

## Strategic Environmental Assessment (SEA) – Requirement for Supplementary Planning Documents (SPD)

*All plans and programmes which are prepared for a number of sectors **and** which set a framework for future development consent of projects listed in Annexes I and II to Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment<sup>1</sup> shall be subject to SEA.*

In addition to this ODPM guidance states that

2.7 Article 3(2) makes SEA mandatory for plans and programmes:

- a) which are prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use **and** which set the framework for future development consent for projects listed in Annexes I and II to the Environmental Impact Assessment (EIA) Directive (85/337/EEC); or
- b) which, in view of the likely effect on sites, have been determined to require an assessment pursuant to Article 6 or 7 of the Habitats Directive (92/43/EEC).

If the SPD sets the framework for allowing consent for one of the projects listed in Annexes I and II of the Council Directive 85/337/EEC<sup>2</sup> then it should be subject to SEA.

### ANNEX I

#### PROJECTS SUBJECT TO ARTICLE 4 (1)

1. Crude-oil refineries (excluding undertakings manufacturing only lubricants from crude oil) and installations for the gasification and liquefaction of 500 tonnes or more of coal or bituminous shale per day.
2. Thermal power stations and other combustion installations with a heat output of 300 megawatts or more and nuclear power stations and other nuclear reactors (except research installations for the production and conversion of fissionable and fertile materials, whose maximum power does not exceed 1 kilowatt continuous thermal load).
3. Installations solely designed for the permanent storage or final disposal of radioactive waste.
4. Integrated works for the initial melting of cast-iron and steel.
5. Installations for the extraction of asbestos and for the processing and transformation of asbestos and products containing asbestos: for asbestos-cement products, with an annual production of more than 20,000 tonnes of

<sup>1</sup> Directive 2001/42/EC of the European Parliament and of the Council on the assessment of the effects of certain plans and programmes on the environment

<sup>2</sup> Council Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment (27 June 1985)

finished products, for friction material, with an annual production of more than 50 tonnes of finished products, and for other uses of asbestos, utilization of more than 200 tonnes per year.

6. Integrated chemical installations.
7. Construction of motorways, express roads (1) and lines for long-distance railway traffic and of airports (2) with a basic runway length of 2,100 m or more.
8. Trading ports and also inland waterways and ports for inland-waterway traffic which permit the passage of vessels of over 1,350 tonnes.
9. Waste-disposal installations for the incineration, chemical treatment or land fill of toxic and dangerous wastes.

(1) For the purposes of the Directive, 'express road' means a road which complies with the definition in the European Agreement on main international traffic arteries of 15 November 1975.

(2) For the purposes of this Directive, 'airport' means airports which comply with the definition in the 1944 Chicago Convention setting up the International Civil Aviation Organization (Annex 14).

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## **ANNEX II**

### PROJECTS SUBJECT TO ARTICLE 4 (2)

#### 1. Agriculture

(a) Projects for the restructuring of rural land holdings.

(b) Projects for the use of uncultivated land or semi-natural areas for intensive agricultural purposes.

(c) Water-management projects for agriculture.

(d) Initial afforestation where this may lead to adverse ecological changes and land reclamation for the purposes of conversion to another type of land use.

(e) Poultry-rearing installations.

(f) Pig-rearing installations.

(g) Salmon breeding.

(h) Reclamation of land from the sea.

#### 2. Extractive industry

(a) Extraction of peat.

(b) Deep drillings with the exception of drillings for investigating the stability of the soil and in particular:

- geothermal drilling,
- drilling for the storage of nuclear waste material,
- drilling for water supplies.

(c) Extraction of minerals other than metalliferous and energy-producing minerals, such as marble, sand, gravel, shale, salt, phosphates and potash.

(d) Extraction of coal and lignite by underground mining. (e) Extraction of coal and lignite by open-cast mining. (f) Extraction of petroleum.

(g) Extraction of natural gas.

(h) Extraction of ores.

(i) Extraction of bituminous shale.

(j) Extraction of minerals other than metalliferous and energy-producing minerals by open-cast mining.

(k) Surface industrial installations for the extraction of coal, petroleum, natural gas and ores, as well as bituminous shale.

(l) Coke ovens (dry coal distillation).

(m) Installations for the manufacture of cement.

### 3. Energy industry

(a) Industrial installations for the production of electricity, steam and hot water (unless included in Annex I).

(b) Industrial installations for carrying gas, steam and hot water; transmission of electrical energy by overhead cables.

(c) Surface storage of natural gas.

(d) Underground storage of combustible gases.

(e) Surface storage of fossil fuels.

(f) Industrial briquetting of coal and lignite.

(g) Installations for the production or enrichment of nuclear fuels.

(h) Installations for the reprocessing of irradiated nuclear fuels.

(i) Installations for the collection and processing of radioactive waste (unless included in Annex I).

(j) Installations for hydroelectric energy production.

### 4. Processing of metals

- (a) Iron and steelworks, including foundries, forges, drawing plants and rolling mills (unless included in Annex I).
  - (b) Installations for the production, including smelting, refining, drawing and rolling, of nonferrous metals, excluding precious metals.
  - (c) Pressing, drawing and stamping of large castings.
  - (d) Surface treatment and coating of metals.
  - (e) Boilermaking, manufacture of reservoirs, tanks and other sheet-metal containers.
  - (f) Manufacture and assembly of motor vehicles and manufacture of motor-vehicle engines.
  - (g) Shipyards.
  - (h) Installations for the construction and repair of aircraft.
  - (i) Manufacture of railway equipment.
  - (j) Swaging by explosives.
  - (k) Installations for the roasting and sintering of metallic ores.
5. Manufacture of glass
6. Chemical industry
- (a) Treatment of intermediate products and production of chemicals (unless included in Annex I).
  - (b) Production of pesticides and pharmaceutical products, paint and varnishes, elastomers and peroxides.
  - (c) Storage facilities for petroleum, petrochemical and chemical products.
7. Food industry
- (a) Manufacture of vegetable and animal oils and fats.
  - (b) Packing and canning of animal and vegetable products.
  - (c) Manufacture of dairy products.
  - (d) Brewing and malting.
  - (e) Confectionery and syrup manufacture.
  - (f) Installations for the slaughter of animals.
  - (g) Industrial starch manufacturing installations.

(h) Fish-meal and fish-oil factories.

(i) Sugar factories.

#### 8. Textile, leather, wood and paper industries

(a) Wool scouring, degreasing and bleaching factories.

(b) Manufacture of fibre board, particle board and plywood.

(c) Manufacture of pulp, paper and board.

(d) Fibre-dyeing factories.

(e) Cellulose-processing and production installations.

(f) Tannery and leather-dressing factories.

#### 9. Rubber industry

Manufacture and treatment of elastomer-based products.

#### 10. Infrastructure projects

(a) Industrial-estate development projects.

(b) Urban-development projects.

(c) Ski-lifts and cable-cars.

(d) Construction of roads, harbours, including fishing harbours, and airfields (projects not listed in Annex I).

(e) Canalization and flood-relief works.

(f) Dams and other installations designed to hold water or store it on a long-term basis.

(g) Tramways, elevated and underground railways, suspended lines or similar lines of a particular type, used exclusively or mainly for passenger transport.

(h) Oil and gas pipeline installations.

(i) Installation of long-distance aqueducts.

(j) Yacht marinas.

#### 11. Other projects

(a) Holiday villages, hotel complexes.

(b) Permanent racing and test tracks for cars and motor cycles.

- (c) Installations for the disposal of industrial and domestic waste (unless included in Annex I).
  - (d) Waste water treatment plants.
  - (e) Sludge-deposition sites.
  - (f) Storage of scrap iron.
  - (g) Test benches for engines, turbines or reactors.
  - (h) Manufacture of artificial mineral fibres.
  - (i) Manufacture, packing, loading or placing in cartridges of gunpowder and explosives.
  - (j) Knackers' yards.
12. Modifications to development projects included in Annex I and projects in Annex I undertaken exclusively or mainly for the development and testing of new methods or products and not used for more than one year.

A Supplementary Planning Document, as a Town and Country Planning document must set the framework for one of the above developments in order to be subject to SEA. If it does not, it may require SEA on the grounds that it may require assessment pursuant to Council Directive 92/43/EEC<sup>3</sup>.

Therefore if a plan or programme requires an 'Appropriate Assessment' as required by Directive 92/43/EEC then it shall also be subject to SEA.

### Screening

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|--|--------|
| Does the SPD set the framework for future development consent for any projects listed in Annexes I or II of EIA Directive 85/337/EEC | YES/NO |
| Does the SPD require assessment under Council Directive 92/43/EEC  | YES/NO |

A 'YES' to either of the above options will trigger SEA.

<sup>3</sup> Council Directive 92/43/EEC – EC Habitats Directive