Community Infrastructure Levy - Final Strategic Environmental Assessment Screening Statement

September 2013
Final Determination Statement on the need for a Strategic Environmental Assessment (SEA) for the Community Infrastructure Levy – Charging Schedule 2013.

1.0 **Introduction**

1.1 Under “The Environmental Assessment of Plans and Programmes Regulations 2004” (the SEA Regulations), Councils’ must, where appropriate, carry out a Strategic Environmental Assessment (SEA) of land-use and spatial plans.

1.2 The first part of the SEA process is to screen the relevant plan or programme to test whether a SEA is required. The Council has a duty to consult with specified environmental organisations (Natural England, English Heritage and the Environment Agency) when determining the need for SEA. The Council consulted these bodies on its Draft Determination Statement for its Community Infrastructure Levy (CIL) Charging Schedule from 20 March 2013 to 16 May 2013. The three bodies in responding (see appendix 1) agreed with the authority than a SEA was not required for its Charging Schedule.

1.3 This report therefore constitutes the final determination statement that no SEA is required for the Council’s CIL Charging Schedule along with the agreed reasoning for this. This has been produced to comply with the requirements of Regulation 9 of the SEA Regulations.

2. **Background to the Community Infrastructure Levy**

2.1 The ability of Local Authorities to secure payments from development to provide infrastructure needed to support growth is currently by planning obligations under Section 106 of the Town & Country Planning Act 1990.

2.2 The CIL Regulations 2010 came into force on 6th April 2010 and set out how and when payments for infrastructure projects will be collected from developments in the future. The CIL Regulations make provision for adoption of a local CIL charging schedule which is used to determine payments, based on gross internal floorspace after deducting any floorspace lost to demolition. However should a CIL charging schedule not be adopted by April 2014, then under the CIL Regulations the Council’s ability to seek S106 payments for infrastructure is considerably reduced.

2.3 The CIL Regulations make provision for differential charging rates across local authority areas and rates that vary according to land use and location. Any variations in rates must be based solely on viability and cannot be used as a policy tool.

2.4 The Council plans to adopt a CIL charging schedule no later than April 2014 which will be used to collect levy payments from developments to

---


part fund a range of infrastructure projects that are needed to support growth in the Borough.

3.0 **Strategic Environmental Assessment**

3.1 Under the requirements of European Union Directive 2001/42/EC (Strategic Environmental Assessment (SEA Directive)) and the SEA Regulations, specific types of plans that set the framework for the future development consent of projects must be subject to an environmental assessment.

3.2 There are exceptions to this requirement for plans that determine the use of a small area at a local level and for minor modifications if it has been determined that the plan is unlikely to have significant environmental effects.

3.3 In accordance with the provisions of the SEA Directive and the SEA Regulations (Regulation 9), the Council must determine if a plan requires an environmental assessment. Following the necessary consultation in line with the SEA Regulations, the final determination is outlined in section 4.

4.0 **SEA Screening of the Community Infrastructure – Charging Schedule**

4.1 The screening process set out in Regulation 9 of and Schedule 1 to the SEA Regulations includes two sets of characteristics for determining the likely significance of effects on the environment as follows:

- The characteristics of the Charging Schedule; and
- The characteristics of the effects and of the area likely to be affected.

4.2 Under each characteristic are a number of criteria with which to assess the Charging Schedule against. These criteria are individually assessed for the Charging Schedule below.

<table>
<thead>
<tr>
<th>Criteria Details</th>
<th>Likely Significant effect?</th>
</tr>
</thead>
<tbody>
<tr>
<td>(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; The framework is set by national regulations on the use of charging schedules in the Community Infrastructure Levy Regulations 2010 (as amended). The charging schedule itself does not set the framework for future consents as this is the remit of higher level plans and individual projects.</td>
<td>No</td>
</tr>
<tr>
<td>(b) the degree to which the plan or programme The charging schedule is a financial tool to be applied to</td>
<td>No</td>
</tr>
</tbody>
</table>
### Final Determination Statement on need for an SEA of the Wokingham Borough’s Community Infrastructure Levy – Charging Schedule 2013

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Details</th>
<th>Likely Significant effect?</th>
</tr>
</thead>
<tbody>
<tr>
<td>influences other plans and programmes including those in a hierarchy;</td>
<td>individual project consents. The charge is set outside of the plan making process and does not influence the content of plans or programmes.</td>
<td></td>
</tr>
<tr>
<td>(c) the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development;</td>
<td>A CIL charge can be used to raise monies from individual development projects towards infrastructure which can aid the delivery of sustainable development. However, the charging schedule is not a plan or programme but a financial tool.</td>
<td>No</td>
</tr>
<tr>
<td>(d) environmental problems relevant to the plan or programme; and</td>
<td>A charging schedule does not and cannot set policy guidance or interventions to deal with environmental problems. The charging schedule is only a tool by which to raise contributions from individual development projects, although monies raised can be spent on alleviating environmental problems if considered to be infrastructure.</td>
<td>No</td>
</tr>
<tr>
<td>(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).</td>
<td>The Charging Schedule is not relevant to the implementation of EC legislation on the environment.</td>
<td>No</td>
</tr>
</tbody>
</table>

2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to—

<p>| (a) the probability, duration, frequency and reversibility of the effects; | A CIL charging schedule will not in itself set out, guide or bring forward development plans or projects. It will purely set out a charge which applies to individual consents. As such there is no mechanism for effects to arise from the charge itself, although individual infrastructure projects on which CIL monies will be spent could have an impact. However, such infrastructure projects are likely to be subject to environmental appraisal either as part of the | No |</p>
<table>
<thead>
<tr>
<th>Criteria</th>
<th>Details</th>
<th>Likely Significant effect?</th>
</tr>
</thead>
<tbody>
<tr>
<td>(b) the cumulative nature of the effects;</td>
<td>A CIL charge could be spent on a range of infrastructure projects, but does not in itself give consent for such projects or is a material consideration in the decision making process. As such, no cumulative effects arise from the charge itself, but as in (a) above, individual infrastructure projects on which CIL monies will be spent may have an effect.</td>
<td>No</td>
</tr>
<tr>
<td>(c) the transboundary nature of the effects;</td>
<td>Given the nature of CIL, it is considered that no transboundary effects will arise.</td>
<td>No</td>
</tr>
<tr>
<td>(d) the risks to human health or the environment (for example, due to accidents);</td>
<td>None</td>
<td>No</td>
</tr>
<tr>
<td>(e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);</td>
<td>Although differential charges can be set for different areas of the Borough (and different types of development) a CIL charging schedule is likely to have Borough wide coverage in some form or another. This will affect all planning applications for qualifying development across the Borough, but only in terms of a charge raised not whether the project is acceptable in planning terms or not.</td>
<td>No</td>
</tr>
<tr>
<td>(f) the value and vulnerability of the area likely to be affected due to— (i) special natural characteristics or cultural heritage; (ii) exceeded environmental quality standards or limit values; or (iii) intensive land-use; and</td>
<td>Given the nature of the document: i) None ii) None iii) None</td>
<td>No</td>
</tr>
<tr>
<td>(g) the effects on areas or landscapes which have a recognised national, Community or international protection status.</td>
<td>A CIL charge can be used to raise monies from development projects towards infrastructure which can be spent on alleviating environmental problems within designated</td>
<td>No</td>
</tr>
</tbody>
</table>
5.0 **Consultation with Statutory Bodies**

5.1 The Council has a duty to consult with specified environmental organisations (Natural England, English Heritage and the Environment Agency) when determining the need for SEA and, in situations where an SEA is not deemed to be required, it also has a duty to prepare a statement of its reasons for this determination. The Draft SEA Screening Statement was sent to the following organisations:

- The Historic Buildings and Monuments Commission for England (English Heritage);
- Natural England; and
- The Environment Agency.

5.2 This notification was sent by the Council on 20 March 2013 with a request for any comments on the Draft SEA Determination Statement to be returned by 16th May 2013. The Council on the same day made available a copy of its reasoning for why a Strategic Environmental Assessment was not required at the planning reception of its Shute End offices. A copy of the notice and draft determination was also made available on the Council’s website.

5.3 Through the consultation, the three bodies responded and they all agreed with the authority that a SEA of the CIL Charging Schedule was not required. A copy of their responses is included as appendix 1 of this Determination Statement.

6.0 **Final Statement of Determination**

6.1 It is therefore agreed that a Strategic Environmental Assessment is NOT required for the Charging Schedule for the reasons set out in Section 4 above.

---

3 Pursuant to Regulation 11(1) of the SEA Regulations
4 Pursuant to Regulation 11(2)(a) of the SEA Regulations
Our ref: HD/P6041/01/PC6
Your ref:  
Telephone 01483 252040
Fax  

Dear Mr Ritchie,

Community Infrastructure Levy Charging Schedule
Draft SEA Determination Statement and Preliminary Draft

Thank you for your e-mail of 20th March regarding your Council's Community Infrastructure Levy Charging Schedule draft SEA determination. English Heritage agrees with the Council’s opinion that it is not likely that the Charging Schedule will have any significant environmental impacts and, that therefore, a SEA is not required.

We note that the Preliminary Draft Charging Schedule is also out for consultation and we would like to take this opportunity to make the following comments.
English Heritage advises that CIL charging authorities identify the ways in which CIL, planning obligations and other funding streams can be used to implement the policies within the Local Plan aimed at and achieving the conservation and enhancement of the historic environment, heritage assets and their setting.

The Community Infrastructure Levy covers a wide definition of infrastructure in terms of what can be funded by the levy and is needed for supporting the development of an area. This can include:

- Open space: as well as parks and green spaces, this might also include wider public realm improvements, possibly linked to a Heritage Lottery Fund scheme, conservation area appraisals and management plans, and green infrastructure;
- ‘In kind’ payments, including land transfers: this could include the transfer of an ‘at risk’ building;
- Repairs and improvements to and the maintenance of heritage assets where they are an infrastructure item as defined by the Planning Act 2008, such as cultural or recreational facilities.

The Localism Act 2011 also allows CIL to be used for maintenance and ongoing costs, which may be relevant for a range of heritage assets, for example, transport infrastructure such as historic bridges or green and social infrastructure such as parks and gardens.

Historic buildings may offer opportunities for business or employment use – infrastructure to support economic development. Investment in heritage assets (e.g. listed buildings at risk) and the wider historic character of a place (e.g. conservation areas at risk) may also serve to stimulate and support the tourism
offer and attractiveness of a place to retain and attract economic development, which may be particularly important in supporting the viability of town centres. Conversely, vacant or underused heritage assets not only fail to make a full contribution to the economy of the area but they also give rise to negative perceptions about an area and discourage inward investment.

We suggest therefore that the Borough Council should consider whether any heritage-related projects within Wokingham Borough would be appropriate for CIL funding. The Local Plan’s evidence base may demonstrate the specific opportunities for CIL to help deliver growth and in so doing meet the Plan’s objectives for the historic environment.

The Council should also be aware of the implications of any CIL rate on the viability and effective conservation of the historic environment and heritage assets in development proposals in striking the “appropriate balance” required by the CIL Regulations. For example, there could be circumstances where the viability of a scheme designed to respect the setting of a heritage asset in terms of its quantum of development could be threatened by the application of CIL. There could equally be issues for schemes which are designed to secure the long term viability of the historic environment (either through re-using a heritage asset or through enabling development).

Paragraph 126 of the National Planning Policy Framework requires that local planning authorities set out, in their Local Plan, a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In relation to CIL, this means ensuring that the conservation of its heritage assets is taken into account when considering the level of the CIL to be imposed so as to safeguard and encourage appropriate and viable uses for the historic environment.

We consider it essential, therefore, that the rates proposed in areas where there are groups of heritage assets at risk are not such as would be likely to discourage schemes being put forward for their re-use or associated heritage-led regeneration. In such areas, there may be a case for lowering the rates charged.

Cont’d
In addition, we are encouraging local authorities assert in their CIL Charging Schedules their right to offer CIL relief in exceptional circumstances where development which affects heritage assets and their settings may become unviable it was subject to CIL. We also urge local authorities to then offer CIL relief where these circumstances apply.

For clarity, following guidance set out in the Community Infrastructure Levy Relief Information Document (2011), we recommend that the conditions and procedures for CIL relief be set out within a separate statement following the Charging Schedule. The statement could set out the criteria to define exceptional circumstances and provide a clear rationale for their use, including the justification in terms of the public benefit (for example, where CIL relief would enable the restoration of heritage assets identified on English Heritage’s Heritage at Risk Register). For clarity the statement could also reiterate the necessary requirements and procedures which would be followed in such cases, including the need for appropriate notification and consultation.

It should also be remembered that development-specific planning obligations may still continue to offer further opportunities for funding improvements to and the mitigation of adverse impacts on the historic environment, such as archaeological investigations, access and interpretation, and the repair and reuse of buildings or other heritage assets.

English Heritage strongly advises that the Borough Council’s conservation staff are involved throughout the preparation and implementation of the Draft Charging Schedule as they are often best placed to advise on local historic environment issues.

Attached to this letter is an Appendix that sets out some background information on the relationship of Infrastructure with the historic environment which we hope
Final Determination Statement on need for an SEA of the Wokingham Borough’s Community Infrastructure Levy – Charging Schedule 2013

will be helpful in explaining English Heritage’s position on infrastructure and CIL.

If you have any queries on the points raised in this letter, please contact me.

Yours sincerely,

Martin Small
Historic Environment Planning Adviser
(Bucks, Oxon, Berks, Hants, IoW, SDNP and Chichester)

E-mail: martin.small@english-heritage.org.uk
INFRASTRUCTURE AND THE HISTORIC ENVIRONMENT

Infrastructure

The National Planning Policy Framework endorses the role of the historic environment in sustainable development. It notes that pursuing sustainable development involves seeking positive improvements in the quality of the historic environment. There can often be a range of ways in which the historic environment can contribute to and benefit from the range of infrastructure and investment needs that are required for sustainable development and communities.

Physical Infrastructure

Heritage assets can help to deliver a range of infrastructure needs associated with housing, economic development and sustainable transport networks.

Historic buildings within or in the vicinity of a settlement may offer opportunities for residential reuse, including for affordable housing [see Affordable Rural Housing and the Historic Environment, http://www.helm.org.uk/server/show/nav.00h015005004].

Heritage assets can be economic assets in their own right and support the regeneration of areas as well as the tourism economy. For example, the adaptive reuse and repair of historic buildings may offer opportunities for business or employment use. More generally the investment in heritage assets (e.g. buildings at risk), and the wider historic character of a place (e.g. conservation areas at risk) may also serve to strengthen and reinforce the attractiveness of a place to retain and attract economic development and to stimulate and support the area’s tourism offer. Investment could be directed to establishing or extending area-based schemes aimed at regenerating valued historic townscapes, as exemplified by Townscape Heritage Initiatives funded through the HLF. Specific opportunities may also exist to further develop the tourism offer of established heritage assets open to the public and their links to nearby settlements.

The following publications illustrate practical examples of where the protection and adaptation of historic places through active management (constructive conservation) has delivered social and economic benefits:
Improvements to the public realm in town and village centres can help encourage walking and cycling and support the delivery of sustainable transport objectives. They can also support the delivery of the objectives for the historic environment through helping to deliver conservation area management plans and tackling issues related to conservation areas being identified as at risk. Improvements could include promoting community based de-cluttering audits and the better coordination of signage and street furniture as promoted through English Heritage’s Streets for All programme. Improvements in the overall quality, character and indeed functioning of areas can also contribute to wider policy aims linked to tourism, the economy and the built environment. Practical guidance on community audits and managing, designing and maintaining the public realm is available at:


In certain cases the direct investment in a heritage asset might be required for supporting the development of an area. For example, this could include investment in the improvement and or maintenance of a historic bridge where it is part of the transport infrastructure for the planned development.

Social and Community Infrastructure

Historic buildings, including places of worship, can accommodate many social and community services and activities as well as represent a focus for the community in their own right. Investment in their continued or improved maintenance could be warranted in supporting and extending the capacity of existing infrastructure. Promoting the adaptive reuse of a vacant or underused building or facilitating the multiple-use of existing buildings for a wider range of community services might also offer the opportunity to support the repair and maintenance of historic buildings, particularly where identified nationally or locally as a building at risk.

Practical examples of how heritage assets can be adapted to realise their potential as social and economic assets are available via the English Heritage website:
http://www.english-heritage.org.uk/professional/advice/conservation-principles/constructive-conservation/. Specific guidance on caring for Places of Worship and new uses for former places of worship is available at:

http://www.english-heritage.org.uk/publications/caring-for-places-of-worship/; and

The community transfer of assets may also be an option for delivering infrastructure and the sustainable management of a heritage asset. Guidance for local authorities, public sector bodies and community groups on the transfer the ownership and management of historic buildings, monuments or landscapes is available on the English Heritage website [Pillars of the Community: The Transfer of Local Authority Heritage Assets, 2011]:


In supporting access to green space and encouraging walking and cycling, extensions to the public rights of way network can include improving access to heritage assets and their improved interpretation and enjoyment. The provision of open space might also be linked to improving public access to historic landscapes in the vicinity of a settlement.

Social and community infrastructure may also include cultural facilities such as a local museum. Investment may offer opportunities to widen and improve its use by existing and new communities as well as support the tourism economy.

Green Infrastructure

The historic environment and heritage assets can make a valuable contribution to green infrastructure networks and its wider functions, as for example in providing leisure and recreation opportunities, encouraging walking and cycling and strengthening local character. Historic places such as historic parks and gardens, archaeological sites, the grounds of historic buildings and green spaces within conservation areas can form part of a green infrastructure network as well as underpin the character and distinctiveness of an area and its sense of place. Other heritage assets can also offer a range of opportunities such as canal networks and churchyards and the wider countryside including networks of ‘green-lanes’, common land and historic parkland.
Dear Mr Ritchie

SEA Screening Opinion for Community Infrastructure Levy (CIL) – Charging Schedule

Thank you for consulting the Environment Agency, which we received on 20 March 2013. We have the following comments:

We agree with your determination that the Community Infrastructure Levy Charging Schedule Document does not require a formal Strategic Environmental Assessment (SEA) under the SEA Directive because the rate at which new development is charged will have no significant environmental effects.

If you have any queries, please do not hesitate to contact me on the number below.

Yours sincerely

Mr Gareth Johns
Planning Advisor

Direct dial 01189 535498
Direct e-mail planning-wallingford@environment-agency.gov.uk
Dear Graham,

I have had a look at this, and I am satisfied with the conclusions. I have no comments to make.

Kind Regards

Marc

Marc Turner
Senior Adviser
Land Use Ops
2nd Floor
Cromwell House
15 Andover Road
Winchester
SO23 7BT

Direct Dial: 03000 604921