

Diamond Place/Ewert House SPD

Strategic Environmental Assessment Screening Report

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

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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 Diamond Place/Ewert House 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 Diamond Place/Ewert House 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

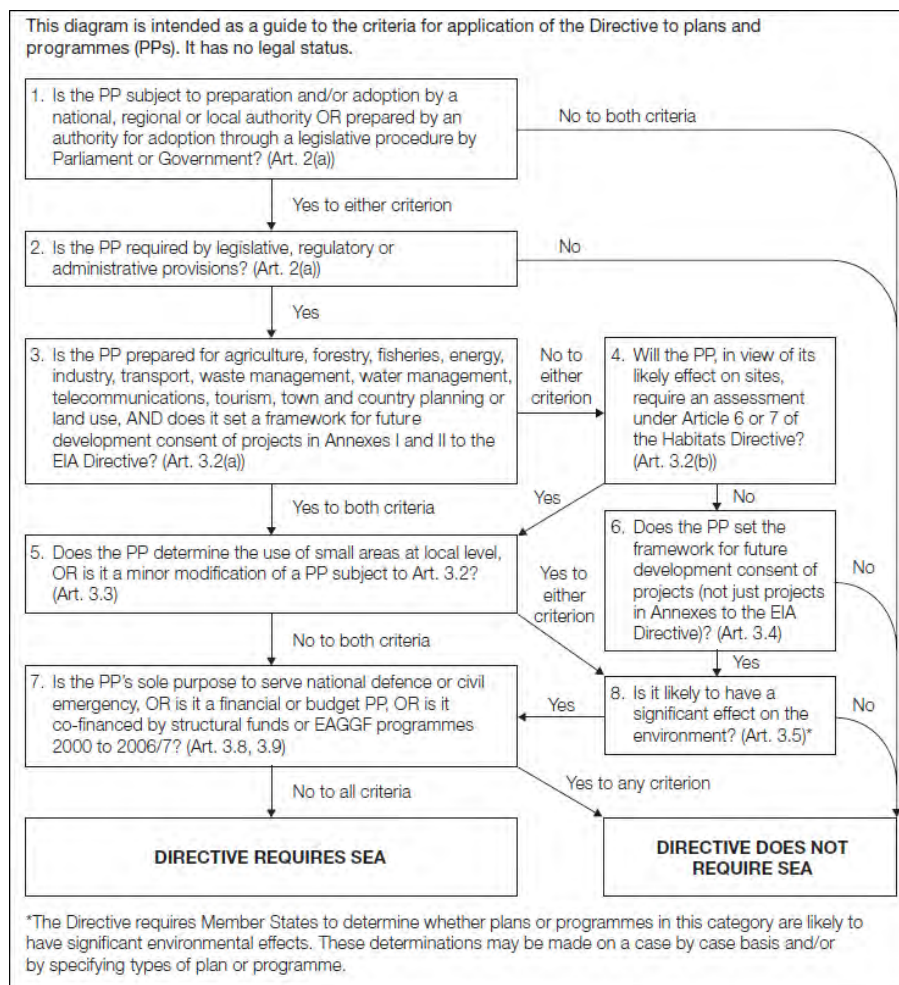
- The plan is for town and country planning and sets the development framework for future consent of projects listed in annexes I or II of the EIA Directive⁵ (There is an exemption for a plan dealing with the use of a small area at a local level OR a minor modification of a plan⁶);
- The plan requires 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.

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



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

3.2 **Table 1** overleaf sets out the 8 questions identified in the diagram above and provides an answer with regard to the proposed Diamond Place/Ewert House 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 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)	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?	N/A	N/A	N/A

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

Establishing the need for SEA		Answer	Reasons	Next step
	(Article 3.8, 3.9)			
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

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 Diamond Place/Ewert House 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 Diamond Place/Ewert House site is 1.49ha. The Diamond Place/Ewert House SPD will set the framework for the development of the 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>An option to include a policy requiring retail-led mixed use development on the site scores positively against the housing and employment criteria since an allocation for retail would provide some employment. The mixed use nature of the site would also allow flexibility to ensure viability and deliverability in the course of the plan period.</i></p> <p>The Diamond Place/Ewert House 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 Diamond Place/Ewert House 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</i></p>

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

Criteria		Oxford City Council's Assessment
		<p><i>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 Diamond Place/Ewert House 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).</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.	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.
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 1, which means it has the lowest level of flood risk.</p> <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 there are no heritage or landscape constraints. The site is not within a conservation area and does not contain a listed building.</p> <p><u>Air Quality:</u> The SA notes that the whole of the city is considered an Air Quality Management Area.</p>

Criteria		Oxford City Council's Assessment
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 Diamond Place/Ewert House SPD.
2c	The trans-boundary nature of the effects	There will be no trans-boundary effects in the sense of between 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)	The geographical area likely to be affected is small. The population size is also small. Environmental impacts are small scale and local in nature.
2f	The value and vulnerability of the area likely to be affected due to: i) Special natural characteristics or	<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 Diamond Place/Ewert House.</p> <p>i) Special natural characteristics are discussed in</p>

Criteria		Oxford City Council's Assessment
	cultural heritage; or ii) Exceeded environmental quality standards or limit values; or iii) Intensive land-use	paragraph 3.5-6 (below). There are 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 Diamond Place/Ewert House SPD, it was necessary to first review the Sustainability Appraisal for the Sites and Housing Plan.

Table 3 reviews the Sustainability Appraisal of the Sites and Housing Plan in relation to the Diamond Place/Ewert House site.

Table 3 – Review of the Sustainability Appraisal of Sites and Housing Plan in respect of the assessment undertaken for the Diamond Place/Ewert House 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	A Habitat Regulations Assessment was undertaken to support the production of the Sites and Housing Plan because of the presence of the Oxford Meadows SAC (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.
Population	The site is allocated for mixed-use development including some housing. There will not be any 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 buildings and car parks.
Water	The site is within flood zone 1.
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 within 800m of a school and GP surgery.
Cultural Heritage, including architectural and archaeological heritage	The site is not in a conservation area and does not contain any listed buildings. There is potential for archaeological remains on the site.
Landscape	The site does not lie within one of the city's view cones or 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 flagged up a potential impact from development on the site on the SAC in terms of recreational impacts, balanced hydrological regime and water quality.

3.6 An Appropriate Assessment was carried out for the potential impact from recreation in relation to a number of sites including Diamond Place/Ewert House, because it is within 1900m of the SAC. Further assessment suggested there is likely to be a low amount of recreational pressure on the SAC because of the distance from the SAC, good alternative sites for dog walking and the low number of houses expected. The HRA suggests mitigations for potential impacts on hydrological regime and water quality. The site is on the North Oxford Gravel Terraces where groundwater recharge is thought to occur. It is important that the flow of groundwater to the meadows is not interrupted through development, and that the quality of this water is not affected. It is also important that surface water is allowed to recharge to groundwater. The Sites and Housing policy notes that basement development may impede the flow of groundwater. The Oxford Local Plan 2001-2016 contains policies designed to protect groundwater flow and water quality and also surface water. An investigation will be needed before development takes place to ensure that there is no adverse impact on the integrity of the SAC. This investigation should include the drilling of boreholes. Appropriate use of sustainable drainage must also be employed to ensure that the amount of surface water recharging to groundwater is not reduced. .

3.7 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/appropriate assessment that may be required (depending on what is finally proposed).

4. Conclusions

4.1 The proposed Diamond Place/Ewert House SPD will supplement the existing policy set out in Appendix 1. The Diamond Place/Ewert House 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 Diamond Place/Ewert House SPD must be within the scope of the Sites and Housing Plan Policy SP14.

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 SPD cannot set new policy, but only add detail to existing policy, so it will only represent a minor modification of a plan.

4.5 The second of the 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 Diamond Place/Ewert House SPD does not require a Habitat Regulations Assessment since there was one undertaken at the previous planning stage.

4.6 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 Diamond Place/Ewert House SPD.

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)

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