

**Oldham Council
Site Allocations Development Plan Document
Determination Statement
April 2012**

European Directive 2001/42/EC and The Environmental Assessment of Plans and Programmes Regulations 2004

The European Directive 2001/42/EC requires a formal environmental assessment of certain plans and programmes which are likely to have significant effects on the environment. This applies to plans and programmes whose preparation began on or after 21 July 2004.

Where plans are subject to the Directive the responsible authority (Oldham Council) must prepare a report on its likely significant effects, consult environmental authorities and the public and take the report and the results of the consultation into account during the preparation process.

The Directive requires the council to determine whether or not the plan is likely to have significant environmental effects. The Directive and the Environmental Assessment of Plans and Programmes Regulations 2004 set out the determinations of the responsible authority.

The Environmental Assessment of Plans and Programmes Regulations 2004 Part 2 Regulation 9

Under Regulation 9 (1), where a plan for which the first formal preparatory act is after 21 July 2004 and where the plan is prepared for town and country planning or land use and sets the framework for future development consent of projects, the Council must determine whether the plan is likely to have significant environmental effects.

Under Regulation 9 (2), before making a determination under Regulation 9(1), the Council shall take into account the criteria specified in Schedule 1 to the Regulations and consult three consultation bodies, the Environment Agency, Natural England and English Heritage. Schedule 1 sets out the criteria for determining the likely significant effects on the environment.

Considering Part 2 Regulation 9

The Site Allocations Development Plan Document (DPD) will begin preparation after 21 July 2004. The DPD will support the delivery of the joint Core Strategy and Development Management Policies DPD and will allocate specific land for development or protection to meet the borough's economic, environmental and social objectives.

The Site Allocations DPD will cover the whole borough (except that part which is the planning responsibility of the Peak District National Park Authority) and

does not therefore relate to a small area at a local level and it is not a minor modification to a plan or programme.

It therefore falls within the requirements of Regulation 9(1) and 9(2).

Schedule 1 is set out below with an indication of whether the Site Allocations DPD is likely to have significant effects on the environment.

Schedule 1: Criteria for determining the likely significant effects on the environment	
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 the location, nature, size and operating conditions or by allocating resources;	<p>The Site Allocations will support the implementation of the joint Core Strategy and Development Management DPD (the 'Joint DPD').</p> <p>The Joint DPD sets out a long-term spatial vision, objectives and the planning and development strategy for the borough up to 2026, core policies and development management policies and a monitoring and implementation framework.</p> <p>The Site Allocations DPD will allocate specific land for development or protection to meet the borough's economic, environmental and social objectives.</p>
(b) the degree to which the plan or programme influences other plans and programmes including those in a hierarchy;	<p>The Site Allocations DPD will allocate specific land for development or protection to meet the borough's economic, environmental and social objectives.</p> <p>The Site Allocations DPD will form part of a suite of local planning documents which will influence other work such as development proposals.</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>The Site Allocations DPD will support the delivery of the Joint DPD which promotes sustainable development.</p> <p>The Site Allocations DPD will take into account environmental considerations such accessibility to key services, sustainable transportation, low carbon and</p>

	renewable energy, flood risk and the need to protect, conserve and enhance natural and man made resources.
(d) environmental problems relevant to the plan or programme; and	<p>The Site Allocations DPD will support the delivery of the Joint DPD which addresses environmental issues.</p> <p>The Site Allocations DPD will assess sites taking into account environmental issues such as biodiversity, energy, transportation, flooding, air quality and mineral resources etc.</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>The Site Allocations DPD will be relevant to European legislation on the environment, for example the Habitats Directive.</p> <p>A Habitats Regulations Assessment (HRA) screening opinion will be undertaken.</p>
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 Site Allocations DPD will support the delivery of the Joint DPD. The Sustainability Appraisal of the Joint DPD assessed the effects.</p> <p>It is not possible at this stage to determine the probability, duration, frequency and reversibility of the effects of the Site Allocations DPD. Further work through the Strategic Environmental Assessment / Sustainability Appraisal process needs to be undertaken to establish the effects in greater detail.</p>
(b) the cumulative nature of the effects;	<p>The Site Allocations DPD may have the potential to generate cumulative effects.</p> <p>Further work through the Strategic Environmental Assessment / Sustainability Appraisal process needs to be undertaken to establish the effects in greater detail.</p>
(c) the transboundary nature of the effects;	The Site Allocations DPD may lead to cross boundary effects, for example with the Peak District, Kirklees,

	<p>Calderdale, High Peak and Greater Manchester Authorities.</p> <p>Further work through the Strategic Environmental Assessment / Sustainability Appraisal process needs to be undertaken to establish the effects in greater detail.</p>
(d) the risks to human health or the environment (for example, due to accidents);	<p>The Site Allocations DPD will seek to have positive impacts on human health and the environment.</p> <p>Further work through the Strategic Environmental Assessment / Sustainability Appraisal process needs to be undertaken to establish the effects in greater detail.</p>
(e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);	<p>The Site Allocations DPD covers the whole borough (apart from part of the borough which falls within the Peak District National Park) and therefore could impact on the whole of the borough and have cross boundary effects.</p>
<p>(f) the value and vulnerability of the area likely to be affected due to –</p> <p>(i) special natural characteristics or cultural heritage;</p> <p>(ii) exceeded environmental quality standards or limit values; or</p> <p>(iii) intensive land-use; and</p>	<p>Oldham has a number of nature characteristics, which will need to be considered when preparing the Site Allocations DPD. These include:</p> <p>Special Protection Areas for Birds (SPAs), Special Areas of Conservation (SACs), Sites of Special Scientific Interest (SSSI's), Sites of Biological Interest (SBIs) and Local Nature Reserves (LNRs).</p> <p>A HRA screening opinion will be undertaken.</p> <p>There is also a number of Conservation Areas, Listed Buildings, Registered Parks and Gardens, Scheduled Ancient Monuments and significant archaeological remains.</p> <p>Oldham has an Air Quality Management Area.</p>
(g) the effects on areas or landscapes which have a recognised national, Community or international protection	<p>Oldham has a number of important nature conservation areas, which the Site Allocations DPD could impact on</p>

<p>status.</p>	<p>and will need to be considered in greater detail. This includes Special Protection Areas for Birds (SPAs), Special Areas of Conservation (SACs), Sites of Special Scientific Interest (SSSI's), Sites of Biological Interest (SBIs) and Local Nature Reserves (LNRs).</p> <p>A HRA screening opinion will be undertaken.</p> <p>A Landscape Character Assessment has also been prepared which the Site Allocations DPD would need to take account of.</p> <p>Further work through the Strategic Environmental Assessment / Sustainability Appraisal process needs to be undertaken to establish the effects in greater detail</p>
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Consultation

Under Regulation 9 (2) consultation with the Environment Agency, Natural England and English Heritage should be undertaken before making a determination.

The Environment Agency, English Heritage and Natural England were consulted on the 24 February 2012. English Heritage agreed with the conclusion that a SEA is required. Natural England also agreed with the conclusion reached and added that reference should be made to the need for a Habitats Regulations Assessment screening opinion.

Under Regulation 11 (1) the Council will send to each of the three consultation bodies a copy of the determination within 28 days of making a determination and under Regulation 11 (2) the Council will keep a copy of the determination available at the principal office for inspection by the public and will take appropriate steps to bring the determination to the attention of the public within 28 days of making a determination.

Determination

The Council considers that after having regard to Regulation 9 of the Environmental Assessment of Plans and Programmes Regulations 2004 the Site Allocations DPD is likely to have significant environmental effects. A Strategic Environmental Assessment (SEA) will therefore be required.

The Planning and Compulsory Purchase Act 2004 requires the Council to undertake a Sustainability Appraisal during the preparation of DPDs. The Sustainability Appraisal process ensures that the social, environmental and economic effects of the DPD are considered during its preparation.

The Strategic Environmental Assessment requirements will be incorporated into the Sustainability Appraisal.