

Dear Sir / Madam

## **Strategic Environmental Assessment (SEA) Screening Statement of the Jaywick Sands Design Guide Supplementary Planning Document (SPD)**

The purpose of this letter is to consult statutory consultees on the SEA Screening of the draft Jaywick Sands Design Guide SPD. Consideration has also been given as to whether HRA screening is required.

### **1. Introduction and Background Context**

Jaywick Sands is listed as a priority area for regeneration in Policy PP 14 of the Tendring District Local Plan 2013-2033. This policy states that:

*'These areas will be a focus for investment in social, economic and physical infrastructure and initiatives to improve vitality, environmental quality, social inclusion, economic prospects, education, health, community safety, accessibility and green infrastructure. As well as this, the Council will seek to: preserve or enhance the heritage assets of these areas, including the at risk conservation areas. The at risk Conservation Areas are: Clacton Seafront, Dovercourt, St Osyth, Thorpe-le-Soken and Thorpe-le-Soken Station and Maltings. The Council will support proposals for new development which are consistent with achieving its regeneration aims.'*

The National Planning Policy Framework (NPPF) 2021 describes Supplementary Planning Documents (SPDs) as:

*'Documents which add further detail to the policies in the development plan. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design. SPDs are capable of being a material consideration in planning decisions but are not part of the development plan.'*

Tendring District Council is preparing a draft Jaywick Sands Design Guide Supplementary Planning Document (SPD) to provide further 'design' guidance to support the following specific policies within the adopted Tendring District Local Plan 2013-2033 and Beyond, Section 2. These specific policies are:

- SPL 3 Sustainable Design
- LP 3 Housing Density and Standards
- LP 4 Housing Layout
- PPL 5 Water Conservation, Drainage and Sewerage

The Design Guide SPD shows how these policies should be interpreted within the specific context of Jaywick Sands, with regard to its character, layout and setting as well as the requirement to develop flood resistant and resilient buildings. It does not introduce new policy, but instead adds greater detail to the parent policies and is intended to provide further guidance to the adopted Tendring Local Plan which is the planning policy framework for its area. The Tendring Local Plan has been subject to a full Sustainability Appraisal (SA) (including Strategic Environmental Assessment (SEA)).

SEA is a process for evaluating the environmental effects of a plan before it is made. Under the SEA Directive, supplementary planning documents (SPD) should be assessed to determine whether the plan is likely to have significant environmental effects. Planning Practice Guidance states that SPDs are not required to be accompanied by a Sustainability Appraisal. In exceptional circumstances, an SPD may require an SEA if they are likely to have significant effects on the environment which have not been assessed as part of the Local Plan SA. This Screening Assessment has therefore been prepared to assess if the draft Jaywick Sands Design Guide SPD requires SEA.

Before deciding whether significant effects are likely, the local planning authority (in this case Tendring District Council) should take into account the criteria specified in the Regulations and consult the three environment consultation bodies<sup>1</sup>.

This letter constitutes the SEA Screening as part of the evidence gathering and engagement stage of the Design Guide SPD preparation.

## 2. SEA Screening Process

To determine if an SPD is likely to have significant effects on the environment, Planning Practice Guidance recommends local planning authorities consider the criteria specified in Schedule 1 of the Environmental Assessment of Plans and Programmes Regulations 2004. Table 1 below in this letter presents the criteria in table form and considers each of the criteria in relation to the draft Design Guide SPD.

**Table 1: Criteria from Schedule 1 of the SEA Directive to the Proposed SPD**

Criteria		Likely to have significant effects	Screening Assessment / Justification
1 a	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.	No	The draft Design Guide SPD will promote sustainable development by detailing how four specific policies in the Tendring Local Plan (Policies SPL3, LP3, LP4, PPL5) should be interpreted within the specific context of Jaywick Sands and therefore contribute to the framework for future development consent.  The SPD will provide more detail to the policies established in an upper tier plan (i.e. the Local Plan) which has been subject to SA incorporating SEA. Therefore, it is the upper tier plan which sets the framework for development and not the SPD.
1 b	the degree to which the plan or programme influences other plans or programmes including those in a hierarchy	No	The SPD sits at the lowest tier of the development plan hierarchy and therefore does not influence other plans or programmes, instead providing detail for the interpretation of other plans. The SPD will supplement the

<sup>1</sup> Natural England, Historic England and the Environment Agency.

			Tendring Local Plan which is the planning policy framework for the SPD area and which has been subject to a full SA including SEA.
1 c	the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development	No	The SPD provides more detail to the specific policies established in the adopted Tendring Local Plan as listed in criteria 1a above. It is therefore considered to contribute positively to the integration of environmental considerations.
1 d	environmental problems relevant to the plan	No	The SPD will not introduce or exacerbate environmental problems. It will help mitigate climate change and provide additional guidance on sustainable design, housing layout/density as well as water conservation which will help develop flood resistant and better environmentally designed buildings.
1 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)	No	Together with the upper tier plans the SPD provides further detail and guidance on the implementation of community legislation, specifically through the provision of design guidance for water management and ensuring the use of sustainable urban drainage systems in relation to surface water drainage.
2 a	the probability, duration, frequency and reversibility of the effects	No	The SPD supplements adopted planning policy. This has been assessed through the SA of the Tendring Local Plan.
2 b	the cumulative nature of the effects	No	The SPD supplements adopted planning policy. This has been assessed through the SA of the Tendring Local Plan.
2 c	the trans-boundary nature of the effects	No	The SPD supplements adopted planning policy. This has been assessed through the SA of the Tendring Local Plan. The effects of the SPD are limited to the Jaywick Sands area rather than more widely across the district.
2 d	the risks to human health or the environment (e.g. due to accidents)	No	The SPD supplements adopted planning policy. This has been assessed through the SA of the Tendring Local Plan. There are no additional risks to human health or the environment arising from the application of this SPD.
2 e	the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)	No	The spatial extent of the SPD is specific to the Jaywick Sands area and will provide supplementary guidance to policies in the adopted Local Plan. Therefore, the influence of the Local Plan is low magnitude and a small spatial extent.
2 f	the value and vulnerability of the area likely to be affected due to: (i) special natural characteristics or cultural heritage (ii) exceeded environmental quality standards (iii) intensive land-use	No	Jaywick Sands lies within the impact zone of Clacton Cliffs & Foreshore Special Site of Scientific Interest (SSSI) and adjacent to the Essex estuary Special Area of Conservation (SAC) and Marine Conservation Zone (MCZ). There are no designated heritage assets in the

			<p>area covered by the SPD and the coastal areas of Tendring have low quality agricultural land. The value and vulnerability of the SPD area has been considered as part of the Tendring Local Plan SA. This concluded that it is not likely that the SPD will have any significant effect on the value and vulnerability of the area. The SA assessed the relevant policies (Policies SPL3, LP3, LP4 and PPL5) within the Local Plan, against Sustainability Objective 6 (the protection and enhancement of natural, historical and environmental assets), and concluded that there are likely to be significant positive effects on Policies SPL3 and LP4 in terms of enhancement from development and minor positive effects for Policy PPL5 in relation to biodiversity gain associated with SuDS integration. The assessment also concluded that Sustainability Objective 6 was not relevant to Policy LP3 as it relates to housing density.</p>
2 g	the effects on areas or landscapes which have a recognised national, community or international protection status	No	<p>Jaywick Sands lies within the impact zone of Clacton Cliffs &amp; Foreshore Special Site of Scientific Interest (SSSI) and adjacent to the Essex estuary Special Area of Conservation (SAC) and Marine Conservation Zone.</p> <p>Consideration of effects on landscape has been assessed through the SA of the Local Plan which concluded that these relevant policies would have positive effects on the quality of the local environment and enhance local character. This excludes Policy LP3 where an assessment is not considered to be applicable as the policy relates solely to housing density.</p>

### 3. Conclusion of Screening Assessment

In considering the scope of the Design Guide SPD against the criteria set out in Schedule 1 of the Environmental Assessment of Plans and Programmes Regulations 2004, it is concluded that the Jaywick Sands Design Guide SPD will not change or introduce new planning policy, proposals or allocations in addition to those already set out in the adopted Local Plan which has been subject to SA/SEA.

Instead, it provides specific guidance relating to design of how certain policies in the adopted Local Plan should be interpreted within the specific context of Jaywick Sands. For example, it provides additional guidance on how new residential development in Jaywick Sands can be designed with regards to internal and external space standards and for flood resistance and resilience.

It is considered unlikely therefore that there will be any significant environmental effects arising from the SPD and for this reason it is concluded that SEA is not required for the Jaywick Sands Place Plan SPD.

This screening opinion will be published alongside the draft Design Guide SPD and before it is confirmed as final it will also be consulted on by Tendring District Council with the three statutory consultation bodies – Historic England, Natural England, and the Environment Agency.

#### **4. Habitats Regulation Assessment (HRA)**

In addition to the SEA Screening Assessment, consideration has been given to whether HRA screening is required for the draft Jaywick Sands Design Guide SPD.

The draft Jaywick Sands Design SPD provides further 'design' guidance to support Tendring Local Plan policies listed above relating to sustainable design, housing density and standards, housing layout and water conservation, drainage and sewerage. These policies have been subject to HRA as part of the preparation of the adopted Tendring District Local Plan 2013-2033 and Beyond, Section 2. The HRA of Tendring District Local Plan Publication Draft - Section 2 (LUC, October 2018) concludes that there will be no adverse effects on European sites resulting from the policies within the Tendring Local Plan Section 2, either alone or in-combination.

The key issues in the area covered by the Jaywick Sands Design SPD in terms of HRA would be recreation (caused by population increase) and loss of supporting land for birds (i.e. development of new sites). As the SPD is not going to increase the amount of housing and therefore lead to population increase or lead to housing on new areas or expansion of Jaywick Sands (the SPD has no spatial element) then HRA for the Jaywick Sands Design SPD should not be needed.

As the Jaywick Sands Design SPD supports the policies within the Tendring District Local Plan and only provides additional design guidelines for their application in Jaywick Sands, it is concluded that a separate HRA of the Design SPD is not required.

#### **Consultation**

As a statutory consultee we would be very grateful if you could respond to this screening consultation by Friday 29<sup>th</sup> April 2022.

Please reply to:

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

**Yours Sincerely,**

**Anthony Brindley**

**Tendring District Council**