

Jericho Canalside SPD

July2013

1. Introduction

- 1.1 This report has been produced to determine the need for a Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/EC and the Environmental Assessment of Plans and Programmes Regulations for the proposed Jericho Canalside Supplementary Planning Document (SPD).
- 1.2 The purpose of this document to undertake a screening assessment that meets the requirements of the European Legislation, applied in the UK through the Environmental Assessment of Plans and Programmes Regulations (SI No. 1633). The Regulations do not require an assessment of the planning merits of the proposals at this stage, instead the requirements is to ascertain whether or not a Strategic Environmental Assessment is required. This process is completely distinct from the planning process and governed by an entirely different set of Environmental Regulations.
- 1.3 The policy framework for the Jericho Canalside SPD is found in the Oxford Core Strategy (2011), and the Sites and Housing Plan (2013).
- 1.4 The SPD will be subject to public consultation in accordance with the relevant regulations and the Council's Statement of Community Involvement.

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 Act¹ and 2012 Regulations² 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 Strategic Environmental Assessment (SEA) is set out in the regulations³. There is also practical guidance on applying European Directive 2001/42/EC⁴. These documents have been used as the basis for this screening report. Regulation 5 sets out three types of plans that require SEA:

¹ Planning Act 2008 – Paragraph 180(5d)

² Town and Country Planning (Local Planning) (England) Regulations 2012

³ Environmental Assessment of Plans and Programmes Regulations 2004 (no. 1633)

⁴ A Practical Guide to the Strategic Environmental Assessment Directive

- The plan is for town and country planning and sets the development framework for future consent of projects listed in annexes I or II of the EIA Directive⁵ (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 plan⁶);
 - The plan requires a Habitat Regulations Assessment
 - The plan sets the future development consent framework that is not in the above two categories but has been determined to be likely to have significant environmental effects.
- 2.3 The proposed SPD will be for town and country planning project and sets the development framework for future consent of a project that falls beneath the threshold for consideration within annex II of the EIA Directive. The relevant section of the EIA Directive is Annex II(10b) Urban development projects⁷.

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. **Figure 1** overleaf⁸ (taken from government guidance) illustrates the process that has been followed.

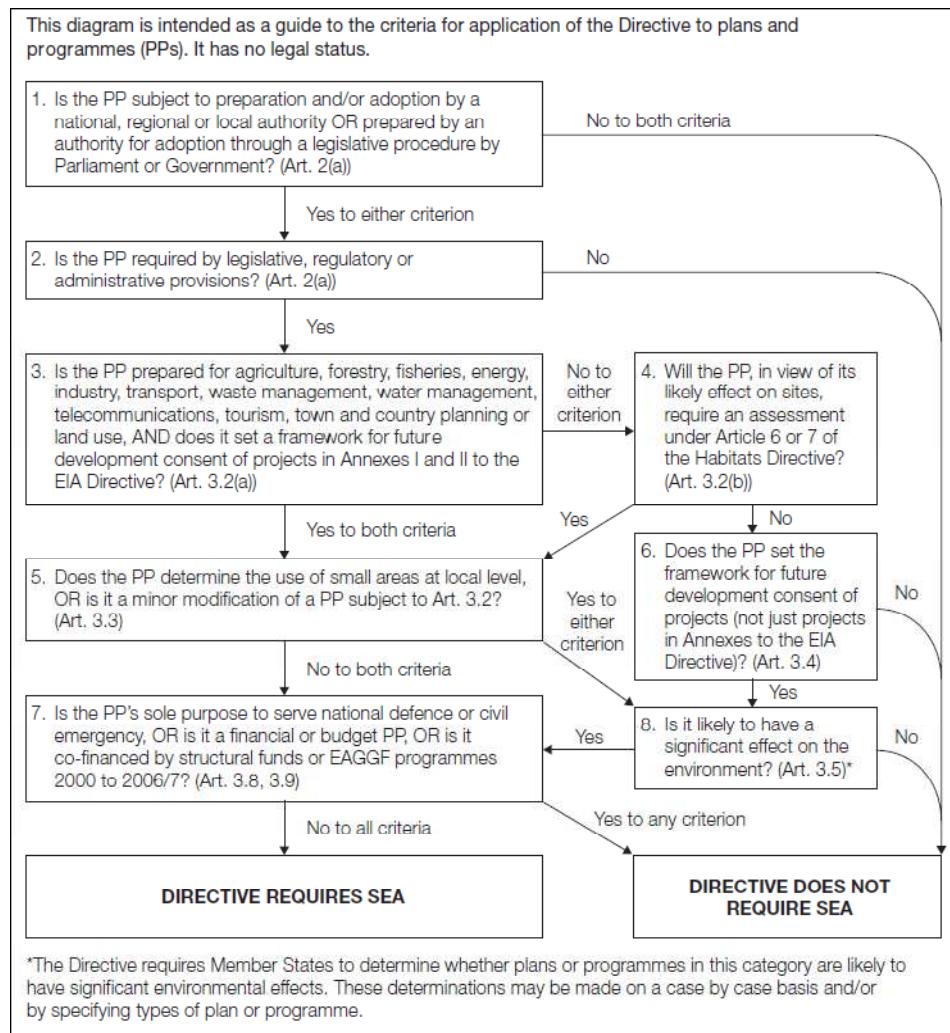
⁵ Regulation 5(2) of the Environmental Assessment of Plans and Programmes Regulations 2004 (no. 1633)

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

⁷ Schedule II of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011

⁸ Taken from: A Practical Guide to the Strategic Environmental Assessment Directive (2005), ODPM – page 13

Figure 1: Application of the SEA Directive to plans and programmes



3.2 **Table 1** overleaf sets out the 8 questions identified in the diagram above and provides an answer with regard to the proposed Jericho Canalside SPD.

Table 1 – Application of the proposed SPD: Is an SEA required?

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 or 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))	No		Proceed to question 3
3	Is the SPD prepared for agriculture, forestry, fisheries, energy, industry, transport, waste 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? (Article 3.2(a))	Yes	The SPD will be for town and country planning purposes and sets a framework for the development consent of projects listed in Annexes I and II of the EIA Directive ⁹	Proceed to question 4
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	A Habitat Regulations Assessment was undertaken for the Sites and Housing Plan. This provided mitigation measures which would negate the likely impacts of development at this particular site. See paragraphs 3.5-3.6 for summary of previous HRA work undertaken to support the Sites and Housing Plan.	Proceed to question 5
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 determines the use of a small area at the local level.	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)	Yes	The SPD sets the framework for future development consent of projects.	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

⁹ The EIA Directive (85/337/EEC) as amended in 1997, 2003 and 2009

3.3 **Table 2** below sets out the criteria for determining the likely significance of effects on the environment taken from Schedule 1 of the Regulations¹⁰ and applies them to the proposed Jericho Canalside SPD.

Table 2 – Criteria for determining the likely significance of effects on the environment

Criteria	Oxford City Council's Assessment
1 Characteristics of the plan or programme	
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	<p>The total site area of the Jericho Canalside site is 0.49ha. The Jericho Canalside SPD will set the framework for the development of the Jericho Canalside site. The SPD will sit underneath the “parent” document - the Sites and Housing Plan. In order to supplement the policies in the Plan, the SPD must reflect and be based on its policies.</p> <p>The SA for the Sites and Housing Plan gave the following reasons why the site was selected:</p> <p><i>If the site is developed for housing, then it is likely that this will deliver 50% affordable housing. If a number of community uses were also delivered on-site, this could benefit the wider community through the opportunity for increased recreational opportunities. The site scores well against the employment criteria since the boathouse could provide a limited but much needed employment use.</i></p> <p>The Jericho Canalside SPD will guide the location, nature, size and operating conditions of particular uses to meet the objectives of the Sites and Housing Plan and ultimately the City Council. Whilst an SPD does not have the weight of a Local Plan policy, it will be adopted by the City Council as a material consideration when determining planning applications.</p> <p>The Sites and Housing Plan has set out a list of appropriate uses for the site. The Jericho Canalside SPD will remain within the scope of the Sites and Housing Plan, adding design parameters.</p>
1b The degree to which the plan or programme influences other plans and programmes including those in a hierarchy	<p>The National Planning Policy Framework provides the following glossary definition of Supplementary Planning Documents:</p> <p><i>Documents which add further detail to the policies in the Local Plan. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design. Supplementary Planning Documents are capable of being a material consideration in planning decisions but are not part of the development plan.</i></p> <p>It is not anticipated that the Jericho Canalside SPD will add unnecessarily to the financial burdens of development. Instead it is intended to help applicants make successful applications and aid in infrastructure delivery. This is in accordance with Paragraph 153 of</p>

¹⁰ Criteria taken from Schedule 1 of The Environmental Assessment of Plans and Programmes Regulations 2004

Criteria		Oxford City Council's Assessment
		<p>the National Planning Policy Framework (NPPF).</p> <p>The SPD will have less material weight than the Core Strategy and the Sites and Housing Plan. It will only be able to expand on existing policies and will not be able to introduce any new policies. The SPD will be at the bottom of the hierarchy and will have no impact on the content of those documents above it.</p>
1c	The relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development.	<p>The SPD will help with the delivery of plan policies and help meet with the City Council's objectives contained in the Core Strategy and Sites and Housing Plan, both of which were developed to deliver sustainable development. It is intended to promote sustainable development by ensuring that development fulfils the economic, social and environmental dimensions as set out in the National Planning Policy Framework.</p> <p>The SPD will support strong, healthy and vibrant communities, by providing a framework to bring forward the supply of housing and a much needed boathouse within Jericho.</p>
1d	Environmental problems relevant to the plan or programme	<p>The following Environmental problems were highlighted through the Sustainability Appraisal of the Sites and Housing Plan:</p> <ul style="list-style-type: none"> - Biodiversity/ Flora/ Fauna - Flood Risk - Cultural Heritage - Air Quality <p>Each will be dealt with in turn.</p> <p><u>Biodiversity/ Flora/ Fauna:</u>This is considered under the section on Habitat Regulations Assessment (paragraphs 3.5-3.6 in this report)</p> <p><u>Flood Risk:</u>The site is in Flood Zone 3a. A level 2 Strategic Flood Risk Assessment (SFRA) undertaken to support the Sites and Housing Plan has been carried out. The Level 2 SFRA looked at the likelihood of all sites passing the Exceptions Test as set out in the NPPF (formerly PPS25). A previous planning application (in 2007) considered the impact of flooding on the development in the site specific Flood Risk Assessment (FRA) that accompanied the planning application. Although Flood Risk was one of the reasons for refusal, the Environment Agency (EA) withdrew their objection in light of an addendum to the FRA. The Inspector did not consider flood risk to be one of the main issues and stated that compensation measures were achievable without altering the layout or function of the public space to any significant degree. Whilst the EA's withdrawn objection does not set any kind of precedent for their approach to considering the site, it does provide an indication that it is possible to design a safe development on the site.</p>

Criteria		Oxford City Council's Assessment
		<p><u>Cultural Heritage:</u> Cultural heritage was considered as part of the Sustainability Appraisal for the Sites and Housing Plan. The assessment noted that the site is within the setting of a listed building (St. Barnabas Church) and within the Jericho Conservation Area. While these are both locally important issues, there is no reason to consider that their significance will be any more than this. This is because the Sites and Housing Plan Policy SP7 states that "Careful design must ensure that development proposals contribute towards the character of the conservation area and enhance St. Barnabas Church and its setting." Given this mitigation provided in the DPD policy, it is unlikely that there will be significant impact on cultural heritage as a result of the redevelopment of this site, and more importantly through the production of the Jericho Canalside SPD. The City Council's Heritage Team are involved with the production of this SPD and will be providing relevant advice on the historic environment.</p> <p><u>Air Quality:</u> The SA notes that the whole of the city centre is considered an Air Quality Management Area.</p>
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).	There are unlikely to be significant impacts.
2 Characteristics of the effects of the area likely to be affected		
2a	The probability, duration, frequency and reversibility of effects	<p>The Environmental Assessment of Plans and Programmes Regulations breaks down the environment into a series of constituent parts. These are as follows: biodiversity; population; human health; fauna; flora; soil; water; air; climatic factors; material assets; cultural heritage including architectural and archaeological heritage; landscape; and the inter-relationship between these issues.</p> <p>A Sustainability Appraisal was undertaken for the site at the previous planning stage. The evidence to support the SA for the Sites and Housing Plan is up-to-date and looked at the probability, duration, frequency and reversibility of effects.</p>
2b	The cumulative nature of the effects	There are no likely cumulative impacts as a result of the production of the Jericho Canalside SPD.
2c	The trans-boundary	There will be no trans-boundary effects in the sense of between

Criteria		Oxford City Council's Assessment
	nature of the effects	countries. On a more local level, trans-boundary effects with neighbouring authorities are unlikely to result in significant environmental effects beyond those identified in the SA of the Sites and Housing Plan.
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)	<p>The site area is 0.49ha. This is a small area at the local level. The site area is below that which would be categorised as an “urban development project” in Schedule 10 of the EIA Regulations.</p> <p>The geographical area likely to be affected is small. The population size is also small. Environmental impacts are small scale and local in nature.</p>
2f	<p>The value and vulnerability of the area likely to be affected due to:</p> <ul style="list-style-type: none"> i) Special natural characteristics or cultural heritage; or ii) Exceeded environmental quality standards or limit values; or iii) Intensive land-use 	<p>The SPD will supplement existing policies in the Core Strategy and Sites and Housing Plan. It is envisaged that the SPD will firm up the location and design of development that will come forward at the Jericho Canalside.</p> <ul style="list-style-type: none"> i) Special natural characteristics are discussed in paragraph 3.5-6 (below). There is likely to be impacts of local significance which can be addressed without the need for SEA. ii) The SPD is not likely to exceed environmental quality standards or limit values. This is further described in paragraphs 3.5-6 on HRA (below). iii) The plan is for a small area of land at the local level with a range of land-uses. None of which are likely to be particularly intensive.
2g	The effects on areas or landscapes which have a recognised national, Community or international protection status.	None identified.

3.4 In order to work out whether or not an SEA would be required on the Jerich Canalside SPD, it was necessary to first review the Sustainability Appraisal for the Sites and Housing Plan was also undertaken.

Table 3 reviews the Sustainability Appraisal of the Sites and Housing Plan in relation to the Canalside site.

Table 3 – Review of the Sustainability Appraisal of Sites and Housing Plan in respect of the assessment undertaken for the Canalside site.

SEA Directive Topics. (The environment is defined by Schedule 2 paragraph 6 of the Environmental Assessment of Plans and Programmes Regulations 2004)	Summary of previous SA findings or undertaken as part of the Sites and Housing Plan. Note some indicators were screened out of the assessment at the site allocations stage as they were more fully dealt with at the Core Strategy stage. This commentary also includes additional information where relevant
Biodiversity/ Flora/ Fauna	The SA notes that the site is within 200m of the Oxford Meadows SAC and as such a Habitat Regulations Assessment was undertaken to support the production of the Sites and Housing Plan (see paragraphs 3.5-3.6 for a detailed summary of the HRA for the Sites and Housing Plan). The HRA concluded that the Sites and Housing Plan would not have a significant impact on the integrity of the Oxford Meadows SAC. The SA also notes that the site is adjacent to a Site of Local Interest for Nature Conservation (SLINC).
Population	The site is allocated for housing. There will not be a significant increase in population over and above what was planned for in the Core Strategy as a result of the development of this site.
Human Health	The site is within 800m of a GP surgery.
Soil	The land is Previously Developed Land (PDL). It consists of vacant buildings. A ground investigation report submitted alongside the previous planning application for the site (ref: 07/01234/FUL) suggested further monitoring and investigations be carried out to ensure that no contamination is present on the site. This is an issue that can be satisfactorily dealt with at the planning application stage.
Water	Part of the site is within Flood Zone 3a. As such a level 2 Strategic Flood Risk Assessment was carried out to support the Sites and Housing Plan. This site has a previous planning history and a detailed site level Flood Risk Assessment was carried out to support the site. The SFRA2 concluded that the site did not pass the exceptions test and as such would need to demonstrate at the planning stage that development would be safe. The FRA submitted previously addressed issues of safety sufficiently for the EA to consider that the principle of development was acceptable. Therefore, for the purposes of this SPD, it is considered that the site can be developed safely. Notwithstanding this, any future scheme will have to produce its own FRA and demonstrate that the exceptions test can be passed satisfactorily.
Air	The SA notes that the whole of the city area is classed as an Air Quality Management Area.
Climatic factors	Climatic factors were considered as part of the Core Strategy and screened out of the assessment for the sites section of the Sites and Housing Plan.
Material Assets	The SA notes that the site is well served by public transport and is a close walk to the railway station. The site is within 800m of a school and 800m of a post office. The provision of a boatyard would mean that much needed community facilities were provided on-site.
Cultural Heritage, including architectural and archaeological	The site lies within the Jericho Conservation Area, it forms the setting of a listed building (St. Barnabas Church), and there are no

heritage	known archaeological constraints on site
Landscape	The site does not lie within one of the city's view cones however, it does sit within the "high buildings area".
Inter-relationships between the above issues	See above for inter-relationships.

Habitat Regulations Assessment:Summary

3.5 A Habitat Regulations Assessment (HRA) was carried out for the Sites and Housing Plan. The HRA Screened out the Jericho Canalside site for all impacts apart from recreation(HRA makes an assessment against the conservation objectives for the site to ensure that there will be no significant effect on the integrity of a European Site). An Appropriate Assessment was carried out for this particular impact in relation to a number of sites including the Jericho Canalside site. Oxford Meadows Special Area of Conservation (SAC) consists of a number of Sites of Special Scientific Interest (SSSI). Port Meadow is the site closest to the Jericho Canalside site. Port Meadow is designated part of the Oxford Meadows SAC because it contains a rare plant, *A. Repens* (creeping marshwort). This plant is not particularly susceptible to trampling but is susceptible to the changes in nutrient concentrations associated with dog-fouling. The HRA for the Sites and Housing Plan undertook an assessment to calculate the number of dogs likely to increase as a result of development contained within the Plan. A visitor survey was undertaken which provided the evidence. The methodology for the visitor survey was agreed with Natural England. As a result of the survey and the assessment of the potential increase in dog-owners using Port Meadow, mitigation measures were included. These mitigation measures were to ensure that owners clean up after their dogs (dog-bins at the entrance to Port Meadow) and information boards about the Oxford Meadows were also suggested to be suitable mitigation measures to ensure that there would be no significant impacts on the integrity of the Oxford Meadows SAC.

3.6 Given this extensive work undertaken for the HRA for the Sites and Housing Plan, it is considered that no further HRA work is necessary to support the SPD. This does not negate the need for further project level HRA work which may be required (depending on what is finally proposed).

4. Conclusions

- 4.1 The proposed Jericho Canalside SPD will supplement the existing policy set out in Appendix 1. The Jericho Canalside SPD will form part of the framework for the development of the site. It will sit underneath the "parent" document – the Sites and Housing Plan. The Jericho Canalside SPD will become a material consideration when determining planning applications.
- 4.2 In order to supplement the policies in the Sites and Housing Plan, the Jericho Canalside SPD must be within the scope of the Sites and Housing Plan Policy SP7. The total site area of the Jericho Canalside site is 0.49ha.
- 4.3 To recap, therefore, Regulation 5 sets out three types of plans that require SEA:

- The plan is for town and country planning and sets the development framework for future consent of projects listed in annexes I or II of the EIA Directive¹¹ (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 plan¹²);
- The plan requires a Habitat Regulations Assessment
- The plan sets the future development consent framework that is not in the above two categories but has been determined to be likely to have significant environmental effects.

- 4.4 Looking at each in turn, the site is a small area at a local level. The size of the site is 0.49ha. The EIA Directive considers that urban development projects of 0.5ha or more may require assessment at the project level. This site is clearly below that threshold and so can be screened out on grounds of size.
- 4.5 The second type of plan which would require SEA is a plan which requires a Habitat Regulations Assessment. As discussed at 3.5 and 3.6 above, the Jericho Canalside SPD does not require a Habitat Regulations Assessment since there was one undertaken at the previous planning stage.
- 4.6 Finally, the plan is not likely to have significant environmental effects – see table 2 for details.
- 4.7 It is not anticipated that the Jericho Canalside SPD will add unnecessarily to the financial burdens of development. Instead it is intended to help applicants make successful applications and aid in infrastructure delivery. This is in accordance with Paragraph 153 of the National Planning Policy Framework (NPPF).
- 4.8 It is considered that the above screening exercise has established that the proposed SPD is not likely to give rise to any significant environmental effects. Therefore it is considered that a Strategic Environmental Assessment is not required for the proposed Jericho Canalside SPD.
- 4.9 The City Council has consulted with the three statutory environmental bodies – English Heritage, the Environment Agency, and Natural England. Each of the consultation bodies agreed with the findings of the screening exercise to confirm its determination. All three agencies confirmed they concurred with the conclusions that no further SEA was required in this case and that they were happy with the screening exercise.

¹¹ Regulation 5(2) of the Environmental Assessment of Plans and Programmes Regulations 2004 (no. 1633)

¹² Regulation 5(6) of the Environmental Assessment of Plans and Programmes Regulations 2004 (no. 1633)

Appendix 1 – List of policies directly relevant to the Jericho Canalside SPD

Other relevant policies are included within the documents in Oxford's Local Plan. This includes the Core Strategy, the Sites and Housing Plan and the saved policies within the Adopted Local Plan 2001-2016.

Policy SP7, Sites and Housing Plan

Canalside, Jericho

Planning Permission will be granted for a mixed use development at the Canalside Land site that includes all of the following uses:

- a. Residential**
- b. A sustainably-sized community centre**
- c. Public open space/ square**
- d. Replacement appropriately sized boatyard**
- e. An improved crossing over the Oxford Canal for pedestrians and cyclists**

Planning permission will not be granted for any other uses

Careful design must ensure that development proposals contribute towards the character of the conservation area and enhances St. Barnabas Church and its setting. A planning application must be accompanied by a site-specific flood risk assessment and development should incorporate any necessary mitigation measures.

Development must not lead to water supply network problems for existing or new users. Applicants may need to fund an assessment of water supply capacity