



Newport Local Development Plan  
Draft Supplementary Planning Guidance  
Strategic Environmental Assessment and Habitat  
Regulations Assessment Screening Report

2017

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## 1. INTRODUCTION

- 1.1 Newport City Council adopted its Local Development Plan (LDP) on 27<sup>th</sup> January 2015. As part of the LDP process, Supplementary Planning Guidance (SPG) documents are prepared to provide more detailed guidance on a number of policy areas set out in the Plan. A draft SPG has been prepared concerning Development Management and Air Quality. On adoption, this SPG will be a material consideration in the determination of planning applications and appeals.
- 1.2 This screening report aims to determine whether the draft Supplementary Planning Guidance document linked to the adopted LDP must be subject to a Strategic Environmental Assessment (SEA) to comply with the requirements set out in 'Environmental Assessment of Plans and Programmes (Wales) Regulations 2004', henceforth referred to as SEA Regulations 2004, which transposes European Directive 2001/42/EC into national legislation. Or indeed, whether a Habitat Regulations Assessment (HRA) under the Article 6 of the Habitats Directive (92/43/EEC) on the Conservation of natural habitats and of wild fauna and flora, transposed into law under the Conservation of Habitat and Species Regulations 2010, is required.

### Strategic Environment Assessment

- 1.3 The SEA Regulations 2004 place an obligation on local authorities to undertake a SEA on plans and projects;
- that are required for town and country planning or land use; and
  - set the framework for future development consent of projects listed in Annex I or II to European Council Directive 85/337/ EEC.
- 1.4 The Planning and Compulsory Purchase Act 2004 contained the requirement for local planning authorities to produce a Sustainability Appraisal (SA) for all local development plan documents, which is considered to include SEA as good practice. A SPG is considered to be a development plan document.
- 1.5 Although the SPG supplements policies from the adopted Local Development Plan (LDP) 2011 – 2026, which has been subject to a full SA (including SEA) appraisal, it is essential to determine whether these documents are likely to have a significant effect on the environment; which this screening report aims to do.
- 1.6 The following flow chart will be used against each document to assess whether a SEA is required under the European Directive:

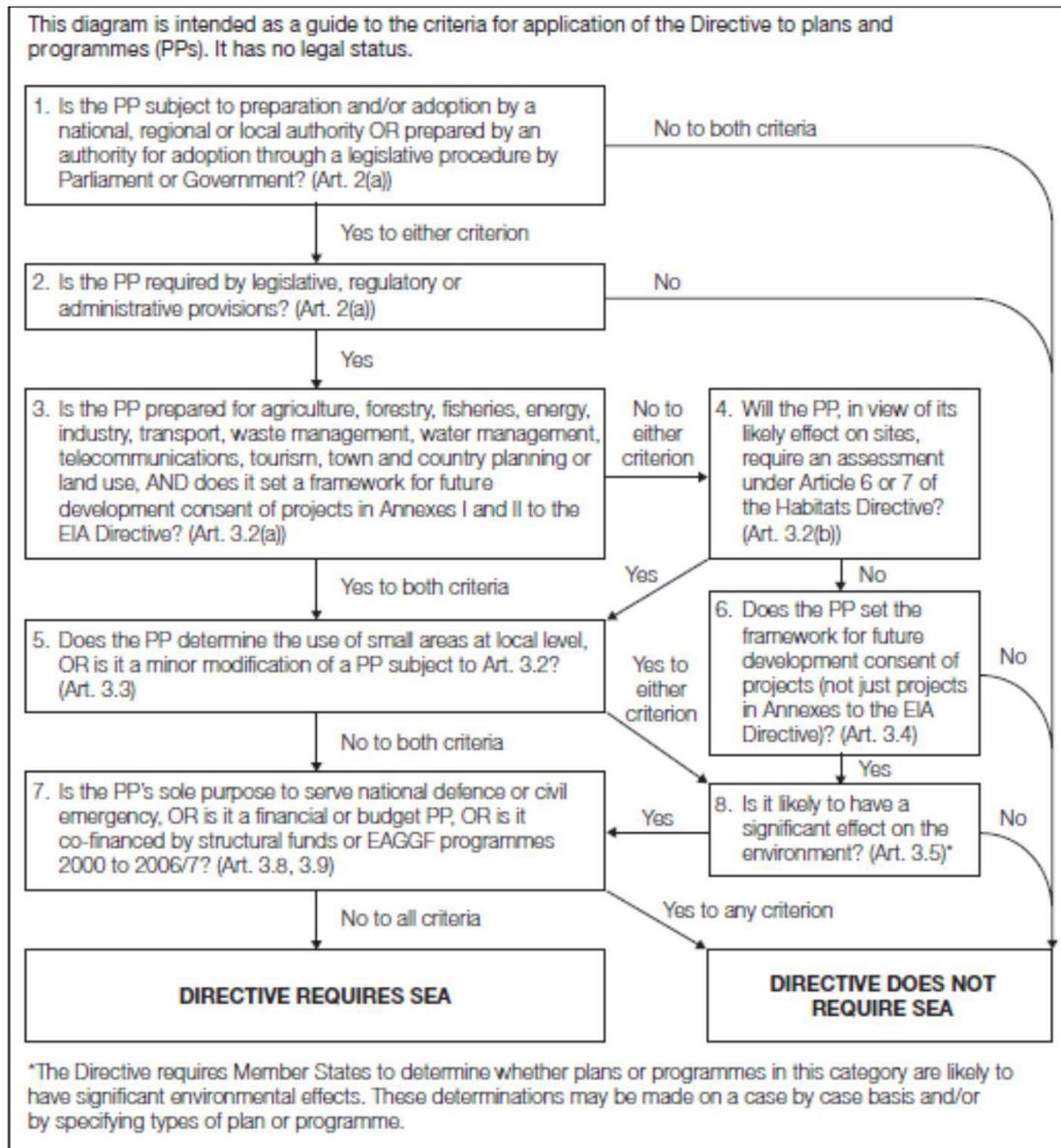


Figure 1: Source: A Practical Guide to the SEA Directive ODPM 2005.

1.8 When considering Question 8 of the flow chart the assessment with judge the likely effects on the environment considering those points raised in Annex II of the Directive:

ANNEX II

Criteria for determining the likely significance of effects referred to in Article 3(5)

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 transboundary 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,
  - the effects on areas or landscapes which have a recognised national, Community or international protection status

### Habitat Regulations Assessment

- 1.9 There is a requirement for any policies, plans or projects with potential to affect designated European sites to undergo Habitats Regulations Assessment (HRA) under the European Habitats Directive. The NCC administrative area contains the River Usk Special Area of Conservation (SAC), which is a European designation. Newport also sits on the western bank of The Severn Estuary, which is recognised at the European level through its designation as a Ramsar Site, a Special Protection Area (SPA) and SAC. Therefore an assessment must be undertaken to ensure that the proposed document does not have a significant impact upon a Natura 2000 site.
- 1.10 Although the SPG supplements policies from the adopted Local Development Plan (LDP) 2011 – 2026, which has been subject to a HRA, it is essential to determine whether these documents are likely to have a significant effect on a Natura 2000 site; which this screening report aims to do.
- 1.11 The following flow chart will be used against each document to assess whether an Appropriate Assessment is required under the European Directive:

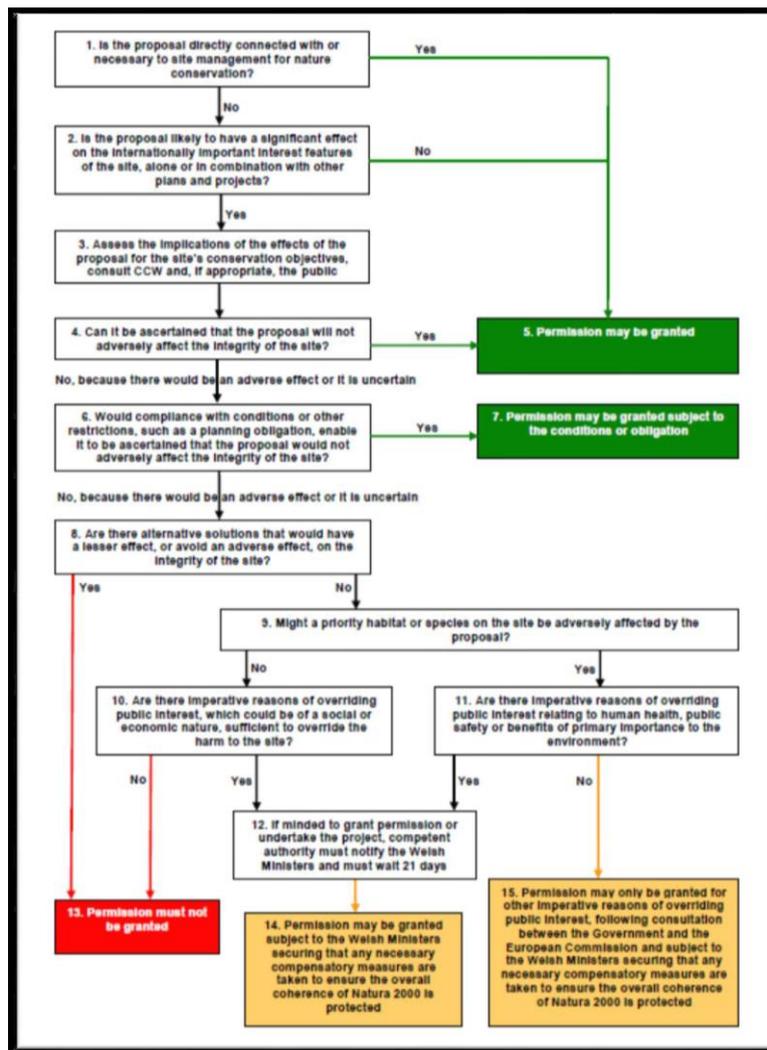


Figure 2 Source: Assessing projects under the Habitats Directive; a guide for competent authorities 2011

## Next Stages

- 1.12 Natural Resources Wales (NRW) and Cadw, both are statutory consultation bodies, will be consulted on these documents to establish whether they agree with the Council's viewpoint that the SPG would not be 'likely to have significant environmental effects'. The result of the screening will be published with the adopted version of this SPG.

## 2. SCREENING REPORTS

- 2.1 This section will screen the draft Supplementary Planning Guidance on Development Management and Air Quality.
- 2.1 The draft Development Management and Air Quality Supplementary Planning Guidance (SPG) has been prepared, setting out additional clarity and guidance to ensure consistence in the way air quality is dealt with through the planning system. The SPG is intended to explain, in detail, the Council's approach to air quality and new development. The SPG does not specify additional allocations but provides further guidance on how to satisfy policy GP7 of the LDP.

## STRATEGIC ENVIRONMENTAL ASSESSMENT SCREENING

- 2.2 The following SEA screening tables consider those aspects identified in the Directive and considers through the use of these assessment criteria the impact of the proposed draft SPG, see figure 1 for full details.

### SEA Screening Table 2.1:

1. Is the Plan or Programme (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?	Yes The SPG is prepared and adopted by Newport City Council
2. Is the PP required by legislative, regulatory or administrative provisions?	Yes The SPG is required to support the adopted LDP
3. Is the PP prepared for agricultural, 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?	Yes Town and Country Planning
5. Does the PP determine the use of small areas at local level OR is it a minor modification of a PP subject to Art 3.2?	Yes The SPG is used in addition to the LDP to assess planning applications
8. Is it likely to have a significant effect on the environment?	See Table 2.2 for a full assessment

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## SEA Screening Assessment: Table 2.2

<b>1. The characteristics of P&amp;P, having regard, in particular to:</b>		
<b>SEA Directive Criteria</b>	<b>Response</b>	<b>Is there a significant effect?</b>
1.1 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 allocation resources.	SPG provides guidance to LDP policies which set the framework for development and which have themselves been subject to a SEA. The development management and air quality SPG sets out the detailed considerations for dealing with applications which can have an impact on air quality.	No
1.2 The degree with which the plan or programme influences other plans and programme including those in a hierarchy.	SPG is a supporting document to the LDP and has slightly less weight in the decision making process but remains a material planning consideration.	No
1.3 The relevance of the plan or programme for the integration of environmental consideration in particular with a view to promoting sustainable development.	The impact of development on air quality is well documented and this guidance document seeks to ensure a consistent approach to the consideration of air quality through the planning system to ensure sustainable developments ensue.	No
1.4 Environmental problems relevant to the plan or programme.	This SPG sits within the wider policy framework of the LDP which has a number of environmental protection policies in addition to legislative requirements.	No
1.5 The relevance of the plan or programme for the implementation of Community legislation on the environment (e.g. waste management or water protection.)	This SPG is not relevant to the implementation of Community legislation.	No
<b>2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:</b>		

SEA Directive Criteria	Response	Is there a significant effect?
2.1 The probability, duration, frequency and reversibility of the effects.	The overarching aim of the SPG is to ensure air quality matters are consistently considered through the planning system over the LDP plan period of 2011-2026. The Plan is subject to annual monitoring and at least 4 yearly review. Amendments to policies may impact on the supporting SPG which then may need to be reviewed along with the Policy.	No
2.2 The cumulative nature of the effects.	The successful implementation of the SPG will result in the consistent consideration of air quality matters. This will go some way in meeting the sustainable development objectives of the Plan.	No
2.3 The trans-boundary nature of the effects.	The SPG is only relevant within the NCC boundary, the consideration of cross boundary (between Local planning authority) affects are considered. There is no trans-boundary relevance.	No
2.4 The risks to human health or the environment (e.g. due to accidents).	There are clear impacts to human health from air pollution and this SPG seeks to ensure new development consistently deals with air quality concerns through the planning system.	No
2.5 The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected).	The SPG covers the whole of the NCC local authority boundary but notes the need for some cross local authority boundary cooperation.	No
2.6 The value and vulnerability of the area likely to be affected due to: <input type="checkbox"/> The special natural	Newport has a great heritage and with that comes many historic assets of international and national importance.	No

<p>characteristics or cultural heritage,</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Exceeded environmental quality standards or limit value,</li> <li><input type="checkbox"/> Intensive land-use.</li> </ul>	<p>In addition to the rich heritage are the sites of international, national and local ecological importance. The LDP, of which this SPG supports, sets out a brownfield led growth strategy. This SPG is not considered to impact of these valued features and the LDP provides a clear policy framework within which these recognised features are considered for protection.</p>	
<p>2.7 The effects on areas or landscapes which have a recognised national, Community or international protection status.</p>	<p>Newport has a number of sites recognised for their national important, including a landscape of outstanding historic importance and a Ramsar site. The proposed SPG only provides guidance on a consistent approach to dealing with air quality matters and does not directly impact on such sites. It should be noted that the impact on the Ramsar site is considered as part of the HRA screening set out in Table 3.1</p>	<p>No</p>

### SEA Screening Summary

- 2.3 The Draft Development Management and Air Quality SPG sits in a supporting a guidance led role beneath the adopted LDP. The LDP sets a clear policy framework which has itself been subject to a SEA. The draft Development Management and Air Quality SPG has been screened and this process has concluded that a SEA is not required and the SPG is not likely to have a significant impact on the environment.

### 3. HABITAT REGULATIONS ASSESSMENT SCREENING:

- 3.1 The following HRA screening tables consider those relevant factors outlined in Article 6 of the Habitats Directive (see figure 2 for details) for the draft Development Management and Air Quality SPG:

**HRA Screening Table 3.1:**

1. Is the proposal directly connected with or necessary to site management for nature conservation?	<b>No</b>
2. Is the proposal likely to have a significant effect on the international important interest features of the site alone or in combination with other plans and projects?	<b>No</b> The SPG provides detailed guidance on the application of Policy GP7 from the adopted LDP. The SPG sets out a consistent approach which developers must take when considering air quality matters through the planning system. The SPG does not encourage or allocate development within the Natura 2000 site.
5. No to questions 1 & 2:	<b>The SPG has no likely significant effects on any European Site alone or in combination with other plans or projects.</b>

#### HRA Screening Summary

- 3.2 The screening process has concluded that the draft Development Management and Air Quality SPG does not have a significant effect on sites protected under the European Habitats Directive alone or in combination with other plans and projects.