

Strategic Environmental Assessment Screening Statement

Devon Green Infrastructure Strategy

August 2011



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FURTHER INFORMATION

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1 Introduction

- 1.1 The purpose of this screening statement is to determine whether the Devon Green Infrastructure Strategy is subject to the requirements of European Directive 2001/42/EC. The Directive is often referred to as the Strategic Environmental Assessment (SEA) Directive.

2 The SEA Directive

- 2.1 The objective of the SEA Directive 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”.
- 2.2 To this end the SEA Directive requires an assessment of the effects of certain plans and programmes on the environment.
- 2.3 Under Article 2(a) the plans and programmes subject to the SEA 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.
- 2.4 Guidance from the Office of the Deputy Prime Minister¹ advises that the “characteristics of ‘administrative provisions’ are likely to be that they are publicly available, prepared in a formal way, probably involving consultation with interested parties. The administrative provision must have sufficient formality such that it counts as a provision and it must also use language that plainly requires rather than just encourages a plan or programme to be prepared”.

¹ ODPM (2005). *A Practical Guide to the Strategic Environmental Assessment Directive*. London. HMSO. Available from: <http://www.communities.gov.uk/documents/planningandbuilding/pdf/practicalguidesea.pdf>

3 Devon Green Infrastructure Strategy

3.1 The Devon Green Infrastructure Strategy is being prepared by Devon County Council with the aim of managing Devon's networks of green infrastructure in order to:

- Protect and enhance the environment;
- Sustain and improve our health, well being and quality of life;
- Increase resilience to climate change and reduce net greenhouse gas emissions.
- Contribute to Devon's economic prosperity.

3.2 The green infrastructure strategy is about guiding the planning and delivery of Devon's green infrastructure over the period to 2031. It does this by:

- Promoting guiding principles for the planning of green infrastructure, based on a common understanding of what green infrastructure is and how it contributes to a sustainable future;
- Recognising Devon's green infrastructure assets that have strategic functions and more than local benefits, and analysing these to identify deficiencies and opportunities to meet future needs;
- Setting out Devon's strategic priorities for green infrastructure with reference to an integrated strategic spatial framework;
- Examining how aspirations for green infrastructure identified at a strategic and local level can lead to action that delivers real benefits on the ground.

3.3 There is no international, national, regional or local legislative or regulatory requirement to produce a green infrastructure strategy.

3.4 A few administrative provisions can be interpreted to be encouraging the preparation of a green infrastructure strategy. These are:

- Planning Policy Statement 12 – Local Spatial Planning states that “[A local development framework’s] core strategy should be supported by evidence of what physical, social and green infrastructure is needed to enable the amount of development proposed for the area, taking account of its type and distribution”.
- Planning Policy Statement 17 – Planning for Open Space, Sport and Recreation states that “Local authorities should undertake robust assessments of the existing and future needs of their communities for open space, sports and recreational facilities...assessments of strategic facilities should be undertaken at regional or subregional levels”. It continues, “Local authorities should also undertake audits of existing open space, sports and recreational facilities...and opportunities for new open space and facilities”. Finally, “Assessments and audits...form the starting point for establishing an effective strategy for open space, sport and recreation at the local level (tied into the local authority's Community Strategy), and for effective

planning through the development of appropriate policies in plans. Government expects all local authorities to carry out assessments of needs and audits of open space and sports and recreational facilities in accordance with the paragraphs above”.

- The consultation draft of the National Planning Policy Framework, published by the Coalition Government in July 2011, is capable of being a material consideration in planning decisions². It states that “Local planning authorities should set out a strategic approach in their Local Plans, planning positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure”.

3.5 However, Planning Policy Statements 12 and 17, or the new planning policy framework, don't use language that plainly requires a green infrastructure strategy to be prepared.

² Planning Inspectorate (2011). *Advice produced by the Planning Inspectorate for use by its Inspectors – National Planning Policy Framework: Consultation Draft*. Available from: http://www.planningportal.gov.uk/uploads/pins/advice_for_inspectors/nppf_consult.pdf

4 SEA Screening Decision

4.1 Under Article 2(a), the plans and programmes subject to the SEA 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.

4.2 Whilst the Devon green infrastructure strategy is subject to preparation by an authority at a local level, it is not required by legislative, regulatory or administrative provisions.

4.3 Therefore the Devon green infrastructure strategy is not subject to the requirements of the SEA Directive and does not require an assessment of the effects of certain plans and programmes on the environment.