

ISLAND PLAN



Children's Services Facilities Contributions Supplementary Planning Document Strategic Environmental Assessment & Sustainability Appraisal Screening Statement



May 2014

1. Introduction

- 1.1 This statement sets out the Isle of Wight Council's (the council) draft determination under Regulation 9 of the Environmental Assessment of Plans and Programmes Regulations 2004 (which transposed EC Directive 2001/42/EC) on whether or not a Strategic Environmental Assessment (SEA) is required for the draft Children's Services Facilities Contributions Supplementary Planning Document (SPD).
- 1.2 Under separate legislation (Planning and Compulsory Purchase Act 2004 and associated Regulations), the council is also required to carry out a Sustainability Appraisal (SA) for all Development Plan Documents (DPDs). This process is designed to consider the environmental, social and economic impacts of the proposed plan/document.
- 1.3 Whilst the Planning Act 2008 and Town and Country Planning (Local Development)(England) Regulations 2012 removed the requirements for a SA to be produced for all SPDs, the council is still required to screen its SPDs to ensure that the legal requirements for sustainability appraisals are met where there are impacts that are not covered in the appraisal of a parent DPD or where an assessment is required by the SEA regulations. This statement also sets out whether or not a SA is required for the draft SPD.

2. Background of the Draft Children's Services Facilities Contributions SPD

- 2.1 Policy DM22 (Developer Contributions) of the Core Strategy establishes the strategic principles towards developer contributions on the Isle of Wight, but does not set out precise levels of contributions. It does though give the commitment to prepare Supplementary Planning Documents (SPDs) to set out the mechanisms through which contributions are achieved and to ensure that contributions are based upon a co-ordinated and consistent approach.
- 2.2 Therefore, and in line with central government guidance on developers' contributions¹, the council has prepared this SPD to set out the levels of developer contributions to meet the cost of Children's Services facilities (required as a direct consequence of development) and when it will be required.
- 2.3 For the purposes of this document Children's Services facilities are primary and secondary schools, provision for children with special educational needs and other facilities to support young children and their families.

¹ Paragraph 204 of the National Planning Policy Framework (NPPF) and Regulation 122 of the Community Infrastructure Regulations 2010

- 2.4 The purpose of the Children's Services Facilities Contributions SPD is to set out the proposed level of developers' contributions to meet the cost of children's services facilities required as a direct consequence of development and when this will be required.

Table 1: Extracts from the adopted (March 2012) Island Plan Isle of Wight Core Strategy which the Draft Children's Services Facilities Contributions SPD seeks to implement

Core Strategy Policy	Relevant extract
DM22 Developer Contributions	<i>The Council will work in partnership with other public sector providers, utility companies and developers to ensure that development provides high quality infrastructure commensurate with the scale of the development and the needs of different communities across the Island.</i>
DM22 Developer Contributions, supporting text	<p><i>Because future development may put pressure on existing infrastructure improvements may be required and, in some cases, the provision of additional infrastructure will also be required.</i></p> <p><i>New development will therefore be expected to provide or contribute towards the provision of the necessary infrastructure to enable it to be provided in a timely manner and support growth on the Island.</i></p>

3. The Strategic Environmental Appraisal Process

- 3.1 The first stage of the process is for the council to determine whether or not the draft SPD is likely to have significant effects on the environment. This screening process includes assessing the SPD against a set of criteria (as set out in Schedule 1 of the regulations). The results of this have been set out in Table 3 of this statement. The aim of this statement is to provide sufficient information to demonstrate whether the SPD is likely to have significant environmental effects.
- 3.2 The council also has to consult the Environment Agency, English Heritage and Natural England on this screening statement. A final determination cannot be made until the three statutory consultation bodies have been consulted. This statement will be sent to those bodies for their comments.
- 3.3 Where the council determines that a SEA is not required then under Regulation 9(3) the council must prepare a statement setting out the reasons for this determination. **This statement is the Isle of Wight Council's Draft Regulation 9(3) statement.**

4. Sustainability Appraisal

- 4.1 Whilst there is no statutory reason to undertake a SA of SPDs, the council has considered whether a SA of this draft SPD is required. The council has determined that the draft SPD is unlikely to have significant environmental, social or economic effects beyond those of the policy it supplements (Island Plan Core Strategy policy DM22 Developer Contributions).
- 4.2 In coming to this conclusion the council is mindful that this draft SPD does not create new policies and serves only to expand on existing policy within its 'parent DPD', the Island Plan Core Strategy (which has already been subject to SA incorporating SEA). There are no impacts beyond those assessed in the SA of the 'parent' development plan document.
- 4.3 This judgement is based upon the fact that the draft SPD seeks to implement specific parts of Core Strategy policy DM22, being to set out the levels of developer contributions to meet the cost of Children's Services facilities (required as a direct consequence of development). Table 2 below highlights key parts of the Core Strategy SA, notably that the preferred option in terms of likelihood of delivering the most sustainability benefits (when assessed against the Core Strategy SA Objectives), is clearly related to the primary aim of the draft SPD. Therefore the SPD can be considered to be in conformity with the 'parent' plan and accompanying SA, through implementation.

Table 2: Mitigation identified in the SA of the Core Strategy that the SPD is seeking to implement

Core Strategy Policy	Core Strategy SA Summary Extract	Draft SPD Aim
DM22 Developer Contributions	<p><i>Much depends on how this policy is implemented, and further detail will be set out in an SPD. Option 3 seems to be the most comprehensive and does identify what contributions might be used for so can show a positive link to (SA) objectives.</i></p> <p><i>The policy approach selected is based on Option 3 which performs the best in terms of social, economic and environmental benefits and appears most likely to deliver the required infrastructure for the Island.</i></p> <p><i>(Option 3 A tariff based approach, with the ability for contributions to be pooled towards strategic infrastructure.)</i></p>	<p>Set the levels of developer contributions to meet the cost of Children's Services facilities (required as a direct consequence of development)</p>

5. Habitats Regulations Assessment

- 5.1 In addition to SEA and SA, the council is also required to consider Habitats Regulations Assessment (HRA). HRA is the process used to determine whether a plan or project would have significant adverse effects upon the integrity of internationally designated sites of nature conservation importance, known as European sites or European offshore marine sites. The need for a HRA is set out within the Conservation of Habitats and Species Regulations 2010 (which transposed EC Habitats Directive 92/43/EEC).
- 5.2 The Regulations state the council must assess the potential effects of its land use plans, in this case the draft SPD, against the conservation objectives of any sites designated for their nature conservation importance. A HRA has been carried out on the 'parent DPD', the Island Plan Core Strategy.

Table 3: Extracts from the Habitats Regulations Assessment for the Isle of Wight Core Strategy Appropriate Assessment Report (April 2011) on the assessment of Core Strategy policy DM22 Developer Contributions

Core Strategy Policy	Relevant HRA extract
DM22 Developer Contributions	<p><i>Policy Summary</i></p> <p><i>The policy supports improvements in the provision of the Island's utility and infrastructure to meet identified need; it does not support proposals that would adversely impact on the ability and/or capacity of the Island's utility infrastructure to function. Proposals will also be expected to demonstrate that there is the capacity within the relevant utility infrastructure to support the development proposed.</i></p>
	<p><i>Potential Policy Effects</i></p> <p><i>The policy does not make allocations or identify broad locations for infrastructure delivery and will therefore not lead directly to development itself. The role of the policy is to ensure that appropriate utility infrastructure is in place to serve new development without adversely impacting on the existing infrastructure. No new major infrastructure provision projects or requirements (in terms of the main utilities, ie gas, electricity, water or telecoms) have been identified.</i></p>
	<p><i>The location of new utility infrastructure, if it is required, relates to the development areas and levels set out in policies SP1 and SP2, which have gone through their own assessment in this report. In light of this and the</i></p>

overarching protective policies SP5 and DM13, this policy has therefore been assessed as not being likely to lead to significant effects on any European or Ramsar site. No further HRA on this policy is required.

- 5.3 As highlighted above, the policies from the 'parent DPD' are considered to be unlikely to have a significant effect on the integrity of European sites. As the purpose of this draft SPD is to provide further detail on Core Strategy policy DM22 Developer Contributions, through an approach already identified as preferable in the Core Strategy SA/SEA (i.e. Option3 a tariff based approach, see Table 2), the council has determined that a HRA is not required. Adopting a mechanism to secure contributions for the provision of Children's Services facilities will not lead to any significant adverse impacts on European and Ramsar sites.

6. SEA Screening Procedure

- 6.1 It is the responsibility of the Responsible Authority (the Isle of Wight Council) to determine whether the plan or programme under assessment is likely to have a significant adverse environmental effect. This assessment must be made taking account of the criteria set out in Schedule 1 of the Environmental Assessment of Plans and Programmes Regulations 2004 and in consultation with the Environment Agency, English Heritage and Natural England.
- 6.2 Where the Responsible Authority determines that a plan or programme is unlikely to have significant effect, and therefore, does not need to be subject to a full Strategic Environmental Assessment, the Responsible Authority must prepare a statement showing the reason for this determination. This is set out in Table 4 below.

Table 4: SEA Screening for the Draft Children's Services Facilities Contributions SPD

Criteria (Schedule 1 of the Environmental Assessment of Plans and Programmes Regulations 2004)	Isle of Wight Council Response
Characteristics of the plan or programme	
(a) <i>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.</i>	Provides a framework for securing developer contributions to meet the cost of Children's Services facilities (required as a direct consequence of development). It will not in itself determine projects/developments, or their, size, nature or location.
(b) <i>the degree to which the plan or programme influences other plans and programmes including those in a hierarchy.</i>	The guidance provided by the draft SPD is in conformity with the strategic objectives, spatial vision and policies of the Isle of Wight Island Plan Core Strategy – which has been subject to full SA and SEA.
(c) <i>the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development.</i>	The plan has no direct relationship to environmental considerations, but does aim to deliver the preferred option as identified through the 'parent' plan SA/SEA and is therefore likely to deliver certain sustainability benefits (primarily against the 'Education and training' SA Objectives of the Core Strategy)
(d) <i>environmental problems relevant to the plan or programme.</i>	The draft SPD will not introduce or increase any environmental problems

Criteria (Schedule 1 of the Environmental Assessment of Plans and Programmes Regulations 2004)	Isle of Wight Council Response
<i>(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).</i>	The plan has no direct relevance to the implementation of community legislation.
Characteristics of the effects and of the area likely to be affected	
<i>(a) the probability, duration, frequency and reversibility of the effects.</i>	There are no effects.
<i>(b) the cumulative nature of the effects.</i>	There are no effects.
<i>(c) the trans-boundary nature of the effects.</i>	There are no effects.
<i>(d) the risks to human health or the environment (for example, due to accidents).</i>	There are no effects.
<i>(e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected).</i>	The plan will apply to the entire authority area (i.e. the Isle of Wight) but will extent no further and is not anticipated to have effects beyond the authority boundary. Neighbouring mainland authorities already have such plans/mechanisms in place.
<i>(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.</i>	There are no effects.
<i>(g) the effects on areas or landscapes which have a recognised national, community or international protection status.</i>	There are no effects.

7. Screening and consultation outcome

- 7.1 Based on the above screening it is clear that the Children's Services Facilities Contributions SPD is unlikely to have a significant effect on the environment.
- 7.2 Table 5 below sets out the comments received from the Environment Agency, English Heritage and Natural England regarding this screening report for the Children's Services Facilities Contributions SPD and the likely effects on the environment.

Table 5: Comments received from the Statutory Consultees on the Draft Screening Report

Statutory Consultee	Statutory Consultee Response
Environment Agency	<i>No comments received.</i>
English Heritage	<i>No comments received.</i>
Natural England	<i>Concur with the reasoning as set out in para 7.1 of the screening statement which maintains that the SPD does not require a full Sustainability Appraisal (SA), Strategic Environmental Assessment (SEA) or Habitat Regulations Assessment (HRA).</i>

- 7.3 A consultation statement for the SPD has been published by the council that summarises the main issues raised by respondents and how those issues have been addressed. Appendix 1 of the consultation statement provides a summary of issues raised and how these have been addressed.
- 7.4 Having considered the comments received from the Statutory Consultees on the Draft Screening Report no changes are proposed either to the SPD itself or this Screening Statement.

8. Conclusion

- 8.1 As discussed above, the Children's Services Facilities Contributions SPD has not been subject to a full Sustainability Appraisal (SA), Strategic Environmental Assessment (SEA) or Habitat Regulations Assessment (HRA) for the following reasons:
- The nature of the plan is to provide a mechanism for securing contributions, which in itself will not have any environmental impacts;
 - The plan aims to deliver the preferred option as identified through the 'parent' plan SA/SEA and is therefore likely to deliver certain sustainability benefits (primarily against the 'Education and training' SA Objectives of the Core Strategy)
 - The SA/SEA of the 'parent DPD' determined no likely significant effects; and
 - The HRA of the 'parent DPD' determined no likely significant effects.