

# Sports Provision: Developer Contributions SPD

## Strategic Environmental Assessment Screening Report

Date: April 2019

## **1. Introduction**

- 1.1 This screening report is designed to determine whether or not the contents of the Sports Provision: Developer Contributions SPD requires a Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plans and Programmes Regulations 2004.
- 1.2 The purpose of the Sports Provision: Developer Contributions SPD is to provide a framework by which the impacts of a population increase as a result of new development is mitigated to ensure that sports provision in the borough is maintained and enhanced and that sports provision responds to latest trends in participation. This SPD sets out how developer contributions towards sports provision will be calculated.

## **2. Legislative Background**

- 2.1 The basis for Strategic Environmental Assessments and Sustainability Appraisal legislation is European Directive 2001/42/EC which was transposed into English law by the Environmental Assessment of Plans and Programmes Regulations 2004, otherwise known as the SEA Regulations. Detailed Guidance of these regulations can be found in the Government publication 'A Practical Guide to the Strategic Environmental Assessment Directive' (ODPM 2005).
- 2.2 The Planning and Compulsory Purchase Act 2004 required Local Authorities to produce Sustainability Appraisals (SA) for all local development documents to meet the requirement of the EU Directive on SEA. It is considered best practice to incorporate requirements of the SEA Directive into an SA. The 2008 Planning Act removed the requirement to undertake a SA for a Supplementary Planning Document, but not the requirement for Strategic Environmental Assessment.
- 2.3 Regulation 5 of the 2004 Regulations sets out 3 types of plan that require SEA:
  - The plan is for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use and sets the development framework for future consent of projects listed in annexes 1 or 11 of the EIA Directive<sup>1</sup>;
  - The plan requires a Habitat Directive Assessment;
  - The plan sets the future development consent framework that does not fall in the above two categories but has been determined to be likely to have significant environmental effects.SEA is not required for plans that determine the use of a small area at a local level or for a minor modification to a plan unless it is likely to have significant environmental effects.

## **3. Screening Process**

- 3.1 The ODPM guidance provides a checklist approach based on the SEA Regulations to help determine whether SEA is required. This is replicated in Appendix 1 and applied to the proposed SPD.

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<sup>1</sup> Regulation 5(2) of the Environmental Assessment of Plans and Programmes Regulations 2004 (no. 1633)

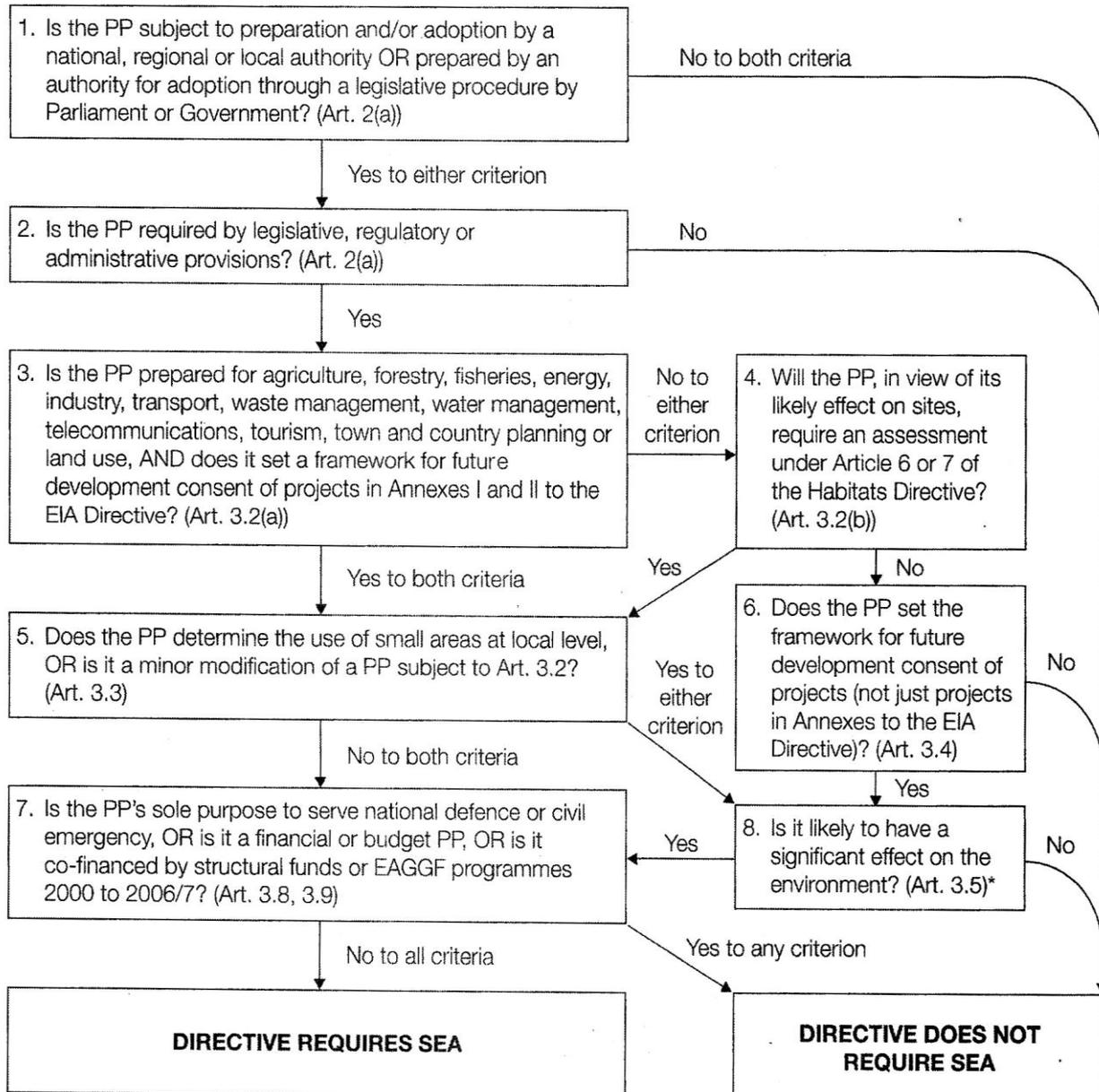
- 3.2 The Borough Council as the Responsible Authority must determine whether the plan under assessment is likely to have significant environmental effects having regard to the criteria set out in Schedule 1 of the Regulations. These are reproduced in Appendix 2 and applied to the proposed SPD.
- 3.3 The authority must also consult with the Environment Agency, English Heritage and Natural England before making a determination as to whether SEA is required. This consultation will be undertaken alongside consultation on the plan itself.
- 3.4 Where the authority determines that a plan is unlikely to have significant effects, and therefore does not need to be subject to a full SEA, it must prepare a statement showing the reasons for this determination.

#### **4. Screening Outcome**

- 4.1 This screening demonstrates that, having regard to the information set out in Appendices 1 and 2, the Sports Provision: Developer Contributions SPD is unlikely to have a significant effect on the environment. A full SEA will not therefore be required.

Figure 2 – Application of the SEA Directive to plans and programmes

This diagram is intended as a guide to the criteria for application of the Directive to plans and programmes (PPs). It has no legal status.



\*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.

<b>Establishing the need for SEA</b>		<b>Answer</b>	<b>Reasons</b>	<b>Next step</b>
1	Is the SPD subject to preparation and/or adoption by a national, regional or local authority OR prepared by an authority for adoption through a legislative procedure by Parliament of Government (Article 2(a))	Y	Preparation and Adoption of the SPD is being done by a Local Authority in accordance with the 2004 Planning and Compulsory Purchase Act and the Town and Country Planning (Local Planning) (England) Regulations 2012.	Proceed to question 2.
2	Is the SPD required by legislative, regulatory or administrative provisions? (Article 2(a))	Y	Preparation of SPDs are not required, they are optional to aid the successful delivery of development. They are however prepared under legislative processes as set out in the Town and Country Planning (Local Planning) (England) Regulations 2012	Proceed to question 3.
3	Is the SPD prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, telecommunications, tourism, town and country planning or land use, AND does it set a framework for future development consent of projects in Annexes I and II to the EIA Directive? (Art. 3.2(a))	N	The SPD is prepared for town and country planning and land use purposes. The Local Plan however sets out the framework for these types of planning consents in the borough. This SPD merely supplements the local plan policies and so does not of itself impact on future development consents.	
4	Will the SPD, in view of its likely effect on sites, require an assessment under Article 6 or 7 of the Habitats Directive? (Article 3.2(b))	N	The SPD covers an area which includes sites that are within the 2 and 3km buffer zones of the Upper Nene Valley Gravel Pits SPA, however the SPD does not propose any development beyond the enhancement or creation of new sports provision. Any physical development that is planned within these buffers would be subject to assessment and appropriate mitigation to avoid any harm. The principle and location of any such development is guided by other policies in the local plan and there would therefore be no effects on	Proceed to question 6.

			these areas resulting from the SPD itself.	
5	Does the SPD determine the use of small areas at local level, OR is it a minor modification of a plan subject to Article 3.2? (Article 3.3)	Y	The SPD provides guidance on the application of existing local plan policies and is therefore a minor modification of a plan.	
6	Does the SPD set the framework for future development consent of projects (not just projects in Annexes to the EIA Directive)? (Article 3.4)	Y	Once adopted the SPD will be used as a material consideration in the determination of planning applications.	Proceed to question 8.
7	Is the SPD's sole purpose to serve the national defence or civil emergency, OR is it a financial or budget plan, OR is it co-financed by structural funds or EAGGF programmes 2000-2006/7? (Article 3.8, 3.9)			N/A
8	Is it likely to have a significant effect on the environment? (Article 3.5)	N	See assessment of significance of effects in Appendix 2	Directive does not require SEA

**Criteria for determining the likely significance of effects on the environment from  
Schedule 1 of the Environmental Assessment of Plans and Programmes Regulations  
2004**

Criteria		Borough Council's Assessment
<b>1. Characteristics of the SPD, having regard, in particular to:</b>		
1a	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 SPD is supplementary to the policies in the local plan (which have already been subject to SA and SEA). It may influence the location and nature of sports projects undertaken and it sets a framework by which developer contributions can be gathered and determining how these resources are to be spent on identified sports projects in the SPD.
1b	The degree to which the plan or programme influences other plans and programmes including those in a hierarchy	The SPD adds guidance to the policies in the local plan. Policies in the local plan have already been scrutinised, consulted upon and assessed through the plan making process. The SPD will only be used to determined quantity, type and location of developer contributions towards sports provision in the borough. It will only expand on existing policies and will not introduce new policies. The SPD will be at the bottom of the hierarchy and will have no impact on those documents above it.
1c	The relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development	The SPD seeks to ensure that new development and population increase does not impact on the quality or level of provision of sports provision in the borough. The SPD could lead to increased and improves sports facilities which could provide increased opportunities for healthy lifestyles. It will promote sustainable development by ensuring development is supported by delivery of the relevant infrastructure to help create and sustain balanced communities.
1d	Environmental problems relevant to the plan or programme	The SPD is not considered to introduce or exacerbate any environmental problems.
1e	The relevance of the plan or programme for the	There are no direct linkages with the implementation of legislation concerning the

	implementation of [European] Community legislation on the environment (for example, plans and programmes linked to waste management or water protection)	environment.
<b>2. Characteristics of the effects and of the area likely to be affected [by the SPD], having regard, in particular, to:</b>		
2a	The probability, duration, frequency and reversibility of the effects	The SPD will be a material consideration in the decision making process. The SPD will be used to assess each application received over 10 dwellings or 0.3ha or more site area and so the regularity of its use to some extent depends on the number of these applications received, however it is anticipated that the SPD is likely to have a moderate positive impact on the environment. The effects are not likely to be reversible as they relate to development. Under s106 regulations if the developer contribution is not spent within a certain timeframe then the money received may have to be returned to the developer.
2b	The cumulative nature of the effects	The likely cumulative effects of this SPD will be the enhancement of existing sports provision to increase current capacity or to create new good quality sports provision where required.
2c	The trans-boundary nature of the effects	There are considered to be no trans-boundary effects from this SPD
2d	The risk to human health or the environment (for example, due to accidents)	There are considered to be no risks to human health or the environment from the SPD. An increase in sports participation rates may lead to an improvement in human health and a reduction in health inequality across the borough.
2e	The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)	The SPD covers and affects the whole borough. The greatest effects will be felt in areas with higher levels of growth. Whilst any effects are likely to be positive, as outlined above, the magnitude and extent of such effects is likely to be localised as most development sites in the borough will be relatively small.
2f	The value and vulnerability of the	The audit of sports provision done by

	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	Knights Kavanagh and Page assessed each site for their quality and current spare capacity. This therefore identifies the lowest quality sites in the borough and the most vulnerable. The SPD would not influence the principle of development which would be established through adopted policies which have been subject to SEA.
2g	The effects on areas or landscapes which have a recognised national, Community or international protection status.	Some of the sports sites identified in the TEP report are within the 2 or 3km buffer zones of the Upper Nene Valley Gravel Pits SPD. The impacts of the SPD on these sports facilities are however expected to be positive. The principle and location of development is guided by other policies in the local plan and there would therefore be no effects on these areas resulting from the SPD itself.

### Statement of Reasons for Determination

The Sports Provision SPD will supplement and provide additional guidance to existing policy contained within the Local Plan. It has been demonstrated that the SPD will not have significant environmental effects and any that are experienced are likely to be largely positive. It can therefore be determined that an environmental assessment under the SEA Directive, in line with the Environmental Assessment of Plans and Programmes Regulations 2004, and the Town and Country Planning (Local Development) (England) (Amendment) Regulation 2008, is not required for the Sports Provision: Developer Contributions SPD.