

Bath & North East Somerset Council  
**Draft Updated Planning Obligations  
Supplementary Planning Document**

**Community Infrastructure Levy Draft Charging Schedule**

Strategic Environmental Assessment/ Sustainability Appraisal  
Screening Report

July 2014

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## 1 Introduction

- 1.1 The purpose of this screening report is to determine whether or not the Bath and North East Somerset Council Draft Planning Obligations Supplementary Planning Document (SPD), and the Bath and North East Somerset Council Community Infrastructure Levy (CIL) Draft Charging Schedule (DCS) require 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 Sustainability Appraisal (SA) is the process by which this EU Directive is applied to Local Plan and policy documents. SA aims to promote sustainable development through the integration of social, environmental and economic considerations into the preparation of plans. The Planning Act 2008 allows Supplementary Planning Documents (SPD) to be prepared without a full SA on condition that they are screened to establish whether or not they will result in significant effects as defined by the SEA Directive.
- 1.3 In principle, SPDs and CIL charging schedules should not be subject to the SEA Directive or require a SA because they do not introduce new policies or proposals or modify planning documents which have already been subject to a SA. However, an SPD, or CIL charging schedule, may occasionally be found likely to give rise to significant effects which have not been formally assessed in the context of a higher-level planning document.
- 1.4 The Planning Obligations SPD relates to the Bath and North East Somerset Council Core Strategy which has been subject to a SA.
- 1.5 The introduction of the Community Infrastructure Levy (CIL) relates to legislation in the Planning Act 2008 (Part 11) and regulations, and the National Planning Policy Framework (2012) which allows Councils to prepare and implement a Community Infrastructure Levy (CIL) Charging Schedule. CIL Regulations came into force on 6th April 2010 (and were subsequently amended in the CIL (Amendment) Regulations 2011, the CIL (Amendment) Regulations 2012, the CIL (Amendment) Regulations 2013, and the CIL (Amendment) Regulations 2014.

## 2 Planning Context

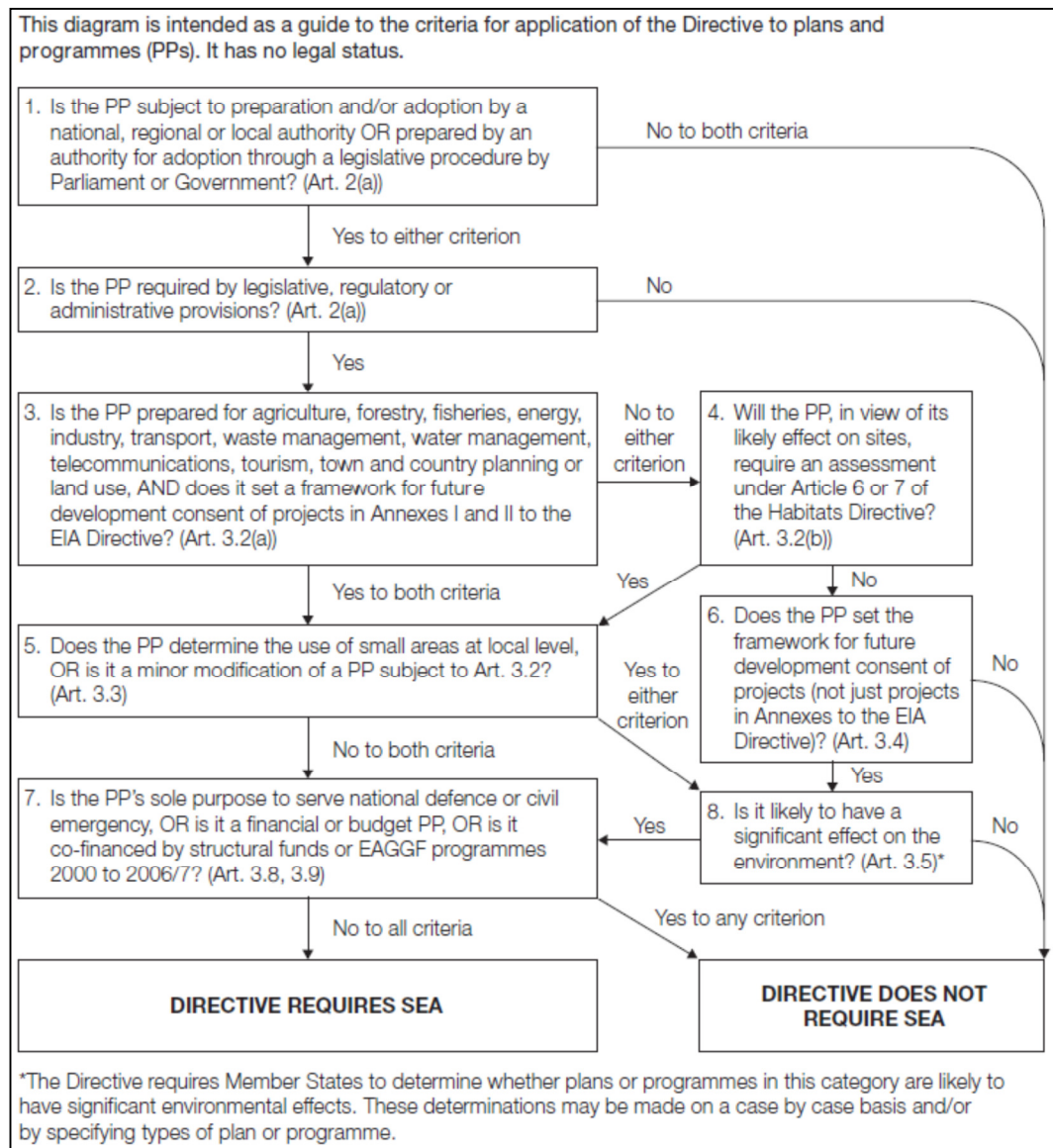
- 2.1 Bath & North East Somerset Council (“the Council”) has produced a Draft Updated Planning Obligations Supplementary Planning Document (SPD) to supplement the Policies within the Core Strategy /Local Plan Part 1, in relation to planning obligations. This SPD updates a previous version, adopted in July 2009, to take into account the approval of the Core Strategy [10<sup>th</sup> July 2014] and the Council’s Community Infrastructure Levy.

- 2.2 The draft SPD provides detailed guidance on the Council's requirements for Planning Obligations (Section 106 agreements) associated with development in the district. This includes obligations associated with affordable housing and site specific mitigation.
- 2.4 The Community Infrastructure Levy (CIL) enables local planning authorities to raise funds from developers undertaking new building projects in their area to provide key infrastructure needed as a result of development. It is intended to supplement other funds to provide new infrastructure in the District – it is not intended to provide the full costs associated with all the infrastructure required.
- 2.5 The charge is an amount that must be paid in pounds sterling £ per square metre of qualifying development. CIL rates are set by the charging authority, in this case B&NES, in a Charging Schedule. The schedule sets out the CIL rates by type and size of development for all development liable for the charge.
- 2.6 The Council's Core Strategy Policy CP13 Infrastructure Provision states under "Delivery of the Policy" that "The preparation of a Community Infrastructure Levy charging schedule (or similar local tariff) may be considered."
- 2.7 CIL will in part replace the current system of securing developer contributions through Section 106 agreements, although these will still be used to secure a range of other Council requirements including affordable housing. The Council has published a Draft Charging Schedule for consultation. The proposals will then be independently examined and reported on by the independent examiner.
- 3.4 This screening assessment assesses whether or not the draft CIL Draft Charging Schedule (DCS) and the Planning Obligations SPD require a Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plans and Programmes Regulations 2004.

### **3 Screening Assessment**

- 3.1 The ODPM 2005 document 'A Practical Guide to the Strategic Environmental Assessment Directive' Figure 2 shown below illustrates the process for screening a planning document to ascertain whether a full SEA is required.

## ODPM 2005 Figure 2 – Application of the SEA Directive to plans and programmes



3.2 Table 1 and 2 below set out the Council's screening assessment. Table 1 assesses the documents against the screening test above. For comprehensive analysis, Table 2 sets out the criteria for determining the significance of effects taken from schedule 1 of the Environmental Assessment of Plans and Programmes Regulations 2004 and assesses whether the effect of the draft SPD is likely to give rise to significant environmental effects.

**Table 1: SEA Screening Assessment - based on Figure 2 – Application of the SEA Directive to plans and programmes**

<b>Stage / Question</b>	<b>Answer</b>	<b>SPD Reason</b>	<b>CIL DCS Reason</b>
1. Is the Plan or Programme (PP) 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? (Art. 2(a))	Yes	The SPD is prepared by Bath and North East Somerset Council and is to be adopted by Bath and North East Somerset Council	The CIL DCS is prepared by Bath and North East Somerset Council and is to be approved by Bath and North East Somerset Council
2. Is the PP required by legislative, regulatory or administrative provisions? (Art. 2(a))	Yes	Bath and North East Somerset Core Strategy Policy CP13 refers to the Planning Obligations SPD and its successors. Policy CP9 relates to affordable housing requirements for developments.	The CIL DCS is not a legislative requirement. Core Strategy Policy CP13 states under "Delivery of the Policy" that "The preparation of a Community Infrastructure Levy charging schedule (or similar local tariff) may be considered."
3. Is the PP 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? (Art 3.2(a))	Yes/No	The SPD is for town and country planning purposes but does not set a framework for future development consent of projects.	The DCS is for town and country planning purposes but does not set a framework for future development consent of projects.
4. Will the PP, in view of its likely effect on sites, require an assessment for future development under Article 6 or 7 of the Habitats Directive? (Art. 3.2 (b))	No Go to 6	The SPD provides additional guidance on the interpretation of Core Strategy Policies in particular CP9 and CP13. The Core Strategy was subject to an HRA .	The DCS will not have an effect on sites or require an assessment for future development under Article 6 or 7 of the Habitats Directive
5. Does the PP Determine the use of small areas at local level, OR is it a minor modification of a PP subject to Art. 3.2? (Art. 3.3)	NA No	<i>The draft SPD does not determine the use of land or allocate land or sites for development. It is not a minor modification of PP, but provides additional guidance on Core Strategy policies.</i>	<i>The DCS does not determine the use of land or allocate land or sites for development. It is not a minor modification of PP.</i>
6. Does the PP set the framework for future development consent of projects (not just projects in	No Go to end box	The Core Strategy sets the framework for future development.	The Core Strategy sets the framework for future development.

annexes to the EIA Directive)? (Art 3.4)	“Directive does not require SEA” (If yes to 8)	The draft SPD will provide additional guidance on the interpretation of Core Strategy.	The DCS does not set the framework for future development consent of projects.
7. Is the PP’s sole purpose to serve the 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? (Art 3.8, 3.9)	No	NA	NA
8. Is it likely to have a significant effect on the environment? (Art. 3.5)	No	None identified. See table below below to understand the determination of likely significant effects.	No. “Directive Does not Require SEA. “

3.3 For comprehensive screening, Table 2 below assesses the SPD in terms of the likely significance of environmental effects.

**Table 2 SEA Screening Assessment - based on Schedule 1 Criteria for Determining the Likely Significance of Effects on the Environment (The Environmental Assessment of Plans and Programmes Regulations 2004)**

Criteria	Is there a significant environmental impact?	Assessment SPD	Assessment CIL Draft Charging Schedule (DCS).
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;	No	The Core Strategy Policies set the framework for future development consents. The SPD does not provide a framework but provides more detailed guidance on the interpretation of Core Strategy policies.	The Core Strategy Policies set the framework for future development consents. The DCS does not provide a framework
(b) the degree to which the plan or programme influences other plans and programmes including those in a hierarchy;	No	The SPD does not have development plan status. It will therefore not influence other plans or programmes.	The DCS does not have development plan status. It will therefore not influence other plans or programmes.
(c) the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable	No	The draft SPD does not introduce new policies but will provide additional guidance on the interpretation of Core Strategy policies.	The DCS does not introduce new policies or have an effect on environmental considerations.

development;			
(d) environmental problems relevant to the plan or programme; and	No	Not applicable. There are no environmental problems associated with the SPD.	Not applicable. There are no environmental problems associated with the DCS.
(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).	No	Not applicable The SPD is not relevant to the implementation of environmental Community legislation.	Not applicable The DCS is not relevant to the implementation of environmental Community legislation
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;	No	The SPD detailed guidance which relates to Core Strategy can be expected to make a positive contribution to the achievement of sustainable development in the long term.	The DCS can be indirectly expected to make a positive contribution to the achievement of sustainable development in the long term.
(b) the cumulative nature of the effects;	No	The cumulative effects of the SPD are likely to be positive	The cumulative effects are likely to be positive.
(c) the transboundary nature of the effects;	No	Not applicable. There are no identified environmental effects. The SPD is not anticipated to have transboundary effects	Not applicable. There are no identified environmental effects. The DCS is not anticipated to have transboundary effects
(d) the risks to human health or the environment (for example, due to accidents);	No	Not applicable. There are no identified environmental effects	Not applicable. There are no identified environmental effects.
(e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);	No	Not applicable. There are no identified environmental effects	There are no identified environmental effects.
(f) the value and vulnerability of the area likely to be affected due to— (i) special natural characteristics or cultural heritage;	No	Not applicable. There are no identified environmental effects.	Not applicable. There are no identified environmental effects.

(ii) exceeded environmental quality standards or limit values; or (iii) intensive land-use; and			
(g) the effects on areas or landscapes which have a recognised national, Community or international protection status.	No	Not applicable. There are no identified environmental effects.	Not applicable. There are no identified environmental effects.

## 4. Screening Outcome

- 4.1 This screening assessment demonstrates that the Bath and North East Somerset Draft Planning Obligations SPD and the Community Infrastructure Levy Draft Charging Schedule are unlikely to have significant effects on the environment. Therefore it will not be necessary to carry out a full SA/SEA on this Draft Planning Obligations SPD or the Community Infrastructure Levy Draft Charging Schedule
- 4.2 This document is draft and subject to consultation with the three statutory consultees identified through the SEA regulations (listed below), plus inter-Council departments.
- Environment Agency;
  - English Heritage; and
  - Natural England.

## 5 Screening Determination

- 5.1 Bath and North East Somerset Council determines that the Council's Draft Planning Obligations Supplementary Planning Document and the Council's Community Infrastructure Levy Draft Charging Schedule are unlikely to have significant effects on the wider environment for the reasons set out in Section 3. Therefore it will not be necessary to carry out a Strategic Environmental Assessment on this Draft SPD or the Community Infrastructure Levy Draft Charging Schedule.