

Local Flood Risk Management Strategy 2027 - 2037

Strategic Environmental Assessment & Habitat Regulations Assessment Screening Report

Flood Risk Management Team
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Background

Under the [Flood and Water Management Act 2010](#) East Sussex County Council has been classified as a Lead Local Flood Authority. Section 9 of the Act states “a lead local flood authority for an area in England must develop, maintain, apply and monitor a strategy for local flood risk management in its area”.

East Sussex’s current Local Flood Risk Management Strategy was published in 2016 and expires 2026. As such a new strategy is required to run 2027 - 2037.

The purpose of the Local Flood Risk Management Strategy is two-fold; as a tool to support East Sussex County Council (ESCC) in its role as the Lead Local Flood Authority (LLFA) and to allow members of the public to understand the LLFA’s role and approach to flood risk management.

As the Strategy may influence frameworks for future development or be used to support plans and programmes that do set such a framework, it has been determined that the principle of the Strategy should be screened for an SEA in accordance with the EU Environmental Directive (2001/42/EC).

East Sussex Local Flood Risk Management Strategy

National guidance on setting the principles and objectives of a Local Flood Risk Management Strategy states that they should align with the [National Flood and Coastal Erosion Risk Management Strategy](#). It also states that a collaborative approach, involving partners and stakeholders, should be utilised to make the most of the opportunities available, including funding sources.

The strategy being developed by ESCC sets out the LLFA’s aims and objectives to manage flood risk and flood impacts across the county. The strategy includes four objectives which are supported by associated measures. These are detailed in Table 3, Appendix A.

Legislative Background

Strategic Environmental Assessment

Public bodies, and private companies operating in a public character, are required to ensure environmental considerations are considered when preparing, adopting and implementing plans and programmes. This process is covered by the Strategic Environmental Assessment (SEA).

The European Directive 2001/42/EC¹ ratified in June 2001 sets out the conditions and requirements for an SEA. In England and Wales this was transposed into UK law in the form of the Environmental Assessment of Plans and Programmes Regulations (2004)².

The Directive (Article 2a) defines plans and programmes subject to the Directive as 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

Administrative provisions in this case refers to plans and programmes that are likely to be publicly available, prepared in a formal way and likely involving consultation with interested parties.

Article 3(2) of the Directive provides further detail on when the SEA process must be initiated. It makes an SEA mandatory for plans and programmes:

- 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
- 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).

Habitat Regulations Assessment

Public bodies, and private companies operating in a public character, must carry out an assessment known as a Habitats Regulations Assessment (HRA), to test if a plan or project proposal could significantly affect the designated features of a European site.

The European Directive 92/43/EEC³ ratified in May 1992 led to the establishing of European sites and setting out how they should be protected, it also extends to other topics such as European protected species. In England and Wales, the

¹ European Union (2001) Directive on the assessment of the effects of certain plans and programmes on the environment <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=celex%3A32001L0042>

² UK Government (2004) The Environmental Assessment of Plans and Programmes Regulations <https://www.legislation.gov.uk/uksi/2004/1633/contents/made>

³ European Council (1992) Directive on the conservation of natural habitats and of wild fauna and flora <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=celex%3A32001L0042>

Habitats Directive is currently translated into specific legal obligations by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations (2019)⁴.

The following European sites are protected by the Habitats Regulations and any proposals that could affect them will require an HRA:

- Special Areas of Conservation (SACs)
- Special Protection Areas (SPAs)

Any proposals affecting the following sites would also require an HRA because these are protected by government policy:

- Special Areas of Conservation (SACs)
- Proposed SACs
- Potential SPAs
- Ramsar sites - wetlands of international importance (both listed and proposed)
- Areas secured as sites compensating for damage to a European site

In this regard the potential for the objectives and measures put forward by the LFRMS to impact the sites listed above, initiating an HRA, is determined. If an HRA is required, according to article 3(2) of the SEA directive it would also make an SEA mandatory.

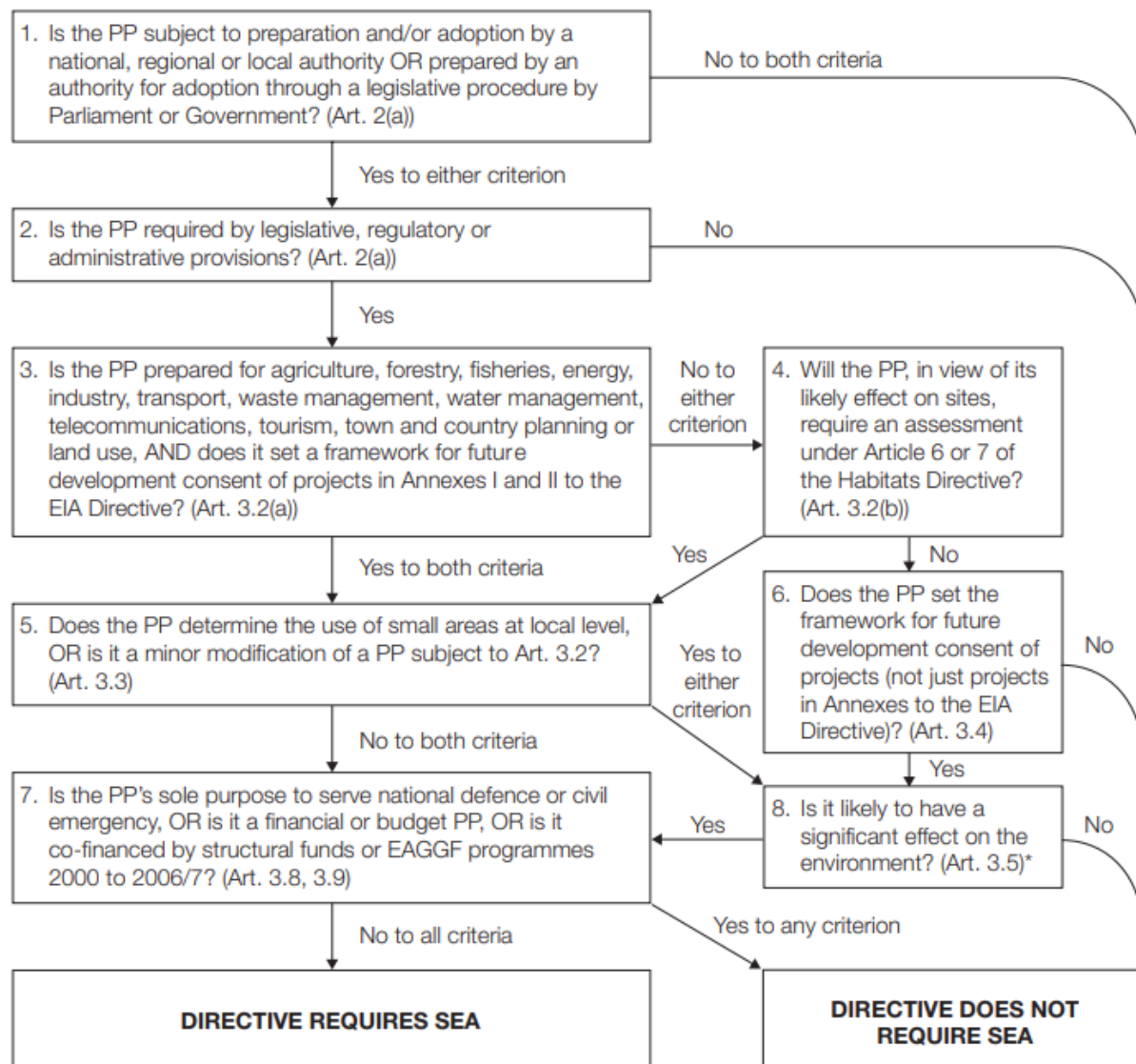
⁴ UK Government (2019) *The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019*
<https://www.legislation.gov.uk/ukdsi/2019/9780111176573>

Screening Methodology

Strategic Environmental Assessment

The screening methodology, as produced in the Practical Guide to the Strategic Environmental Assessment Directive 2005, is set out in Figure 1 below.

Figure 1: Application of the SEA Directive to plans and programmes (PPs)
(Source: A Practical Guide to the Strategic Environmental Assessment Directive, 2005⁵)



*The Directive requires Member States to determine whether plans or programmes in this category are likely to have significant environmental effects. These determinations may be made on a case by case basis and/or by specifying types of plan or programme.

⁵ Office of the Deputy Prime Minister (2005) A Practical Guide to the Strategic Environmental Assessment Directive <https://assets.publishing.service.gov.uk/media/5a78ec0740f0b62b22cbddd2/practicalguidesea.pdf>

In applying Stages 1 - 3 it has been confirmed that the LFRMS meets the specifications detailed in Article 2a. The strategy is prepared in part for water management. However, it is not considered to set a definable framework for future development consent. It therefore only partly falls under Article 3(2).

To apply further stages of the methodology the objectives and measures of the LFRMS must be screened to determine:

- i. the degree to which it could influence future development consent, and
- ii. whether it is likely to have significant environmental effects.

To determine the degree to which the LFRMS could influence future development (i) the objectives and measures will be reviewed to determine the degree to which they guide consenting authorities in deciding an application for development consent.

To determine whether the LFRMS it likely to have significant environmental effects (ii) the objectives and measures will be reviewed to determine the likelihood of causing significant effects, based on the following criteria:

1. The characteristics of plans and programmes, having regard to:
 - a. 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,
 - b. the degree to which the plan or programme influences other plans and programmes including those in a hierarchy,
 - c. the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development,
 - d. environmental problems relevant to the plan or programme,
 - e. 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).
2. Characteristics of the effects and of the area likely to be affected, having regard to:
 - a. the probability, duration, frequency and reversibility of the effects,
 - b. the cumulative nature of the effects,
 - c. the transboundary nature of the effects,
 - d. the risks to human health or the environment (e.g. due to accidents),
 - e. the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected),
 - f. 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.

Habitat Regulations Assessment

For HRA screening the degree to which the strategy sets out where future activities or developments should take place within East Sussex will be reviewed. If it is judged to have a significant impact, the likelihood of the strategy affecting European sites and other sites protected by the Habitat regulations will be considered.

Screening

Strategic Environmental Assessment

The strategy is a high-level document that sets out the responsibilities and aims of the East Sussex LLFA in relation to flood risk and flood impact management across East Sussex. The objectives and measures have been screened and only those relevant have been included within this screening assessment.

(i) the degree to which it could influence future development consent

Table 1 reviews the relevant measures against their potential to shape future development proposals and their potential to have significant effects on the environment.

These objectives and measures could result in changes to the advice the LLFA provide in planning consents however they are generally non-specific and relate to a greater emphasis on certain flood risk and flood impact management rather than stating changes to existing guidance or policies. The measures also sit in the context of the National Planning Policy Framework and the Flood and Water Management Act (FWMA), 2010 and do not change how developments will be consented in themselves.

It is therefore concluded that these objectives and measures will have minor implications to development consenting whilst acting to enhance the environment.

Table 1: Review of Objectives and Measures with the potential to shape future development

Objective/ Measure	Response
Objective 4 Where opportunities to embed and enhance flood risk management, flood alleviation and climate resilience in all development across the county are encouraged and supported by relevant planning policy and guidance.	This is a high-level objective which could influence how the LLFA advises on flood risk management elements associated with planning consultations. If implemented it should lead to environmental benefits rather than detriment.

Objective/ Measure	Response
Measure 4.1 LLFA to engage with all future planning policy consultations received from Planning Authorities and the Mayoral Authority relating to their flood risk management and sustainable drainage policies and guidance and encourage these to be regularly updated.	The measure is associated with planning policy consultations which could shape how future development considers flood risk management. Any guidance provided would be shaped by National standards and significant changes are unlikely. In this regard any significant environmental effects because of engagement are likely to be beneficial rather than detrimental.

(ii) whether it is likely to have significant environmental effects

There are two overarching criterion the strategy must be reviewed against for determining environmental effects:

1. the characteristics of plans and programmes, and
2. characteristics of the effects and of the area likely to be affected.

Table 2 sets out responses to the specific requirements of criteria 1 in relation to the objectives and measures within the strategy.

As the strategy is not location specific and no significant effect could be identified arising from the strategy, a review of the criteria 2 is not applicable.

Table 2: Review against criteria for determining environmental effects: characteristics of plans and programme

Criteria	Response
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 strategy is not considered to influence the location, size, operating conditions and allocation of resources. It could influence the nature of development to a small degree in relation to better water management.

Criteria	Response
The degree to which the plan or programme influences other plans and programmes including those in a hierarchy.	The strategy provides a range of objectives and measures for future flood risk management in East Sussex. It will need to be considered in future local plans, however ultimately it is high level, and its influence is considered to be limited.
The relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development	The strategy encourages sustainable flood risk and flood impact management thus promoting sustainable development.
Environmental problems relevant to the plan or programme	Relevant problems are: • Flood risk • water quality, and • climate change. The strategy seeks to manage and improve challenges posed by these problems and support better adaption to climate change.
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 plan may shape community flood plans. These do not relate to any physical infrastructure, they provide details on communicating flood risk, flood evacuation and incident reporting.

Screening Findings

Based on the review undertaken it is concluded that that LFRMS can be screened out for a Strategic Environmental Assessment in line with the requirements of directive 2001/42/EC.

Habitat Regulations Assessment

The potential for the LFRMS to impact upon European sites and other sites protected by the Habitat Regulations has been considered.

The objectives and measures proposed by the scheme are not location specific and

Appendix A

Table 3: East Sussex LFRMS Objectives and Measures

Objective	Measure
Objective 1 Climate resilient communities where resident's work with, and are supported by, RMAs and other stakeholders to actively engage with and manage their own flood risk.	1.1 Raise awareness within communities across East Sussex of their flood risk.
	1.2 Support the creation of community Flood Action Groups in areas where flooding has been identified to have the greatest potential impact. Provide support and training to any Flood Action Group in East Sussex to allow them to help their communities engage with and manage flood risk and flood events.
	1.3 Focus ESCC's flood risk management resources towards projects which provide the most significant impacts to at-risk communities.
	1.4 Where appropriate, encourage ESCC-led flood risk management projects to utilise project structures which incorporate community engagement and consultation.
Objective 2 Where cross-agency, cross-team collaboration and cooperation becomes business as usual, and relevant flood risk and project data is shared freely between agencies.	2.1 Work with relevant internal and external stakeholders to: a) Identify early on where collaborative projects could deliver multiple benefits such as flood risk and drought management, community amenity and biodiversity improvements. a) Facilitate the creation of mixed-speciality multi-agency project teams to deliver collaborative projects.
	2.2 Facilitate a central flood and development information hub to increase awareness of community scale developments/ projects where collaboration could bring multiple benefits. To be accessible by all ESCC teams and relevant external stakeholders.

Objective	Measure
Objective 3 Where multiple stakeholders incorporate climate resilient design and partnership resourcing as standard.	3.1 Provide support for other ESCC services and external stakeholders on how to incorporate climate resilient flood risk management and/or sustainable drainage into their plans, strategies and projects. 3.2 Facilitate regular and open stakeholder communication with the view of increasing awareness of climate resilient design and encouraging the sharing of lessons learnt.
Objective 4 Where opportunities to embed and enhance flood risk management, flood alleviation and climate resilience in all development across the county are encouraged and supported by relevant planning policy and guidance.	4.1 LLFA to engage with all future planning policy consultations received from Planning Authorities and the Mayoral Authority relating to their flood risk management and sustainable drainage policies and guidance and encourage these to be regularly updated. 4.2 Provide regular flood risk management and sustainable drainage training opportunities for Planning Authority staff to increase awareness and understanding across the planning system.