

## **SEA Screening Consultation**

The Council requested a Screening Opinion as to whether Strategic Environmental Assessment would be required to meet the requirements of the SEA Directive. The screening was carried out by the consultants Arcadis. Arcadis' conclusion was that SEA is not applied to the SPD. This is because the SPD would not result in a significant effect on the environment, and because the contents of the SPD have already been subject to SEA through the SEA of a higher tier plan.

The results of the Screening Opinion are set out in the documents on the following pages. The consultants Arcadis sought the views on their conclusion from key statutory consultees, and the responses received are attached also.

Our ref: 10032268\_Fylde Biodiversity SPD SEA Screening  
Date: 05 June 2019

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### **Fylde Biodiversity SPD – SEA Screening Decision**

On 22 October 2018 Fylde Borough Council adopted the Fylde Local Plan to 2032. The Local Plan covers the whole of the Fylde Borough for the period 2011 – 2032. The Local Plan to 2032 and accompanying documents, including the accompanying Sustainability Appraisal (SA), Strategic Environmental Assessment (SEA) and Policies Map are available online<sup>1</sup>.

### **Supplementary Planning Document**

Fylde Borough Council has prepared the Fylde Biodiversity Supplementary Planning Document (SPD). The intention of the Biodiversity SPD is to provide further detail and guidance in relation to policies and proposals within the adopted Local Plan to 2032. It will be considered alongside policies in the Local Plan during planning related decision-making in order to help protect and enhance biodiversity in Fylde.

The current consultation draft of the SPD was prepared in February 2019. This followed a Biodiversity SPD Scoping Stage<sup>2</sup>, which was consulted on for six weeks from 22nd November 2018 to 5.00pm on the 3rd January 2019.

The Biodiversity SPD provides guidance for understanding relevant policies in the adopted Fylde Local Plan to 2032 and what is required as part of the planning application process. This includes guidance in relation to ecological networks. Once adopted, the SPD would be afforded significant weight as a material consideration in determining planning applications. The SPD is not a nature conservation strategy or an action plan for biodiversity.

### **SEA Screening**

Certain types of planning documents are required to be subject to Strategic Environmental Assessment (SEA). This stems from EC Directive 2001/42/EC on the environmental assessment of certain plans and projects, transposed into UK law through the Environmental Assessment of Plans and Programmes Regulations 2004. SEA is the process by which environmental considerations are required to be fully integrated into the preparation of plans and programmes prior to their final adoption. SEA is a tool used internationally to improve the environmental performance of plans so that they can better contribute to sustainable development.

The Fylde Biodiversity SPD has been screened to determine if application of the SEA Directive is required. The purpose of this letter is to document the SEA Screening decision. This decision will be

<sup>1</sup> Fylde Local Plan to 2032, including accompanying documents, available to view online at: <https://new.fylde.gov.uk/adopted-local-plan-to-2032/> [Accessed May 2019]

<sup>2</sup> Fylde Biodiversity SPD Scoping, accessible online at: <https://new.fylde.gov.uk/guide-to-extending-your-home/> [Accessed May 2019]

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consulted on for three weeks with, as a minimum, the three statutory bodies of Natural England, Historic England and the Environment Agency.

### Screening Method

**Figure 1** is sourced from 'A Practical Guide to the Strategic Environmental Assessment Directive' published by the Office of the Deputy Prime Minister in 2005<sup>3</sup>. It provides a flowchart guide to determining if a plan meets the criteria for requiring the application of SEA, as per the Directive.

SEA should be applied where a plan could result in significant effects on the environment. **Table 1** applies the various definitions, criteria and characteristics of 'significant effect' to establish if the Fylde Biodiversity SPD could potentially have an environmental effect which, according to the SEA Directive, could be classed as 'significant'.

### Screening decision

The screening has determined that the Biodiversity SPD does not meet the criteria for a plan that requires the application of SEA (**Figure 2**). The results presented in **Table 1** show that the SPD would also be unlikely to result in significant effects. It is therefore concluded that SEA does not need to be applied to the SPD.

It should also be noted that the nature of the Biodiversity SPD, i.e. the provision of guidance and advice in order for development in Fylde to satisfy the requirements of policies in the adopted Local Plan to 2032, would be expected to only lead to positive effects on biodiversity, flora and fauna in Fylde and no adverse effects would be likely.

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<sup>3</sup> Practical Guide to the SEA Directive, OPDM, 2005, available online at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/7657/practical\\_guidesea.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/7657/practical_guidesea.pdf) [Accessed May 2019]

Figure 1: SEA Screening Guide

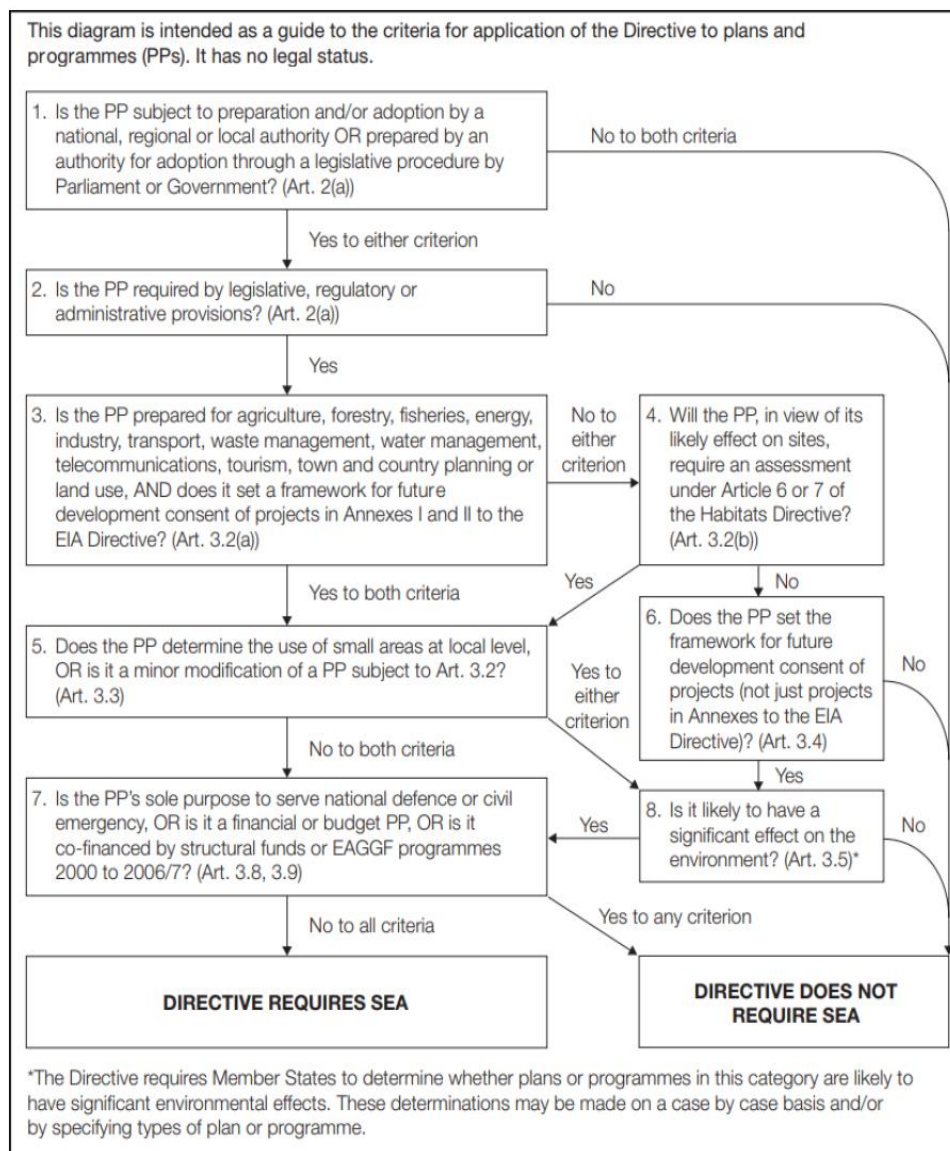


Figure 2: Applying the flowchart from Figure 1 to screen the Biodiversity SPD

1. Is the PP 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 Biodiversity SPD will be adopted by Fylde Borough Council and it will be a material consideration in planning decisions.



2. Is the PP required by legislative, regulatory or administrative provisions? (Art. 2(a)). Yes. Supplementary Planning Documents are optional; there is no legislative or regulatory requirement to prepare them. However, the Biodiversity SPD has been produced to supplement the statutory Local Plan.



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)). Yes. The Biodiversity SPD has been prepared for Town and Country Planning Purposes and supplements an existing framework for future development. The SPD supplements policies in the adopted Fylde Local Plan.



5. Does the PP set or determine the use of small areas at a local level OR is it a minor modification to a PP subject to Art 3.2? (Art 3.3). Yes. The Biodiversity SPD will supplement an existing framework, the adopted Local Plan, to help determine the use of small areas at a local level. The SPD supplements, but does not modify, the adopted Fylde Local Plan, which is subject to Art 3.2.



8. Is it likely to have a significant effect on the environment? (Art. 3.5) No. The Biodiversity SPD helps to clarify and refine the process of protecting and enhancing biodiversity in Fylde, as is required by Policy ENV2. The SPD would not lead to significant environmental effects itself.



**Application of SEA is not required.**

*Table 1: Establishing whether the Fylde Biodiversity SPD could potentially have a likely significant effect (LSE) on the environment, in accordance with Annex II of the SEA Directive*

SEA Directive Criteria	Response	Is there an LSE?
<b>1. Characteristics of Plans and Programmes, having regard, in particular, to:</b>		
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 supplements an existing framework. It provides additional guidance for existing policies within the adopted Local Plan to 2032 that have already been subject to SEA.	No.
1b) The degree to which the plan or programme influences other plans and programmes including those in a hierarchy.	The SPD is at the bottom of the planning hierarchy and will not influence documents above it.	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 requirements to protect & enhance biodiversity is established in the Local Plan. The SPD contributes to sustainable development by providing further guidance on how to conform with this requirement.	No.
1d) Environmental problems relevant to the plan or programme.	Biodiversity, wildlife, landscape, soils, water bodies, marine environment	No.
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).	No relevance.	No.
<b>2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:</b>		
2a) The probability, duration, frequency and reversibility of the effects.	The Biodiversity SPD provides further guidance for Policy ENV2: Biodiversity. The guidance and advice provided in the SPD would be expected to clarify and refine the process of ensuring that future development in Fylde appropriately adopts avoidance, mitigation or compensation measures to help protect and enhance protected and designated species and habitats. The significant positive effects on biodiversity are the result of ENV2: Biodiversity, not the SPD.	No.
2b) The cumulative nature of the effects.		
2c) The transboundary nature of the effects.		
2d) The risks to human health or the environment (e.g. due to accidents).		

### **Planning hierarchy and avoiding duplication of assessment**

This SPD is one of a number of SPDs that will be prepared in accordance with the Local Planning Regulations (SI 2012 No.767) and the National Planning Policy Framework 2019, conforming and responding to all relevant local and national policies, and based upon a robust and up-to-date evidence base. The SPD is to be considered alongside policies in the adopted Fylde Local Plan to 2032.

The Fylde Local Plan to 2032, adopted October 2018, together with the Joint Lancashire Minerals and Waste Core Strategy DPD 2009 and the Joint Lancashire Minerals and Waste Local Plan Site Allocations DPD, plus the two Neighbourhood Plans form the statutory development plan for Fylde, although the Neighbourhood Plans only apply to the areas for which they are made. The Local Plan is the key planning policy document for Fylde and sets the overarching vision, objectives and spatial development strategy for the Borough.

The Local Plan to 2032 includes Policies ENV1: Landscape and ENV2: Biodiversity, which provide a comprehensive raft of requirements for development in Fylde to accord with in order to protect and enhance the Borough's biodiversity. The requirement to protect and enhance biodiversity is also a key element included within the wording or supporting text of a range of other policies in the Plan.



Strategic Objective 2 of the adopted Plan to 2032 is 'To maintain, improve and enhance the environment by: a. Protecting, restoring and enhancing the quality, character and distinctiveness of the biodiversity, landscape and countryside of Fylde; b. Expanding biodiversity resources, including improving habitat connectivity, particularly away from the coastal edge...'.

The Fylde Biodiversity SPD provides additional guidance and advice on how development in the Borough can conform with the Local Plan's requirements to protect and enhance biodiversity, and in particular the requirements set out in Local Plan Policies ENV1: Landscape, ENV2: Biodiversity, ENV3: Protecting Existing Open Space (Part of the Green Infrastructure Network) and ENV4: Provision of New Open Space: Part of the Green Infrastructure Network.

The Local Plan to 2032, including its policies and objectives, was subject to an SEA process. During this process the likely environmental effects of each policy were identified and described. Recommendations were made for avoiding or mitigating adverse effects and enhancing positive effects. It is therefore considered that the contents of the Fylde Biodiversity SPD have already been subject to SEA. This reinforces the established point that SEA for the SPD is not required because, as per the SEA Directive, there is a need to avoid duplication of assessment.

SEA Directive Article 4(3):

*"Where plans and programmes form part of a hierarchy, Member States shall, with a view to avoiding duplication of the assessment, take into account the fact that the assessment will be carried out, in accordance with this Directive, at different levels of the hierarchy. For the purpose of, inter alia, avoiding duplication of assessment, Member States shall apply Article 5(2) and (3)."*

Regulation 12 of the 2004 SEA Regulations:

*"12. — Preparation of environmental report...*

*3) The report shall include such of the information referred to in Schedule 2 to these Regulations as may reasonably be required, taking account of—*  
*(a) current knowledge and methods of assessment;*  
*(b) the contents and level of detail in the plan or programme;*  
*(c) the stage of the plan or programme in the decision-making process; and*  
*(d) the extent to which certain matters are more appropriately assessed at different levels in that process in order to avoid duplication of the assessment."*

Shadwell Estates Ltd v Breckland DC [2013] EWHC 12: The claimant's challenge to an area action plan failed in part because the SA/SEA was not required to duplicate assessments prepared in relation to the higher tier core strategy with which the AAP had to conform:

*"81. First, the sustainability appraisal was required to assess the likely significant effects on the environment of implementing the TAAP and reasonable alternatives. The Regulations make it clear that the information required is that which may "reasonably be required" taking account inter alia of the need "to avoid duplication of the assessment: EAPPR 2004, regulation 12(3)(d). The sustainability appraisal, strategic environmental assessment and Habitats Regulations assessment for the Core Strategy had not been challenged and were supported by Natural England and the RSPB. Those assessments led to the decision to adopt the orange and blue buffer zones in the designated areas. Shadwell's current position appears to be that the buffer zones should be altered either by including Kilverstone in the orange zone or by including it or part of it in the blue zone. But since the TAAP is required to conform to the Core Strategy, it is difficult to see how it would be possible to alter the buffer zones."*

### Summary

It is recommended that SEA is not applied to the Fylde Biodiversity SPD. This is because:

- a) The Fylde Biodiversity SPD would not result in a significant effect on the environment, as per Art 3.5 and Annex II of the SEA Directive; and
- b) The contents of the SPD have already been subject to SEA through the SEA of a higher-tier Plan and there is a need to avoid duplication of this assessment.

A response from the statutory bodies will be sought prior to the adoption of this screening decision.

### Future consultation

In addition to consultation on this screening decision, the statutory bodies will be consulted on the SPD itself, during which they will have the opportunity to provide recommendations.

### Joseph Evans

Environmental Consultant

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Mobile: 07833 082 230



## Eddie Graves

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**From:** Julie Glaister  
**Sent:** 02 July 2019 15:38  
**To:** Eddie Graves  
**Subject:** FW: Statutory consultation - Strategic Environmental Assessment Screening Decision  
**Attachments:** Fylde Health Living SPD\_SEA Screening Decision Letter\_3\_Final060619JE.pdf; Fylde Biodiversity SPD\_SEA Screening Decision Letter\_3\_Final050619JE.pdf; Draft Healthy Living Supplementary Planning Document.pdf; Fylde Biodiversity Supplementary Planning Document.pdf

As requested

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**From:** Evans, Joseph (EMU) [mailto:Joseph.Evans2@arcadis.com]  
**Sent:** 10 June 2019 09:06  
**To:** consultations@naturalengland.org.uk; enquiries@environment-agency.gov.uk; northwest@HistoricEngland.org.uk; customers@HistoricEngland.org.uk  
**Cc:** Hourd, David <David.Hourd@arcadis.com>; Wynne, Caroline <caroline.wynne@arcadis.com>; Stephanie Shone <stephanie.shone@fylde.gov.uk>; Julie Glaister <julie.glaister@fylde.gov.uk>  
**Subject:** Statutory consultation - Strategic Environmental Assessment Screening Decision

Dear statutory consultees

Fylde Borough Council are preparing a Biodiversity Supplementary Planning Document (SPD) and a Health Living SPD to supplement their recently adopted Local Plan.

Arcadis were commissioned to screen the SPDs to determine if they meet the criteria for requiring the application of Strategic Environmental Assessment (SEA).

We have concluded that neither of the SPDs require SEA, as per the Directive.

Please find attached the draft Healthy Living SPD and Biodiversity SPDs as well as their accompanying SEA screening letters for consultation with yourselves on the SEA screening decision – the SEA screening consultation window typically runs for 3-weeks, as such we look forward to receiving your feedback by 01 July.

Please pass this email and the attached onto the relevant officer, or let me know if I should contact someone else directly.

Kind regards,  
Joseph

**Joseph Evans** BSc (Hons) MSc | Environmental Consultant | [joseph.evans2@arcadis.com](mailto:joseph.evans2@arcadis.com)  
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Date: 24 June 2019  
Our ref: 258486



FAO Joseph Evans  
Arcadis (on behalf of Fylde BC)

joseph.evans2@arcadis.com

**BY EMAIL ONLY**

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Dear Joseph

**Fylde Biodiversity Supplementary Planning Document  
Statutory consultation - Strategic Environmental Assessment Screening Decision**

Thank you for your consultation on the above dated and received by Natural England on 10 June 2019

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

We have reviewed the Fylde Biodiversity SPD - SEA screening decision letter (dated 5 June 2019) and we agree with the conclusion that SEA is not applied to the Fylde Biodiversity SPD.

We would be happy to comment on the Fylde Biodiversity SPD itself, once it is available for statutory consultation or we can provide comments earlier via our [Discretionary Advice Service](#).

If you have any queries relating to the advice in this letter please contact me on 0208 225 7506.

Yours sincerely

Miss Elizabeth Knowles  
Lead Adviser  
Cheshire, Greater Manchester, Merseyside & Lancashire Area Team

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**From:** NWNorthPlanning <CLPlanning@environment-agency.gov.uk>  
**Sent:** 12 June 2019 10:02  
**To:** Evans, Joseph (EMU) <Joseph.Evans2@arcadis.com>  
**Cc:** planningpolicy@fylde.gov.uk; CMBLNC Info Requests <Inforequests.cmbInc@environment-agency.gov.uk>; Enquiries, Unit <enquiries@environment-agency.gov.uk>  
**Subject:** RE: 190610/DM25 Statutory consultation - Strategic Environmental Assessment Screening Decision

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Good morning Joseph,

Thank you for contacting us about the above.

It is the responsibility of the plan-maker to determine whether the requirements of the Strategic Environmental Assessment (SEA) directive apply to their plan. We are not a statutory consultee at this stage in the SEA process, but having regard to our remit we would agree with the conclusions of the screening decision letters and we have no additional comments to make.

Please note that, in January 2019, we responded to a consultation request from Fylde Borough Council on earlier draft versions of the SPDs referred to below.

Best regards,

Alex

**Alexander Hazel**  
**Planning Advisor | Sustainable Places – Cumbria and Lancashire**  
Email: [CLPlanning@environment-agency.gov.uk](mailto:CLPlanning@environment-agency.gov.uk) | Tel: 020 302 51215

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Historic England

Joseph.evans2@arcadis.com

Our ref: PL00589952

Your ref:

Date: 18 June 2019

Dear Sir

**FYLDE LOCAL PLAN – BIODIVERSITY SEA SCREENING OPINION**

Thank you for your email dated 10 June 2019 regarding the proposed Biodiversity SEA Screening Opinion for the Fylde Local Plan.

Historic England is the Government's statutory adviser on all matters relating to the historic environment in England. We are a non-departmental public body established under the National Heritage Act 1983 and sponsored by the Department for Culture, Media and Sport (DCMS). We champion and protect England's historic places, providing expert advice to local planning authorities, developers, owners and communities to help ensure our historic environment is properly understood, enjoyed and cared for.

Historic England has produced a document, which you might find helpful in providing guidance on the effective assessment of the historic environment in Strategic Environmental Assessments. This can be found at <https://www.historicengland.org.uk/images-books/publications/sustainability-appraisal-and-strategic-environmental-assessment-advice-note-8/>.

In terms of our area of interest, we would concur with your assessment that the document is unlikely to result in any significant environmental effects and will simply provide additional guidance on existing policies which have already been subject to a Sustainability Appraisal. As a result, we would endorse the conclusions that it is not necessary to undertake a Strategic Environmental Assessment of the document.



Historic England, Suite 3.3, Canada House, 3 Chepstow Street, Manchester M1 5FW  
Telephone 0161 242 1416 [HistoricEngland.org.uk](http://HistoricEngland.org.uk)

Please note that Historic England operates an access to information policy.  
Correspondence or information which you send us may therefore become publicly available.

