



Knowsley Council

Knowsley Local Plan

Trees and Development SPD

Screening Assessment:

Strategic Environmental Assessment (SEA)

October 2015

1.0 Introduction

- 1.1. This screening assessment is to determine whether the Trees and Development Supplementary Planning Document (SPD) requires a Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plans and Programmes Regulations 2004
- 1.2. A separate assessment has been undertaken by Merseyside Environmental Advisory Service (MEAS) Consultants to determine the possible need for a Habitats Regulation Assessment (HRA) under European Directive 92/43/EEC on the Conservation of Natural Habitats and Wild Flora (the “Habitats Directive”) and associated Conservation of Habitats and Species Regulations 2010 (“Habitat Regulations”).
- 1.3. The SPD will provide guidance on how policies in the following plans will be applied when considering trees and development:
 - Emerging Local Plan: Core Strategy (principally SD1, CS2, CS8, CS19 and CS21);
 - Saved policies DQ4 and ENV10 of the Knowsley Replacement Unitary Development Plan (UDP); and
 - Policies WM0, WM8 and WM9 of the Merseyside and Halton Joint Waste Local Plan.
- 1.4. The SPD will support local and national policies by giving guidance in relation to trees and development. It provides guidance relating to best practice for proposals incorporating trees and landscaping within new developments; development proposals affecting existing trees, woodlands and other vegetation; requirements for detailed survey of all existing trees; and requirements for provision of replacement trees. The additional guidance within the SPD will assist developers and decision makers on all future pre-application discussions and outline, full, change of use and reserved matters planning applications.
- 1.5. The legislative background set out below outlines the regulations that require the need for this screening exercise. Section 4 provides a screening assessment of the likely significant environmental effects of the SPD and examines the need for SEA.
- 1.6. The preparation of the SPD will involve the local community in line with the requirements set out in the Town and Country Planning (Local Development) (England) Regulations 2004 and in line with the Council’s adopted Statement of Community Involvement (SCI).
- 1.7. This screening report is based on the content of the consultation version of the Trees and Development SPD expected to be published for consultation in October 2015. If necessary the screening report will be refreshed when a final version of the SPD is published for adoption (this should only be

necessary if there is a major change to the purpose and content outlined below).

2.0 Legislative Background

- 2.1. 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 and Programmes Regulations 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 the framework for future development consent of certain projects. Guidance on the SEA process is provided in *Planning Practice Guidance* and *A Practical Guide to the Strategic Environmental Assessment Directive (ODPM, 2005)*.
- 2.2. The Planning and Compulsory Purchase Act 2004 required Local Authorities to produce Sustainability Appraisals (SA) for all local development documents (see section 39(2)). It is considered best practice to incorporate the requirements of the SEA Directive into a Sustainability Appraisal. However, the 2008 Planning Act removed the requirement to undertake an SA for an SPD, although this did not replace the requirement to establish whether the proposed plan or programme required SEA. (Part 9, Chapter 2, paragraph 180 of the 2008 Planning Act amended section 19, subsection 5 of the 2004 Planning and Compulsory Purchase Act). Therefore this report focuses on screening for SEA and the criteria for establishing whether a full Assessment is needed.
- 2.3. 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. A strategic environmental assessment is unlikely to be required where a supplementary planning document deals only with a small area at a local level (see [regulation 5\(6\) of the Environmental Assessment of Plans and Programmes Regulations 2004](#)), unless it is considered that there are likely to be significant environmental effects.
- 2.4. Where the Council can demonstrate that any land-use or spatial plan is unlikely to have significant environmental effects (Regulation 9(3)), or where the proposed development is less than 0.5 hectares in area, a SEA will not be required.

- 2.5. A separate screening exercise to determine whether the SPD requires a Habitats Regulation Assessment (HRA)¹ is being undertaken by MEAS. There is some potential overlap between the two types of assessment; in particular an identified requirement for an “Appropriate Assessment” under the Habitat Regulations will automatically trigger a requirement for SEA (unless a “local level” or “minor modification” exemption applies). This report focuses on the SEA screening assessment.
- 2.6. The Council is required to first make a determination as to whether a Regulation 9 assessment is required, because there is a duty to consult with specified environmental organisations (Natural England, English Heritage and the Environment Agency) when determining the need for SEA if the development falls within the criteria set by this Regulation. The Council will undertake consultation with the organisations named above during its formal consultation period. In situations where SEA is not deemed to be required, the Council has a duty to prepare a statement of its reasons for determining that SEA is not required. The SEA Screening Statement should provide sufficient information to demonstrate whether the SPD is likely to have significant environmental effects. If it is concluded that there are not likely to be significant environmental effects and therefore no need for SEA this statement will clearly indicate the reasons for such a decision.

3.0 Screening for SEA

- 3.1. The SEA Directive requires SEA to be carried out for specified types of plan or programme (as specified in Regulation 5(2), 5(3) and 5(4)):
- a plan which is prepared for ... town and country planning or land use, and sets the framework for future development consent of projects listed in Annex I or II to Council Directive 85/337/EEC ... [*i.e. the EIA Directive*], or;
 - a plan which, in view of the likely effect on sites, has been determined to require an assessment pursuant to Article 6 or 7 of the Habitats Directive [*i.e. effects on Natura 2000 sites*]
 - a plan which sets the framework for future development consent of projects; and is the subject of a determination under regulation 9(1) or a direction under regulation 10(3) that it is likely to have significant environmental effects
- 3.2. The first of the above parameters (from Regulation 5(2)) could, but would not normally, require an SPD to be made subject to SEA. The reasons why it might not are:
- i. It is the NPPF and Development Plan Document(s) (*i.e. the Knowsley Local Plan: Core Strategy, saved policies from the UDP or policies in the Merseyside and Halton Joint Waste Local Plan*) which “sets the framework

¹ Under the European Directive 92/43/EEC on the Conservation of Natural Habitats and Wild Flora (the “Habitats Directive”) and associated Conservation of Habitats and Species Regulations 2010 (“Habitat Regulations”)

- for future development consents” of EIA development (SPDs are supplementary to these);
- ii. It is possible that an SPD deals with matters which would not fall within the definition of EIA development.
- 3.3. The second of the parameters identified (from Regulation 5(3)) relates to the Habitats Directive and this is subject to consideration in the report prepared by MEAS.
- 3.4. The third parameter (from Regulation 5(4)), requires consideration of “does the plan set the framework for future development consent of projects?” - in this case (unlike the first parameter) this is not limited to EIA development, but there is potential to find that an SPD – due to its role as a supporting document to development plan documents which have already been subject to an independently examined SA/SEA process - does not “set the framework”. If the SPD “sets the framework for future development consents” in a manner which differs from the Core Strategy / Local Plan, then further consideration of whether it is “likely to have significant environmental effects” is necessary - the “determination under regulation 9(1)”. This requires consideration of the criteria specified in Schedule 1 to the Regulations.
- 3.5. The Council's screening decision on whether SEA is required is achieved via a step-by-step review using Table 4.1 (below) - first looking at the “Regulation 5 questions”, and then – if necessary - the Regulation 9 / Schedule 1 criteria.

4.0 Assessment

- 4.1. Table 4.1 shows the Council’s assessment in consultation with the Merseyside Environmental Advisory Service (MEAS) of whether the Trees and Development SPD will require a SEA. The questions are informed by the Environmental Assessment of Plans and Programmes Regulations 2004 (Regulation 5, Regulation 9 and Schedule 1).

Table 4.1

| Establishing the Need for SEA | | |
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| Stage | Yes / No | Reason |
| Part A – Regulation 5 Assessment | | |
| Is the plan of a description set out in Regulation 5(2)?, i.e.: (a) prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use, and | No | This SPD is prepared in relation to town and country planning, but does not “set the framework for future development consent for EIA development” because: (i) the policy framework is set at a higher level (Core Strategy/ saved policies in the UDP/ Merseyside and Halton Joint Waste Local Plan / NPPF); and (ii) it doesn’t specifically relate to EIA development |

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| <p>(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(a). - and if “yes”, does the Regulation 5(6) exemption potentially apply? [i.e. for (a) a plan which determines the use of a small area at local level; or (b) for a minor modification to a plan]. N.B. such an exemption is not available if the plan, programme or modification is likely to have significant environmental effects [as determined under Regulation 9(1)] or it is the subject of a direction under Regulation 10(3) from the Secretary of State. [The Regulation 9 criteria, which would need to be considered in this scenario, are set out below in Part B of this table.]</p> | | <p>The SPD does not modify the policy approaches within :</p> <ul style="list-style-type: none"> • The emerging Knowsley Local Plan: Core Strategy or • The adopted Knowsley Replacement Unitary Development Plan or • The Merseyside and Halton Joint Waste Local Plan. <p>It provides only additional guidance on development involving trees and landscaping proposals within the scheme to support existing Local Plan policies, and national policy and guidance.</p> |
| <p>Is the plan of a description set out in Regulation 5(3)?, i.e.: A plan which, in view of the likely effect on sites, has been determined to require an assessment pursuant to Article 6 or 7 of the Habitats Directive. - and if “yes”, does the Regulation 5(6) exemption potentially apply? [i.e. for (a) a plan which determines the use of a small area at local level; or (b) for a minor modification to a plan]. N.B. such an exemption is not available if the plan, programme or modification is likely to have significant environmental effects [as determined under Regulation 9(1)] or it is the subject of a direction under Regulation 10(3) from the Secretary of State. [The Regulation 9 criteria, which</p> | <p>No</p> | <p>The SPD addresses the principles and implementation of development proposals involving trees and landscaping, but does not set a policy framework for future development which would have potential effects, either alone or in combination with other plans and projects, on one or more Natura 2000 or Ramsar sites.</p> <p>The policy framework for development within Knowsley is set by the NPPF together with the adopted Knowsley Replacement Unitary Development Plan (UDP), Merseyside and Halton Joint Waste Local Plan and emerging Local Plan: Core Strategy, the latter two of which are subject to separate HRA assessments as appropriate (the UDP preceded the requirement for a HRA). The SPD only provides supplementary guidance within the parameters of the UDP; the emerging Local Plan: Core Strategy; and the Merseyside and Halton Waste Local Plan.</p> |

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| would need to be considered in this scenario, are set out below in Part B of this table.] | | |
| Is the plan of a description set out in Regulation 5(4)? i.e.: (a) sets the framework for future development consent of projects; and (b) is the subject of a determination under regulation 9(1) or a direction under regulation 10(3) that it is likely to have significant environmental effects | No | The policy framework is set at a higher level by the NPPF, which together with the adopted Knowsley Replacement Unitary Development Plan, Merseyside and Halton Joint Waste Local Plan and emerging Knowsley Local Plan: Core Strategy provide the policy framework for future development. The SPD will only provide additional guidance on the implementation of policies relevant to trees and development in the Knowsley Replacement Unitary Development Plan; the emerging Local Plan: Core Strategy; and the Merseyside and Halton Joint Waste Local Plan. [As the SPD does not “set the framework”, a determination under regulation 9(1) is not necessary, but as a matter of record and for the avoidance of doubt a discretionary assessment against Schedule 1 is undertaken at Part C which concludes that the SPD is not expected to cause significant environmental effects]. |

Part B - Regulation 9 Assessment

(for determining, in relation to plans of certain types, the likely significance of effects on the environment)

N.B. the criteria in this part of the table are only relevant if a determination under Regulation 9(1) has been deemed necessary.

A “determination under Regulation 9(1)” is not necessary in this instance and therefore this part of the table is not relevant but text is retained (in red) for information.

Criteria (1) (a – e) and (2) (a – g) set out below are the criteria for determining under Regulation 9 whether a not a plan of the following types is likely to have significant environmental effects:

- the plan or programme sets the framework for future development consent of projects [as per Reg 5(4)(b)]
- the plan or programme determines the use of a small area at local level but is of a type which
 - sets the framework for future development consent of EIA projects [i.e. as described under Reg 5(2)] or
 - requires assessment under the Habitats Directive [i.e. as described under Reg 5(3)] [as per Reg 5(6)(a)]
- for a minor modification to a plan or programme which

- sets the framework for future development consent of EIA projects [i.e. as described under Reg 5(2)] or
- requires assessment under the Habitats Directive [i.e. as described under Reg 5(3)]
[as per Reg 5(6)(b)]

The criteria are from Schedule 1 of the SEA Regulations and must be taken into account when the responsible authority makes a determination under Regulation 9. [This determination also requires consultation with the conservation bodies (required by Regulation 9(2)), and a statement of reasons if it is concluded that the plan is unlikely to have significant environmental effects (required by Regulation 9(3))]

Part C – Indicative Assessment against Schedule 1

Assessment of the likely significant effects of the SPD/guidance ²

| SEA Directive Criteria | Response | Is there a significant or specific effect beyond that anticipated by the parent policy framework? Yes/No |
|---|---|---|
| 1. The characteristics of plans and programmes, having regard, in particular, to: | | |
| (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 does not allocate land, specify land uses or identify sites for development. This is done by the adopted Knowsley Replacement Unitary Development Plan, Merseyside and Halton Joint Waste Local Plan and emerging Knowsley Local Plan: Core Strategy. The SPD provides guidance in the form of general principles and guidance that aids understanding of the policies in the relevant plans. | No |
| (b) The degree to which the plan or programme influences other plans and programmes including those in a hierarchy. | The SPD has less material weight than the adopted Knowsley Replacement Unitary Development Plan; Merseyside and Halton Joint Waste Local Plan; and the emerging Knowsley Local Plan: Core Strategy. It only provides guidance relating to policy implementation and does not introduce new policies. | No |

² Article 3(5) of Directive 2001/42/EC

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| <p>(c) The relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development.</p> | <p>The SPD encourages development proposals to incorporate sustainable concepts relating to trees and development to help enhance quality of life within Knowsley. These objectives are enshrined in the NPPF, together with related policies within the adopted Knowsley Replacement Unitary Development Plan; Merseyside and Halton Joint Waste Local Plan; and the emerging Knowsley Local Plan: Core Strategy.</p> | <p>No</p> |
| <p>(d) Environmental problems relevant to the plan or programme.</p> | <p>The Sustainability Appraisal (incorporating SEA) and the Habitat Regulations Assessment for the emerging Knowsley Local Plan: Core Strategy identifies strategic environmental constraints within the Borough. These are assessed and addressed by policies within this document. The SPD relates to trees and development, and does not alter the approach relating to the environmental issues assessed.</p> | <p>No</p> |
| <p>(e) 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).</p> | <p>The SPD does not provide guidance on matters which have the potential to inform Environmental Statements (EIA) and Habitats Regulations Assessments. The SPD also does not set standards, deemed to meet environmental legislation, and the guidance remains within the parameters of policy approaches within the adopted Knowsley Replacement Unitary Development Plan; Merseyside and Halton Joint Waste Local Plan; and the emerging Knowsley Local Plan: Core Strategy.</p> | <p>No</p> |
| <p>2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:</p> | | |
| <p>(a) The probability, duration, frequency and reversibility of the effects.</p> | <p>The SPD will provide guidance on how new development proposals can incorporate trees and landscaping. The SPD also provides guidance on</p> | <p>No</p> |

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| | <p>development affecting existing trees; requirements for detailed survey of all existing trees; and requirements for provision of replacement trees. The overall medium to long-term environmental outcome as a result of the SPD is expected to be an enhancement to the quality and character of the built environment; and a positive contribution to the natural environment. Although this effect should be positive, it is not considered to be significant in its magnitude and does not go beyond national and local policy frameworks.</p> <p>The SPD will not give rise to any significant effects on the environment in addition to those considered as part of the emerging Knowsley Local Plan: Core Strategy.</p> | |
| (b) The cumulative nature of the effects. | <p>Gradual delivery of proposals which better incorporate trees and landscaping within new developments and provide replacement trees when required over the life of the plan period.</p> <p>The SPD will not give rise to any significant cumulative effects in addition to those considered as part of the emerging Knowsley Local Plan: Core Strategy.</p> | No |
| (c) The trans-boundary nature of the effects. | <p>The SPD is related only to the implementation of the adopted Knowsley Replacement Unitary Development Plan, Merseyside and Halton Joint Waste Local Plan; and the emerging Knowsley Local Plan: Core Strategy and will have no trans boundary effects beyond those considered in assessments relating to these documents.</p> | No |

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| (d) The risks to human health or the environment (e.g. due to accidents) | No risks as a result of the SPD have been identified. | No |
| (e) The magnitude and spatial effects of the extent (geographical area and size of the population likely to be affected) | <p>The SPD is provided in the form of general principles to the incorporation of trees and landscaping within new developments. The SPD also provides guidance on development affecting existing trees; requirements for detailed survey of all existing trees; and requirements for provision of replacement trees. This will provide additional clarity on existing policies in the adopted Knowsley Replacement Unitary Development Plan; Merseyside and Halton Joint Waste Local Plan; and the emerging Knowsley Local Plan: Core Strategy. The SPD is not site-specific and does not allocate land, prescribe land uses or identify sites for development.</p> <p>The spatial coverage of the guidance will relate to the whole of Knowsley. However, any influence and cumulative effects as a result of the SPD remains moderate and positive.</p> | No |
| (f) The value and vulnerability of the area likely to be affected due to: | | |
| i. special natural characteristics or cultural heritage | The SPD will not give rise to any significant effects on natural characteristics or cultural heritage other than those fully considered in the adopted Knowsley Replacement Unitary Development Plan; Merseyside and Halton Joint Waste Local Plan; the emerging Knowsley Local Plan: Core Strategy, and other SPDs. | No |

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| ii. exceeded environmental quality standards or limit values | The SPD does not allocate land, for development. The SPD does not promote particular uses which are likely to lead to environmental standards being exceeded. The SPD will have a beneficial effect in encouraging the implementation of higher environmental standards. | No |
| iii. intensive land use | The SPD does not allocate land or allocate sites for development. The SPD will not give rise to any significant effects as a result of intensification of land use, beyond those considered as part of the policy approaches of parent documents - the adopted Knowsley Replacement Unitary Development Plan; Merseyside and Halton Joint Waste Local Plan; the emerging Knowsley Local Plan: Core Strategy; and other area based SPDs. | No |
| (g) the effects on areas or landscapes which have a recognised national, community or international protection status. | <p>There are no landscapes of national or international recognition which will be affected by the SPD.</p> <p>The SPD will not give rise to any significant effects on natural characteristics in addition to those considered as part of the adopted Knowsley Replacement Unitary Development Plan; Merseyside and Halton Joint Waste Local Plan; the emerging Knowsley Local Plan: Core Strategy and other area based SPDs. A separate Habitats Regulation Screening Assessment has determined that nearby sites of European significance to Knowsley would not be affected as a result of SPD. It is therefore considered there are no significant effects.</p> | No |

Source: Annex 2 of SEA Directive 2001/42/EC

5.0 Statement of Reasons for Determination

- 6.1. In reviewing these criteria the Council has concluded that as the SPD does not “set the framework”, a determination under regulation 9(1) Environmental Assessment of Plans and Programmes Regulations 2004 is therefore not necessary. As a matter of record and for the avoidance of doubt a discretionary assessment against Schedule 1 of the Environmental Assessment of Plans and Programmes Regulations 2004 has concluded that the Trees and Development SPD would not give cause to anticipate significant environmental effects.
- 6.2. In addition, the Trees and Development SPD is not a plan or project which will be implemented in its own right – it expands upon policies within the emerging Local Plan: Core Strategy, Merseyside and Halton Joint Waste Local Plan and saved policies of the Knowsley Replacement Unitary Development Plan. The relevant policies within the emerging Knowsley Local Plan: Core Strategy and the Merseyside and Halton Joint Waste Local Plan listed in the SPD have already been subject to HRA and these were judged to have no significant effect on the integrity of the European sites, either alone or in combination with other plans or projects. The separate assessment of the SPD with respect to HRA concludes that there is no need for an “Appropriate Assessment” in the context of the Conservation of Habitats and Species Regulations 2010.
- 6.3. On the basis of the above, Knowsley Council considers that the Trees and Development SPD will not have significant environmental effects beyond those considered by policies in the adopted Knowsley Replacement Unitary Development Plan, the Merseyside and Halton Joint Waste Local Plan and the emerging Knowsley Local Plan: Core Strategy, and therefore would not trigger a need for an Appropriate Assessment or Strategic Environmental Assessment.

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