

Blaby District Council Planning Obligations and Developer Contributions Supplementary Planning Document Strategic Environmental Assessment Screening Report and Determination Statement

Introduction

This report sets out a Screening Assessment and Determination Statement for Blaby District Council's Planning Obligations and Developer Contributions Supplementary Planning Document (hereafter Developer Contributions SPD). The assessment has been prepared by Blaby District Council. Its purpose is to assess if the Developer Contributions SPD will require a Strategic Environmental Assessment (SEA).

The assessment of the Developer Contributions SPD and Determination Statement is included in Table 1 which is set out later in this report.

Strategic Environmental Assessment Context

European Union Directive 2001/42/EC requires SEA to be undertaken for certain types of plans or programmes that could have significant environmental effects. The Directive has been transposed into law for England and Wales in the Environmental Assessment of Plans and Programmes Regulations 2004¹ (often referred to as the SEA Regulations). The provision set out in these regulations continue to apply following Brexit. The purpose of Strategic Environmental Assessment is to promote sustainable development through assessing the extent to which the plan will help to achieve relevant environmental, economic and social objectives.

Under Regulation 9 of the SEA Regulations, the responsible body (in this case the District Council) is required to determine whether a plan or programme is likely to have significant environmental effects, and therefore whether SEA is required. This process is called screening. It is undertaken using a specified set of criteria (set out in Schedule 1 of the SEA Regulations). The Regulations require that the results of this process are set out in a Screening Determination (this document), which must be publicly available.

Before the responsible body makes a formal determination, there is a requirement to consult three statutory consultation bodies designated in the Regulations (Historic England, the Environment Agency & Natural England) on whether a Strategic Environmental Assessment is required.

¹ [The Environmental Assessment of Plans and Programmes Regulations 2004 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

Supplementary Planning Documents and Strategic Environmental Assessment

The Government's Planning Practice Guidance (PPG) states 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 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 bodies² .

A determination cannot be made until the three statutory consultation bodies have been consulted: The Environment Agency, Natural England and Historic England

Within 28 days of making its determination the authority must publish a statement, setting out its decision. If it determines that an SEA is not required, the statement must include the reasons for this.

Developer Contributions

Developer contributions can be used to make a development acceptable but should only be used where unacceptable impacts cannot be dealt with by planning conditions. Legal tests must be applied to any planning obligations sought by the District or County Council or other appropriate body, and this is outlined in Community Infrastructure Levy Regulations 2010 (as amended) and in paragraph 57 of the NPPF. Any contributions must be:

- a) necessary to make the development acceptable in planning terms;

² Planning Practice Guidance: Strategic Environmental Assessment and Sustainability Appraisal, Paragraph: 008 Reference ID: 11-008-20140306, [Strategic environmental assessment and sustainability appraisal - GOV.UK \(www.gov.uk\)](http://www.gov.uk/guidance/strategic-environmental-assessment-and-sustainability-appraisal)

- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

The National Planning Policy Framework (NPPF) defines Supplementary Planning Documents (SPDs) as documents which add further detail to the policies in the development plan. SPDs are capable of being a material consideration in planning decisions but are not part of the statutory Development Plan.

SPDs do not have the same status as the policies within the Development Plan and are not subject to an independent Examination. However, SPDs must undergo public consultation.

The Council's Core Strategy was adopted in 2013, whilst the Local Plan Delivery Development Plan Document was adopted in 2019. In addition, there are a number Neighbourhood Plan Documents which have been made in the District which also form a part of the Development Plan. The Planning Obligations SPD seeks to clarify how the requirements set out in the policies included in the Development Plan will be calculated and therefore provides guidance for developers and communities in order to provide certainty regarding the planning obligations necessary to support growth.

This SPD should be read alongside relevant policies set out in the Development Plan.

The Screening Assessment

The following Screening Assessment sets out the Council's views on the need for the Developer Contributions SPD to be subject to Strategic Environmental Assessment. It lists the criteria set out in the SEA regulations, provides our view on whether Likely Significant Effects (LSE) will occur as a result of the adoption of the SPD and sets out our reasoning for reaching this view.

Table 1. SEA Screening Assessment for the Blaby District Council Planning Obligations and Developer Contributions Supplementary Planning Document.

Criteria for determining likely Significant Effects (LSE)	LSE	Explanation
<p>The degree to which the plan or programme sets a framework for projects and other activities, either with regards to the location, nature, size and operating conditions or by allocating resources</p>	<p>No</p>	<p>The framework is set by higher level policies in the Development Plan which includes the Core Strategy and the Local Plan Delivery Development Plan Document (DPD). Relevant policies include Policy CS7 - Affordable Housing; Policy CS10 - Transport Infrastructure; Policy CS11 – Infrastructure, Services and Facilities to support growth, Policy CS12 – Planning Obligations and Developer Contributions. Key Local Plan Delivery Plan policies includes Policy CS15 and Development Management Policy DM11 Accessible and Adaptable Homes. Both the Core Strategy and Local Plan Delivery DPD have been subject to a comprehensive Sustainability Appraisal (SA) incorporating SEA. The purpose of the SPD is to provide guidance to facilitate the effective implementation of infrastructure requirements and developer contributions policies listed above. It does not alter the requirements of adopted Policies. The SPD clarifies how the Council will deliver the requirements set out in its policies and provides certainty to communities and developers.</p>

Criteria for determining likely Significant Effects (LSE)	LSE	Explanation
The degree to which the plan or programme influences other plans or programmes including those in a hierarchy.	No	The SPD is intended to supplement Local Plan Policies and sits below the Local Plan in terms of the planning hierarchy. The SPD does not introduce new policy and is in conformity with the policies of the Local Plan.
The relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development	No	The SPD will ensure the delivery of sustainable development through the effective and consistent implementation of planning obligations which will include the provision of affordable housing, public open space and flood management and other infrastructure. The aim of the SPD is to ensure that development proposals make provision for infrastructure that is necessary in order to accommodate the additional demands resulting from the development.

Criteria for determining likely Significant Effects (LSE)	LSE	Explanation
environmental problems relevant to the plan	No	<p>There are no environmental problems relevant to the SPD. The policies within the Adopted Plan have been subject to Sustainability Appraisal incorporating the requirements of SEA. The SPD will not alter the requirements associated with new developments (these are set out in relevant local plan policies) although does provide guidance to inform the delivery of new infrastructure. Given that the SPD will not alter policy requirements its preparation will not lead to any environmental effects not already tested during the preparation of the Local Plan.</p> <p>It is noted that Natural England highlighted specific comments regarding impacts on protected species. The SEA for the Core Strategy and Site delivery DPD considered ecological effects in respect of the sites allocated in the emerging local plan and did not highlight potential for allocations to have significant biodiversity effect in respect of habitats or species. Nonetheless Local biodiversity policies are in place to protect local habitats and species and will help ensure significant effects on biodiversity don't arise.</p>

<p>The relevance of the plan or programme for the implementation of community legislation on the environment (for example plans and programmes related to waste management or water protection)</p>	<p>No</p>	<p>The SPDs purpose to clarify how and when new supporting infrastructure should be delivered. It will assist the delivery of adopted policy which has been subject to a Sustainability Appraisal (including SEA) which requires that the plan (and its policies) have been drafted with full regard to the relevance of community legislation. There are no habitats sites protected pursuant to the Habitats Directive and or Birds Directive located within or close proximity to the District and the implementation of the SPD will not have any effect on the conservation objectives of such sites which in the case of Ensor's Pool Special Area of Conservation (SAC) Circa 10km from the District Boundary) is a groundwater fed pond providing suitable habitat for Crayfish. However this site is not hydrologically connected to any part of Blaby and affected by localised site management issues which would be unaffected by growth in Blaby. The next closest Site (the river Mease circa 17km from the SAC itself and 12km from the closest part of the river's operational catchment) has no connectivity to Blaby and its qualifying features would be unaffected by growth in Blaby.</p> <p>Similarly, although the plan does provide guidance on the payment of contributions and delivery of infrastructure related to water</p>
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Criteria for determining likely Significant Effects (LSE)	LSE	Explanation
		<p>management and waste management, parent policies in Adopted Plan set out the specific requirements related to the provision of infrastructure. Given the limited scope and content of the SPD, which provides guidance to ensure the effective implementation of adopted policies, there is no further requirement for SEA.</p>
<p>The probability, duration, frequency and reversibility of the effects</p>		<p>The anticipated effects of the SPD will be limited by its status as a lower tier planning document which does not form part of the development plan. However, it will help ensure the delivery of measures required by existing Development Plan policies by providing guidance and support to local communities and site developers regarding the delivery of new infrastructure.</p> <p>The SPDs will ensure the timely delivery of mitigation measures for any development. Any potential for effects will be linked to a planning permission and it is likely that new infrastructure will be delivered to substantially offset any environmental or social impacts of development. The plan will likely apply to 2029 or until such time as the strategic policies included in the Core Strategy and Delivery DPD are superseded by the emerging Local Plan.</p>

Criteria for determining likely Significant Effects (LSE)	LSE	Explanation
the cumulative nature of the effects	No	No significant cumulative effects are likely. However, where limited effects are likely these would likely be beneficial, albeit of limited significance. In any case the potential for cumulative effects will have been considered through the SEA and other environmental assessment work which underpinned the preparation of the Adopted Development Plan documents.
The trans boundary nature of the effects of the SPD	No	There will be no national trans-boundary effects resulting from the Planning Obligations SPD. The SPD covers a small and relatively localised area. The District does not share a boundary with any other European Member states.
The risks to human health or the environment (e.g. due to accident)	No	No risks to human health will occur through the application of the Planning Obligations SPD.

Criteria for determining likely Significant Effects (LSE)	LSE	Explanation
The magnitude and spatial extent of the effects (geographic area and size of the population likely to be affected) by the SPD	No	The SPD will be applied to all relevant planning applications in the District, although the effects of the SPD will most likely affect communities at a more local scale (i.e. site or neighbourhood). Exceptionally effects could extend beyond the boundaries of Blaby District however effects would be limited by the scale and nature of planning applications, the need to agree on the timing of delivery of infrastructure with neighbouring authorities (through a legal agreement) and through joint working with partners. The SPD will help ensure joint working is transparent and infrastructure delivery is timely.
<p>the value and vulnerability of the area likely to be affected due to the:</p> <ul style="list-style-type: none"> (i) special natural characteristics or cultural heritage (ii) exceeded environmental quality standards (iii) intensive land-use 	No	The SPD does not set policy related to specific land uses and does not include any site allocations. Instead, the SPD will only influence the way in which infrastructure is funded or provided.

Criteria for determining likely Significant Effects (LSE)	LSE	Explanation
The effects on areas or landscapes which have a recognised national, Community or international protection status.	No	None identified. Any applications for development will be required to satisfy the relevant policies for protection of the character of the area before permission is granted. In any case there are no national, European or internationally protected landscapes or areas within the District. Therefore, it is not considered the SPD will have any significant effect on these types of sites.

Consultation

A draft screening assessment and Developer Contributions SPD was prepared for consideration by the following Consultation Bodies:

- Historic England,
- the Environment Agency; and
- Natural England.

The comments received back from the Consultation Bodies are appended to the end of this document. However, these agree that the SPD will not give rise to likely significant effects.

Screening Conclusion and Determination Statement

Following the screening process Blaby District Council has determined that the SPD would not be 'likely' to have 'significant environmental effects'.

In reaching this conclusion, the Council has had regard to the fact that the SPD will not have effects beyond Blaby's Local Plan policies which, have all been subject to Sustainability Appraisal and SEA.

The Council believes that the SPD does not need a SEA for the following reasons:

- It is unlikely to have significant effects on the wider environment since it provides guidance on the implementation of Local Plan policies which will have positive impacts. Therefore, it will not be necessary to carry out a Strategic Environmental Assessment on this SPD

- Blaby's Local Plan policies have all been subjected to Sustainability Appraisal and SEA (Strategic Environmental Assessment) for their environmental impact.
- It does not introduce any new policies, nor amend any existing policies, nor allocate sites for any specific use.
- Its purpose is to provide more advice and guidance to the public, developers and officers on implementation and compliance with Blaby Local Plan.
- The SPD guidance does not create or raise any cross-boundary issues.

Appendix 1 Responses from Historic England, the Environment Agency and Natural England confirming no requirement for the Supplementary Planning Document to be supported by Strategic Environmental Assessment.



Historic England

Mr Kevin Exley
Blaby District Council
Leicestershire

Direct Dial: [REDACTED]
Our ref: PL00793070
8 June 2023

Dear Kevin

DRAFT PLANNING OBLIGATIONS AND DEVELOPER CONTRIBUTIONS SUPPLEMENTARY PLANNING DOCUMENT (SPD) - SEA Screening request

Thank you for the consultation on the above. For the purposes of consultations on SEA Screening Requests, Historic England confines its advice to the question, "Is it likely to have a significant effect on the environment?" in respect of our area of concern, cultural heritage. Our comments are based on the information supplied with the screening request.

On the basis of the information supplied Historic England is of the view that the preparation of a Strategic Environmental Assessment is not likely to be required in respect of the historic environment.

We hope that this information is of use to you at this time.

Yours sincerely,

[REDACTED SIGNATURE]



THE FOUNDRY - 82 GRANVILLE STREET - BIRMINGHAM - B1 2LH
Telephone 0121 626 6555
HistoricEngland.org.uk



Historic England is subject to both the Freedom of Information Act (2000) and Environmental Information Regulations (2004). Any information held by the organisation can be requested for release under this legislation.

Dear Kevin,

Thank you for your email and I apologise for the delay in replying.

From the perspective of the remit of and guidance available to the Environment Agency we do not disagree with the Draft Screening Determination as provided in the attached [Blaby District Council Planning Obligations and Developer Contributions Strategic Environmental Assessment Screening Report](#) – namely the conclusion that the Planning Obligations and Developer Contributions SPD does not need to be subject to SEA.

Need for Habitats Regulations Assessment

From the perspective of the remit of the Environment Agency we do not consider that the SPD would have an effect on the integrity of European Sites and consequently do not consider a HRA would be necessary in this instance. However, the views of Natural England should be sought on this matter also.

Regards
Nick

[Redacted]
Planning Specialist, Sustainable Places Team
Environment Agency | Trentside Offices, Scarrington Road, West Bridgford, Nottingham NG2 5BR



Creating a better place
for people and wildlife



Date: 12 June 2023
Our ref: 434419
Your ref: SEA Screening Assessment



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BY EMAIL ONLY

Dear Mr Exley

Planning Obligations and Developer Contributions Supplementary Planning Document (SPD) – SEA Screening Assessment

Thank you for your consultation request on the above dated and received by Natural England on 18th May 2023.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Screening Request: Strategic Environmental Assessment

It is our advice, on the basis of the material supplied with the consultation, that, in so far as our strategic environmental interests (including but not limited to statutory designated sites, landscapes and protected species, geology and soils) are concerned, that there are unlikely to be significant environmental effects from the proposed plan.

Natural England do not feel that an SEA is necessary for this Supplementary Planning Document.

We have checked our records and based on the information provided, we can confirm that in our view the proposals contained within the plan will not have significant effects on sensitive sites that Natural England has a statutory duty to protect.

We are not aware of significant populations of protected species which are likely to be affected by the policies / proposals within the plan. It remains the case, however, that the responsible authority should provide information supporting this screening decision, sufficient to assess whether protected species are likely to be affected.

Notwithstanding this advice, Natural England does not routinely maintain locally specific data on all potential environmental assets. As a result the responsible authority should raise environmental issues that we have not identified on local or national biodiversity action plan species and/or habitats, local wildlife sites or local landscape character, with its own ecological and/or landscape advisers, local record centre, recording society or wildlife body on the local landscape and biodiversity receptors that may be affected by this plan, before determining whether an SA/SEA is necessary.

Please note that Natural England reserves the right to provide further comments on the environmental assessment of the plan beyond this SEA/SA screening stage, should the responsible authority seek our views on the scoping or environmental report stages. This includes any third party appeal against any screening decision you may make.

For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk

Yours sincerely

