

Districtwide Design Guide

SPD

***Strategic Environmental Assessment and
Habitat Regulations Assessment***

Screening Report

Version	Purpose	Date
1	For internal consultation with Legal	15/03/2021
2	For consultation with Statutory Consultees	04/05/2021

Districtwide Design Guide SPD

SEA/HRA Screening Report

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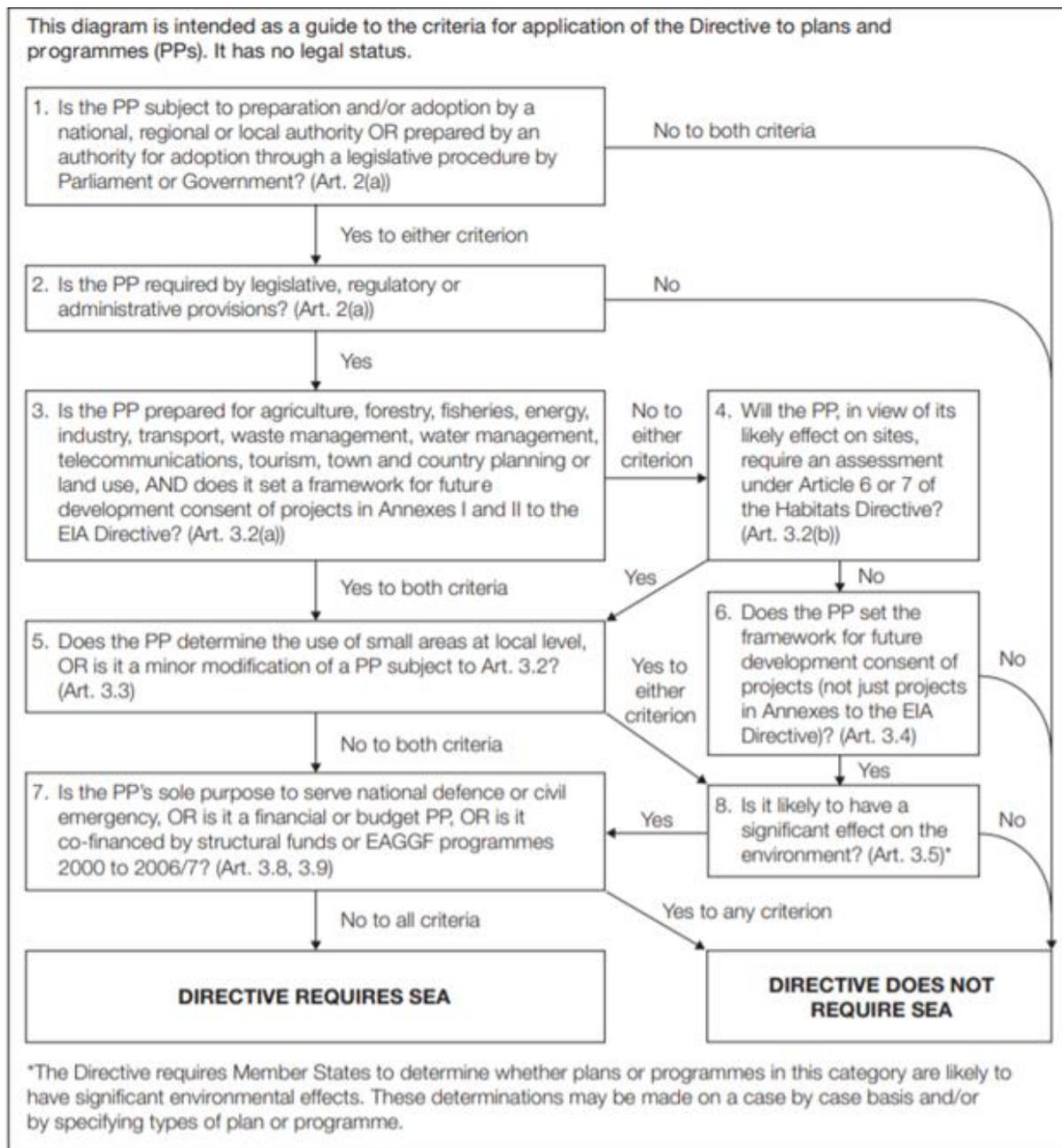
1. Introduction and Summary

- 1.1 Somerset West and Taunton Council has produced a Districtwide Design Guide which it intends to adopt as a Supplementary Planning Document (SPD). The purpose of the SPD is to guide planning applications and decisions towards the successful implementation of policies DM4 (Design) of the Taunton Deane Core Strategy, D7 (Design Quality) of the Taunton Deane Site Allocations and Development Management Plan, and NH13 (Securing High Standards of Design) of the West Somerset Local Plan to 2032. The SPD seeks a step change in the quality of new development in the district and provides additional guidance on how these and other relevant policies of the adopted development plan should be responded to in relation to securing high quality design.
- 1.2 The purpose of this Report is to determine whether the Districtwide Design Guide SPD (herein referred to as “the SPD”) should be subject to:
 - a Strategic Environmental Assessment (SEA) in accordance with European Directive 2001/42/EC (SEA Directive) and associated Environmental Assessment of Plans and Programmes Regulations 2004 (SEA Regulations); or
 - a Habitat Regulations Assessment (HRA) in accordance with Article 6(3) of the EU Habitats Directive and with Regulation 61 of the Conservation of Habitats and Species Regulations 2010.
- 1.3 Under the above pieces of legislation, an SEA is required for all plans which may have a significant effect on the environment; and an HRA is required when it is deemed that the implementation of the plan is likely to cause significant negative effects upon protected European Sites (Natura 2000 sites).
- 1.4 **The draft conclusion of the assessment is that the SPD does not require full SEA or HRA to be conducted.**
- 1.5 This draft Screening Report has been sent to the three statutory consultees designated in the regulations (Historic England, Environment Agency and Natural England) for their views. The final report will be informed by comments received.

2. SEA Screening

- 2.1 The basis for Strategic Environmental Assessments and Sustainability Appraisal legislation is European Directive 2001/42/EC (SEA Directive), transposed into English law by the Environmental Assessment of Plans and Programmes Regulations 2004 (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 objective of SEA 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 development plans.... with a view to promoting sustainable development"* EU Directive 2001/42/EC (Article 1).
- 2.3 Under Article 2(a) of the SEA Directive, a plan or programme requires an SEA to be conducted where it is:
- *"subject to preparation and/or adoption by an authority at national, regional or local level or which are prepared by an authority for adoption, through a legislative procedure by Parliament or Government, and*
 - *required by legislative, regulatory or administrative provisions."*
- According to the ODPM guidance, "administrative provisions" are *"likely to be that they are publicly available, prepared in a formal way, probably involving consultation with interested parties. The administrative provision must have sufficient formality such that it counts as a "provision" and it must also use language that plainly requires rather than just encourages a plan or programme to be prepared"*.
- 2.4 The National Planning Practice Guidance states that *"In exceptional circumstances a Strategic Environmental Assessment may be required when producing a Supplementary Planning Document"* (Paragraph: 008 Reference ID: 61-008-20190315). Therefore, the Council is legally obliged to advise on whether it is their opinion that an SEA is required or not.
- 2.5 In order to determine whether or not an SEA is required, a "screening" exercise has been undertaken by the Council. The screening evaluates the contents of the SPD against the criteria set out in the SEA Directive. These criteria are presented over the page in Figure 1.
- 2.6 Should the screening conclude that the SPD is applicable and will have a "significant impact on the environment", then a full SEA will be required. Should the conclusion be that an SEA is not required, then any future significant variations or additions to the SPD will need to be subject to further screening.

Figure 1 – Application of the SEA Directive to plans and programmes



The Districtwide Design Guide SPD

2.7 The SPD builds on and has been produced pursuant to adopted policies DM4 (Design) of the Taunton Deane Core Strategy, D7 (Design Quality) of the Taunton Deane Site Allocations and Development Management Plan, and NH13 (Securing High Standards of Design) of the West Somerset Local Plan to 2032. The purpose of the SPD is to seek a step change in the quality of new development in the district and guide planning applications and decisions towards the successful implementation of the above and other relevant policies of the adopted development plan, providing additional guidance as to how they should be responded to in relation to securing high quality design.

2.8 The SPD illustrates how the council's aspirations for maintaining and improving the quality of design can be achieved. It explains some key principles, such as

placemaking and illustrates examples through indicative drawings. It demonstrates that many measures to reduce the harmful effects of climate change can be addressed within the context of good design and placemaking. It also attempts to show how current principles of highway design and layout can be incorporated into good placemaking.

2.9 The SPD is predominantly focussed on the range of new build residential development at all scales. However, the main recommendations and suggested design process are relevant to the majority of development types. The Guide also addresses the conversion and extension of existing buildings, whether heritage assets or not.

2.10 The SPD covers the area of the Local Planning Authority, which covers the Somerset West and Taunton Council area excluding areas within Exmoor National Park (which is its own Local Planning Authority).

2.11 The SPD has been compiled with the intention of being a springboard for good design, sensitive to its context, not a straitjacket requiring strict adherence to a particular aesthetic. The processes, principles, diagrams, illustrations, topics and associated advice and guidance included within seek to amplify existing requirements of adopted planning policies and provide guidance on how these requirements can be successfully responded to. Therefore, and by definition, the SPD sits as supplementary to these adopted plans. The SPD includes no policies and does not allocate any land for development.

2.12 The Districtwide Design Guide will be adopted as SPD and as such become a material consideration in the determination of relevant planning applications. This means that the SPD will carry weight in the decision-making process, although it will not in itself be part of the adopted development plan. Planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. Provided regard is had to all material considerations, it is for the decision maker to decide what weight is to be given to the material considerations in each case.

The SEA Screening Assessment

2.13 Table 1, below contains the criteria from Figure 1, above. It identifies whether the Council considers the answer to each criterion to be Yes or No, and gives the reason for this conclusion.

Stage	Y/N	Reason
1. Is the Plan or Programme (PP) 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))	Y	The SPD has been prepared and will be adopted as SPD by Somerset West and Taunton Council in line with the procedure set out in the Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Plans)(England) Regulations 2012.
2. Is the PP required by legislative, regulatory or administrative provisions? (Art. 2(a))	Y	The SPD is not formally <i>required</i> by any legislative, regulatory or administrative provisions. However, Paragraph 126 of the NPPF states that “ <i>To provide maximum clarity about design expectations at an early stage, plans or supplementary</i>

		<p><i>planning documents should use visual tools such as design guides and codes”, and the national Planning Practice Guidance suggests that “to be given as much weight as possible in the decision-making process, Design Guides should be adopted as SPDs”. So, whilst a design guide is not required, it is recommended/encouraged. The SPD will be publicly available and has been prepared in accordance with the above mentioned legislative and regulatory processes.</i></p>
<p>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))</p>	N	<p>The SPD has been prepared for the purposes of town and country planning and informing consideration of development proposals which may include those associated with forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism and other land uses, including potentially in relation to some of the projects referred to in Annex I and/or II of the EIA Directive. However, the SPD does not set the framework for future development consent of such projects as this is already set by the existing adopted local plans covering the SWT district. The SPD merely provides additional guidance in relation to the design of such development proposals, and how specific adopted planning policies might be responded to in relation to securing high quality design.</p>
<p>4. Will the PP, in view of its likely effect on sites, require an assessment under Article 6 or 7 of the Habitats Directive? (Art. 3.2(b))</p>	N	<p>See section 3 of this Screening Report in relation to HRA Screening.</p>
<p>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)</p>	N	<p>The SPD does not set the framework for future development consent of such projects as this is already set by the existing adopted local plans covering the SWT district. The SPD merely provides additional guidance in relation to the design of such development proposals, and how specific adopted planning policies might be responded to in relation to securing high quality design. The SPD does contain specific criteria and conditions designed to guide development proposals in responding to adopted</p>

		planning policies, which the Council as the Local Planning Authority would take account of as a material consideration in determining an application for planning permission. However this is pursuant to the already adopted planning policies which have previously been subject to Sustainability Appraisal (SA) incorporating Strategic Environmental Assessment (SEA). In addition, the SPD will influence the production of a new Local Plan to 2040, the policies of which will be subject to SA/SEA as a matter of course in the development of that Plan.
8. Is it likely to have a significant effect on the environment? (Art. 3.5)	N	See screening assessment for environmental effects in Table 2 of this report, below.

2.14 Criterion 8 requires an assessment of whether the SPD is likely to have a significant effect on the environment in reference to Article 3.5 of the SEA Directive. Schedule 1, Annex II of the SEA Regulations contains the criteria for determining the likely significance of effects on the environment. Table 2, below contains the criteria from Schedule 1 Annex II of the SEA Regulations and an assessment of whether the Plan would likely have a significant environmental effect or not.

Table 2 – Environmental impact screening assessment

Criteria for determining the likely significance of effects (Schedule 1 of SEA regulations)	Is the strategy likely to have a significant environmental effect?	Justification for Screening Assessment
The characteristics of plans and programmes:		
a) 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;	N	The SPD has been produced in conformity with the National Planning Policy Framework and influenced by the Planning Practice Guidance and National Design Guide. The SPD provides guidance as to how development proposals should respond to existing adopted planning policies including with regards to their detailed location (within a site rather than where the site is) and the nature of the development's design which may include the size and influence the operation conditions of the prospective development. However, the framework is set by the adopted development plan policies. The SPD will not influence the spatial distribution, scale or type of development that

		<p>may come forward across the district, or suggest how appropriate or otherwise a development might be in relation to these factors, which are set by the development plan. The SPD does not allocate any resources. The overall intent of the SPD is to encourage and guide development towards delivering on the positive environmental and sustainable design requirements of adopted planning policy.</p>
<p>b) the degree to which the plan or programme influences other plans and programmes including those in a hierarchy;</p>	<p>N</p>	<p>The SPD has been produced in conformity with the National Planning Policy Framework and influenced by the Planning Practice Guidance and National Design Guide. It will influence the development of site-specific masterplans, design codes and other design processes which would be prepared by planning applicants in order to respond to existing adopted planning policies. The SPD will influence policy development for the new Local Plan to 2040, however, the Local Plan to 2040 will, once prepared and adopted sit above the SPD in the hierarchy and will be subject to its own Assessment. In this way, the SPD will influence the production of other plans and programmes. However, it is considered that the degree of influence of the SPD is limited in relation to these plans and programmes which will be influenced by a wide range of factors. With regards to influence of site-specific design processes the SPD is intended to influence these to a high degree, and it should therefore result in positive environmental effects, particularly with regards to the immediate built (including historic) and natural environment in and around a site. However, as just one factor influencing development proposals, and as a material consideration only, it is unlikely that the SPD would have a significant effect on proposals, or any environmental effects which may arise from a specific development proposal which will be far more influenced by site context, developer intentions, adopted planning policy, and national policy and guidance. Furthermore, the illustrative nature of much of the guidance contained within is intended to provide examples of how developments might respond to particular topics in responding to adopted planning policy and in some cases aspiring to higher standards, but do not set requirements in</p>

		<p>themselves. With regards to the Local Plan to 2040, the degree of influence is much less, and the new Plan would have the freedom to choose to take a different path on issues covered by the SPD if so wished as it will be subject to a separate Assessment.</p>
<p>c) the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development;</p>	N	<p>The SPD is specifically aimed at promoting sustainable development, but has a particular focus on design. The high quality design that the SPD promotes is integral to sustainable development and will result in environmental (e.g. visual impact), social (e.g. health and wellbeing improvement) and economic (e.g. encouraging inward investment) benefits to the area. The SPD does not cover all aspects of sustainable development, however, this is not its intention or place. The integration of a wide range of social, economic and environmental factors has already been assessed and achieved via the existing adopted development plans. The relevance and influence of the SPD will be balanced in decision making alongside all relevant policies of the development plan and other material considerations with a view to promoting sustainable development in the round. Therefore, the SPD has relevance to the integration of environmental considerations as part of promoting sustainable development. However, the effects of the SPD in this regard are unlikely to be significant as the balance of different social, economic and environmental factors is already determined at a strategic level by the adopted development plan and will be balanced on a case-by-case basis in determination of planning applications.</p>
<p>d) environmental problems relevant to the plan or programme;</p>	N	<p>The SPD addresses environmental problems associated with the design of places, buildings and the spaces in between, specifically aiming to result in development which avoids and minimises and mitigates negative design-associated environmental impacts. This includes promoting positive strategies for the avoidance, minimising and mitigation of environmental problems such as landscape and visual impact, impacts upon designated and non-designated heritage assets, air quality, flood risk, health and wellbeing, carbon emissions and resilience to climate change amongst others. The SPD will not be the only factor informing the design</p>

		<p>response of development proposals in relation to these environmental problems. Therefore, it is difficult to quantify the contribution of the SPD as a part of this. The SPD is designed to encourage positive responses, building on local and national policies and guidance, resulting in positive impacts and effects upon the environment. However, the effects of the SPD in this regard are unlikely to be significant as the adopted development plan is the primary driver for how developments will respond to these issues. The SPD provides additional guidance to help clarify how development proposals can meet with existing policy requirements in this regard.</p>
e) 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).	N	<p>The SPD is not directly relevant to the implementation of European legislation including the Water Framework Directive.</p>
Characteristics of the effects and of the area likely to be affected:		
a) the probability, duration, frequency and reversibility of the effects;	N	<p>The SPD is intended to encourage development proposals which deliver positive environmental effects. The likelihood of these effects occurring is unknown as this is dependent on consideration and determination of individual planning applications where the full range of planning policies and material considerations must be taken into account. However, the intention would be that the SPD generally influences development proposals to deliver positive environmental effects in every case, and once implemented, these effects would generally be permanent. However, the environmental effects resulting from application of the SPD are unlikely to be significant.</p>
b) the cumulative nature of the effects;	N	<p>The SPD will in combination with other plans, policies and guidance of this nature locally, regionally, nationally and internationally, have a positive effect on the environment, and the strength of these plans, policies and guidance is amplified when consistent and considered together. However, in isolation, its effects will be more limited and are unlikely to be significant whether alone or cumulatively.</p>

c) the transboundary nature of the effects;	N	There would be no transboundary effects.
d) the risks to human health or the environment (for example, due to accidents);	N	The SPD promotes high quality sustainable design which would contribute towards the mitigation of risks to human health and the environment, including in relation to health and wellbeing (for instance through placemaking and street design which encourages walking and cycling which may result in reduced air quality concerns and improved physical and mental health for individuals). However, the specific impacts of the SPD guidance in relation to specific development proposals, and the effects these result in are not clear at this stage. However, the effects are likely to be positive although unlikely to be significant.
e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);	N	The SPD covers the extent of the Somerset West and Taunton Local Planning Authority area (i.e. the district minus those areas within Exmoor National Park). The SPD will influence development proposals, and as such will therefore only be relevant to specific areas and populations within the district where development takes place. Generally, the effects are likely to be positive and unlikely to be significant.
f) 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	N	The district of Somerset West and Taunton has a number of special natural, cultural and heritage characteristics which are specific to the district or wider area, including a relatively high concentration of historical assets including Listed Buildings, Conservation Areas and Scheduled Ancient Monuments. The SPD identifies these characteristics and provides guidance on how development proposals should respond to these in different cases and locations across the district. As such the SPD should contribute towards positive effects on these areas of the district, which may otherwise be adversely impacted by development proposals. The district includes natural areas particularly vulnerable to exceedance of environmental quality standards, including in relation to phosphate loading of the Somerset Levels and Moors Ramsar site. The SPD is unlikely to directly influence or impact upon this vulnerability or the unfavourable status of this protected site, However, strategies for mitigating impacts upon the site may be able to build upon objectives for Green Infrastructure and

		sustainable drainage solutions advocated by the SPD. The district hosts two Air Quality Management Zones. Successful implementation of the SPD may help to reduce air quality impacts of new development on these and other areas through the creation of streets and places which foster sustainable movement. The SPD encourages development proposals to make best use of land, including through appropriate intensification of the urban area and development of infill plots, however, the high quality design it seeks to deliver would avoid inappropriately intensive land use.
g) the effects on areas or landscapes which have a recognised national, Community or international protection status.	N	The SPD is intended to promote design solutions which respond effectively and appropriately to the contexts in which they are sited, including in relation to protected and valued landscapes. The SPD covers the parts of the Quantock Hills and Blackdown Hills AONBs which fall within the district as well as areas which fall outside these designations but would impact upon their settings. The setting of Exmoor National Park is also a key consideration in parts of the district covered by the SPD. The environmental effects upon these designations resulting from this SPD are likely to be positive and unlikely to be significant.

SEA Screening Conclusion

2.15 It is the opinion of the Council that the Districtwide Design Guide SPD does not require Strategic Environmental Assessment. However, it is important that as relevant individual development proposals are developed, they are subject to project level Environmental Assessment as appropriate, in order to understand whether significant effects may arise.

3. HRA Screening

- 3.1 The basis for Habitat Regulations Assessment legislation is the European Habitats Directive 92/43/EEC (Habitats Directive), transposed into English law by the Conservation of Habitats and Species Regulations 2017 (Habitat Regulations).
- 3.2 The Habitats Directive and Regulations afford protection to plants, animals and habitats that are rare and vulnerable in a European context. Habitats Regulations Assessment (HRA) is a systematic process through which plans or projects are assessed for likely impact on the integrity of European Sites. European Sites, (also referred to as Natura 2000 sites), consist of Special Protection Areas (SPA), Special Areas of Conservation (SAC); Potential Special Protection Areas and candidate Special Areas of Conservation (pSPA and cSAC); and listed or proposed Ramsar sites.
- 3.3 There are seven Natura 2000 sites within the Somerset West and Taunton district, as set out in Table 3 below:

Table 3 – European Sites / Natura 2000 sites within Somerset West and Taunton district.

European Sites / Natura 2000 sites
Exmoor and Quantock Oak Woodlands SAC
Hestercombe House SAC
Holme and Clean Moor SAC
Quants SAC
Severn Estuary SPA/SAC/Ramsar
Somerset Levels and Moors SPA/Ramsar
Exmoor Heaths SAC

- 3.4 Article 6(3) of the Habitats Directive states that:
“Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans and projects, shall be subject to appropriate assessment of its implications for the site in view of the site’s conservation objectives”.
- 3.5 Under the Habitat Regulations, the Council is considered to be a “competent authority”. Regulation 63(1) of the Habitat Regulations states that:
“A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which –
a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and
b) is not directly connected with or necessary to the management of that site,
must make an appropriate assessment of the implications of the plan or project for that site in view of that site’s conservation objectives.”
- 3.6 The first stage of the HRA process is to establish whether a “*significant effect*” is likely. This is referred to as screening. If the screening assessment concludes that a significant effect is not likely then no further action is required. If the screening assessment identifies potential effects and deems them to be significant, then further “*Appropriate Assessment*” is required.

- 3.7 In order to establish whether the SPD is likely to have any significant effects upon the European Sites, this Screening assessment considers the SPD in relation to four steps based around the Screening methodology set out in the Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC (European Commission 2001) as set out in Table 4, below.

Table 4 – Screening steps and responses

Question	Y/N	Reason
1. Is the PP directly connected with, or necessary to the management of a European site for nature conservation?	N	The SPD provides detailed guidance on the implementation of existing planning policies relating to the design of new development. In theory, new development proposals connected with or necessary to the management of a European site could come forward and in which case the SPD would be a material consideration in the determination of any related planning application. However, this is unlikely and the SPD does not directly influence or set policy necessary to the management of any European Site.
2. Are there any other PPs that could in combination with this PP have potential to have significant effects upon a European Site?	Y	The SPD has been produced pursuant to existing adopted planning policies in the adopted development plan, the comprising plans of which and the specific policies off of which this SPD hangs have been all been subject to Appropriate Assessment. As a result of this, the adopted plans include policies and mitigations to ensure that significant effects do not arise in relation to the European Sites. Subsequent to adoption of these existing adopted development plans, an issue has arisen whereby it has been identified that new development is contributing towards unacceptable phosphate levels in the Somerset Levels and Moors. The result of this is that the Somerset Levels and Moors Ramsar site is considered to be in an 'unfavourable state' and as such there is currently a constraint on the consent of new development which may result in further raising of phosphate levels until such point when a suitable mitigation solution has been identified and developed through a Phosphates Strategy. The effect of the SPD in combination with current adopted planning policies and the emerging Phosphates Strategy and other material considerations is that there are multiple, sometimes competing factors which new development has to try and respond to / satisfy. In some cases, development viability may result in a need to prioritise different elements whilst retaining the need to contribute towards the achievement of sustainable development. In this case, mitigating phosphate impacts upon the Somerset Levels and Moors and any other potential significant effects of a proposed development upon European Sites would need to take priority over compliance with the SPD. It's status as an SPD and material consideration in the determination of planning applications means that where necessary and

		appropriate there can be flexibility for development proposals in their responses. There may be synergies between the implementation of the SPD and ensuring no significant effects arise from new development, particularly in relation to Green Infrastructure and sustainable drainage solutions advocated by the SPD. The new Local Plan to 2040 the production of which will be influenced by the SPD may have potential to have significant effects upon a European Site. However, these effects are not yet known and the Local Plan process will be subject to Appropriate Assessment as a matter of course. The HRA published alongside the Local Plan 2040 Issues and Options document earlier in 2020 describes the characteristics and potential issues of relevance for each of the European Sites and assesses the Local Plan policy options for likely effects upon the Sites.
3. Are there likely to be any potential effects upon the identified European Site(s)?	N	The SPD has been produced pursuant to existing adopted planning policies in the adopted development plan, the comprising plans of which and the specific policies off of which this SPD hangs have been all been subject to Appropriate Assessment. As a result of this, the adopted plans include policies and mitigations to ensure that significant effects do not arise in relation to the European Sites. The SPD will not result in development itself, rather guide development in relation to high quality design and responding to these existing adopted planning policies. As such, there are not anticipated to be any likely potential effects upon the identified European Sites as a result of the SPD.
4. What is the significance of the effects upon the identified European Site(s)?	N/A	No likely potential effects are anticipated as a result of the SPD.

HRA Screening Conclusion

3.8 It is the opinion of the Council that the Districtwide Design Guide SPD does not require Appropriate Assessment under HRA legislation. However, it is important that as the detail of relevant individual projects developed, they are screened so that it can be understood whether significant effects may arise.