



**Chichester District Council**  
**Draft Planning Obligations & Affordable Housing**  
**Supplementary Planning Document**

**Strategic Environmental Assessment**  
**Screening Opinion**  
**August 2014**

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# **Strategic Environmental Assessment Screening Opinion**

## **August 2014**

### **1. Introduction**

The SEA Screening Procedure requires the Responsible Council (Chichester District Council) to determine whether the plan or programme (pp) under assessment is likely to have significant environmental effects. This assessment must be made taking account of the criteria set out in Schedule 1 of the Environmental Assessment of Plans and Programmes Regulations 2004, and in consultation with the Environment Agency, English Heritage and Natural England.

The purpose of this screening report is to test whether or not the contents of the Draft Planning Obligations & Affordable Housing Supplementary Planning Document (SPD) requires a Strategic Environmental Assessment (SEA) and Sustainability Appraisal (SA). The Draft Planning Obligations & Affordable Housing SPD sets out Chichester District Council's proposed policy for securing developer contributions from new developments that require planning permission. The legislative background below outlines the regulations that require the use of this screening exercise. Section 4 provides a screening assessment of the likely significant effects of the SPD and the need for a full SEA.

### **2. Legislative Background**

The basis for Strategic Environmental Assessments and Sustainability Appraisal legislation is European Directive 2001/42/EC 'on the assessment of the effects of certain plans and programmes on the Environment'. This document is also known as the Strategic Environmental Assessment or SEA Directive. European Directive 2001/42/EC was transposed into English law by the Environmental Assessment of Plans and Programmes Regulations 2004, or SEA Regulations. Detailed guidance about these regulations can be found in the Government publication 'A Practical Guide to the Strategic Environmental Assessment Directive' of September 2005.

The Planning and Compulsory Purchase Act 2004 required Local Authorities to produce SAs for all local development documents (see section 39(2)). It is considered best practice to incorporate the requirements of the SEA Directive into an SA. However, the 2008 Planning Act removed the requirement to undertake a Sustainability Appraisal for a Supplementary Planning Document, but not a Strategic Environmental Assessment. (Part 9, Chapter 2, paragraph 180 of the 2008 Planning Act amended section 19, subsection 5 of the 2004 Planning and Compulsory Purchase Act).

Therefore this report focuses on screening for SEA and the criteria for establishing whether a full assessment is needed.

### **3. Criteria for determining the likely significance of effects referred to in Article 3(5) of Directive 2001/42/EC**

- 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 degree to which the plan or programme influences other plans and programmes including those in a hierarchy.
- The relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development.
- Environmental problems relevant to the plan or programme.
- 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).

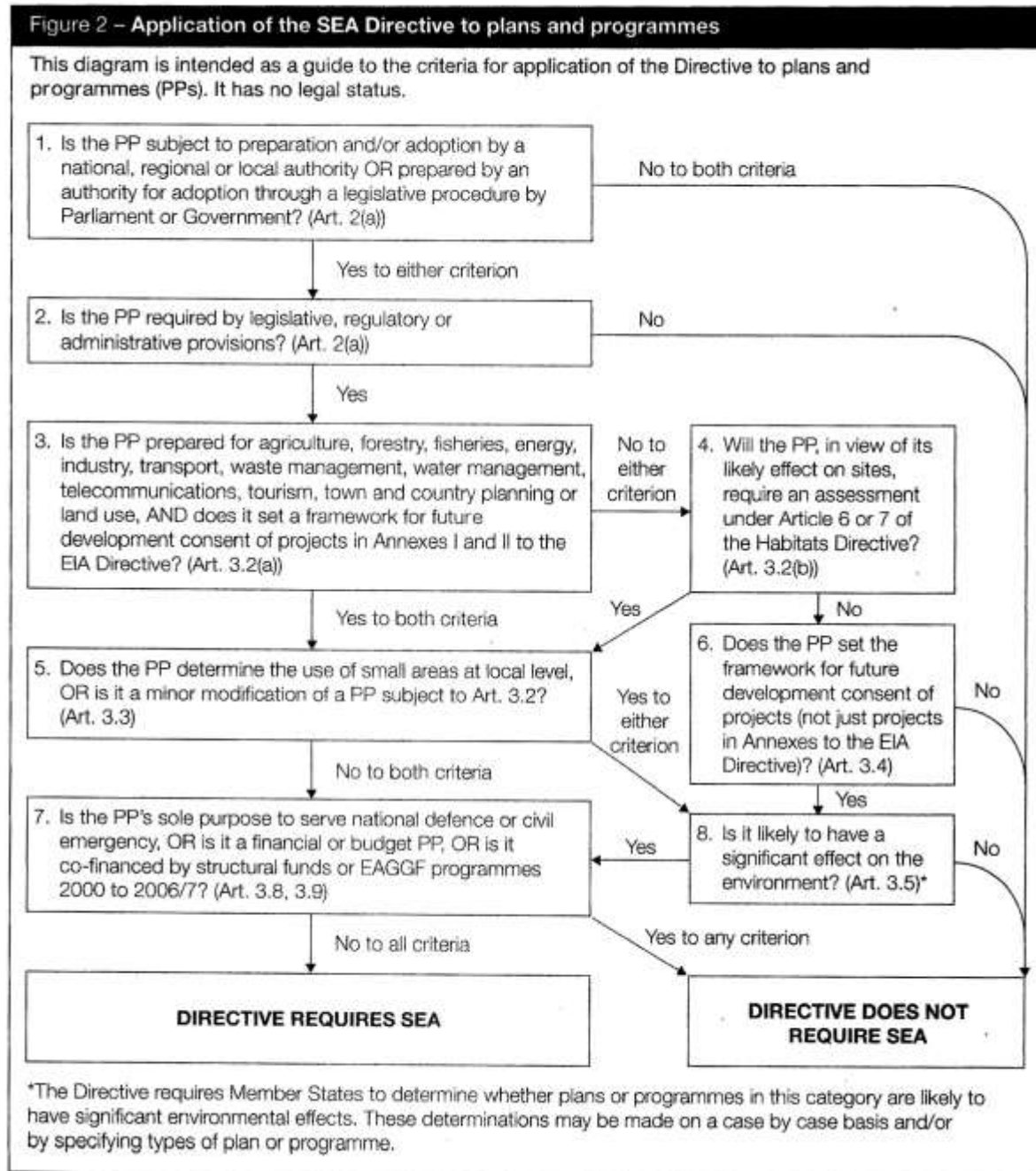
Characteristics of the effects and of the area likely to be affected, having regard, in particular to:

- The probability, duration, frequency and reversibility of the effects.
- The cumulative nature of the effects.
- The transboundary nature of the effects.
- The risks to human health or the environment (e.g. due to accidents).
- The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected), 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.

Source: Annex 2 of SEA Directive 2001/42/EC

## 4. Assessment

The diagram below illustrates the process for screening a planning document to ascertain whether a full SEA is required.



Source: A Practical Guide to the Strategic Environmental Assessment Directive (2005).

The following assessment applies the questions from the diagram above. The answers determine whether the SPD will require a full Strategic Environmental Assessment.

1. Is the PP subject to preparation and/or adoption by a national, regional or local authority OR prepared by an authority for adoption through a legislative procedure by Parliament or Government? (Article 2(a))

Yes, The SPD will be adopted by Chichester District Council.

**2. Is the PP required by legislative, regulatory or administrative provisions? (Article 2(a))**

Yes, The new Chichester Local Plan refers to the need for the SPD.

**3. Is the PP prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, telecommunications, tourism, town and country planning or land use, and does it set a framework for future development consent of projects in Annexes I and II to the EIA Directive? (Art 3.2(a))**

Yes, The SPD will be for town and country planning, and will set a framework for future development consent of projects in Annexes I and II of the EIA Directive.

**4. Will the PP, in view of its likely effect on sites, require an assessment for future development under Article 6 or 7 of the Habitats Directive? (Art. 3.2 (b))**

N/A, The SPD, in view of its likely effect on sites has not been determined to require a HRA.

**5. Does the PP determine the use of small areas at local level, or is it a minor modification of a PP subject to Art.3.2? (Art.3.3)**

Yes, The SPD provides guidance on the application of existing plan policies and is therefore a minor modification.

**6. Does the PP set the framework for future development consent of projects (not just projects in annexes to the EIA Directive)? (Art. 3.4)**

N/A.

**7. Is the PP's sole purpose to serve the national defence or civil emergency, or is it a financial or budget PP, or is it co-financed by structural funds or EAGGF programmes 2000 to 2006/7? (Art. 3.8, 3.9)**

N/A.

**8. Is it likely to have a significant effect on the environment? (Art.3.5)**

No, See Table below for the detailed reasoning.

Criteria		Chichester District Council's Assessment
<b>1 Characteristics of the plan or programme</b>		
1a	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 SPD will provide additional guidance on existing policies (which have already been subject to SA and SEA) that set the broad framework. It will not affect the number, location, nature or size of projects, but may have some minor effect on operating conditions and allocation of resources
1b	the degree to which the plan or programme influences other plans and programmes including those in a hierarchy	The SPD will have less material weight than the New Local Plan. It will only be able to expand on existing policies and will not be able to introduce new policies. The SPD will be at the bottom of the hierarchy and will have no impact on the documents above it
1c	the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development	The SPD will help with the delivery of Plan policies and help meet the Council's objectives. It will promote sustainable development by ensuring development is supported by delivery of the relevant infrastructure and that affordable housing is provided to help create and sustain balanced communities
1d	environmental problems relevant to the plan or programme	The SPD itself will not result in any environmental problems beyond those already identified in the SAs of the Plans. It does not provide for any additional development
1e	the relevance of the plan or programme for the implementation of Community legislation on the environment (for example, plans and programmes linked to waste management or water protection)	The SPD will seek to provide further details on the implementation of policies in the new Local Plan, which already comply with the regulations
<b>2 Characteristics of the effects and of the area likely to be affected</b>		
2a	the probability, duration, frequency and reversibility of the effects	The anticipated effects on the sustainability of the Local plan area are expected to be positive by providing guidance to support policies designed to create mixed communities with new development supported by the necessary infrastructure. The duration of the effects is difficult to define, the effects will be linked to a planning permission which is (usually) permanent unless superseded by another permission on the same site
2b	the cumulative nature of the effects	The cumulative nature of effects on the environment is likely to be positive although relatively minor other than at a very local level
2c	the trans-boundary nature of the effects	There will be no trans-boundary effects in the sense of between countries. On a much more local level, trans-boundary effects with neighbouring authorities are unlikely to result in significant environmental effects beyond those identified in the SAs of the Local Plan
2d	the risks to human health or the environment (for example, due to accidents)	None identified
2e	the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)	The SPD will cover the area of the new Chichester Local Plan although the effects of the SPD will be more likely to be felt at a much more local scale (i.e. site or neighbourhood) than plan wide

2f	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; or iii) intensive land-use	The SPD will supplement the policies within the New Local Plan and help deliver sustainable development. The SPD itself will not result in any additional development. It only affects the way in which affordable housing and other infrastructure is funded / provided
2g	the effects on areas or landscapes which have a recognised national, Community or international protection status	None identified; any applications for development will be required to satisfy the relevant policies for protection of the character of the area before permission is granted

## 5. Conclusion

The proposed SPD will supplement and provide further guidance on the following new Local Plan policies, any impacts on the environment are likely to be local and small in scale:

- Policy 1 – Presumption in favour of sustainable development
- Policy 2 – Development Strategy and Settlement Hierarchy
- Policy 6 – Neighbourhood Development Plans
- Policy 7 – Masterplanning Strategic Development
- Policy 8 – Transport and Accessibility
- Policy 9 – Development and Infrastructure Provision
- Policy 10 – Chichester City Development Principles
- Policy 11 – Chichester City Employment Sites
- Policy 13 – Chichester City Transport Strategy
- Policy 14 – Development at Chichester City North
- Policy 15 – West of Chichester Strategic Development Location
- Policy 16 – Shopwyke Strategic Development Location
- Policy 17 – Westhampnett/North East Chichester Strategic Development Location
- Policy 18 – Tangmere Strategic Development Location
- Policy 19 – Tangmere Strategic Employment Land
- Policy 20 – Southbourne Strategic development
- Policy 22 – Integrated Coastal Zone Management for the Manhood Peninsula
- Policy 23 – Selsey Strategic Development
- Policy 24 – East Wittering and Bracklesham Strategic development
- Policy 25 – Development in the North of the Plan area
- Policy 35 – Affordable Housing Exception Sites
- Policy 39 – Transport, Accessibility and parking
- Policy 44 – Development around the Coast
- Policy 50 – Development and Disturbance of birds in Chichester and Langstone Harbours Special Protection Area
- Policy 51 – Development and Disturbance of birds in Pagham Harbour Special Protection Area
- Policy 52 – Green Infrastructure
- Policy 54 – Open Space, Sport and Recreation.



The SPD does not introduce new policies, and the policies above have already been subject to sustainability appraisal. It is considered that the Draft Planning Obligations & Affordable Housing SPD will not give rise to any significant effects which have not been formally assessed in the context of a higher level planning document.

The statutory bodies have stated that the SPD in their opinion will not result in any significant environmental effects.