

# Strategic Environmental Assessment: Screening Statement - FINAL

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## Proposed Supplementary Planning Documents (SPDs)

Developer Contributions SPD

Shopfront and Advertisement Design SPD

Residential Extensions SPD

Air Quality SPD

Burnley Borough Council  
December 2018

## 1. Introduction

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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 proposed; namely:

- Developer Contributions SPD
- Shopfront and Advertisement Design SPD
- Residential Extensions SPD
- Air Quality SPD

1.3 This is the final version of the Screening Statement which finds that SEA is **not required** for any of the four SPDs.

## 2. The requirement for Strategic Environmental Assessment and Sustainability Appraisal

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2.1 Strategic Environment Assessment is a requirement of the 'Strategic Environmental Assessment' (SEA) Directive<sup>1</sup>. 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, 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 was required to consult with three specific consultation bodies namely: Historic England, Natural England and the Environment Agency.

2.4 Sustainability Appraisal (SA).<sup>2</sup> Sustainability Appraisal considers the social, environmental

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

<sup>2</sup> TCPA 2004 Section 19 (5) Local development documents

and economic impacts of a plan. The Planning and Compulsory Purchase Act 2004<sup>3</sup> 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 been the subject of Sustainability Appraisal.

### **3. The proposed Supplementary Planning Documents**

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#### **3.1 Developer Contributions SPD**

3.1.1 The Developer Contributions SPD is being introduced to support a number of policies in Burnley's Local Plan, including Policy IC4 and HS2.

3.1.2 It will consider the mechanisms to determine the priorities for and likely level of contributions to be sought through planning applications, including for affordable housing under Policy HS2. It will set out how affordable housing should be delivered including, how negotiations will be undertaken and details on desired type and tenure of affordable units.

#### **3.2 Shopfront and Advertisement Design SPD**

3.2.1 The SPD is being introduced to support a number of policies in Burnley's Local Plan including TC8, SP5 and HE1 to 3.

3.2.2 It will set out information to inform good shopfront design and cover matters such as window and door design, signage, and lighting and security measures.

#### **3.3 Residential Extensions SPD**

3.3.1 The SPD is being introduced to support a number of policies in Burnley's Local Plan including Policies SP5 and HS5.

3.3.2 It will set out guidance on residential extensions for householders that will maximize the chances of schemes gaining planning permission.

#### **3.4 Air Quality SPD**

3.4.1 The SPD is being introduced to support a number of policies in Burnley's Local Plan including Policies NE5 and SP6.

3.4.2 It will set out guidance to improve air quality and lower transport emissions.

3.4.3 It will set out an approach to minimise harmful pollutant emissions, avoid detrimental impact on existing local concentrations and protect the wider public from unacceptable exposure to pollution through tailored assessment and mitigation requirements according to specific site characteristics which relate to both the nature and scale of the associated impacts and risks.

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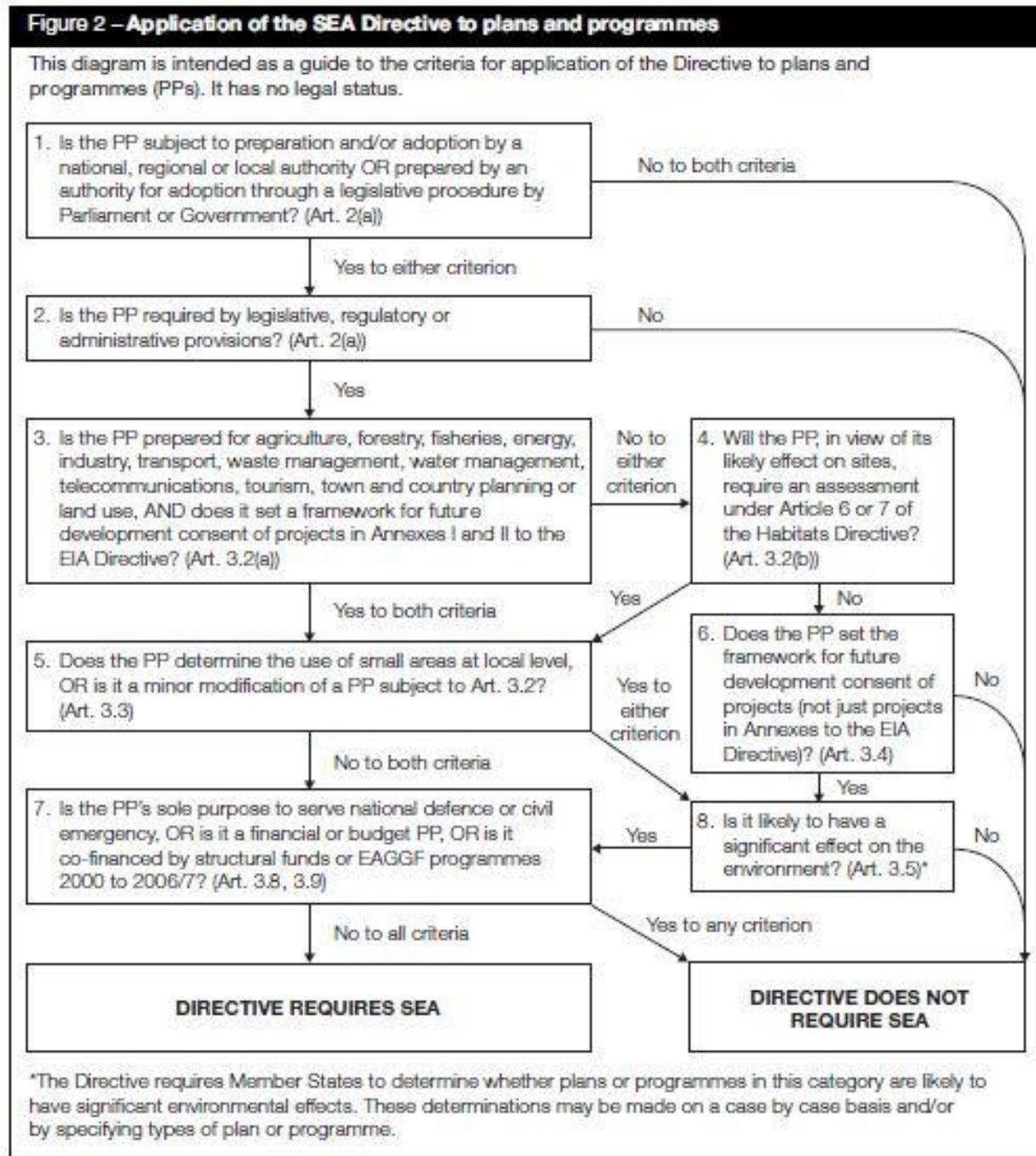
<sup>3</sup> [http://www.legislation.gov.uk/ukpga/2004/5/pdfs/ukpga\\_20040005\\_en.pdf](http://www.legislation.gov.uk/ukpga/2004/5/pdfs/ukpga_20040005_en.pdf)

3.4.2 It particular it will seek to explain:

- How to classify a development site in order to streamline its passage through the planning system
- What assessment and mitigation should be considered for specific types of sites
- The submissions a developer should make as part of the planning application and how these will be considered by the Council.

## 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**

	Developer Contributions SPD			Shopfront and Advertisement Design SPD			Residential Extensions SPD			Air Quality Guidance SPD		
Stage	Y/N	Reason	Next step	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 <b>Q2</b>	Yes	Following public consultation the SPD will be adopted by the Council	Go to <b>Q2</b>	Yes	Following public consultation the SPD will be adopted by the Council	Go to <b>Q2</b>	Yes	Following public consultation the SPD will be adopted by the Council	Go to <b>Q2</b>
2. Is the PP required by legislative, regulatory or administrative provisions? (Art. 2(a))	Yes	Burnley's Local Plan and adopted LDS commit to the production of a (Developer) Contributions SPD	Go to <b>Q3</b>	Yes	Burnley's Local Plan and adopted LDS commit to the production of a Shopfront and Advertisement Design SPD	Go to <b>Q3</b>	Yes	The adopted LDS commits to the production of a Residential Extensions SPD	Go to <b>Q3</b>	Yes	The adopted LDS commits to the production of an Air Quality Guidance SPD	Go to <b>Q3</b>
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 <b>Q5</b>	Yes/No	The SPD will be for town and country planning purposes. However it <b>will not</b> set a framework for future development falling within Annexes I or II of the EIA Directive.	Go to <b>Q4</b>	Yes/No	The SPD will be for town and country planning purposes. However it <b>will not</b> set a framework for future development falling within Annexes I or II of the EIA Directive.	Go to <b>Q4</b>	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 <b>Q5</b>

Stage	Developer Contributions SPD			Shopfront and Advertisement Design SPD			Residential Extensions SPD			Air Quality Guidance SPD		
	Y/N	Reason	Next step	Y/N	Reason	Next step	Y/N	Reason	Next step	Y/N	Reason	Next step
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	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	-	-	-
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 been assessed in the Local Plan. The SPD will determine the use of small areas at a local level by setting the level of contributions/on-site infrastructure required.	Go to Q8	-	-	-	-	-	-	Yes	The overall scale, quantum of development and policy approach is already set out and been assessed in the Local Plan. The SPD will determine the use of small areas at a local level, by promoting design considerations which take air quality in development into account.	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, listed building and advertisement consent applications	Go to Q8	Yes	The SPD will support the framework for determining relevant future householder planning applications	Go to Q8	-	-	-
7. Is the PP's sole purpose to	-	-	-	-	-	-	-	-	-	-	-	-

	Developer Contributions SPD			Shopfront and Advertisement Design SPD			Residential Extensions SPD			Air Quality Guidance SPD		
Stage	Y/N	Reason	Next step	Y/N	Reason	Next step	Y/N	Reason	Next step	Y/N	Reason	Next step
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 Developer Contributions SPD will have a limited and largely positive effect on the environment. See <b>Table 2</b> 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 <b>Table 2</b> 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 <b>Table 2</b> for detailed reasoning against the SEA criteria.	SEA not required	No	The Air Quality SPD will have a positive effect on the environment by detailing ways to assess and mitigate air quality issues associated with new development. See <b>Table 2</b> for detailed reasoning against the SEA criteria.	SEA not required

## **5. SEA Screening of Likely Significant Effects**

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5.1 Table 2 sets out the Council's assessment against the Strategic Environmental Assessment criteria for the four 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)**

	Developer Contributions SPD	Shopfront and Advertisement Design SPD	Residential Extensions SPD	Air Quality Guidance SPD
<b>1 The characteristics of plans and programmes, having regard, in particular to:</b>				
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	The overarching framework on the use of planning obligations is set by national policy and legislation both within the National Planning Policy Framework and more specifically, the Community Infrastructure Levy (CIL) Regulations 2010. The Local Plan establishes local policy on the requirement for contributions.  The SPD does not set a framework for other plans and strategies.	The overarching framework on heritage and design is set by national policy and legislation including within the National Planning Policy Framework. The Local Plan establishes local policy on shopfront and advertisement design.  The SPD does not set a framework for other plans and strategies.  The SPD will replace and incorporate the existing saved Shop Front Security Shutters SPG.	The overarching framework is set by national policy, including within the National Planning Policy Framework. The Local Plan establishes a local policy on house extensions where subject to planning control (i.e. where these do not benefit from deemed consent under the GPDO).  The SPD does not set a framework for other plans and strategies	The overarching framework is set by national policy and legislation, including within the National Planning Policy Framework and the National Air Quality Regulations. The Local Plan establishes local policy on environmental protection.  The SPD does not set a framework for other plans and strategies.
Is there a significant effect?	No	No	No	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 financial contributions towards and direct delivery of affordable housing and infrastructure.	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.	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.	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 when determining planning applications to ensure that relevant schemes consider appropriate air quality impacts and mitigations.
Is there a significant effect?	No	No	No	No

	<b>Developer Contributions SPD</b>	<b>Shopfront and Advertisement Design SPD</b>	<b>Residential Extensions SPD</b>	<b>Air Quality Guidance SPD</b>
c. The relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development	The Developer Contributions SPD will mitigate the impacts of development by supporting the provision of or securing contributions towards affordable housing or infrastructure. This will help to ensure that any negative impacts from development are addressed and net gains sought where appropriate. It will promote sustainable development by ensuring that development is supported by necessary infrastructure.	The SPD's will set out information to inform good shopfront design and cover matters such as window and door design, adverts, signage, lighting and security measures.	The SPD will provide detailed guidance on house extensions to help protect the environment and neighbouring amenity.	The SPD will set out an approach to minimise harmful pollutant emissions, avoid detrimental impact on existing local concentrations and protect the wider public from unacceptable exposure to pollution.
Is there a significant effect?	No	No	No	No
d. Environmental problems relevant to the plan or programme,	The SPD will seek to protect and enhance the environment by setting out a regime to collect contributions from development which, amongst other things, will be used to mitigate and where appropriate help address environment issues in proximity to development sites	The SPD will help to address the negative impact of poorly designed shopfront and advertisements on the character and distinctiveness of the borough's town and district centres.	The SPD will however help to address potential neighbour issues and townscape at a local level.	The SPD will have a positive impact on the environment by helping to mitigate and where appropriate address air quality issues.
Is there a significant effect?	No	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.	The SPD has some relevance to the implementation of European Community legislation in the form of adherence to the 2008 ambient air quality directive (2008/50/EC) which sets legally binding limits for concentrations in outdoor air of major air pollutants that impact public health such as particulate

	Developer Contributions SPD	Shopfront and Advertisement Design SPD	Residential Extensions SPD	Air Quality Guidance SPD
				matter (PM <sub>10</sub> and PM <sub>2.5</sub> ) and nitrogen dioxide (NO <sub>2</sub> ).
Is there a significant effect?	No	No	No	No
<b>2 Characteristics of the effects and of the area likely to be affected, having regard, in particular, to</b>				
a. the probability, duration, frequency and reversibility of the effects,	The decision to introduce a planning obligations regime and the requirement for infrastructure and/or affordable housing has been made in a higher level policy in the Local Plan which has been subject to SEA. The infrastructure/improvements provided through planning obligations may include measures to mitigate the effects 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.	The SPD will implement higher level policy in the Local Plan which has been subject to SEA. The guidance in the SPD will promote positive steps to better manage air quality issues in new developments. If measures are found to be unsuccessful, alternative solutions can be investigated.
Is there a significant effect?	No	No	No	No
b. the cumulative nature of the effects,	The cumulative effects alongside the other policies in the Local Plan will be positive and of a limited scale.	The SPD will have a positive effect on the environment and cumulative effects will be of a limited scale.	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	No
c. the trans-boundary nature of the effects,	There are no trans-boundary effects of the SPD	There are no trans-boundary effects of the SPD	There are no trans-boundary effects of the SPD	There are no trans-boundary effects of the SPD
Is there a significant effect?	No	No	No	No
d. the risks to human health or the environment (e.g. due to accidents),	The SPD will help reduce risks to human health by helping delivery appropriate infrastructure	The SPD will help reduce risks to human health	N/A	The SPD will help reduce risks to human health
Is there a significant effect?	No	No	No	No
the magnitude and spatial	This SPD will cover the whole of	This SPD will cover the whole of the	This SPD will cover the whole of the	This SPD will cover the whole of the

	<b>Developer Contributions SPD</b>	<b>Shopfront and Advertisement Design SPD</b>	<b>Residential Extensions SPD</b>	<b>Air Quality Guidance SPD</b>
extent of the effects (geographical area and size of the population likely to be affected)	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.	borough which has a population of approximately 88,000. However, the overall scale, location and quantum of retail development is already set out in the Local Plan.	borough which has a population of approximately 88,000. Specifically, the guidance in the SPD will be applied to householder extensions and therefore the direct effects will be limited to the local area.	borough which has a population of approximately 88,000. It will be used in the determination of planning applications. However, the overall scale, location and quantum of development is already set out in the Local Plan. Air quality impacts could cross district boundaries and so the SPD could have a positive effects on neighboring areas and on through commuters/visitors.
Is there a significant effect?	No	No	No	No
e. 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 iii. intensive land-use	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.	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.
Is there a significant effect?	No	No	No	No
i. the effects on areas or landscapes which have a recognised national, Community or international protection status.	None	None	None	None
Is there a significant effect?	No	No	No	No

## 7. Consultation with statutory bodies

7.1 The three statutory consultation bodies for Strategic Environmental Assessment in England were consulted on a Preliminary version of this Screening Assessment on 22 October 2018.

7.2 The following consultation responses were received:

Consultation Body	Consultee Response
Historic England	<p>In terms of our area of interest, given the nature of the SPDs, we would concur with your assessment that these documents are unlikely to result in any significant environmental effects and will simply provide additional guidance on existing Policies contained within a Adopted Development Plan Document which has already been subject to a Sustainability Appraisal/SEA. As a result, we would endorse the Authority's conclusions that it is not necessary to undertake a Strategic Environmental Assessment of these particular SPDs.</p> <p>The views of the other three statutory consultation bodies should be taken into account before the overall decision on the need for an SEA is made.</p>
Natural England	<p>Natural England has no comments to make on the Strategic Environmental Assessment (SEA) for the Shopfront and Advertisement Design SPD</p> <p>Natural England has no comments to make on the Strategic Environmental Assessment (SEA) for the Developer Contributions SPD</p> <p>Natural England has no comments to make on the Strategic Environmental Assessment (SEA) for the Residential Extensions SPD</p> <p><b>Preliminary Screening Statement on the determination of the need for a Strategic Environmental Assessment (SEA) for the proposed Air Quality SPD</b></p> <p>We have reviewed the document and as no further development is proposed we agree with the conclusion that an SEA is not required. However, if this changes Natural England would want to be re-consulted.</p> <p>Natural England would like the opportunity to comment on this SPD at the next stage.</p>
Environment Agency	<p>We have considered the SEA Screening Statement in so far as it relates to out remit and we would concur with your assessment that SEA of these SPDs would not be required.</p>

7.3 The responses concur with the Council's preliminary determination set out in the Preliminary Screening Assessment of October 2018 that Strategic Environmental Assessment is not required for any of the four SPDs.

## **8. Strategic Environmental Assessment (SEA) Determination and Reasons for Determination**

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8.1 An assessment against the SEA criteria to determine the likely significant effects of introducing the four SPDs has been carried out. It finds that it is unlikely that significant effects<sup>4</sup> 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. Thus the Council, taking into account the responses of the SEA consultation bodies set out above, determines that Strategic Environmental Assessment is not required for any of the four SPDs to be produced.

8.2 This determination is made on 11 December 2018.

## **9. Next steps**

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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).

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<sup>4</sup> "Significant effects" in the context of the SEA Legislation and Regulations