



**Chichester District Council  
Community Infrastructure Levy  
Draft Charging Schedule**

**Strategic Environmental Assessment  
Screening Opinion  
November 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 Community Infrastructure Levy Draft Charging Schedule requires a Strategic Environmental Assessment (SEA) and Sustainability Appraisal (SA). The Draft Charging Schedule sets out Chichester District Council's proposed charges for new developments that require planning permission. The CIL Regulations make provision for adoption of a local CIL charging schedule which is used to determine payments based on gross internal floorspace, after deducting any floorspace lost to demolition. Any variation in rates must be based solely on viability and cannot be used as a policy tool. 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. Background to the Community Infrastructure Levy**

The Community Infrastructure Levy regulations came into force on 6 April 2010 (as amended) and set out how and when financial contributions will be collected from developments in future. The CIL Regulations make provision for a CIL charging schedule which can be used to determine the level of contributions arising from development based on net additional floorspace. The CIL will apply to the area covered by the new Local Plan and monies collected will be used to support the infrastructure requirements resulting from the growth of the area during the plan period. It is anticipated that the CIL will be in place by July 2015.

### **3. 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.

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

#### **4. 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).

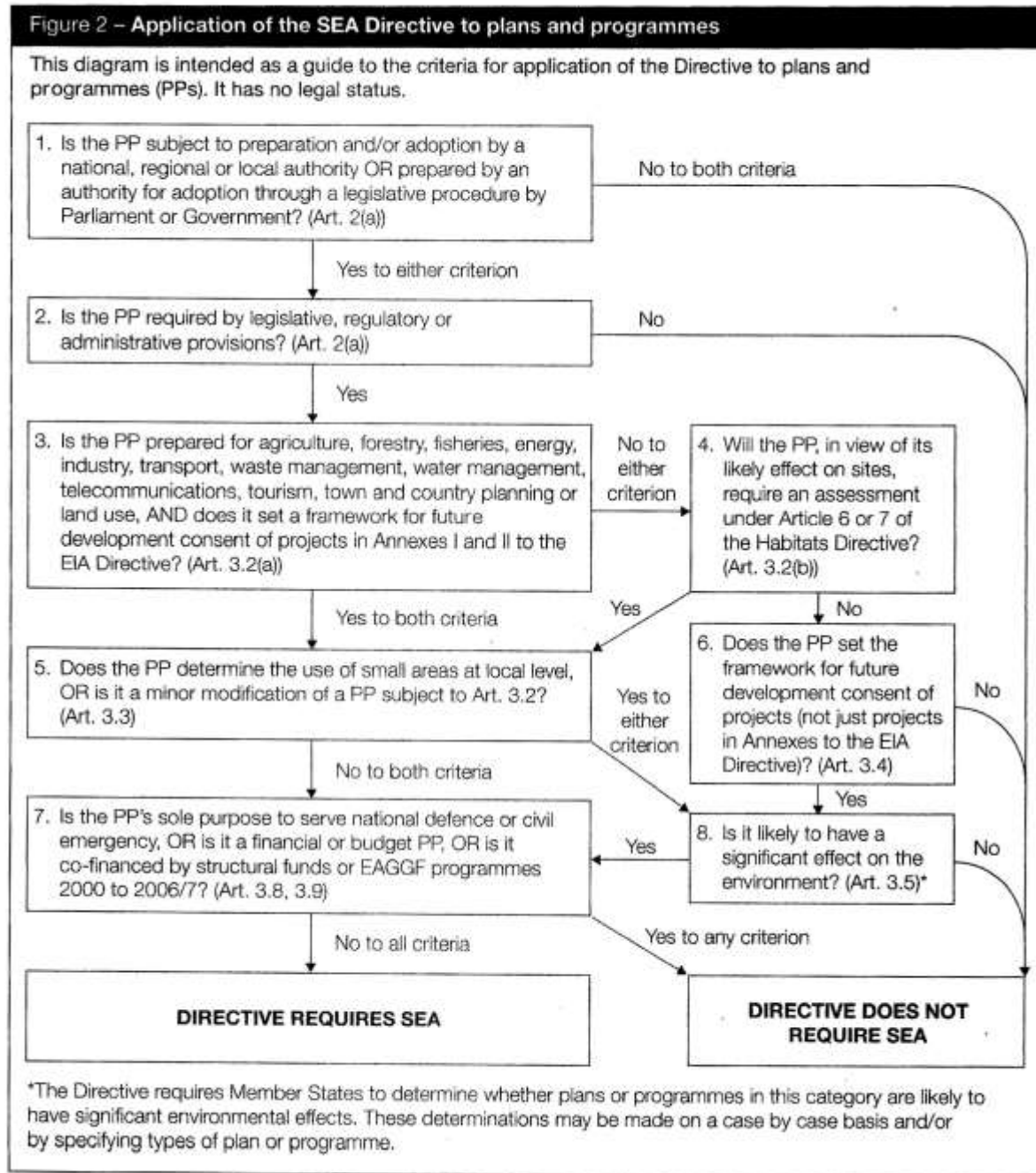
Characteristics of the effects and of the area likely to be affected, having regard, in particular to:

- 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

## 5. 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 CIL 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 CIL will be adopted by Chichester District Council.

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

The CIL is not a legislative requirement. However the new Chichester Local Plan refers to the intention to develop to secure funding for infrastructure.

**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 CIL will be for town and country planning purposes but does not set a framework for future development consent of projects.

**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 CIL will not have an effect on sites or require an assessment for future development under Article 6 or 7 of the habitats Directive.

**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)**

N/A. The CIL does not determine the use of land or allocate land or sites for development. It is not a minor modification of PP.

**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. The new Local Plan sets the framework for future development. The CIL does not set the framework for future development consent of projects.

**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 framework is set by national regulations on the use of charging schedules in the Community Infrastructure Levy Regulations 2010 (as amended). The charging schedule itself does not set the framework for future consents as this is the remit of higher level plans and individual projects.
1b	the degree to which the plan or programme influences other plans and programmes including those in a hierarchy	The charging schedule is a financial tool to be applied to individual project consents. The charge is set outside of the plan making process and does not influence the content of plans or programmes.
1c	the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development	A CIL charge can be used to raise monies from individual development projects towards infrastructure which can aid the delivery of sustainable development. However, the charging schedule is not a plan or programme but a financial tool.
1d	environmental problems relevant to the plan or programme	A charging schedule does not and cannot set policy guidance or interventions to deal with environmental problems. The charging schedule is only a tool by which to raise contributions from individual development projects, although monies raised can be spent on alleviating environmental problems if considered to be infrastructure.
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)	None identified
<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	A CIL charging schedule will not in itself set out, guide or bring forward development plans or projects. It will purely set out a charge which applies to individual consents. As such there is no mechanism for effects to arise from the charge itself, although individual infrastructure projects on which CIL monies will be spent could have an impact. However, such infrastructure projects are likely to be subject to environmental appraisal either as part of the plan making process or within individual consents.
2b	the cumulative nature of the effects	A CIL charge could be spent on a range of infrastructure projects, but does not in itself give consent for such projects or is a material consideration in the decision making process. As such, no cumulative effects arise from the charge itself, but as in (a) above, individual infrastructure projects on which CIL monies will be spent may have an effect.
2c	the trans-boundary nature of the effects	Given the nature of CIL, it is considered that no transboundary effects will arise
2d	the risks to human health or the environment (for example, due to accidents)	None identified
2e	the magnitude and spatial extent of the	Although differential charges can be set for

	effects (geographical area and size of the population likely to be affected)	different areas of the District (and different types of development) a CIL charging schedule is likely to have plan wide coverage in some form or another. This will affect all planning applications for qualifying development across the plan area, but only in terms of a charge raised not whether the project is acceptable in planning terms or not.
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	Given the nature of the document: - i) None ii) None iii) None
2g	the effects on areas or landscapes which have a recognised national, Community or international protection status	A CIL charge can be used to raise monies from development projects towards infrastructure which can be spent on alleviating environmental problems within designated landscapes.

## 6. Conclusion

The CIL does not introduce new policies, it is a purely financial tool. It is therefore the council's opinion that the Community Infrastructure Levy Draft Charging Schedule does not require an SEA under the SEA Directive and Environmental Assessment of plans and Programmes regulation (2004). This is because there will be no significant environmental effects arising from its implementation, it supplements national guidance and is in any event a financial tool which Article 3(8) of the SEA Directive excludes from requiring SEA.

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