

## **Stevenage Borough Council**

### **Developer Contributions Supplementary Planning Document Strategic Environmental Assessment Screening Statement**

#### 1. The Purpose of this Statement

This screening statement has been prepared to determine whether the proposed SBC Developer Contributions Supplementary Planning Document (SPD) should be subject to a Strategic Environmental Assessment (SEA) in accordance with the European Union Directive 2001/42/EC (SEA Directive) and the Environmental Assessment of Plans and Programmes Regulations 2004 (SEA Regulations).

The purpose of the Developer Contributions SPD is to aid the effective implementation of policies in the Stevenage Borough Local Plan, adopted May 2019. Specifically, the SPD is being introduced to support:

- Policy SP5 – Infrastructure

The SPD will be a material consideration in the determination of planning applications and will inform Development Management decisions. The SPD will provide practical advice to all parties seeking to comply with the Local Plan policies and will therefore be of particular use to developers and agents looking to bring forward development. Specifically, the SPD will identify where the Council will seek financial and/or land contributions through a Section 106 legal agreement in addition to a Community Infrastructure Levy (CIL) charge.

#### 2. Strategic Environmental Assessment – Regulatory requirements

The basis for Strategic Environmental Assessment legislation is European Directive 2001/42/EC. This was transposed into English law by the Environmental Assessment of Plans and Programmes Regulations 2004 (SEA Regulations). Detailed guidance of these regulations can be found in the Government publication 'A Practical Guide to the Strategic Environmental Assessment Directive' (ODPM, 2005) and Paragraph 11- 008 of the Planning Practice Guidance (PPG), which states that "supplementary planning documents do not require sustainability appraisal but may in exceptional circumstances require a strategic environmental assessment if they are likely to have significant environmental effects that have not already been assessed during the preparation of the local plan.

Under the requirements of the European Union Directive 2001/42/EC and Environmental Assessment of Plans and Programmes Regulations (2004), certain types of plans that set the framework for the consent of future development projects, must be subject to an environmental assessment.

The objective of Strategic Environmental Assessment is to provide for a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes with a view to promoting sustainable development.

The 2001 Directive has been updated a number of times, with the most recent Directive issued in April 2014. While Article numbers cited in the 2005 guidance have been updated/removed, the

principle of determining whether a Plan or Programme will have likely significant effects on the environment remain the same. Therefore, this screening statement uses the only Government guidance available.

### 3. The Strategic Environmental Appraisal Process

The first stage of the process is for the Council to determine whether or not the SPD is likely to have significant effects on the environment. This screening process includes assessing the SPD against a set of criteria (as set out in Schedule 1 of the SEA Regulations). The results of this are set out in Appendix 1 of this statement. The aim of this statement is therefore to provide sufficient information to demonstrate whether the SPD is likely to have significant environmental effects.

The Council also has to consult the Environment Agency, Historic England and Natural England on this screening statement. A final determination cannot be made until the three statutory consultation bodies have been consulted.

Where the Council determines that a SEA is not required, Regulation 9(3) of the SEA Regulations states that the Council must prepare a statement setting out the reasons for this determination.

### 4. Sustainability Appraisal and Habitats Regulations Assessment?

There is no statutory requirement to undertake a SA appraisal of SPDs. The Council has considered whether an SA might be required. The SPD does not create new policies. It explains the instances in which developers will be asked to provide Section 106 contributions to conform with policies in the Local Plan and regulations from national legislation. The SPD is therefore unlikely to have significant environmental, social or economic effects beyond those of the Local Plan policies which were subject to a comprehensive SA process, incorporating SEA, as part of the Local Plan production requirements.

The Council is required to consider Habitats Regulations Assessment (HRA). HRA is the process used to determine whether a plan or project would have significant adverse effects on the integrity of internationally designated site of nature conservation importance, known as European sites. The need for a HRA is set out within the Conservation of Habitats and Species Regulations 2010, which transposed EC Habitats Directive 92/43/EEC into UK law. A HRA Appropriate Assessment Screening Document was produced during Local Plan preparation and concluded that no policies in the Local Plan would have a likely significant effect of the closest SPA at the Lee Valley, nor it's associated SSSI at Rye Meads.

Copies of the SA and HRA documents for the Local Plan are available here:

<http://www.stevenage.gov.uk/149690/planning-policy/90175/>

### 5. Conclusion

On the basis of the screening process, the Council believes that the Developer Contributions SPD does not require a Strategic Environmental Assessment (or Sustainability Appraisal or Habitats Regulations Assessment). This is due to the lack of significant environmental, social or economic effects arising from its implementation above and beyond those of the Local Plan policies which have already been appropriately assessed.

## Appendix 1

### A Practical Guide to the SEA Directive, ODPM 2005

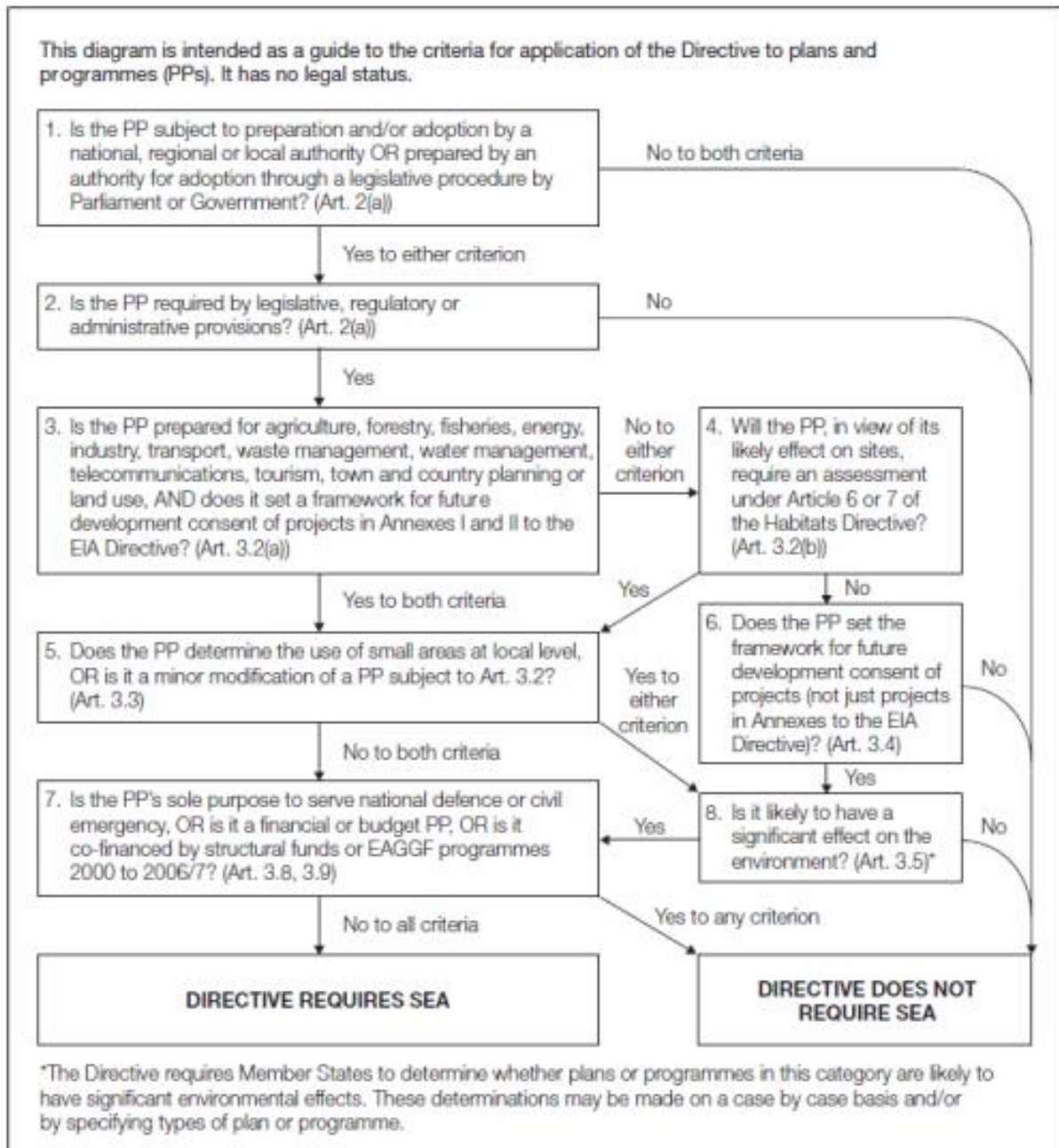


Table 1: Establishing whether these is a need for SEA

Stage	Yes/No	Assessment
1. Is the PP (plan or programme) 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? (Art. 2(a))	Yes to either criterion: proceed to question 2	Yes, the SPD has been prepared by SBC to provide additional detail to polices contained in the adopted Local Plan (2019)
2. Is the PP required by legislative, regulatory or administrative provisions? (Art. 2(a))	Yes: proceed to question 3	Yes, the SPD will become a material consideration upon adoption
3. Is the PP prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water 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 to both criterion: proceed to question 5	Yes, the SPD is prepared for the purpose of Town and Country Planning, to supplement policies in the adopted Local Plan (2019).  And  Yes, the SPD sets a framework for developments that may require EIA although this SPD does not create new policy.
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 to first criterion: proceed to question 8	Yes, the SPD supplements Local Plan policies relating to infrastructure via the provision of financial and/or land contributions so could determine the use of small areas of land at a local level.
8. Is it likely to have a significant effect on the environment? (Art. 3.5)	No	No, the SPD is not considered to have a significant effect on the environment.  DIRECTIVE DOES NOT REQUIRE THE SPD TO UNDERGO SEA

SEA Directive Criteria (Schedule of the Environmental Assessment of Plans and Programmes Regulations 2004)	Potential effects of SPD
1. Characteristic of the SPD having particular regard to:	
(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 SPD provides guidance on the instances where financial and/or land contributions will be sought to mitigate against the impacts of proposed developments.
(b) the degree to which the plan or programme influences other plans and programmes including those in a hierarchy;	The SPD sits below the Local Plan (adopted 2019) which was subject to SA incorporating SEA. It will influence plans for individual development sites, ranging in size from 1 dwelling to major strategic sites, including multiple types of setting, but mainly in urban locations due to the under-bound nature of Stevenage Borough.
(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 provides additional guidance for meeting the infrastructure requirements of the adopted Local Plan (2019) and explains when and why obligations will be sought to ensure policy compliancy. This includes aspects of sustainable transport, biodiversity and open space amongst other aspects.
(d) environmental problems relevant to the plan or programme; and	The SA (inc. SEA) of the Local Plan identified a number of benefits arising from the Infrastructure policies. The SPD helps support the implementation of these policies.
(e) 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 does not influence the implementation of community legislation on the environment but does promote the use of financial and/or land contributions to help provide required infrastructure.
Characteristics of the effect and area likely to be affected having particular regard to:	
(a) the probability, duration, frequency and reversibility of the effects;	The SPD is not expected to give rise to any significant environmental effects. Infrastructure itself can cause effects, but the SPD seeks to ensure infrastructure is provided to mitigate against the potential impacts of individual proposals.
(b) the cumulative nature of the effects;	By ensuring sufficient infrastructure is provided, the SPD will ensure developments have reduced impact so the cumulative effect of the SPD will be to prevent unmitigated impacts from development.
(c) the trans-boundary nature of the effects;	The SPD is not expected to give rise to any significant cross-boundary environmental effects.
(d) the risks to human health or the environment (for example, due to accidents);	There are no anticipated effects of the SPD that risk human health. The provision of necessary infrastructure will have a positive effect on the overall health and environment by ensuring

	there is sufficient health care and education infrastructure as well as capacity for sustainable transport and outdoor activities.
(e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)	The SPD will cover developments coming forward within the borough of Stevenage.
(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; or (iii) intensive land-use;	The SPD is not expected to affect any local natural characteristics or cultural heritage, and is not expected to lead to the exceedance of environmental standards or promote intensive land-use.
(g) the effects on areas or landscapes which have a recognised national, Community or international protection status.	The SPD is not expected to have an effect on landscapes of national, community or international protection status. The requirements of the SPD will be applicable in Conservation Areas as well as areas not in a Conservation Area (ie. areas with national status) but the SPD likely, if anything, to have positive effects by ensuring sufficient infrastructure is provided to mitigate against the impacts of future development.