



Thurrock Local Flood Risk Management Strategy – Strategic Environmental Assessment

Screening Report

December 2014

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Contract

This report describes work commissioned by Thurrock Council. David Revill of JBA Consulting carried out this work.

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Purpose

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Abbreviations

EC	European Community
EQS	Environmental Quality Standards
LFRMS.....	Local Flood Risk Management Strategy
LLFA	Lead Local Flood Authority
ODPM	Office of the Deputy Prime Minister
SEA.....	Strategic Environmental Assessment

1 Introduction

The primary aim of this screening report is to identify whether or not the preparation of the Thurrock Local Flood Risk Management Strategy (LFRMS) requires a Strategic Environmental Assessment (SEA). This screening report provides the initial statement on the potential high-level environmental impacts that may arise from the LFRMS. The legislative regime driving the SEA process is also described, with the relevant specific regulations identified and the subsequent responses that the SEA will provide. Sections 3 and 4 provide the screening assessment of the potential significant environmental effects resulting from the LFRMS and ultimately whether there exists a requirement for a full SEA. Section 5 confirms the conclusion of the screening process.

2 Legislative Regime

The Environmental Assessment of Plans and Programmes Regulations 2004, or SEA Regulations, transpose in to English Law the European Directive 2001/42/EC (the SEA Directive). These regulations form the basis by which all SEAs are carried out to assess the effects and impacts of certain plans and programmes on the environment.

Detailed practical guidance on these regulations can be found in the Office of the Deputy Prime Minister (ODPM) Government publication, *A Practical Guide to the Strategic Environmental Assessment Directive* (ODPM, 2005). This document has been used as the basis of this screening report, in conjunction with the SEA Regulations.

3 Assessment Criteria

Article 3 of the SEA Directive describes and sets out the scope of application of the directive and makes SEA mandatory for plans or programmes that are likely to have significant effects on sites designated under the European Directive 92/43/EEC on the Conservation of natural habitats and of wild fauna and flora (the Habitats Directive), i.e. Special Areas of Conservation and Special Protection Areas.

The methodology for determination, i.e. the screening, is specified within paragraph 5. Paragraph 5 of Article 3 of the Directive requires that the full criteria identified in Annex II are taken into account when considering the environmental effects of the LFRMS and their significance. The implication from the text of Article 3 paragraph 5 and Annex II is that the whole set of Annex II criteria needs to be considered, but only the relevant criteria applied to the assessment.

The criteria for determining the likely significance of effects referred to in Article 3 Paragraph 5 of Directive 2001/42/EC, and laid in Annex II, are set out below:

- The characteristics of plans or 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 or 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).
- The 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 transboundary 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.
- The effects on areas or landscapes which have a recognised National, Community or International protection status.

These criteria and characteristics are developed further in the following section and are presented with reason and comment in the context of the Thurrock LFRMS.

4 Assessment Screening Process

The following section is based on the flowchart presented in Figure 2 of *A Practical Guide to the Strategic Environmental Assessment Directives*, which is reproduced in Figure 4-1 below. This details the application of the SEA Directive to plans and programmes, and illustrates the screening process. Table 4-1 below provides responses to the questions from Figure 2 and therefore also details the conclusion of the screening process.

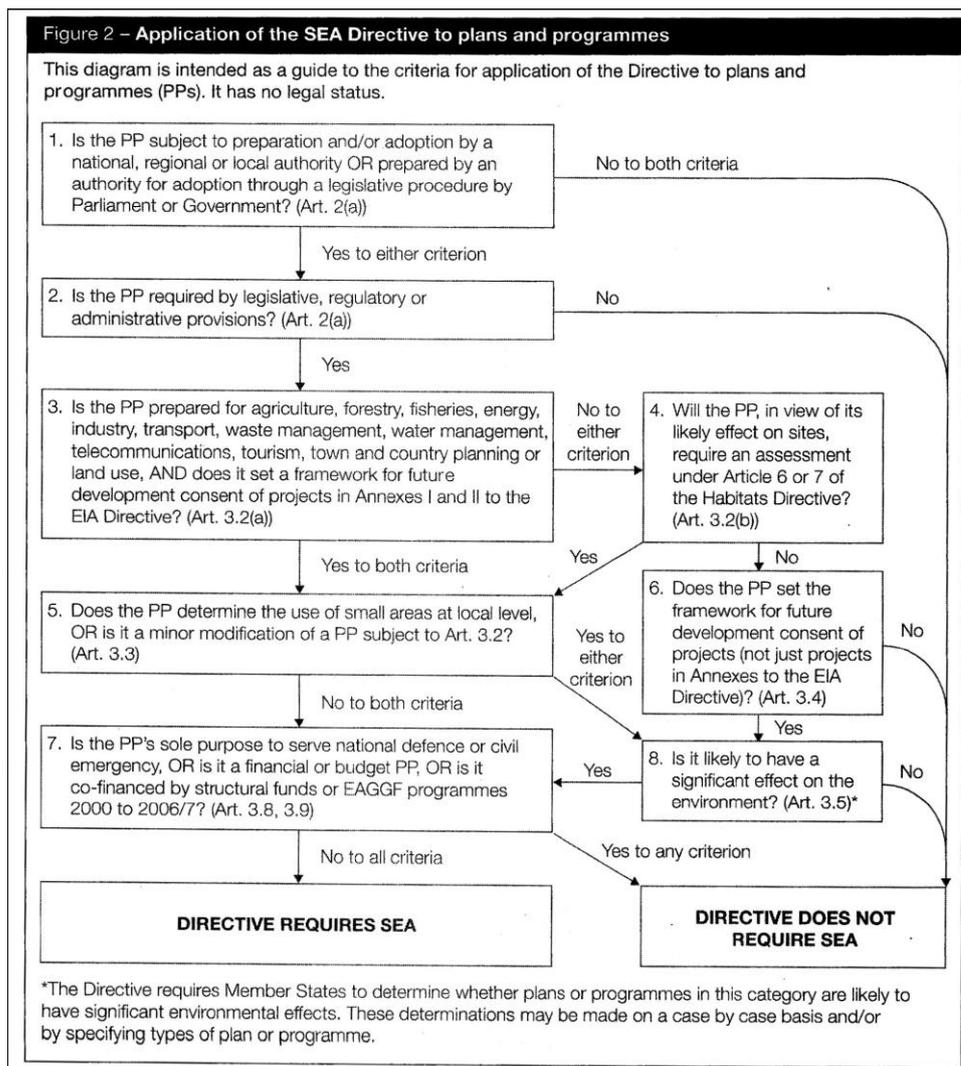


Figure 4-1: Application of the SEA Directive to Plans and Programmes (source: *A Practical Guide to the Strategic Environmental Assessment Directives*)

Table 4-1: SEA Screening Process

Stage & Question	Answer	Explanation
1. Is the plan or programme (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	Thurrock Council is responsible for production of the LFRMS, as Lead Local Flood Authority (LLFA)
2. Is the PP required by legislative, regulatory or administrative provisions? (Art. 2(a))	Yes	The Flood and Water Management Act 2010 requires a LLFA to develop, maintain, apply and monitor a LFRMS for its area.
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 Yes	The LFRMS is prepared for water management. The LFRMS sets a framework for future development consent of projects in Annexes I and II
4. Will the PP, in view of its likely effect on sites, require an assessment under Article 6 or 7 of the Habitats Directive? (Art. 3.2(b))	-	Not answered because both criterion for Q3 answered 'Yes'
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)	No No	
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)	-	Not answered because both criterion for Q5 answered 'No'
7. Is the PP's sole purpose to serve 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 No No	

Table 4-2 below gives initial comment regarding the likely significance of the various effects considered to arise from the LFRMS.

Table 4-2: Initial Assessment of Effect Significance

Criteria for determining the likely significance of effects (Article 3(5) of Directive 2001/42/EC)	Comment
The characteristics of plans or 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 LFRMS will set a framework for any flood risk management projects and activities deemed necessary to manage flood risk within Thurrock. The location, nature, size, operating conditions and allocated resources of these will depend on the level of flood risk but the environmental implications of will be considered during the integrated strategy development process.
The degree to which the plan or programme influences other plans or programmes including those in a hierarchy.	The LFRMS will support existing policies, as well as influencing and being influenced by emerging policies.
The relevance of the plan or programme for the integration of environmental considerations, in particular with a view to promoting sustainable development	By integrating the SEA process with the LFRMS strategy development process, environmental considerations will be integral, maximising the potential to promote sustainable development. Contributing to achieving sustainable development is a stated aim of the Flood and Water Management Act 2010.
Environmental problems relevant to the plan or programme.	The LFRMS may include objectives or measures that influence existing environmental issues in the plan area.
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).	The LFRMS will contribute to Water Framework Directive objectives.
The 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 LFRMS may provide both short term and long term effects for water management. There is potential for permanent effects as a result. Environmental effects will be assessed as part of the SEA, with adverse effects mitigated or avoided.
The cumulative nature of the effects.	There is potential for the LFRMS to have cumulative effects both spatially and temporally. This will be fully assessed as part of the SEA, with all other relevant plans, projects and policies considered.
The transboundary nature of the effects.	Catchments cross district/county boundaries and there is therefore potential for the LFRMS to lead to effects outside of Thurrock. There are no international boundaries of relevance to the LFRMS.
The risks to human health or the environment (e.g. due to accidents).	The LFRMS aims to control the risks associated with flooding. The SEA will make full consideration of the potential effects of any measures resulting from the LFRMS.
The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected).	The LFRMS must address the issues associated with flooding for the whole district of Thurrock. As indicated above, cumulative and transboundary issues will also be considered.
The value and vulnerability of the area likely to be affected due to :- <ul style="list-style-type: none"> ▪ Special natural characteristics or cultural heritage ▪ Exceeded environmental quality standards (EQS) or limit values ▪ Intensive Land-use 	Significant natural and cultural features may be at risk of flooding. The potential effects of the LFRMS on these will be assessed in an integrated fashion through the SEA. Flooding can cause EQS and other related values to be exceeded; the LFRMS aims to reduce the occurrence and impacts of such events. The LFRMS and SEA will fully consider land use, including intensity in its various forms.
The effects on areas or landscapes which have a recognised National, Community or International protection status.	Consideration of potential impacts on such sites will be a key aspect of the integrated approach to the LFRMS and SEA processes.

5 Conclusion

Preparation of the LFRMS is the responsibility of Thurrock Council. It is required by the Flood and Water Management Act 2010 and is for water management. In addition, it is considered that the LFRMS will potentially give rise to significant environmental effects.

In conclusion, it is therefore considered that the Thurrock LFRMS requires a Strategic Environmental Assessment.

6 Consultation

Thurrock Council is required to consult with the three statutory environmental consultees: English Heritage, the Environment Agency and Natural England. The bodies will be consulted for their opinions and comments on the conclusion outlined above, with any comments incorporated into subsequent stages of the SEA. In addition, the information will be made available to the public through Thurrock Council's website and the Council offices.

References

ODPM, 2005. *A Practical Guide to the Strategic Environmental Assessment Directive*. Office of the Deputy Prime Minister.

Available online:

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/practicalguidesea.pdf> [last accessed 5th September 2013]

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