

## **Draft Determination Statement on the need for a Strategic Environmental Assessment (SEA) for the Sonning Conservation Area Character Appraisal Supplementary Planning Document 2015.**

### **1.0 Introduction**

- 1.1 Under “The Environmental Assessment of Plans and Programmes Regulations 2004”<sup>1</sup> (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, Historic England and the Environment Agency) when determining the need for SEA.
- 1.3 This report constitutes the draft determination statement as to the need for a full SEA under Regulation 9(3) of the SEA Regulations. The report sets out the SEA screening process of the Council’s proposed Sonning Conservation Area Character Appraisal Supplementary Planning Document (SPD) along with the reasoning behind its provisional determination that an SEA is not required. The Council is consulting upon this provisional view as detailed in section 5.

### **2.0 Sonning Conservation Area Character Appraisal Supplementary Planning Document and the Borough’s Development Plan**

- 2.1 Sonning Parish Council and the Sonning Eye Society have undertaken a Character Appraisal of Sonning’s Conservation Area to understand and articulate the special architectural and historic interest of the area in order to better inform future decision making in the management of development. The Council is considering whether the Character Appraisal should be incorporated within the advice available from the authority as an SPD. If considered as an SPD, it will supplement the guidance under Core Strategy Policy CP3 *General Principles for development* together with Managing Development Delivery (MDD) Local Plan policies TB21 *Landscape Character*, TB24 *Designated Heritage Assets (Listed Buildings, Historic Parks and Gardens, Scheduled Ancient Monuments and Conservation Areas)*, TB25 *Archaeology* and TB26 *Buildings of Traditional Local Character and Areas of Special Character*.
- 2.2 These policies provide guidance on how development proposals will be considered, taking account the heritage and landscape character of the area. The Conservation Area Character Appraisal once adopted will amplify these policies and identify the specific heritage assets and

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<sup>1</sup> Available at: <http://www.legislation.gov.uk/ukxi/2004/1633/contents/made>.

landscape features which should be appraised as part of a planning application within Sonning Conservation Area.

- 2.3 The document does not introduce new policy but instead focuses on implementation and evidence requirements in relation to policies which detail how heritage and landscape issues should be considered.

### **3.0 Strategic Environmental Assessment**

- 3.1 Under the SEA Regulations, local authorities must, where appropriate, carry out a SEA of land-use and spatial plans.
- 3.2 Regulation 5 (2) of the Regulations describes that an environmental assessment should be undertaken for a plan or programme which -  
*(a) is prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use, and*  
*(b) sets the framework for future development consent of projects listed in Annex I or II to Council Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment, as amended by Council Directive 97/11/EC.*
- 3.3 The SPD falls under criterion (a) of Regulation 5(2), being a plan prepared for town and country planning or land use. However, for a plan or programme to be deemed relevant under SEA Regulation 5(2) it must also be consistent with sub-paragraph (b).
- 3.4 In respect of sub-paragraph (b) the SPD will supplement existing policy within the Adopted Core Strategy and MDD providing further guidance on how heritage and landscape character issues should be considered in Sonning Conservation Area. Whilst the policies on heritage and landscape character do not directly relate to any of the uses listed under Annex I of EC Directive 85/337/EEC as amended by Directive 97/11/EC, it is recognised that some proposals for residential development could fall within the definition of an “urban development project” within Annex II of the Directive if the site exceeded 0.5 hectares. It is considered appropriate to review the SPD as relevant to the definition under Article 5(2).
- 3.5 Additionally, Regulations 5(3) indicates that an SEA could be required where:  
*“The description is a plan or programme which, in view of the likely effect on sites, has been determined to require an assessment pursuant to Article 6 or 7 of the Habitats Directive.”*  
With respect of this, it is recognised that Council’s adopted Core Strategy approach to delivering additional dwellings in the borough required an assessment pursuant to Article 6 of the Habitats Directive. This was due to the likely significant effects from such development upon the Thames Basin Heaths Special Protection Area (the SPA). However, since Sonning Conservation Area is not within the part of the

borough where residential development is likely to have significant effects upon the SPA (as it lies around 12km from the SPA), it is not considered that the SPD will itself require an assessment under the Habitats Directive.

- 3.6 Further to the above, Regulation 5(6) of the SEA Regulations indicates that an environmental assessment need not be carried out –  
*(a) for a plan or programme of the description set out in paragraph (2) or (3) which determines the use of a small area at local level; or*  
*(b) for a minor modification to a plan or programme of the description set out in either of those paragraphs,*  
*unless it has been determined under regulation 9(1) that the plan, programme or modification, as the case may be, is likely to have significant environmental effects, or it is the subject of a direction under Regulation 10(3).*
- 3.6 Since the SPD must not conflict with the policies of the Core Strategy and the MDD<sup>2</sup>, and the very limited amplification it provides, it is therefore considered to fall under criterion (b) of Regulation 5(6). It is only therefore if it is considered 'likely' that the SPD will have significant environmental effects that a full SEA is required. Furthermore, the Council considers that as the SPD only applies to the Sonning Conservation Area, as this covers less than 83 hectares (compared to 473 ha in Sonning Parish and 17,800 ha in the borough) it can also be regarded as relating to a small area at a local level. This supports the view that an SEA is unlikely to be required.
- 3.7 The regulations advise that the likelihood of any significant environmental effects should be determined by a screening process, which should use a specified set of criteria (set out in Schedule 1 to the Regulations). The results of this process must be summarised in an SEA screening statement, which must be publicly available.
- 4.0 SEA Screening of the Established Employment Areas SPD**
- 4.1 The screening process set out in Regulation 9 of and Schedule 1 to the Regulations includes two sets of characteristics for determining the likely significance of effects on the environment as follows:
- The characteristics of the Sonning Conservation Area Character Appraisal SPD; 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 SPD against. These criteria are individually assessed for the SPD below.

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<sup>2</sup> Pursuant to Regulation 8(3) of The Town and Country Planning (Local Planning) (England) Regulations 2012 – see <http://www.legislation.gov.uk/uksi/2012/767/regulation/8/made>.

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Criteria	Details	Likely Significant effect?
<b>1. The characteristics of plans and programmes, having regard, in particular, to—</b>		
(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 Sonning Conservation Area Character Appraisal SPD will supplement Core Strategy policy CP3 and MDD policies TB21, TB24, TB25 and TB26, thereby providing further guidance on the how heritage assets and landscape character should be considered in proposals. The SPD will therefore supplement existing policy rather than setting a framework itself.	No
(b)the degree to which the plan or programme influences other plans and programmes including those in a hierarchy;	The Sonning Conservation Area Character Appraisal SPD will supplement policy within the adopted Core Strategy and MDD and sits at the lowest tier of the Borough's planning strategy.	No
(c)the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development;	The Sonning Conservation Area Character Appraisal SPD will ensure heritage and landscape issues specific to Sonning are considered in line with the Core Strategy and MDD to achieve sustainable development. It will not however provide environmental policy in its own right so does not have a significant effect on environmental considerations.	No
(d)environmental problems relevant to the plan or programme; and	The Sonning Conservation Area Character Appraisal SPD will supplement Core Strategy policy CP3 and MDD policies TB21, TB24, TB25 and TB26, and is not being prepared in order to tackle a particular environmental problem.	No
(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).	The Sonning Conservation Area Character Appraisal SPD is not relevant to the implementation of EC legislation on the environment.	No
<b>2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to—</b>		
(a)the probability, duration, frequency and reversibility of the effects;	The SPD supplements policy within the adopted Core Strategy and MDD on heritage and landscape issues in Sonning. It is	No

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Criteria	Details	Likely Significant effect?
	extremely unlikely that its implementation will generate significant environmental effects since any sites where a planning application is submitted to which the SPD is then applied will only be acceptable to the authority where environmental effects do not arise. Therefore, the approach within the SPD does not affect how the authority would consider applications with respect of these issues	
(b)the cumulative nature of the effects;	As noted above, the SPD would not in itself result in new activities with any significant environmental effects. Therefore, it is extremely unlikely that any cumulative impacts will arise. Where they are likely to arise, the Council through determining planning applications will ensure such issues are appropriately considered and addressed. Whilst cumulative issues could arise from the delivery of housing in proximity to the SPA, as explained above the Conservation Area is not within a part of the borough where cumulative impacts upon the SPA need to be considered.	No
(c)the transboundary nature of the effects;	As noted above, the SPD would not in itself result in new activities with any significant environmental effects. Therefore, it is extremely unlikely that any transboundary impacts will arise. Where they are likely to arise, the Council through determining planning applications will ensure such issues are appropriately considered and addressed. The approach within the SPD does not affect how the authority would consider applications with respect of these issues	No
(d)the risks to human health or the environment (for example, due to accidents);	Consideration of heritage and landscape issues for proposals in Sonning Conservation Area is not considered to lead to increased risks to human health or the environment. The approach within the SPD does not affect how the authority would consider applications with respect of these issues	No

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Criteria	Details	Likely Significant effect?
(e)the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);	The SPD will not change the focus of the policy approach of the Core Strategy and is therefore not considered to have any significant impacts in this regard. The approach within the SPD does not affect how the authority would consider applications with respect of these issues	No
(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	Since the SPD amplifies the approach of the Core Strategy, it is not considered to significantly affect any of these matters directly. Where applications are submitted which could affect these matters, the Council through determining planning applications will ensure such issues are appropriately considered and addressed. The approach of the SPD will help minimise any harmful impacts upon cultural heritage. The approach within the SPD does not affect how the authority would consider applications with respect of these issues	No
(g)the effects on areas or landscapes which have a recognised national, Community or international protection status.	The only areas of recognised national importance for environmental matters in the Borough are the designated Sites of Special Scientific Interest. In addition, the southern part of the borough lies within areas where development could adversely affect the SPA designated pursuant to the Birds Directive. Where applications are submitted which could affect these sites, the Council through determining planning applications will ensure such issues are appropriately considered and addressed. The approach within the SPD does not affect how the authority would consider applications with respect of these issues.	No

## **5.0 Consultation with Statutory Bodies**

5.1 The Council has a duty to consult with specified environmental organisations (Natural England, Historic England 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. This draft SEA Determination Statement will be sent to the following organisations:

- Historic England;
- Natural England; and
- The Environment Agency.

5.2 This notification was sent by the Council on 4<sup>th</sup> November 2015<sup>3</sup> with a request for any comments on the Draft SEA Determination Statement to be returned by 9<sup>th</sup> December 2015. 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<sup>4</sup>. A copy of the notice and draft determination was also made available on the Council's website.

## **6.0 Provisional Conclusion**

6.1 The Sonning Conservation Area Character Appraisal will supplement Core Strategy policy CP3 together MDD policies TB21, TB24, TB25 and TB26 by providing further guidance on the requirements in respect of heritage issues and landscape character for Sonning. The draft Screening of the document has led to the provisional conclusion that it is not likely that the SPD will have any significant environmental impacts and, therefore, that a SEA is not required. This provisional conclusion will be verified through a consultation with the bodies identified in section 5 above.

## **7.0 The Draft Statement of Determination**

7.1 It is provisionally considered that a Strategic Environmental Assessment is not required for the Sonning Conservation Area Character Appraisal SPD for the reasons set out in Section 4 above.

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<sup>3</sup> Pursuant to Regulation 11(1) of the SEA Regulations

<sup>4</sup> Pursuant to Regulation 11(2)(a) of the SEA Regulations.