

INFO10

STRATEGIC ENVIRONMENTAL ASSESSMENT/HABITAT REGULATIONS ASSESSMENT FINAL SCREENING REPORT

CONSULTATION DRAFT PLANNING OBLIGATIONS SUPPLEMENTARY PLANNING DOCUMENT

1 Introduction

- 1.1 Sustainability Appraisal (SA) and Strategic Environmental Assessment (SEA) are tools used at the plan-making stage to assess the likely effects of the plan when judged against reasonable alternatives. A plan or project may also require an Appropriate Assessment under the Conservation of Habitats and Species Regulations 2017 (as amended) if it is considered likely to have significant effects on a habitats site.
- 1.2 This final screening report is designed to determine whether the Consultation Draft Planning Obligations Supplementary Planning Document (SPD) requires a full Strategic Environmental Assessment (SEA) and/or Habitats Regulations Assessment (HRA).
- 1.3 The purpose of the Consultation Draft Planning Obligations SPD is to provide guidance on the City Council's approach toward seeking planning obligations which are needed to make development proposals acceptable. The SPD identifies topic areas where planning obligations may be applicable depending on the scale of development and sets out the required obligations or contributions that are necessary to make a development acceptable in planning terms; directly relate to a development; and are fairly and reasonable related in scale and kind to a development.
- 1.4 The combination of the SPD and the Council's Community Infrastructure Levy Charging Schedule set out the scope of planning obligations applicable to different scales and types of development.
- 1.5 The Consultation Draft Planning Obligations SPD has updated the adopted Planning Obligations SPD to reflect changes in national planning policy, proposed modifications to the adopted Local Plan set out in the Pre-Submission (Regulation 19) Local Plan and Focused Consultation Additional Sites (Regulation 19) document, as well as new local strategies and policy guidance.
- 1.6 The guidance in the SPD supplements the requirements set out in the Pre-Submission (Regulation 19) Local Plan and Focused Consultation Additional Site (Regulation 19) documents. The Council consulted on the Pre-Submission (Regulation 19) Local Plan and the Draft Planning Obligations SPD for a period of 6 weeks, commencing on the 4 February 2025 and is consulting on the Focused Consultation Additional Sites (Regulation 19) Document until the 8 January 2026.
- 1.7 The SEA Regulations require that the likely significant effects on the environment of implementing the plan, and the reasonable alternatives to it, are identified, described and evaluated. The SEA requirements are in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plans and Programmes Regulations 2004.

- 1.8 An SEA should take into account the findings of an HRA, if one is undertaken. An HRA identifies whether a plan is likely to have any significant effects on a European site, either alone or in combination with other plans or projects. European sites are designated under the UK Conservation of Habitats and Species Regulations 2017 (the ‘Habitats Regulations’).
- 1.9 In some limited circumstances, an SPD can have significant environmental effects. The purpose of this document is to undertake a screening assessment of the Consultation Draft Planning Obligations SPD to determine whether a full SEA is needed.
- 1.10 Chelmsford City Council has responsibility to ensure that the SEA/HRA requirements have been met and has therefore carried out an SEA/HRA screening opinion.
- 1.11 The screening opinion will inform the final version of the SPD before it is submitted as an evidence base document to support the Examination of the new Local Plan and approved for adoption.
- 1.12 To do this, CCC will:
 - a) Take into account the criteria specified in the European Directives; and
 - b) Consult the consultation bodies.
- 1.12 The consultation bodies are defined in Regulation 4 of the SEA Regulations. As the responsible authority, CCC sought the opinions of the statutory consultation bodies - Historic England, the Environment Agency and Natural England on the SEA and HRA Draft Screening Report in February – March 2025.

2 Legislative background

- 2.1 The basis for Strategic Environmental Assessments and Sustainability Appraisal legislation is European Directive 2001/42/EC ‘on the assessment of the effects of certain plans and programmes on the Environment’. This was transposed into English law by the Environmental Assessment of Plans and Programmes Regulations 2004 (SI2004/1633) (the SEA Regulations), or SEA Regulations.
- 2.2 The SEA Regulations include a definition of ‘plans and programmes’ to which the regulations apply, and which programmes are required by legislative, regulatory or administrative provisions.
- 2.3 The basis for HRA is Article 6 (3) and (4) of the EU Habitats Directive and Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended). European sites are designated under the UK Conservation of Habitats and Species Regulations 2017 as amended (known as the Habitats Regulations).

2.4 Under Section 19 of the Planning and Compulsory Purchase Act 2004, the Council is required to carry out a sustainability appraisal of each of the proposals in a plan during its preparation. However, the Town & Country Planning (Local Planning) (England) Regulations 2012 removes the requirement to carry out SA on SPDs as they do not introduce new policies or modify plans which have already been subject to SA at a higher level.

2.5 The Council's adopted Chelmsford Local Plan was subject to its own full SA/SEA and the Council is carrying out an ongoing Integrated Impact Assessment (IIA) as the Review of the Local Plan develops. The IIA brings together into a single framework four different strands of assessment, Sustainability Appraisal and Strategic Environmental Assessment, Health Impact Assessment, Equalities Impact Assessment and Habitats Regulation Assessment, in order to assess the socio-economic and environmental effects of the Local Plan.

2.6 National planning policy requires that local plans and spatial development strategies should be informed throughout their preparation by a Sustainability Appraisal that meets the relevant legal requirements.

2.7 National Planning Practice Guidance (PPG) states that the role of the SA is to promote sustainable development by assessing the extent to which the emerging plan, when judged against reasonable alternatives, will help achieve relevant environmental, economic and social objectives. The PPG states that a sustainability appraisal should be prepared for any of the documents that can form part of a local plan, including core strategies, site allocation documents and area action plans. SPDs are excluded from this requirement.

2.8 Although SPDs do not require a SA they may in exceptional circumstances require a SEA if they are likely to have significant environmental effects that have not already been assessed. This screening report therefore seeks to determine whether a full SEA is needed for the Draft Planning Obligations SPD by assessing the environmental impact of the document against the criteria set out in Annex II of SEA Directive 2001/42/EC.

2.9 The statutory framework for planning obligations is set out in Section 106 of the Town and Country Planning Act 1990, as amended. Regulations 122 and 123 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and paragraphs 56 to 59 of the National Planning Policy Framework (NPPF) December 2024, set out the Government's policy on planning obligations.

3 SEA – Criteria

3.1 The criteria for determining the likely significance of effects referred to in Article 3(5) of Directive 2001/42/EC are set out below:

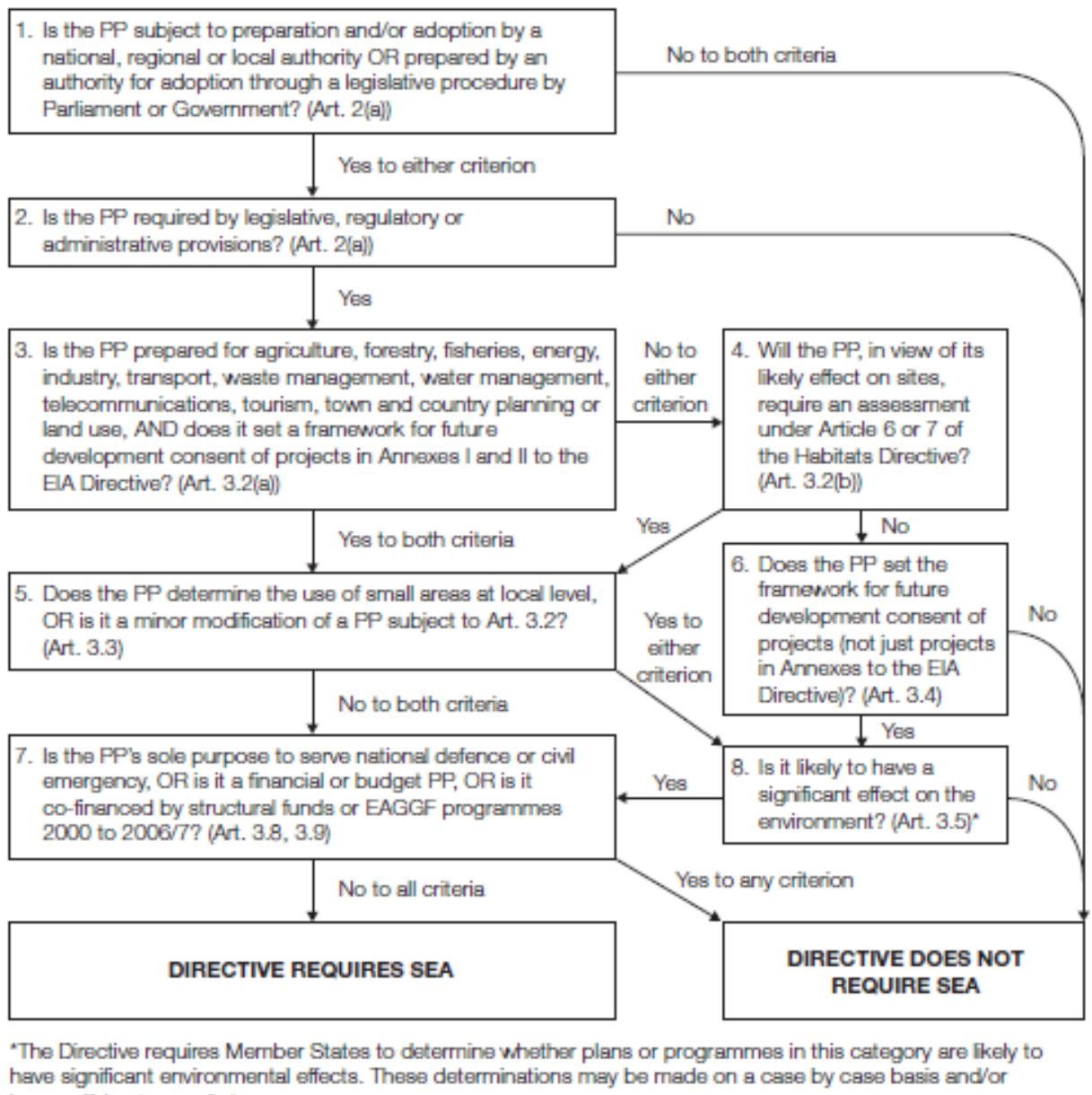
1. The characteristics of plans and programmes, having regard, in particular, to:
 - The degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources.
 - The degree to which the plan or programme influences other plans and programmes including those in a hierarchy.
 - The relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development.
 - Environmental problems relevant to the plan or programme.
 - 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).
2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:
 - The probability, duration, frequency and reversibility of the effects.
 - The cumulative nature of the effects.
 - The trans boundary nature of the effects.
 - The risks to human health or the environment (e.g. due to accidents).
 - The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected), the value and vulnerability of the area likely to be affected due to:
 - special natural characteristics or cultural heritage;
 - exceeded environmental quality standards or limit values;
 - intensive land-use; and
 - the effects on areas or landscapes which have a recognised national, community or international protection status.

4 SEA – Screening Assessment

4.1 The diagram below illustrates the process for screening a planning document to ascertain whether a full SEA is required.

Figure 2 – Application of the SEA Directive to plans and programmes

This diagram is intended as a guide to the criteria for application of the Directive to plans and programmes (PPs). It has no legal status.



Source: *A Practical Guide to the Strategic Environmental Assessment Directive (2005)*

4.2 The following assessment applies the questions from the diagram above. The answers determine whether the SPD will require a full Strategic Environmental Assessment.

Table 1 - Determining if SEA is required

Question	Response
1) Is the 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 preparation and adoption of the SPD will be undertaken by CCC.
2) Is the plan or programme required by legislative, regulatory or administrative provisions? (Art. 2(a))	Yes. The SPD would be considered as falling within the category of an 'administrative provision'. It is considered that the SPD is required to provide clarity for the implementation of policies set out within the Pre-Submission (Regulation 19) Local Plan and the Focused Consultation Additional Sites (Regulation 19) document.
3) Is the plan or programme 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))	No. The SPD is for town and country planning purposes but does not set a framework for future development consent of projects in Annexes I and II to the EIA Directive. The SPD will provide guidance against which planning applications will be assessed throughout the City Council's area, but it does not allocate any land for development.
4) Will the plan or programme, 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))	No. The SPD is not likely to have an effect, particularly given that it does not allocate sites for development and therefore is unlikely to have an impact on habitats. The Council's adopted Chelmsford Local Plan was subject to its own full SA/SEA and the Council is carrying out an ongoing Integrated Impact Assessment (IIA) as the Review of the Local Plan develops.
5) Does the plan or programme 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. The SPD can be considered to affect the determination of planning applications for the use of small areas at a local level. However, it does not constitute a modification of any plan.
6) Does the plan or programme set the framework for future development consent	Yes. The SPD does not have Development Plan status, but it will be accorded weight as a

of projects (not just projects in annexes to the EIA Directive)? (Art 3(4))	material planning consideration in the determination of planning applications.
7) Is the plan or programme'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)	No, not applicable.
8) Is it likely to have a significant effect on the environment? (Art. 3(5))	No. See table 2.

4.3 The following assessment looks at the identified effects of the SPD in line with the criteria for assessing effects as per Article 3(5) of Directive 2001/42/EC (the SEA Directive). Crucially, it will determine whether there are any likely significant effects on the environment.

4.4 The following assessment will consider the likelihood of the SPD (at the time of writing) to have any likely significant effects on the environment as per Article 3(5) of Directive 2001/42/EC (the SEA Directive).

Table 2 – Assessment of Likely Significant Effects on the Environment

Criteria for determining the likely significance of effects (Annex II SEA Directive)	Is there a likely significant environmental effect?	Justification
The degree to which the SPD sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources.	No	The SPD sits at the lowest tier of the development plan system and does not set a framework for other projects and activities. The SPD offers guidance to implement the Pre-Submission (Regulation 19) Local Plan and Focused Consultation Additional Sites (Regulation 19) document policies, which have been subject to an ongoing IIA.
The degree to which the SPD influences other plans and programmes including those in the hierarchy.	No	The SPD sits at the lowest tier of the development plan system and does influence other plans and programmes. The SPD provides greater detail and clarity on the implementation of Pre-Submission (Regulation 19) Local Plan and Focused Consultation Additional Sites (Regulation 19) document policies which would continue to take priority for decision making.

The relevance of the SPD for the integration of environmental considerations in particular with a view to promoting sustainable development.	No	The SPD promotes sustainable development in accordance with the Pre-Submission (Regulation 19) Local Plan and Focused Consultation Additional Sites (Regulation 19) document. However, it will not provide environmental policy in its own right so does not have a significant environmental effect on environmental considerations.
Environmental problems relevant to the SPD.	No	There are no environmental problems relevant to the SPD. The SPD will not prepare policy but will support the implementation of the Pre-Submission (Regulation 19) Local Plan and Focused Consultation Additional Sites (Regulation 19) document policies. The SPD is not to be put in place to deal with any particular environmental problems.
The relevance of the SPD for the implementation of Community legislation on the environment (for example, plans and programmes linked to waste management or water protection).	No	The content of the SPD is not in conflict with those relevant planning documents within the wider City Council or County Council area for example, plans related to waste management or water protection.
The probability, duration, frequency and reversibility of the effects of the SPD	No	<p>The SPD will not set policy or identify sites for development. It supplements the Pre-Submission (Regulation 19) Local Plan and Focused Consultation Additional Sites (Regulation 19) document policies.</p> <p>The SPD will promote positive environmental impacts and minimise negative environmental impacts in accordance with the Pre-Submission (Regulation 19) Local Plan and Focused Consultation Additional Sites (Regulation 19) document. All impacts will vary according to the nature, type, scale and location of proposals. Positive impacts may include reduced flood risk, well-connected multifunctional network of green and blue infrastructure, measures aimed at enabling future development to move to a zero-carbon future, biodiversity net gain and Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) mitigation.</p>

		Negative impacts and/or conflict may arise as a result of the growth aspirations and the need to protect and enhance environmental assets and minimise resource use, waste and greenhouse gas emissions but these are assessed by the Pre-Submission (Regulation 19) Local Plan IIA and the Integrated Impact Assessment Focused Additional Sites Addendum IIA.
The cumulative nature of the effects of the SPD	No	As the SPD only provides guidance on the considerations to be taken by the City Council in determining planning applications as set out within relevant policies of the Pre-Submission (Regulation 19) Local Plan and Focused Consultation Additional Sites (Regulation 19) document.

5 HRA – Screening Assessment

- 5.1 The Conservation of Habitats and Species Regulations 2017 (as amended) set out the requirement for neighbourhood plans to assess implications for European Sites (Regulation 106).
- 5.2 The Chelmsford Local Plan includes policy requirements for renewable or low carbon energy developments proposals but does not allocate land for development.
- 5.3 The Council's adopted Chelmsford Local Plan was subject to its own full SA/SEA and the Council is carrying out an ongoing Integrated Impact Assessment (IIA) as the Review of the Local Plan develops. The IIA brings together into a single framework four different strands of assessment, Sustainability Appraisal and Strategic Environmental Assessment, Health Impact Assessment, Equalities Impact Assessment and Habitats Regulation Assessment.
- 5.4 The Consultation Draft Planning Obligations SPD does not set new policy over and above that contained within the Pre-Submission (Regulation 19) Local Plan, Focused Consultation Additional Sites (Regulation 19) document or allocate sites for development.
- 5.5 The Consultation Draft Planning Obligations SPD sets out how proposals should be mitigated including on issues such as, flood protection and water management/efficiency, environmental mitigation, public realm and waste management. It is considered that this guidance would prevent any additional risks of a significant effect on the identified European sites.

5.6 The Consultation Draft Planning Obligations SPD will not take the place of the duties of the City Council under the Habitats Regulations and Habitats Directive. In particular, it will not replace screening or appropriate assessment which may be required of proposals considered likely to have a significant effect on the conservation objectives of a designated 'European Site'. Some development schemes, particularly those located close to a Habitats site boundary, or large-scale developments, may need to provide mitigation measures to avoid likely significant effects from the development. This would need to be assessed and, where appropriate, mitigated through a project-level HRA (including Appropriate Assessment where necessary). The City Council, in consultation with Natural England, would advise on applicable cases.

6 SEA and HRA – Consultation

6.1 CCC consulted the consultation bodies (see 1.12) in February/March 2025. The responses are set out in Appendix 1.

6.2 The responses are set out below:

- Environment Agency – no response received.
- Historic England – agree with the Council's conclusion that neither a full Strategic Environmental Assessment (SEA) or further stages of appropriate assessment are required in this instance.
- Natural England – no response received.

7 SEA and HRA Conclusion

6.1 As a result of the assessment in Sections 4, and the responses from the consultation bodies, CCC has concluded that there are not likely to be significant environmental effects arising directly from the guidance in the Consultation Draft Planning Obligations SPD. Therefore, a full Strategic Environmental Assessment will not be necessary to accompany the Consultation Draft Planning Obligations SPD.

6.2 Given that the Pre-Submission (Regulation 19) Local Plan and Focused Consultation Additional Sites (Regulation 19) documents has been subject to an ongoing IIA, and the conclusion that the proposed guidance in the draft SPD would not create any significant effects on the identified European Sites, it is therefore concluded that further stages of appropriate assessment for the Consultation Draft Planning Obligations are not required.

7 Next steps

7.1 This statement is published as part of the evidence base supporting the review of the Local Plan alongside the Draft Consultation Planning Obligations SPD – Evidence Base: [Pre-Submission](#)

Appendix 1

**RE: Draft Planning Obligations Supplementary Planning Document Screening Report**

Dear Sir/Madam,

RE: Chelmsford City Council Consultation – Draft Planning Obligations SPD (February 2025) and SEA / HRA screening report

Thank you for consulting us on Chelmsford City Council's Draft Planning Obligations Supplementary Planning Document (February 2025) and the accompanying screening report assessing whether a full Strategic Environmental Assessment (SEA) and/or Habitats Regulations Assessment (HRA) is required. As the Government's adviser on the historic environment, Historic England is keen to ensure that heritage considerations are fully integrated into all stages of the local planning process. We therefore welcome the opportunity to comment on these proposals.

Regarding the screening report, we support the Council's conclusion that neither a full SEA nor further stages of appropriate assessment are required. As for the SPD itself, while we do not have specific comments at this stage, we welcome the document's various references to the historic environment and look forward to future consultations on this and related projects.

I would be grateful if you could confirm receipt of this email.

Kind regards,



Please note my usual working days are Monday to Thursday, finishing at 5:30pm.



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Dear Sirs,

Chelmsford City Council (CCC) is preparing a [Draft Planning Obligations Supplementary Planning Document \(SPD\)](#) to provide further guidance on the implementation of key policies in the [Pre-Submission \(Regulation 19\) Local Plan](#), which we are currently [consulting on](#). This SPD is also being consulted on in line with Regulation 12 of the Town and Country Planning (Local Planning) (England) Regulations 2012, alongside the Pre-Submission (Regulation 19) Local Plan. The SPD will be submitted as an evidence base document to support the examination of the Pre-Submission (Regulation 19) Local Plan.

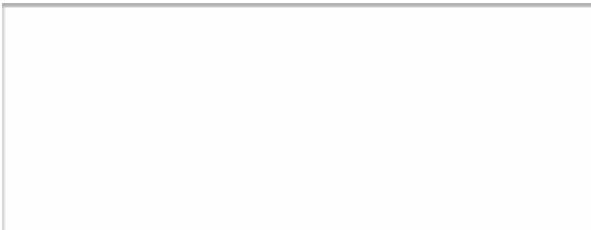
CCC has drafted the attached screening report to determine whether the Consultation Draft Planning Obligations SPD requires a full Strategic Environmental Assessment (SEA) and/or Habitats Regulations Assessment (HRA). I would appreciate it if you could let me know, as a consultation body, whether you conclude that the Consultation Draft Planning Obligations SPD will need a full SEA/HRA. The Consultation Draft Planning Obligations SPD is attached for reference.

The consultation period runs for six weeks from **4 February to 4.00pm on 18 March 2025**. We will then incorporate your comments into the final SEA/HRA Screening Report. If you will not be able to meet this deadline, I would appreciate it if you could let me know.

If you have any queries or questions, please do not hesitate to contact me.

Kind regards,

Liz.



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