

Strategic Environmental Assessment: Screening Statement - FINAL

Proposed Supplementary Planning Documents (SPDs)

- Design Guide: Addressing Quality and Climate Change SPD
- Local List SPD
- Planning for Health SPD

Burnley Borough Council
July 2020

1. Introduction

1.1 This Screening Statement has been produced to consider whether a number of forthcoming Supplementary Planning Documents (SPDs) which are to be produced to support the policies of Burnley's Local Plan 2012-2032 are likely to have significant environmental effects and therefore require Strategic Environmental Assessment (SEA).

1.2 In order to help implement the policies of Burnley's Local Plan, four SPDs are currently progressing; namely:

- Shopfront and Advertisement Design SPD (adopted)
- Developer Contributions SPD
- Residential Extensions SPD
- Air Quality: Protecting Health and Addressing Climate Change SPD

1.3 These four SPDs have already been screened out for the requirement for and SEA.

<https://www.burnley.gov.uk/sites/default/files/SPDs%20SEA%20Final%20Screening%20Conclusion%2011%20December%202018.pdf>

1.4 Three further SPDs are now proposed, as follows:

- Design Guide: Addressing Quality and Climate Change SPD
- Local List SPD
- Planning for Health SPD

1.4 This is the final version of the Screening Statement which finds that SEA is not required for any of the three new SPDs.

2. The requirement for Strategic Environmental Assessment and Sustainability Appraisal

2.1 Strategic Environment Assessment is a requirement of the 'Strategic Environmental Assessment' (SEA) Directive¹. This Directive sets out the specific types of plans and programmes to which it applies, with Article 3(2) specifying that SEA is mandatory for plans and programmes which are prepared for town and country planning or land use and those which set the framework for future development consent. The Directive was transposed into law in England by the [Environmental Assessment of Plans and Programmes Regulations 2004 \('the SEA Regulations'\)](#). Detailed guidance on these regulations can be found in the Government publication [A Practical Guide to the Strategic Environmental Assessment Directive](#) (ODPM 2005).

2.2 The Council, as a Responsible Authority under the Directive and the associated Regulations, must carry out a screening process to determine whether relevant plans or programmes are likely to have significant environmental effects, and hence whether SEA is required under the Directive. Where the Council determines that SEA is not required,

¹ [Directive 2001/42/EC of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment](#)

Regulation 9(3) states that they must prepare a statement setting out the reasons for this determination.

2.3 Before coming to its conclusion on this matter, the Council is required to consult with three specific consultation bodies namely: Historic England, Natural England and the Environment Agency.

2.4 Sustainability Appraisal (SA)² considers the social, environmental and economic impacts of a plan. The Planning and Compulsory Purchase Act 2004³ and the associated [Regulations](#) set out the requirement to carry out Sustainability Appraisal of all development plan documents. Development plan documents are planning policy documents which set policies for the use of land or allocate sites for development. The [2008 Planning Act](#), removed the requirement for Sustainability Appraisal of Supplementary Planning Documents, as these purely provide further detail on policies in an adopted development plan which will have already been the subject of Sustainability Appraisal.

3. The proposed Supplementary Planning Documents

3.1 Design Guide: Addressing Quality and Climate Change SPD

3.1.1 The Design Guidance SPD will set out design guidance and design coding to set out clear expectations on the quality of design and construction, including to support policies SP5, HS1, EMP1 and TC4.

3.2 Local List SPD

3.2.1 The Local List SPD is being introduced to support a number of policies in Burnley's Local Plan including HE1, HE3 and HE4. The SPD will set out the process and methodology that will be used to identify buildings of local historic or architectural interest to be included on the Local List in support of Policy HE3. It will also set out the procedure for reviewing the current Local List. The SPD will not contain the Local List itself allowing it to be updated as necessary.

3.3 Planning for Health SPD

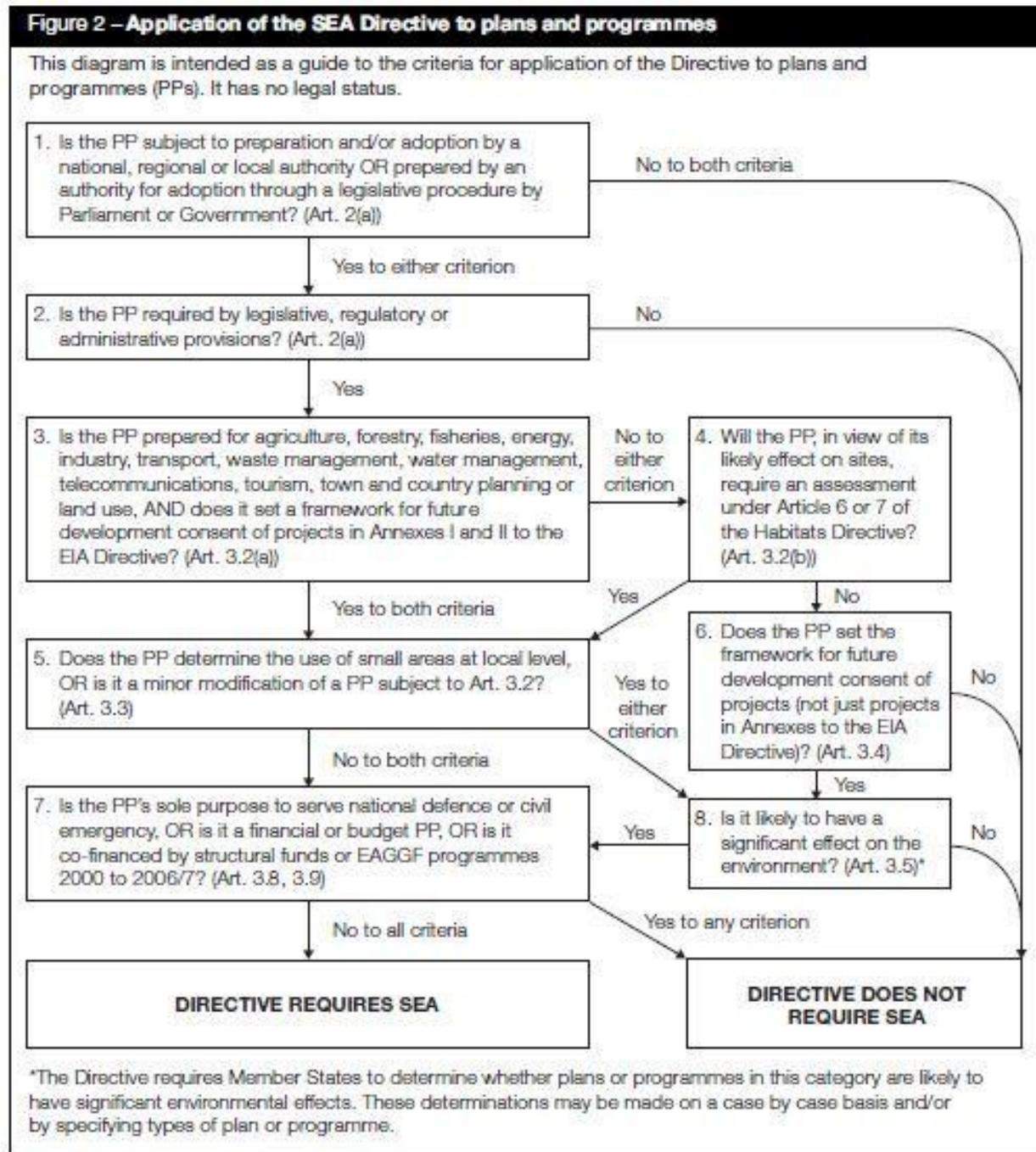
3.3.1 The Planning for Health SPD will set out guidance on how the Local Plan policies can help support better health outcomes and in particular, a reduction in childhood obesity.

² TCPA 2004 Section 19 (5) local development documents

³ http://www.legislation.gov.uk/ukpga/2004/5/pdfs/ukpga_20040005_en.pdf

4. Applying the SEA Directive to plans and programmes

4.1 The diagram is taken from the 2005 ODPM document: A Practical Guide to the Strategic Environmental Assessment Directive.



4.2 Table 1 overleaf sets out the eight questions detailed in the diagram above and provides responses with regard to the planned SPDs. In accordance with the flow diagram above, not all questions are answered for all of the SPDs.

Table 1: Establishing the need for SEA

Stage	Design Guide SPD			Local List SPD			Planning For Health SPD		
	Y/N	Reason	Next step	Y/N	Reason	Next step	Y/N	Reason	Next step
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))	Yes	Following public consultation, the SPD will be adopted by the Council	Go to Q2	Yes	Following public consultation, the SPD will be adopted by the Council	Go to Q2	Yes	Following public consultation, the SPD will be adopted by the Council	Go to Q2
2. Is the PP required by legislative, regulatory or administrative provisions? (Art. 2(a))	Yes	The adopted LDS commits to the production of a Design Guide SPD.	Go to Q3	Yes	The adopted LDS commits to the production of a Local List SPD.	Go to Q3	Yes	The adopted LDS commits to the production of a Planning for Health SPD.	Go to Q3
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))	Yes/Yes	The SPD will be for town and country planning purposes. It will set a framework for many types of development which may include those falling within Annexes I or II of the EIA Directive.	Go to Q5	Yes/No	The SPD will be for town and country planning purposes. However, it will not set a framework for future development falling within Annexes I or II of the EIA Directive.	Go to Q4	Yes/Yes	The SPD will be for town and country planning purposes. It will set a framework for many types of development which may include those falling within Annexes I or II of the EIA Directive.	Go to Q5
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))	-	-	-	No	HRA has already been undertaken for the Local Plan policies which the SPD will support and implement. Given its scope, HRA of the SPD will not be required.	Go to Q6	-	-	-

Stage	Design Guide SPD			Local List SPD			Planning For Health SPD		
	Y/N	Reason	Next step	Y/N	Reason	Next step	Y/N	Reason	Next step
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)	Yes	<p>The overall scale and quantum of development is already set out and has been assessed in the Local Plan, as are the strategic and site and subject-specific policies for design.</p> <p>The SPD will determine the use of small areas at a local level by providing more detailed guidance on design.</p>	Go to Q8	-	-	-	Yes	<p>The overall scale and quantum of development is already set out and has been assessed in the Local Plan, as are the strategic and site and subject-specific policies.</p> <p>The SPD will determine the use of small areas at a local level by providing more detailed guidance in respect of improving health outcomes e.g. through the design of schemes.</p>	Go to Q8
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)	-	-	-	Yes	The SPD will support the framework for determining future planning and advertisement consent applications.	Go to Q8	-	-	-
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)	-	-	-	-	-	-	-	-	-

	Design Guide SPD			Local List SPD			Planning For Health SPD		
Stage	Y/N	Reason	Next step	Y/N	Reason	Next step	Y/N	Reason	Next step
8. Is it likely to have a significant effect on the environment? (Art. 3.5)	No	The SPD will not have a significant effect of the environment. Any effects are likely to be positive. See Table 2 for detailed reasoning against the SEA criteria.	SEA not required	No	The SPD will not have a significant effect of the environment. Any effects are likely to be positive. See Table 2 for detailed reasoning against the SEA criteria.	SEA not required	No	The SPD will not have a significant effect of the environment. Any effects are likely to be positive. See Table 2 for detailed reasoning against the SEA criteria.	SEA not required

5. SEA Screening of Likely Significant Effects

5.1 Table 2 sets out the Council's assessment against the Strategic Environmental Assessment criteria for the three proposed Supplementary Planning Documents to determine whether they will have a significant effect on the environment. This provides the reasoning behind the conclusions drawn in question 8 in Table 1 above. The criteria against which the screening is carried out are taken directly from Annex II of the SEA Directive, as required by Article 3 (5).

6. Table 2: Criteria for determining the likely significance of effects referred to in Article 3(5) (as taken from Annex II of the SEA Directive)

	Design Guide SPD	Local List SPD	Planning for Health SPD
1 The characteristics of plans and programmes, having regard, in particular to:			
a. The degree to which the plan or programme sets a framework for projects and other activities, with regard to the location, nature, size and operating conditions or by allocating resources	<p>National policy on design is set out in the National Planning Policy Framework. The Local Plan establishes local policy on design, both strategic and site and subject specific policies. The SPD provides more detailed guidance on the application of these policies but does not set new policy.</p> <p>The SPD does not set a framework for other plans and strategies.</p>	<p>The overarching framework for conserving and enhancing historic environment is set by national policy and legislation including within the National Planning Policy Framework. The Local Plan establishes local policy for the historic environment including locally listed buildings – a type of `Non Designated Heritage Asset`.</p> <p>The SPD does not set a framework for other plans and strategies.</p> <p>The purpose of the SPD is to adopt a clear methodology and criteria for the identification of buildings of local historic or architectural interest to be included on the Local List.</p>	<p>The overarching framework on planning for health is set by national policy, including within the National Planning Policy Framework. The Local Plan sets out a number of policies which, <i>inter alia</i>, aim to improve health outcomes e.g. Policy SP6: Green Infrastructure. The SPD provides more detailed guidance on the application of these policies but does not set new policy.</p> <p>The SPD does not set a framework for other plans and strategies</p>
Is there a significant effect?	No	No	No
b. The degree to which the plans or programme influences other plan and programmes including those in a hierarchy,	<p>The SPD will implement higher level policy in the Local Plan. An SPD is the lowest tier of formal planning policy document so it does not influence other relevant plans.</p> <p>It will be used on a site-specific basis to inform decisions on relevant applications.</p>	<p>The SPD will implement higher level policy in the Local Plan. An SPD is the lowest tier of formal planning policy document so it does not influence other relevant plans.</p>	<p>The SPD will implement higher level policy in the Local Plan. An SPD is the lowest tier of formal planning policy document so it does not influence other relevant plans.</p> <p>It will be used on a site-specific basis to inform decisions on relevant applications.</p>
Is there a significant effect?	No	No	No
c. The relevance of the plan or programme for the integration of environmental considerations in particular with a view to	<p>The Design Guide SPD will promote sustainable development and mitigate the impacts of development by supporting the local plan policies requiring high quality</p>	<p>The SPD's will set out the process for the inclusion of buildings of local historic or architectural interest on the Local List and the process of review.</p>	<p>The SPD will provide detailed guidance and policy interpretation for the local plan policies on matters affecting health and as such will promote sustainable development.</p>

	Design Guide SPD	Local List SPD	Planning for Health SPD
promoting sustainable development	design which respects local character and minimizes the use of finite resources.		
Is there a significant effect?	No	No	No
d. Environmental problems relevant to the plan or programme,	The Design Guide SPD will promote sustainable development and mitigate the impacts of development by supporting the local plan policies requiring high quality design which respects local character and minimizes the use of finite resources. It will therefore help limit effects and address, albeit in a limited way, climate change.	The SPD will contribute to the positive management and protection of the historic environment.	The SPD will provide detailed guidance and policy interpretation for the local plan policies on matters affecting health and as such will help, albeit in a very limited way, to address the identified health issues and inequalities in the borough.
Is there a significant effect?	No	No	No
e. 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)	The SPD is not relevant to the implementation of European Community legislation on the environment.	The SPD is not relevant to the implementation of European Community legislation on the environment.	The SPD is not relevant to the implementation of European Community legislation on the environment.
Is there a significant effect?	No	No	No
2 Characteristics of the effects and of the area likely to be affected, having regard, in particular, to			
a. the probability, duration, frequency and reversibility of the effects,	The SPD will implement higher level policy in the Local Plan which has been subject to SEA. The SPD will have a positive long-term effect on the environment.	The SPD will implement higher level policy in the Local Plan which has been subject to SEA. The SPD will have a positive effect on the environment and any effects are capable of being reversed.	The SPD will implement higher level policy in the Local Plan which has been subject to SEA. The SPD will have a positive effect on the environment, with some effects being long term (e.g. design related) and some being capable of being reversed (e.g. control of uses).
Is there a significant effect?	No	No	No
b. the cumulative nature of the effects,	The SPD will have a positive effect on the environment and no significant cumulative effects.	The SPD will have a positive effect on the environment and no significant cumulative effects.	The SPD will have a positive effect on the environment and no significant cumulative effects.
Is there a significant effect?	No	No	No
c. the trans-boundary nature of	There are no trans-boundary effects of the	There are no trans-boundary effects of the	There are no trans-boundary effects of the

	Design Guide SPD	Local List SPD	Planning for Health SPD
the effects,	SPD	SPD	SPD
Is there a significant effect?	No	No	No
d. the risks to human health or the environment (e.g. due to accidents),	N/A There will be a positive albeit very limited effect on human health	N/A	N/A There will be a positive albeit very limited effect on human health
Is there a significant effect?	No	No	No
e. the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)	This SPD will cover the whole of the borough which has a population of approximately 88,000. It will be used in the determination of planning applications, but the overall scale and quantum of development is already set out in the Local Plan.	This SPD will cover the whole of the borough which has a population of approximately 88,000. The direct effects however will be limited to buildings of local historic or architectural interest that meet the criteria as set out in the SPD.	This SPD will cover the whole of the borough which has a population of approximately 88,000. It will be used in the determination of planning applications, but the overall scale and quantum of development is already set out in the Local Plan.
Is there a significant effect?	No	No	No
f. the value and vulnerability of the area likely to be affected due to:	There are no significant effects on special nature conservation, cultural heritage, environmental quality standards or on the intensity of land-use. This is because the SPD itself will not generate additional development.	There are no significant effects on special nature conservation, cultural heritage, environmental quality standards or on the intensity of land-use. This is because the SPD itself will not generate additional development.	There are no significant effects on special nature conservation, cultural heritage, environmental quality standards or on the intensity of land-use. This is because the SPD itself will not generate additional development.
i. special natural characteristics or cultural heritage			
ii. exceeded environmental quality standards or limit values			
iii. intensive land-use			
Is there a significant effect?	No	No	No
g. the effects on areas or landscapes which have a recognised national, Community or international protection status.	None	None	None
Is there a significant effect?	No	No	No

7. Consultation with statutory bodies

7.1 The three statutory consultation bodies for Strategic Environmental Assessment in England were consulted on 11 May 2020.

7.2 The following consultation responses were received:

Consultation Body	Consultee Response
Historic England	In terms of our area of interest, we would concur with your assessment that the documents are unlikely to result in any significant environmental effects and will simply provide additional guidance on existing policies which have already been subject to a Sustainability Appraisal. As a result, whilst we would endorse the conclusions that it is not necessary to undertake a Strategic Environmental Assessment of the SPDs
Natural England	Natural England agree with the decision that a Strategic Environmental Assessment (SEA) is not needed for: <ul style="list-style-type: none">• Design Guide: Addressing Quality and Climate Change Supplementary Planning Document (SPD)• Local List SPD• Planning for Health SPD Should the proposal be amended in a way which significantly affects its impact on the natural environment, then in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, please consult Natural England again.
Environment Agency	In so far as they relate to our remit, we concur with the conclusions of the statement and agree that SA / SEA is not required for the three proposed SPDs.

7.3 The responses concur with the Council's preliminary determination set out in the Preliminary Screening Assessment of May 2020 that Strategic Environmental Assessment is not required for any of the four SPDs.

8. Strategic Environmental Assessment (SEA) Determination and Reasons

8.1 An assessment against the SEA criteria to determine the likely significant effects of introducing the three SPDs has been carried out. It finds that it is unlikely that significant effects⁴ on the environment will arise as a result of the SPDs. Whilst some, mainly positive effects of introducing the SPDs are noted, it is not felt that any of the effects are significant. Therefore, the Council, taking take into account the responses of the SEA consultation bodies set out above, determines that Strategic Environmental Assessment is not required for any of the three SPDs to be produced.

8.2 **This determination is made on 4 July 2020.**

⁴ "Significant effects" in the context of the SEA Legislation

9. Next steps

9.1 Draft versions of the SPDs will be produced for public consultation under the relevant legislation and in accordance with the Council's Statement of Community Involvement (SCI).