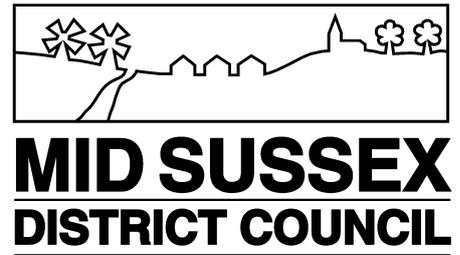


# Mid Sussex



## Design Guide SPD

### Strategic Environmental Assessment Screening Report

July 2019

# 1. Introduction

Mid Sussex District Council has prepared a Design Guide Supplementary Planning Document (SPD) to inform and guide the quality of design for all development in the District.

This document comprises the Screening Report to determine whether or not the SPD 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 development plan.

Government policy places emphasis on the importance of good design, as set out in the revised National Planning Policy Framework (NPPF) (2019). In paragraph 124, the NPPF states that the "...creation of high quality buildings and places is fundamental to what the planning and development process should achieve." Under paragraph 126 it adds: "To provide maximum clarity about design expectations at an early stage, plans or supplementary planning documents should use visual tools such as design guides and codes. These provide a framework for creating distinctive places, with a consistent and high quality standard of design."

Mid Sussex District Council has prepared a comprehensive District-wide Design Guide SPD to supplement a specific design policy in the Mid Sussex development plan (District Plan policy DP26: Character and Design), as well as other policies related to design.

This document is seen as key to delivering high-quality design of development by assisting landowners, developers, applicants and planners in the process of assessing the design quality of schemes.

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 design which the SPD will supplement and provide further guidance on:

- DP1: Sustainable Economic Development
- DP3: Village and Neighbourhood Centre Development
- DP6: Settlement Hierarchy
- DP7: General Principles for Strategic Development at Burgess Hill
- DP9: Strategic Allocation to the north and north west of Burgess Hill
- DP14: Sustainable Rural Development and the Rural Economy
- DP15: New Homes in the Countryside
- DP16: High Weald Area of Outstanding Natural Beauty
- DP18: Setting of the South Downs National Park
- DP19: Sustainable Tourism
- DP26: Character and Design
- DP27: Dwelling Space Standards
- DP28: Accessibility
- DP29: Noise, Air and Light Pollution

- DP30: Housing Mix
- DP32: Rural Exception Sites
- DP34: Listed Buildings and Other Heritage Assets
- DP35: Conservation Areas
- DP37: Trees, Woodland and Hedgerows
- DP39: Sustainable Design and Construction
- DP41: Flood Risk and Drainage
- DP42: Water Infrastructure and the Water Environment

In particular, District Plan Policy DP26: Character and Design sets the overall framework for the detailed guidance provided in the draft Design Guide SPD, supplemented and cross referenced with the CABI's (et al) 2018 edition of Building for Life criteria and the Government's Manual for Streets and Manual for Streets 2.

## **DP26: Character and Design**

**All development and surrounding spaces, including alterations and extensions to existing buildings and replacement dwellings, will be well designed and reflect the distinctive character of the towns and villages while being sensitive to the countryside. All applicants will be required to demonstrate that development:**

- **is of high quality design and layout and includes appropriate landscaping and greenspace;**
- **contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance;**
- **creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;**
- **protects open spaces, trees and gardens that contribute to the character of the area;**
- **protects valued townscapes and the separate identity and character of towns and villages;**
- **does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP29);**
- **creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;**
- **incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;**
- **positively addresses sustainability considerations in the layout and the building design;**
- **take the opportunity to encourage community interaction by creating layouts with a strong neighbourhood focus/centre; larger (300+ unit) schemes will also normally be**

**expected to incorporate a mixed use element;**

- **optimises the potential of the site to accommodate development.**

Within this framework, the document utilises the Mid Sussex District characterisation evidence base that supported the District Plan to identify the key characteristics of the landscape, towns, villages and hamlets in the District and to ensure that new development is contextual and locally distinctive.

The document is structured according to a series of integrated themes, including understanding the context, establishing well defined streets and layouts, transport connectivity, parking strategies, residential amenity, sustainable design and optimising site potential through building heights and housing density that reduces future pressure on development in the countryside.

The Design Guide covers the following types of development:

- Urban extensions (residential based developments)
- Brownfield sites / urban infill / mixed-use developments
- Rural developments
- New dwelling design (houses and apartments)
- Residential extensions
- Building conversions
- Commercial buildings / business parks / industrial estates.

### **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).

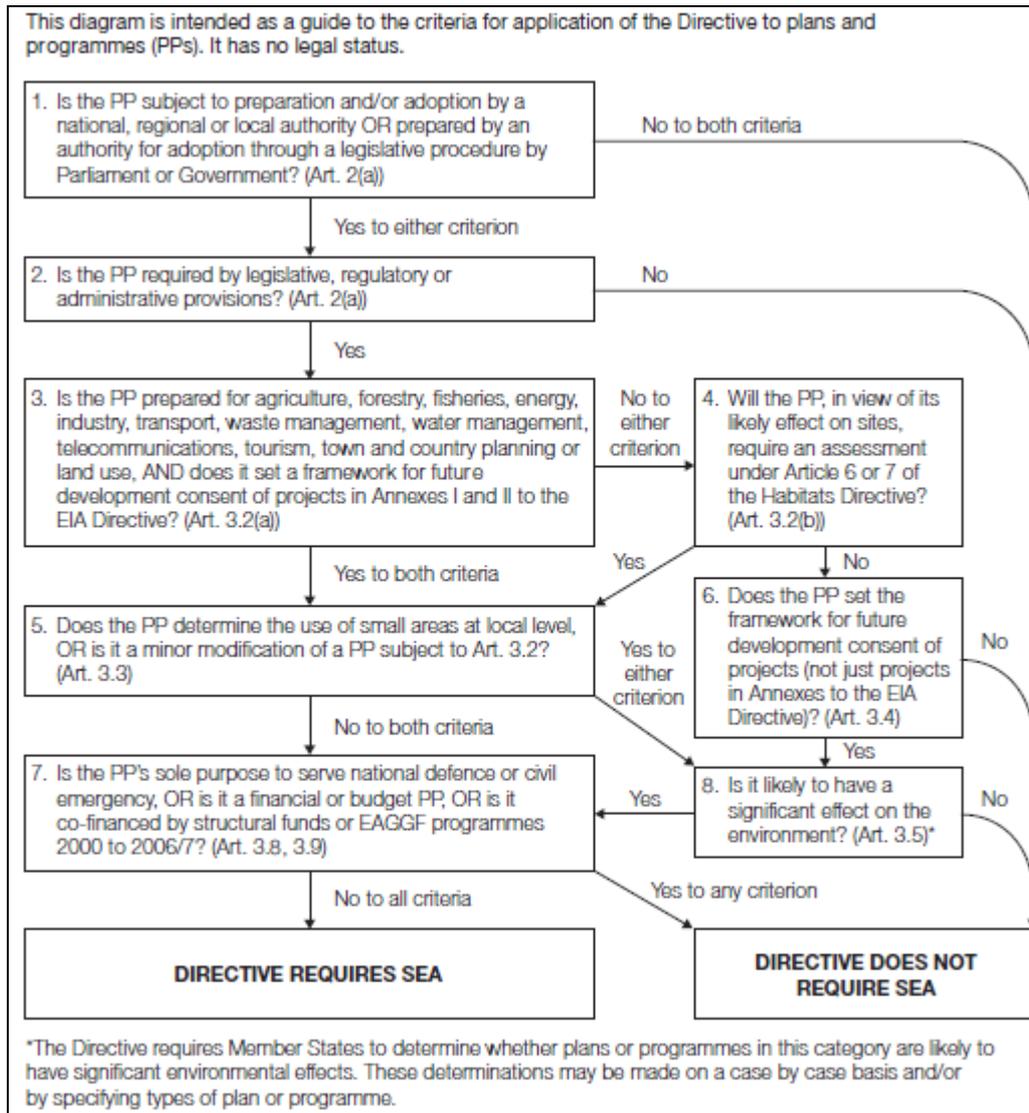
To establish whether the SPD is thought to have significant environmental effects and therefore require SEA to be undertaken, a Screening Process has been followed and forms the main content of this report.

### **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 Design Guide SPD) 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 (Historic England, Environment Agency and Natural England) were consulted to determine whether they agree with the conclusion of this report, in determining whether the SPD has a “significant environmental effect” and therefore requires SEA. None of these consultation bodies have determined that the Mid Sussex Design Guide would lead to significant environmental effect and therefore SEA is required.

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 SPD is likely to have a ‘significant effect on the environment’ (i.e. stage 8 of the above).

## Assessment Part 1 – Establishing the Need for SEA

| <b>Table 1 - Establishing the Need for SEA</b>  |            |   |
|---|------------|---|
| <b>Stage</b>  | <b>Y/N</b> | <b>Justification</b>  |
| <b>1.</b> 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))   | <b>Y</b>   | The Supplementary Planning Document (SPD) will be adopted by Mid Sussex District Council. It will be a material consideration in planning decisions.<br><br><b>PROCEED TO QUESTION 2</b>  |
| <b>2.</b> Is the PP required by legislative, regulatory or administrative provisions? (Art. 2(a))   | <b>Y</b>   | SPDs are optional; there is no legislative or regulatory requirement to prepare them. This particular SPD has been produced to supplement the statutory Local Plan (the District Plan).<br><br><b>PROCEED TO QUESTION 3</b>   |
| <b>3.</b> 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)) | <b>N</b>   | Whilst the SPD has been prepared for town and country planning purposes, they do not set policy. The policies that the SPD supplement have been subject to SA/SEA.<br>The SPD itself does not set a framework for future development consent of projects in Annexes I and II.<br><br><b>PROCEED TO QUESTION 4</b>                   |
| <b>4.</b> 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))  | <b>N</b>   | The policies that the SPD is supplementing have themselves been subject to Habitats Regulations Assessment.<br><br><b>PROCEED TO QUESTION 6</b>   |
| <b>5.</b> 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)  | <b>N/A</b> | Not applicable.   |
| <b>6.</b> Does the PP set the framework for future development consent of projects (not just projects in annexes to the EIA Directive)? (Art. 3.4)  | <b>N</b>   | The SPD provides further guidance to supplement policies related to design and layout.<br><br><b>PROCEED TO QUESTION 8</b>  |
| <b>7.</b> 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)   | <b>N/A</b> | Not applicable.   |
| <b>8.</b> Is it likely to have a significant effect on the environment? (Art. 3.5)  | <b>N</b>   | The purpose of the SPD 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 SPD |

|                                   |  |  |
|-----------------------------------|--|--|
|                                   |  | will not itself have any significant effects on the environment. |
| <b>Part 1 Overall Conclusion:</b> |  | <b>DIRECTIVE DOES NOT REQUIRE SEA</b>                            |

## 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? |
|--|---|---|
| <b>1. The Characteristics of Plans and Programmes, having regard, in particular, to:</b>   |   |   |
| <b>1a)</b> 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 will not set a framework for other projects or activities. It will provide additional guidance on existing policies within the District Plan that have been subject to SEA (concluding no significant effects expected).  | <b>N</b>  |
| <b>1b)</b> 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 SPD will supplement. The SPD 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 SPD will be at the bottom of the hierarchy and will have no influence on the documents above it.  | <b>N</b>  |
| <b>1c)</b> The relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development.  | The SPD will contribute to sustainable development by providing more detail and guidance to support the policies within the District Plan. The aim of the Design Guide is to ensure high quality development that is sustainable and inclusive. It contains principles that seek to ensure the efficient use of land, reducing future pressure on development in the countryside, and that housing is near to facilities, reducing the need for vehicle based journeys and promoting green travel options instead. It also has a section on high quality and sustainable building design. | <b>N</b>  |
| <b>1d)</b> Environmental problems relevant to the plan or programme.   | The policies within the District Plan that the SPD supplements are not expected to have any likely significant effects on the environment.  | <b>N</b>  |
| <b>1e)</b> 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 SPD is not relevant to the implementation of EC legislation such as waste management or water protection.   | <b>N</b>  |
| <b>2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:</b>  |   |   |

|  |  |          |
|--|--|----------|
| <b>2a)</b> 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.<br>The duration and frequency 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. | <b>N</b> |
| <b>2b)</b> The cumulative nature of the effects.   | The District Plan SA/SEA expects overall positive impacts to arise from the specific policy (DP26: Character and Design) that the Design Guide SPD primarily relates to.   | <b>N</b> |
| <b>2c)</b> The trans boundary nature of the effects.   | Design guidance will be local to Mid Sussex District and only indirect effects are expected cross-boundary (and not as a result of the SPD in itself).   | <b>N</b> |
| <b>2d)</b> The risks to human health or the environment (e.g. due to accidents).   | The SPD does not present any risks to human health or the environment; conversely they aim to encourage improvements in these areas.   | <b>N</b> |
| <b>2e)</b> The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected).   | The SPD will be applied to all relevant planning applications in the district, although the effects of the SPD will be more likely felt at a more local scale (i.e. site or neighbourhood).  | <b>N</b> |
| <b>2f)</b> The value and vulnerability of the area likely to be affected due to:<br><b>i)</b> special natural characteristics or cultural heritage.<br><b>ii)</b> exceeded environmental quality standards or limit values.<br><b>iii)</b> intensive land-use. | The SPD itself will not be able to set policy related to specific land uses. The SPD supports a policy (DP26: Character and Design) which seeks to protect the distinctive character of the towns and villages while being sensitive to the countryside.   | <b>N</b> |
| <b>2g)</b> 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.  | <b>N</b> |
| <b>Part 2 Overall Conclusion:</b>  | <b>NO LIKELY SIGNIFICANT ENVIRONMENTAL EFFECT</b>  |          |

## 5. Statement of Reasons for Determination

The policies that the SPD will supplement (listed in section 2) have themselves been subject to Strategic Environmental Assessment (SEA) and Sustainability Appraisal (SA). In particular, the appraisals for DP26: Character and Design, (the specific policy to which the SPD relates) concludes 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 SPD is only entitled to provide guidance to existing policies, it is not expected that it would alter the conclusions reached in the District Plan SA/SEA.

The SPD cannot set new policy. It has been prepared to build upon the District Plan policies and provide guidance to applicants regarding design quality (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 Mid Sussex Design Guide SPD does not require a full SEA to be undertaken.**

In addition, a draft of this screening report was subject to consultation with the three statutory bodies (Historic England, Environment Agency and Natural England) in July 2019. None of these consultation bodies have disagreed with the conclusion of this report and determined that a full SEA is required.