



Supplementary Planning Document: Consultation Draft Local Design Guide

For Historic England, Natural England and the Environment Agency

Pre - Regulation 9 (1) (Screening) Consultation

Environmental Assessment of Plans and Programmes Regulations 2004 (SI No. 1633)

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Introduction

Purpose and layout of this Strategic Environmental Assessment Consultation Screening Report

Purpose of this Document

This draft Screening Report has been produced to help determine the need for a Strategic Environmental Assessment (SEA) for the Local Design Guide Supplementary Planning Document. It has been carried out in accordance with the European Directive 2001/42/EC applied through the Environmental Assessment of Plans and Programmes Regulations (SI No.1633).

This version of the Screening Report is to be used specifically to engage with the 'Consultation Bodies', whose comments will be taken into account before publishing the final Screening Report for wider public consultation and engagement, alongside the draft Supplementary Planning Documents (SPDs).

What is Strategic Environmental Assessment?

Strategic Environmental Assessment (SEA) is required under a European Union (EU) related Directive 2001/42/EC which calls for "an assessment of the effects of certain plans and programmes on the environment". In doing so, it seeks to provide a high level of protection of the environment and to contribute to promoting sustainable development by integrating environmental considerations into the process of preparing certain plans and programmes. The SEA process is distinct from the planning process and governed by a different set of Environmental Regulations.

Stockton Borough Council, as a 'Responsible Authority' under those Regulations, must determine whether SEA is applicable to the SPDs and that being the case whether they are likely to have Significant Environmental Effects.

Supplementary Planning Documents Programme

The Local Development Scheme (2016 to 2019) published the intention to produce a statutory development plan for the Borough in the form of a Stockton on Tees Local Plan and a rationalisation of the design guidance. The Stockton on Tees Local Plan was adopted on 30th January 2019. A report produced for Cabinet on 12th September 2019 provided details of a Supplementary Planning Document (SPD) Review which also included a Sustainable Design Guide.

Which Supplementary Planning Documents are being prepared?

The Local Design Guide SPD is being produced which relates directly to policies in the adopted Stockton on Tees Local Plan (2019). It gives advice on the interpretation and implementation of Local Plan policies; primarily policy SD8 Sustainable Design Principles. However, the SPD also provides advice on the interpretation and implementation of wider Local Plan policies including SD5 Natural, Built and Historic Environment, H4 Meeting House Needs, TI1 Transport Infrastructure, Policy ENV4 Reducing and Mitigating Flood Risk, Policy ENV5 Preserve, Protect and Enhance Ecological Networks, Biodiversity and Geodiversity and Policy ENV6 Green Infrastructure, Open Space, Green Wedges and Agricultural Land and Policy HE2 – Conserving and Enhancing Stockton's Heritage Assets. The document will become a material consideration in the determination of planning applications.

The Local Design Guide SPD

The SPD aims to provide guidance on the interpretation and application of Local Plan policies relating to design for all new developments. This SPD is a toolkit to be used throughout the whole design and implementation process. The draft document covers the following:

- **Part One 'Introduction'**- is an introductory section outlining the role and purpose of the document, the policy context and the benefits of good design.

- **Part Two ‘Character of the Borough’**- provides a baseline of local context and analysis of local character and identity within Stockton-on-Tees.
- **Part Three ‘The Design Process’**- provides clear and practical guidance on how to approach site masterplanning from assembling a design team to the submission of a planning application. Applicants will be expected to follow the design process set out in this section and will be required to test their proposals against the design process checklist at various stages.
- **Part Four ‘Appendices’**
- **Part Five ‘Technical Appendices’**- covers more technical aspects of designing and implementing several design interventions including, landscaping and trees, play areas, and shop fronts and advertisements.

Layout of the Assessment

The Assessment is set out in **three stages** and evidence is presented in **three tables** reflecting the requirements of the associated Legislation and Regulations. In **Stage 1**, the Assessment seeks to determine whether SEA is relevant to the SPD, and then if so, in **Stage 2** identify the likely impacts of the SPD and the significance of those impacts on the environment. This will enable the Council to make a preliminary conclusion in **Stage 3** whether an SEA Environmental Report is required. This preliminary view is required to enable consultation with Consultation Bodies. **Table 1** below sets out where each Stage of the assessment can be found in this document.

Table 1 – SEA Questions and Relevant Table/Paragraph

Stage	Question	Assessment	Page No (s)
1	Is SEA is applicable to the SPD?	Table 2	4
2	What is the likely significance of effects on the environment?	Table 3	5-7
3	Is an SEA Environmental Report required?	Stage 3 Conclusions	8

SEA Assessment

Assessment stages and conclusions

Stage 1- Is SEA applicable to the SPD?

Stage 1 of the Assessment is to determine if SEA is applicable to the plan or programme – in this case the Local Design Guide Supplementary Planning Document. This is carried out using a series of eight questions. These are taken from ‘A Practical Guide to the Strategic Environmental Assessment Directive’ published by the Office for the Deputy Prime Minister in 2005. A figure taken from that guidance illustrates a pathway to a determination, and is set out below at **Figure 1**. **Table 2** below sets out those questions again and the Council’s response for the proposed SPD. It provides the Council’s conclusion to **Stage 1**.

Figure 1 Application of the SEA Directive to Plans and Programmes

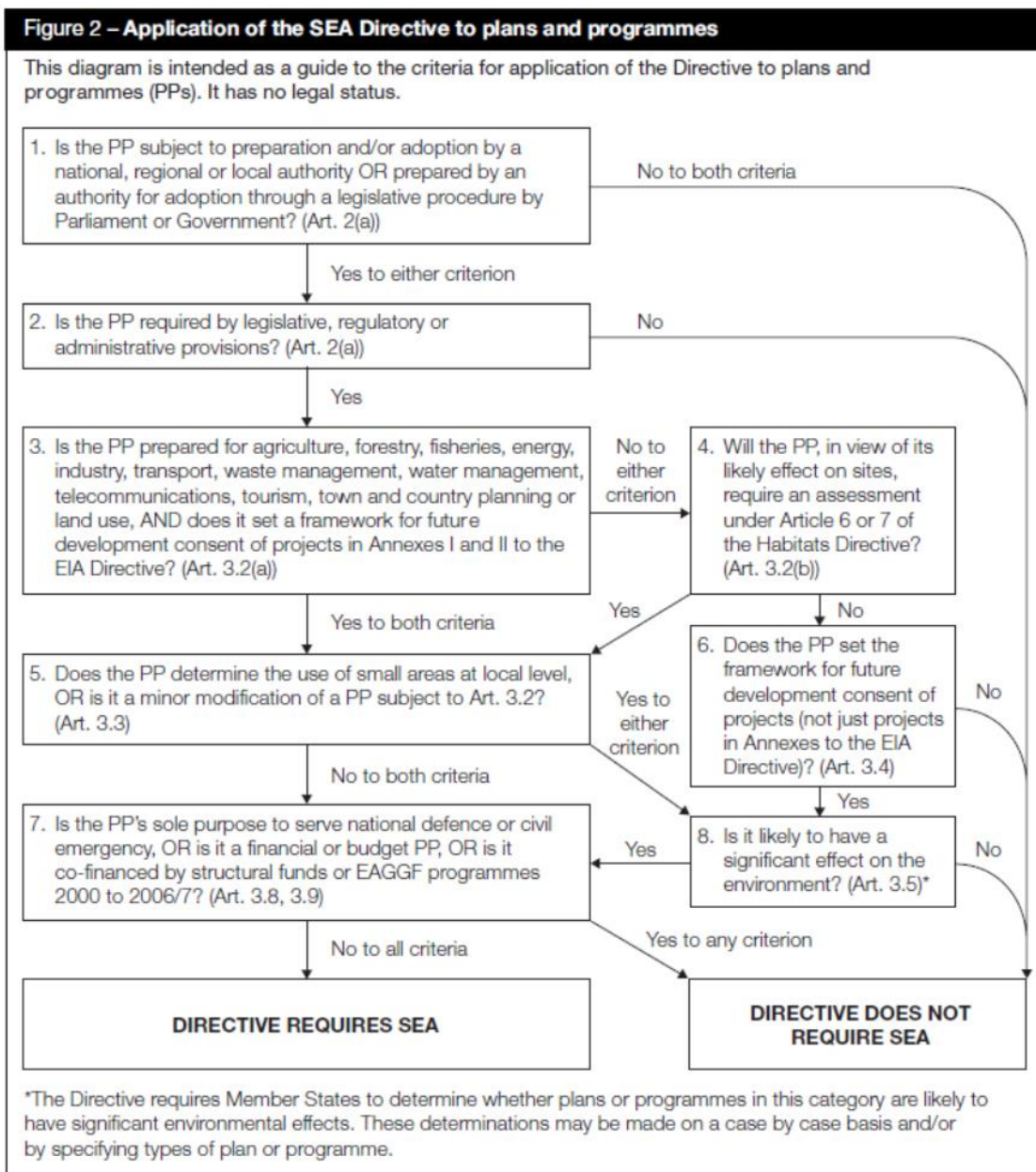


Table 2 – Is SEA applicable to the Local Design Guide SPD?

Ques No.	Question	Local Design Guide SPD	Next Step
Q1	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 - Following public consultation and publicity, the SPD will be formally adopted by the Council.	Q2
Q2	Is the PP required by legislative, regulatory or administrative provisions*? (Art 2(a))	Yes – The SPD is required as an update to the information set out within SPD1: Sustainable Design Guide, SPD2: Open Space, Recreation and Landscaping, SPD3: Parking Provision in New Developments and SPD 7: Shop Front and Advertisement Design Guide. It also provides assistance with the interpretation and implementation of Stockton-on-Tees Local Plan Policies; primarily policy SD8 Sustainable Design Principles.	Q3
Q3	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 future framework for future development consent of projects in Annexes I and II to the EIA Directive (Art. 3.2(a))?	Yes – The SPD will be for Town and Country Planning purposes. Yes - It sets a framework all types of development which may include those falling within Annexes I and II of the EIA Directive.	Q5
Q4	Will the PP, in view of the likely effect on sites, require an assessment under Article 6 or 7 of the Habitats Directive? (Art 3.2 (b))?	-	-
Q5	Does the PP determine the use of small areas at local level, OR is it minor modification of a PP subject to Art 3.2? (Art 3.3)	Yes - The SPD supplements the Local Plan policies providing guidance of achieving good design and the approach to site masterplanning. This will inform the use of land within development sites.	Q8
Q6	Does the PP set the framework for future development consent of projects (not just projects in Annexes to the EIA Directive (Art 3 (5))?	-	-
Q7	Is the PP's sole purpose to serve 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))	-	-
Q8	Is it likely to have a significant effect on the environment? (Art 3(5))	No – The SPD will have a largely positive impact on the environment by promoting good and sustainable design principles. See Table 3 for assessment against SEA criteria	-
Conclusion to Stage 1		The Council considers that the SEA Directive is applicable to the Local Design Guide Supplementary Planning Document. See Tables 3 for assessment against SEA criteria for likely significance of effects on the environment and the need for further reporting under the Directive.	

Stage 2 - Determining the Likely Significance of Effects on the Environment

As the Council has determined that SEA is applicable, Stage 2 of the Assessment is of the likely significance of effects on the environment. The determining criteria is taken from Schedule 1 of the Regulations¹, and is set out alongside the Council's response to them below; in Table 3 for the Local Design Guide SPD.

Table 3 – Local Design Guide SPD - Determining the likely significance of effects on the Environment

Criteria		Assessment
1) Characteristics of the Plan or Programme		
a.	The degree to which the plan or programme sets the framework for projects, other activities, either with regard to the location, nature, size and operating conditions or by allocating resources;	The SPD supplements the Local Plan policies providing guidance of achieving good design and the approach to site masterplanning. The proposal does not deal with the location of development proposals but will inform the use of land within development sites.
b.	The degree to which the plans or programme influences other plans and programmes including those in the hierarchy;	<p>The National Planning Policy Framework provides the following glossary definition of Supplementary Planning Documents:</p> <p>“Documents which add further detail to the policies in the development plan. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design. Supplementary planning documents are capable of being a material consideration in planning decisions but are not part of the development plan.”</p> <p>The objective of the SPD is to focus on the design development, and not primarily to influence other plans and programmes including those in the hierarchy. The standards and advice could be taken into account when the Council prepares other strategy and delivery documents, but this is not the primary objective.</p> <p>The SPD will have less material weight than the adopted Local Plan, it expands on existing policies and cannot introduce new policies. In terms of the hierarchy of planning documents, there will be little opportunity for the SPD to have an impact on the content of those documents above it.</p> <p>The intention of this document is to set out a consistent and transparent approach to local design considerations and to help applicants in making applications for planning permission.</p>
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 will help the Council to meet the objectives contained in the adopted Local Plan which seeks to deliver sustainable development. The SPD promotes sustainability over all forms of development by embedding sustainable design principles throughout the design process. Taken together the Local Plan and other planning documents provide for the integration of

¹ Criteria taken from Schedule 1 of [The Environmental Assessment of Plans and Programmes Regulations 2004](#)

Criteria		Assessment
		environmental considerations into the planning decision taking.
d.	Environmental problems relevant to the plan or programme; and	This SPD seeks to provide guidance to ensure environmental problems are minimised in the design of new development proposals. The document does not specifically address identified environmental problems or issues relating to the Borough, it is preventative in nature. It is not likely that any new environmental problems will arise as a result of implementing this SPD.
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 is not relevant to the implementation of European Union legislation on the environment.
2) Characteristics of the effects and of the area likely to be affected, having regard, in particular, to		
a.	The probability, duration, frequency and reversibility of the effects;	Any effects arising from the advice and guidance in this SPD are not irreversible. The effects of this SPD are largely evident, and should in the main be identified prior to planning permission be granted where this SPD is relevant to consideration.
b.	The cumulative nature of the effects;	There are unlikely to be any adverse effects singularly or cumulatively on the environment arising from the implementation of this SPD.
c.	The transboundary nature of the effects;	It is not envisaged that there will be any transboundary effects.
d.	The risks to human health or the environment (for example, due to accidents);	It is not envisaged that there will be any
e.	The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);	The administrative area of Stockton-on-Tees Borough Council has an area of 20,393 ha and a population of around 200,000. The effects will be limited to Borough of Stockton on Tees.
f.	The value and vulnerability of the area likely to be affected due to:	
i)	Special natural characteristics or cultural heritage	<p>The Borough has special natural characteristics including areas protected and noted as ecological networks, and for biodiversity and geodiversity and cultural heritage including Listed Buildings and Conservation Areas. The value and vulnerability of those special characteristics are unlikely to be adversely affected by the advice and guidance in the SPD. The natural and cultural areas and assets are protected from unacceptable adverse impact by higher level local and national policies and guidance.</p> <p>The SPD is unlikely to result in exceedance of environmental quality standards, such as those relating to air, water, and soil quality.</p> <p>The SPD is unlikely to bring forward development of an extent that would result in intensive land use.</p> <p>The SPD does not propose additional development beyond that of the adopted Local Plan for which environmental impacts have been evidenced and examined.</p>
ii)	Exceeded environmental quality standards or limit values; or	
iii)	Intensive land use; and	

Criteria	Assessment
<p>g. The effects on areas or landscapes which have a recognised national, Community or international protection status.</p>	<p>There are unlikely to be effects on the Teesmouth and Cleveland Coast Special Protection Area (SPA) and Ramsar Site, five Sites of Special Scientific Interest, twelve Local Nature Reserves and fifty six Local Wildlife and Geological Sites, or those in neighbouring Authority areas. The main parent policy (SD8) was 'screened out' at the screening test stage of the Habitats Regulation Assessment (including Appropriate Assessment), and Sustainability Appraisal (incl. SEA).</p> <p>Whilst this document provides guidance on other policies within the Local Plan (such as H4 and T11) which were identified within the Habitats Regulation Assessment (including Appropriate Assessment), and Sustainability Appraisal (incl. SEA) as having the potential to give rise to adverse effects. However, through Appropriate Assessment it was concluded that given the mitigation and other consenting legal framework the Local Plan would not give rise to any adverse effects upon the integrity of European sites. It is also pertinent to note that the SPD only provides guidance on elements of H4 and T11 rather than the policies as a whole.</p>
<p>What is the likely significance of effects on the environment?</p>	<p>In light of the above, the evidence, assessment and examination in public of the Stockton on Tees Local Plan in 2018, the Council considers that the SPD is unlikely to lead to <i>any significant effects</i> on the environment.</p>

Other Social, Economic and Environmental Assessments

Sustainability Appraisal (Incl. SEA)

Although Sustainability Appraisal (SA) is required for all Development Plan documents, following the Planning Act 2008, SA is not required to be carried out for Supplementary Planning Documents, as they provide guidance, interpretation and implementation of adopted local plan policies – they should not and do not set out new policies themselves.

Nevertheless, the Council has considered the matter, and in doing so has taken account of the findings of the SA (including Strategic Environmental Assessment) undertaken in the formulation of the parent Local Plan strategy and policies. Given this, and as the SPD is entirely consistent with the adopted Stockton on Tees Local Plan, the Council is confident that it is unlikely to have environmental, social or economic effects (significant or otherwise) beyond those of the plan it supplements.

Habitats Regulations Assessment (inc. Appropriate Assessment)

In addition to SEA and SA, the Council is also required to consider Habitats Regulations Assessment (HRA). HRA is the process used to determine whether a plan or project would have significant adverse effects upon the integrity of internationally designated sites of nature conservation importance, known as European sites or European offshore marine sites. The need for an HRA is set out within the Conservation of Habitats and Species Regulations 2010 (which transposed EC Habitats Directive 92/43/EEC).

The Regulations state that the Council must assess the potential effects of its land use plans, in this case the SPD, against the conservation objectives of any sites designated for their nature conservation importance. An HRA (with Appropriate Assessment) has been carried out on the 'parent DPD', the Stockton on Tees Local Plan.

The purpose of this SPD is to expand upon policies with the Local Plan, which has already been the subject of an HRA. Therefore, the Council has determined that an HRA of the SPDs is not required. Furthermore, it should be noted that there are already avoidance and mitigation measures included in the Local Plan which will ensure that there would be no adverse effects on the ecological integrity of any European sites as a result of the proposals in the plan.

Stage 3 - Conclusions

The Council has taken account of the fact the 'Parent Policies', Strategies and Priorities to which the SPDs relate have, in the course of their preparation, been subject to Sustainability Appraisal including SEA and Habitats Regulations Assessment (with Appropriate Assessment). It has been determined at **Stage 1** that SEA is relevant to this SPD. It is the Council's opinion at **Stage 2** that the Local Design Guide SPD is unlikely to cause significant environmental effects in its application to decision taking, particularly as the parent policies in the adopted Stockton on Tees Local Plan have very recently been subject to rigorous assessment in this respect both in preparation and in their final form through formal Examination in Public. At **Stage 3**, it is the Council's preliminary opinion that an Environmental Report is not required.

Next steps

Consultations Bodies and final determination ahead of wider consultation

Next steps

This preliminary SEA Screening Report has been prepared to be forwarded to the 'Consultation Bodies' – the Environment Agency, Natural England and Historic England for comment on content and conclusion. The responses received will then be taken into account in the preparation of the final determination. Provided that the responses from the Consultation Bodies do not cause alteration to the main conclusion of this Assessment, then the intention is to publish this as a statement setting out the reasons for this determination under Regulation 9 (3) for wider consultation alongside the SPD.