

# Affordable Housing and Planning Obligations SPD

## Strategic Environmental Assessment Screening Statement

Regulation 9(3) Environmental Assessment of Plans and Programmes Regs 2004

March 2013

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### Summary

This statement sets out the City Council's determination that the proposed Affordable Housing and Planning Obligations Supplementary Planning Document (SPD) does not 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.

The screening exercise (included at section 3 below) established that the proposed SPD would not give rise to any significant environmental effects. Therefore it is considered that a Strategic Environmental Assessment is not required for the proposed Affordable Housing and Planning Obligations Supplementary Planning Document.

### 1. Introduction

- 1.1 The affordable housing and planning obligations policy framework in Oxford is found in the Oxford Core Strategy (March 2011), Sites and Housing Plan (due for adoption in February 2013), West End Area Action Plan (June 2008), Barton Area Action Plan (December 2012) and the Oxford Local Plan 2001-2016 (November 2005). These plans provide the statutory planning framework for Oxford. Appendix 1 contains a list of the policies relating to affordable housing and planning obligations.
- 1.2 The City Council have an adopted Planning Obligations SPD (April 2007) and an adopted Affordable Housing SPD (November 2006). The new Affordable Housing and Planning Obligations SPD would replace both these documents and provide additional guidance on the application of the relevant policies.
- 1.3 The SPD will be subject to public consultation in accordance with the relevant regulations and the Council's Statement of Community Involvement (SCI) prior to its adoption.

### 2. Requirement for SEA

- 2.1 Previously all statutory land-use plans, including Supplementary Planning Documents, required a Sustainability Appraisal which incorporated the requirements for Strategic Environmental Assessment. This was a requirement under UK Government legislation. However, the 2008 Planning Act<sup>1</sup> and 2012 regulations<sup>2</sup> removed the UK legislative requirement for the sustainability appraisal of Supplementary Planning Documents. Despite no longer requiring sustainability appraisal, SPDs may still require SEA.
- 2.2 The requirement for a Strategic Environment Assessment (SEA) is set out in the regulations<sup>3</sup>. There is also practical guidance on applying European Directive 2001/42/EC<sup>4</sup>. These documents have

<sup>1</sup> Planning Act 2008 – paragraph 180(5d)

<sup>2</sup> Town and Country Planning (Local Planning) (England) Regulations 2012

<sup>3</sup> Environmental Assessment of Plans and Programmes Regulations 2004 (no. 1633)

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

been used as the basis for this screening report. Regulation 5 sets out 3 types of plan that require SEA:

- The plan is for town and county planning and sets the development framework for future consent of projects listed in annexes 1 or 11 of the EIA Directive<sup>5</sup> (There is an exemption for a plan dealing with the use of a small area at a local level OR a minor modification of a plan<sup>6</sup>);
- The plan requires a Habitat Directive Assessment;
- The plan sets the future development consent framework that does not fall in the above two categories but has been determined to be likely to have significant environmental effects.

2.2 The proposed SPD will be for Town and Country Planning purposes and will apply to virtually all development projects (including those within annexes 1 and 11 of the EIA Directive) as such it falls within the first category of plan set out above and therefore would necessitate screening for SEA. However regulation 5(6) provides an exemption where the plan is either limited in use to a small area at local level or is a minor modification to a plan. The proposed SPD is by its nature constrained by the scope of the higher level plans and cannot set policy. In this regard the “minor modification to a plan or programme” exemption applies to the proposed SPD. Using this exemption means that an SEA Regulations Screening is required. The next section of this paper consists of the SEA Regulations Screening of the proposed SPD.

### **3. Screening**

3.1 The ODPM practical guidance provides a checklist approach based on the SEA regulations to help determine whether SEA is required. This guide has been used as the basis on which to assess the need for SEA as set out below. The diagram below<sup>7</sup> (taken from the government guidance, entitled Figure 2) illustrates the process that has been followed.

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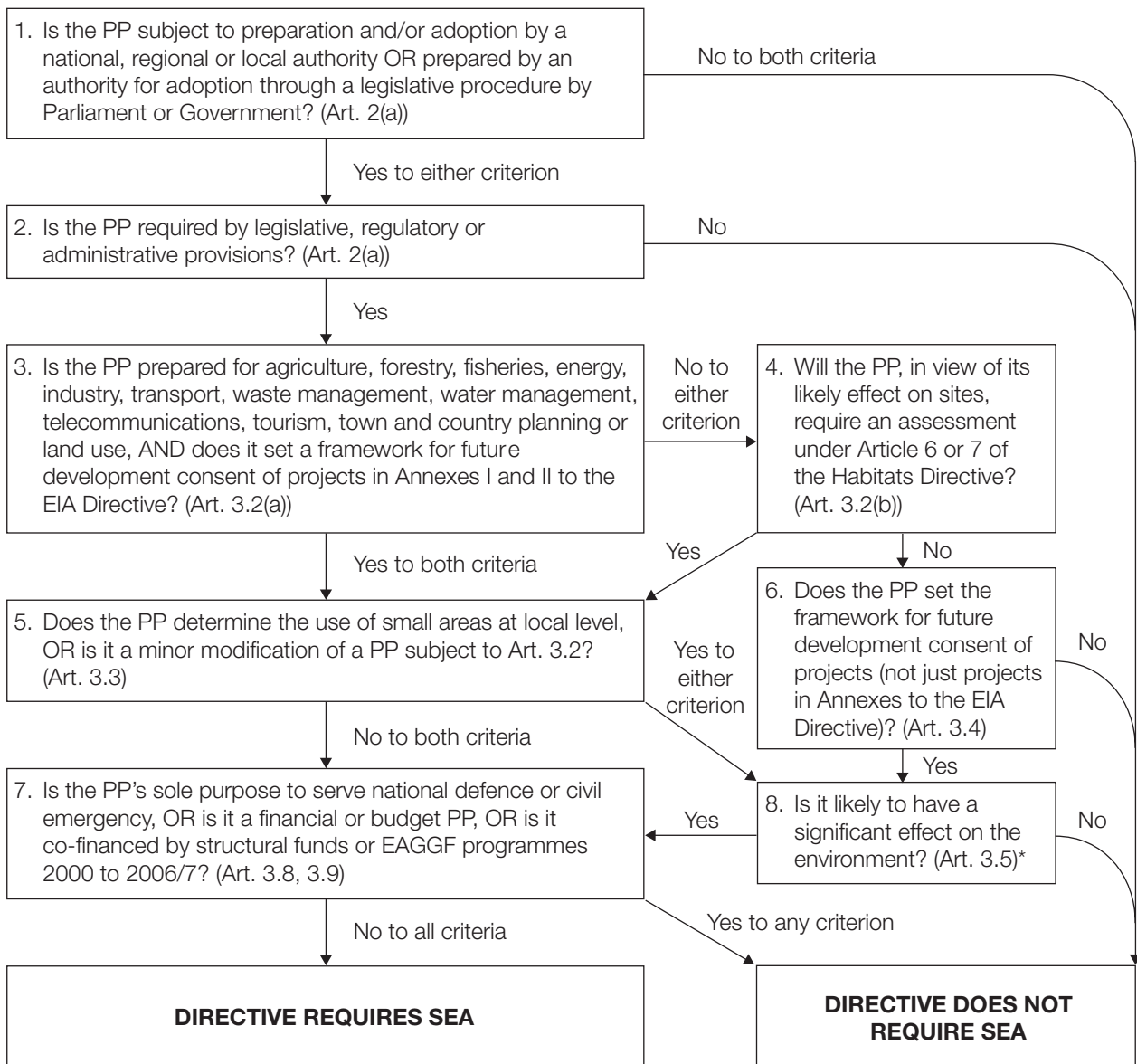
<sup>5</sup> Regulation 5(2) of the Environmental Assessment of Plans and Programmes Regulations 2004 (no. 1633)

<sup>6</sup> Regulation 5(6) of the Environmental Assessment of Plans and Programmes Regulations 2004 (no. 1633)

<sup>7</sup> Taken from: A Practical Guide to the Strategic Environmental Assessment Directive (2005) ODPM – page 13

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

This diagram is intended as a guide to the criteria for application of the Directive to plans and programmes (PPs). It has no legal status.



\*The Directive requires Member States to determine whether plans or programmes in this category are likely to have significant environmental effects. These determinations may be made on a case by case basis and/or by specifying types of plan or programme.

3.2 **Table 1** below sets out the 8 questions identified in the diagram above and provides an answer with regard to the proposed Affordable Housing and Planning Obligations SPD.

**Table 1** – Application to the proposed SPD

Establishing the need for SEA		Answer	Reasons	Next step
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 Oxford City Council	Proceed to question 2
2	Is the SPD required by legislative, regulatory or administrative provisions? (Article 2(a))	Yes	The adopted plans refer to the need for the SPD (e.g. Sites and Housing Plan paragraph A2.22)	Proceed to question 3
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))	Yes	The SPD will be for town and country planning purposes and will set a framework for future development consent of projects listed in Annexes 1 and 2 of the EIA Directive <sup>1</sup>	Proceed to question 5
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))	N/A	The SPD, in view of its likely effect on sites has not been determined to require a HRA.	N/A
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 provides guidance on the application of existing plan policies and is therefore a minor modification.	Proceed to question 8
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)	N/A	N/A	N/A
7	Is the SPD's sole purpose to serve the national defence or civil emergency, OR is it a financial or budget plan, OR is it co-financed by structural funds or EAGGF programmes 2000 to 2006/7? (Article 3.8, 3.9)	N/A	N/A	N/A
8	Is it likely to have a significant effect on the environment? (Article 3.5)	No	See Table 2 below for the detailed reasoning	Directive does not require SEA

<sup>1</sup> The EIA Directive (85/337/EEC) as amended in 1997, 2003 and 2009

3.3 **Table 2** below set out the criteria for determining the likely significance of effects on the environment taken from Schedule 1 of the Regulations<sup>2</sup> and applies them to the proposed Affordable Housing and Planning Obligations SPD.

**Table 2** – Assessment against the criteria of Schedule 1 of the Regulations

Criteria		Oxford City Council's Assessment
<b>1 Characteristics of the plan or programme</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	The SPD will provide additional guidance on existing policies (which have already been subject to SA and SEA) that set the broad framework. It will not affect the number, location, nature or size of projects, but may have some minor effect on operating conditions and allocation of resources
1b	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 Core Strategy, Sites and Housing Plan and Local Plan. It will only be able to expand on existing policies and will not be able to introduce new policies. The SPD will be at the bottom of the hierarchy and will have no impact on those documents above it
1c	the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development	The SPD will help with the delivery of Plan policies and help meet the City Council's objectives. It will promote sustainable development by ensuring development is supported by delivery of the relevant infrastructure and that affordable housing is provided to help create and sustain balanced communities
1d	environmental problems relevant to the plan or programme	The SPD itself will not result in any environmental problems beyond those already identified in the SAs of the Plans. It does not provide for any additional development
1e	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)	The SPD will seek to provide further details on the implementation of policies in existing Plans, the existing Plans already comply with the regulations
<b>2 Characteristics of the effects and of the area likely to be affected</b>		
2a	the probability, duration, frequency and reversibility of the effects	The anticipated effects on the sustainability of the city are expected to be positive by providing guidance to support policies designed to create mixed communities with new development supported by the necessary infrastructure. The duration of the effects is difficult to define, the effects will be linked to a planning permission which is (usually) permanent unless superseded by

<sup>2</sup> Criteria taken from Schedule 1 of The Environmental Assessment of Plans and Programmes Regulations 2004

		another permission on the same site
2b	the cumulative nature of the effects	The cumulative nature of effects on the environment is likely to be positive although relatively minor other than at a very local level
2c	the trans-boundary nature of the effects	There will be no trans-boundary effects in the sense of between countries. On a much more local level, trans-boundary effects with neighbouring authorities are unlikely to result in significant environmental effects beyond those identified in the SAs of the Plans.
2d	the risks to human health or the environment (for example, due to accidents)	None identified
2e	the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)	The SPD will cover the administrative area of Oxford City Council although the effects of the SPD will be more likely to be felt at a much more local scale (i.e. site or neighbourhood) than city wide
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; or iii) intensive land-use	The SPD will supplement the policies within the existing Plans and help deliver sustainable development. The SPD itself will not result in any additional development. It only affects the way in which affordable housing and other infrastructure is funded / provided
2g	the effects on areas or landscapes which have a recognised national, Community or international protection status	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

#### 4. Conclusions

- 4.1 The proposed SPD will supplement and provide further guidance on existing adopted policies as set out in Appendix 1. Any impacts on the environment are likely to be local and small in scale.
- 4.2 The same quantity and scale of development would take place with or without the SPD. It will simply provide guidance on the administrative arrangements for the provision of supporting infrastructure, including affordable housing. It will affect the mix of affordable housing in terms of the proportion of 1-bed, 2-bed, 3-bed etc, but not the location or overall number of units.
- 4.3 It is considered that the above screening exercise has established that the proposed SPD will not give rise to any significant environmental effects. Therefore it is considered that a Strategic Environmental Assessment is not required for the proposed Affordable Housing and Planning Obligations Supplementary Planning Document.
- 4.4 The City Council consulted with the three statutory environmental bodies, English Heritage, the Environment Agency and Natural England, over the findings of the screening exercise to confirm its determination. All three of the agencies confirmed that they concurred with the conclusions that no further SEA work was required in this case and that they were happy with the screening exercise.

**Appendix 1 – list of policies likely to be referred to in the Section 106 and Affordable Housing Supplementary Planning Document:**

**Oxford Core Strategy 2026 policies:**

CS5: West End  
CS6: Northern Gateway  
CS7: Land at Barton  
CS8: Land at Summertown  
CS11: Flooding  
CS12: Biodiversity  
CS13: Supporting access to new development (travel plans etc)  
CS14: Supporting city-wide movement (cycle measures and public realm etc)  
CS15: Primary healthcare (Barton on-site provision)  
CS16: Access to education (strategic sites)  
CS17: Infrastructure and developers contributions  
CS20: Cultural and Community Development  
CS21: Green spaces, leisure and sport  
CS24: Affordable housing  
CS25: Student accommodation  
CS30: Hospitals and medical research (travel planning)

**Sites and Housing Plan policies:**

HP3: Affordable homes from large housing sites  
HP4: Affordable homes from small housing sites  
HP5: Location of student accommodation (management)  
HP6: Affordable housing from student accommodation  
HP9: Design, character and context  
SP1-SP63: Site allocations policies (as appropriate)

**West End Area Action Plan policies:**

WE2: New links  
WE3: Redesign of streets and junctions in the West End  
WE5: Public spaces  
WE7: Castle Mill Stream  
WE8: Oxpens Field (?)  
WE9: The Thames (Access to river frontage)  
WE16: Affordable housing  
WE17: Affordable housing from commercial development  
WE18: Student accommodation (not used any more?)

**Barton Area Action Plan policies:**

BA1: The ring road (landscape buffer)  
BA2: Recreation ground  
BA3: Allotments  
BA4: Public open space  
BA5: Sustainable travel (parking)  
BA7: Pedestrian and cycle links  
BA8: Housing mix (?)  
BA9: Affordable housing  
BA10: Local centre  
BA11: Community hub

BA14: Delivery

BA16: Surface water drainage (mentioned in BA14)

BA17: Water supply and wastewater drainage (mentioned in BA14)

**Oxford Local Plan 2001-2016 policies:**

CP.6: Efficient use of land and density

CP.9: Creating successful new places

CP.14: Public art

TR.1: Transport assessment

TR.2: Travel plans

TR.4: Pedestrian and cycle facilities

TR.5: Pedestrian and cycle routes

TR.6: Powered two-wheelers

TR.7: Bus services and bus priority

TR.8: Guided bus/local rail service

TR.9: Park and ride

TR.10: Oxford Station improvements

TR.13: Controlled parking zones

NE.6: Oxford's watercourses

NE.21: Species protection

NE.23: Habitat creation in new developments

ED.10: Private colleges – student accommodation

SR.2: Protection of open air sports facilities

SR.7: Provision of public open space as part of new business, commercial and institutional developments

SR.8: Protection of allotments

SR.9: Footpaths and bridleways

SR.10: Creation of footpaths and bridleways

SR.11: Recreational cycling

SR.16: Proposed new community facilities

RC.10: Environmental improvements to the city centre

RC.11: Environmental improvements to the district and neighbourhood shopping centres

TA.3: Tourist information