

## Planning Obligations Supplementary Planning Document

### Draft Strategic Environmental Assessment Screening Report

Date 13 April 2022

#### 1. Introduction

This Strategic Environmental Assessment (SEA) Screening Report has been produced to determine the need for a SEA in accordance with the European Directive 2001/42/EC (SEA Directive) and associated Environmental Assessment of Plans and Programmes Regulations 2004 (SEA Regulations) for Bath & North East Somerset Council's Planning Obligations Supplementary Planning Document (SPD).

#### 2. Planning Context

The current Planning Obligations Supplementary Planning Document (SPD) supplements the Core Strategy policy CP13 "Infrastructure Provision" and the Placemaking Plan, that was adopted in 2015. The SPD sets out the Council's requirements on developer contributions related to new development and is a material consideration in decision-making. The SPD was prepared and introduced at the same time as the Community Infrastructure Levy (CIL) charging schedule, and took into account the CIL Regulations, which at the time required the scaling back of Section 106 agreements.

The current SPD needs to be reviewed for a number of reasons; as follows:

- i) The introduction sections have been amended to reflect the updated CIL Regulations. The CIL Regulations 2010 (as amended) were amended in 2019 to remove section 106 pooling restrictions and enable more flexibility in funding infrastructure. Hence strategic site allocations with infrastructure requirements set out in the Local Plan that are subject to reduced CIL to take into account these requirements, can be required to fund off site infrastructure, via S106 if it meets the planning obligation tests, as above, in particular that it is necessary to make the development acceptable in planning terms.
- ii) The SPD has been reviewed against the draft Local Plan Partial Update (LPPU) currently subject to examination and updated to include policies on Biodiversity Net Gain, Carbon Offsetting, and new sustainable transport measures, having regard to the Climate and Ecological Emergency. Further guidance is contained in the Transport and Development SPD (to be adopted) and an emerging Biodiversity Net Gain guidance note /SPD.
- iii) The SPD reflects policy changes on accessibility standards in affordable housing. In addition, there have been changes nationally to the

implementation of Affordable Housing which require non material detailed changes to the Affordable Housing chapter. As the SPD does not form part of the development plan, it cannot introduce new planning policies into the development plan relating to new types of affordable housing, however it does update the mechanism for securing affordable housing.

iv) There are changes required to the education facilities chapter to incorporate up to date costs for new build whole primary schools and extensions. In addition, previously Secondary School places were funded by CIL only. There is a need to incorporate the costs of secondary school places as large developments and may have an impact on secondary schools that needs mitigating via S106 to make development acceptable in planning terms subject to the S106 tests. The contribution sought from developers will be used to mitigate the direct impact of the development and not to address any existing shortfall.

v) There are changes to the Targeted Training and Recruitment to clarify that these planning obligations will be secured from extra care/ Care homes (C2 use) and purpose built student accommodation in addition to general residential development.

vi) There are other minor changes to the SPD including to the tree planting section, and incorporating indexed greenspace costs based on the Green Space Strategy.

### 3. SEA Screening Process

Sustainability Appraisals incorporated the requirement for SEA<sup>1</sup> but when these regulations were amended in 2009<sup>2</sup>, the requirement for SA for SPDs was removed. However, SPDs are still subject to the requirements set out by the SEA.

The Planning Practice Guidance provides a checklist approach<sup>3</sup> based on the SEA Regulations to help determine whether SEA is required. This screening report has been used as the basis on which to assess the need for SEA, as set out below.

The diagram below is taken from the UK Government's SEA Guidance<sup>4</sup> and sets out the screening process for determining whether SEA is required for a plan or programme. Table 1 below uses the questions presented in the diagram below to establish whether there is a need for SEA for the Planning Obligations SPD.

---

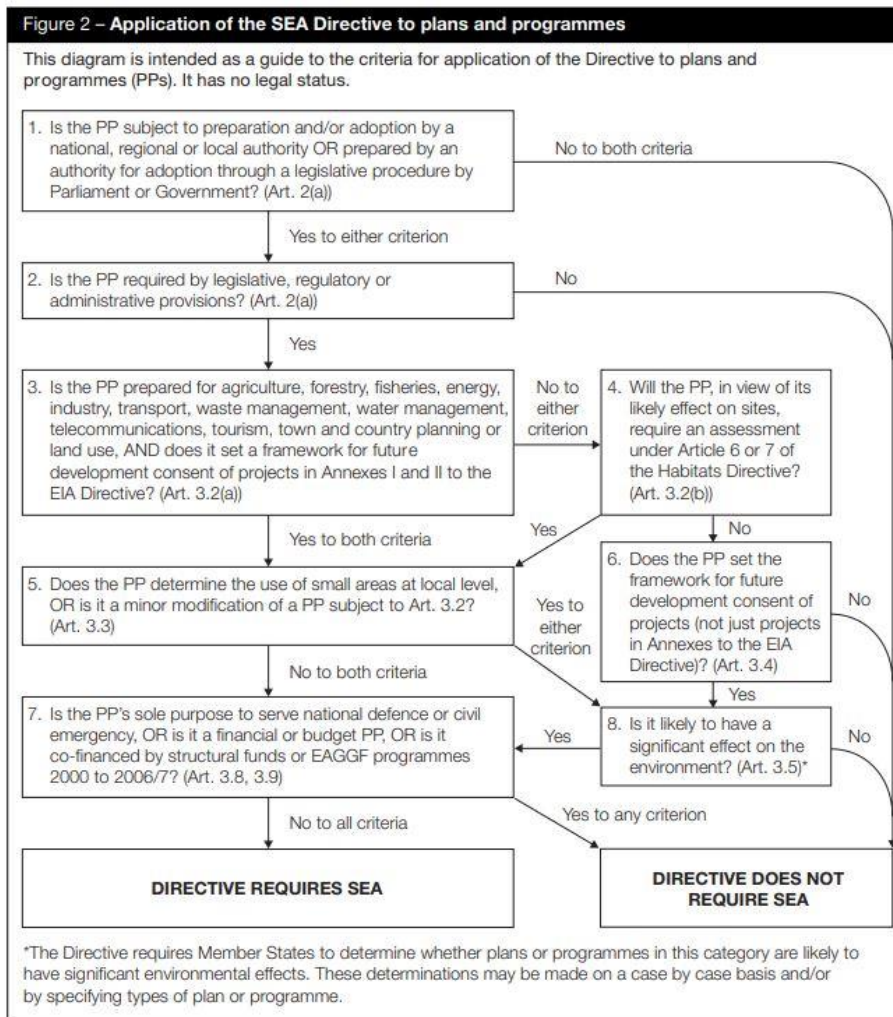
<sup>1</sup> The Town and Country Planning (Local Development) (England) Regulations 2004

<sup>2</sup> The Town and Country Planning (Local Development) (England) (Amendment) Regulations 2009

<sup>3</sup>

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/580073/Strategic\\_Environmental\\_Assessment\\_Regulations\\_requirements\\_checklist.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/580073/Strategic_Environmental_Assessment_Regulations_requirements_checklist.pdf)

<sup>4</sup> ODPM (2005) A Practical Guide to the Strategic Environmental Assessment Directive



#### 4. Screening Assessment

This section sets out a screening assessment using Annex II of the SEA Directive.

**Table 1** Establishing whether there is a need for SEA

Stage	Yes / No	Reason
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))	Yes	The SPD is to be adopted by Bath & North East Somerset Council, subject to consultation.
2. Is the SPD required by legislative, regulatory or	Yes	It is considered that the SPD is required to provide clarity and

administrative provisions? (Article 2(a))		guidance on the implementation of policies set out in the Local Plan.
3. Is the SPD 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))	No	The SPD is prepared for Town and Country Planning / land use. It does not set a framework for future development consent of projects in Annexes I and II to the EIA Directive.
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))	No	This SPD will not require an assessment under Article 6 or 7 of the Habitats Directive. The council's Local Plan has been subject to a full Habitat Regulation Assessment (HRA) which includes consideration of the Local Plan policies. The SPD supplements the Local Plan policies and provides clarity and guidance on implementation.
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)	Yes	The SPD does not have Development Plan status but provides supplementary guidance to the council's Local Plan Policies. The SPD does not directly influence other plans and programmes, but it will be considered as a material planning consideration in the determination of planning applications. It does this by setting out the Council's requirements for developer contributions and planning obligations related to new development.
8. Is it likely to have a significant effect on the environment? (Article 3.5)	No	See Table 2 below to understand the determination of likely significant effects.

Question 8 within the ODPM guidance (see table 1) refers to whether the SPD would have a significant effect on the environment. The criteria from Annex II of the SEA Directive and Schedule 1 of the Environmental Assessment of Plans and Programmes Regulations (2004) can be used to consider the relevance of the SPD to the SEA Directive. The criteria are set out in table 2 below, along with discussion as to whether the SPD would have a significant impact on the environment.

**Table 2** *Determining the Likely Significant Effects using SEA Directive Annex II (referred to in Article 3(5))*

<b>The characteristics of plans and programmes, having regard, in particular, to:</b>	<b>Is there a significant environmental impact?</b>	<b>Justification</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	No	The framework for projects and other activities is primarily set by the Local Plan. The purpose of the SPD is to provide supplementary guidance to the Council's Local Plan policies. While the SPD is a material consideration in the determination of planning applications, it does not set a framework for projects and other activities.
1b) 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 but provides supplementary guidance to the Local Plan policies. It will therefore not influence other plans or programmes, but it will be afforded significant weight as a material planning consideration in the determination of planning applications.
1c) The relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development	No	The Local Plan policies, which has been subject to a full Sustainability Appraisal, include environmental policies /considerations, with the aim of promoting sustainable development. The Local Plan integrates environmental considerations in order to

		promote sustainable development.
1d) Environmental problems relevant to the plan or programme	No	The SPD provides additional detail and guidance in relation to securing planning obligations and financial contributions, some of which seek to mitigate environmental impacts from development.
1e) The relevance of the plan or programme for the implementation of Community legislation on the environment (e.g. plans and programmes linked to waste management or water protection).	No	The SPD will provide additional guidance on the implementation Local Plan policies which in turn conform with relevant environmental legislation. The SPD does not introduce new policies and therefore is not expected to have a significant effect on the environment.
2a) The probability, duration, frequency and reversibility of the effects	No	The SPD will provide additional guidance on the implementation of policies in the Local Plan which have been assessed as part of the full Sustainability Appraisal.
2b) The cumulative nature of the effects	No	The SPD will provide additional guidance on the implementation of policies in the Local Plan which have been assessed as part of the full Sustainability Appraisal.
2c) The trans-boundary nature of the effects	No	The SPD will provide additional guidance on the implementation of policies in the Local Plan which relate to development proposals.  The positive effects of some developer contributions may be felt more widely (for example, improvements in air quality or flood risk measures).
2d) The risks to human health or the environment (e.g. due to accidents)	No	The SPD will provide additional guidance on the implementation of policies in the Local Plan. It does not contain policies, or

		measures that are likely to increase the risk of harm to human health or the environment.
2e) The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)	No	<p>The SPD will provide additional guidance on the implementation of policies in the Local Plan. The Local Plan and SPD is applicable to development that is located within Bath &amp; North East Somerset.</p> <p>As the SPD provides guidance on Local Plan policy and does not introduce any new policy, the potential effects of the SPD are limited and are considered to fall within the scope of the Sustainability Appraisal that was prepared for the Local Plan.</p>
2f) 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 III. intensive land-use	No	The Local Plan details the characteristics of the area and policies to manage the development of land in the district and seek to protect special natural characteristics and cultural heritage. Planning obligations are sought where they are necessary to make a development acceptable in planning terms and mitigate against harmful impacts.
2g) The effects on areas or landscapes which have a recognised national, Community or international protection status	No	The Local Plan details the landscapes and areas which have protected status and includes policies relating to recognised areas (eg Bath World Heritage Site) and landscape impacts. The SPD will provide additional guidance on the implementation of policies in the Local Plan. Planning obligations are sought where they are necessary to make a development acceptable in planning terms and mitigate against harmful impacts.

## 5. Conclusion

Based on the information set out in the tables above, it is considered that the Planning Obligations SPD will not give rise to significant environmental effects. It is therefore proposed that a Strategic Environmental Assessment is not required for the Planning Obligations SPD.

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;
- Historic England; and
- Natural England.