

**STRATEGIC ENVIRONMENTAL ASSESSMENT and HABITAT REGULATIONS
ASSESSMENT**

SCREENING REPORT

SOLAR FARM DEVELOPMENT SUPPLEMENTARY PLANNING DOCUMENT

Chelmsford City Council
18 May 2021, Version 2 (FINAL)

1 Introduction

- 1.1 This draft screening report is designed to determine whether the Solar Farm Development Supplementary Planning document (SPD) requires a full Strategic Environmental Assessment (SEA) and/or Habitats Regulations Assessment (HRA).
- 1.2 The purpose of the Solar Farm Development SPD is to provide guidance for the implementation and interpretation of adopted Chelmsford Local Plan policies related to renewable energy developments, in particular:
- STRATEGIC POLICY S2 – ADDRESSING CLIMATE CHANGE AND FLOOD RISK – *sets out policy requirements for mitigating and adapting to climate change including encouraging new development that provides opportunities for renewable and low carbon energy technologies.*
 - POLICY DM19 – RENEWABLE AND LOW CARBON ENERGY – *sets out policy requirements for renewable or low carbon energy developments, and how the Council will support proposals provided that the impacts are (or can be made) acceptable.*
- 1.3 It is intended to be used by all members of the community, as well as those directly involved in the solar farm development industry to understand the City Council's approach to solar farm development and therefore help to achieve proposals that are policy compliant and are high quality, suitable in scale and location, have least impact and address any harm caused, and provide benefits to the local area and communities.
- 1.4 An SEA evaluates the environmental effects of a plan before it is made. The SEA requirements are in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plans and Programmes Regulations 2004.
- 1.5 An HRA identifies whether a plan is likely to have any significant effects on a European site, either alone or in combination with other plans or projects. European sites are designated under the UK Conservation of Habitats and Species Regulations 2017 (the 'Habitats Regulations').
- 1.6 In some limited circumstances, an SPD can have significant environmental effects. The purpose of the document is to undertake a screening assessment of the Solar Farm Development SPD to determine whether a full SEA is needed.
- 1.7 Chelmsford City Council (CCC) has the responsibility to ensure that the SEA/HRA requirements have been met and has therefore carried out an SEA/HRA screening opinion.
- 1.8 To do this, CCC has:
- a) Taken into account the criteria specified in the European Directives; and
 - b) Consulted the consultation bodies.

1.9 The consultation bodies are defined in section 4 of the SEA Regulations. As the responsible authority, CCC has sought the opinions of the statutory consultation bodies - Historic England, the Environment Agency and Natural England. Consultation on the SEA and HRA Screening Report took place in April/May 2021.

2 Legislative background

2.1 The basis for Strategic Environmental Assessments and Sustainability Appraisal legislation is European Directive [2001/42/EC](#) 'on the assessment of the effects of certain plans and programmes on the Environment'. This was transposed into English law by the Environmental Assessment of Plans and Programmes Regulations 2004, or SEA Regulations.

2.2 The SEA Regulations include a definition of 'plans and programmes' to which the regulations apply, and which programmes are required by legislative, regulatory or administrative provisions.

2.3 The basis for HRA is Article 6 (3) and (4) of the EU Habitats Directive and Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended).

2.4 The Planning and Compulsory Purchase Act 2004 requires Local Authorities to produce Sustainability Appraisals (SA) for all local development documents to meet the requirement of the EU Directive on Strategic Environmental Assessment (SEA). However, the Town & Country Planning (Local Planning) (England) Regulations 2012 removes the requirement to carry out SA upon SPDs as they do not introduce new policies or modify plans which have already been subject to SA at a higher level. The Council's adopted Chelmsford Local Plan was subject to its own full SA/SEA.

2.5 Although SPDs do not require a SA they may in exceptional circumstances require a SEA if they are likely to have significant environmental effects that have not already have been assessed. This screening report determines whether a full SEA is needed for the Solar Farm Development SPD by assessing the environmental impact of the document against the criteria set out in Annex II of SEA Directive 2001/42/EC.

3 SEA – Criteria

3.1 The criteria for determining the likely significance of effects referred to in Article 3(5) of Directive 2001/42/EC are set out below:

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.

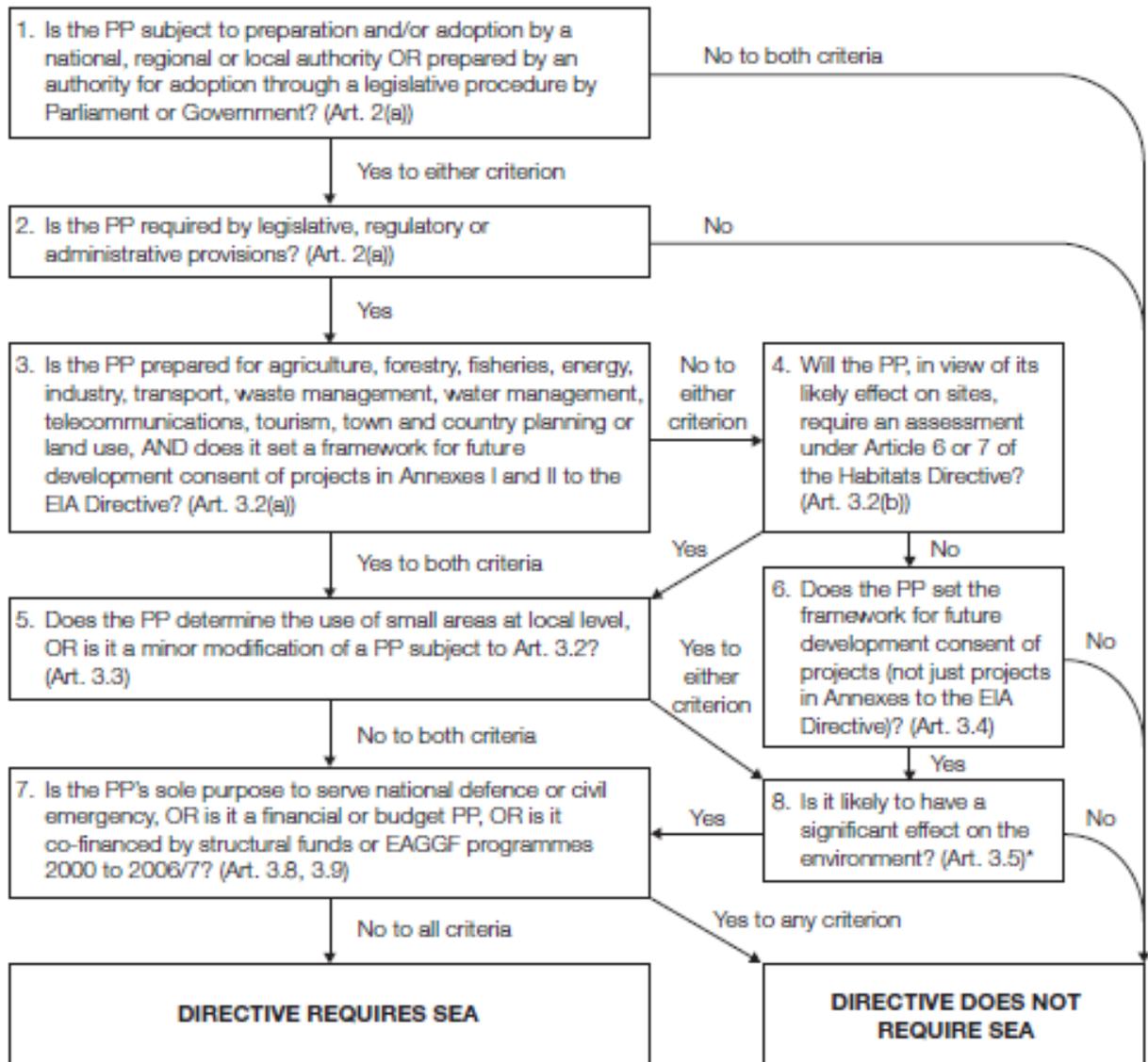
- The relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development.
 - Environmental problems relevant to the plan or programme.
 - The relevance of the plan or programme for the implementation of Community legislation 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 trans boundary 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; and
 - the effects on areas or landscapes which have a recognised national, community or international protection status.

4 SEA – Screening Assessment

- 4.1 The diagram below illustrates the process for screening a planning document to ascertain whether a full SEA is required.

Figure 2 – Application of the SEA Directive to plans and programmes

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 (2005)*

4.2 The following assessment applies the questions from the diagram above. The answers determine whether the SPD will require a full Strategic Environmental Assessment.

Table 1 - Determining if SEA is required

Question	Response
1) Is the 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))	Yes. The preparation and adoption of the SPD will be undertaken by CCC.
2) Is the plan or programme required by legislative, regulatory or administrative provisions? (Art. 2(a))	Yes. The SPD would be considered as falling within the category of an 'administrative provision'. It is considered that the SPD is required to provide clarity to the provisions set out in the adopted Chelmsford Local Plan.
3) Is the plan or programme 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))	No. The SPD is for town and country planning purposes but does not set a framework for future development consent of projects in Annexes I and II to the EIA Directive. The SPD will provide guidance against which planning applications will be assessed throughout the City Council's area, but it does not allocate any land for development.
4) Will the plan or programme, 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))	No. The SPD is not likely to have an effect, particularly given that it does not allocate sites for development and therefore is unlikely to have an impact on habitats. The adopted Chelmsford Local Plan has been tested through continuous and iterative HRA. The full consultation process and assessment summary are contained within the HRA Adoption Note, published in May 2020.
5) Does the plan or programme 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 can be considered to affect the determination of planning applications for the use of small areas at a local level. However, it does not constitute a modification of any plan.
6) Does the plan or programme set the framework for future development	Yes. The SPD does not have Development Plan status, but it will be accorded weight as a material planning consideration in the

consent of projects (not just projects in annexes to the EIA Directive)? (Art 3(4))	determination of planning applications for solar farm development proposals.
7) Is the plan or programme'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)	No, not applicable.
8) Is it likely to have a significant effect on the environment? (Art. 3(5))	No. See table 2.

4.3 The following assessment looks at the identified effects of the SPD in line with the criteria for assessing effects as per Article 3(5) of Directive 2001/42/EC (the SEA Directive). Crucially, it determines whether there are any likely significant effects on the environment.

4.4 The following assessment considers the likelihood of the SPD to have any likely significant effects on the environment as per Article 3(5) of Directive 2001/42/EC (the SEA Directive).

Table 2 – Assessment of Likely Significant Effects on the Environment

Criteria for determining the likely significance of effects (Annex II SEA Directive)	Is there a likely significant environmental effect?	Justification
The degree to which the SPD 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 SPD sits at the lowest tier of the development plan system and does not set a framework for other projects and activities. The SPD offers guidance to supplement the adopted Chelmsford Local Plan policies which have been subject to full SA and HRA.
The degree to which the SPD influences other plans and programmes including those in the hierarchy.	No	The SPD sits at the lowest tier of the development plan system and does influence other plans and programmes. The SPD provides greater detail and clarity on the implementation of adopted Chelmsford Local Plan policies which would continue to take priority for decision making.

<p>The relevance of the SPD for the integration of environmental considerations in particular with a view to promoting sustainable development.</p>	<p>No</p>	<p>The SPD promotes sustainable development in accordance with the adopted Chelmsford local Plan. However it will not provide environmental policy in its own right so does not have a significant environmental effect on environmental considerations.</p>
<p>Environmental problems relevant to the SPD.</p>	<p>No</p>	<p>There are no environmental problems relevant to the SPD. The SPD will not prepare policy but will support the implementation of the adopted Chelmsford Local Plan policies. The SPD is not to be put in place to deal with any particular environmental problems.</p>
<p>The relevance of the SPD for the implementation of Community legislation on the environment (for example, plans and programmes linked to waste management or water protection).</p>	<p>No</p>	<p>The content of the SPD is not in conflict with those relevant planning documents within the wider City Council or County Council area for example, plans related to waste management or water protection.</p>
<p>The probability, duration, frequency and reversibility of the effects of the SPD</p>	<p>No</p>	<p>The SPD will not set policy or identify sites for solar farm development. It proposes a case by case assessment of solar farm development proposals.</p> <p>The SPD will promote positive environmental impacts and minimise negative environmental impacts from solar farm developments in accordance with the adopted Chelmsford Local Plan. Positive impacts may include a net gain in biodiversity and local community benefits such as delivering genuine carbon reductions to help reduce climate change. Negative impacts may include on landscape, heritage, human health and climatic factors. All impacts will vary according to the nature, type, scale and location of proposals.</p>
<p>The cumulative nature of the effects of the SPD</p>	<p>No</p>	<p>As the SPD only provides guidance on the considerations to be taken by the</p>

		City Council in determining planning applications for solar farm developments as set out within relevant policies of the adopted Chelmsford Local Plan.
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5 HRA – Screening Assessment

- 5.1 The Conservation of Habitats and Species Regulations 2017 set out the requirement for neighbourhood plans to assess implications for European Sites (Regulation 106).
- 5.2 Chelmsford Local Plan includes policy requirements for renewable or low carbon energy developments proposals but does not allocate land for new solar farm developments.
- 5.3 The Local Plan has been subject to continuous and iterative HRA screening and has been found sound following an independent examination. The full consultation process and assessment summary are contained within the HRA Adoption Note published in May 2020.
- 5.4 The Solar Farm Development SPD does not set new policy over and above that contained within the adopted Chelmsford Local Plan or allocate sites for solar farm developments.
- 5.5 The Solar Farm Development SPD sets out how proposals should be assessed including on issues such as landscape sensitivity, visual impact, residential amenity and biodiversity, and how impacts should be mitigated. It is considered that this guidance would prevent any additional risks of a significant effect on the identified European sites.
- 5.6 The Solar Farm Development SPD will not take the place of the duties of the City Council under the Habitats Regulations and Habitats Directive. In particular, it will not replace screening or appropriate assessment which may be required of proposals considered likely to have a significant effect on the conservation objectives of a designated 'European Site'. Some solar farm development schemes, particularly those located close to a Habitats site boundary or large-scale developments may need to provide mitigation measures to avoid likely significant effects from the development. This would need to be assessed and, where appropriate, mitigated through a project-level HRA (including AA where necessary). The City Council, in consultation with Natural England, would advise on applicable cases.

6 SEA and HRA – Consultation

- 6.1 CCC consulted the consultation bodies (see 1.9) in April/May 2021. The consultation responses are attached to this report (Appendix 1).
- 6.2 In summary:

- Environment Agency – advise that they do not provide comments at the screening stage;
- Historic England – agree with the Council’s conclusion that neither a full Strategic Environmental Assessment (SEA) or further stages of appropriate assessment are required in this instance;
- Natural England – advise that they have no comments to make on the Draft SEA/HRA Screening for Draft Solar Farm Development Supplementary Planning Document (SPD).

7 SEA and HRA - Conclusion

- 7.1 As a result of the assessment in Section 4, and the responses from the consultation bodies, CCC has concluded that there are not likely to be significant environmental effects arising directly from the guidance in the Solar Farm Development SPD. Therefore, a full Strategic Environmental Assessment will not be necessary to accompany the Solar Farm Development SPD.
- 7.2 Furthermore, given that the Chelmsford Local Plan has been subject to continuous and iterative HRA screening, and the conclusion that the proposed guidance in the draft SPD would not create any significant effects on the identified European Sites, CCC has concluded that further stages of appropriate assessment for the Solar Farm Development SPD are not required. Therefore, a Habitats Regulations Assessment will not be necessary to accompany the Solar Farm Development SPD.

8 Next steps

- 8.1 This statement is published on Chelmsford City Council’s website: [Planning policy consultations - Chelmsford City Council](#)

Appendix 1

Historic England Response

Ms Claire Stuckey
Chelmsford City Council
Planning Policy Team, Spatial Planning Services
Civic Centre, Duke Street
Chelmsford
Essex
CM1 1XP

Our ref: PL00747642

6 May 2021

Dear Ms Stuckey

Re: SEA / HRA Screening Assessment for the Chelmsford City Council draft Solar Farm Development Supplementary Planning Document (SPD), April 2021

Thank you for consulting Historic England on the SEA / HRA Screening Assessment for the draft Solar Farm Development Supplementary Planning Document (SPD), April 2021. As the Government's adviser on the historic environment, Historic England is keen to ensure that the protection of the historic environment is fully taken into account at all stages and levels of the local planning process. We have reviewed the screening report and agree with the Council's conclusion that neither a full Strategic Environmental Assessment (SEA) or further stages of appropriate assessment are required in this instance.

Conclusion

We look forward to engaging with you as these proposals progress over the coming months. Finally, we should like to stress that this opinion is based on the information provided by the Council in its consultation. To avoid any doubt, this does not affect our obligation to provide further advice and, potentially, object to specific proposals, which may subsequently arise (either as a result of this consultation or in later versions of the plan/guidance) where we consider that these would have an adverse impact upon the historic environment.

If you have any queries about any of the matters raised above or would like to discuss anything further, please do not hesitate to contact me. I would be grateful if you could confirm receipt of this email.

Yours sincerely,

Andrew Marsh
Historic Environment Planning Adviser, Planning Group

Natural England Response

From: SM-NE-Consultations (NE)

Sent: 20 April 2021 12:30

To: Claire STUCKEY

Subject: SEA / HRA Screening Assessment for the draft Solar Farm Development Supplementary Planning Document Consultation Response

Dear Claire Stuckey,

Our Ref: 348842

Chelmsford Local Plan - Draft SEA/HRA Screening for Draft Solar Farm Development Supplementary Planning Document (SPD)

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Natural England has no comments to make on the Draft SEA/HRA Screening for Draft Solar Farm Development Supplementary Planning Document (SPD)

The lack of comment from Natural England should not be interpreted as a statement that there are no impacts on the natural environment. Other bodies and individuals may wish to make comments that might help the Local Planning Authority (LPA) to fully take account of any environmental risks and opportunities relating to this document.

Should the proposal be amended in a way which significantly affects its impact on the natural environment, then in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, please consult Natural England again.

Yours sincerely,

Dominic Rogers
Consultations Team
Natural England
Hornbeam House, Electra Way
Crewe, Cheshire, CW1 6GJ

Enquiries line:

Email:

Environment Agency Response

From: Allsop, Gemma

Sent: 19 April 2021 14:41

To: Claire STUCKEY

Subject: RE: SEA / HRA Screening Assessment for the draft Solar Farm Development Supplementary Planning Document (SPD), April 2021 - Notice of 5 week consultation

Dear Claire

We do not provide bespoke comments at the screening stage.

Please consult us at Scoping.

Kind regards

Gemma

Gemma Allsop

Sustainable Places - Planning Advisor

Please note I am part time Mon-Thurs 10-3

