

Sustainable Construction Checklist Supplementary Planning Document

Strategic Environmental Assessment Screening Report

April 2022

1. Introduction

This Strategic Environmental Assessment (SEA) Screening Report has been produced to determine the need for a SEA in accordance with the European Directive 2001/42/EC (SEA Directive) and associated Environmental Assessment of Plans and Programmes Regulations 2004 (SEA Regulations) for Bath and North East Somerset Council's revised Sustainable Construction Checklist Supplementary Planning Document (SPD).

2. Planning Context

The Draft SPD is an updated version of the currently adopted Sustainable Construction Checklist.

The Draft SPD aims to set out an easily accessible format that is simple to use for those who are subject to the Council's sustainable construction policies. The key purpose of the revised SPD is to incorporate guidance and requirements on emerging policies in the Local Plan Partial Update (LPPU) on retrofitting, sustainable construction, and renewable energy. This will help to ensure we deliver sustainable development that can meet the needs of local people.

The policy approach to retrofitting, sustainable construction and renewable energy in B&NES is currently set out within the Local Plan and the Placemaking Plan. Policies of particular relevance to the SPD are Core Strategy Policies CP1 on retrofitting; CP2 on sustainable construction; and CP3 on renewable energy. Policies CP1, CP2 and CP3 are being updated as part of the Local Plan Partial Update to better address the aims of the Council's Climate Emergency declaration. LPPU policies relevant to the Draft SPD are SCR5, SCR6, SCR7, SCR8, CP1 and CP3. (the draft [Local Plan Partial Update composite document](#)).

The National Planning Policy Framework (NPPF) places significant emphasis on achieving sustainable development and core environmental principles such as improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change including moving to a low-carbon economy (paragraph 8). These principles underpin this supplementary planning document.

Following adoption, the SPD will be a material planning consideration when assessing planning applications, where it will be used alongside relevant Local Plan policies to determine applications for retrofitting, sustainable construction, and renewable energy measures.

3. SEA Screening Process

Previously, all development plan documents and SPDs were subject to Sustainability Appraisal (SA). Sustainability Appraisals incorporated the requirement for SEA¹ but when these regulations were amended in 2009², the requirement for SA for SPDs was removed. However, SPDs are still subject to the requirements set out by the SEA.

The Planning Practice Guidance provides a checklist approach³ based on the SEA Regulations to help determine whether SEA is required. This screening report has been used as the basis on which to assess the need for SEA, as set out below.

The diagram below is taken from the UK Government's SEA Guidance⁴ and sets out the screening process for determining whether SEA is required for a plan or programme. Table 1 below uses the questions presented in the diagram below to establish whether there is a need for SEA for the Sustainable Construction Checklist SPD.

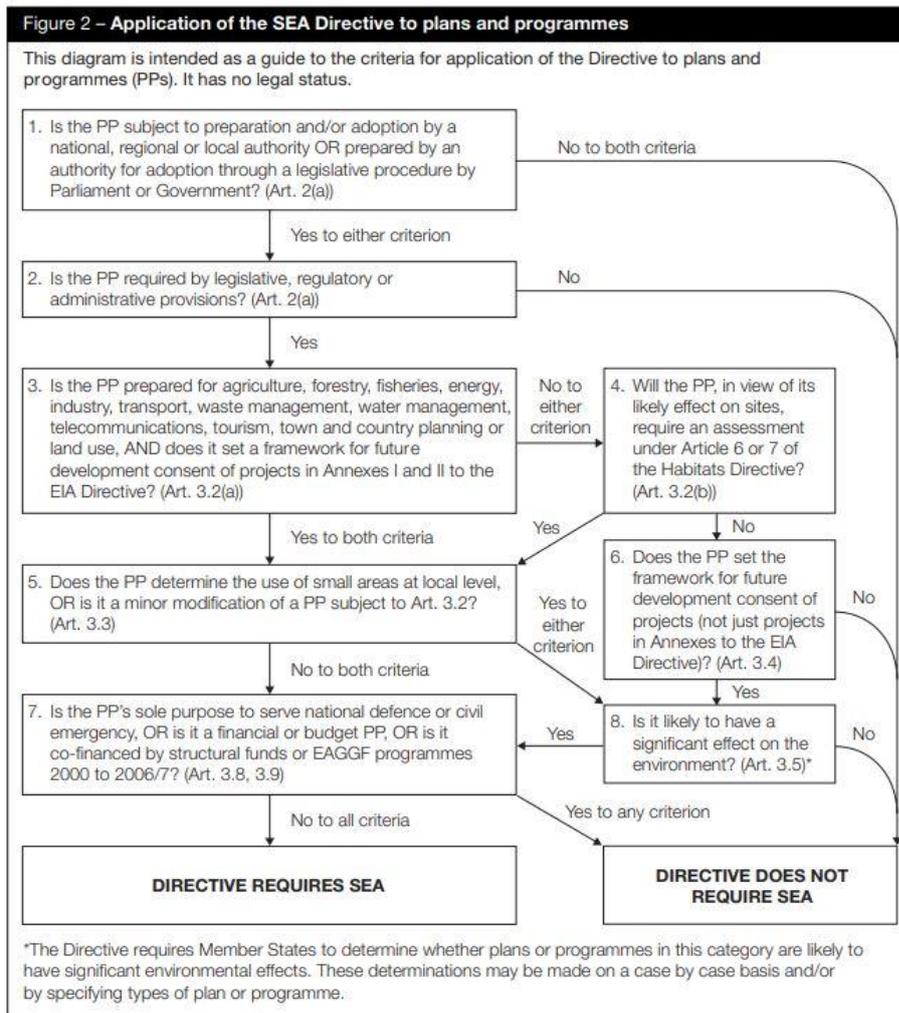
¹ The Town and Country Planning (Local Development) (England) Regulations 2004

² The Town and Country Planning (Local Development) (England) (Amendment) Regulations 2009

³

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/580073/Strategic_Environmental_Assessment_Regulations_requirements_checklist.pdf

⁴ ODPM (2005) A Practical Guide to the Strategic Environmental Assessment Directive



4. Screening Assessment

This section sets out a screening assessment using Annex II of the SEA Directive.

Table 1 Establishing whether there is a need for SEA

Stage	Yes / No	Reason
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 of Government? (Article 2(a))	Yes	The SPD is to be adopted by Bath & North East Council, subject to consultation.
2. Is the SPD required by legislative, regulatory or administrative provisions? (Article 2(a))	Yes	It is considered that the SPD is required to provide clarity to the provisions set out in Policies CP1, CP3 and SCR5-8 of the Local Plan Partial Update.

<p>3. Is the SPD 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))</p>	<p>No</p>	<p>The SPD is for town and country planning purposes but does not set a framework for future development consent of projects in Annexes I and II to the EIA Directive.</p>
<p>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))</p>	<p>No</p>	<p>This SPD will not require an assessment under Article 6 or 7 of the Habitats Directive. The council's Local Plan has been subject to a full Habitat Regulation Assessment (HRA) which includes consideration of the Local Plan policies. The SPD supplements the Local Plan policies and provides clarity and guidance on implementation.</p>
<p>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)</p>	<p>Yes</p>	<p>This SPD does not have Development Plan status, but it will be considered as a material planning consideration in the determination of planning applications. It does for new development as well as major existing development. It does this by setting out information required to assess compliance with the new policies.</p>
<p>8. Is it likely to have a significant effect on the environment? (Article 3.5)</p>	<p>No</p>	<p>See Table 2 below to understand the determination of likely significant effects.</p>

Question 8 within the ODPM guidance (see table 1) refers to whether the SPD would have a significant effect on the environment. The criteria from Annex II of the SEA Directive and Schedule 1 of the Environmental Assessment of Plans and Programmes Regulations (2004) can be used to consider the relevance of the SPD to the SEA Directive. The criteria are set out in table 2 below, along with discussion as to whether the HMO SPD would have a significant impact on the environment.

Table 2 *Determining the Likely Significant Effects using SEA Directive Annex II (referred to in Article 3(5))*

The characteristics of plans and programmes, having regard, in particular, to:	Is there a significant environmental impact?	Justification
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	No	The framework for projects and other activities is primarily set by the Local Plan. The purpose of the SPD is to provide supplementary guidance to the Council's Local Plan policies. While the SPD is a material consideration in the determination of planning applications, the SPD does not provide a framework for other plans and strategies.
1b) The degree to which the plan or programme influences other plans and programmes including those in a hierarchy	No	The SPD does not have development plan status and forms the lowest tier of the LDF. It will therefore not influence other plans or programmes, but it will be afforded significant weight as a material planning consideration in the determination of planning applications.
1c) The relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development	No	The Local Plan policies aim to support sustainable development by promoting the renewable energy and energy efficiency measures in buildings, through set out principles of sustainable building construction. However, the SPD supplements the Local Plan policies by setting out the information required to assess how proposed schemes are policy compliant. It does not provide a specific environmental policy in its own right. The SPD has also been subject to an Equalities Impact Assessment which has promoted sustainable development.

1d) Environmental problems relevant to the plan or programme	No	There are no environmental problems associated with the SPD. The core aim of the SPD is to better address the Climate Emergency by enabling simple and easy reporting for sustainable construction targets.
1e) 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).	No	The SPD is not considered relevant to this criterion.
2a) The probability, duration, frequency and reversibility of the effects	No	The anticipated effects of the document are expected to be positive because it will help to create a more sustainable and energy efficient building stock. The duration of effects is hard to define given that once planning permission has been granted for retrofitting and sustainable construction measures, the developments are permitted and can remain for as long as the building owner/occupier wishes to keep/maintain them.
2b) The cumulative nature of the effects	No	The cumulative effects of the SPD are likely to be positive although only on a local neighbourhood scale.
2c) The trans-boundary nature of the effects	No	The SPD is not anticipated to have trans-boundary effects as the guidance will be localised within B&NES in its application.
2d) The risks to human health or the environment (e.g. due to accidents)	No	There are no significant effects to the human environment (e.g. due to accidents) or to human health identified. The SPD should help to improve the environment by enabling sustainable construction and the installation of renewable

		technologies into buildings, alongside improvements to energy efficiency.
2e) The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)	No	The SPD will provide additional guidance on the implementation of policies in the Local Plan. The Local Plan and SPD is applicable to development that is located within Bath & North East Somerset.
2f) 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	No	The Local Plan details the characteristics of the area and policies to manage the development of land in the district and seek to protect special natural characteristics and cultural heritage. The SPD is considered to not have effects on natural characteristics, environmental quality standards or intensive land-use.
2g) The effects on areas or landscapes which have a recognised national, Community or international protection status	No	The SPD will not detrimentally impact Bath's status as a World Heritage Site, or any Conservation Area in the District. The link between this SPD and the Energy Efficiency, Retrofitting and Sustainable Construction SPD ensures that guidance on heritage assets are available, which addresses what sustainable construction and retrofitting techniques would and would not be considered acceptable with regards to the historic built environment.

5. Conclusion

Based on the information set out in the tables above, it is considered that the Sustainable Construction Checklist SPD will not give rise to significant environmental effects. It is therefore proposed that a Strategic Environmental Assessment is not required for the proposed Draft HMO SPD.

This document is draft and subject to consultation with the three statutory consultees identified through the SEA regulations (listed below), plus inter-Council departments.

- Environment Agency;
- Historic England; and
- Natural England.