

1.0 Introduction: Strategic Environmental Assessment screening and the 2004 Regulations

- 1.1 Under the Environmental Assessment of Plans and Programmes Regulations 2004 (the Regulations), Councils must carry out a Strategic Environmental Assessment (SEA) of land-use and spatial plans.
- 1.2 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.
- 1.3 The first stage in the SEA process is for the Council to determine whether or not a plan is likely to have a significant effect on the environment. The regulations advise that this is determined by a screening process, which should use a specified set of criteria (set out in Schedule 1 of the Regulations). The results of this process must be summarised in an SEA screening statement, which must be publicly available.
- 1.4 It is likely that Development Plan Documents (DPDs), such a Land Use Allocations DPD will require SEA as they will contain planning policies that allocate land for development and will be used to determine planning applications.
- 1.5 The Council has a duty to consult four specified environmental organisations (Countryside Agency, English Heritage, English Nature and Environment Agency) when determining the need for SEA. 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 Land Use Allocations DPD is likely to have significant environmental affects.

2.0 Pendle Land Use Allocations DPD

- 2.1 The Land Use Allocations DPD will identify specific locations for new development in line with the Core Strategy and in order to meet the requirements of the Regional Spatial Strategy (RSS). This will involve stakeholders and the community in line with the minimum requirements as set out in the Town and Country Planning (Local Development) (England) Regulations 2004 and the Statement of Community Involvement (SCI) currently in preparation.

Land Use Allocations DPD within the plan hierarchy

- 2.2 The Land Use Allocations DPD will form part of the new Local Development Framework (LDF), which will supersede the Pendle Local Plan. It will form the basis for making decisions on planning applications and must conform to the Core Strategy DPD. Supplementary Planning Documents (SPDs) may also be produced in line with the Core Strategy and Land Use Allocations DPD, e.g. to guide development on key sites.

3.0 The Screening Process

3.1 The preliminary assessment of whether or not SEA is required led to the conclusion that screening is necessary for the following reasons:

- The policy is subject to preparation and adoption by a Local Authority (albeit subject to independent examination)
- The policy is required by legislative, regulatory or administrative provisions
- The policy is prepared for town planning
- The land use allocations are setting the framework for future development consents that could require Environmental impact assessment

3.2 The screening process set out in Regulation 9 and Schedule 1 of the Regulations includes two sets of characteristics for determining the likely significance of effects on the environment. These relate firstly to the characteristics of the Land Use Allocations DPD and secondly to the characteristics of the effects and of the area likely to be affected. There are a number of criteria relating to each of these characteristics, the answers to which are set out below.

Characteristics of the Land Use Allocations DPD

1.	Criterion	Is there an effect?	Is there a significant environmental effect?	Justification
(a)	The degree to which the Land Use Allocations DPD sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources.	Yes	Yes	The Land Use Allocation DPD will identify specific sites for development. The Land Use Allocations DPD will be Borough wide, covering the six main towns and their rural hinterland.
(b)	The degree to which the Land Use Allocations DPD influences other plans and programmes including those in a hierarchy.	Yes	Yes	The Land Use Allocations DPD will influence Area Action Plans and site specific SPDs. It will also impact on other Council strategies such as the Economic Development Strategy and Housing Strategy.
(c)	The relevance of the Land Use Allocations DPD for the integration of environmental considerations in particular with a view to promoting sustainable development.	Yes	Yes	The identification of sites should be based on a robust and credible assessment of the suitability and availability of land.

(d)	Environmental problems relevant to the Land Use Allocations DPD	Yes	Yes	Problems in the area include economic, social and environmental. There are numerous environmental designations including an SPA.
(e)	The relevance of the Land Use Allocations DPD for the implementation of Community legislation on the environment (for example, plans and programmes linked to waste management or water protection).	No	No	The Land Use Allocations DPD are not relevant to the implementation of EC legislation such as waste management or water protection.

Characteristics of the effects and of the area likely to be affected

2.	Criterion	Is there an effect?	Is there a significant environmental effect?	Justification
(a)	The probability, duration, frequency and reversibility of the effects of the Land Use Allocations DPD	Yes	Yes	There will short-term effects in the areas identified. There will also be long-term effects relevant to changes in land-use, which may be positive or negative.
(b)	The cumulative nature of the effects of the Land Use Allocations DPD	Yes	Yes	The Land Use Allocations DPD will be borough wide therefore the cumulative effects may be great.
(c)	The trans-boundary nature of the effects of the Land Use Allocations DPD	No	No	There are no trans-boundary issues across Member States.
(d)	The risks to human health or the environment (e.g. due to accidents) of the Land Use Allocations DPD	No	No	There are no significant risks to human health or the environment.

(e)	The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected) by the Land Use Allocations DPD	Yes	Yes	The Land Use Allocations DPD covers the whole of the Borough (169 km ²), which has a population of 89,248 (2001 Census).
(f)	The value and vulnerability of the area likely to be affected by the Land Use Allocations DPD due to: (i) special natural characteristics or cultural heritage (ii) exceeded environmental quality standards or limit values or (iii) intensive land use	Yes	Yes	The Land Use Allocations DPD: (i) Will identify areas of natural and historic importance (ii) Planning applications will be required for any new developments and (iii) This process will ensure that environmental standards are met and that there is control over the intensity of land-use.
(g)	The effects of the Land Use Allocations DPD on areas or landscapes which have a recognised national, community or international protection status.	Yes	Yes	The Allocations DPD will identify sites of national, community or international protection, such as the SPA.

4.0 The Statement of Determination

Determination of the need for SEA

- 4.1 It is considered that a Strategic Environmental Assessment is required for the Land Use Allocations DPD.

Consultation with Statutory Bodies

- 4.2 The following organisations will be consulted on in this determination and their comments incorporated into this Screening Statement.

Organisation	Comment
Countryside Agency	<p>As you will appreciate, in its role as a consultation body, the Countryside Agency is unable to provide an opinion on many aspects of the screening process, such as whether the plan or programme sets the framework for future development consent of projects, or whether an environmental assessment is required, because these are matters for the responsible authority to determine and we have insufficient knowledge to give a view on these issues.</p> <p>In relation to the Land Use Allocations DPD, although the DPD will identify areas of special natural characteristics and areas of national, community or international protection status, it is not possible for us to determine on the information available whether the DPD is likely have significant effects on the landscape or the enjoyment of it through access.</p>
English Heritage	No response
English Nature	No response
Environment Agency	Having considered the two screening statements submitted for the proposed Core Strategy and Land Use Allocations DPDs, we agree that a SEA will be required for both documents.

Conclusions

It is concluded that the Land Use Allocations DPD is likely to create significant environmental effects and, in this respect, Pendle Borough Council determined that a Strategic Environmental Assessment of the Land Use Allocations DPD will be required.

NOTICE UNDER
THE ENVIRONMENTAL ASSESSMENT OF PLANS
AND PROGRAMMES REGULATIONS 2004

**LAND USE ALLOCATIONS
DEVELOPMENT PLAN DOCUMENT**

Determination

Pendle Borough Council has determined that, in accordance with the above Regulations, the Land Use Allocations DPD is likely to have significant environmental effects and that a Strategic Environmental Assessment is required.

A copy of this determination can be inspected at the Council's offices at the Town Hall, Market Street, Nelson or online at www.pendle.gov.uk/planning