

**Sustainability Appraisal &
Habitat Regulations
Assessment Screening
Report**

FOR THE

**Planning Obligations &
Affordable Housing
Supplementary Planning
Document – First Review**

**Prepared by
Plymouth City Council
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1. Introduction:

- 1.1. Plymouth City Council is currently producing revisions to its Planning Obligations and Affordable Housing Supplementary Planning Document as part its Local Development Framework (LDF). Planning Authorities are required to produce a Sustainability Appraisal (SA) in parallel with the development of these LDF documents. There is also a requirement to undertake Habitat Regulations Assessment to consider potential impacts on sites of European importance for Nature Conservation. This report provides screening statements for both of these assessment / appraisal processes.
- 1.2. Whilst there is overlap between these two types of assessment there is a statutory requirement to provide distinct reports. Sections 2 – 6 therefore deal solely with the Sustainability Appraisal, with Section 7 onwards covering the Habitat Regulations Assessment.

2. Sustainability Appraisal Screening Statement

- 2.1. Sustainability Appraisal is a tool that is used to improve the sustainability of LDF documents. It uses a range of sustainability objectives and indicators to test whether the plans, policies and proposals are the best possible ones for delivering sustainable development. SA is a yardstick against which the social, environmental and economic effects of the plan can be tested.
- 2.2. Sustainability Appraisal is mandatory under the Planning & Compulsory Purchase Act 2004 for all Development Plan Documents (DPDs) and Supplementary Planning Documents (SPDs). These SAs also need to fulfill the requirements of the Strategic Environmental Assessment (SEA) Directive.
- 2.3. There are however exceptions to these requirements. It is the Council's view that the Planning Obligations and Affordable Housing SPD (first review), is such an exception. To reach this conclusion the Council screened the draft Planning Obligations and Affordable Housing SPD against the requirements as set out in the SEA / SA regulations and guidance.
- 2.4. This Sustainability Appraisal report documents this screening process and sets out the reasoning behind the Council's 'Screening Opinion'.

3. Aims of the Planning Obligations and Affordable Housing SPD:

- 3.1. The Planning Obligations and Affordable Housing SPD (first review) sets out the Council's approach to planning obligations and affordable housing

when considering planning applications for development in Plymouth. New development has a cumulative impact on infrastructure and often creates a need for additional or improved community services and facilities without which the development could have an adverse effect upon amenity, safety, or the environment.

- 3.2. The objective of this SPD is to provide clarity to developers, planning officers, stakeholders and local residents regarding the basis on which planning obligations and affordable housing will be sought. It will assist in implementing local objectives in respect of the provision of sustainable development across the City by contributing towards the delivery of the Plymouth Adopted LDF Core Strategy.
- 3.3. The SPD provides guidance to supplement the Plymouth Adopted LDF Core Strategy, and is aimed at all those involved in the submission and determination of those planning applications where affordable housing and planning obligations will be required. It also details the type of obligations that may be required, sets out formulae and thresholds for calculating contributions where appropriate, and indicates the relative importance that the Council might place on the varying types of obligation in different parts of Plymouth.
- 3.4. The document focuses on the Core Strategy Policies CS33 Community Benefits/Planning Obligations, and CS15 Overall Housing Provision.
- 3.5. The SPD sets out a wide range of matters that will be covered by planning obligations, including:
 - Affordable housing
 - Education provision
 - Health
 - Libraries & Community Services
 - Recreation, Sport, Open Space and Children's Play Space
 - Recycling & Waste Management
 - Biodiversity Conservation
 - Public Transport & Highway Infrastructure
 - Economic Development
 - Offsetting carbon emissions.
- 3.6. The SPD forms part of the package of Local Development Documents (LDDs) which comprise the Plymouth Local Development Framework, required under the Planning and Compulsory Purchase Act 2004. It will assist the Council in securing local, sub-regional, regional and national objectives in respect of sustainable development.

4. Guidance on the requirement for Strategic Environmental Assessment:

- 4.1. Planning Authorities must conduct a Strategic Environmental Assessment of all DPDs & SPDs in accordance with the SEA directive (2001/42/EC). But there are circumstances when a SEA / SA is not required. The publications *A Practical Guide to the Strategic Environmental Assessment Directive (2005) ODPM & Sustainability Appraisal Of Regional Spatial Strategies and Local Development Documents (2005) ODPM* outline how plans should be 'screened' to determine whether the exceptions may apply.
- 4.2. The SEA Directive requires SEA for plans which (i) "*determine the use of small areas at a local level*" or which are (ii) "*minor modifications*" to plans, **only** when these are determined to be likely to cause significant environmental effects.
- 4.3. ODPM's (2005) guidance indicates that this exception to SEA may apply to SPDs. In Appendix 2 it expands on this point by stating that "*ODPM expects that in only exceptional cases will a RSS, DPD or SPD have no significant environmental effects, but the criteria in Article 3.3 may on occasion apply to **SPDs in the form of design guides or issues based documents that supplement policies in the DPD.***"
- 4.4. The Council considers that the Planning Obligations and Affordable Housing SPD represents one of the exceptional cases to which ODPM's guidance refers. In coming to this conclusion the Council has reviewed the criteria for determining the likely significance of effects as listed in SEA directive (2001/42/EC) Annex II (see below).

ANNEX II

Criteria for determining the likely significance of effects referred to in Article 3(5)

The characteristics of plans and programmes, having regard, in particular, to

- 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,
- the degree to which the plan or programme influences other plans and programmes including those in a hierarchy,
- the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development,
- environmental problems relevant to the plan or programme,
- 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).

Characteristics of the effects and of the area likely to be affected, having regard, in particular, to

- the probability, duration, frequency and reversibility of the effects,
- the cumulative nature of the effects,
- the transboundary nature of the effects,
- the risks to human health or the environment (e.g. due to accidents),
- the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected), the value and vulnerability of the area likely to be affected due to:
 - special natural characteristics or cultural heritage,
 - exceeded environmental quality standards or limit values,
 - intensive land-use,
- the effects on areas or landscapes which have a recognised national, Community or international protection status.

4.5. In reviewing these criteria the Council has been mindful of the following key characteristics of the Planning Obligations and Affordable Housing SPD:

- It is a document whose principle aim is to address the potential direct, indirect and cumulative impacts of development by ensuring there is sufficient resource to support the social, economic & environmental infrastructure upon which the development will rely.
- It does not present policies or proposals, and serves only to expand on existing policies within Plymouth's LDF Adopted Core Strategy, which have already been subject to SEA / SA.

4.6. On the basis of these characteristics the Council concludes that the Planning Obligations and Affordable Housing SPD is unlikely to have significant environmental effects, and therefore does not require a Strategic Environmental Assessment.

5. Guidance on the requirement for Sustainability Appraisal:

- 5.1. The purpose of SA is to promote sustainable development through the integration of social, environmental and economic considerations into the preparation of Development Plan Documents and Supplementary Planning Documents. This is a mandatory requirement under Section 39(2) of the Planning & Compulsory Purchase Act 2004. It is considered best practice for SA to incorporate the requirements of the SEA directive.
- 5.2. The Planning & Compulsory Purchase Act 2004 requires an authority to produce an SA Report for all LDDs, including SPDs. ODPM's (2005) guidance suggests that where the authority has made a determination that the plan is unlikely to have any significant environmental effects (and is therefore exempt from the SEA directive), it must consider whether there are likely to be any significant economic or social effects.
- 5.3. In screening the potential social and economic effects of the Planning Obligations and Affordable Housing SPD the Council has reviewed previous commentary from the SEA / SA of the LDF Core Strategy.
- 5.4. Extracts from SA of the submission draft of the LDF Core Strategy (July 2006) Paras 3.123 Planning Obligations:

The SA/SEA June, 2005 review considered that this proposal is positive in terms of generating opportunities to support affordable housing, education provision, access, local labour/training initiatives, nature conservation, public area, public realm works and recreation including the provision for open space, sports and recreation.

- 5.5. Extract from SA of the submission draft of the LDF Core Strategy (July 2006) Para 3.92 Housing:
..... the imbalance between wages and house prices will limit the scope for many residents to buy renovated or new properties, while investors may be reluctant to finance low cost homes. The SEA/SA concludes that the issue of affordable housing will need to be explored further in order to avoid it acting as a constraint on overall delivery of the Plymouth Vision.
- 5.6. These results support the need for a Planning Obligations and Affordable Housing SPD and recognise that it has a key role in delivering the city's objectives for sustainable development. The SA commentary does flag up a potential concern regarding the delivery of the 30% target for affordable housing, and the implications for delivering other aspects of the city's sustainable growth. This concern will be explored further through the consultation responses to the draft SPD, and has been recognised within the draft document through the inclusion of the following requirement (Para 2.14).

If a developer considers that the Council is placing unreasonable obligations upon a proposal site, then an assessment of development viability can be

conducted. The Council will require a developer to adopt an 'open book' approach, whereby relevant development finances are subject to an independent financial appraisal,

5.7. In conclusion the Council believes that the Planning Obligations and Affordable Housing SPD is unlikely to have significant negative social or economic effects, and that there is no statutory reason to undertake an SA of this document, or that any practical value could come from it.

6. Conclusion:

6.1. The Planning Obligations and Affordable Housing SPD has not been subject to Sustainability Appraisal or Strategic Environmental Assessment because:

- The SPD is a guidance document that seeks to improve the quality and sustainability of development proposals in relation to a range of design related issues.
- The SPD does not present policies or proposals, and serves only to expand on existing policies within Plymouth's LDF Core Strategy. These policies have already been subject to SEA / SA.

6.2. It is therefore the Council's Screening Opinion that the SPD does not generate a risk of significant environmental, social or economic effects.

7. Habitat Regulations Assessment Screening Statement

- 7.1. This part of the report seeks to determine whether the Council's LDF Planning Obligations and Affordable Housing Supplementary Planning Document (SPD) will have a significant adverse impact on nearby Natura 2000 sites.

8. Background

- 8.1. The Directive 92/43/EEC on the Conservation of Natural Habitats and Wild Flora and Fauna – the 'Habitats Directive' provides legal protection for habitats and species of European importance. Article 2 of the Directive requires the maintenance or restoration of habitats and species of interest to the EU in a favourable condition. This is implemented through a network of protected areas referred to as Natura 2000 sites.
- 8.2. Articles 6(3) and 6(4) of the Habitats Directive requires Appropriate Assessment of plans and projects likely to have a significant effect on a European site. This means that the effects of such plans/projects on Natura 2000 sites need to be assessed to ensure that the integrity of these sites is maintained. The Planning Obligations and Affordable Housing Supplementary Planning Document is such a plan.
- 8.3. The Natura 2000 sites are of two types – Special Areas of Conservation (SAC) and Special Protection Areas (SPA). SACs stem from the Habitats Directive, and are mainly habitat features, whereas SPAs are features comprising populations of bird species. Each Natura 2000 site has a number of qualifying features, for which conservation objectives have been developed.
- 8.4. The purpose of a Habitat Regulations Assessment (HRA) is to assess the impacts of a land-use plan against the conservation objectives of the Natura 2000 Site. The assessment must determine whether the plan would adversely affect the integrity of the site in terms of its nature conservation objectives. Where negative effects are identified other options should be examined to avoid any potential damaging effects.
- 8.5. The Habitats Directive applies the precautionary principle to SPAs and SACs. Plans can only be permitted having ascertained that there will be no adverse effect on the integrity of the site(s) in question. Plans may still be permitted if there are no alternatives to them and there are imperative reasons of overriding public interest as to why they should go ahead. Previous rulings show that these cases are rare. In such cases, compensation will be necessary to ensure the overall integrity of the site network.
- 8.6. The HRA for Plymouth's LDF Core Strategy was completed in early February 2007. This identified a number of necessary avoidance measures required to manage impacts associated with the Core Strategy and identified a number of suggested changes to the document that were incorporated before its adoption. A summary of the conclusions from Core Strategy Habitat Regulation Assessment is included in Appendix 1. Consideration of the potential for the Planning Obligations and Affordable Housing SPD to have a significant effect will be made in the light of this existing work.

9. Methodology used for this Habitat Regulations Assessment

9.1. DCLG (2006) guidance on Planning for the Protection of European Sites: Appropriate Assessment (consultation document) recommends a 3 stage process:

1. Screening. Determining whether the plan 'either alone or in combination with other plans or projects' is likely to have a significant effect on a European site.
2. Appropriate Assessment. Determining whether, in view of the site's conservation objectives, the plan 'either alone or in combination with other plans or projects' would have an adverse effect (or risk of this) on the integrity of the site. If not, the plan can proceed.
3. Mitigation & Alternatives. Where the plan is assessed as having an adverse effect (or risk of this) on the integrity of a site, there should be an examination of mitigation measures and alternative solutions. If it is not possible to identify mitigation and alternatives it will be necessary to establish the '*imperative reasons of overriding public interest*' (IROPI). This is not considered a standard part of the process and will only be carried out in exceptional circumstances.

9.2. All 3 stages of the process are referred to cumulatively as Habitat Regulations Assessment, to clearly distinguish the whole process from the step within it referred to as the Appropriate Assessment.

9.3. Natural England (NE) has been positively engaged in the Council's work on Habitat Regulations Assessment since its inception in November 2006. An open and constructive dialogue has been maintained throughout the process, and NE has endorsed the conclusions of Plymouth's previous HRA work.

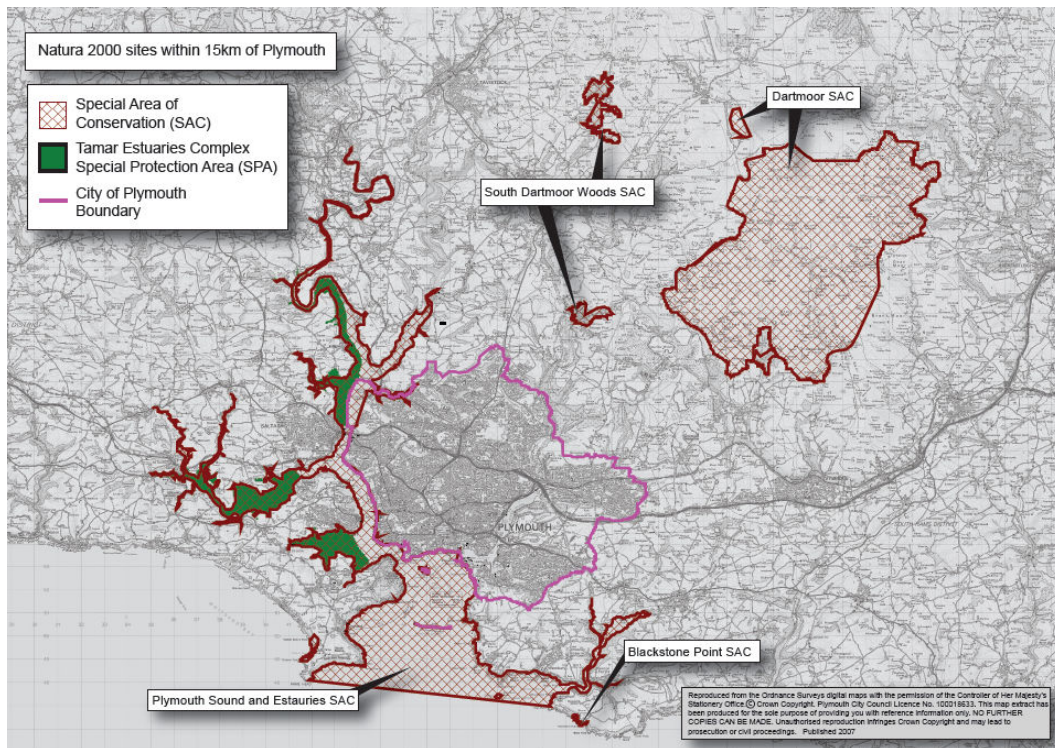
10. Screening

10.1. The principle aim of this document is to ‘screen’ the potential of the Planning Obligations and Affordable Housing SPD for its likely effect, either alone or in combination, on the Natura 2000 sites within 15 kilometres of the city boundary.

10.2. Table 1 lists the European sites that are within 15 km of the city boundary

Name of Site	11. Reasons for Designation
Plymouth Sound & Estuaries SAC	Sandbanks which are slightly covered by sea water all the time. Estuaries. Mudflats and sandflats not covered by seawater at low tide. Large shallow inlets and bays. Reefs. Shore dock. Allis shad.
Tamar Estuaries Complex SPA	Internationally important populations of Avocet & Little Egret
Dartmoor SAC	Northern Atlantic wet heath with <i>Erica tetralix</i> . European dry heath. Blanket bog. Old sessile oak woodlands <i>Ilex</i> and <i>Blechnum</i> in the British Isles. Southern damselfly, <i>Coenagrion mercuriale</i> Otter <i>Lutra lutra</i> Atlantic salmon <i>Salmo salar</i>
South Dartmoor Woods SAC	Old sessile oak woodlands <i>Ilex</i> and <i>Blechnum</i> in the British Isles European dry heath
Blackstone Point SAC	Shore dock

Table 1: European sites within 15km of Plymouth City boundary



Map 1 Distribution of Nature 2000 sites within 15km of Plymouth city boundary

11.1. **Scope of the Planning Obligations and Affordable Housing SPD** - See Section 3

11.2. **Possible Effects of the Planning Obligations and Affordable Housing SPD**

- 11.2.1. The Planning Obligations and Affordable Housing SPD principle aim is to address the potential direct, indirect and cumulative impacts of development by ensuring there is sufficient resource to support the social, economic & environmental infrastructure upon which the development will rely. It sets out the mechanism for securing resources through planning gain across a broad range of topic areas, but the SPD does not provide detail about how these infrastructure projects will be delivered and so an assessment of the effects is not possible at this stage.
- 11.2.2. The document does not present new policies or proposals, and serves only to expand on existing policies with Plymouth's LDF Core Strategy, and so it is reasonable to conclude that the potential effects of the document have been considered through the Council's previous Habitat Regulations Assessment work.
- 11.2.3. The SPD does table a draft methodology for calculation of contributions for the management of recreational pressure on the Plymouth Sound & Estuaries European Marine site. This a requirement that arose out of the HRA for Plymouth's LDF Core Strategy which identified the threat of a significant adverse impact on the integrity of Plymouth Sound & Estuaries SAC, & Tamar Estuaries Complex SPA, arising from future growth in recreational pressure.
- 11.2.4. In this respect an intended positive effect of the SPD is the provision of adequate resources for the coordinated delivery of efforts to ensure recreation pressure does not impact on the designated features of the Plymouth Sound & Estuaries European Marine site.

11.3. On this basis the Council feels that the Planning Obligations and Affordable Housing SPD alone is not likely to have a significant adverse effect on any European site.

11.4. In considering whether the document could work in combination with the other plans and programmes a similar conclusion of no significant adverse effect is reached. The plan is specifically designed to work in combination with the Core Strategy, which has already been subject to HRA.

12. Conclusions – Habitat Regulations Assessment - Screening Stage

12.1. Plymouth City Council have concluded that Planning Obligations and Affordable Housing SPD will have no significant adverse impact on the integrity of Natura 2000 sites.