



Affordable Housing SPD

Strategic Environmental Assessment and Habitats Regulations Assessment Screening Statement

October 2019

Executive Summary

This report details the need for a Strategic Environmental Assessment and/or a full Habitats Regulation Assessment to be produced to accompany the Affordable Housing Supplementary Planning Document (SPD).

The assessment concludes that **an SEA is not required** for Affordable Housing SPD. It also concludes that the 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 an updated Affordable Housing Supplementary Planning Document (SPD).
- 1.2 These updated SPD will provide additional guidance to support implementation of policies in the Council's adopted Local Plan: Core Strategy (adopted 2014) and Development Management Plan (adopted 2019). Upon adoption, they will be a material consideration in the determination of planning applications in the borough.
- 1.3 The 2004 Planning and Compulsory Purchase Act and associated Regulations made all local development documents subject to Sustainability Appraisal, which met the requirements of Strategic Environmental Assessment (SEA) as defined by the EU Directive. The 2008 Planning Act removed the requirement for SPDs to be subject to Sustainability Appraisal and, as such, the Council does not propose to carry out a sustainability appraisal of these SPDs.
- 1.4 The requirement for local planning authorities to carry out a Strategic Environmental Assessment (SEA) of relevant plans and programmes before adoption remains in force by virtue of the Environmental Assessment of Plans and Programmes Regulations 2004.
- 1.5 However, there are 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 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

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

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 proposed updated SPDs listed above should be subject to a Strategic Environmental Assessment (SEA) and/or Habitats Regulations Assessment (HRA)/Appropriate Assessment.

2. Scope of the SPD under preparation

- 2.1 The paragraphs below summarise the purpose, scope and intended content of the updated Affordable Housing SPD under preparation and which is the subject of this SEA and HRA Screening Statement. The updated SPD is intended to replace the currently adopted 2014 Affordable Housing SPD, which on adoption, will be revoked.
- 2.2 It should be noted that 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.

Affordable Housing SPD

- 2.3 The purpose of this supplementary planning document is to provide additional guidance to that in the Policy Explanations, in relation to the application of Development Management Plan policies DES4 and DES6³, in order to deliver sufficient and appropriate affordable housing on relevant developments to meet local needs.
- 2.4 The updated SPD will detail how requirements for provision of on-site affordable housing should be calculated on individual qualifying developments, including taking account of the application of the vacant building credit. The SPD will provide guidance on the Council's expectation as to the tenure and size mix of affordable housing which should be provided, reflecting the latest local evidence of need.
- 2.5 The SPD will also provide guidance on how affordable housing should be designed and integrated successfully into developments to support vibrant mixed communities and also to ensure that affordable housing will be viable and feasible for registered providers and housing associations in terms of operation and management.
- 2.6 The Affordable Housing SPD will also cover the exceptional circumstances in which contributions in lieu of on-site provision may be accepted and, in those cases, the Council's approach to calculating the contribution required. In addition, the SPD will

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

³ Development Management Plan (DMP) Policy DES6: Affordable Housing replaced Core Strategy Policy CS15: Affordable Housing.

provide guidance as to the Council’s approach to viability in exceptional cases (reflecting the latest national planning practice guidance) and the Council’s priorities and preferences in any subsequent negotiations.

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 Planning Practice Guidance indicates that SEA will normally only be required in exceptional circumstances. The Council must therefore determine, on a case by case basis, whether SEA is required for the Affordable Housing 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 Bodies. This process is summarised in **Figure 1** below.
- 3.5 The Council’s assessment of the Affordable Housing SPD against Schedule 1 criteria is set out in **Table 1** below.
- 3.6 This draft Screening Report covers:
 - a) An assessment of whether the SPDs are covered by Article 3(3) and Article 3(4)
 - b) An appraisal of the SPDs taking account of the criteria in Schedule 1 of the Environmental Assessment of Plans and Programmes Regulations 2004
- 3.7 A draft of this Screening was sent to the prescribed consultation bodies⁴ before being finalised.

⁴ Historic England, Natural England and the Environment Agency

<p>(b) the degree to which the plan or programme influences other plans and programmes including those in a hierarchy;</p>	<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>
<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>The SPD will guide development proposals for residential development, notably those of 11 units or more which are required to provide affordable housing and any proposals relating to existing affordable housing units. The guidance in the SPD will support the Council in securing affordable housing which is of the right amount, tenure and size to meet needs and which is well-designed and integrated into mixed tenure developments. In doing so, it will support the delivery of sustainable development.</p>
<p>(d) environmental problems relevant to the plan or programme; and</p>	<p>The Affordable Housing SPD will promote development which delivers appropriate affordable housing and which is responsive to local needs.</p> <p>As set out in the Council's evidence (including previous SA Scoping Reports), the borough experiences high house prices and pressure on affordability of housing. This can result in challenges accessing housing, particularly those on lower incomes. The guidance within the Affordable Housing SPD will support delivery of not only the right amount of affordable housing, but also the right type, to best meet and address the local needs and the issues above.</p> <p>Sustainability Appraisal (including SEA) of the Council's higher order Local Plan documents incorporates an objective (no.1) <i>"to provide sufficient housing to enable people to live in a home suitable to their needs and which they can afford"</i> to which this SPD would relate.</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>

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 provides guidance aimed at ensuring an appropriate mix of housing, specifically in relation to affordable housing. It supports delivery of policies within the Local Plan which have already been subject to SA/SEA. The duration of the effects will be difficult to define; however, in terms of affordable housing provided, this is secured into perpetuity.
(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 is unlikely to result in any transboundary effects. Where developments may be close to boundaries or transboundary, the SPD would only serve to guide developments to provide housing choice for residents from the borough and well as potentially from other surrounding communities.
(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 across the borough. Historic delivery of affordable housing has average c.100 homes per year, as per the target set out in the higher order Local Plan documents (Core Strategy and now DMP). The effects of the SPD may be felt by populations in and around the development sites to which the SPD is applied, but also to the c.100 households per annum who may benefit from the new affordable housing delivered.
(f) the value and vulnerability of the area likely to be affected due to: - special natural characteristics or cultural heritage, - exceeded environmental quality standards or limit values, - intensive land-use,	The guidance in the SPD will specifically apply to residential proposals where affordable housing 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, 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.
(g) the effects on areas or landscapes which have a recognised national, Community or international protection status.	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. However, it is not intended to provide guidance directly in relation to

	landscapes of national, Community of international protection but only guidance specific to affordable housing. The SPD will not override or “trump” 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).
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Conclusions in respect of Strategic Environmental Assessment

- 3.8 The Affordable Housing SPD being prepared are intended to supplement and support the delivery of existing policies in the Local Plan (DMP) which have already been the subject of SA/SEA as part of their development process. This includes the 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 Affordable Housing SPD will not give rise to significant environmental effects. **As such, Strategic Environmental Assessment is not required for the SPD.**
- 3.10 The Council’s conclusion was subject to consultation with the relevant bodies before the screening conclusion was 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 Habitats Regulation Assessment (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 the Affordable Housing SPD. In relation to the policies which the proposed SPD will implement, the HRA for the DMP concluded as follows:

Table 4: Conclusions of the DMP and HRA in respect of relevant policies

Policy	HRA conclusions
DMP Policy DES4 Housing Mix	HRA (Sept 2018) concluded that the policy had no impact pathways and no HRA/AA implications. The policy was therefore screened out.
DMP Policy DES6 Affordable Housing	HRA (Sept 2018) concluded that the policy had no impact pathways and no HRA/AA implications. The policy was therefore screened out.

Conclusions in respect of Habitat Regulations Assessment Screening

- 4.5 The previous HRA for the DMP 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 Affordable Housing SPD is intended to implement.
- 4.6 Given the Affordable Housing 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 Affordable Housing SPD.**
- 4.7 The Council's conclusion was subject to consultation with the relevant bodies before the screening conclusion was finalised.

Appendix 1: Responses from the three Consultation Bodies

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

Our ref: SL/2011/108875/SE-07/SC1

Your ref: Email

Date: 21 October 2019

Dear Sir/Madam,

CONSULTATION ON STRATEGIC ENVIRONMENTAL ASSESSMENT AND HABITATS REGULATIONS ASSESSMENT SCREENING STATEMENT

Thank you for consulting the Environment Agency on the above.

The Environment Agency is in agreement with your determination that the Affordable Housing SPD is unlikely to have any significant environmental effects and therefore a full Strategic Environmental Assessment will not be required.

We agree that the Affordable Housing SPD being prepared is intended to supplement and support the delivery of existing policies in the Local Plan which have already been considered and assessed by a separate full SA/SEA through the development plan process.

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

Our ref: PL00617742

Your ref:

Telephone 020 7973 3700
Email e-seast@historicengland.org.uk

By email only to LDF@Reigate-Banstead.gov.uk

Date 10 October 2019

Dear Sir or Madam

Reigate and Barnstead Borough Council Historic Parks & Gardens SPD, Reigate Shopfront Design SPD, Barn and Farm Conversion SPD & Affordable Housing SPD Strategic Environmental Appraisal Screening Opinions

Thank you for your email dated 9 September 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 reasons set out in paragraphs 3.9 of the respective screening statements

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: 09 October 2019
Our ref: 294487
Your ref: Affordable Housing SPD – SEA & HRA Screening.



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

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

T 0300 060 3900

BY EMAIL ONLY

LDF@Reigate-Banstead.gov.uk

Dear Sir or Madam

Affordable Housing Supplementary Planning Document (SPD) – SEA & HRA Screening

Thank you for your consultation request on the above dated and received by Natural England on 9th September 2019.

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.

Our remit includes protected sites and landscapes, biodiversity, geodiversity, soils, protected species, landscape character, green infrastructure and access to and enjoyment of nature.

Whilst we welcome this opportunity to give our views, the topic of the Supplementary Planning Document does not appear to relate to our interests to any significant extent. We therefore do not wish to comment.

Should the plan be amended in a way which significantly affects its impact on the natural environment, then, please consult Natural England again.

Strategic Environmental Assessment/Habitats Regulations Assessment

A SPD requires a Strategic Environmental Assessment only in exceptional circumstances as set out in the Planning Practice Guidance [here](#). While SPDs are unlikely to give rise to likely significant effects on European Sites, they should be considered as a plan under the Habitats Regulations in the same way as any other plan or project. If your SPD requires a Strategic Environmental Assessment or Habitats Regulation Assessment, you are required to consult us at certain stages as set out in the Planning Practice Guidance.

Please send all planning consultations electronically to the consultation hub at consultations@naturalengland.org.uk.

Yours faithfully

Sharon Jenkins
Operations Delivery, Consultations Team