



**Local Flood Risk Management Strategy
Strategic Environmental Assessment
Screening Report (draft).**

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1 Introduction

- 1.1 This screening report is designed to determine whether or not the contents of the Medway Local Flood Risk Management Strategy (LFRMS) requires a Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plans and Programmes Regulations 2004 and Environmental Impact Assessment Directive (EIA) 85/337/EEC.
- 1.2 The purpose of the Medway LFRMS is to set outline Medway Council's approach, as a Lead Local Flood Authority (LLFA) to local flood risk management and record how this has been developed and agreed.
- 1.3 The legislative background set out below outlines the regulations that require the need for this screening exercise. Section 4, provides a screening assessment of the likely significant environmental effects of the LFRMS and considers the need for a full SEA.

2 Legislative Background

- 2.1 The basis for Strategic Environmental Assessment and Sustainability Appraisal legislation is European Directive 2001/42/EC. This was transposed into English law by the Environmental Assessment of Plans and Programmes Regulations 2004, or SEA Regulations. Detailed Guidance of these regulations can be found in the Government publication 'A Practical Guide to the Strategic Environmental Assessment Directive' (ODPM 2005).
- 2.2 Under Article 3(3) and 3(4) of the Directive, environmental assessment is required for certain categories of plans and programmes – only where they are deemed to be likely to have significant environmental effects.

Plans and programmes in these categories are:

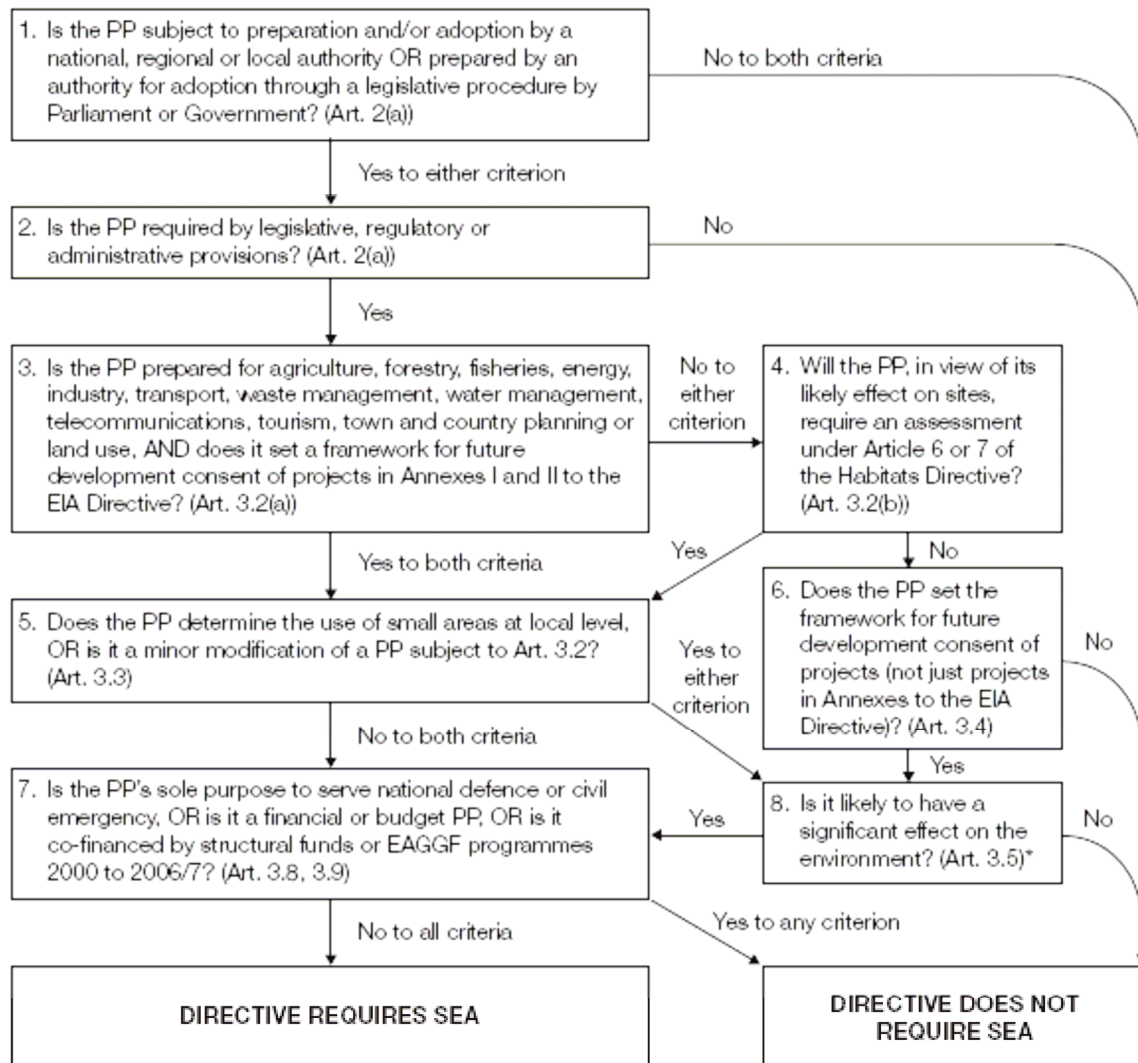
- Plans and programmes of the types listed in Article 3(2), which determine the use of small areas at local level, or which are minor modifications to plans and programmes;
- Plans and programmes of types that are not listed in Article 3(2), which set the framework for future development consent of projects (not limited to projects listed in the Annexes to the EIA Directive).

- 2.3 The Directive does not prescribe who is to carry out an SEA, but normally it is the task of the Responsible Authority, i.e. the body that prepares and/or adopts the plan or programme.
- 2.4 This report focuses on screening for SEA and the criteria for establishing whether a full assessment is needed.

3 Screening Process

3.1 The diagram below illustrates the process for screening a planning document to ascertain whether a full SEA is required:

This diagram is intended as a guide to the criteria for application of the Directive to plans and programmes (PPs). It has no legal status.



*The Directive requires Member States to determine whether plans or programmes in this category are likely to have significant environmental effects. These determinations may be made on a case by case basis and/or by specifying types of plan or programme.

Source: A Practical Guide to the Strategic Environmental Assessment Directive (ODPM 2005)

3.2 The table below shows the assessment of whether the LFRMS will require a full SEA. The questions below are drawn from the diagram above which sets out how the SEA Directive should be applied.

Stage	Y/N	Reason
1. Is the PP (plan or programme) 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))	Y	The LFRMS is prepared by Medway Council for adoption at a local level.
2. Is the PP required by legislative, regulatory or administrative provisions? (Art. 2(a))	Y	Required under the Flood and Water Management Act 2010.
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))	N	The LFRMS addresses the principles, via objectives of local flood risk management/water level management but does not set a framework applicable for <i>specifically identified</i> future development projects such as 'urban development projects' or 'land drainage projects' or 'dams and other installations designed to hold water or store it on a long term basis' or other types of projects identified under Annexes I or II of the EIA Directive.
4. Will the PP, in view of its likely effect on sites, require an assessment for future development under Article 6 or 7 of the Habitats Directive? (Art. 3.2 (b))	N	It is concluded that no significant effects on the European sites would occur (either individually or in-combination with other plans) as a result of delivering the objectives and measures defined in the LFRMS because of the

		generic nature of those objectives and measures.
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)	N	The LFRMS does not determine the use of land or allocate land or identify sites for housing. It is not a minor modification of PP.
6. Does the PP set the framework for future development consent of projects (not just projects in annexes to the EIA Directive)? (Art 3.4)	N	Although the LFRMS may influence development decisions, it does not set the framework. The overarching framework is set by Core Strategy and Local Plan policies.
7. Is the PP's sole purpose to serve the national defence or civil emergency, OR is it a financial or budget PP, OR is it co-financed by structural funds or EAGGF programmes 2000 to 2006/7? (Art 3.8, 3.9)	N	Neither criterion applies.
8. Is it likely to have a significant effect on the environment? (Art. 3.5)		Refer to the table in section 4.

4 Criteria for assessing significant environmental effects.

4.1 Criteria for determining the likely significance of effects referred to in Article 3(5) of Directive 2001/42/EC are set out below in 4.3.

4.2 Measurement of impacts

The Directive does not advise a measurement methodology for the screening criteria included within Annex II. For the purposes of this screening exercise three simple measurements have been proposed to describe the impacts of the LFRMS.

Uncertain.

No predicted significant effects.

Potential positive significant effects.

Potential negative significant effects.

4.3 Screening criteria from Annex II (1)

4.3.1 The characteristics of plans and programmes having regard in particular to: -

SEA Directive Criteria	Impact	Reason
<p>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.</p>	<p>No predicted significant effects.</p>	<p>The LFRMS does not allocate land, specify land uses, or identify sites for development.</p> <p>The LFRMS is provided in the form of general principles that are non-site or area specific.</p> <p>The LFRMS will provide guidance on existing policies that set the broad framework but does not extend or broaden the application or purpose of the parent policies.</p>
<p>The degree to which the plan or programme influences other plans and programmes including those in a hierarchy.</p>	<p>No predicted significant effects.</p>	<p>The LFRMS is loosely symbiotic with other plans and programmes but has less material weight. It does not require the introduction of new policies into higher order plans.</p>

<p>The relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development.</p>	<p>Potential positive significant effects.</p>	<p>The LFRMS encourages development proposals to incorporate sustainable concepts within the design of developments to help reduce the environmental impact of flood risk and flooding. These objectives are enshrined in national guidance. The LFRMS sets objectives on how this can be achieved at a local level.</p>
<p>Environmental problems relevant to the plan or programme.</p>	<p>No predicted significant effects.</p>	<p>The LFRMS addresses the problem of flood risk</p>
<p>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)</p>	<p>No predicted significant effects.</p>	<p>LFRMS is unlikely to be significantly or directly applicable to this criterion due to its strategic nature.</p>

4.3.2 *Characteristics of the effects and of the area likely to be affected, having particular regard to the:*

<p>The probability, duration, frequency, and reversibility of the effects;</p>	<p>The overall medium to long-term environmental outcome is expected to be a gradual enhancement to the quality and character of the built environment via a reduction in flood risk.</p> <p>This effect is not considered to be significant in its magnitude and does not go beyond national and local policy frameworks.</p>
<p>Cumulative nature of the effects.</p>	<p>Gradual delivery of better designed more sustainable environments over the life of the strategy period.</p> <p>Although this effect should be positive, it is not considered to be significant in its magnitude and does not go beyond national and local policy frameworks.</p>
<p>Transboundary nature of the effects.</p>	<p>No transboundary effects beyond this boundary will occur.</p>
<p>Risks to human health or the environment.</p>	<p>No obvious risks have been identified.</p>
<p>Magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected).</p>	<p>The spatial coverage of the strategy will be confined to the local authority area.</p> <p>Any influence will be at a local level and any cumulative effects will be moderate and positive.</p> <p>The strategy will be delivered in the form of general objectives and principles to manage local flood risk at a strategic level.</p> <p>The strategy itself is not site-specific, nor does it set alternative approaches to different spatial areas.</p> <p>The strategy does not allocate land, specify land uses or identify sites for development.</p>

<p>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 or intensive land use.</p>	<p>The strategy does not allocate land, specify land uses or identify sites for development.</p> <p>By promoting consideration of environmental context and better quality design it is not considered that the strategy is likely to have a significant effect on these considerations beyond those required of ‘parent’ policies.</p> <p>The SPD/guidance encourages consideration of variable density according to the scale and context of the development, creating areas of character, supporting the viability of local services and the landscape setting of the area</p>
<p>The effects on areas or landscapes, which have a recognised national, Community or international protection status.</p>	<p>Many areas within Medway contain areas of National and European significance including Sites of Special Scientific Interest (SSSI), Ramsar and Special Protection Areas (SPA). Although these are within Medway Council’s jurisdiction for planning purposes, they will not be influenced by the strategy.</p> <p>It would not increase the amount of development that would take place within any given area, which is addressed through the Local Plan.</p>

5 Screening Outcome

- 5.1 As a result of the assessment in section 4, it is deemed unlikely there will be any significant environmental effects arising from the LFRMS. Therefore, it is deemed that a full SEA does not need to be undertaken.

6 Consultation

- 6.1 The Responsible Authority must make its conclusions on a determination available to the public, including reasons for not requiring a SEA. The SEA Regulations also detail publicity requirements for determinations and make provision for a direction by the Secretary of State or devolved Ministers.

- 6.2 When forming a view on whether SEA is needed in these cases, Responsible Authorities must consult the Consultation Bodies.

The designated Consultation Bodies in England are:

- Natural England.
- Environment Agency.
- English Heritage.

- 6.3 The Directive defines “the public” as “one or more natural or legal persons, and in accordance with national legislation or practice, their associations, organizations or groups” (Article 2 (d)). The public to be consulted includes, but is not limited to “the public affected or likely to be affected by, or having an interest in (a plan or programme) including relevant non-governmental organisations (Article 6(4)).

- 6.4 This screening report will be provided for public consultation alongside the LFRMS and the relevant bodies consulted.

References:

A Practical Guide to the Strategic Environmental Assessment Directive.
OODPM EC/2001/42/EC

EIA Directive 85/337 EEC as amended by 97/11/EC and 2003/35/EC