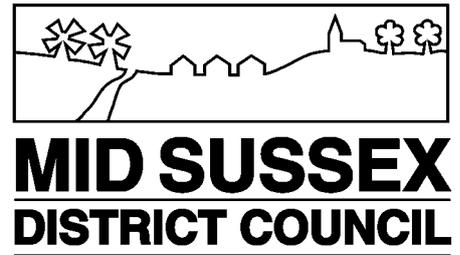


Mid Sussex



Development and Infrastructure and Contributions SPD

Affordable Housing SPD

Viability SPD

Strategic Environmental Assessment Screening Report

April 2018

1. Introduction

Mid Sussex District Council has prepared a suite of three Supplementary Planning Documents (SPDs) related to developer contributions that will replace the currently adopted “Development and Infrastructure SPD” (2006). These are:

- Development and Infrastructure and Contributions SPD
- Affordable Housing SPD
- Viability SPD

This document comprises the Screening Report to determine whether or not the three SPDs being prepared within the Mid Sussex district will require a Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plans and Programmes Regulations 2004.

2. Background

Supplementary Planning Documents (SPDs) can be prepared to build upon and provide more detailed advice or guidance on the policies within the Local Plan.

The National Planning Policy Framework (NPPF) states:

“Supplementary planning documents should be used where they can help applicants make successful applications or aid infrastructure delivery, and should not be used to add unnecessarily to the financial burdens on development.” (paragraph 153)

To supplement the relevant District Plan policies, three individual SPDs have been prepared which form a suite of documents related to developer contributions:

- The **Development Infrastructure and Contributions SPD** sets out the overall framework for the management of planning obligations;
- The **Affordable Housing SPD** provides detailed information on the requirements for on-site and off-site affordable housing provision, and
- The **Viability SPD** provides information on the viability assessment process.

The SPDs takes into account the statutory framework for planning obligations set out in Section 106 of the Town and Country Planning Act 1990¹ and Regulations 122 and 123 of the Community Infrastructure Levy Regulations 2010 (as amended); Government policy on planning obligations and conditions is set out in the National Planning Policy Framework²; and National Planning Practice Guidance.

The Mid Sussex District Plan 2014-2031 (the District Plan) was adopted on 28th March 2018. These policies have already been subject to Sustainability Appraisal/Strategic Environmental Assessment (SA/SEA). The District Plan contains a number of policies related to developer contributions which the SPDs will supplement and provide further guidance on:

- DP1 – Sustainable Economic Development

¹ As amended by Section 12(1) of the Planning and Compensation Act 1991

² Paragraphs 203-206

- DP7 – General Principles for Strategic Development at Burgess Hill
- DP8 – Strategic Allocation to the east of Burgess Hill at Kings Way
- DP9 – Strategic Allocation to the north and north west of Burgess Hill
- DP10 – Strategic Allocation to the east of Pease Pottage
- DP11 – Strategic Allocation to the north of Clayton Mills, Hassocks
- DP17 – Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)
- DP20 – Securing Infrastructure
- DP21 – Transport
- DP22 – Rights of Way and other Recreational Routes
- DP23 – Communication Infrastructure
- DP24 - Leisure and Cultural Facilities and Activities
- DP25 – Community Facilities and Local Services
- DP28 – Accessibility
- DP30 – Housing Mix
- DP31 – Affordable Housing
- DP33 – Gypsies, Travellers and Travelling Showpeople
- DP38 - Biodiversity
- DP41 – Flood Risk and Drainage
- DP42 – Water Infrastructure and the Water Environment

In particular, the Development and Infrastructure and Contributions SPD relates specifically to **DP20**: Securing Infrastructure, the Affordable Housing SPD relates specifically to **DP31**: Affordable Housing and **DP32**: Rural Exception Sites.

DP20: Securing Infrastructure

The Council will expect developers to provide for, or contribute towards, the infrastructure and mitigation measures made necessary by their development proposals through:

- appropriate on-site mitigation and infrastructure provision;
- the use of planning obligations (s106 legal agreements and unilateral undertakings);
- the Community Infrastructure Levy, when it is in place.

A planning obligation can be used where it is necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development. The Council will assess each application on its merits to determine if a planning obligation is needed and the matters it should address. Planning obligations will only be entered into where planning conditions cannot be used to overcome problems associated with a development proposal.

Financial contributions will not be sought through planning obligations if 5 or more obligations for that project or type of infrastructure (other than for affordable housing) have already been entered into since 6 April 2010, or if it is a type of infrastructure that is funded by the Community Infrastructure Levy (this will be set out on a list of infrastructure that the Council proposes to fund from the Levy).

The Community Infrastructure Levy Charging Schedule will set out how development will fund the infrastructure needed to support it. The Levy will normally be spent on infrastructure needs in the locality of the scheme.

Proposals by service providers for the delivery of utility infrastructure required to meet the needs generated by new development in the District and by existing communities will be encouraged and permitted, subject to accordance with other policies within the Plan. Affordable housing is dealt with separately, under Policy DP31: Affordable Housing.

DP31: Affordable Housing

The Council will seek:

- 1. the provision of a minimum of 30% on-site affordable housing for all residential developments providing 11 dwellings or more, or a maximum combined gross floorspace³ of more than 1,000m²;**
- 2. for residential developments in the High Weald Area of Outstanding Natural Beauty providing 6 – 10 dwellings, a commuted payment towards off-site provision, equivalent to providing 30% on-site affordable housing;**
- 3. on sites where the most recent use has been affordable housing, as a minimum, the same number of affordable homes should be re-provided, in accordance with current mix and tenure requirements;**
- 4. a mix of tenure of affordable housing, normally approximately 75% social or affordable rented homes, with the remaining 25% for intermediate homes, unless the best available evidence supports a different mix; and**
- 5. free serviced land for the affordable housing.**

All affordable housing should be integrated with market housing and meet national technical standards for housing including “optional requirements” set out in this District Plan (Policies DP27: Dwelling Space Standards; DP28: Accessibility and DP42: Water Infrastructure and the Water Environment); or any other such standard which supersedes these.

Proposals that do not meet these requirements will be refused unless significant clear evidence demonstrates to the Council’s satisfaction that the site cannot support the required affordable housing from a viability and deliverability perspective. Viability should be set out in an independent viability assessment on terms agreed by the relevant parties, including the Council, and funded by the developer. This will involve an open book approach. The Council’s approach to financial viability, alongside details on tenure mix and the provision of affordable housing will be set out in a Supplementary Planning Document.

The policy will be monitored and kept under review having regard to the Council’s Housing Strategy and any changes to evidence of housing needs.

DP32: Rural Exception Sites

The development of rural exception sites for affordable housing will be permitted provided:

- I. the development comprises 100% affordable housing;**
- II. the housing is to meet local needs justified by the best available evidence;**
- III. the occupancy of the homes is restricted in perpetuity to those with a genuine local need for affordable housing;**
- IV. the scale of the development respects the setting, form and character of the settlement and surrounding landscape; and**

³ Measured as gross internal floorspace

V. it is adjacent to, or in close proximity to a rural settlement containing local services.

Where it can be clearly demonstrated through evidence that the site cannot support a scheme comprising 100% affordable housing from a viability perspective, the Council will consider an element of open market housing, limited to that required to facilitate scheme viability, to a maximum of 20% of the overall scheme, provided that:

- **The requirements of ii), iv) and v) can be met for the overall scheme and for the affordable housing element i) and iii); and**
- **The new development physically integrates the open market and affordable housing, which should seek to be ‘tenure blind’ and makes best use of the land.**

Details of the evidence required to justify an element of open market housing will be set out in a Supplementary Planning Document.

The delivery of rural exception sites will normally be led by Parish Councils, through planning applications, Community Right to Build schemes, Neighbourhood Development Orders or through Neighbourhood Plans.

3. Strategic Environmental Assessment (SEA)

Strategic Environmental Assessment (SEA) involves evaluation of the environmental impacts of a plan or programme. The requirement for SEA is set out in the European Directive 2001/42/EC adopted into UK law as the “Environmental Assessment of Plans or Programmes Regulations 2004”. The SEA Directive sets out a legal assessment process that must be followed. Often within the planning context, the SEA requirements are met by incorporating it within a Sustainability Appraisal (SA), which is a requirement for Development Plan Documents.

There is no legal requirement for Supplementary Planning Documents to be accompanied by Sustainability Appraisal, and this is reinforced in Planning Practice Guidance (PPG ref: 11-008-20140306). However, “in exceptional circumstances” there may be a requirement for SPDs to undertake Strategic Environmental Assessment where it is felt they may have a likely significant effect on the environment that has not been assessed within the SEA/SA of the Local Plan (District Plan).

To establish whether the three SPDs are thought to have significant environmental effects and therefore require SEA to be undertaken, a Screening Process has been followed and forms the main content of this report.

4. The Screening Process

The screening process is based upon consideration of standard criteria to determine whether the plan or programme (in this case the three SPDs) is likely to have “significant environmental effects”. The result of the screening process is included in section 5 of this report.

The three consultation bodies (English Heritage, Environment Agency and Natural England) will be consulted to determine whether they agree with the conclusion of this report, in determining whether the three developer contributions SPDS have a “significant environmental effect” and therefore require SEA. Should it be determined by the local authority and consultation bodies that SEA does need to be undertaken, the District Council will need to undertake the Scoping stage of SEA.

The ODPM publication “A Practical Guide to the Strategic Environmental Assessment Directive” (2005) sets out the approach to be taken in order to determine whether SEA is required (figure 1).

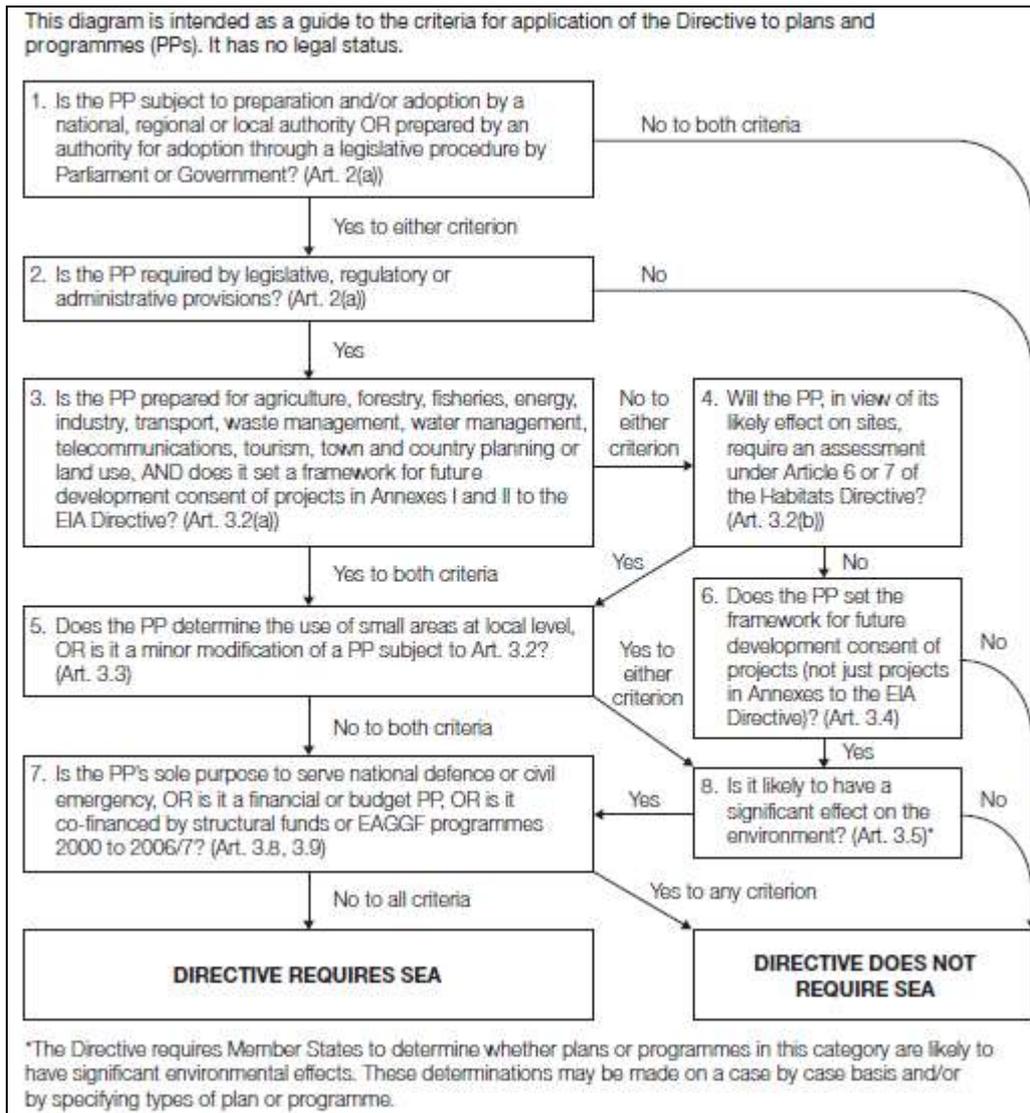


Figure 1: Application of the SEA Directive (from “A Practical Guide to the Strategic Environmental Assessment Directive”)

This approach has been followed in two parts, below. Part 1 follows the flow-chart outlined above, whilst Part 2 sets out whether it is considered that the three SPDs are likely to have a ‘significant effect on the environment’ (i.e. stage 8 of the above).

Assessment Part 1 – Establishing the Need for SEA

Table 1 - Establishing the Need for SEA		
Stage	Y/N	Justification
1. Is the PP (plan or programme) subject to preparation and/or adoption by a national, regional or local authority OR prepared by and authority for adoption through a legislative procedure by Parliament or Government (Art. 2(a))	Y	The three Supplementary Planning Documents will be adopted by Mid Sussex District Council. They will be a material consideration in planning decisions. PROCEED TO QUESTION 2
2. Is the PP required by legislative, regulatory or administrative provisions? (Art. 2(a))	Y	Supplementary Planning Documents are optional; there is no legislative or regulatory requirement to prepare them. This particular set of SPDs has been produced to supplement the statutory Local Plan (the District Plan). PROCEED TO QUESTION 3
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))	N	Whilst the SPDs have been prepared for town and country planning purposes, they do not set policy. The policies that the SPDs supplement have been subject to SA/SEA. The SPDs themselves do not set a framework for future development consent of projects in Annexes I and II. PROCEED TO QUESTION 4
4. Will the PP, in view of its likely effect on sites, require and assessment for future development under Article 6 or 7 of the Habitats Directive (Art. 3.2(b))	N	The policies that the SPDs are supplementing have themselves been subject to Habitats Regulations Assessment. PROCEED TO QUESTION 6
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	Not Applicable
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)	Y	The SPDs provide further guidance to supplement policies related to developer contributions and infrastructure provision. Whilst not allocating land for any particular use, the SPDs provide a framework for future development. PROCEED TO QUESTION 8
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	Not Applicable
8. Is it likely to have a significant effect on the environment? (Art. 3.5)	N	The purpose of the SPDs is to provide guidance to assist in the interpretation of adopted policies in the District Plan. The policies to which the SPD relates were

		subject to SEA (incorporated within the Sustainability Appraisal) through the District Plan process, and no significant effects were expected. Therefore the SPDs will not themselves have any significant effects on the environment.
		DIRECTIVE DOES NOT REQUIRE SEA

Assessment Part 2 - Likely Significant Effects on the Environment

Table 2 – Assessment of the Likely Significant Effects of Neighbourhood Plans

SEA Directive Criteria	Response	Is there a likely significant environmental effect?
1. The Characteristics of Plans and Programmes, having regard, in particular, to:		
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 SPDs will not set a framework for other projects or activities. They will provide additional guidance on existing policies within the District Plan that have been subject to SEA (concluding no significant effects expected)	N
1b) The degree to which the plan or programme influences other plans and programmes including those in a hierarchy.	The District Plan provides the adopted policies to which the SPDs will supplement. The SPDs will only be able to expand and provide more guidance on the policies within the District Plan, and will not be able to introduce new policy. The SPDs will be at the bottom of the hierarchy and will have no influence on the documents above it.	N
1c) The relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development.	The SPDs will contribute to sustainable development by providing more detail and guidance to support the policies within the District Plan. The policies within the District Plan are not expected to have any significant effects on the environment.	N
1d) Environmental problems relevant to the plan or programme.	The policies within the District Plan that the SPDs supplement are not expected to have any significant effects on the environment.	N
1e) 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).	The SPDs are not relevant to the implementation of EC legislation such as waste management or water protection.	N
2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:		
2a) The probability, duration, frequency and reversibility of the effects.	The anticipated effects on the sustainability of the district are expected to be positive by providing guidance to support policies designed to create mixed sustainable communities with new development	N

	supported by the necessary infrastructure. The SPDs will require contributions towards any mitigation measures for any development that requires environmental enhancement. The duration of the effects is difficult to define; the effects will be linked to a planning permission which is (usually) permanent unless superseded by a subsequent permission on the same site.	
2b) The cumulative nature of the effects.	The District Plan SA/SEA expects overall positive benefits to arise from the specific policies related to infrastructure provision (DP20: Securing Infrastructure, DP31: Affordable Housing, and DP32: Rural Exception Sites) that the Development and Infrastructure and Contributions SPD, and Affordable Housing SPD primarily relate to.	N
2c) The trans boundary nature of the effects.	Planning obligations/developer contributions will be local to Mid Sussex district and only indirect effects are expected cross-boundary (and not as a result of the SPDs in themselves).	N
2d) The risks to human health or the environment (e.g. due to accidents).	The SPDs do not present any risks to human health or the environment; conversely they aim to encourage improvements in these areas.	N
2e) The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected).	The SPDs will be applied to all relevant planning applications in the district, although the effects of the SPDs will be more likely felt at a more local scale (i.e. site or neighbourhood).	N
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. iii) intensive land-use.	The SPDs themselves will not be able to set policy related to specific land uses. They will only affect the way in which infrastructure and affordable housing are funded or provided.	N
2g) The effects on areas or landscapes which have a recognised national, Community or international protection status.	None identified. Any applications for development will be required to satisfy the relevant policies for protection of the character of the area before permission is granted.	N
Part 2 Overall Conclusion:	NO LIKELY SIGNIFICANT ENVIRONMENTAL EFFECT	

5. Statement of Reasons for Determination

The policies that the SPDs will supplement (listed in section 2) have themselves been subject to Strategic Environmental Assessment (SEA) and Sustainability Appraisal (SA). In particular,

appraisals for DP20: Securing Infrastructure, DP31: Affordable Housing and DP32: Rural Exception Sites (the three specific policies to which the SPDs relate) conclude there will be no significant environmental effects. The appraisals concluded that positive impacts could be expected for social and economic objectives, and that largely neutral or possible positive impacts could be expected for environmental objectives.

As the SPDs are only entitled to provide guidance to existing policies, it is not expected that they would alter the conclusions reached in the District Plan SA/SEA.

The three Supplementary Planning Documents (SPDs) cannot set new policy. They have been prepared to build upon the District Plan policies and provide guidance to applicants regarding infrastructure provision (in accordance with the NPPF).

Applying the guidance set out in “A Practical Guide to the Strategic Environmental Assessment Directive”:

- Assessment Part 1 (table 2) concludes that the **Directive Does Not Require SEA**
- Assessment Part 2 (table 3) concludes that there is **No Significant Environmental Effect**

On this basis, and taking account of the SA/SEA undertaken at a higher level through preparation of the District Plan and the effects expected, Mid Sussex District Council concludes that the three Supplementary Planning Documents (SPDs)

- **Development and Infrastructure and Contributions SPD**
- **Affordable Housing SPD**
- **Viability SPD**

do not require a full SEA to be undertaken.

A draft of this screening report was subject to consultation with the three statutory bodies (Historic England, Environment Agency and Natural England) in March 2018. A total of two responses were received (from the Environment Agency and Natural England) who agree with the conclusion that the three SPDs do not require a full SEA to be undertaken.