

# Public Realm Design Supplementary Planning Document (SPD) SEA/HRA Screening Report

## 1. Introduction

1.1. This screening assessment is to determine whether the Supplementary Planning Document (SPD) which includes a shop front guide as an addendum requires:

- A Habitats Regulation Assessment (HRA) under European Directive 92/43/EEC on the Conservation of Natural Habitats and Wild Flora (the “Habitats Directive”) and associated Conservation of Habitats and Species Regulations 2010 (“Habitat Regulations”), and / or;
- A Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plans and Programmes Regulations 2004. In the case of this being required then a wider Sustainability Appraisal (SA) may also be necessary.

1.2. The SPD will provide design guidance to supplement policies within the Local Plan (Part 1) 2014. The SPD will set out the local context and provide local design guidance for developers and decision makers on all future pre-application discussions and planning applications for public realm delivery in Yeovil town centre. It also sets out detailed approaches to the delivery of shopfronts in the defined area of Yeovil town centre. It does not provide new policies, elaborating only on policies within the Local Plan (Part 1) to assist implementation. The Local Plan (Part 1) policies have been subject to SEA as part of a SA.

1.3. The legislative background set out below outlines the regulations that require the need for this screening exercise. Sections 3 and 4 provide a screening assessment of the likely significant environmental effects of the SPD and examine the need for a HRA and an SEA respectively.

## 2. Legislative Background

2.1. In respect of HRA (which relates to internationally important nature conservation sites), the aim of this screening is to establish whether the SPD is likely to give rise to significant effects which have not been formally assessed in the context of the HRA of the Local Plan (Part 1). The requirement under the “Habitats Directive” is to consider potential impacts on sites of European importance for Nature Conservation. This is done through a process referred to as a Habitat Regulations Assessment which starts with a screening stage and may need to be followed with more detailed examination through an “Appropriate Assessment”.

2.2. The requirement for a Strategic Environmental Assessment (SEA) arises from the European Directive 2001/42/EC “on the assessment of the effects of certain plans and programmes on the environment” (SEA Directive). This Directive was transposed in UK law by the Environmental Assessment of Plans and Programmes Regulations 2004 (the SEA Regulations). This legislation places an obligation on local authorities to undertake a SEA on any plan or programme prepared for town and country planning or land use purposes and which sets the framework for future development consent of certain projects.

2.3. The 2008 Planning Act removed the requirement to undertake an SA for an SPD, although this did not replace the requirement to establish whether an SPD required SEA (see Explanatory Memorandum to the Town and Country Plan (Local Development) (England) (Amendment) Regulations 2009 No 401). Therefore this report focuses on screening for SEA and the criteria for establishing whether a full Assessment is needed. SPDs will only require SEA if they are likely to have significant environmental effects that have not already have been assessed during the preparation of the Local Plan.

2.6. There is some potential overlap between the two types of assessment; in particular an identified requirement for an “Appropriate Assessment” under the Habitat Regulations will automatically trigger a requirement for SEA (unless a “local level” or “minor modification” exemption applies). In this report, Section 3 considers the potential need for HRA whilst Section 4 does the same in respect of SEA.

2.7. There is a duty to consult with specified environmental organisations (Natural England, Historic England and the Environment Agency) when determining the need for SEA for development falling within the criteria set by this Regulation. In situations where SEA is not deemed to be required, the Council has a duty to prepare a statement of its reasons for determining that SEA is not required. The SEA Screening Statement should provide sufficient information to demonstrate whether the SPD is likely to have significant environmental effects. If it is concluded that there are not likely to be significant environmental effects and therefore no need for SEA this statement will clearly indicate the reasons for such a decision.

### **3. Screening for HRA**

3.1. It is a requirement under the Habitats Directive that the potential effects of “plans or projects” on designated European sites (Special Areas of Conservation / Special Protection Areas, also referred to as “Natura 2000 sites”) are considered, and where necessary are appropriately assessed. Regulation 61(1) of The Conservation of Habitats and Species Regulations 2010 states:

*“A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which—*  
*(a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and*  
*(b) is not directly connected with or necessary to the management of that site, must make an appropriate assessment of the implications for that site in view of that site’s conservation objectives.”*

The authority may agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site (Regulation 61(5)).

3.2. Therefore, where a plan or project is *“not directly connected with or necessary to the management of a [Natura 2000] site”*, 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 but if potential effects are identified and deemed to be significant then further *“Appropriate Assessment”* is required and used as a tool to help modify the plan / project to ensure that impacts are removed or if this is not possible mitigated to prevent an adverse effect upon the integrity of the European

site.

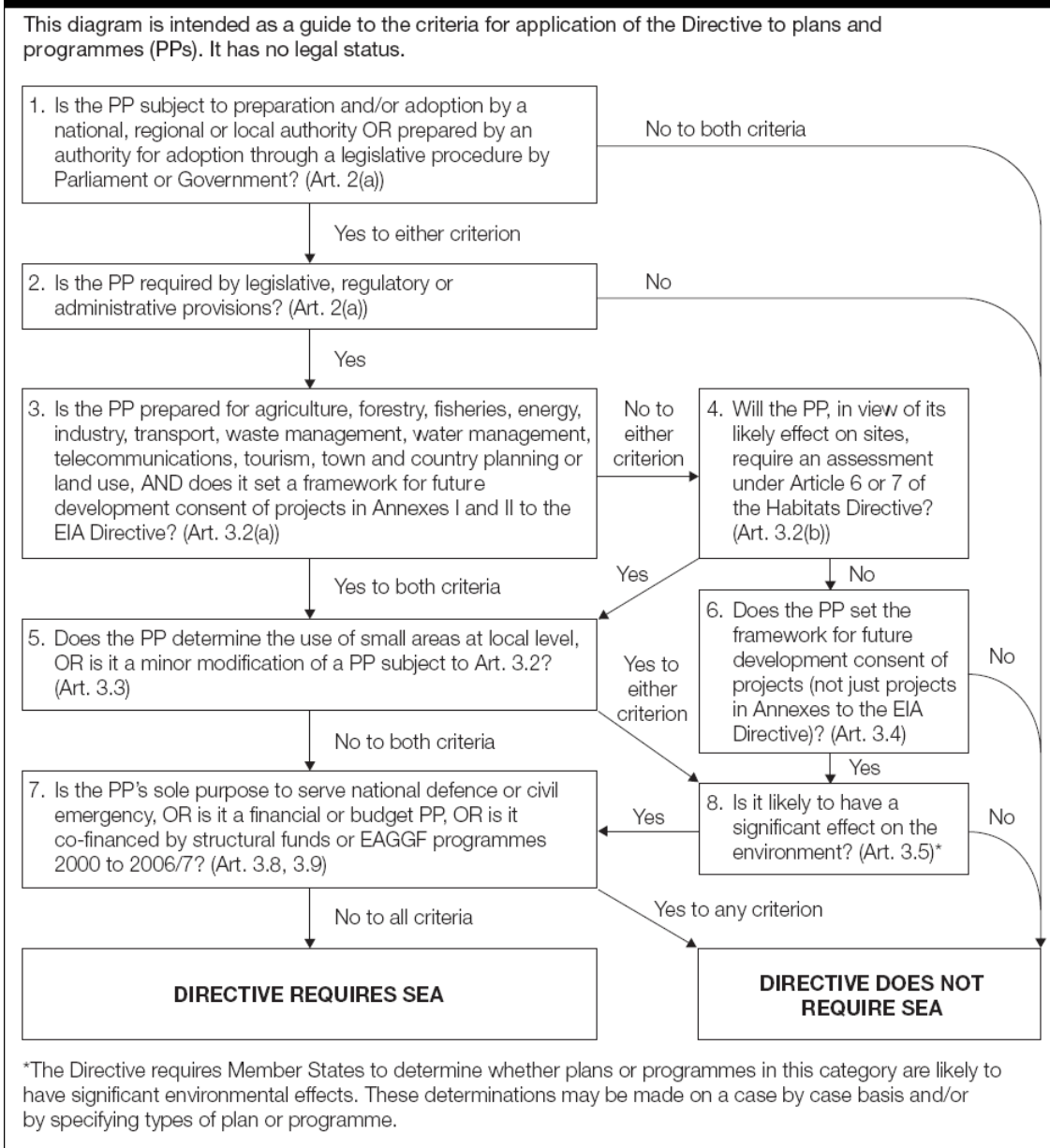
3.4. As the competent authority under The Conservation of Habitats and Species Regulations 2010 (the Habitats Regulations) South Somerset District Council was required to assess its Local Plan through the HRA process as policies and site allocations in the plan could have potentially affected Natura 2000 sites within or near the District;

3.5. The Design SPD is not a plan or project which will be implemented in its own right – it expands upon historic policies within the Local Plan – most specifically EQ2 General Development. It is restricted to the defined area of Yeovil town centre. The policy within the Local Plan related to the SPD has already been subject to HRA and measures to address the identified likely significant effects on the integrity of sites from development proposals have been set out in Local Plan policies. The SPD does not introduce new proposals of a type and/or scale outside the parameters of the Local Plan or amend any of the proposed mitigation measures agreed. It is therefore considered that the Design SPD is not likely to have a significant effect on a European site which means that an “Appropriate Assessment” is not required.

#### **4. Screening for SEA**

4.1. The requirement to undertake SEA applies to plans and programmes which are subject to preparation or adoption by an authority at a national, regional or local level. In order to establish whether SEA is required the fundamental consideration is whether the document is likely to have ‘significant environmental effects’. The best way to determine this is to carry out a screening assessment. If the screening assessment indicates that there could be significant effects, an SEA is needed. The following diagram illustrates the process for screening a planning document to ascertain whether a full SEA is needed.

**Figure 2 – Application of the SEA Directive to plans and programmes**



Source: A Practical Guide to the Strategic Environmental Assessment Directive, ODP, 2005

Table 1 below sets out the Council's response to the above questions in order to clearly assess the need for an SEA. Table 2 provides the Council's assessment of likely significant effects, in accordance with the screening report process in Table 1.

**Table 1: Screening of the Public Realm Design SPD**

SEA Screening Questions	Screening Assessment of the Public Realm Design SPD
1. Is the plan or 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 (Art. 2(a))?	Yes – the SPD is prepared and adopted by a local planning authority, South Somerset District Council. <b>(Yes to either criterion, go to question 2)</b>
2. Is the plan or programme required by legislative, regulatory or administrative provisions (Art. 2(a))?	Yes – the SPD is produced to aid delivery of the statutory Local Plan. The SPD supports the regeneration of Yeovil Town Centre. <b>(Yes – go to question 3)</b>
3. Is the plan or 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 the framework for future development consent for projects listed in Annexes I and II to the EIA Directive (Art 3.2(a))?	Yes – it is an SPD prepared for town and country planning and land use and provides detail and additional guidance to the Local Plan policy framework for future consent of projects listed in Schedule II of the EIA Directive (namely ‘urban development projects’). <b>(Yes to both criteria- go to question 5)</b>
5. Does the SPD determine the use of small areas at local level, OR is it a minor modification of a plan subject to Article 3.2? (Article 3.3)	Yes – the SPD will be a material consideration in the consideration of planning applications for new developments within Yeovil town centre. It provides detailed guidance to adopted Local Plan policy (‘minor modification’). <b>(Yes – go to question 8)</b>
8. Is it likely to have a significant effect on the environment (Art. 3.5)?	No. The purpose of the SPD is to provide guidance to assist in the interpretation of adopted policies in the Local Plan (Part 1). The policies to which the SPD relates were subject to SEA (incorporated within the SA) through the Local Plan preparation process. Therefore the SPD will not itself have any significant effects on the environment, and may assist in addressing potential negative effects identified in the SEA of the relevant adopted policies. See Table 2 for detailed assessment. <b>(No - Directive does not require SEA).</b>

**Table 2: Determining the likely significance of effects on the environment**

<b>SEA Directive Criteria Schedule 1 Environmental Assessment of Plans and Programmes Regulations 2004</b>	<b>Summary of significant effects</b>
<b>1. Characteristics of the Public Realm Design SPD having particular regard to :</b>	
(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.	The SPD will not set a framework for other projects or activities- it is providing additional guidance on existing policies within the Local Plan (Part 1) that have been subject to SEA.
(b) The degree to which the plan or programme influences other plans and programmes including those in a hierarchy	The SPD will have less material weight than the existing Local Plan (Part 1) policies, which have been subject to SEA. It sits below 'higher tier' development plan documents and does not set new policies.
(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 provides guidance on the interpretation of existing local policy along with national guidance, all of which promote sustainable development. The SPD does not introduce new policy.
(d) Environmental problems relevant to the plan or programme	There are no negative environmental issues associated with this SPD, moreover the SPD seeks where possible to achieve environmental improvements via good quality, sustainable design.
(e) The relevance of the plan or programme for the implementation of [European] Community legislation on the environment (for example, plans and programmes linked to waste management or water protection)	The SPD is not directly relevant to the implementation of community legislation. However it could be used as a guide in helping to achieve some of the objectives set out in such legislation at site level scale e.g. waste management. It offers guidance on the implementation of existing Local Plan policies, which have been subject to SEA, to provide further positive effects.
<b>2. Characteristics of the effects and of the area likely to be affected by the Public Realm Design SPD, having regard, in particular, to:</b>	
(a) The probability, duration, frequency and reversibility of the effects	The SPD provides guidance aimed at ameliorating the negative impact of new developments. It is anticipated to have positive and beneficial effects on the built environment of Yeovil town centre. It offers guidance on the implementation of existing Local Plan policies, which have been subject to SEA, to provide further positive effects.

<p>(b) the cumulative nature of the effects</p>	<p>The effects of this SPD will be largely beneficial- therefore any cumulative effects will also be beneficial e.g. the use of better quality design materials in several developments within local area will create a better quality built environment.</p>
<p>(c) the transboundary nature of the effects,</p>	<p>The SPD is unlikely to result in any transboundary effects, it is limited to areas in the vicinity of new developments within Yeovil town centre. Where developments may be transboundary, the SPD would only serve to ameliorate some of the possible effects of such developments.</p>
<p>(d) the risks to human health or the environment (e.g. due to accidents),</p>	<p>The SPD does not present any risk to human health or the environment; conversely it aims to encourage improvements in these areas.</p>
<p>(e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected),</p>	<p>The SPD will be applied to all relevant planning applications in Yeovil town centre so has very limited 'local' scale.</p>
<p>(f) the value and vulnerability of the area likely to be affected due to:</p> <ul style="list-style-type: none"> <li>- special natural characteristics or cultural heritage,</li> <li>- exceeded environmental quality standards or limit values,</li> <li>- intensive land-use,</li> </ul>	<p>The SPD covers Yeovil town centre so will be relevant in guiding decision making for proposed developments in conservation areas. It seeks to create quality design informing application of local plan policies. However, It is only offering guidance on the implementation of existing Local Plan policies, which have been subject to SEA, to provide further positive effects. It does not propose any new development over and above that assessed within the Local Plan (Part 1) policies.</p>
<p>(g) the effects on areas or landscapes which have a recognized national, Community or international protection status.</p>	<p>The SPD is specifically aligned to the area of Yeovil town centre only, so is only offering guidance on existing Local Plan policies which have been subject to SEA to aid implementation and provide further positive effects. It does not propose any new development over and above that assessed within the Local Plan (Part 1) policies.</p>

## **5. Consultation**

The Council are in the process of consulting the three statutory environmental bodies, Environment Agency, Historic England and Natural England on the draft SEA/HRA screening report. This consultation will reported to District Executive as part of the update report.

## **6. Determination**

The Public Realm Design SPD has not been subject to HRA or SEA assessment because the SPD does not introduce new policies. It simply provides guidance on existing policies within the adopted Local Plan (Part 1). These policies have been sufficiently appraised via SAs and HRAs. The Council considers that the Public Realm Design SPD will not result in any additional significant effects to those already identified in the higher level SAs. It will provide more detailed guidance to developers and decision makers to ensure that the positive effects identified in the Local Plan SA are realized and that any neutral and/or negative effects are mitigated further.