

# **South Gloucestershire Council**

## **Strategic Environmental Assessment Screening Report**

### **Sustainable Drainage Systems (SuDS) Supplementary Planning Document (SPD)**

**October 2020**



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## **1. Introduction**

- 1.1 This report has been produced to determine the need for a Strategic Environmental Assessment (SEA), in accordance with the European Directive 2001/42/EC and the associated Environmental Assessment of Plans and Programmes Regulations 2004, for the proposed Sustainable Drainage Systems (SuDS) Supplementary Planning Document (SPD). The objective of SEA, as defined in the Government's guidance on strategic environmental assessment, is 'to provide for a high level of protection of the environment and contribute to the integration of environmental considerations into the preparation and adoption of plans with a view to promoting sustainable development' (Article 1).
- 1.2 The purpose of the document is therefore to undertake a screening assessment of the SPD, meeting the requirements of the European legislation, to evidence whether the plan is likely to have a significant environmental impact, in order to determine whether an SEA will be required for these particular planning documents. This process is distinct from the planning process itself and is governed by a different set of environmental regulations.
- 1.3 The SPD contains detailed advice and direction on the implementation of South Gloucestershire Core Strategy (2013) policies CS1 and CS9 and Policies, Sites and Places (PSP) Plan policies PSP20. The purpose of the SPD is to provide guidance and make developers aware of the council's policies and standards in relation to SuDS to ensure that surface water runoff is managed in a sustainable manner, enhancing the overall quality of the environment whilst minimising adverse environmental impacts.
- 1.4 The legislative background set out below outlines the regulations that require the need for this screening exercise. Section 3 provides a screening assessment of the likely significant environmental effects of the SPD and the need for a full SEA.

## **2. Legislative Background**

- 2.1 The legislative basis for Strategic Environmental Assessments is the European Union Directive 2001/42/EC. This was transposed into English law by the Environmental Assessment of Plans and Programmes Regulations 2004, commonly known as the Strategic Environmental Assessment Regulations.
- 2.2 Sustainability Appraisals (SAs) incorporate the requirements of the 2004 regulations, and hence the requirements to implement the SEA Directive, on the assessment of the effects of plans on the environment. SAs also ensure that potential environmental effects are given full consideration against social and economic issues.<sup>1</sup>
- 2.3 The Planning and Compulsory Purchase Act 2004 required Local Authorities to produce Sustainability Appraisals for all local development documents to meet the requirement of the EU Directive on SEA. However, the Town and Country Planning

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<sup>1</sup> Detailed guidance of these regulations can be found in the Government publication 'A Practical Guide to the Strategic Environmental Assessment Directive' (Dept. for Communities and Local Government (formerly ODPM) Sept. 2005).

(Local Development) (England) (Amendment) Regulations 2009 removed the requirement to undertake a Sustainability Appraisals of SPDs.

- 2.4 The 2012 Town & Country Planning Regulations superseded the 2009 amendment regulations and re-iterated that a SA was not required to be undertaken on SPDs. This is because SPDs do not normally introduce new policies or proposals, or modify those planning documents which have already been subject to a Sustainability Appraisal at a higher level. This position is confirmed in Planning Practice Guidance - Strategic environmental assessment and sustainability appraisal.
- 2.5 The Council's adopted Local Plan (comprising the Core Strategy 2013 and the Policies, Sites and Places Plan) has already been the subject of such a Sustainability Appraisal, and tested through the Examination process.
- 2.6 However the requirement to undertake a Strategic Environmental Assessment remains where a neighbourhood plan or a SPD could have significant environmental effects not previously assessed. This screening report therefore seeks to determine whether a full SEA is needed for the Sustainable Drainage Systems (SuDS) SPD by assessing the environmental impact of the document against the criteria set out in Annex II of SEA Directive 2001/42/EC



3.2 The table below shows the assessment of whether the Sustainable Drainage Systems (SuDS) Supplementary Planning Document will require a full SEA. The questions in the table are drawn from the diagram above.

**Table 1 – determining if SEA is required**

Stage	Y/N	Reason
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	The SPD is to be adopted by South Gloucestershire Council, subject to consultation. There are legislative and regulatory provisions in place for SPD preparation.
2. Is the PP required by legislative, regulatory or administrative provisions? (Art. 2(a))	Yes	It is considered that the SuDS SPD is required to provide clarity to the provisions set out in the Council's adopted Local Plan.
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	The SuDS 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.
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	The SuDS SPD is unlikely to have an impact on habitats sites (as referred to in NPPF footnote 6).
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)	No	The SuDS SPD does not determine the use of small areas at local level or constitute a modification of any plan.
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 SuDS SPD does not have Development Plan status, but will be accorded weight as a material planning consideration in the determination of planning applications.
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)	No	The SuDS SPD will not serve the national defence or civil emergency, it is not a financial or budget PP, and it is not co-financed by structural funds or EAGGF programmes.
8. Is it likely to have a significant effect on the environment? (Art. 3.5)	No	See Table 2 below.

**Table 2 – Criteria for determining if the SPD is likely to have a significant effect on the environment (criteria taken from Annex II of SEA Directive 2001/42/EC)**

1.	The characteristics of plans, and programmes, having regard, in particular, to :	Is there a significant environmental effect?	Justification
(a)	The degree to which the SPD sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources.	No	<p>The SuDS SPD will sit at the lowest tier of the development plan system. In this respect it will not set a framework for other plans and strategies. Instead it offers guidance to supplement policies within the adopted Local Plan.</p> <p>The SuDS SPD will support the local authority, developers and landowners to deliver high quality SuDS for the management of surface water runoff.</p>
(b)	The degree to which the SPD influences other plans and programmes including those in the hierarchy.	No	The SuDS SPD will sit at the lowest tier of the development plan system. In this respect it will not set a framework for other plans and strategies but offers guidance to supplement policies within the adopted Local Plan.
(c)	The relevance of the SPD for the integration of environmental considerations in particular with a view to promoting sustainable development.	No	The SuDS SPD will not provide environmental policy in their own right so do not have a significant environmental effect on environmental considerations.
(d)	Environmental problems relevant to the SPD.	No	There are no environmental problems relevant to the SuDS SPD. The SuDS SPD will not prepare policy but will supplement adopted Local Plan policy. The SuDS SPD is not to be put in place to deal with any particular environmental problems.
(e)	The relevance of the SPD for the implementation of Community legislation on the environment (for example, plans and programmes linked to waste management or water protection).	No	The SuDS SPD is not relevant to the implementation of EC legislation.

2.	Characteristics of the effects and of the area likely to be affected , having regard, in particular , to :	Is there a significant environmental effect?	Justification
(a)	The probability, duration, frequency and reversibility of the effects of the SPD	No	The SuDS SPD will not set policy.  The SuDS SPD provides detailed advice and direction on the implementation of the adopted Local Plan that are relevant to the implementation of SuDS and surface water management.
(b)	The cumulative nature of the effects of the SPD	No	As the SuDS SPD only provides advice and guidance, it will not have any cumulative effects.
(c)	The trans-boundary nature of the effects of the SPD	No	There are no trans-boundary issues across Member States; the SuDS SPD applies to South Gloucestershire administrative area only.
(d)	The risks to human health or the environment (e.g. due to accidents) of the SPD	No	There are no significant risks to human health or the environment.
(e)	The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected) by the SPD	No	The SuDS SPD covers the whole of the administrative area of South Gloucestershire. However, any environmental effects are likely to be minimal as the SuDS SPD is guidance rather than policy.
(f)	The value and vulnerability of the area likely to be affected by the SPD due to: (i) special natural characteristics or cultural heritage (ii) exceeded environmental quality standards or limit values or (iii) intensive land use	No	The SuDS SPD is being prepared to provide advice and guidance therefore the SPD will not affect the value and vulnerability of the area.
(g)	The effects of the SPD on areas or landscapes which have a recognised national, community or international protection status.	No	The SuDS SPD is being prepared to provide advice and guidance therefore will ensure protection of recognised national, community or international protection status.

#### **4. Determination of the need for SEA**

4.1 The information set out in Tables 1 and 2 shows that it is unlikely that there will be any significant environmental effects arising from the SPD. Consequently it is considered that a SEA is not required to be conducted upon the Sustainable Drainage Systems (SuDS) SPD.

4.2 The SuDS SPD will result in localised, positive, long term effects. However, none of these effects will be significant. Therefore, the Council has concluded that the SuDS SPD will not require an assessment of the significant environmental effects of the plan under the SEA Directive and Environmental Assessment Regulations. This conclusion has been reached on the basis of the content of the SuDS SPD to be published for consultation in **October 2020**.