

Basildon Borough Council

Strategic Environmental Assessment Screening Determination of the Billericay Conservation Area Shop Front and Design Guide

July 2015

Introduction

- 1.1 Basildon Borough Council has prepared the Conservation Area Shop Front and Design Guide with the support of Billericay Town Council. The Design Guide applies to the whole of the Billericay Conservation Area, although its principles may be appropriate to other parts of the Basildon Borough. The document, once adopted as a Supplementary Planning Document (SPD) will become a material consideration when determining appropriate applications for development, listed buildings and advertisements.
- 1.2 The Design Guide has been assessed on whether Strategic Environmental Assessment (SEA) is required in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004, the National Planning Policy Framework and the Planning Practice Guidance. This report has been produced by Basildon Borough Council and incorporates the draft SEA Screening Determination (February 2015) which was undertaken by LUC; a summary of the comments received from the consultation bodies; and the final determination of whether SEA is required.

Draft Strategic Environmental Assessment Screening Determination

- 1.3 In order to assess whether the Design Guide is likely to have significant environmental effects the Council appointed LUC to produce a draft screening determination on the Billericay Conservation Area Shop Front and Design Guide Consultation Document. A copy of this report has been included as Appendix 1. The draft screening determination examined whether the Design Guide should be subject to SEA in accordance with the requirements of the EU Directive¹ and the 2004 Regulations.
- 1.4 The draft SEA Screening Determination (February 2015) reported that the status of the Design Guide as an SPD may merit SEA and the judgement on whether to undertake SEA rested on the likelihood of significant environment effects. This likelihood was tested and the draft screening determination concluded that the Design Guide was not likely to have significant environmental effects and therefore SEA was not required.

Consultation on the Draft Strategic Environmental Assessment Screening Determination

- 1.5 On 19th February 2015 Basildon Borough Council invited the three consultation bodies; the Environment Agency, Natural England and English Heritage (now known as Historic England) to comment on the draft SEA Screening Determination (February 2015). This was in accordance with Regulation 9(2) of the Environmental Assessment of Plans and Programmes Regulations, 2004. Of the three consultation bodies, Historic England was the only one to respond and they concurred with the conclusion that the Design Guide did not require SEA.

Consultation on the Billericay Conservation Area Shop Front and Design Guide Consultation Document (February 2015)

- 1.6 Whilst the three consultation bodies were invited to comment on the draft SEA Screening Determination the Design Guide was subject to a formal public consultation between 19th

¹ Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment

February and 2nd April 2015. A total of 34 individuals and organisations made representations during the consultation, and their comments have informed the final version of the Design Guide. The majority of respondents supported and welcomed the production of the guidance and the issues it covered. There were no objections, but there were suggestions for amendments and these have resulted in minor changes to the guidance being recommended.

Summary and Conclusion

- 1.7 Basildon Borough Council plans to adopt the Conservation Area Shop Front and Design Guide for Billericay Conservation Area as an SPD.
- 1.8 Sustainability Appraisal is not required for SPDs however, as SEA may be required, a SEA screening determination was carried out. The findings of the screening determination reported that the Design Guide was unlikely to have significant environmental effects and therefore SEA was not required. This conclusion was supported by Historic England which was one of three consultation bodies invited to comment.
- 1.9 In response to the public consultation on the Billericay Conservation Area Shop Front and Design Guide Consultation Document, minor changes have been recommended and they will be incorporated into the adopted Billericay Conservation Area Shop Front and Design Guide. These recommended changes are not significant and are not considered to alter the findings of the draft screening determination. Therefore the final determination is the same as the draft and **SEA is not required** for the Billericay Conservation Area Shop Front and Design Guide.

Appendix 1: Draft Strategic Environmental Assessment Screening Determination of the Billerica Conservation Area Shop Front and Design Guide Consultation Document (February 2015)



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Draft Strategic Environmental Assessment Screening Determination of the Billericay Conservation Area Shop Front and Design Guide Consultation Document

Final Report
Prepared by LUC
February 2015

Project Title: Draft SEA Screening Determination of the Billericay Conservation Area Shop Front and Design Guide Consultation Document

Client: Basildon Borough Council

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1 Introduction

Billericay Conservation Area Shop Front and Design Guide

- 1.1 The Listed Buildings and Conservation Areas Act 1990 places a duty upon local authorities to determine which parts of their administrative areas are of special architectural or historic interest which is desirable to preserve or enhance and then to designate them as Conservation Areas.
- 1.2 Billericay Town Centre was identified as one such area and formally designated a Conservation Area in September 1969. Following a Conservation Area Character Appraisal and the preparation of a Conservation Area Management Plan in 2011, the boundaries of the Conservation Area were revised in September 2013.
- 1.3 Basildon Borough Council has prepared the Conservation Area Shop Front and Design Guide Consultation Document with the support of Billericay Town Council which applies to the whole of the Billericay Conservation Area, although its principles may be appropriate to other parts of the Basildon Borough. The document, once adopted as a Supplementary Planning Document (SPD) will become a material consideration when determining appropriate applications.
- 1.4 The Guidance will supplement the Conservation Area Character Appraisal and associated Management Plan for the area, along with supporting policies in the Adopted Local Plan (Saved Policies 2007) and Government Policy relating to the conservation and enhancement of the historic environment contained within the National Planning Policy Framework and Planning Practice Guidance.
- 1.5 The Guidance will be the subject of formal public consultation between 19th February and 2nd April 2015.

Strategic Environmental Assessment/Sustainability Appraisal

- 1.6 The revisions to the planning system include a statutory requirement to carry out Sustainability Appraisal (SA) of all Local Plan documents (with the exception of Neighbourhood Plans, SPDs, the Statement of Community Involvement, the Local Development Scheme or the Authority Monitoring Report). However, SPDs may require Strategic Environmental Assessment (required under the Environmental Assessment of Plans and Programmes Regulations, 2004) in exceptional circumstances if they are likely to have significant environmental effects that have not already been assessed during the preparation of the Local Plan.
- 1.7 The Planning Practice Guidance prepared by Government advises that SEA is unlikely to be required where a SPD deals only with a small area at a local level unless it is considered that there are likely to be significant environmental effects. The Guidance goes further to state that before deciding whether significant environmental effects are likely, the local planning authority should take into account the criteria specified in Schedule 1 to the Environmental Assessment of Plans and Programmes Regulations 2004 and consult the consultation bodies.
- 1.8 This short report sets out the draft SEA Screening Determination for the Billericay Conservation Area Shop Front and Design Guide SPD.

SEA Screening

- 1.9 Figure 2 (Application of the SEA Directive to plans and programmes), which is set out in the Practical Guide to the Strategic Environmental Assessment Directive, published in September 2005, is a useful starting point when considering whether a Plan should be subject to SEA (The Practical Guide has been superseded by the National Planning Practice Guidance, however, it still

provides a useful guide to assist with SEA Screening decisions). This Figure is reproduced below followed by a table explaining how the Billericay Conservation Area Shop Front and Design Guide relates to each criterion.

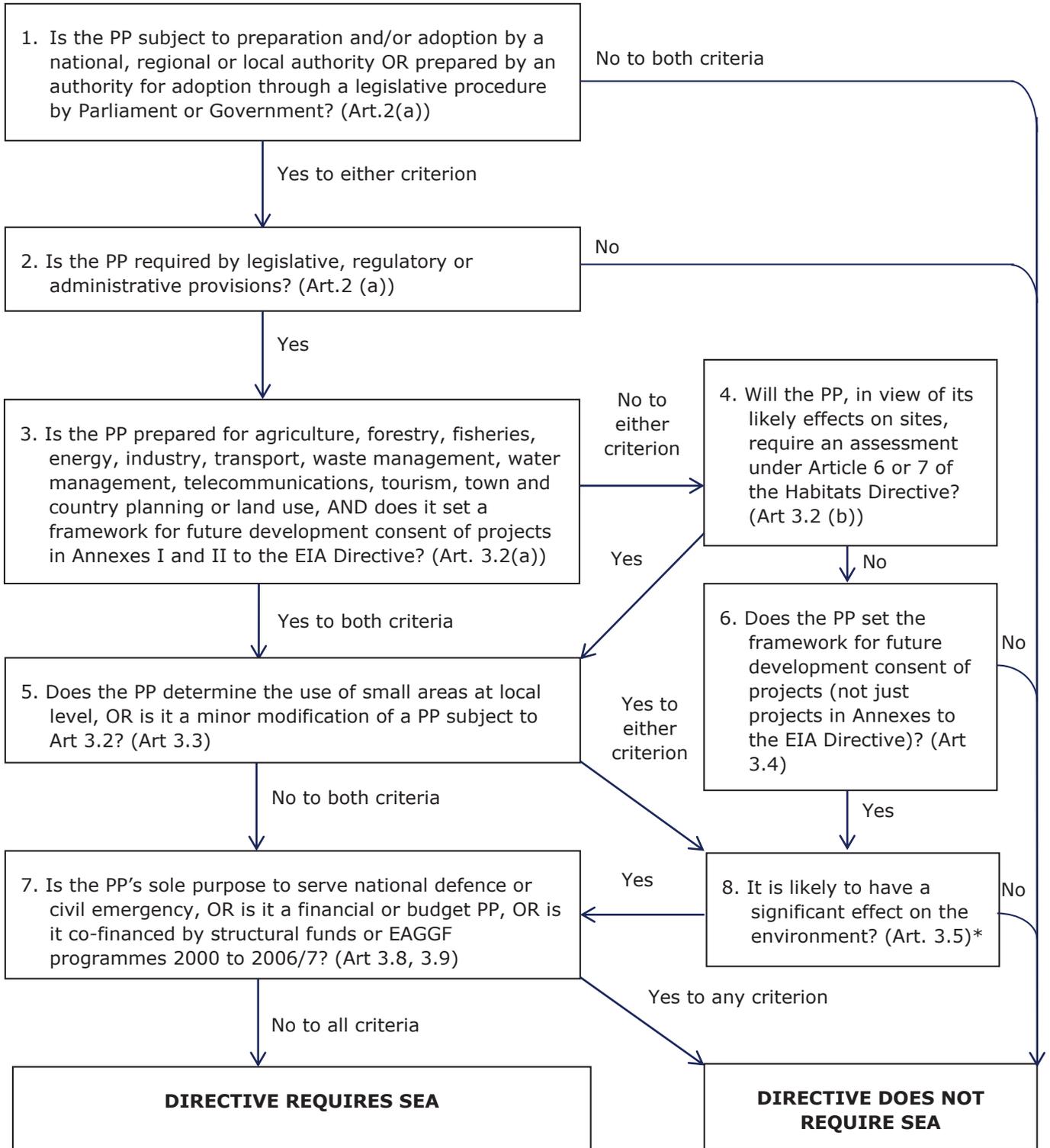


Table 1.1: Application of the SEA Directive to the Billericay Conservation Area Shop Front and Design Guide

SEA Directive Criterion	Billericay Conservation Area Shop Front and Design Guide
1. Is the 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? (Art. 2(a))	Yes – the SPD is subject to preparation and adoption by Basildon Borough Council.
2. Is the PP required by legislative, regulatory or administrative provisions? (Art. 2(a))	Yes – the SPD is necessary to provide supplementary guidance to the current adopted local plan and is subject to public consultation.
3. Is the PP 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))	Yes – the SPD is prepared for town and country planning use. It will form a material consideration in planning decisions primarily for non-EIA developments, but it may also be considered in decisions on EIA developments.
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? (Art. 3.3)	Yes – the SPD determines the use of small areas at a local level (i.e. within Billericay Conservation Area).
8. Is it likely to have a significant effect on the environment? (Art. 3.5)	See next section of this report.

Judgement on likely significant environmental effects

- 1.10 Applying the SEA Directive Screening flow-chart to the Billericay Conservation Area Shop Front and Design Guide leads to the conclusion that Plan merits consideration under the SEA Directive and the judgement on whether or not to undertake full SEA depends on the likelihood of significant environmental effects.
- 1.11 The SPD provides prescriptive guidance on a range of issues of relevance to new and existing buildings within the Conservation Area including building styles, design principles, shop fronts, signs and advertisements, satellite dishes etc. As such the Guidance will provide greater certainty to developers, occupiers etc about what will and will not be acceptable within the Conservation Area.
- 1.12 The Guidance applies to a small area at the local level (i.e. the Billericay Conservation Area), recognising that the principles may be appropriate to the wider borough. Consequently any environmental effects will be localised.
- 1.13 The Conservation Area was formally designated in September 1969 (with the last revisions to the boundaries in 2013), as such there are already policies and constraints in place regarding what can and cannot be done within this area. The Guidance provides greater clarity and prescription on what is / is not acceptable, and in so doing is likely to give greater certainty to the positive effects on townscape character that should arise in any event by virtue of the Conservation Area

designation. However, application of the SPD by itself is unlikely to lead to significant environmental effects (either positive or negative). **Consequently the SPD is not considered to require formal SEA.**

Summary and Conclusion

- 1.14 Basildon Borough Council is consulting on Conservation Area Shop Front and Design Guide Consultation Document for Billericay Conservation Area, which will be adopted as an SPD.
- 1.15 Sustainability Appraisal is not required for SPDs, however, SEA may be required.
- 1.16 The SPD is considered to fulfil the Screening Flowchart criteria set out in Figure 2 of the Practical Guide to the SEA Directive (i.e. the status of the Plan may merit SEA). As such, the judgement on whether to undertake SEA rests on the likelihood of significant environment effects.
- 1.17 The Billericay Conservation Area designation has been in place for some time and therefore development has already been subject to policies and constraints associated with Conservation Areas (i.e. the SPD will not introduce new effects associated with the Conservation Area designation). Furthermore, the SPD applies to a localised area and simply provides greater clarity and certainty to occupiers and developers. Consequently, the SPD is not anticipated to result in significant environmental effects. As such, **SEA is not required.**
- 1.18 This draft determination will be made available for comments by the three consultation bodies (English Heritage, Environment Agency and Natural England) in parallel with the formal public consultation into the SPD during 19th February to 2nd April 2015.

LUC, 10th February 2015