

European Directive 2001/42/EC – Strategic Environmental Assessment Directive

The Directive was transposed into UK Law by The Environmental Assessment of Plans and Programmes Regulations 2004 (Statutory Instrument 2004 No.1633). This Regulation applies to any plan or programme which relates either solely to the whole or any part of England, or to England and any other part of the UK.

Article 1 of the Directive states that its objective is “to provide for a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes with a view to promoting sustainable development”.

Under Article 2(a), the plans and programmes subject to the Directive are those which are:

- subject to preparation and/or adoption by an authority at national, regional or local level or which are prepared by an authority for adoption, through a legislative procedure by Parliament or Government, and
- required by legislative, regulatory or administrative provisions.

Pursuant to section 19 of the Planning and Compulsory Act 2004 the Council are bound to prepare a Sustainability Appraisal for all Local Development Framework Documents. The Planning Act 2008 removed the requirement to carry out Sustainability Appraisals on Supplementary Planning Documents (SPD) and thus this document does not require a Sustainability Appraisal. Notwithstanding the provisions of the 2008 Act the Council are bound to consider the SEA Directive.

In ensuring compliance with the SEA Directive, the Council undertake screening assessments on all SPDs to ascertain whether or not a full SEA is required.

The Residential Design SPD does not contain policies, instead it provides supplementary guidance to assist developers in preparing residential schemes and sets out what the Council will have regard to when implementing the relevant policies within the adopted Hartlepool Local Plan 2018. It is considered that the SPD will encourage more sustainable forms of development across the Borough.

It is therefore considered that the SPD would not have a significant negative impact on the environment, and will in fact encourage significant improvements to the built and natural environment across the Borough as a whole. As such, it is not considered that a full strategic environmental assessment is required in this instance.