



Surrey Heath Borough Council Local Plan 2011 – 2028

Residential Design Guide Draft Supplementary Planning Document (SPD)

Strategic Environmental Assessment (SEA)

Determination under Regulation 9 of the SEA Regulations 2004

December 2016

Introduction

- 1.1. This statement sets out the Council's screening assessment 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 a Residential Design Guide draft 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 or which require Appropriate Assessment 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 Borough Council must determine if a plan requires an environmental assessment.

Sustainability Appraisal (SA)

- 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) Regulations 2012) SA is no longer required for lower level documents, including Supplementary Planning Documents (SPD). However, despite this, it is still necessary to undertake a screening exercise on the need for an SEA.

Habitats Regulations Assessment (HRA)

- 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/ECC 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 Residential Design Guide draft 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 Residential Design draft 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. These are 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 Surrey Heath Borough Council has produced a Residential Design Guide Supplementary Planning Document (SPD) which will provide further guidance to Policy DM9 Design Principles in the Surrey Heath Core Strategy and Development Management Policies 2011 – 2028 and Policy TC11 of the Camberley Town Centre Area Action Plan 2014 in relation to the design aspect of new residential development in the Borough.
- 1.12 The document will not introduce new policy, focusing instead upon providing an additional layer of guidance in respect of design of new development in the Borough. The document, if adopted by Surrey Heath Borough Council, is intended to be used by those seeking planning permission, planning staff at Surrey Heath Borough Council and decision takers at the Council. Further SPD details are set out in Table 1-1 below.

Table 1-1: SPD Details

Responsible Authority	Surrey Heath Borough Council
Title of Plan or Programme	Residential Design Guide Draft SPD
Plan Purpose	To amplify Policies CP2, DM9, DM11 and DM 17 of the Surrey Heath Core Strategy and Development Management Policies 2011 – 2028.
Plan Period	Until superseded

Frequency of Update	On change of Local or National Policy
Plan Area	Surrey Heath Borough.

SEA Screening Determination

- 1.13 Prior to making a determination under Regulation 9 the three consultation bodies were consulted between 8th March- 5th April 2016. The responses received are set out in Table 1-2.

Table 1-2 Comments Received by Consultation Bodies

Consultation Body	Comments
Historic England	Responded and agreed with the Council's opinion that an SEA was not required in this instance.
Environment Agency	Responded and agreed with the Council's opinion that the SPD would be unlikely to give rise to significant environmental effects.
Natural England	Responded and agreed with the Council's opinion that an SEA/HRA would be required.

- 1.14 This Screening Report sets out the Council's determination under Regulation 9 (1) of the Environmental Assessment of Plans and Programmes Regulations 2004 on whether or not SEA is required for the Residential Design draft SPD.
- 1.15 Appendix 1 sets out the procedure 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.
- 1.16 On the basis of the Screening process it is the Council's determination that the Residential Design draft SPD does not require an SEA under the SEA Directive and Environmental Assessment of Plans and Programmes Regulations (2004). This is because:-
- The SPD does not set the framework for future consents under the EIA Directive;
 - An Appropriate Assessment under the Habitats Directive is not required;
 - There is no pathway or mechanism for significant environmental effects to arise as the document is for guidance purposes only, being an elaboration of existing policy.
- 1.17 This determination was made on the 20 December 2016.

Appendix 1 – SEA screening for the Residential Design Guide draft SPD

Criteria (from Annex II of SEA Directive and Schedule I of Regulations)	Surrey Heath Borough Council's Response
Characteristics of the plan or programme	
(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 Residential Design draft SPD will supplement Policies CP2, DM9, DM11 and DM17 of the Core Strategy and Development Management Policies 2011 – 2028, thereby providing further guidance on design matters in respect of new development within the Borough. The SPD therefore supplements existing Policy rather than setting a framework in itself. It will not allocate resources.
(b) The degree to which the plan or programme influences other plans and programmes including those in a hierarchy.	As noted above, the Residential Design draft SPD will supplement policy contained within the Core Strategy and Development Management Policies 2011 – 2028. As such it is influenced by other, higher level 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 document will not deliver an environmental policy in its own right and will not therefore have a significant effect on environmental considerations.
(d) Environmental problems relevant to the plan or programme.	None.
(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.
Characteristics of the effects and of the area likely to be affected	
(a) The probability, duration, frequency and reversibility of the effects.	The Residential Design Guide draft SPD will supplement Policies CP2, DM9, DM11 and DM17 of the Core Strategy and Development Management Policies 2011 – 2028, thereby providing further guidance on design matters in respect of new development within the Borough. The SPD therefore supplements existing Policy rather than setting a framework in itself. It will not in itself set out, guide or bring forward development plans or projects. As such there is no mechanism for significant environmental effects to arise from the SPD itself. It is noted that individual residential development may have potential to give rise to significant environmental impacts; however it will be for individual planning applications or plans that set the wider framework for those applications to address this matter.
(b) The cumulative nature of the effects	As noted above, there is no mechanism for significant environmental effects to arise from the

	SPD itself. It is therefore unlikely that any cumulative impacts will arise.
(c) The trans-boundary nature of the effects	As noted above, there is no mechanism for significant environmental effects to arise from the SPD itself. It is therefore unlikely that any trans-boundary impacts 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 cover the whole of the Borough. However as the SPD is only concerned with amplifying the approach of the Core Strategy and Development Management Policies 2011 – 2028 by providing further guidance on design of new development in West End it is considered that the effects will be limited in magnitude.
(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.	Avoidance of impacts upon the Thames Basin Heaths Special Protection Area is dealt with in other guidance documents produced by the Borough Council and the Joint Delivery Framework. The Residential Design Guide draft SPD will not set the policy framework for individual projects, consents or the framework for housing projects. As such no significant effects are considered to arise on the adoption of this SPD.