

Central Lincolnshire Developer Contributions Supplementary Planning Document (SPD)

Strategic Environmental Assessment Screening Report

October 2015

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1.0 Introduction

- 1.1 The Central Lincolnshire Joint Planning Committee (constituted by North Kesteven District Council, City of Lincoln Council, West Lindsey District Council and Lincolnshire County Council) have produced a Draft Developer Contributions Supplementary Planning Document (SPD) to supplement the policies within the emerging Central Lincolnshire Local Plan.
- 1.2 Sustainability Appraisal (SA) is a tool that is used to improve the sustainability of Local Plan documents. It uses a range of sustainability objectives and indicators to test whether the plans, policies and proposals can deliver sustainable development. SA can be viewed as a yardstick against which the social, economic and environmental effects of the plan can be tested. Integrated into the SA are the requirements of the Strategic Environmental Assessment (SEA) Directive¹. However, the sustainability appraisal covers wider social and economic effects of plans, as well as the more environmentally-focused considerations in the SEA Directive.
- 1.3 The Planning and Compulsory Purchase Act 2004 required that all Local Development Documents, including DPDs (now local plans) and SPDs be subject to SA prior to publication. Alterations to Section 19(5) of the 2004 Act under the Planning Act 2008 removed the requirement for local authorities to produce an SA for SPDs. This is re-iterated in paragraph 8 of the strategic environmental assessment and sustainability appraisal section of the Planning Practice Guidance². The rationale behind this is that SPDs do not contain any new policies, but provide supplementary guidance relating to policies set out in overarching local plans that have been subject to SA.
- 1.4 However, a SPD may occasionally be found likely to give rise to significant effects which have not been formally assessed in the context of a higher-level planning document. Therefore, local authorities need to screen their SPDs to ensure that legal requirements for SEA are met where there are impacts that have not been covered in the appraisal of the parent plan or where an assessment is required by the Strategic Environmental Assessment (SEA) Directive.
- 1.5 The Central Lincolnshire Joint Planning Committee do not believe that a SEA is likely to be required for the purpose of the Draft Developer Contributions SPD as outlined in this report and sets out the assessment on which the Council's screening opinion is based.

¹ European Directive 2001/42/EC transposed into United Kingdom law by the Environmental Assessment of Plans and Programmes Regulations 2004

² http://planningguidance.planningportal.gov.uk/blog/guidance/strategic-environmental-assessment-and-sustainability-appraisal/sustainability-appraisal-requirements-for-local-plans/#paragraph_008

2.0 Central Lincolnshire Developer Contributions SPD

2.1 All development potentially has some impact on the environment and / or infrastructure and services. Some of these impacts are of such a nature or level of significance that they require mitigation through planning obligations. As legally binding agreements between the Local Planning Authority, developers and land owners, planning obligations secure contributions of land, money or works to offset or mitigate impacts of new development, thereby allowing development to proceed that would otherwise not be acceptable in planning terms.

2.2 The Draft Developer Contributions SPD seeks to expand on emerging Local Plan policy LP12 Infrastructure to Support Growth. It will also be relevant to mitigate the effects of development under the policies outlined below:

- LP9 – Health and Wellbeing
- LP11 – Meeting Housing Need
- LP13 – Transport
- LP14 - Managing water resources and flood risk
- LP15 – Community Facilities
- LP20 – Green Infrastructure Network
- LP24 - The Historic Environment
- LP26 - Open Space, Sports and Recreation Facilities
- LP28 – Sustainable Urban Extensions

2.3 The objective of the Draft Developer Contributions SPD is to provide clarity on the basis on which planning obligations will be sought. It explains how developer contributions which are not provided for through CIL may be sought through the use of planning obligations and provides guidance to developers and landowners about the types of development to which the obligation will apply, the types of contributions that will be sought and the basis for the charges.

2.4 The Draft Developer Contributions SPD identifies a range of contributions that the Councils may seek to secure from development, including:

- Archaeology, Conservation and the Historic Environment;
- Affordable Housing;
- Community Halls and Facilities;
- Drainage & Flood Risk Management;
- Education;
- Health;
- Open Space and Green Infrastructure incorporating:
 - Amenity Green Space;

- Allotments & Community Growing Spaces;
- Civic Space including cemetery provision;
- Formal Equipped Play Area;
- Natural / Semi natural Greenspace; and
- Parks and Gardens; and
- Transport

2.5 Obligations may be used to improve infrastructure such as measures for cyclists / pedestrians, traffic management / highway safety measures and public transport accessibility. Alternatively, obligations may be used to improve green infrastructure such as the provision of formally equipped play areas or amenity greenspace. Such minor works are provided in direct mitigation of development proposals rather than creating significant effects in their own right.

3.0 Strategic Environmental Assessment Screening

3.1 The Developer Contributions SPD must be in conformity with the Central Lincolnshire Local Plan, which contains the policies on which this SPD is based.

3.2 These policies have been appraised during their preparation and the appraisal results are reported in the Interim Integrated Impact Assessment (IIA) of the Central Lincolnshire Further Draft Local Plan. This assessed the parent policies against a range of social, economic and environmental ‘sustainability objectives’ using a range of indicators to consider the contribution that each policy makes towards the achievement of each sustainability objective. The results of the appraisals, including the other policy options which have been considered, can be viewed in full at <http://www.central-lincs.org.uk/> whilst a summary is set out in table 1 below.

Table 1 – Summary of IIA Appraisal Results for SPD Parent Policies

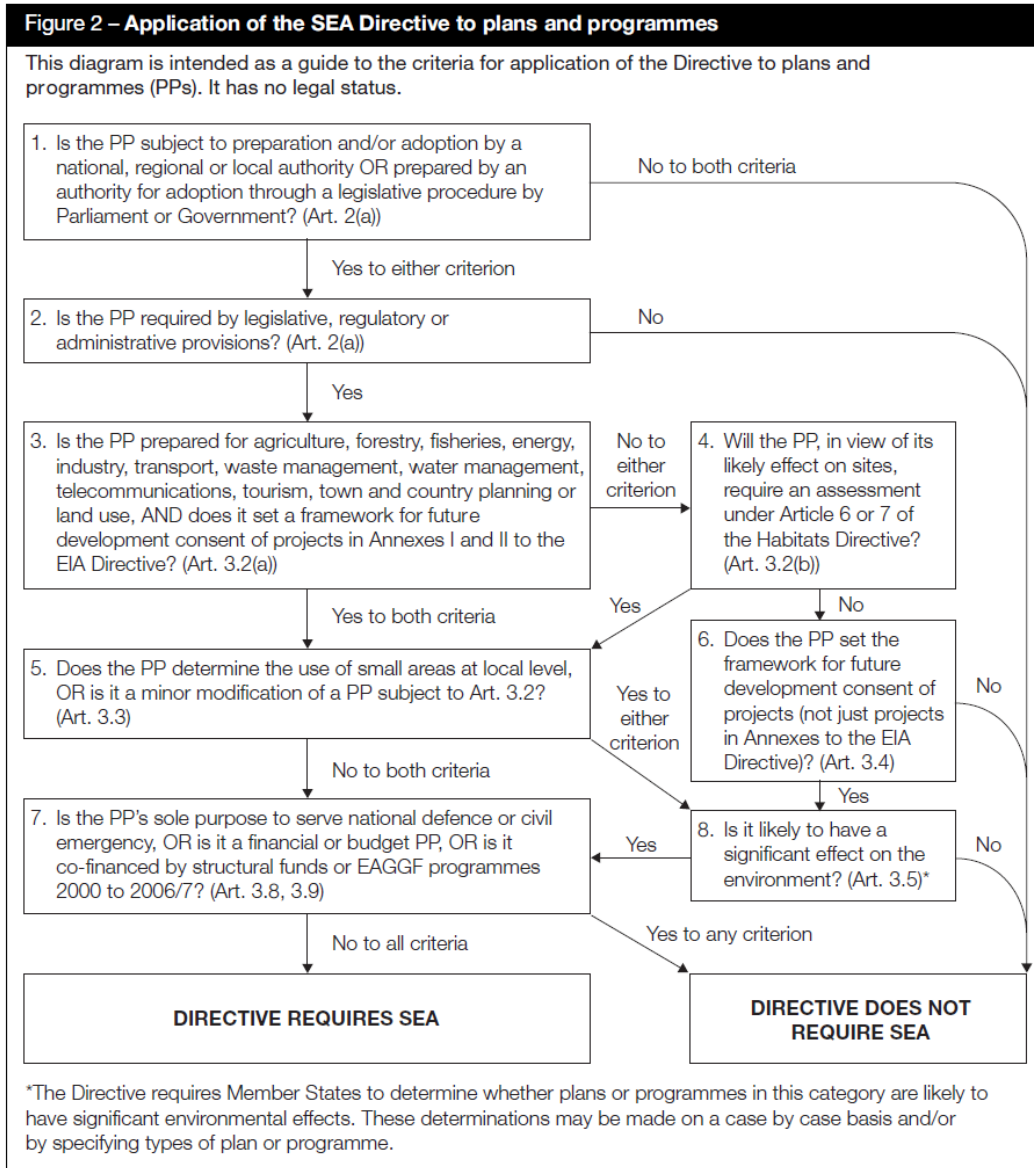
Policy	Commentary
LP9 Health and Wellbeing	The appraisal has indicated that the preferred approach would have positive impacts on a number of objectives including: Health, Social Equality and Community and Transport. This will be achieved through the provision of new / enhanced health care facilities and by requiring new facilities to relate well to public transport services and walking and cycling routes.
LP11 Meeting Housing Need	The policy allows the Central Lincolnshire Authorities to meet housing need across the plan area. It will increase the supply of affordable housing, and may consequently reduce homelessness and overcrowding. In addition the requirement for such housing to integrate seamlessly amongst private housing will help create community cohesion and prevent social exclusion by creating mixed balanced communities. Apart from those objectives

Policy	Commentary
	relating to Housing, Health and Social Equality and Community the policy has a neutral impact across all of the sustainability indicators.
LP12 Infrastructure to Support Growth	The policy to cover infrastructure provision and developer contributions will ensure that development proceeds only when appropriate infrastructure is available. The assessment shows that the policy approach would have significant positive impacts on the following objectives: Health; Social Equality and Community; Biodiversity and Green Infrastructure; Water; Climate Change Adaptation and Flood Risk; and Transport and Accessibility. It is acknowledged that by introducing new roads or increasing their capacity, it may cause increased noise pollution.
LP13 Transport	The policy in general will allow for more sustainable and healthy forms of transport by encouraging walking and cycling and by seeking provision of such infrastructure. A potential negative impact relates to possible increases in noise pollution (where new roads are in place).
LP14 Managing water resources and flood risk	The policy approach seeks to ensure that housing is adequately served by water resources and foul water treatment. In addition it aims to require the protection, improvement and sustainable use of the water environment, water efficiency and the effective management of water resources. The policy seeks to encourage sustainable drainage systems (SUDS) and suitable surface water management. It also covers issues of flood risk and climate change. As such there are positive impacts on a number of the objectives and no negative impacts have been identified.
LP15 Community Facilities	The appraisal has indicated that this approach would have positive effects on a number of the appraisal objectives in particular those relating to: Social Equality and Community; Biodiversity and Green Infrastructure; Climate Change Effects and Energy; and Transport and Accessibility. The policy could also have a positive impact on health by improving mental and emotional health through helping to create supportive communities and increasing opportunities for enhancement of existing community facilities.
LP20 Green Infrastructure Network	The policy approach is expected to lead to a number of positive effects against the IIA objectives, including significant positive effects against the objectives around Biodiversity and Green Infrastructure and Landscape and Townscape. In addition extending and improving the GI network is likely to have permanent, positive impacts on the health objective across Central Lincolnshire throughout the plan period and beyond by increasing opportunities for people to walk and cycle and partake in active recreation close to where they live and work. No negative effects were identified for this option.

Policy	Commentary
LP24 The Historic Environment	The policy has significant positive impact on the Built and Historic Environment, and Landscape and Townscape objectives. There are also positive impacts on some of the social objectives such as Health and Social Equality and Community for example well managed built environments can help improve mental health and wellbeing as well as promote healthy lifestyles by ensuring access to places that provide opportunities for activities, education and learning. The assessment acknowledges that the requirement to conserve and enhance built and historic assets could restrict growth.
LP26 Open Space, Sports and Recreation Facilities	The policy is likely to lead to a number of benefits in relation to the IIA objectives, with significant positive effects against the Health; Social Equality Community; and Biodiversity / Green infrastructure objectives. The policy specifically requires development to provide new or enhanced provision of open space for sport, play and recreation close to where people live. Further positive impacts were assessed against landscape/townscape, climate change effects, climate change adaptation and transport IIA objectives
LP28 Sustainable Urban Extensions	The policy has both positive and neutral effects. In respect of positives these include; increasing the range of housing, providing pitches to contribute to meeting the accommodation needs of Gypsies and Travellers, and promoting more sustainable travel patterns which will reduce the number and length of journeys undertaken by car and utilise and enhance existing transport infrastructure.

3.3 The Government guidance³ provides a checklist approach based on the SEA regulations to help determine whether SEA is required. This guide has been used as the basis on which to assess the need for an SEA of the SPD as set out below. The diagram on page 6 below is taken from page 13 of the government guidance entitled Figure (2) illustrates the process that has been followed.

³ Office of the Deputy prime Minister 'A Practical Guide to the Strategic Environmental Assessment Directive'<https://www.gov.uk/government/publications/strategic-environmental-assessment-directive-guidance>



3.4 Table 2 below sets out the 8 questions identified in the diagram above and provides an answer with regard to the proposed Developer Contributions SPD

Table 2 - Application of SEA Directive to Developer Contributions SPD

Establishing the need for SEA	Answer	Reasons
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 of Government (Article 2(a))	Yes	The SPD is to be adopted by the Central Lincolnshire Authorities (City of Lincoln, West Lindsey, North Kesteven) subject to consultation

Establishing the need for SEA		Answer	Reasons
2	Is the SPD required by legislative, regulatory or administrative provisions? (Article 2(a))	Yes	The emerging Central Lincolnshire Local Plan refers to the need for the SPD to provide guidance on the implementation of Policy LP12.
3	Is the SPD prepared for agriculture, forestry, fisheries, energy, industry, transport, waste 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	The SPD will be for Town and Country planning purposes and will set a framework for future development consents of projects listed in Annexes 1 and 2 of the EIA Directive ⁴ .
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))	No	A Habitats Regulations Assessment screening report of the Central Lincolnshire Further Draft Local Plan is being undertaken. Because the SPD will supplement the Local Plan it is not considered necessary for a further HRA assessment to be undertaken for the SPD.
5	Does the SPD determine the use of small areas at local level, OR is it a minor modification of a plan subject to Article 3.2? (Article 3.3)	No	The advice outlined in the Draft SPD covers the three districts of Central Lincolnshire and is not to determine the use of small areas at local level. It does not determine the use of land or allocate land or identify sites for housing. It is not a minor modification of a PP, but provides guidance on policies in the emerging Central Lincolnshire Local Plan in particular LP12
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)	Yes	The SPD sets out the framework for the collection of developer contributions when granting consent for development.
7	Is the SPD's sole purpose to serve the national defence or civil emergency, OR is it a financial or budget plan, OR is it co-financed by structural	No	The SPD provides additional financial guidance on when planning obligations will be sought and how they will be used, and in particular expands on Policy LP12 of the

⁴ The EIA Directive (85/337/EEC) as amended in 1997, 2003 and 2009

Establishing the need for SEA		Answer	Reasons
	finds or EAGGF programmes 2000-2006/7? (Article 3.8, 3.9)		emerging Local Plan. However this is not its sole purpose, further information about its role is set out in the Draft SPD.
8	Is it likely to have a significant effect on the environment? (Article 3.5)	No	None identified. For reasons see table 3

- 3.5 Secondly, the screening process ascertains whether the Draft Developer Contributions SPD gives rise to significant environmental effects, using the criteria set out in Annex II of the SEA Directive 2001/42/EC and Schedule 1 of the Environmental Assessment of Plans and Programmes Regulations 2004.
- 3.6 Paragraph 10 of the SEA Directive only requires SEA for plans which ‘determine the use of small areas at a local level’ or, which are ‘minor modifications’ to plans, when these are determined to be likely to cause significant environmental effects. Therefore the criteria for determining the likely significance of effects as listed in SEA Directive 2001/42/EC Annex II and the Schedule 1 of the Environmental Assessment of Plans and Programmes Regulations 2004 have been reviewed to determine whether the exception applies to the draft Developer Contributions SPD.
- 3.7 Table 3 below sets out the assessment of the Draft Developer Contributions SPD issues against the SEA criteria. The results of the assessment clearly demonstrate that the SPD should not be subject to a SEA.

Table 3 Criteria for determining the likely significance of effects on the environment from Schedule 1 of the Environmental Assessment of Plans and Programmes Regulations 2004

The characteristics of the Draft Developer Contributions SPD having regard to:		
(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	The framework is set by the National Planning Policy Framework (NPPF) ⁵ , Planning Practice Guidance (PPG) ⁶ and the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). The SPD will supplement the national guidance on the use of planning obligations and will help to ensure successful implementation at a local level. The SPD will not set the framework for the allocation or levels of development within the Central Lincolnshire Districts, nor set the framework for individual projects.

⁵ <http://planningguidance.planningportal.gov.uk/blog/policy/>

⁶ <http://planningguidance.planningportal.gov.uk/blog/guidance/>

The characteristics of the Draft Developer Contributions SPD having regard to:		
(1b)	The degree to which the plan or programme influences other plans and programmes including those in a hierarchy;	The SPD will provide detailed local guidance for developer contributions for a range of infrastructure associated with development in accordance with national guidance on the use of planning obligations. It is influenced by other higher tier plans rather than influencing other plans itself.
(1c)	The relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development;	The SPD has relevance to the integration of environmental considerations and the promotion of sustainable development in terms of securing contributions towards necessary physical, social and community infrastructure. It may also help contribute to the protection and enhancement of the built and natural environmental assets within Central Lincolnshire. Creating new areas of interest, dispersing visitor pressure and providing links through to other green infrastructure could all be of benefit in providing opportunities for enjoyment of the heritage within Central Lincolnshire.
(1d)	Environmental problems relevant to the plan or programme; and	There are no specific environmental problems that are relevant to the draft SPD, although it promotes environmental sustainability through seeking to secure environmental enhancements which are necessary to make a development proposal acceptable.
(1e)	The relevance of the plan or programme for the implementation of Community legislation on the environment (for example, plans and programmes linked to waste management or water protection).	The SPD will seek to provide further details on the implementation of policies in the emerging Central Lincolnshire Local Plan and the Lincolnshire Minerals and Waste Local Plan (see appendix 4 of the SPD). These plans already comply with the regulations.
Characteristics of the effects and of the area likely to be affected, having regard, in particular to:		
(2a)	The probability, duration, frequency and reversibility of the effects;	<p>The proposed SPD will not in itself set out, guide or bring forward development plans or projects. It will purely set out a list of developer contributions which may be required for associated infrastructure.</p> <p>The duration of the effects is specific to the outcome of the planning permission but it is anticipated that this guidance will minimise</p>

The characteristics of the Draft Developer Contributions SPD having regard to:		
		detrimental effects.
(2b)	The cumulative nature of the effects;	The SPD will require a range of developer contributions. There may be positive cumulative effects particularly where new and improved Green Infrastructure is provided.
(2c)	The trans-boundary nature of the effects;	The SPD will be used to fund / provide infrastructure in the three districts of City of Lincoln, West Lindsey and North Kesteven. This may lead to positive trans-boundary effects for example where new / improved community facilities, health, education and green infrastructure are provided and which are accessible to people within the adjoining districts.
(2d)	The risks to human health or the environment (for example, due to accidents);	The SPD supports the provision of new highway schemes including traffic management which may help reduce congestion; and highways safety measures which may reduce risks to humans. In addition it allows for the provision of new and improved walking and cycling facilities which can support healthy lifestyles.
(2e)	The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);	The Draft SPD is applicable to the Districts of West Lindsey, North Kesteven and City of Lincoln. It affects a population of 290,500 and relates to new developments within a geographical area of 2,116sq.km. The SPD does not set policy. It provides a framework for implementation of the policies contained in the emerging Central Lincolnshire Local Plan
(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; or (iii) intensive land-use; and	There are a range of special natural characteristics in the three districts of Central Lincolnshire. Wildlife sites and habitats that are currently recognised as being of national, regional and local importance within or partly within Central Lincolnshire include: Bardney Limewoods National Nature Reserve, 23 Sites of Special Scientific Interest, 354 Local Wildlife Sites, 248 Sites of Nature Conservation Interest, 18 Local Geological Sites, 2 Regionally Important Geological Sites and, 7 Local Nature Reserves. There are also a range of heritage assets including Conservation Areas, Scheduled Ancient Monuments and listed buildings of various

The characteristics of the Draft Developer Contributions SPD having regard to:		
		grades. These are all largely protected, conserved and enhanced by emerging Local Plan policies. The draft SPD is unlikely to have a negative impact on these areas.
(2g)	The effects on areas or landscapes which have a recognised national, Community or protection status	There are a range of special natural characteristics in the three districts of Central Lincolnshire. Wildlife sites and habitats that are currently recognised as being of national, regional and local importance within or partly within Central Lincolnshire include: Bardney Limewoods National Nature Reserve, 23 Sites of Special Scientific Interest, 354 Local Wildlife Sites, 248 Sites of Nature Conservation Interest, 18 Local Geological Sites, 2 Regionally Important Geological Sites and, 7 Local Nature Reserves. There are also a range of heritage assets including Conservation Areas, Scheduled Ancient Monuments and listed buildings of various grades. These are all largely protected, conserved and enhanced by emerging Local Plan policies. The draft SPD is unlikely to have a negative impact on these areas.

4.0 Conclusion

- 4.1 The Draft Developer Contributions SPD does not determine the use of land or constitute a minor modification to a plan. Based on the assessment in table 3, it is demonstrated that the Draft SPD does not give rise to significant environmental effects. Therefore it is considered that the Draft SPD does not require a Strategic Environmental Assessment under the EU Directive 2001/42/EC and The Environmental Assessment of Plans and Programmes Regulations (2004).
- 4.2 The Draft Developer Contributions SPD does not give rise to significant social and economic effects. Based on the Interim Integrated Impact Assessment (IIA) of the Central Lincolnshire Further Draft Local Plan it is demonstrated that social and economic effects that are likely to arise from the draft SPD have been formally assessed in the context of the Central Lincolnshire Local Plan and no significant environmental effects have been identified that have not already been mitigated. Policy LP12 of the Draft Local Plan facilitates the production of the SPD.