving air quality.

The SPD also includes site specific requirements in terms of flood risk which builds on the Local Plan policies S29, SA47 and SA48.

5.4 Climatic Factors

The SPD does help reduce the area's contribution towards the causes of climate change. In particular through encouraging green infrastructure, tree planting that helps shading, and reduced carbon emissions through the promotion of cycling and walking as an alternative to the car.

5.5 Material Assets

The material assets topic considers social, physical and environmental infrastructure. This sub section should be read alongside 'Population and Human Health' which details some health and social infrastructure implications of the SPD, 'Climatic factors' which considers walking and cycling infrastructure and sustainable forms of transport and the 'Biodiversity, flora and fauna' sub section which considers environmental infrastructure.

Local Plan policy S21 ensures that the necessary social, economic and environmental infrastructure is in place to support planned development.

5.6 Cultural heritage (inc. architectural and archaeological)

There is not anticipated to be any significant effects on cultural heritage. All development would have to conform to policy S27 Heritage Assets in the Local Plan. In addition the SPD provides further design guidance to ensure development takes account and is sensitive to the Conservation Areas and Listed Buildings in the town centre.

5.7 Landscape

The protection, enhancement and management of the character and appearance of the landscape and townscape and distinctiveness and special qualities depend on design. The SPD provides detailed guidance on design parameters for public realm, key development sites and reuse and repurposing of empty and redundant buildings.

The SPD is likely to have a beneficial impact on the townscape of Workington town centre.

6.0 Screening outcome

This screening report has explored the potential effects of the proposed Workington Town Centre SPD, with a view to determining whether an environmental assessment is required under the SEA Directive.

Proposals in the SPD, including requirements for development, refer to policies as set out in the Local Plan (parts 1 and 2), but do not propose the policies themselves. The proposals provide more detailed guidance and requirements for testing the acceptability of future development proposals and in most cases are designed to help enhance environmental protection.

In accordance with topics cited in Annex 1(f) of the SEA directive, significant effects on the environment are not expected to occur as a result of the SPD.

It is recommended that the Workington Town Centre SPD should be screened out of the SEA process.

An Appropriate Assessment of the Local Plan (parts 1 and 2) was undertaken and it was concluded that it is unlikely to have a significant impact on any European site or SEA Objective. Therefore it is not necessary to move to the Stage 2 Appropriate Assessment.

The SPD is a daughter document of the parent Local Plan (parts 1 and 2) and therefore unlikely to have any significant effects on a SPA or SAC, above and beyond any significant effects that the Local Plan is likely to have, either individually or in combination with other plans and projects. Therefore the SPD will not trigger the need for an SA/SEA.

7.0 Consultation

This SEA and HRA screening report will be subject to consultation with the statutory consultees: Environment Agency, Natural England and Historic England.