

**Amendment to the Planning Obligations & Affordable Housing Supplementary Planning Document - Approach for securing development contributions to mitigate additional traffic impacts on the A27 Chichester Bypass**

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

The Planning Obligations & Affordable Housing Supplementary Planning Document (SPD) was formally adopted by the Council in January 2016. Its contents were subject to a SEA Screening Procedure undertaken in August 2014. The Council is seeking to amend the SPD to include additional wording that would enable financial contributions to be secured from major housing developments proposed in the Local Plan to mitigate the additional traffic impact on the A27 Chichester Bypass.

This SEA Screening Opinion addresses whether an environmental assessment is required in relation to the amendment to the SPD in order to comply with EU obligations.

On the basis of the content of the amendment to the Planning Obligations & Affordable Housing 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 amendment to the Planning Obligations & Affordable Housing SPD 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 Opinion.

As such it is the opinion of Chichester District Council that the Planning Obligations & Affordable Housing SPD as amended 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 amendment to the Planning Obligations & Affordable Housing 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 amendment to the SPD is to provide guidance on the approach that the Council intends to use to secure financial contributions from housing developments proposed in the Local Plan to mitigate the additional traffic impacts on the A27 Chichester Bypass. The guidance relates to the implementation of policies in the adopted Chichester Local Plan: Key Policies 2014-2029 and 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 amendment to the SPD does not determine the use of land or constitute a minor modification to a plan. It does not give rise to significant environmental effects. It is unlikely there will be any significant environmental effects arising from the amended 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.
- 3.2 Following the consultation with the prescribed statutory bodies, all confirmed that the amendment to the Planning Obligations & Affordable Housing SPD does not require an SEA to be undertaken.
- 3.3 The consultation period was from 9<sup>th</sup> to 27<sup>th</sup> May 2016. The responses received from the prescribed statutory bodies can be seen in the table below.

Statutory Body	Response
Natural England	<p>I understand that the new proposals of the A27 are evolving and have been (and/or will be) subject to necessary assessments and appraisals.</p> <p>Alternative small proposals (that may be required if the full scheme for the A27 is not implemented in a timely manner) are in the Local Plan and have been tested by the associated SEA.</p> <p>On this basis, and given that the funding options are, in themselves, unlikely to result in environmental impact, it is my view that no further SEA work should be needed.</p>

Statutory Body	Response
Historic England	<p>We were asked for our opinion on whether the SPD itself should be subject to SEA in September 2014. It was our opinion that the SPD would not give rise to any significant environmental effects that had not been formally assessed in the context of the new Local Plan and that therefore a full Strategic Environmental Assessment was not needed.</p> <p>We do not consider that the proposed amendment to the SPD is likely to give rise to any significant environmental effects, certainly any that have not already been formally assessed in the context of the Local Plan.</p> <p>We are therefore of the opinion that a full SEA is not required to support the proposed amendment to the SPD.</p>
Environment Agency	<p>With regards to the SEA Screening opinion for the proposed SPD amendment, we do not feel that this change would have significant environmental effect and as such would not require SEA in relation to the issues in our remit.</p>

**Screening Report for amendment to the Planning Obligations & Affordable Housing SPD - Approach for securing development contributions to mitigate additional traffic impacts on the A27 Chichester Bypass**  
**Criteria and response of screening**

Criteria (from Annex II of SEA Directive and Schedule I of Regulations)	Relevance in context of this screening report
<b>1. 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 SPD amendment will provide additional guidance on the implementation of existing Local Plan policies that have already been subject to SA and SEA. It will specifically help mitigate the traffic impacts of development sites that are already allocated or proposed in the Local Plan. It does not set a framework for additional projects or activities in terms of location, nature or size, but may have some minor effect on operating conditions and allocation of resources.</p>

<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 degree to which the plan or programme influences other plans and programmes including those in a hierarchy;	The SPD carries less material weight than the Local Plan and its role is limited to that of providing guidance on the implementation of already adopted Local Plan policies. As such, the SPD amendment will not alter or influence existing plans and programmes.
(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 amendment will assist the delivery of Local Plan policies and contribute towards the wider transport objectives of the Council, West Sussex County Council, and Highways England. It will promote sustainable development by ensuring that development is supported by necessary infrastructure. The financial contributions obtained through the SPD amendment will help fund improvements to the A27 junctions that will benefit all road and transport users in and around the city, and will provide wider environmental benefits such as helping to address problems of air pollution.
(d) environmental problems relevant to the plan or programme; and	The SPD amendment is intended to address the potential environmental problems that will arise from additional traffic generated by developments in the Local Plan. The proposed mitigation of these traffic impacts addresses adverse environmental impacts identified in the SA of the Local Plan.
(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 amendment will provide further details on the implementation of Local Plan policies that already comply with the regulations.
<b>2. Characteristics of the effects and of the area likely to be affected</b>	
(a) the probability, duration, frequency and reversibility of the effects;	The SPD amendment is expected to provide positive benefit to the local area by ensuring that the potential adverse traffic impacts of Local Plan development are mitigated. The proposed measures to improve the A27 junctions have been

Criteria (from Annex II of SEA Directive and Schedule I of Regulations)	Relevance in context of this screening report
	assessed by detailed transport modelling undertaken during Local Plan preparation and are considered sufficient to address the traffic generated directly by development over the Local Plan period to 2029.
(b) the cumulative nature of the effects;	The SPD amendment will supplement existing Local Plan policies and will help address the potential adverse impacts of development that is already planned and has been subject to SA during Local Plan preparation. The cumulative nature of its effects on the environment are expected to be positive, by helping to reduce traffic congestion, noise and air pollution, improving road safety and access to local services, and assisting local economic development.
(c) the transboundary nature of the effects;	The SPD amendment is intended to help address localised issues of traffic congestion associated with the A27 Chichester Bypass junctions. Its effects will be limited to the immediate area in and around Chichester city, and are not expected to result in significant environmental effects beyond those identified in the Local Plan SA.
(d) the risks to human health or the environment (for example, due to accidents);	None - improvements to the A27 junctions facilitated by the SPD amendment will assist in improving road safety and reducing air pollution.
(e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);	As noted in 2c, the effects will be limited to the immediate area in and around Chichester city.
(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	The SPD amendment will supplement existing Local Plan policies and will help address the potential adverse impacts of development that is already planned and has been subject to SA during Local Plan preparation.
(g) the effects on areas or landscapes which have a recognised national,	None – the SPD amendment is intended to help mitigate the traffic impacts of

<b>Criteria (from Annex II of SEA Directive and Schedule I of Regulations)</b>	<b>Relevance in context of this screening report</b>
Community or international protection status.	development sites that are already allocated or proposed in the Local Plan. Development proposals will be required to satisfy the relevant policies for protection of the character of the area before planning permission is granted.