PLANNING OBLIGATIONS
SUPPLEMENTARY PLANNING DOCUMENT

Sustainability Appraisal / Strategic Environmental Assessment
&
Habitat Regulations Assessment

Screening Report

October 2015
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1. INTRODUCTION

1.1 This screening report is designed to determine whether the content of the emerging Draft Planning Obligations Supplementary Planning Document requires a Strategic Environmental Assessment (SEA) or not in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plans and Programmes Regulations 2004.

1.2 This report will also consider whether or not the SPD requires a Habitats Regulations Assessment (HRA) in accordance with Article 6(3) of the EU Habitats Directive and with Regulation 61 of the Conservation of Habitats Species Regulations 2010 (as amended). A HRA is required if it is deemed that likely negative significant effects may occur on protected European Sites (Natura 2000 sites) as a result of the implementation of a plan / project.

1.3 The purpose of the Draft Planning Obligations SPD is to provide more detailed guidance on when planning obligations will be sought and how they will be used. The document relates to both the Oadby and Wigston adopted Core Strategy (2010) and to the adopted Oadby and Wigston Town Centre Area Action Plan (2013).

1.4 The SPD sets out the Council’s general approach towards seeking planning obligations from development schemes and specific details about each type of infrastructure that may be sought, as necessary.

1.5 The objective of the emerging Planning Obligations SPD is to set out guidance for developers or applicants relating to the use of Section 106 Agreements (or other relevant legal agreements) to secure any or all of the following:

- Oadby and Wigston Borough Council infrastructure contributions for items including Affordable Housing and Open Space, Sport and Recreation;
- Planning obligations for external service providers such as Leicestershire County Council or the emergency services to source funding to assist with the delivery of their priority infrastructure typologies.

1.6 The emerging Draft Planning Obligations SPD is subject to public consultation in accordance with the Council’s Statement of Community Involvement.

1.7 The legislative background referred to in section 2 outlines the regulations that require the need for this screening exercise. Sections 3 and 4 provide the screening assessment for the SPD in relation to the SEA and HRA respectively. A summary of the findings of the assessment is then included in Section 5.

2. LEGISLATIVE BACKGROUND

Strategic Environmental Assessment

2.1 The basis for Strategic Environmental Assessments and Sustainability Appraisal legislation is European Directive 2001/42/EC and was transposed into English law by the Environmental Assessment of Plans and Programmes Regulations 2004, or SEA Regulations. Detailed Guidance of these regulations can be found in the Government publication ‘A Practical Guide to the Strategic Environmental Assessment Directive’ (ODPM 2005).
2.2 The Planning and Compulsory Purchase Act 2004 required Local Authorities to produce Sustainability Appraisals (SA) for all local development documents to meet the requirement of the EU Directive on SEA. It is considered best practice to incorporate requirements of the SEA Directive into an SA. This is also discussed within the NPPF paragraph 165.

2.3 However, the 2008 Planning Act amended the requirement to undertake a Sustainability Appraisal for a Supplementary Planning Document, but did not remove the requirement to produce a Strategic Environmental Assessment. This is because SPD’s do not normally introduce new policies or proposals or modify planning documents, which have already been subject to Sustainability Appraisal.

2.4 This report focuses on screening for a SEA and the criteria for establishing whether a full assessment is required.

**Habitat Regulation Assessment (HRA)**

2.5 It is required by article 6 (3) of the EU Habitats Directive and by regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended) that an appropriate assessment is carried out with regard to the Conservation Objectives of the European Sites and with reference to other plans and projects to identify if any significant effect is likely for any European Site.

2.6 In order to identify if likely significant effects will occur with the implementation of the SPD upon European Sites (Natura 2000 sites) an assessment of the need to undertake a screening assessment has been carried out in Section 4 of this report.

**National Planning Practice Guidance (NPPG)**

2.7 Guidance in the NPPG says that:

“Supplementary planning documents do not require a sustainability appraisal but may in exceptional circumstances require a strategic environmental assessment if they are likely to have significant environmental effects that have not already have been assessed during the preparation of the Local Plan.

A strategic environmental assessment is unlikely to be required where a supplementary planning document deals only with a small area at a local level (see regulation 5(6) of the Environmental Assessment of Plans and Programmes Regulations 2004), unless it is considered that there are likely to be significant environmental effects.

Before deciding whether significant environment effects are likely, the local planning authority should take into account the criteria specified in Schedule 1 to the Environmental Assessment of Plans and Programmes Regulations 2004 and consult the consultation bodies”.

Source: NPPG, Paragraph: 008, Reference ID: 11-008-20140306 (2014)
3. **SEA SCREENING**

Criteria for Assessing the Effects of Supplementary Planning Documents

3.1 The Criteria for determining the likely significance of effects referred to in Article 3(5) of Directive 2001/42/EC are set out below:

1. The characteristics of plans and programmes, having regard, in particular, to:
   - 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 degree to which the plan or programme influences other plans and programmes including those in a hierarchy;
   - The relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development;
   - Environmental problems relevant to the plan or programme; and,
   - 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).

2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:
   - The probability, duration, frequency and reversibility of the effects;
   - The cumulative nature of the effects;
   - The trans-boundary nature of the effects;
   - The risks to human health or the environment (e.g. due to accidents);
   - The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);
   - The value and vulnerability of the area likely to be affected due to:
     - Special natural characteristics or cultural heritage;
     - Exceeded environmental quality standards or limit values, or,
     - Intensive land-use;
   - The effects on areas or landscapes which have a recognised national, Community or international protection status.

Source: Annex II of SEA Directive 2001/42/EC

Assessment

3.2 The Planning Obligations SPD must be in general conformity with the adopted Core Strategy DPD and Town Centres Area Action Plan DPD. Both documents were subject to a full Sustainability Appraisal, which included an SEA Assessment.

3.3 The diagram in Figure 1 illustrates the process for screening a planning document to ascertain whether a full SEA is required.

**Figure 1. Application of the SEA Directive to Plans and Programmes**
Table 1 shows the assessment of whether the SPD will require a full SEA. The questions below are drawn from the diagram in Figure 1, which sets out how the SEA Directive should be applied.

**Table 1. Establishing the Need for SEA of the Planning Obligations SPD**

<table>
<thead>
<tr>
<th>Stage</th>
<th>Yes or No</th>
<th>Reason</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Is the PP (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))</td>
<td>Yes</td>
<td>The SPD is prepared by the local authority and is consulted upon before being taken through a committee process for approval for adoption by local councillors.</td>
</tr>
<tr>
<td>Stage</td>
<td>Yes or No</td>
<td>Reason</td>
</tr>
<tr>
<td>-------</td>
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</tr>
<tr>
<td>2. Is the PP required by legislative, regulatory or administrative provisions? (Art. 2(a))</td>
<td>Yes</td>
<td>The SPD is consistent with and expands upon the Borough Council’s adopted Core Strategy and Town Centres Area Action Plan DPD’s. It is therefore necessary to answer the following questions to determine further if an SEA is required.</td>
</tr>
<tr>
<td>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))</td>
<td>Yes</td>
<td>This SPD is prepared for town and country planning and land use. It will also set a framework for future development consent of projects in Annexes I and II to the EIA Directive? (Art 3.2(a)).</td>
</tr>
<tr>
<td>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))</td>
<td>No</td>
<td>Refer to paragraph 4.1 in this document.</td>
</tr>
<tr>
<td>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)</td>
<td>No</td>
<td>The advice outlines in this SPD is Borough-wide and is not specific to any areas of land. It does not determine the use of any land, nor does it allocate sites. It is not a minor modification of a PP, but provides guidance to developers on the Council’s existing policies within the Plan.</td>
</tr>
<tr>
<td>6. Does the PP set the framework for future development consent of projects (not just projects in annexes to the EIA Directive)? (Art 3.4)</td>
<td>No</td>
<td>The SPD does not set the framework for future development consent. It only deals with specific elements in relation to the negotiation of infrastructure requirements in association with new development coming forward in the Borough.</td>
</tr>
<tr>
<td>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)</td>
<td>Yes</td>
<td>The SPD provides additional financial guidance on when planning obligations will be sought and how they will be used.</td>
</tr>
<tr>
<td>8. Is it likely to have a significant effect on the environment? (Art. 3.5)</td>
<td>No</td>
<td>None identified. See Table 2 to understand the determination of likely significant effects.</td>
</tr>
</tbody>
</table>
Table 2. Criteria for determining likely significant effects on the environment from Schedule 1 of the Environmental Assessment of Plans and Programmes Regulations 2004

<table>
<thead>
<tr>
<th>Criteria (from Annex II of the SEA Directive and Schedule 1 of Regulations)</th>
<th>Is there a significant environmental impact?</th>
<th>Justification</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1a</strong> 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.</td>
<td>No</td>
<td>The SPD will provide additional guidance on existing policies as set out in the Core Strategy and Town Centres Area Action Plan (which have already been subject to SA and SEA). The SPD makes no provision for the allocation of resources but it will help to ensure the future delivery of infrastructure to support sustainable growth in the Borough.</td>
</tr>
<tr>
<td><strong>1b</strong> The degree to which the plan or programme influences other plans and programmes including those in a hierarchy.</td>
<td>No</td>
<td>The purpose of the SPD is to expand upon and provide additional information on existing policies and procedures in the Borough to act as guidance for the negotiation of planning obligations to support new development. The SPD does not influence other PP or their effects upon the environment.</td>
</tr>
<tr>
<td><strong>1c</strong> The relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development.</td>
<td>No</td>
<td>The primary objective of the SPD is to ensure that the necessary infrastructure is provided to mitigate the impact of a development upon the surrounding community. Therefore, there may well be environmental, economic and social impacts as a result of this PP. However, the direct impact is unlikely to be significant in isolation to the environment.</td>
</tr>
<tr>
<td><strong>1d</strong> Environmental problems relevant to the plan or programme.</td>
<td>No</td>
<td>The SPD itself will not result in any environmental problems beyond those already identified</td>
</tr>
</tbody>
</table>
by the SA / SEA reports on the Core Strategy and Town Centres Area Action Plan because it will not provide for any additional development.

However, it is anticipated that the SPD will have an in-direct positive impact upon the Environment in the locality of a site where infrastructure is enhancements are integrated into or to support a scheme.

<table>
<thead>
<tr>
<th>1e</th>
<th>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).</th>
<th>No</th>
<th>The SPD has to be in conformity with the adopted Plan. The Core Strategy and Town Centres Area Action Plan have both been prepared by having regard to European Community legislation and have both been subject to SA and SEA. Therefore, the SPD is not considered relevant to this criterion.</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. Characteristics of the effects and of the area likely to be affected [by the SPD], having regard, in particular, to:</td>
<td>Is there a significant environmental impact?</td>
<td>Justification</td>
<td></td>
</tr>
<tr>
<td>2a</td>
<td>The probability, duration, frequency and reversibility of the effects;</td>
<td>No</td>
<td>The anticipated effects of the SPD is that it will positively guide developers in the negotiation of planning obligations as part of legal agreements. The duration of the effects is related more to the outcome and detail included within the planning permission. However, it is anticipated that the guidance will minimise detrimental impacts.</td>
</tr>
<tr>
<td>2b</td>
<td>The cumulative nature of the effects;</td>
<td>No</td>
<td>The SPD contains a range of planning obligations that may be sought. However, the SPD itself supplements planning policy and therefore, it is not likely to have a significant cumulative effect.</td>
</tr>
<tr>
<td>2c</td>
<td>The trans-boundary nature of the effects;</td>
<td>No</td>
<td>The SPD is unlikely to have a significant impact upon trans-</td>
</tr>
<tr>
<td></td>
<td></td>
<td>boundary effects.</td>
<td></td>
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</tr>
<tr>
<td><strong>2d</strong></td>
<td>The risks to human health or the environment (e.g. due to accidents);</td>
<td><strong>No</strong></td>
<td>It is considered that the SPD presents no risk to human health or the environment.</td>
</tr>
<tr>
<td><strong>2e</strong></td>
<td>The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);</td>
<td><strong>No</strong></td>
<td>The SPD will be applied to all relevant planning applications in the Borough of Oadby and Wigston. The effects of the SPD are more likely to be felt at a local scale (i.e. Near to new development). As the SPD supplements existing planning policy, in itself, it is not expected to have a significant effect.</td>
</tr>
</tbody>
</table>
| **2f** | The value and vulnerability of the area likely to be affected due to:  
  - Special natural characteristics or cultural heritage;  
  - Exceeded environmental quality standards or limit values, or,  
  - Intensive land-use; and, | **No** | These issues will be dealt with through the planning application process as it is the role of the policies in the Local Plan to protect, conserve and enhance the area. The SPD will supplement the existing policies within the Borough’s Local Plan and provides additional information to developers for the negotiation of planning obligations. Therefore, it is not considered to have a significant effect on this criterion. |
| **2g** | The effects on areas or landscapes which have a recognised national, Community or international protection status. | **No** | None identified. Any applications submitted to the authority will be required to satisfy the relevant policies for protection of characteristics of the area before permission is granted. Therefore, it is not considered to have a significant effect on this criterion. |

**Screening Outcome**

3.5 On the basis of the assessment in Table 1 and 2, it is considered that the emerging Draft Panning Obligations Supplementary Planning Document will not have any significant
environmental effects and it is written to provide additional information to support existing policies in the Borough’s adopted Local Plan.

3.6 Both the adopted Core Strategy (2010) and Town Centres Area Action Plan (2013) have both been subject to SA and SEA, and therefore, this SPD does not require a full SEA to be undertaken.

4. HRA SCREENING

Screening Assessment

4.1 In January 2010, as part of the preparations for the subsequently adopted Core Strategy, the Borough Council undertook an Appropriate Assessment Scoping Report and that document concluded that a Full Appropriate Assessment was not required.


Screening Outcome

4.2 Therefore, it is considered that this SPD does not require a HRA Screening Assessment because it does not go beyond the requirements of the adopted Core Strategy and it is unlikely to have a significant impact on any of the Natura 2000, Special Areas of Conservation, Special Protection Areas or RAMSAR sites within approximately 25km of the boundary of Oadby and Wigston Borough.

4.3 As such, the Planning Obligations SPD does not require a full HRA to be undertaken.

5. CONCLUSIONS

5.1 The Planning Obligations SPD is relevant to all planning applications where a planning obligation is required. The effect from the SPD is anticipated to have limited environmental impacts as the aim of the SPD is to facilitate sustainable growth by setting out when planning contributions will be sought and used to ensure that new development contributes positively to the local environment and helps to militate against any adverse impacts on infrastructure.

5.2 From the findings of the screening assessment and having considered the relevant SA / SEA / HRA work undertaken to support the preparation of the adopted Core Strategy and Town Centres Area Action Plan DPD’s, it is not considered that a full Strategic Environmental Assessment (SEA) or a full Habitat Regulations Assessment (HRA) needs to be undertaken for the Planning Obligations SPD.