

Strategic Environmental Assessment: Screening Statement - FINAL

Proposed Supplementary Planning Document (SPD)

- Houses in Multiple Occupation and Small Flats SPD

Burnley Borough Council
August 2021

1. Introduction

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

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

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

1.3 These seven 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>

<https://www.burnley.gov.uk/sites/default/files/SPDs%20SEA%20Final%20Screening%20Statement%20%204%20July%202020.pdf>

1.4 A further SPD is now proposed, as follows:

- Houses in Multiple Occupation and Small Flats SPD

1.5 This is the preliminary version of the Screening Statement which finds that SEA is not required for the new SPD.

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).

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

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, 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 Houses in Multiple Occupation SPD

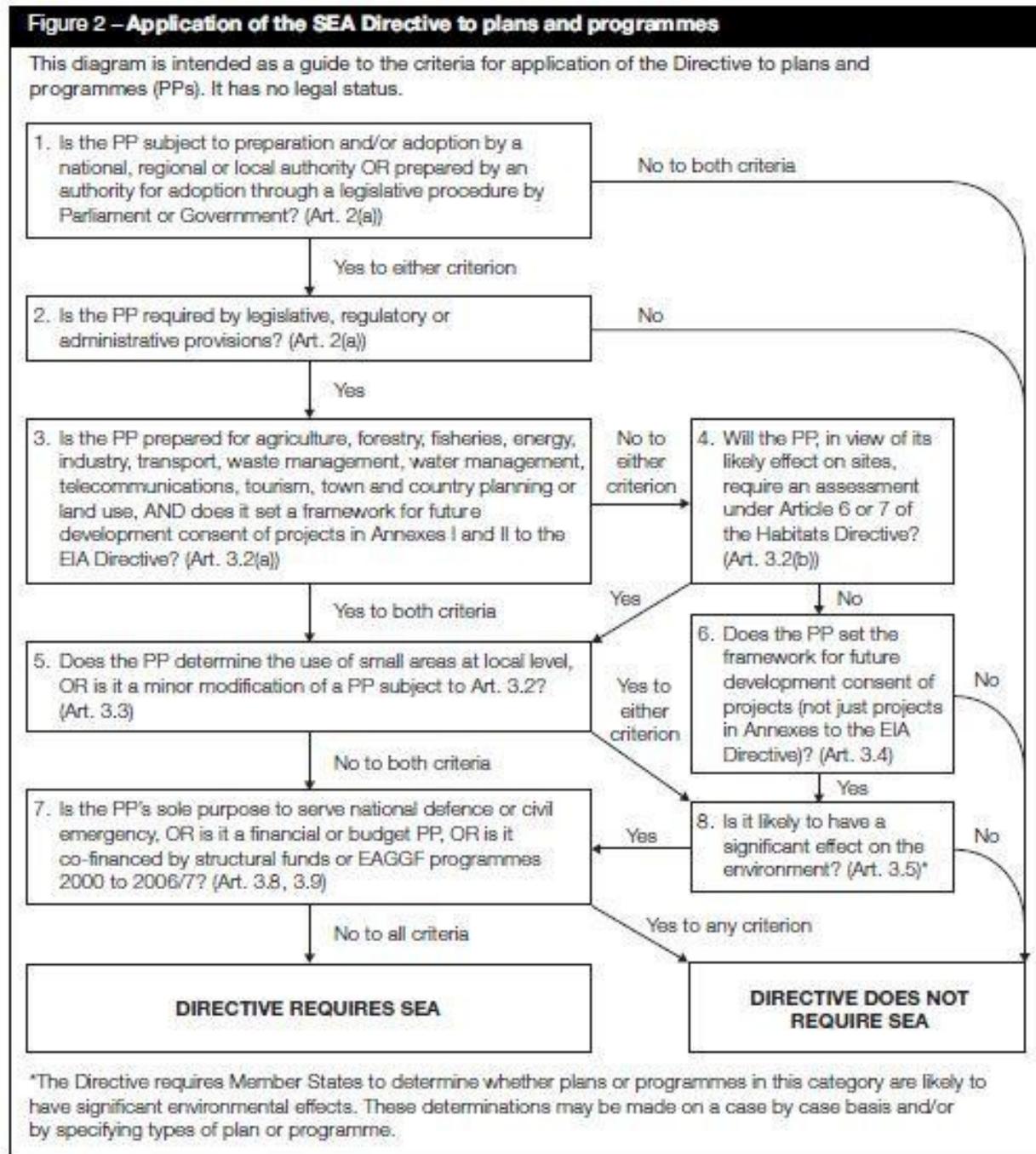
3.1.1 The Houses in Multiple Occupation and Small Flats SPD is being introduced to support a number of policies in Burnley's Local Plan including SP4, SP5, HS4 and NE5 and to explain the interface between Planning and Environmental Health and Licencing.

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 SPD. In accordance with the flow diagram above, not all questions are answered for this SPD.

Table 1: Establishing the need for SEA

Stage	Houses in Multiple Occupation and Small Flats SPD		
	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
2. Is the PP required by legislative, regulatory or administrative provisions? (Art. 2(a))	No	The current adopted LDS does not commit to the production of a Houses in Multiple Occupation and Small Flats SPD. SPDs do not need to be included in an LDS.	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 a limited number of development types 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))	-	-	-
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	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. The SPD will determine the use of small areas at a local	Go to Q8

Houses in Multiple Occupation and Small Flats SPD			
Stage	Y/N	Reason	Next step
		<p>level by providing more detailed guidance on determining applications for Houses in Multiple Occupation and Small Flats.</p> <p>It is a Permitted Development Right to move between C3 and C4 classes and back again, so in most cases, a small HMO does not need planning permission.</p> <p>SPD to cover – The conversion of a dwellinghouse or flat into a large HMO (shared house of more than 6 persons) or small flats; The conversion of a non-domestic building into a HMO or small flats, this includes small HMOs (of 3-6 persons who do not form a single household) and large HMOs. If any Article 4 directions are subsequently brought into 'force', planning permission will be required for the conversion of a dwellinghouse or flat (Class C3) into a small HMO</p>	

Houses in Multiple Occupation and Small Flats SPD			
Stage	Y/N	Reason	Next step
		(Class C4) in the designated area.	
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 applications and prior approval consents.	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)	-	-	-
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

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 proposed Supplementary Planning Document to determine whether it 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	
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	National policy on meeting housing needs is set out in the National Planning Policy Framework. Permitted development rights are set out in national legislation. The Local Plan establishes local policy on housing, 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. The SPD does not set a framework for other plans and strategies.
Is there a significant effect?	No
b. The degree to which the plans or programme influences other plan and programmes including those in a hierarchy,	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. It will be used on a site-specific basis to inform decisions on relevant applications.
Is there a significant effect?	No
c. 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 provide detailed guidance and policy interpretation for the local plan policies on matters affecting housing and as such will promote sustainable development.
Is there a significant effect?	No
d. Environmental problems relevant to the plan or programme,	The SPD will provide detailed guidance and policy interpretation for the local plan policies on matters affecting housing and as such will help, albeit in a very limited way, to address the identified housing issues and inequalities in the borough.
Is there a significant effect?	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.
Is there a significant effect?	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.

	Houses in Multiple Occupation and Small Flats SPD
Is there a significant effect?	No
b. the cumulative nature of the effects,	The SPD will have a positive effect on the environment and no significant cumulative effects.
Is there a significant effect?	No
c. the trans-boundary nature of the effects,	There are no trans-boundary effects of the SPD
Is there a significant effect?	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
Is there a significant effect?	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.
Is there a significant effect?	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.
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
g. the effects on areas or landscapes which have a recognised national, Community or international protection status.	None
Is there a significant effect?	No

7. Consultation with statutory bodies

7.1 The three statutory consultation bodies for Strategic Environmental Assessment in England were consulted on 1st July 2021.

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 document is 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, we would endorse the conclusions that it is not necessary to undertake a Strategic Environmental Assessment for the historic environment of the document.
Natural England	It is Natural England's 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.
Environment Agency	Thank you for consulting with us on the above SEA. We concur with your assessment that an SEA is not required to support the proposed SPD.

7.3 The responses concur with the Council's preliminary determination set out in the Preliminary Screening Assessment of June 2021 that Strategic Environmental Assessment is not required for the proposed SPD.

8. SEA Determination and Reasons for Determination

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 SPD. Whilst some, mainly positive effects of introducing the SPD are noted, it is not felt that any of the effects are significant. Therefore, the Council considers that Strategic Environmental Assessment is not required for the SPD.

8.2 **This determination is made on 18 August 2021.**

9. Next steps

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

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