

Oil and Gas Exploration, Production and Distribution

Supplementary Planning Document

**Strategic Environmental Assessment and Habitats
Regulation Assessment Screening Determination**

January 2017

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1.0 Introduction

In accordance with European Directive 2001/42/EC and the requirements of the Environmental Assessment of Plans and Programmes 2004 (as amended), this document is the screening determination of the need for Strategic Environmental Assessment (SEA) for the oil and gas exploration, production and distribution Supplementary Planning Document (SPD). This document also sets out the decision on whether separate screening and a Habitats Regulations Assessment is required under European Directive 92/43/EEC and the Conservation of Habitats and Species Regulations 2010 (as amended).

Under the Environmental Assessment of Plans and Programmes Regulations 2004, the responsible authority (i.e. the Local Planning Authority) must carry out an environmental assessment for any plan or programme that is prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use, which sets the framework for future development consents of projects listed in Annex 1 or II of Council Directive 83/337/EEC. It is likely that Supplementary Planning Documents are covered under this requirement as they provide planning guidance that will be a material consideration in the determination of planning applications.

However, the regulations state that an environmental assessment need not be carried out for a plan which determines the use of a small area at a local level or for minor modifications to a plan unless it has been determined that the plan is likely to have significant environmental effects.

The regulations advise that a screening process is used to determine whether or not a plan is likely to have a significant effect on the environment. This process should use a specified set of criteria (set out in Schedule 1 of the regulations). The results of this process must be summarised in a SEA screening opinion, which is then sent to the statutory consultation bodies for comment. Once comments have been taken into account a screening determination is prepared setting out whether SEA is required and reasons for the decision and this must be made publicly available.

The statutory environmental bodies were consulted on the draft screening opinion between 14 October 2016 and 25 November 2016. Responses were received from the Environment Agency, Historic England and Natural England. A general response to the consultation on the SPD was received from the Environment Agency and this did not include specific comments relating to the screening report. Historic England and Natural England confirmed that they agree with the outcome of the initial screening exercise. No amendments to the screening opinion were suggested by the statutory consultees. An overview of the comments received during the consultation is set out at Appendix 1 of this report.

This screening determination has been based upon the policies set out in the final draft SPD, which was taken to Local Plan Working Group in January 2017.

Relationship to other plans and programmes

Once adopted, the oil and gas exploration, production and distribution SPD will provide further detail and guidance on the implementation of policies and proposals contained in existing Local Plans. It will not form part of the statutory development plan for Cheshire West and Chester, but will form a material consideration in the determination of relevant planning applications.

The current adopted Local Plan for the area is Cheshire West and Chester Local Plan Part One – Strategic Policies (adopted January 2015). This plan sets out the overall vision, strategic objectives, spatial strategy and strategic planning policies for the borough to 2030. Some of the policies in the Local Plans for the former authorities making up the Cheshire West and Chester area have also been retained until they are replaced by the Local Plan (Part Two). Preparation of the Local Plan (Part Two) Land Allocations and Detailed Policies began in Autumn 2014 and consultation on the Local Plan (Part Two) Preferred Approach was undertaken from 12 August to 23 September 2016. The responses received are currently being considered and an updated version of the plan is being prepared.

Summary of the oil and gas exploration, production and distribution SPD

The SPD is intended to supplement policies in the Local Plan (Part One) Strategic Policies. It provides further advice for applicants and decision makers relating to onshore oil and gas development to ensure it takes place in a sustainable manner that promotes economic, social and environmental well-being.

The guidance is provided within the context of the relevant policies within the Cheshire West and Chester Council Local Plan (Part One) and relevant saved policies. The relevant policies include:

- Cheshire West and Chester Local Plan (Part One) Strategic Policies
 - ENV7 Alternative Energy Supplies
 - STRAT1 Sustainable Development
 - STRAT9 Green Belt and countryside
 - STRAT10 Transport and accessibility
 - SOC5 Health and well-being
 - ENV1 Flood risk and water management
 - ENV2 Landscape
 - ENV4 Biodiversity and geodiversity
 - ENV5 Historic environment
 - ENV6 High quality design and sustainable construction
 - ENV9 Minerals supply and safeguarding

- Cheshire Replacement Minerals Plan
 - Retained Policy 9 Planning applications
 - Retained Policy 12 Conditions
 - Retained Policy 13 Planning Obligations / Legal Agreements
 - Retained Policy 15 Landscape
 - Retained Policy 16 Plant and Buildings

- There are a large number of retained policies in the Chester District Local Plan, Ellesmere Port and Neston Local Plan and Vale Royal Borough Local Plan that may also be relevant. Generally these policies provide additional detail to the Local Plan (Part One) policies and will be replaced by the Local Plan (Part Two).

The SPD provides further guidance on the potential issues that may arise from oil and gas exploration, to be addressed by the applicant in line with the development plan policies set out above.

The SPD provides advice for applicants and guidance on monitoring. It specifies the requirements at each of the main phases of development: exploration; appraisal; production and distribution; and decommissioning, restoration and aftercare. It also provides guidance for the pre-application stage before a planning application is submitted.

It identifies the key issues that will need to be addressed by the applicants, in order for the local planning authority to be able to support the development.

2.0 Strategic Environmental Assessment Screening

Legislative background and methodology

European Directive 2001/42/EC was transposed into UK law by the Environmental Assessment of Plans and Programmes Regulations 2004. This legislation requires a Strategic Environmental Assessment to be carried out for certain plans and programmes to assess their effects on the environment.

The SPD falls within the scope of this legislation as it is a plan prepared for town and country planning or land use and will supplement the Local Plan to set the framework for future development consent of projects. However, this SPD only provides supporting guidance and specifically relates to onshore oil and gas development. Article 3(3) of the SEA Directive and Part 5(6) of the Environmental Assessment of Plans and Programmes Regulations 2004 state that SEA is only required for documents that determine land use of a small area at local level and minor modifications to plans and programmes where it is considered that it is likely to have significant environmental effects. Assessment of whether the plan is likely to have significant environmental effects is carried out through the screening process.

Screening methodology

The role of the screening exercise is to determine whether the effect of the implementation of a plan or programme is likely to have a significant effect on the environment.

The criteria for assessing this are set out in Annex II of the SEA Directive and Schedule 1 of the Environmental Assessment of Plans and Programmes Regulations 2004, and are separated into two categories:

- those relating to the characteristics of the plan; and
- those relating to the characteristics of the plan's effects and of the area likely to be affected.

The assessment of the oil and gas exploration, production and distribution SPD against these criteria is set out in Table 1. Section 1 relates to the characteristics of the plan and section 2 relates to the characteristics of the plans effects and the area likely to be affected.

A key part of the oil and gas SPD screening has been to consider the context of its preparation and its interaction with the adopted Cheshire West and Chester Local Plan (Part One): Strategic Policies.

Table 1: Assessment of significant environmental effects

1. Characteristics of the plan		Is there a significant effect?
<p>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</p>	<p>The SPD does not set a framework for projects or other activities as the policy framework is set within the Local Plan (Part One). It offers specific guidance to supplement the policies in the Cheshire West and Chester Local Plan (Part One) and relevant saved policies.</p>	<p>No</p>
<p>The degree to which the plan or programme influences other plans and programmes including those in a hierarchy</p>	<p>The SPD does not influence other plans or programmes; it provides detailed guidance to supplement the policies set in the Cheshire West and Chester Local Plan (Part One) and relevant saved policies.</p>	<p>No</p>
<p>The relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development</p>	<p>The SPD provides further guidance to ensure that oil and gas development takes place in a sustainable manner and will help to ensure that environmental considerations are taken into account with regards to oil and gas proposals. However, the SPD will provide additional guidance only and will not form policy in its own right; it will not, therefore, have a significant additional effect on the environment above that of the existing policies within the Cheshire West and Chester Local Plan (Part One) and relevant saved policies.</p>	<p>No</p>
<p>Environmental problems relevant to the plan or programme</p>	<p>The SPD provides further guidance on potential issues that may arise from oil and gas development and hence will contribute to their reduction and mitigation. Such negative</p>	<p>No</p>

	<p>environmental impacts could include:</p> <ul style="list-style-type: none"> • noise pollution • air quality degradation • pollution of surface and ground water • light pollution • landscape and visual impacts • degradation and loss of soil quality and agricultural land • increased traffic and transportation • disturbance and loss of wildlife habitats and biodiversity • impacts on land stability <p>However, the SPD will provide additional guidance only; it will not form policy in its own right, and so will not have a significant additional effect above that of the existing policies within the Cheshire West and Chester Local Plan (Part One) and relevant saved policies.</p>	
<p>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).</p>	<p>The SPD does not influence the implementation of Community legislation on the environment, over and above that of the existing policies within the Cheshire West and Chester Local Plan (Part One) and relevant saved policies. The SPD provides guidance that repeats or reinforces requirements set out in the Local Plan and relevant regulations and legislation, for example in relation to the storage of wastewater and fuels and oils. It also refers to the responsibilities of other bodies such as the Health and Safety Executive and Environment Agency. As such, this relates to the implementation of waste management and water protection, but does not have a significant additional effect</p>	<p>No</p>

	above that of existing legislation and existing policies within the Cheshire West and Chester Local Plan (Part One) and relevant saved policies.	
2. Characteristics of the effects and of the area likely to be affected		Is there a significant effect?
The probability, duration, frequency and reversibility of the effects	The SPD is intended to provide guidance on the implementation of existing policy only. As such, the SPD (and its effects) will not have a significantly greater impact than the existing policies within the Cheshire West and Chester Local Plan (Part One) and relevant retained policies.	No
The cumulative nature of the effects of the SPD	The SPD seeks to minimise unacceptable cumulative impacts arising from oil and gas development, hence any cumulative effects of the SPD should be largely beneficial. However, the SPD is intended to provide guidance on the implementation of existing policy only, and should have no greater impact than that of the existing policies within the Cheshire West and Chester Local Plan (Part One) and saved policies.	No
The transboundary nature of the effects of the SPD	Primary effects are limited to developments within the borough but indirect effects relating to protection of air quality, water quality and land stability could transcend the borough boundary. However, the SPD is intended to provide further guidance on the implementation of existing policy only. As such, it will not have a significantly greater impact than the existing policies within the Cheshire West and Chester Local	No

		Plan (Part One) and retained policies.	
The risks to human health or the environment (eg due to accident)		The application of this SPD is not envisaged to present risks to human health or the environment over and above that of existing health and environmental legislative requirements and the existing policies within the Cheshire West and Chester Local Plan (Part One) and relevant retained policies, which have been subject to a full sustainability appraisal.	No
The magnitude and spatial extent of the effects (geographic area and size of the population likely to be affected) by the SPD		The SPD is applicable to development within the whole of the borough. However, it is intended to provide guidance on the implementation of existing policy only, and should have no greater impact than that of the existing policies within the Cheshire West and Chester Local Plan (Part One) and relevant saved policies.	No
The value and vulnerability if the area likely to be affected by the SPD due to:	Special nature characteristics or cultural heritage	The SPD is applicable to oil and gas development across the whole borough. This incorporates areas with cultural heritage value and special nature characteristics. However, the SPD is intended to provide guidance on the implementation of existing policy only, and should have no greater impact than that of the existing policies within the Cheshire West and Chester Local Plan (Part One) and relevant saved policies which have been subject to a full sustainability appraisal.	No
	Exceed environmental quality standards or limit values	The SPD covers the whole borough and hence could influence development in areas which have previously exceeded environmental quality standards. However, in	No

		<p>providing further guidance on issues relating to air and water quality that may arise with oil and gas development and requiring their address, the SPD could contribute to minimising impacts on environmental quality.</p> <p>However, the SPD is intended to supplement existing policies in the Cheshire West and Chester Local Plan (Part One) and retained policies with additional guidance. As such, it will not have a significantly greater impact than the existing policies within the Cheshire West and Chester Local Plan (Part One) and associated retained policies which have been subject to a full sustainability appraisal.</p>	
	Intensive land use	<p>The guidance within the SPD is likely to see the prevention of the intensification of land use in areas of sensitivity to this use. However, the SPD is intended to provide guidance on existing policy only. As such, it will not have a significantly greater impact than the existing policies within the Cheshire West and Chester Local Plan (Part One) and associated retained policies.</p>	No
The effects of the SPD on areas or landscapes which have recognised national, Community, or international protected status		<p>The SPD does not include information on specific sites, but depending on the location of proposals for gas and oil development, the SPD could impact on development in areas of recognised or protected status. The SPD provides additional guidance to minimise landscape and visual impacts and impact on heritage assets, which should contribute to the SPD having a positive effect on protected or recognised</p>	No

	<p>landscapes and areas. However as the SPD is intended to provide guidance on the implementation of existing policy only, it should have no greater impact than that of the existing policies within the Cheshire West and Chester Local Plan (Part One) and relevant saved policies.</p>	
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Conclusion

As a result of the screening assessment it is considered unlikely there will be any significant environmental effects arising from the oil and gas exploration, production and distribution SPD that would be above and beyond the effects of the relevant policies within the Cheshire West and Chester Local Plan (Part One) and relevant saved policies.

A Strategic Environmental Assessment of the oil and gas exploration, production and distribution SPD is not required.

3.0 Habitats Regulations Assessment Screening

Legislative background

The Conservation of Habitats and Species Regulations 2010 (as amended) transposed the requirements of the European Habitats Directive 92/43/EEC into UK law. The Habitats Directive and Regulations afford protection to plants, animals and habitats that are rare and vulnerable in a European context.

Habitats Regulations Assessment (HRA) is a systematic process through which the performance of a plan or project can be assessed for its likely impact on the integrity of a European Site. European Sites, also referred to as Natura 2000 sites, consist of Special Protection Areas (SPA); Special Areas of Conservation (SAC); Potential Special Protection Areas and candidate Special Areas of Conservation (pSPA and cSAC); and listed or proposed Ramsar sites.

Article 6(3) of the Habitats Directive states: 'Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans and projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives'.

The first stage of HRA is to screen a plan or programme to identify if there are likely to be any significant effects on Natura 2000 sites. This will indicate whether a full Appropriate Assessment is required. The regulations require that the impacts and effects of any land use plan being assessed are considered in combination with other plans and projects that may also be affecting the relevant European site(s).

Inter-relationship with the Local Plan HRA

The Cheshire West and Chester Local Plan (Part One) has already been through the HRA process, and the results detailed in the Cheshire West and Chester Local Plan Publication Draft (Part 1) Strategic Policies Habitat Regulations Assessment Screening Report.

The HRA for the Local Plan (Part One) identified 12 sites to include within the HRA, as set out in table 3 below.

Table 3 – Natura 2000 sites relevant to the Local Plan (Part One)

European site	Reason for inclusion
Oak Mere SAC	Located within Cheshire West and Chester
Midlands Meres and Mosses Ramsar site	Located within Cheshire West and Chester
West Midlands Mosses SAC	Located partly within Cheshire West and Chester
River Dee and Bala Lake SAC	Identified as a source of potable water for Cheshire West and Chester and also the receiving watercourse for waste water treatment works discharge
Mersey Estuary SPA and Ramsar	Located partially within Cheshire West and Chester
Dee Estuary SAC SPA and Ramsar site	Downstream of the River Dee which is identified as a source of potable water for Cheshire West and Chester. Development in the Borough also creates potential water quality pathways
Liverpool Bay SPA	Located immediately downstream of the Mersey Estuary. There is therefore a potential water quality pathway through sewage effluent discharges, air quality from transport plans, disturbance of birds and recreational pressure
Berwyn and South Clwyd Mountains SAC	Included at the request of Natural Resources Wales.
Mersey Narrows and North Wirral Foreshore pRamsar and pSPA	Located within Merseyside downstream of the Mersey Estuary SPA/Ramsar site. There is a direct link to development in through water quality
Sefton Coast SAC	Located within Merseyside and linked to development in Cheshire West and Chester through recreational pressure and water quality
Ribble and Alt Estuaries SPA and Ramsar site	Located within Merseyside and is an indirect link to development in Cheshire West and Chester through water quality and recreational pressure
River Eden SAC	Haweswater Lake (to which the River is hydrologically connected) is likely to form part of the future water supply for Cheshire West and Chester.

The HRA undertaken for the Local Plan (Part One) forms the baseline for the HRA screening assessment of the oil and gas exploration, production and distribution SPD. The main consideration is the potential effects of the oil and gas SPD over and above those of the already assessed for the Local Plan. The Local Plan was screened out through this process, as not leading to a likely significant effect on European sites.

It is considered that as long as the additional guidance within the SPD does not alter the strategic policy framework assessed in the Local Plan Part One Habitats

Regulation Assessment Screening Report then an additional separate full screening exercise on the SPD will not be required. However, if the oil and gas SPD does change the strategic policy framework then a separate Habitats Regulation Assessment Screening Report to assess the effect on European Sites would be necessary.

Outcome of high level screening

1. *Is the SPD directly connected with, or necessary to, the management of a European site for nature conservation?*

No

2. *Does the SPD propose new development or allocate sites for development?*

No

3. *Are there any other projects or plans that together with the SPD that could impact on the integrity of a European Site?*

No, the Cheshire West and Chester Local Plan (Part One) Strategic Policies and the retained policies in the existing Local Plans for the former authority areas (Chester City, Vale Royal and Ellesmere Port and Neston) are relevant plans, but the HRA of the Cheshire West and Chester Local Plan (Part One) identified that it could be screened out as not leading to a likely significant effect on European sites.

4. *Are there any potential impacts on the integrity of a European Site?*

The SPD will be used to provide additional guidance to supplement the policies in the Cheshire West and Chester Local Plan (Part One) and relevant retained policies, for determining planning applications relating to oil and gas development. Depending on the location and development proposal, the SPD could affect development in areas of European Sites. However, the SPD is intended to provide guidance on the implementation of existing policy only, and should have no greater impact than that of the existing policies within the Cheshire West and Chester Local Plan (Part One) and relevant retained policies. It is not considered to alter the strategic policy framework. Therefore it is considered that the SPD will not result in a likely significant effect on a European site over and above that already identified and assessed through the Local Plan (Part One) Habitats Regulations Assessment Report.

Conclusion

The oil and gas exploration, production and distribution SPD is unlikely to have an adverse effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2010), alone or in combination with other plans and projects.

Appendix 1: Comments received during consultation on the draft Screening Report

Statutory body	Date consulted	Response
Environment Agency	14 October 2016	General response received relating to the SPD. No specific comments relating to the screening report.
Environment Agency Wales	14 October 2016	No response received.
Historic England	14 October 2016	Response received. Agree with the assessment that the document is unlikely to result in any significant environmental effects and will simply provide additional guidance on existing policies which have already been subject to a Sustainability Appraisal. Endorse the conclusions that it is not necessary to undertake a Strategic Environmental Assessment of the document.
CADW	14 October 2016	No response received.
Natural England	14 October 2016	General response received. This included a section relating to the SEA / HRA, stating that Natural England has reviewed the associated SEA and HRA screening opinion and concur with the conclusions that the SPD should have no greater impact than that of the existing policies within the Local Plan Part 1. They requested that should the plan be

		amended in a way which significantly affects its impact on the natural environment, that Natural England are re-consulted.
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