

RBBC Local Character & Distinctiveness Design Guide Supplementary Planning Document (SPD)

**Strategic Environmental Assessment and
Habitats Regulations Assessment
Screening Statement**

September 2020

Executive Summary

This screening statement considers whether a Strategic Environmental Assessment and / or full Habitats Regulation Assessment are required to be produced to accompany the Local Character & Distinctiveness Design Guide Supplementary Planning Document (SPD):

The screening concludes that **an SEA is not required** for the Local Character & Distinctiveness Design Guide SPD. It also concludes that the Local Character & Distinctiveness Design Guide SPD **would not need to be subject to full Appropriate Assessment under the Habitats Regulations Assessment.**

1. Introduction

- 1.1 Reigate & Banstead Borough Council is currently preparing a revised Local Character & Distinctiveness Design Guide Supplementary Planning Document (SPD) to replace the existing Local Distinctiveness Design Guide Supplementary Planning Guidance (SPG) adopted in 2004.
- 1.2 This revised SPD will provide additional guidance to support implementation of policies in the Council's adopted Local Plan: Core Strategy (adopted 2014 and reviewed 2019) and Development Management Plan (DMP) (adopted 2019). Upon adoption, the revised SPD will be a material consideration in planning determinations in the borough. The 2004 SPG will be withdrawn.
- 1.3 The 2004 Planning and Compulsory Purchase Act and associated Regulations made all local development documents subject to Sustainability Appraisal (SA), which met the requirements of Strategic Environmental Assessment (SEA) as defined by the EU Directive 2001/42/EC. The 2008 Planning Act removed the requirement for SPDs to be subject to SA and, as such, the Council does not propose to carry out a Sustainability Appraisal of the SPDs.
- 1.4 The requirement for local planning authorities to carry out a SEA of relevant plans and programmes before adoption is set out in the Environmental Assessment of Plans and Programmes Regulations 2004.
- 1.5 There are however exceptions to this and, in most cases, SPDs do not require SEA. This is acknowledged in the Planning Practice Guidance (PPG)¹, which sets out that *“supplementary planning documents 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 been assessed during the preparation of the relevant strategic policies”*. Ultimately, it is the responsibility of the local

¹ PPG Strategic environmental assessment and sustainability appraisal Paragraph: 008 Reference ID:11-008-20140306

planning authority to assess whether the plan is likely to have significant effects on the environment and make these conclusions public.

- 1.6 In addition, Article 6 of the Habitats Directive (as transposed into UK law by the Conservation of Habitats and Species Regulations 2017 (“the Habitats Regulations” 2017) requires an assessment of the implications of a plan, both individually and in combination with other plans or projects, on designated ‘Natura 2000’ sites². If it is determined that a plan or project is likely to have a significant effect on these protected sites, an Appropriate Assessment should be undertaken.

- 1.7 The Council has therefore prepared this draft Screening Statement to determine whether the revised Local Distinctiveness Design Guide SPD should be subject to a SEA and/or Habitats Regulations Assessment (HRA)/Appropriate Assessment.

² Including Special Protection Areas (SPAs), Special Areas of Conservation (SACs) and Ramsar sites (which are treated as Natura 2000 sites)

2. Scope of the SPD under preparation

- 2.1 The paragraphs below summarise the purpose, scope and intended content of the revised Local Character & Distinctiveness Design Guide SPD under preparation and which is the subject of this SEA/HRA Screening Report. The updated SPD is intended to replace the currently adopted 2004 Local Distinctiveness Design Guide SPG, which on adoption, will be revoked.
- 2.2 It should be noted that the document will not contain any new policies, proposals or site allocations. Nor will it influence or alter the scale or spatial distribution of development across the borough which is already established through the Core Strategy.

Local Character & Distinctiveness Design Guide SPD

- 2.3 The purpose of revising the 2004 Reigate & Banstead Local Distinctiveness Design Guide is to reflect changes to national and local planning policy, since its adoption. In particular the adoption of the Council's Core Strategy (adopted July 2014 and reviewed July 2019) and DMP (adopted September 2019); as well the National Design Guide, published by the Ministry of Housing, Communities and Local Government (MHCLG) in 2019.
- 2.4 The revised SPD will provide applicants/ developers with guidance for how to take into consideration local character, context and distinctiveness of the borough's character areas when designing applications.
- 2.5 It will provide the national and local context. It will detail the national and local planning policy context; provide an overview of the local character and identity of the various parts of the borough; and detail current issues and design considerations which should be taken into consideration when designing schemes in the borough.
- 2.6 Taking into consideration the local context, the revised SPD will detail key design principles for new development. Specifically, it will provide further

detailed advice and guidance in relation to the following adopted Core Strategy and DMP policies:

Core Strategy Policies	
CS4	Valued Townscapes and the Historic Environment
CS10	Sustainable Development
CS11	Sustainable Construction
CS14	Housing Needs of the Community
DMP Policies	
DES1	Design of New Development
DES2	Residential Garden Land Development
DES3	Residential Areas of Special Character
DES4	Housing Mix
DES5	Delivering High Quality Homes
DES8	Construction Management
DES9	Pollution and Contaminated Land
NHE9	Heritage Assets

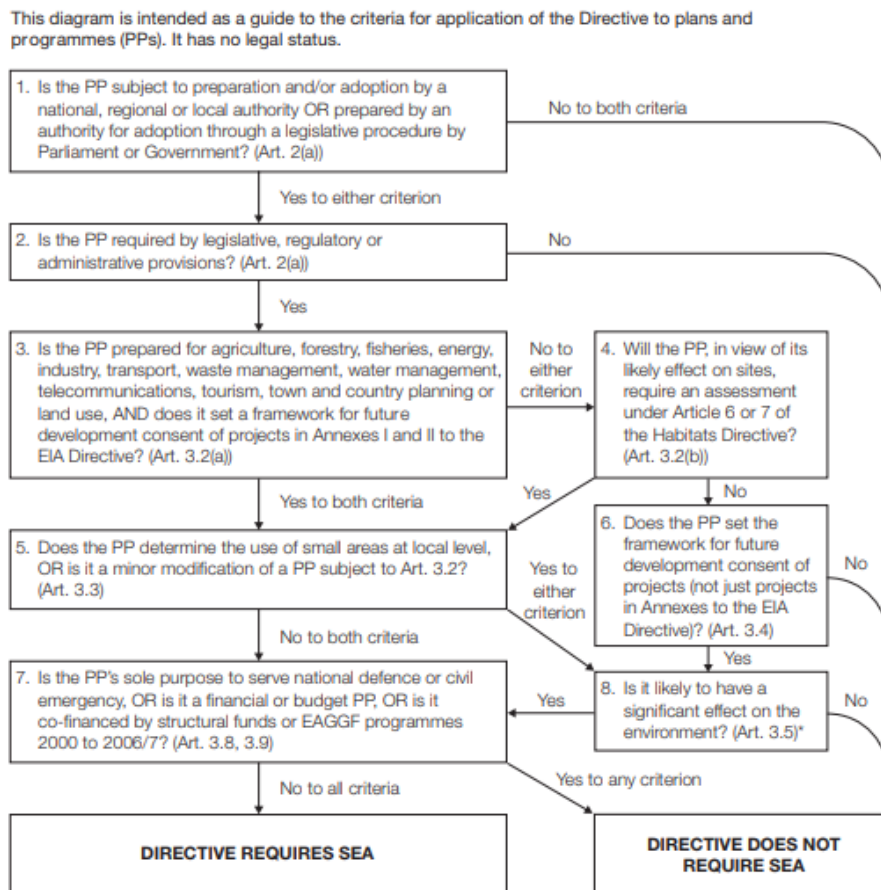
3. Strategic Environmental Assessment (SEA)

- 3.1 As discussed in the Introduction above, SEA is required for certain categories of plans and programmes where they are determined to be likely to have significant environmental impacts.
- 3.2 With regard to SPDs, the PPG indicates that SEA will normally only be required in exceptional circumstances. The Council must therefore determine whether SEA is required for the revised Local Character & Distinctiveness Design Guide SPD being prepared. This is referred to as a screening process.
- 3.3 As part of this, the Council must first determine whether the SPD is a “plan or programme” covered by Article 3(3) and 3(4). If it determines that it is, then the Council must carry out a screening to establish whether SEA is required. This will depend on its potential to result in significant environmental effects.
- 3.4 In deciding whether significant environmental effects are likely, the Council must take into account the criteria in Schedule 1 to the Environmental Assessment of Plans and Programmes Regulations 2004, and to consult the specified Consultation Bodies³. This process is summarised in **Figure 1** below.
- 3.5 The Council’s assessments of the SPD against Schedule 1 criteria are set out in **Table 1** below.
- 3.6 This draft Screening Report covers:
 - a) An assessment of whether the SPD is covered by Article 3(3) and Article 3(4)
 - b) An appraisal of the SPD taking account of the criteria in Schedule 1 of the Environmental Assessment of Plans and Programmes Regulations 2004

³ Historic England, Natural England and the Environment Agency

3.7 This draft Screening will be used for consultation with the prescribed consultation bodies and will be updated and finalised to reflect any comments or feedback received as part of this consultation.

Figure 1: Application of the SEA Directive to plans and programmes



*The Directive requires Member States to determine whether plans or programmes in this category are likely to have significant environmental effects. These determinations may be made on a case by case basis and/or by specifying types of plan or programme.

Source 1: ODPM (2005) A Practical Guide to the Strategic Environmental Assessment Directive

Table 1: Screening Assessment for the Local Character & Distinctiveness Design Guide SPD

The SPD is considered to be a plan or programme covered by Articles 3(3) and 3(4).

SCHEDULE 1 – Regulations 9(2)(a) and 10(4)(a)

CRITERIA FOR DETERMINING THE LIKELY SIGNIFICANT EFFECTS ON THE ENVIRONMENT

1. The characteristics of plans and programmes, having regard, in particular, to -	
(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 Local Character & Distinctiveness Design Guide SPD does not set the framework for development with regard to its size, activity, nature or operating conditions.</p> <p>The SPD will provide guidance as to the approach to design to supplement existing policies in the Core Strategy (CS4, CS10, CS11 and CS14) and DMP (DES1, DES2, DES3, DES4, DES5, DES8 and DES9) which have already been subjected to SEA as part of their development.</p>
(b) the degree to which the plan or programme influences other plans and programmes including those in a hierarchy;	<p>The SPD does not influence other plans or programmes. It is influenced by the higher order Local Plan documents (namely the Core Strategy and DMP) which have been subject to SEA, as well as the NPPF. It will guide development proposals but not other plans or programmes. The SPD does not set new policies.</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 will guide the design of development proposals. In accordance with Core Strategy Policies CS10,11 and 14, DMP Policies DES1-5,8 and 9 and NHE9 and NPPF Paragraph 124, the revised SPD will provide guidance for how to incorporate sustainable development</p>

	<p>considerations (including design, construction methods and materials) into the design of the development whilst respecting local character and distinctiveness.</p>
<p>(d) environmental problems relevant to the plan or programme; and</p>	<p>The Local Character & Distinctiveness Design Guide will encourage development to be responsive to the character and distinctiveness of their locale, with a view to protecting and enhancing the character and distinctiveness of the borough for future generations.</p> <p>The SPD will balance environmental considerations with the need to protect and enhance the character and distinctiveness of the landscape.</p> <p>Sustainability Appraisal (incl. SEA) of the Council's higher order Local Plan documents incorporates an objective (no. 15) "to protect and enhance the landscape character".</p>
<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)</p>	<p>The SPD is not directly relevant to the implementation of Community legislation on the environment.</p>
<p>2. The characteristics of the effects and of the area likely to be affected, having regard, in particular, to -</p>	
<p>(a) the probability, duration, frequency and reversibility of the effects;</p>	<p>The SPD provides guidance aimed at avoiding or mitigating the negative impact which new developments could have on the character of the local area and encourages positive benefits. It</p>

	supports delivery of policies within the Local Plan which have already been subject to SA/SEA.
(b) the cumulative nature of the effects;	The SPD will apply to any number of future development proposals within the borough. It will support the preservation and enhancement of the local character and distinctiveness of the borough. Its cumulative effect could be to promote recognition of, and sensitivity to, character and local distinctiveness across the borough.
(c) the transboundary nature of the effects;	The SPD is unlikely to result in any transboundary effects. Where developments may be close to boundaries or transboundary, the SPD will only serve to guide the design of developments taking into consideration the local character, ameliorating some of the possible negative effects of such development.
(d) the risks to human health or the environment (e.g. due to accidents),	The SPD does not present any risk to human health or the environment;
(e) 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 borough, although its application and effects will be limited geographically to those areas in which applications are made. The effects of the SPD may be felt by populations in and around the development sites to which the SPD is applied, but also those visiting those areas.
(f) the value and vulnerability of the area likely to be affected due to: - special natural characteristics or cultural heritage, - exceeded	The guidance in the SPD will specifically apply to proposals where development is either being provided or affected. Such proposals could potentially involve sites with listed buildings, within Conservation Areas, or within protected landscapes such as the AONB or AGLV. However,

<p>environmental quality standards or limit values, - intensive land-use,</p>	<p>the SPD only offers guidance to support implementation of policies (and site allocations) in the Local Plan which have already been subject to SA/ SEA. It does not propose further or different types of development to those already contemplated through the Local Plan.</p>
<p>(g) the effects on areas or landscapes which have a recognised national, Community or international protection status.</p>	<p>In applying to the borough of Reigate & Banstead, the SPD potentially covers and may be applied to, areas protected for their special natural characteristics such as the Surrey Hills AONB, Mole Gap to Reigate Escarpment SAC and various Conservation Areas.</p> <p>However, its guidance will not have general applicability and will be limited to design considerations and its effects limited to only sites in and around areas being brought forward for development.</p> <p>It is not intended to provide guidance directly in relation to landscapes of national, Community or international protection. The guidance in the SPD will compliment by adding detail rather than override existing policies in the Local Plan relating to the management and protection of such landscapes or protected areas (which have already been subject to SEA).</p>

Conclusions in respect of Strategic Environmental Assessment

- 3.8 The revised Local Character & Distinctiveness Design Guide is intended to supplement and support the delivery of existing policies in the Local Plan (Core Strategy and DMP) which have already been the subject of SA/SEA as part of their preparation process. This includes SA of the Main Modifications to the DMP proposed by the Inspector during the DMP Examination. The SPD will not include new policies or proposals, nor will it alter the overall development strategy (scale and distribution) which is established through the higher order Local Plan documents.
- 3.9 Having reviewed and assessed the SPD against the relevant criteria and considerations in Schedule 1 to the Environmental Assessment of Plans and Programmes Regulations 2004 (as set out in **Table 1** above), the Council concludes that the Local Character & Distinctiveness Design Guide SPD will not give rise to significant environmental effects. **As such, Strategic Environmental Assessment is not therefore required for the SPD.**
- 3.10 This conclusion will be subject to consultation with the relevant bodies with any feedback considered before the screening conclusion is finalised.

4. Habitat Regulation Assessment Screening

- 4.1 The European Directive (92/43/EEC) on the Conservation of Natural Habitats and Wild Flora and Fauna (the 'Habitats Directive') sets out the means to protect habitats and species of European importance through the establishment and conservation of a network of sites known as the 'Natura 2000' network. These include Special Areas of Conservation (SACs) and Special Protection Areas (SPAs). It is also Government policy for sites designated under the Convention on Wetlands of International Importance (Ramsar sites) to be treated as having equivalent status to Natura 2000 sites. These are sites of exceptional importance in respect of rare, endangered or vulnerable natural habitats and species within the European Community. In this report SACs, SPAs and Ramsar sites will be collectively referred to as 'Natura 2000' sites.
- 4.2 The purpose of a HRA is to assess the implications of a plan, both individually, and in-combination with other plans or projects, on these Natura 2000 sites. The Habitats Directive applies the precautionary principle to Natura 2000 sites. In normal circumstances, a land use plan can be brought into effect only after having ascertained that it will not adversely affect the integrity of a Natura 2000 site either alone or in-combination with other plans.
- 4.3 The first stage in the process is to establish, via screening, whether the plan is either directly connected with, or necessary to, the management of a European site. If not, a determination needs to be made as to whether the plan in itself or in combination with others is likely to have a significant effect on a European site.
- 4.4 A comprehensive HRA Appropriate Assessment was undertaken as part of the preparation of these higher order Local Plan documents to determine whether those policies would have likely significant effects. The conclusions of these previous HRAs are considered highly relevant to the screening assessment for Local Character & Distinctiveness Design Guide SPD. In relation to the policies which the proposed SPD will implement, the HRA for the Core Strategy and DMP concluded as follows:

Table 4: Conclusions of Core Strategy and DMP HRAs in respect of relevant policies

Policy	HRA conclusions
<p>Core Strategy Policy CS4 ‘Valued Townscapes and the Historic Environment’ (known as Policy CS2 in the original Core Strategy HRA)</p>	<p>HRA (Feb 2012) concluded that the policy will not increase recreational disturbance at Natura 2000 sites or give rise to any identified impact in respect of air quality. Concludes no likely significant effects and no mitigation required.</p>
<p>Core Strategy Policy CS10 ‘Sustainable Development’ (known as Policy CS8 in the original Core Strategy HRA)</p>	<p>HRA (Feb 2012) concluded that the policy would have no direct implications for recreational disturbance at the SAC and would have no impacts in respect of air quality. HRA noted that the policy would promote preferential use of previously developed land and encourage a reduction in carbon emissions and the need to travel. Concludes no likely significant effects and no mitigation required.</p>
<p>Core Strategy Policy CS11 ‘Sustainable Construction’ (known as Policy CS9 in the original Core Strategy HRA)</p>	<p>HRA (Feb 2012) concluded that the policy would have no direct implications for recreational disturbance at the SAC and would have no impacts in respect of air quality. HRA noted that the policy should contribute to a reduction in the use of energy, and the increase in more sustainable forms of energy production and that the policy will contribute to regional efforts to reduce the trend of increased air pollution.</p>
<p>DMP Policy DES1 ‘Design of New Development’</p>	<p>HRA (Sept 2018) concluded that the then drafted policy had no impact pathways and no HRA/AA implications. The policy was therefore screened out.</p>

	HRA Addendum (March 2019) for the DMP Main Modifications also screened out the policy as no material effect on previous HRA/AA conclusions.
DMP Policy DES2 'Residential Garden Land Development'	HRA (Sept 2018) concluded that the then drafted policy had no impact pathways and no HRA/AA implications. The policy was therefore screened out. HRA Addendum (March 2019) for the DMP Main Modifications also screened out the policy as no material effect on previous HRA/AA conclusions.
DMP Policy DES3 'Residential Areas of Special Character'	HRA (Sept 2018) concluded that the policy had no impact pathways and no HRA/AA implications. The policy was therefore screened out.
DMP Policy DES4 'Housing Mix'	HRA (Sept 2018) concluded that the then drafted policy had no impact pathways and no HRA/AA implications. The policy was therefore screened out. HRA Addendum (March 2019) for the DMP Main Modifications also screened out the policy as no material effect on previous HRA/AA conclusions.
DMP Policy DES5 'Delivering High Quality Homes'	HRA (Sept 2018) concluded that the policy had no impact pathways and no HRA/AA implications. The policy was therefore screened out.
DMP Policy DES8 'Construction Management'	HRA (Sept 2018) concluded that the policy had no impact pathways and no HRA/AA implications. The policy was therefore screened out.
DMP Policy DES9 'Pollution and Contaminated Land'	HRA (Sept 2018) concluded that the policy had no impact pathways and no HRA/AA implications. The policy was therefore screened out.
DMP Policy NHE9 'Heritage Assets'	HRA (Sept 2018) concluded that the then drafted policy had no impact pathways and no HRA/AA implications. The policy was therefore screened out.

	HRA Addendum (March 2019) for the DMP Main Modifications also screened out the policy as no material effect on previous HRA/AA conclusions.
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Conclusions in respect of Habitat Regulations Assessment Screening

- 4.5 Previous HRAs have therefore concluded that there were no likely significant effects on European sites, either alone or in combination with other plans and projects, as a result of the policies within the Local Plan which the Local Character & Distinctiveness Design Guide SPD is intended to implement.
- 4.6 Given the proposed amended SPD is intended to provide supplementary guidance to aid implementation of existing policies in the Local Plan (Core Strategy and DMP) and will not introduce new or amended planning policy, it is concluded that the SPD will not give rise to likely significant effects on any European sites. **It is therefore concluded that a full Appropriate Assessment under the Habitats Regulations is not required for the Local Character & Distinctiveness Design Guide SPD.**
- 4.7 This conclusion will be subject to consultation with the relevant bodies with any feedback considered before the screening conclusion is finalised.

Appendix 1: Responses from the three Statutory Bodies

Reigate & Banstead Borough Council
Building & Development Services
Town Hall Castlefield Road
Reigate
Surrey
RH2 0SH

Our ref: SL/2011/108875/SE-09/SC1

Your ref: Email

Date: 13 October 2020

LDF@Reigate-Banstead.gov.uk

Dear Sir/Madam

**Consultation on Strategic Environmental Assessment and Habitats Regulations
Assessment Screening Statement**

- **Local Character & Distinctiveness Design Guide SPD**
- **Climate Change and Sustainable Construction SPD**

Thank you for consulting the Environment Agency on the above. We are in agreement with your conclusion that the Local Character and Distinctiveness Design Guide SPD and Climate Change and Sustainable Construction SPD are unlikely to have any significant environmental effects and therefore a full Strategic Environmental Assessment will not be required.

We agree that the proposed SPDs are intended to provide supplementary guidance to aid implementation of existing policies in the local plan and will not introduce new or amended planning policy and therefore will not give rise to significant effects on the environment.

Please do not hesitate to contact me should you wish to discuss this further.

Yours faithfully,

Charles Muriithi, MRTPI
Planning Specialist

Kent and South London
charles.muriithi@environment-agency.gov.uk



Historic England

Planning Policy Team
Reigate & Banstead Borough Council
Reigate Town Hall, Castlefield Road
Reigate, Surrey RH2 0SH

Our ref: PL00714802
Your ref:
Telephone 020 7973 3700
Email e-seast@historicengland.org.uk

[By email only to LDF@Reigate-Banstead.gov.uk](mailto:LDF@Reigate-Banstead.gov.uk)

Date 14 October 2020

Dear Sir or Madam

Reigate and Banstead Borough Local Character & Distinctiveness Design Guide SPD Strategic Environmental Appraisal Screening Opinion

Thank you for your email dated 9 September 2020 consulting Historic England on your intention of carrying out a SEA for the above plan.

In light of the Environmental Assessment of Plans and Programmes Regulations 2004, our view is that a SEA is not required in this instance for the reason set out in Paragraph 3.9 of the Screening Statement.

Yours sincerely

Alan Byrne
Historic Environment Planning Adviser



Historic England, 4th Floor, The Atrium, Cannon Bridge House, 25 Dowgate Hill, London EC4R 2YA
Telephone 020 7973 3700 HistoricEngland.org.uk

Please note that Historic England operates an access to information policy.
Correspondence or information which you send us may therefore become publicly available.



Date: 25 September 2020
Our ref: 327411
Your ref: [Click here to enter text.](#)



LDF@Reigate-Banstead.gov.uk

BY EMAIL ONLY

Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

Dear Sir/Madam,

Planning consultation: Reigate and Banstead Local Plan - Local Character & Distinctiveness Design Guide SPD - SEA & HRA Screening Consultation Request
Location: Reigate and Banstead

Thank you for your consultation on the above dated 09 September 2020 which was received by Natural England on 10 September 2020

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

SUMMARY OF NATURAL ENGLAND'S ADVICE

NO COMMENTS

Having reviewed the Council's Draft Screening Statement we have not identified any likely significant effects of the proposed SPD on any of the environmental features for which Natural England has statutory duties and responsibilities including the Mole Gap to Reigate Escarpment SAC and the Surrey Hills AONB and therefore has no comments to make.

Background

The Council's Screening Assessment (September 2020) concludes that an SEA is not required for the Local Character & Distinctiveness Design Guide SPD. It also concludes that the Local Character & Distinctiveness Design Guide SPD would not need to be subject to full Appropriate Assessment under the Habitats Regulations Assessment. The Council has consulted Natural England to seek comments on this assessment and its conclusions. For the purposes of Regulation 9 of The Environmental Assessment of Plans and Programmes Regulations 2004, Natural England is defined as a consultation body. Natural England is also the appropriate nature conservation body for the purposes of the Conservation of Habitats and Species Regulations, 2017 (the Habitats Regulations).

It is not the role of Natural England to advise the local planning authority on whether a SA/SEA is required and that is a matter for the local planning authority to determine. Under Regulation 105 of the Habitats Regulations Natural England does have a duty to advise a local planning authority if a

Habitats Regulations Assessment (HRA) of a plan is required where we believe it is likely to have significant effects alone or in combination with other plans and project on European protected sites.

In reviewing the Councils Screening Statement (September 2020), and coming to our views, we have noted in particular that:

1. This revised SPD will provide additional guidance to support implementation of policies in the Council's adopted Local Plan: Core Strategy (adopted 2014 and reviewed 2019) and Development Management Plan (DMP) (adopted 2019). Upon adoption, the revised SPD will be a material consideration in planning determinations in the borough. The 2004 SPG will be withdrawn.
2. The document will not contain any new policies, proposals or site allocations. Nor will it influence or alter the scale or spatial distribution of development across the borough which is already established through the Core Strategy.
3. The revised SPD will provide applicants/ developers with guidance for how to take into consideration local character, context and distinctiveness of the borough's character areas when designing applications.
4. It will detail the national and local planning policy context; provide an overview of the local character and identity of the various parts of the borough; and detail current issues and design considerations which should be taken into consideration when designing schemes in the borough.

Should the proposal change, please consult us again.

If you have any queries relating to the advice in this letter please contact me on 07789 928332

Yours faithfully

Phil Lomax
Lead Adviser, Sustainable Development, Thames and Solent Area