



**Woking Borough Council  
Local Development Framework**

**Sustainable Development Supplementary Planning Document  
(SPD)**

**Strategic Environmental Assessment  
Screening Statement**

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



August 2012

## **1. 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 Sustainable Development Supplementary Planning Document (SPD).

### **Strategic Environmental Assessment**

- 1.2 Under the requirements of European Union Directive 2001/42/EC (Strategic Environmental Assessment (SEA) Directive) and the 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 Planning) (England) Regulations 2012) SA is not 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 (HRA) 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 Sustainable Development 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 Sustainable Development SPD is not required.

Moreover, it is for individual planning applications or plans that set the framework for those applications to undergo HRA.

### **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 Core Strategy policies CS22: Sustainable construction and CS23: Renewable and low carbon energy generation set out the requirements and phased dates for new development in the Borough to meet part or all of levels of the Code for Sustainable Homes. Policy CS22 states that the Council will prepare SPD to provide detailed information regarding how the policy will be implemented in order to provide a clear framework for Council Officers, Elected Members, developers and the public to understand how sustainable development is to be delivered. Importantly, policies CS22 and CS23 have been subject to a comprehensive sustainability appraisal and HRA and any potential effects on the social, environmental and economic indicators have been addressed through the Core Strategy. The SPD will not introduce any additional requirements, but will set out the detail of how CS22 and CS23 will apply in practice.
- 1.12 Specifically, the SPD will set out:
- Further information about renewable and low carbon energy generation, specifically smaller scale technology.
  - Water consumption in new development and other water issues such as SuDS.
  - Further details of the Code for Sustainable Homes and details of the equivalents standards which are required on previously developed land.
  - The zones within which all new development will be required to connect to a CHP station or district heating network.
  - Further details of the allowable solutions framework which will include full details and the Council's carbon offset fund if legislation has been published before the SPD is drafted.
  - Details of when new development will be expected to provide electric vehicle charging points or when a contribution towards public charging points will be required.
  - Details on the design of new development including layout, landform, orientation and landscaping.
  - Advice on the open book approach to viability assessments.
  - Further detail on ecology and biodiversity issues including the ecology elements of the Code for Sustainable Homes.

1.13 The SPD will not in itself set the level of development or allocate land.

### SEA Determination and reasons for determination

1.14 In accordance with the regulations, before making a determination under Regulation 9, the three statutory consultation bodies were consulted. The responses received are summarised in the following table.

Consultation body	Response
English Heritage	Agree with the Council's opinions that Strategic Environmental Assessment is not required under the SEA Directive and Environmental Assessment of Plans and Programmes Regulations (2004) for the proposed Supplementary Planning Document on Sustainable Construction.  Stated that the SPD should recognise that some renewable energy installations (e.g. wind turbines) may not be appropriate within the setting of some heritage assets, and that some micro-generation installations may not be appropriate for some listed buildings. Further advice is available within English Heritage Guidance documents.
Environment Agency	Made no comments on the Sustainable Construction SPD.
Natural England	Made no comments on the Sustainable Construction 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 Sustainable Development 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 and that it supplements Core Strategy policies CS22: Sustainable construction and CS23: Renewable and low carbon energy generation.

1.17 **This determination has been made on 6 August 2012.**

## Appendix 1 – SEA Screening for the Sustainable Development SPD

Criteria (Annex II of SEA Directive and Schedule I of Regulations)	Woking Borough Council response
<b><i>Characteristics of the plan or programme</i></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 guided by national policy and determined locally through Core Strategy policies CS22: Sustainable construction and CS23: Renewable and low carbon energy generation. The SPD will supplement CS22 and CS23 to ensure successful implementation at a local level. The SPD will not set the framework for the allocation or levels of development within the Borough over the plan period.
(b) The degree to which the plan or programme influences other plans and programmes including those in a hierarchy.	The SPD will provide detailed information on the practical implementation of Core Strategy policies CS22 and CS23, which has been prepared in accordance with national planning policy.
(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 no significant relevance to the integration of environmental considerations. The SPD seeks the promotion of sustainable development in that it provides information required to ensure the provision of new affordable homes within the Borough.
(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.
<b><i>Characteristics of the effects and of the area likely to be affected</i></b>	
(a) The probability, duration, frequency and reversibility of the effects.	The proposed SPD will not in itself set out or bring forward development. It will purely set out further details of the mechanisms for interpreting Core Strategy policies CS22 and CS23 in practice.
(b) The cumulative nature of the effects	Given the nature of the SPD, it is considered that no cumulative effects will arise.
(c) The trans-boundary nature of the effects	Given the nature of the SPD, it is considered that no trans-boundary 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 Woking's Local Development Framework. As such the SPD is a borough-wide document that will affect all planning applications for all new development, in accordance with policies CS22 and CS23.
(f) The value and vulnerability of the area	Given the nature of the document: -

Criteria (Annex II of SEA Directive and Schedule I of Regulations)	Woking Borough Council response
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