



A23 Great Street Design Code Supplementary Planning Document

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

November 2023

Summary

This Screening Statement considers whether a Strategic Environmental Assessment (SEA) and / or a Habitats Regulation Assessment (HRA) should be produced to inform the production of the A23 Great Street Design Code Supplementary Planning Document (SPD), as required under regulation 9 of the Environmental Assessment of Plans and Programmes Regulations 2004.

As set out later in this Statement, the screening for both SEA and HRA undertaken by Reigate & Banstead Borough Council (“the Council”) in accordance with the relevant legislation and guidance, concludes that **a SEA is not required** for the A23 Great Street Design Code SPD.

1. Introduction

1.1 Reigate & Banstead Borough Council is in the process of preparing a Supplementary Planning Document (SPD), to deliver a co-ordinated response to the design of development along the A23 corridor. The A23 Great Street Design Code aims to address the challenges we face as a society whilst also delivering public value. The Design Code aims to deliver four principal themes:

- To make the area work better for pedestrians and cyclists;
- To improve access to open spaces and parks;
- To identify opportunities for development; and
- To raise the quality of design.

1.2 The national Planning Practice Guidance (PPG)¹ sets out the difference between strategic environmental assessment (SEA) and other forms of assessment. It advises that strategic environmental assessment (SEA) is a tool used at the plan-making stage to assess the likely environmental effects of the plan when judged against reasonable alternatives.

1.3 A plan or project may also require an appropriate assessment, as set out in the Conservation of Habitats and Species Regulations 2017 (as amended) if it is considered likely to have significant effects on a protected habitats site.

1.4 The requirement for local planning authorities to carry out a Strategic Environmental Assessment (SEA) of relevant town and country planning or land

¹ PPG Strategic environmental assessment and sustainability appraisal (Paragraph: 003 Reference ID:11-003-20190722)

use plans and programmes before their adoption is a requirement of the [Environmental Assessment of Plans and Programmes Regulations 2004](#) (the “Strategic Environmental Assessment Regulations 2004”), Statutory Instrument 2004 No.1633, in certain situations.

- 1.5 The PPG advises² 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”*.
- 1.6 It is the responsibility of the local planning authority to assess whether the plan is likely to have significant effects on the environment in accordance with the relevant legislation, and to make these conclusions public.
- 1.7 *“A strategic environmental assessment is unlikely to be required where a supplementary planning document deals only with a small area at a local level (see regulation 5(6) of the Environmental Assessment of Plans and Programmes Regulations 2004), unless it is considered that there are likely to be significant environmental effects.”*
- 1.8 *“Before deciding whether significant environment effects are likely, the local planning authority will need to take into account the criteria specified in Schedule 1 of the Environmental Assessment of Plans and Programmes Regulations 2004 and consult the consultation bodies. The consultation bodies are defined in Regulation 4 of the Environmental Assessment of Plans and Programmes 2004 as Historic England, Natural England, and the Environment Agency.”*
- 1.9 Article 6 of 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’ sites. Such “Natural 2000” sites include Special Protection Areas (SPAs), Special Areas of Conservation (SACs) and Ramsar sites (which are treated as equivalent to Natura 2000 sites. If it is determined that a plan or

² PPG Strategic environmental assessment and sustainability appraisal (Paragraph: 008 Reference ID:11-008-20140306)

project is likely to have a significant effect on these protected sites, an Appropriate Assessment should be undertaken.

- 1.10 The Council has therefore prepared this Screening Statement to determine whether the SPD currently being prepared as a design code should be subject to a Strategic Environmental Assessment (SEA) and / or Habitats Regulations Assessment (HRA), also known as an “Appropriate Assessment”. This draft statement is sent to the three statutory consultation bodies for their comments on the Screening, and for their view as to whether they concur with its findings.
- 1.11 Reigate and Banstead Development Management Plan, its Inspector’s Report and the SA reports for the later stages of the DMP’s preparation can be accessed from the following weblink https://www.reigate-banstead.gov.uk/info/20088/planning_policy/1101/development_plan_2020/3
- 1.12 The various stages of Sustainability Appraisals and Habitats Regulation Assessments can be accessed from the following weblink https://www.reigate-banstead.gov.uk/info/20088/planning_policy/1109/evidence_2020/9

2. Scope of the A23 Great Street Design Code SPD being prepared

- 2.1 This section of the SEA and HRA Screening Statement sets out the purpose, scope and content of the A23 Great Street Design Code SPD, currently under preparation, and which is the subject of this screening.
- 2.2 The Design Code is part of the Council’s Development Management Plan which is the second part of the Council’s current adopted Local Plan covering the plan period 2012-2027, the first, strategic part being the Core Strategy (adopted in 2014 and reviewed and found to be up to date in July 2019). The DMP includes detailed policies to aid in determination of development applications and also include site allocation policies.
- 2.3 The Design Code includes requirements and considerations based on the National Model Design Code (NMDC), regarding movement, nature, built form, identity and streets and public space. Once adopted, the SPD will subsequently assist the Council by providing design principles and guidance to steer development.
- 2.4 Reigate and Banstead Borough Council successfully applied for the Pathfinder Design Code programme run by the Office for Place, as part of the Department of Levelling Up, Housing and Communities (DLUHC). Our Pathfinder programme started in the summer of 2022 when the procurement process started. Our consultants, Urban Initiatives Studio (UIS), along with Urban

Movement were appointed and have been engaged closely with planning policy officers to help develop the Design Code SPD as part of the Office for Place Pathfinder programme. The programme has since completed with a draft Design Code completed at the end of May 2023. We are now ready to take the draft Design Code through the planning process to adoption as an SPD

- 2.5 The Design Code Study Area covers the southeast corner of the borough, extending from Redhill down to Horley. The Code focuses on the A23 corridor which runs through the study area and passes a variety of different environments, including the urban town centre of Redhill, and the wooded areas of Earlswood Common. The corridor is an important focus as it provides important strategic movement for vehicles, pedestrians and cyclists and is a focus corridor in an area identified by the Local Plan to deliver opportunity for development. Just outside the study area boundary to the north is the Surrey Hills Area of Outstanding Natural Beauty (AONB), whilst to the south of the boundary, near Horley is Gatwick Airport.
- 2.6 The Design Code explores the number of challenges we face on a national level, which we call the 'grand challenges'. The challenges include, but not limited to: an aging population, climate change, air pollution, social isolation etc. This feeds into how we think about designing places and how we must respond to these challenges. Throughout the Design Code programme, we held three different engagement events with local communities and stakeholders. During the scoping stage, we presented the grand challenges at our engagement events and sought feedback with how people would prioritise and respond to these challenges. This was key to help us frame the ambitions for the Design Code, which presented local communities to be highly involved with the vision.
- 2.7 The SPD is being drafted and is programmed for public consultation for at least four weeks in December 2023. Adoption of the SPD is programmed for early 2024.
- 2.8 The SPD 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 and Development Management Plan. The SPD will provide further guidance on the following adopted Core Strategy and DMP policies as set out in Table 1 below.

Table 1: Local Plan policies that the Design Code SPD provides further guidance on

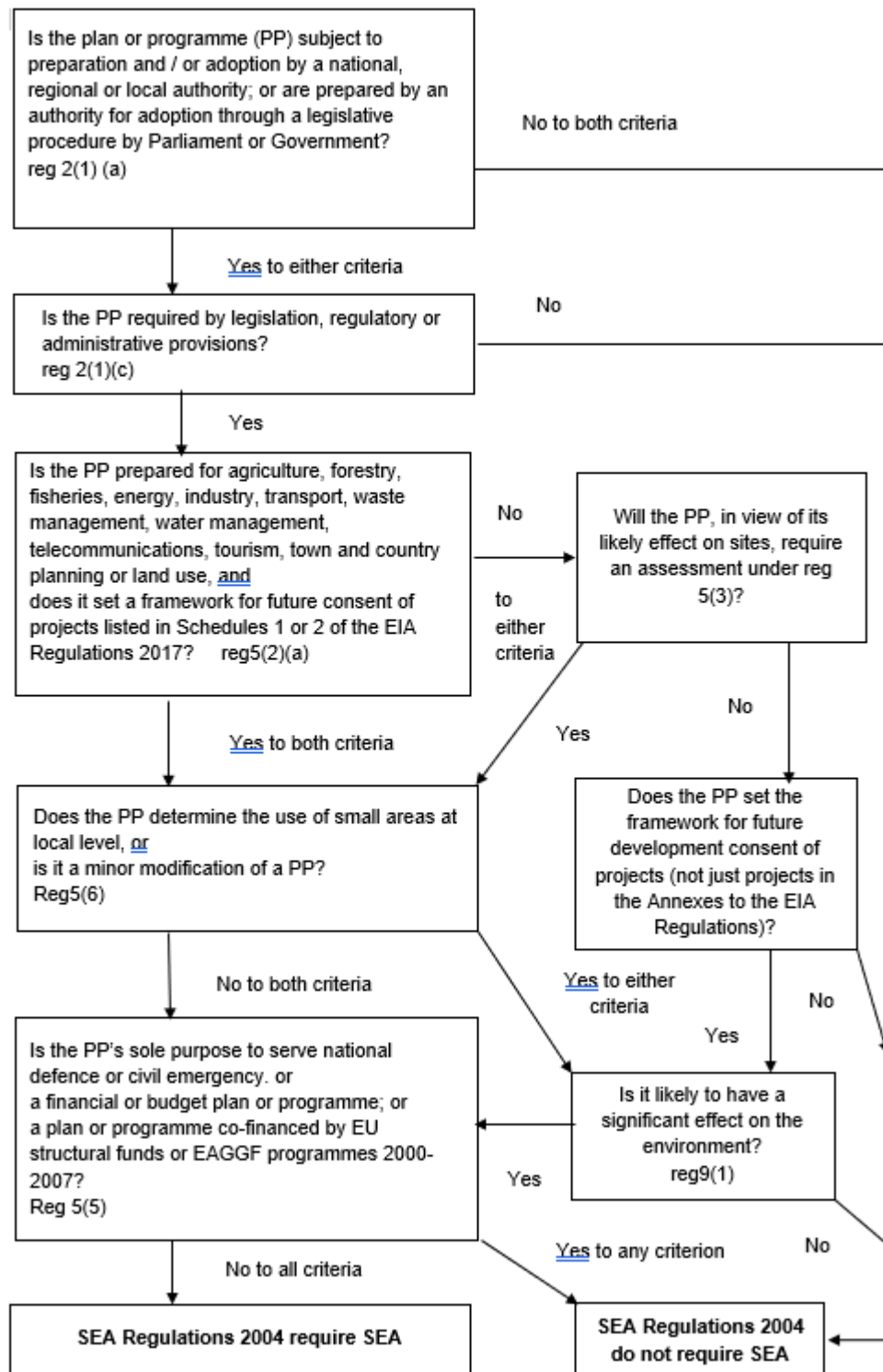
Core Strategy Policies	
CS1	Presumption in favour of sustainable development
CS2	Valued landscapes and the natural environment
CS4	Valued townscapes and the historic environment
CS5	Valued people and economic development
CS7	Town and local centres
CS10	Sustainable development
CS11	Sustainable construction
CS17	Travel options and accessibility
DMP Policies	
DES1	Design of new development
DES2	Residential garden land development
DES5	Delivering high quality homes
DES9	Pollution and contaminated land
OSR2	Open space in new developments
TAP1	Access, parking and servicing
CCF1	Climate change mitigation
NHE1	Landscape protection
NHE2	Protecting and enhancing biodiversity and areas of geological importance
NHE3	Protecting trees, woodland areas and natural habitats
NHE4	Green and blue infrastructure
NHE9	Heritage assets

3. Strategic Environmental Assessment (SEA) Screening

3.1 With regard to SPDs, the national Planning Practice Guidance indicates that SEA will normally only be required in exceptional circumstances. The flow chart at **Figure 1** summarises the process to follow to determine whether a town and country planning or land use plan or programme requires a SEA to be prepared. It is based on the European Directive, from which the Strategic Environmental Assessment Regulations 2004 were transposed for England. The process diagram is intended as a guide to the criteria for application of the Environmental

Assessment of Plans and Programmes Regulations 2004 (the “Strategic Environmental Assessment Regulations 2004”).

Figure 1: Application of the Environmental Assessment of Plans and Programmes Regulations 2004



- 3.2 As the “responsible authority”, the Council must therefore determine, whether SEA is required for the A23 Great Street Design Code SPD. The Council must initially determine whether the SPD is a “plan or programme” covered by regulation 5(2). If it determines that it is, then the Council must carry out a screening to establish whether SEA is required, based on its likelihood to have significant environmental effects. 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.
- 3.3 The Council considers that the SPD being prepared is a plan under regulation 5(2) and has therefore produced its screening opinion under regulation 9(1), set out below in **Table 2**, to determine the likely significance of effects on the environment, and therefore whether a SEA is required.

Table 2: Consideration of emerging SPD against the criteria for determining potential for likely significant effects on the environment (from Schedule 1 to the Strategic Environmental Assessment Regulations 2004)

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 emerging A23 Great Street Design Code SPD does not set the framework for any project or other activity.</p> <p>The “framework” for development for the SPD area is set in the adopted Development Management Plan (DMP) 2019.</p>
(b) the degree to which the plan or programme influences other plans and programmes	The emerging SPD will not influence other plans or programmes. It is influenced by the higher order plans, namely the Council’s

<p>including those in a hierarchy;</p>	<p>adopted development plan documents, the Core Strategy 2014 (Reviewed 2019 and found to be up to date) and the DMP, both of which have been subject to SEA, as well as the NPPF.</p> <p>It will assist in guiding the development of the study area, in accordance with the adopted DMP relevant policies but will not influence other plans or programmes. The SPD does not set new policies.</p>
<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>	<p>SPD will provide guidance for incorporating sustainable development considerations, the design of buildings, enhancing green infrastructure and in the promotion of active travel (improved pedestrian and cycle linkages) for the area with a focus on the A23 corridor.</p>
<p>(d) environmental problems relevant to the plan or programme; and</p>	<p>The SPD has design principles and codes set out to respond to environmental challenges and to enhance the natural environment. The Design Code is keen to create an enhanced environment that is accessible and safe for all as part of the framed ambitions.</p> <p>The Design code N4 for example is to improve the provision of new green infrastructure. This includes opportunities to introduce green walls, green roofs, climbing plants and roof gardens.</p> <p>Design code N1 is set to improve the access to nature, by providing connected green spaces and for new development to consider the connections and access to new and existing open spaces.</p>
<p>(e) the relevance of the plan or programme for the implementation of Community legislation on the environment (for example, plans and</p>	<p>The SPD is not directly relevant to the implementation of Community legislation on the environment.</p>

programmes linked to waste management or water protection)	
2. The characteristics of the effects and of the area likely to be affected, having regard, in particular, to -	
(a) the probability, duration, frequency and reversibility of the effects;	The SPD is not expected to have negative effects towards the environment, and its aim is to improve the quality of the environment along the A23. Moreover, the Local Plan SA/SEA expects overall positive impacts to arise from the Core Strategy and DMP Policies, which the SPD supports.
(b) the cumulative nature of the effects;	The SPD is not considered to have any cumulative effects.
(c) the transboundary nature of the effects;	The SPD will be local to the Design Code study area within the borough and only indirect effects are expected cross boundary.
(d) the risks to human health or the environment (for example due to accidents),	The SPD does not present any risks to human health or the environment; conversely, it will encourage improvements in these areas.
(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 the effects of the SPD will be more likely felt at a more local scale relevant to the Design Code study area, with the focus around the A23.

<p>(f) the value and vulnerability of the area likely to be affected due to:</p> <p>(i) special natural characteristics or cultural heritage;</p> <p>(ii) exceeded environmental quality standards or limit values; or</p> <p>(iii) intensive land-use</p>	<p>The SPD itself will not be able to set policy related to specific land uses. However, the SPD only offers guidance to support implementation of policies 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>The SPD does not include any recognised national, community or international protection status, and is not likely to affect any such areas or landscapes. The only potential impact could be on the Surrey Hills AONB and Mole Gap to Reigate Escarpment SAC located close to the Design Code area boundary. Any applications for development will be required to satisfy the relevant policies for protection of the character of the area before permission is granted.</p>

3.4 The SPD is supplementary to the Council's Local Plan which has been subject to SA/SEA throughout the preparation of the DMP. All the SA/SEA Reports are available through the weblink https://www.reigate-banstead.gov.uk/downloads/download/2030/sustainability_appraisal_and_strategic_environmental_assessment_for_local_plan_policy.

3.5 The SPD will supplement and support the delivery of existing policies in the Council's Local Plan which themselves have been subject to SEA and SA. In particular, the appraisals for the Core Strategy and DMP policies set out in Table 1 conclude that there will be no significant environmental effects. The SPD will not introduce 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.

SEA Screening Conclusions

- 3.6 As stated at paragraph 3.6, the SPD currently being prepared will not include any new policy proposal or site allocation, but rather will set out further detail to assist in implementing the adopted Local Plan policies. These policies were subject of SA (incorporating SEA) throughout the process of its preparation within the now adopted DMP. This includes the SA/SEA of the Main Modifications to the DMP proposed by the Inspector during the DMP Examination.
- 3.7 Having assessed the emerging 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 A23 Great Street Design Code SPD will not give rise to significant environmental effects. **A Strategic Environmental Assessment is therefore not required for the SPD.**
- 3.8 The Council's conclusion regarding the SEA screening is confirmed by the consultation bodies. Their response can be found in appendix 1.

4. Habitat Regulation Assessment (HRA) Screening

- 4.1 *The Conservation of Habitats and Species Regulations 2017 (as amended)* is one of the pieces of English law that transposed the land and marine aspects of the European Habitats Directive (Council Directive 92/43/EEC) and certain elements of the Wild Birds Directive (Directive 2009/147/EC) (known as the Nature Directives) into English law. Changes have been made to the 2017 Regulations by the [*Conservation of Habitats and Species \(Amendment\) \(EU Exit\) Regulations 2019*](#) to make them operable from 1 January 2021 following the UK's departure from the European Union, in the field of biodiversity protection in England and Wales.
- 4.2 These regulations concern sites of exceptional importance in respect of rare, endangered or vulnerable natural habitats and species. Most of these changes involved transferring functions from the European Commission to the appropriate authorities in England and Wales. All other processes or terms in the 2017 Regulations remain unchanged and existing guidance is still relevant. The obligations of a "competent authority" in the 2017 Regulations for the protection of sites or species do not change. A "competent authority" includes a public body such as Reigate & Banstead Borough Council.

- 4.3 The purpose of the HRA is to assess the implications of a plan, either individually, or in combination with other plans or projects, on the protected biodiversity sites.
- 4.4 The Habitats Directive applies the precautionary principle to all such designated 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 designated biodiversity site of national importance, either alone, or in combination with other plans.
- 4.5 The first stage in the process is to establish, through “screening” of the emerging SPD whether the plan is either directly connected with, or necessary to, the management of a protected biodiversity 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 protected national site.
- 4.6 Any plan or project not directly connected with, or necessary to, the management of a designated site, but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. In the light of the conclusions of the assessment of the implications for the site, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after consultation.
- 4.7 Comprehensive Habitats Regulation Assessment (HRA) / Appropriate Assessment was undertaken throughout the process of preparation of the DMP. This included assessing the emerging policies to consider whether those policies would have likely significant effects including in combination with other relevant plans. The conclusions of the HRAs at various stages in the preparation of the DMP are considered highly relevant to this screening assessment of the emerging A23 Great Street Design Code SPD. In particular [the Proposed DMP Submission Habitats Regulations Assessment](#) (published in October 2017 and updated in May 2018), which in relation to the key policies which the proposed SPD will implement (namely those listed in Table 1), the HRA for the DMP draws conclusions that the key policies have no direct HRA implications.
- 4.8 With regards to the HRA / AA of the DMP, the DMP Inspector’s Report concluded (at paragraph 218) that *“The Habitats Regulations / Appropriate Assessment Report published in September 2018 updates two interim Habitat Regulation Assessments. This concludes that subject to mitigation measures in the plan, no significant adverse effects on the integrity of European sites are likely. Natural England agrees with this finding.”*

HRA Screening conclusions

- 4.9 The DMP's HRA / AA prepared to inform the DMP, concluded that subject to mitigation, the DMP and its policies, would not be likely, either alone or in combination with other plans and projects, to result insignificant effects on protected biodiversity sites.
- 4.10 As the A23 Great Street Design Code SPD being prepared is intended to provide supplementary guidance on the implementation of DMP Policies, it is therefore concluded that **a full Appropriate Assessment under *the Conservation of Habitats and Species Regulations 2017 (as amended)* is not required for this emerging SPD.**
- 4.11 The Council's conclusion regarding the HRA screening is confirmed by the consultation bodies. Their response can be found in appendix 1.

Appendix 1: Responses from the three consultation bodies

creating a better place
for people and wildlife



Tomas Pugh-Cook
Reigate & Banstead Borough Council
Building & Development Services

Our ref: SL/2011/108875/SE-13/DS1-01

Sent via email

Date: 03 November 2023

Dear Tomas,

Consultation on Strategic Environmental Assessment and Habitats Regulations Assessment Screening Statement

- A23 Great Street Design Code Supplementary Planning Document (SPD)

Thank you for consulting the Environment Agency on the above consultation. We agree with your conclusion that the A23 Great Street Design Code SPD will not give rise to significant environmental effects and therefore a Strategic Environmental Assessment is not required for the proposed SPD.

We are aware that the proposed SPD is intended to provide further guidance on several Core Strategy and DMP policies and will not introduce policies, proposals or site allocations, 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 sincerely,

Mr Ajit Gill
Planning Specialist

Direct e-mail Ajit.Gill@environment-agency.gov.uk



Historic England

Planning Policy Team
Reigate and Banstead Borough Council
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Castlefield Road
Reigate RH2 0SH

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Your ref:
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Email e-seast@historicengland.org.uk

By email only to LDF@reigate-banstead.gov.uk

Date 6 November 2023

Dear Sir or Madam

**Reigate and Banstead Borough Council-A23 Great Street Design Code SPD
Sustainability Appraisal/Strategic Environmental Appraisal Screening Opinion**

Thank you for your email dated 5 October 2023 consulting Historic England on your intention of carrying out a SEA/SA 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 3.7 of the Screening Statement (Reigate and Banstead Borough Council, October 2023).

Yours sincerely

Alan Byrne
Historic Environment Planning Adviser



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Correspondence or information which you send us may therefore become publicly available.

Pending response from Natural England