



**Woking Borough Council
Local Development Framework**

Hot Food Takeaway 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 Hot Food Takeaway 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 Hot Food Takeaway 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 Hot Food Takeaway 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 Policy CS21: Design sets out the requirements for new development in the Borough to meet with regards to achieving high quality design. Policy CS21 states that the Council will prepare a Design Guide 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 high quality design is to be delivered. The Council have decided that although the Hot Food Takeaway refers to design issues and principles, the SPD should be a stand alone document as it sets out specific guidance that relates to Hot Food Takeaways.
- 1.12 The Hot Food Takeaway SPD also aims to provide additional guidance to support Core Strategy Policies CS1: Spatial strategy for Woking Borough, CS2: Woking Town Centre, CS3: West Byfleet District Centre, CS4: Local and Neighbourhood Centres and shopping parades and CS5: Priority Places.
- 1.13 Importantly, policy CS21 has 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 CS21 will apply in practice.
- 1.14 Specifically, the SPD will set out:
- Further information about the appropriate number/proportion of Hot Food Takeaway establishments in the Town Centre, District Centres, Local Centres, Neighbourhood Centres, Shopping Parades and Priority Places.
 - The appropriate level of clustering of Hot Food Takeaway in centres.
 - Measures to protect the amenity of surrounding residential occupiers.
 - Local environmental issues including the control of odours and cooking smells.
 - Further details of storage and disposal of waste products and litter.
 - Details of how to mitigate crime and anti-social behaviour.
 - The impact of Hot Food Takeaway establishments on highway safety.
 - Further advice applicants should consider regarding licensing, environmental health and building control.
- 1.15 The SPD will not in itself set the level of development or allocate land.

SEA Determination and reasons for determination

1.16 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	SPD should encourage locally-distinctive design as a general principle, but especially in Conservation Areas, where the design of new development should conserve or enhance the character of the area.
Environment Agency	Made no comments on the Hot Food Takeaway SPD.
Natural England	This should provide the opportunity not just to deliver high quality buildings, but also ensure that the development responds to its landscape context, to the local network of habitats and for sustainable movement.

1.17 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.

1.18 On the basis of the screening process **it is the Council's opinion that the Hot Food Takeaway 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 CS21: Design and CS1: Spatial Strategy for Woking Borough.

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

Appendix 1 – SEA Screening for the Hot Food Takeaway SPD

Criteria (Annex II of SEA Directive and Schedule I of Regulations)	Woking Borough Council 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 guided by national policy and determined locally through Core Strategy policies CS21: Design and CS1: Spatial strategy for Woking Borough. The SPD will supplement CS21 and CS1 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 CS21 and CS1, 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 new development is of high design quality and designed to maximise environmental conditions.
(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 or bring forward development. It will purely set out further details of the mechanisms for interpreting Core Strategy policies CS21 and CS1 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)	Given the nature of the SPD, it is considered that no human health effects will arise.
(e) The magnitude and spatial extent of	The SPD will form part of Woking's Local

Criteria (Annex II of SEA Directive and Schedule I of Regulations)	Woking Borough Council response
the effects (geographical area and size of the population likely to be affected)	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 CS21 and CS1.
(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