



STOCKPORT
METROPOLITAN BOROUGH COUNCIL

Education Contributions

Supplementary Planning Document

Strategic Environmental Assessment and Habitats Regulations

Assessment: Screening Assessment

July 2023

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1. Introduction

- 1.1. The purpose of this document is to determine whether the Education Contributions Supplementary Planning Document (SPD) requires a Strategic Environmental Assessment (SEA) and/or a Habitats Regulations Assessment (HRA) through processes referred to as SEA and HRA screening.
- 1.2. A SEA is a process for evaluating, at the earliest appropriate stage, the environmental effects of a plan and/or programme before it is given effect. The SEA screening determines whether the plan and/or programme is likely to have significant environmental effects. If likely significant environmental effects are identified, an environmental report must be produced.
- 1.3. A HRA identifies whether a plan or project is likely to have a significant effect on a European site. A HRA should be undertaken as early as possible alongside other assessment processes. An initial HRA screening determines whether significant effects of a plan or project on a European site are likely, and therefore the requirement for a full HRA.
- 1.4. This document explains the legislative background to SEA and HRA screening, provides details of the Education Contributions SPD before undertaking a SEA and HRA screening exercise and providing conclusions.

2. Legislative Background

Strategic Environmental Assessment (SEA)

- 2.1. The requirement for a Strategic Environmental Assessment arises from the European Directive 2001/42/EC “*on the assessment of the effects of certain plans and programmes on the environment*”¹ (known as SEA Directive). This Directive was transposed into English law by the Environmental Assessment of Plans and Programmes Regulations 2004², referred to as SEA Regulations. Regulation 9(1) of

¹ Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment [2001] OJ L197/30

² European Communities (Designation) Order 2004

this legislation places an obligation on local authorities to undertake a SEA on any plan which sets the framework for future development consent of certain projects. Detailed guidance can be found in the government publication *A Practical Guide to the Strategic Environmental Assessment Directive*³ and Planning Practice Guidance *Strategic environmental assessment and sustainability appraisal*⁴.

- 2.2. The Planning and Compulsory Purchase Act 2004⁵ requires local authorities to produce Sustainability Appraisals (SAs) for all local development documents “*with the objective of contributing to the achievement of sustainable development*” (see regulation 39(2)). As SAs incorporate the requirements of the SEA Directive, it is common practice to combine these two processes.
- 2.3. The 2008 Planning Act⁶ removed the requirement to undertake a SA for an SPD. However, the amendment did not remove the requirement for SPDs to be subject to a SEA where they could have significant environmental effects (see Explanatory Memorandum to the Town and Country Planning (Local Development) (England) (Amendment) Regulations 2009 No 401)⁷.
- 2.4. If likely significant environmental effects are identified during the SEA screening, then an environmental report must be prepared in accordance with regulation 12(2) and 12(3) of the SEA Regulations. Where the local authority can demonstrate that a plan and/or programme is unlikely to have significant environmental effects, a full SEA will not be required. In these situations, the local authority has a duty to prepare a statement of its reasons for the determination (see regulation 9(3)).

³ Office of the Deputy Prime Minister. (2005) *A Practical Guide to the Strategic Environmental Process*. Available at: <https://www.gov.uk/government/publications/strategic-environmental-assessment-directive-guidance>

⁴ Department for Levelling Up, Housing and Communities. (2020) *Strategic environmental assessment and sustainability appraisal*. Available at: <https://www.gov.uk/guidance/strategic-environmental-assessment-and-sustainability-appraisal>

⁵ Planning and Compulsory Purchase Act 2004

⁶ Planning Act 2008

⁷ Town and Country Planning (Local Development) (England) (Amendment) Regulations 2009

Habitat Regulation Assessment (HRA)

- 2.5. The requirement for a Habitats Regulation Assessment arises from the European Directive 92/43/EEC of the Conservation of Natural Habitats and Wild Flora⁸, often referred to as the Habitats Directive. This Directive was transposed into English law by regulation 63 of the Conservation of Habitats and Species Regulations 2017⁹. Under Articles 6(3) and 6(4) of the Habitats Directive, an assessment referred to as an 'Appropriate Assessment' must be undertaken if a plan or project is likely to have a significant effect on the conservation objectives of one or more European sites either individually, or in combination with other plans and/or projects. European sites include Special Areas of Conservation (SACs) and Special Protection Areas (SPAs), and form part of the national site network¹⁰.
- 2.6. Ramsar sites refer to wetland sites designated to be of international importance under the Convention of Wetlands¹¹. Whilst not covered under the Habitats Directive, paragraph 181 of the National Planning Policy Framework 2021¹² requires that Ramsar sites are to be given the same protection as fully designated European sites. Therefore, Appropriate Assessment should also cover these sites.

3. Education Contributions SPD

- 3.1. Stockport Council has a duty to ensure there are sufficient school places available within the borough to meet the educational needs of the population. However, as a result of housing developments being built and proposed, there is increasing pressure to plan for and provide new pupil places.
- 3.2. The Education Contributions SPD is designed to provide greater clarity on developer contributions from new housing developments to help fund additional pupil places.

⁸ Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora [1992]

⁹ The Conservation of Habitats and Species Regulations 2017

¹⁰ Following changes to the Habitats Regulation 2017, SACs and SPAs in the UK no longer form part of the EU's Natura 2000 ecological network. Any references to Natura 2000 now refers to the new national site network. See <https://www.gov.uk/government/publications/changes-to-the-habitats-regulations-2017/changes-to-the-habitats-regulations-2017>

¹¹ Ramsar. (2014) *Ramsar*. Available at: <https://www.ramsar.org/>

¹² Department for Levelling Up, Housing and Communities. (2021) *National Planning Policy Framework*. Available at: <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

3.3. The SPD will support both national guidance and local policies, providing clarity on the following documents:

- Department for Education, Securing Developer Contributions for Education (2019)¹³; and
- The Stockport Core Strategy (2011)¹⁴

3.4. The preparation of the SPD will involve the local community in line with the requirements set out in the Town and Country Planning (Local Development) (England) Regulations 2004¹⁵ and the Council's adopted Statement of Community Involvement (SCI)¹⁶.

3.5. This screening assessment is based on the content of the consultation version of the Education Contributions SPD. If necessary, the screening assessment will be refreshed when a final version of the SPD is published for adoption (this should only be necessary if there is a major change to the purpose and content of the SPD).

3.6. Once adopted, the SPD will be a material consideration in planning decisions. If development proposals do not comply, the SPD may be used as a reason or reasons for the refusal of planning permission.

4. SEA Screening Process

4.1. The process for determining whether a full SEA is required is called 'screening'. For some types of plans and programmes a SEA is mandatory, this includes:

- Plans/programmes which are prepared for town and country planning or land use and which set the framework for future development consent of projects listed in the Environmental Impact Assessment (EIA) Directive; or
- Plans/programmes which have been determined to require an assessment under the Habitats Directive (see [Section 7](#)); or

¹³ Department for Education. (2019) *Securing developer contributions for education*. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/909908/Developer_Contributions_Guidance_update_Nov2019.pdf

¹⁴ Stockport Metropolitan Borough Council. (2011) *Core Strategy DPD*. Available at: <https://www.stockport.gov.uk/development-plan/core-strategy>

¹⁵ Town and Country Planning (Local Development) (England) Regulations 2004

¹⁶ Stockport Metropolitan Borough Council. (2020). *Statement of Community Involvement*. Available at: <https://www.stockport.gov.uk/statement-of-community-involvement>

- Plans/programmes which set the framework for future development consent of projects; and is the subject of a determination under regulation 9(1) or a direction under regulation 10(3) that it is likely to have significant environmental effects.

4.2. However, the main factor when determining if a plan and/or programme requires a SEA is whether it will have significant environmental effects. It is the responsibility of the Responsible Authority to decide whether the plan and/or programme under assessment is likely to have significant adverse environmental effects. This assessment must be made taking account of the criteria set out in Schedule 1 of the SEA Regulations and in consultation with the following bodies:

- The Environment Agency
- Historic England
- Natural England

4.3. Where the Responsible Authority determines that a plan and/or programme is unlikely to have a significant effect and therefore does not need to be subject to a full SEA; the Responsible Authority must prepare a statement showing the reason for this determination. A determination cannot be made until the three statutory consultation bodies have been consulted.

4.4. In accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 (part 3) (6). The council invites the Environment Agency, Natural England, and Historic England to comment on the findings of this assessment.

4.5. Within 28 days of its determination, the council must publish a statement setting out its decision. If they determine that a full SEA is not required, the statement must include the reasons for this.

5. SEA Screening Assessment

5.1. SEA screening is based on a two-step approach, the first of which is to assess the plan and/or programme against the flowchart set out in figure 2 of the government guidance *A Practical Guide to the Strategic Environmental Assessment Directive*.

- 5.2. **Error! Reference source not found. Error! Reference source not found.** uses the questions in figure 2 of the guidance to establish whether there is a need for a SEA to be carried out for the Education Contributions SPD.

Table 1 Establishing whether there is a need for SEA

| Stage | Yes/No | Reason |
|---|----------------|--|
| 1 Is the plan/programme 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 or Government? (Article 2(a)) | Yes | The SPD will be prepared and adopted by Stockport Council to give detail on policies in the Stockport Core Strategy. It will also apply national guidance, <i>Securing developer contributions for education</i> , in a local context. Move to Stage 2 |
| 2 Is the plan/programme required by legislative, regulatory or administrative provisions? (Article 2(a)) | No | There is no mandatory requirement to prepare or adopt SPDs and if adopted it will not form part of the Stockport Core Strategy. As answer is No, flowchart identifies end to screening process. Move to Stage 3 for completeness. |
| 3 Is the plan/programme prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water 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? (Article 3.2(a)) | No | Whilst the SPD is prepared for town and country planning, it does not set the framework for future development consents for projects in Annex I or II to the EIA Directive. Move to Stage 4 |
| 4 Will the plan/programme, in view of its likely effect on sites, require an assessment under Article 6 or 7 of the Habitats Directive? (Article 3.2(b)) | No | The HRA screening undertaken in Section 7 of this assessment has determined that Appropriate Assessment is not required. Move to Stage 6 |
| 5 Does the plan/programme determine the use of small areas at local level, OR is it a minor modification of a PP subject to Art. 3.2? (Article 3.3) | Not applicable | The SPD will not form part of the Stockport Core Strategy and does not determine the use of small areas at a local (or any) level. The SPD is not a minor modification of an existing plan. Move to Stage 6 |

| Stage | Yes/No | Reason |
|---|----------------|---|
| 6 Does the plan/programme set the framework for future development consent of projects (not just projects in Annexes to the EIA Directive)? (Article 3.4) | No | The SPD does not allocate any land or sites for development or set a framework for future development consents. As answer is No, flowchart identifies end to screening process. Move to Stage 8 for completeness. |
| 7 Is the plan/programme's sole purpose to serve national defence or civil emergency, OR is it a financial or budget PP, OR is it co-financed by structural funds or EAGGF programmes 2000 to 2006/7? (Article 3.8, 3.9) | Not applicable | The sole purpose of the SPD is not to serve national defence or civil emergency. The SPD is not a financial or budget plan. The SPD is also not co-financed by structural funds or EAGGF programmes 2000 to 2006/7. Move to Stage 8 |
| 8 Is it likely to have a significant effect on the environment? (Article 3.5) | No | Effects on the environment and whether these are significant are considered in Table 2. No Significant Effects identified in Table 2, so SEA is not required. |

5.3. The second step is to consider whether the Education Contributions SPD will have significant environmental effects when considered against the criteria set out in Annex II of the SEA Directive and Schedule I of the Regulations.

Table 2 Determining the likely significance of effects on the environment.

| SEA Directive Criteria | Assessment | Likely significant effects? |
|---|---|-----------------------------|
| 1 The characteristics of plans and programmes, having regard, in particular, to: | | |
| (a) the degree to which the plan or programme sets a framework for projects and other activities, either with regard to location, nature, size and operating conditions or by allocating resources; | The SPD does not influence the location, nature, size, or operating conditions of residential development proposals, nor does it allocate resources. The purpose of the SPD is to provide clarity on developer contributions for education established in the Stockport Core Strategy and national guidance. | No |
| (b) the degree to which the plan or programme influences other plans and programmes including those in a hierarchy; | The SPD provides clarity on policies in the Stockport Core Strategy and national guidance from the Department of Education. It does not introduce any new policies and acts in conformity with the above | No |

| SEA Directive Criteria | Assessment | Likely significant effects? |
|---|--|-----------------------------|
| | policies/guidance and other higher tier documents (which are subject to full Strategic Environmental Assessment, Sustainability Appraisal and independent examination). | |
| (c) the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development; | The SPD is highly relevant in terms of promoting sustainable development as it ensures sufficient education provisions to accommodate the additional demands resulting from residential development. It also ensures consistent implementation of developer contributions. | No |
| (d) environmental problems relevant to the plan or programme; and | It is not anticipated that any environmental problems will be introduced or intensified as a result of the SPD. | 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 SPD is not relevant to the implementation of European Community legislation such as waste management or water protection. | No |
| 2 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; | <p>The anticipated effects are expected to be positive as the SPD will provide clarity on developer contributions, ensuring development is viable before work takes place. Education provisions will also be directed within the development catchment and be subject to wider policies within the Stockport Core Strategy.</p> <p>The duration of the effects is difficult to define but are (usually) permanent unless schools are demolished, or pupil places are reduced.</p> <p>The frequency of the effects will be linked to the submission of large residential planning applications.</p> | No |
| (b) the cumulative nature of the effects; | The SPD will not give rise to any significant cumulative effects in addition to those considered as part of the Stockport Core Strategy. | No |
| (c) the trans-boundary nature of the effects; | There are no trans-boundary nature effects anticipated from the SPD. Only indirect effects are expected cross-boundary, for | No |

| SEA Directive Criteria | Assessment | Likely significant effects? |
|---|--|-----------------------------|
| | example, where the obligation secures a contribution towards infrastructure in an adjoining authority. | |
| (d) the risks to human health or the environment (for example, due to accidents); | No significant risks to human health or the environment have been identified as arising from the SPD. | No |
| (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 residential planning applications in Stockport, although the effects of the SPD will be more likely felt at a more local scale (i.e., catchment area). | No |
| (f) the value and vulnerability of the area likely to be affected due to: | | |
| (i) special natural characteristics or cultural heritage | The SPD will not give rise to any significant effects on special natural characteristics or cultural heritage other than those fully considered in the Stockport Core Strategy. | No |
| (ii) exceeded environmental quality standards or limit values; or | The SPD provides clarity on developer contributions. It does not promote development which is likely to lead to environmental quality standards or limit values being exceeded. | No |
| (iii) intensive land use; and | The SPD will not give rise to any significant effects as a result of the intensification of land use. Any applications for development will be required to satisfy the relevant policies for the protection of the character of the area before permission is granted. | No |
| (g) the effects on areas or landscapes which have a recognised national, Community or international protection status. | The SPD will not give rise to any significant adverse effects on nearby protected areas or landscapes. | No |

6. SEA Screening Conclusion

6.1. In conclusion, as a result of the assessment carried out in Table 2, it is considered that it is unlikely that any significant environmental effects will arise as a result of the Education Contributions SPD. Consequently, the assessment within Table 1 concludes (in conjunction with the HRA screening in [Section 7](#)), that a full SEA is not required when judged against the application of the SEA Directive criteria.

- 6.2. Notably, the SPD does not propose any policies or allocations, instead offering clarity on national guidance and local policies. The SPD seeks to ensure there are sufficient education provisions to accommodate the additional demands resulting from residential development. It is unlikely that there will be any significant environmental effects that have not already been considered and dealt with through the SEA/SA of the Stockport Core Strategy.

7. HRA Screening Process

- 7.1. It is a requirement under the Habitats Directive to establish the potential effects of “plans or projects” on designated European sites, and therefore Ramsar sites.
- 7.2. The first stage in the HRA process is to establish whether a “significant effect” is likely. This is referred to as the “screening stage”. If it is found that a significant effect is not likely, then no further action is required. If potential effects are identified and deemed to be significant then Appropriate Assessment is required and used as a tool to help modify the plan or project to ensure that impacts are removed, or if this is not possible mitigated to prevent an adverse effect upon the integrity of the site.

8. HRA Screening Assessment

- 8.1. As the competent authority under the Habitats Directive, Stockport Council is required to assess the Stockport Core Strategy through the HRA process as policies and site allocations in the plan could potentially affect European sites and/or Ramsar sites. A HRA screening report for the Core Strategy was undertaken June 2010¹⁷. This concluded no European sites or Ramsar sites were located within the Stockport boundary.
- 8.2. Guidance from the Environment Agency (EA) concerning distances at which significant effects on European sites are caused by water or air pollution have been considered in this screening. The EA has set recommended buffer zones for certain types of ‘most damaging’ operation (in particular, waste treatment operations) that are in part applicable to other types of operation. Outside of these buffer zones significant effects on European sites arising from water and air pollution are considered unlikely. The largest (most cautious) buffer zone considered by the EA is

¹⁷ Stockport Metropolitan Borough Council. (2010) *Habitats Regulations Assessment Screening Report*. Available at: <https://www.stockport.gov.uk/supporting-documents> (Accessed: 20 May 2022).

15km; that is, most operations with the potential of causing direct water and/or air pollution impacts located beyond 15km from the boundary of a European site are considered very unlikely to have a significant effect on the site.

- 8.3. As stated in paragraph 2.6, Ramsar sites are given the same protection as fully designated European sites. Therefore, all Ramsar sites in a 15km buffer zone of the Stockport boundary were also screened as part of the 2010 Stockport Core Strategy HRA.
- 8.4. The Stockport Core Strategy HRA concluded that there are a total of five European sites and Ramsar sites located within a 15km buffer zone of the Stockport boundary, these are:
- Rochdale Canal SAC
 - South Pennine Moors SAC and SPA
 - Peak District Moors and Dales SPA/SAC
 - Rostherne Mere Ramsar Site
 - Midlands Meres and Mosses Ramsar Site
- 8.5. The Stockport Core Strategy HRA concluded that proposed mitigation approaches adequately addressed concerns raised around potential significant effects on sites located in a 15km buffer zone of the Stockport boundary.
- 8.6. In line with guidance from Natural England on an earlier HRA scoping activity, the 2010 Core Strategy HRA screened three sites which are on the Mersey estuary, as the Mersey flows through the borough in its early stages. Two potential sites were also screened following the release of HRA documentation on the Greater Manchester Waste Development Plan. However, the Core Strategy HRA deemed that there would be no significant effects on these five sites, which include:
- Rixton Clay Pits SAC
 - Manchester Mosses SAC
 - Mersey Estuary SPA and Ramsar Site
 - Liverpool Bay pSPA
 - Mersey Narrows and North Wirral Foreshore pSPA and pRamsar Site

9. HRA Screening Conclusions

- 9.1. As the Education Contributions SPD covers the same geographical area as the Stockport Core Strategy, the results of the Core Strategy HRA can be applied to the SPD.
- 9.2. It is also important to note that the Education Contributions SPD expands upon existing policies within the Stockport Core Strategy, it does not introduce new policies or proposals. The SPD does not result in development itself and seeks to provide clarity on developer contributions from new housing developments to help fund sufficient pupil places. The Town Centre Residential Design Guide SPD is therefore not likely to have significant adverse effects on the integrity of European sites or Ramsar sites and further Appropriate Assessment is not required.

10. Screening Conclusion

- 10.1. In reviewing these criteria, Stockport Council has concluded that as the Education Contributions SPD does not “set the framework”, a determination under regulation 9(1) Environmental Assessment of Plans and Programmes Regulations 2004 is therefore not necessary. As a matter of record, and for the avoidance of doubt, a discretionary assessment against Schedule 1 of the Environmental Assessment of Plans and Programmes Regulations 2004 has determined that the Education Contributions SPD would not give cause to anticipate significant environmental effects.
- 10.2. In addition, the Education Contributions SPD is not a plan or project which will be implemented in its own right – it expands upon national guidance and local policies within the Stockport Core Strategy. The relevant policies within the Stockport Core Strategy have already been subject to a HRA and were judged to have no significant effect on the integrity of European sites or Ramsar sites, either alone or in combination with other plans or projects.
- 10.3. On the basis of the above, Stockport Council considers that the Education Contributions SPD is unlikely to give rise to any significant environmental effects or have significant effects on a European site or Ramsar site beyond those considered by policies in the Stockport Core Strategy. In conclusion, it is considered that a **full**

SEA and Appropriate Assessment is not required for the Education Contributions SPD.

10.4. It is important to note that this screening assessment is based on the consultation version of the SPD. Consequently, if the content or purpose of the SPD should materially change then the SEA/HRA screenings will need to be re-assessed and updated.