



Surrey Heath Borough Council Local Development Framework 2006-2028

Designation of Local Heritage Assets Supplementary Planning Document (SPD)

Strategic Environmental Assessment

Determination under Article 9 of the SEA Regulations 2004

February 2012

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 the Designation of Local Heritage Assets 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.

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 whether there is the need for an 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 UK 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 Designation of Local Heritage Assets 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 Local Heritage Assets 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 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 Surrey Heath Local Plan contains policies for the protection of locally listed buildings and structures. Policy HE10 states that the Borough Council will maintain a list of structures which it considers to be of local architectural or historic significance. Policy HE10 states that this list will be reviewed periodically.
- 1.12 Proposed policy DM17 of the Core Strategy and Development Management Policies DPD (as submitted) will replace Policy HE10 upon adoption. However policy DM17 states that from time to time the Borough Council will review the heritage assets included on local lists.
- 1.13 The purpose of the Designation of Local Heritage Assets SPD is to update and adopt the methodology and criteria for the identification of buildings, structures and sites of local historic importance. Table 1-1 sets out further SPD details.

Table 1-1: SPD Details

Responsible Authority	Surrey Heath Borough Council
Title of Plan/Programme	Designation of Local Heritage Assets
Plan Purpose	To update and adopt the methodology and criteria for listing buildings, structures and sites of local historic or architectural merit.
Plan Period	Until superseded
Frequency of update	On change of local or national policy
Geographical Area	Whole of the Borough of Surrey Heath

SEA Screening Determination

- 1.14 Before making a determination under Regulation 9 the three consultation bodies were consulted between 18th May 2012 and 15th June 2012. The responses received are set out in Table 1-1.

Table 1-1 Comments Received by Consultation Bodies

Consultation Body	Comments
English Heritage	No comments received
Environment Agency	Thank you for consulting the Environment Agency on the above consultation, received on 18 May 2011. We have reviewed the Screening Statement submitted. We agree with your view that an environmental assessment will not be required, and that a Habitats Regulations Assessment is not required.
Natural England	No comments received

- 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 an SEA is required for the Designation of Local Heritage Assets SPD.
- 1.15 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.
- 1.16 On the basis of the screening process it is the Council's opinion that the Designation of Local Heritage Assets SPD does not require an SEA under the SEA Directive and Environmental Assessment of Plans and Programmes Regulations (2004). This is because there will be no significant environmental effects arising from its implementation, it is for guidance purposes only and it does not set the framework for future project consents.
- 1.17 This determination was made on **1st February 2012**.

Appendix 1 – SEA Screening for the Designation of Local Heritage Assets SPD

Criteria (from Annex II of SEA Directive and Schedule I of the SEA 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 framework is set by national planning policy in PPS5 and by higher level local policies. The SPD will be used guide the listing of buildings and structures of local historic or architectural merit. The SPD will not 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 local guidance on the designation of local historic buildings or structures of merit. 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.	None. The SPD is guidance for the listing of buildings/structures of local historic/architectural merit only.
(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 proposed SPD will not in itself set out, guide or bring forward development plans or projects. It will purely set out guidance for the listing of locally important buildings and structures.
(b) The cumulative nature of the effects	None
(c) The transboundary nature of the effects	Given the nature of the SPD and being 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. However, this is only in terms of guidance for the listing of locally important buildings and structures and does not set the framework for development.
(f) The value and vulnerability of the area	Given the nature of the document: -

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.	i) None ii) None iii) None
(g) The effects on areas or landscapes which have recognised national, Community or international protection status.	None.