

Tonbridge and Malling Borough  
Council

Character Area Appraisals  
Supplementary Planning Document  
(SPD)

Strategic Environmental Assessment  
(SEA) Screening

March 2009

## **Strategic Environmental Assessment (SEA)**

### **Introduction**

The requirement for Strategic Environmental Assessment (SEA) is set out in the former Office of the Deputy Prime Minister's (ODPMs) practical guidance on applying European Directive 2001/42/EC (SEA Directive), and in the Environmental Assessment of Plans and Programmes Regulations 2004. These documents place an obligation on local planning authorities to undertake SEA on any land use plan or programme "which sets the framework for future development consent for projects". This includes those documents that form part of the Local Development Framework (LDF).

There are however exceptions to this requirement. Where plans only "determine the use of small areas at a local level" or which only propose "minor modifications to a plan", then the local planning authority can determine that the plan is unlikely to have significant environmental effects and therefore SEA is not required.

Therefore, the onus is on the local planning authority to demonstrate that SEA should not be undertaken, and in doing so it must undertake a screening process based upon a standard set of criteria to determine whether the plan is likely to have significant environmental effects. A determination on whether a SEA is required cannot be concluded unless the local planning authority has consulted on the screening process with the three statutory consultees (English Heritage, Natural England and the Environment Agency).

Whilst it is anticipated that all Development Plan Documents (DPDs) are likely to require SEA because they contain statutory planning policies used to determine applications, there is no such certainty for Supplementary Planning Documents (SPDs). Though not part of the statutory Development Plan, SPDs cover a range of issues, both thematic and site specific (as is the case for the Character Area Appraisals SPD), which generally provide further details on policies in the Development Plan. If a SPD is considered unlikely to have significant environmental effects through the screening process, then the conclusion will be that SEA is not necessary.

## **Character Area Appraisals SPD**

Tonbridge and Malling Borough Council have identified in the Managing Development and the Environment Development Plan Document (MDE DPD) Publication Version (March 2009) that a Character Area Appraisals SPD will be produced as a supplement to Policy SQ1: Landscape and Townscape Protection and Enhancement.

### **Policy SQ 1**

- 1. Proposals for development will be required to reflect the local distinctiveness, conditions and sensitivity to change of the local character areas as defined in the Character Area Appraisals SPD.**
- 2. All new development should protect, conserve and, where possible, enhance:**
  - (a) the character and local distinctiveness of the area including its historical and architectural interest and the prevailing level of tranquillity;**
  - (b) the distinctive setting of, and relationship between, the pattern of settlement, roads and the landscape, urban form and important views; and**
  - (c) the biodiversity value of the area, including patterns of vegetation, property boundaries and water bodies.**

The MDE DPD was published on 30<sup>th</sup> March 2009 for a period of consultation prior to its submission to the Secretary of State on 30 June 2009. It is anticipated that the Pre-Examination meeting will be held in September, and any Hearing in November 2009.

Many policies in the Managing Development and the Environment Development Plan Document (MDE DPD) refer to the need to protect or enhance local character. The Character Area Appraisals SPD will supplement Policy SQ1 and will define, identify and describe in detail the local character of the Borough, identify the condition and sensitivity of the areas and put forward recommendations for action where necessary in order to protect, conserve and enhance those features which are considered to be determinants of local character.

It is the intention that Character Area Appraisal will be undertaken for the entire Borough. However, in order to effectively manage the programme in light of time and resource pressures, the appraisal will be undertaken in phases. This first phase of this SPD will comprise of urban character area appraisals for Tonbridge, the Medway Gap and Walderslade, plus the Rural Service Centres of Borough Green, East Peckham, Hadlow, Hildenborough and West Malling, and landscape character appraisals for the remainder of the Borough, excluding Other Rural Settlements as defined by Core Strategy

Policy CP13. The second phase of this SPD will comprise Character Area Appraisals of these remaining settlements which are likely to take the form of Village Design Statements and/or Conservation Area Appraisals.

It is the intention for the SPD to be adopted as soon as possible after the adoption of the MDE DPD in Summer 2010. The SPD will not make policy but will identify in detail how the policies of the MDE DPD will be applied.

The SPD will form part of the planning toolkit to assist with development control decisions, appeals and site/development briefs, design briefs and master plans. Outside of the planning system, this document will be able to provide information to other Council departments and agencies to assist with programmes and projects. Land management practice plays a particularly important role in managing the countryside to ensure the landscape of the Borough is safeguarded. Equally, some works within the urban areas outside of the planning system can affect local character. The Borough Council will seek to use the Character Area Appraisals SPD to influence these programmes and the details of schemes being undertaken by other organisations.

### Screening Process

The key screening decision is the determination of whether the Character Area Appraisals SPD is likely to have significant environmental impacts, using the criteria set out in Annex II of the SEA Directive. These criteria are set out in the table below, and a response is given to each.

Table 1

<i>Schedule 1 criteria</i>	<i>Answer</i>
<i>Characteristics of the plan or programme:</i>	
1a. The degree to which the plan or programme sets a framework for projects and other initiatives, either with regard to the location, nature, size and operating conditions or by allocating resources.	This SPD will not set a new policy framework as it supplements a policy in the Managing Development and the Environment Development Plan Document (DPD).
1b. The degree to which the plan or programme influences other plans and programmes including those in a hierarchy.	SPD is the lowest tier of the planning policy hierarchy and as a result it will not influence other plans/programmes in this hierarchy.
1c. The relevance of the plan or programme for the integration of environmental considerations, in particular with a view to promoting sustainable development.	The SPD is not responsible for integrating environmental considerations into development proposals. This is the function of policies within the MDE DPD. The SPD defines the characteristics of the local area, including identifying elements of both the natural and built environment and provides recommendations for action where

	appropriate.
1d. Environmental problems relevant to the plan or programmes.	No problems expected.
1e. The relevance of the plan or programme for the implementation of Community (EU) legislation on the environment (for example, plans and programmes linked to waste management or water protection)	No relevance.
<i>Characteristics of the effects and the area likely to be affected</i>	
2a. The probability, duration, frequency and reversibility of the effects.	The SPD will apply borough wide and, as a supplement to the development plan for the borough, it will be applied to each development proposal. If planning permission is granted, then it may have a permanent effect.
2b. The cumulative nature of the effects.	The SPD will progressively enhance the character of the Borough through development proposals and other initiatives.
2c. The trans-boundary nature of the effects.	The SPD will only apply to developments proposals within the borough and therefore there will be no trans- boundary effects.
2d. The risks to human health or the environment (e.g. due to accidents)	No risks expected.
2e. The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected).	The SPD will apply Borough wide.
2f. The value and vulnerability of the area likely to be affected due to: <ul style="list-style-type: none"> <li>i. Special natural characteristics or cultural heritage</li> <li>ii. Exceed environmental quality standards or limit values</li> <li>iii. Intensive land-use</li> </ul>	The SPD will apply borough wide, and the borough contains a range of natural and cultural assets. However, the protection and enhancement of these features, and environmental quality issues, are specifically addressed by policies contained in the Core Strategy and Managing Development and the Environment DPDs, and these policies have been assessed through Sustainability Appraisals. The SPD itself will identify the features that contribute to the character of an area and provide recommendations for action where appropriate.
2g. The effects on areas or landscapes which have a recognised National, Community or International	The Core Strategy DPD contains the relevant policies for the protection of landscapes of national and

protection status.

international importance. The SPD aims to identify the features, including local landscapes and landscape features, which contribute to the local distinctiveness of an area.