



Surrey Heath Borough Council Local Development Framework 2006-2028

**Developer Contributions Supplementary Planning Document (SPD)**

**Strategic Environmental Assessment**

Determination under Article 9 of the Environmental Assessment of Plans and Programmes  
Regulations 2004

May 2011

## **Introduction**

- 1.1. This statement sets out the Council's determination under Regulation 9 (1) of The Environmental Assessment of Plans and Programmes Regulations 2004 on whether or not a Strategic Environmental Assessment is required for the Developer Contributions Supplementary Planning Document (SPD)

## **Strategic Environmental Assessment**

- 1.2. Under the requirements of the European Union Directive 2001/42/EC (Strategic Environmental Assessment (SEA Directive)) and Environmental Assessment of Plans and Programmes Regulations (2004) specific types of plans that set the framework for the future development consent of projects must be subject to an environmental assessment.
- 1.3. There are exceptions to this requirement for plans that determine the use of a small area at a local level and for minor modifications if it has been determined that the plan is unlikely to have significant environmental effects.
- 1.4. In accordance with the provisions of the SEA Directive and the Environmental Assessment of Plans and Programmes Regulations (2004) (Regulation 9 (1)), the Council must determine if a plan requires an environmental assessment. Where the Borough Council determines that SEA is not required then under Regulation 9(3) the Council must prepare a statement setting out the reasons for this determination. This statement is the Borough Council's Regulation 9(3) statement.

## **Sustainability Appraisal**

- 1.5. Under separate legislation (the Planning and Compulsory Purchase Act 2004 and associated Regulations), the Council is required to carry out a Sustainability Appraisal (SA) for all Development Plan Documents. This considers the social and economic impacts of a plan as well as the environmental impacts.
- 1.6. In accordance with current Regulations (Town & Country Planning (Local Development)(England)(Amendment) Regulations 2009) SA is no longer required to be carried out for SPD. However, despite this, it is still necessary to determine the need for SEA.

## **Habitats Regulations Assessment**

- 1.7. Habitats Regulations Assessment is required to determine whether a plan or project would have significant adverse effects upon the integrity of internationally designated sites of nature conservation importance, or Natura 2000 sites. The need for HRA is set out within the EC Habitats Directive 92/43/EEC and transposed into British Law by Regulation 102 of the Conservation of Habitats and Species Regulations 2010.
- 1.8. The Directive states that any plan or project not connected or necessary for a sites management, but likely to have significant effects thereon shall be subject to appropriate assessment. As the Developer Contributions SPD will not set the framework for future plans or projects there is no pathway (either direct or indirect) for significant effects to arise. As such, it is considered that Appropriate Assessment of the Developer Contributions SPD is not required. Moreover, it is for individual planning applications or plans that set the framework for those applications to undergo Habitats Regulations Assessment.

### **The SEA Screening Process**

- 1.9. The process for determining whether or not an SEA is required is called screening. In order to screen, it is necessary to determine if a plan will have significant environmental effects using the criteria set out in Annex II of the Directive and Schedule I of the Regulations. A determination cannot be made until the three statutory consultation bodies have been consulted: The Environment Agency, Natural England and English Heritage.
- 1.10. Within 28 days of making its determination the authority must publish a statement, such as this one, setting out its decision. If it determines that an SEA is not required, the statement must include the reasons for this.

### **Background to the proposed SPD**

- 1.11 The development of a tariff scheme to take account of small scale development was initiated as a collaboration project between the eleven local authorities within Surrey and Surrey County Council. It was initiated to set out common practice and procedures for obtaining developer contributions across the county of Surrey in accordance with adopted policies and nationally recommended best practice.
- 1.12 The collaboration project found that the existing situation in Surrey of negotiating contributions was unsatisfactory and did not follow current best practice, with very few Surrey authorities having any formal guidance. This failed to take into account the pressure from new development on existing infrastructure services and failed to address the need for transparency in negotiations.
- 1.13 In light of the work of the collaboration project a Code of Practice for negotiation and collection of infrastructure tariffs and the basis for calculating those tariffs was introduced to take account of small scale development.
- 1.14 From 1<sup>st</sup> February 2009, Surrey Heath Borough Council has applied the Code of Practice and basis for calculating tariffs as interim advice when requesting developer contributions. The Developer Contributions SPD aims to bring together and update the Code of Practice and basis for calculating tariffs into an adopted LDD.

**SEA Determination and Reasons for Determination**

1.15 Before making a determination under Regulation 9 the three consultation bodies were consulted. The responses received are set out in Table 1-1 below.

1.16 **Table 1-1 Comments Received by Consultation Bodies**

Consultation Body	Comments
English Heritage	<p>For the purposes of this consultation, English Heritage will confine its advice to the question, “Is it likely to have a significant effect on the environment?” in respect of our area of concern, cultural heritage. Our comments are based on the information supplied with the draft Screening Statement.</p> <p>The draft Screening Statement indicates that the Council considers that the SPD will not affect any ‘special natural characteristics or cultural heritage’ in the area. On the basis of the information supplied, and in the context of the criteria set out in Schedule 1 of the Environmental Assessment Regulations [Annex II of ‘SEA’ Directive], English Heritage concurs with the Council that the preparation of a Strategic Environmental Assessment is not required.</p> <p>The views of the other statutory consultation bodies should be taken into account before the overall decision on the need for an SEA is made.</p>
Environment Agency	We agree with your view that an environmental assessment will not be required for your Developer Contributions SPD, and that a Habitats Regulations Assessment is not required.
Natural England	We have reviewed the Council’s Screening Statement and can advise that we concur with the conclusions that neither Strategic Environmental Assessment (SEA) nor Habitats Regulations Assessment (HRA) are necessary for the Developer Contributions SPD.

1.17 This statement sets out the Council’s determination under Regulation 9 of the Environmental Assessment of Plans and Programmes Regulations 2004 on whether or not a SEA is required for the Developer Contributions SPD.

1.18 Appendix 1 sets out the process for determining if the SPD will have significant environmental effects using the criteria set out in Annex II of the Directive and Schedule I of the Regulations.

1.19 On the basis of the screening process it is the Council’s opinion that the Developer Contributions SPD does not require an SEA under the SEA Directive and The Environmental Assessment of Plans and Programmes Regulations (2004). This is because there will be no significant environmental effects arising from its

implementation and that it supplements national guidance. In making this determination the Borough Council has had regard to Schedule I of the Regulations and comments made by the Consultation Bodies.

1.20 This determination has been made on **13<sup>th</sup> May 2011**

## Appendix 1 – SEA Screening for the Developer Contributions SPD

Criteria (from Annex II of SEA Directive and Schedule I of Regulations)	Surrey Heath Borough Council's Response
<b>Characteristics of the plan or programme</b>	
(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.	The framework is set by national guidance on the use of planning obligations in Circular 05/05: Planning Obligations and within the Community Infrastructure Levy (CIL) Regulations 2010. The SPD will supplement the national guidance on the use of planning obligations and will help to ensure successful implementation at a local level. The SPD will not however set the framework for the allocation or levels of development within the Borough over the LDF period or set the framework for individual projects.
(b) The degree to which the plan or programme influences other plans and programmes including those in a hierarchy.	The SPD will provide detailed local guidance for developer contributions for a range of infrastructure associated with development in accordance with national guidance on the use of planning obligations. It is influenced by other higher tier plans rather than influencing other plans itself.
(c) The relevance of the plan or programme for the integration of environmental considerations, in particular with a view to promoting sustainable development.	The SPD has relevance to the integration of environmental considerations and the promotion of sustainable development in terms of securing contributions towards necessary physical, social and community infrastructure.
(d) Environmental problems relevant to the plan or programme.	The SPD will seek to protect and enhance the environment through requiring contributions towards environmental enhancements. Environmental problems within Surrey Heath are already highlighted within the LDF SA/SEA Scoping Report 2005 and the Core Strategy & Development Management Policies DPD SA/SEA Report 2010.
(e) The relevance of the plan or programme for the implementation of Community (EU) legislation on the environment (for example, plans and programmes linked to waste management or water protection).	None.
<b>Characteristics of the effects and of the area likely to be affected</b>	
(a) The probability, duration, frequency and reversibility of the effects.	The proposed SPD will not in itself set out, guide or bring forward development plans or projects. It will purely set out a list of developer contributions required for associated infrastructure.
(b) The cumulative nature of the effects	The SPD will require a range of developer contributions, but are not considered to lead to cumulative effects.
(c) The transboundary nature of the	Given the nature of the SPD and that contributions

effects	will be local to Surrey Heath, it is considered that no transboundary effects will arise
(d) The risks to human health or the environment (for example, due to accidents)	None
(e) The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)	The SPD will form part of the Surrey Heath Local Development Framework. As such the SPD is a borough wide document that will affect all planning applications. However, this is only in terms of details to be submitted with planning applications and does not set the framework for development.
(f) The value and vulnerability of the area likely to be affected due to: i) Special natural characteristics or cultural heritage; ii) Exceeded environmental quality standards or limit values; iii) Intensive land-use.	Given the nature of the document: - i) None ii) None iii) None
(g) The effects on areas or landscapes which have recognised national, Community or international protection status.	None. Avoidance of impacts to the Thames Basin Heaths SPA is dealt with in another guidance document produced by the Borough Council to be adopted as SPD at a later date.