

## **Surface Water and Drainage Supplementary Planning Document**

### **Strategic Environmental Assessment (SEA) Opinion Screening Determination under Regulation 9 and Schedule 1 of the Environmental Assessment of Plans and Programmes Regulations 2004**

This letter addresses whether an environmental assessment of the Surface Water and Drainage Supplementary Planning Document (SPD) is required to be compatible with EU obligations.

On the basis of the content of the Surface Water and Drainage SPD and subsequent consultation with the relevant statutory agencies in accordance with Regulation 9(2) of the Environmental Assessment of Plans and Programmes Regulations 2004, the following determination can be made.

The screening determination is that **an environmental assessment of the Surface Water and Drainage Supplementary Planning Document is not required** due there being no adverse comments from the Statutory Bodies and for the reasons set out in the Criteria and response of screening which are attached as part of this letter.

As such it is the opinion of Chichester District Council that the Surface Water and Drainage SPD is in accordance with the provisions of the European Directive 2001/42/EC as incorporated into UK law by the Environmental Assessment of Plans and Programmes Regulations 2004.

This decision has been based on the information provided. If the contents of the SPD are revised and/or there is a material change in the environmental characteristics in the locality (e.g. any additional nature conservation or other environmental designations), then the comments contained in this decision would need to be reconsidered in order to take account of the changes.

## **1. Introduction**

1.1 This Screening Assessment and Statement of Reasons has been prepared to:

- Determine whether the contents of the Surface Water and Drainage Supplementary Planning Document (SPD) requires a Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plans and Programmes Regulations 2004 (the 2004 Regulations).
- State the reasons for the determination (Statement of Reasons), as required by Regulation 9 of the 2004 Regulations.

1.2 The purpose of the SPD is to provide further guidance as to how the policies relating to drainage will be applied and it builds on the background studies that were produced as evidence for the adopted Chichester Local Plan: Key Policies 2014-2029. It provides clarity and guidance for developers, residents and consultants when preparing planning applications.

1.3 The legislative background set out below outlines the legislation that requires the need for this screening exercise.

## **2. Legislative Background**

2.1 A Sustainability Appraisal (SA) is a tool that is used to improve the sustainability of planning policy documents. It uses a range of sustainability objectives and indicators to test whether the plans, policies and proposals can deliver sustainable development. An SA can be viewed as a yardstick against which the social, economic and environmental effects of the plan can be tested. Integrated into an SA are the requirements of the Directive 2001/42/EC in relation to the environmental assessment of the effect of certain plans and programmes. However, the sustainability appraisal covers wider social and economic effects of plans, as well as the more environmentally-focused considerations in the Directive.

2.2 The Planning and Compulsory Purchase Act 2004 required Local Authorities to produce Sustainability Appraisals (SA) for all local development documents including DPDs (now local plans) and SPDs. However the Town and Country Planning (Local Development) (England) (Amendment) Regulations 2009 has now removed the need for an SA of an SPD. This is because SPDs do not normally introduce new policies or proposals or modify planning documents which have already been subject to Sustainability Appraisal. Paragraph 008 of the National Planning Practice Guidance (NPPG) confirms that SPDs do not require a 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 have been assessed during the preparation of the Local Plan.

2.3 The council must consider the 2004 Regulations, which incorporate the requirements of the Directive. Regulation 5 of the Directive sets out the types of plans that require an environmental assessment, which includes those that set the framework for future development consent. Regulation 5 (6) provides an exemption and states that an environmental assessment need not be carried out: (a) for a plan or programme which determines the use of a small

area at local level; or (b) for minor modification to a plan or programme unless it has been determined that the plan, programme or modification, as the case may be, is likely to have significant environmental effects.

- 2.4 Detailed guidance of the 2004 Regulations can be found in the Government publication 'A Practical Guide to the Strategic Environmental Assessment Directive' (ODPM 2005).
- 2.5 The Council is required to consult with the prescribed statutory bodies (Natural England, Historic England and the Environment Agency).

**3. Screening assessment**

- 3.1 The SPD does not determine the use of land or constitute a minor modification to a plan. The SPD does not give rise to significant environmental effects. It is unlikely there will be any significant environmental effects arising from the SPD that were not covered in the Sustainability Appraisals of the parent development plans. Therefore it is not necessary to carry out a full SA/SEA on this document.
- 3.2 Following the consultation with the prescribed statutory bodies, all confirmed that the Surface Water and Drainage Supplementary Planning Document does not require an SEA to be undertaken. It should be noted that the name of the document has been shortened since the consultation took place.
- 3.3 The consultation period was between 4<sup>th</sup> August to 3<sup>rd</sup> September 2015. The responses received from the prescribed statutory bodies can be seen in the table below.

<b>Statutory Body</b>	<b>Response</b>
Natural England	The water-related policies in the Chichester Local Plan appear robust and therefore, assuming EA and NE advice is followed in preparation of the Waste Water and Water Resources SPD, this seems also unlikely to have significant impact.
Historic England	<p>Planning policies 9, 12, 33, 40, 42 and 52 of the Chichester Local Plan: Key Policies 2014-2029 are intended, in principle and inter alia, to conserve and manage water resources and quality. They, and the proposed SPD, are therefore likely to have significant (positive) environmental effects on the water environment.</p> <p>However, as an SPD, the Document will need to conform with these adopted policies, which have already been</p>

	<p>subject to SEA through the Local Plan process.</p> <p>We are therefore of the opinion that the proposed Water Resources and Water Management SPD is likely to have significant environmental effects, but we are satisfied that these effects will not go beyond those of Policies 9, 12, 33, 40, 42 and 52 of the Chichester Local Plan: Key Policies 2014-2029, which have already been already assessed through the SEA process, and thus that the SPD need <b>not</b> itself be subject to further SEA.</p>
Environment Agency	<p>The proposed SPD is not intended to develop policies itself but will provide information and guidance to support developers and the Council during the preparation and determination of planning applications through the implementation of policies in the adopted Chichester Local Plan. The policies of the Chichester Local Plan have been subject to Sustainability Appraisal incorporating the requirements of the SEA Directive.</p> <p>We are therefore of the opinion that the SPD itself is unlikely to result in significant environmental effects.</p>

**Screening Report for the Surface Water and Drainage Supplementary Planning Document**  
**Criteria and response of screening**

<b>Criteria (from Annex II of SEA Directive and Schedule I of Regulations)</b>	<b>Relevance in context of this screening report</b>
<b>The characteristics of plans and programmes</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;	<p>The Surface Water and Drainage Supplementary Planning Document (SPD) will, if adopted, be a material consideration in assessing planning applications.</p> <p>The SPD sits at the lowest tier of the development plan hierarchy and provides more detail to the policies and principles established in upper tier plans which have been subject to SA incorporating SEA. It sets out a framework for water management and water infrastructure in the Local Plan Area.</p>
(b) the degree to which the plan or programme influences other plans and programmes including those in a hierarchy;	<p>Not applicable. The SPD sits at the lowest tier of the development plan hierarchy and therefore does not influence other plans or programmes. Equally, it is influenced by and in general conformity with upper tier documents at local, regional and national level.</p>
(c) the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development;	<p>The SPD adds more detail to the policies and environmental principles established in the higher level plans. The SPD provides further clarification, advice and guidance for developers and applicants about water management and drainage issues enabling better quality planning applications that address foul and surface water issues. Overall it therefore contributes positively to the integration of environmental considerations.</p>
(d) environmental problems relevant to the plan or programme; and	<p>The SPD will not introduce or exacerbate any environmental problems. Together with the Chichester Local Plan this SPD provides a context and framework within which applicants must work when preparing planning applications. The SPD will help to address environmental problems such as water infrastructure.</p>

(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).	Together with the upper tier plans the SPD provides a context and framework within which applicants will need to take into consideration when preparing planning applications. The SPD supplements adopted planning policy and is not relevant to the implementation of Community legislation on the environment.
<b>Characteristics of the effects and of the area likely to be affected,</b>	
(a) the probability, duration, frequency and reversibility of the effects;	Together with the upper tier development plans the SPD provides a context and framework which applicants will need to take into consideration when preparing planning applications. The overall impact of the SPD will be positive by seeking to avoid negative environmental effects of development.
(b) the cumulative nature of the effects;	Together with the upper tier development plans the SPD provides a context and framework which applicants will need to take into consideration when preparing planning applications. The SPD supplements adopted planning policy and there are no direct or cumulative effects arising from the SPD.
(c) the transboundary nature of the effects;	Together with the upper tier plans the SPD provides a context and framework which applicants will need to take into consideration when preparing planning applications. The effects of the SPD are mostly limited to areas in the vicinity of new development.
(d) the risks to human health or the environment (for example, due to accidents);	Together with the upper tier plans the SPD provides a context and framework which applicants will need to take into consideration when preparing planning applications. The SPD supplements adopted planning policy and there are no risks to human health or the environment arising from the SPD.
(e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);	Together with the upper tier plans the SPD provides a context and framework which applicants will need to take into consideration when preparing planning applications. The SPD will be relevant to proposed development in the Local Plan

	Area. There will be a positive spatial significant effect as a consequence of implementing the SPD.
(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; and	There are a range of special natural characteristics in the Local Plan Area including Sites of Special Scientific Interest, and heritage assets, including areas of archaeological significance and listed buildings of various ratings. These are protected, conserved and enhanced by upper tier plans. The SPD is unlikely to have an impact on these areas.
(g) the effects on areas or landscapes which have a recognised national, Community or international protection status.	There are a range of areas or landscapes which have a recognised national, community or international protection status in the Local Plan Area. These are protected, conserved and enhanced by upper tier plans. The SPD is unlikely to have an impact on these areas.