

# Strategic Environmental Assessment (SEA) Screening Report:

Publication Draft Healthier Food  
Environments Supplementary  
Planning Document

Autumn 2023

## **Purpose of this Document**

This document outlines the council's consideration of whether the Publication Draft Healthier Food Environments SPD should be subject to a Strategic Environmental Assessment (SEA) in accordance with the regulation 9(1) of the Environmental Assessment of Plans and Programmes Regulations 2004.

## **Background**

Strategic Environmental Assessment (SEA) involves evaluation of the environmental impacts of a plan or programme. The SEA Directive sets out a legal assessment process that must be followed. Often within the planning context, the SEA requirements are met by incorporating it within a Sustainability Appraisal (SA), which is a requirement for Development Plan Documents.

There is no legal requirement for Supplementary Planning Documents to be accompanied by Sustainability Appraisal. However, "in exceptional circumstances" there may be a requirement for SPDs to undertake Strategic Environmental Assessment where it is felt they may have a likely significant effect on the environment that has not been assessed within the SEA/SA of the Local Plan.

To assess whether a SEA is required the local planning authority must undertake a screening process based on a standard set of criteria, to establish whether the draft SPD is likely to have a significant environmental effect. This must be subject to consultation with the three consultation bodies: Historic England, the Environment Agency and Natural England. A Screening Process has been followed and forms the main content of this report.

## **Publication Draft Healthier Food Environments SPD**

A Publication Draft Healthier Food Environments SPD is currently being prepared by the council, with the intention of being formally adopted by Newcastle City Council.

This draft SPD has a role in supplementing local plan policies set out in the Core Strategy and Urban Core Plan (CSUCP) adopted in March 2015 and the Development and Allocations Plan (DAP) adopted in June 2020 health and wellbeing. The document will provide additional guidance to support policies in the Local Plan, and will, once adopted, replace the Council's existing Hot Food Takeaway SPD, adopted in October 2016.

The draft SPD will replace the existing Hot Food Takeaway SPD. Since its adoption in 2016, the national and local planning policy context has changed, and new evidence has been prepared to support a revised approach.

As a result, this Draft SPD includes new policy areas which have been developed to help the council's whole systems approach to healthy weight, nutrition, and physical activity, this includes the council's aim to support individuals, families and communities to access, adopt and sustain healthier diets. Improving the food environment, including by limiting further growth of hot-food takeaways, typically high in fat, salt, and sugar, is part of this approach.

## The Screening Process

The key to the screening decision is the determination of whether the SPD is likely to have significant environmental effects, using the criteria set out in Annex II of the SEA Directive.

Newcastle's Local Plan, the Core Strategy and Urban Core Plan (CSUCP) and the Development and Allocations Plan (DAP) have been subject to the preparation of a Sustainability Appraisal, incorporating SEA.

Despite no longer requiring sustainability appraisal, SPDs may still require SEA. The ODPM practical guidance provides a checklist approach based on the SEA regulations to help determine whether SEA is required. This guide has been used as the basis on which to assess the need for SEA.

The three consultation bodies (Historic England, Environment Agency, and Natural England) will be consulted to determine whether they agree with the conclusion of this report, in determining whether the draft SPD has a "significant environmental effect" and therefore requires SEA. Should it be determined by the local authority and consultation bodies that SEA does need to be undertaken, the council will need to undertake the Scoping stage of SEA.

**Table 1: Establishing the need for SEA**

Stage	Answer	Reason
1. Is the SPD 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 of Government? (Article 2(a))	Yes	The SPD is to be prepared and adopted by the local authority: Newcastle City Council
2. Is the SPD required by legislative, regulatory or administrative provisions? (Article 2(a))	Yes	Supplementary Planning Documents (SPDs) are optional; there is no legislative or regulatory requirement to prepare them. SPDs can be prepared and adopted by Local Planning Authorities provided the requirements of the Town and Country Planning (Local Planning) (England) Regulations 2012 are met.  This SPD has been produced to supplement Newcastle's statutory Local Plan.

<p><b>3.</b> Is the SPD 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? (Article 3.2(a))</p>	<p>Yes</p>	<p>The SPD is for town and country planning purposes and sets a framework of guidance for future development consent of projects in Annexes I and II to the EIA Directive (Urban Development Projects)</p>
<p><b>4.</b> Will the SPD, in view of its likely effect on sites, require and assessment for future development under Article 6 or 7 of the Habitats Directive (Art. 3.2(b))</p>	<p>No</p>	<p>The policies that the SPD is supplementing have themselves been subject to Habitats Regulations Assessment.</p>
<p><b>5.</b> Does the SPD determine the use of small areas at local level, OR is it a minor modification of a PP subject to Article 3.2? (Article 3.3)</p>	<p>No</p>	<p>Not Applicable</p>
<p><b>6.</b> Does the SPD set the framework for future development consent of projects (not just projects in annexes to the EIA Directive)? (Art. 3.4)</p>	<p>Yes</p>	<p>The SPD provides further guidance to supplement policies related to health and wellbeing. Whilst not allocating land for any particular use, the SPDs provide a framework for future development</p>
<p><b>7.</b> Is the SPD's sole purpose to serve national defence or civil emergency, OR is a financial or budget PP, OR is it co-financed by structural funds or EAGGF programmes 2000 to 2006/7?</p>	<p>No</p>	<p>The SPD does not serve national defence or civil emergency, nor is it co-financed by structural funds or EAGGF programmes.</p>
<p><b>8.</b> Is it likely to have a significant effect on the environment? (Art. 3.5)</p>	<p>No</p>	<p>The purpose of the SPD is to provide guidance to assist in the interpretation of adopted policies in the Local Plan. The Local Plan was subject to SEA (incorporated within the Sustainability Appraisal), and no significant effects were expected. Therefore, the SPD will not have any significant effects on the environment.</p>

**Table 2: Likely Significant Effects on the Environment**

SEA Directive Criteria and Schedule 1 of Environmental Assessment of Plans and Programmes Regulations 2004	Significant effect Yes or No and Newcastle City Council Response
<b>1. Characteristics of the Draft Healthier Food Environments SPD – having regard to:</b>	
a) 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.	Significant Effect: No While the SPD will include additional considerations, it does not determine the detail of the framework i.e., it does not establish policy.
b) The degree to which the SPD influences other plans and programmes including those in a hierarchy.	Significant Effect: No This SPD adds further detail to existing policies within the Local Plan, it is not intended to influence other plans and programmes.
c) The relevance of the SPD for the integration of environmental considerations in particular with a view to promoting sustainable development.	Significant Effect: No The SPD is relevant to the integration of environmental considerations and would assist in the promotion of sustainable development together with other Local Plan policies and SPDs.
d) Environmental problems relevant to the plan or programme SPD.	Significant Effect: No There are a range of relevant environmental problems locally: however, given that the SPD will not establish policy, it is not thought that there is any potential for significant effects.
e) 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).	Significant Effect: No Not relevant to this SPD.

**Statement of Reasons for Determination**

On the basis of the screening process, it is the council's opinion that the impact of the Draft Healthier Food Environments SPD, through responses to the SEA Directive Criteria, will not have significant environmental effects on Newcastle that have not already been assessed as part of the CSUCP and DAP.

This SPD is not setting a new policy; it supplements existing Local Plan policies relating to health. Therefore, the council considers that an SEA will not be required for this SPD.

However, it is necessary to consult with the three statutory environmental bodies over the SEA Screening Report for the Draft Healthier Food Environments SPD.