

# **Bedford Development Plan Houses in Multiple Occupation Supplementary Planning Document**

## **SUSTAINABILITY APPRAISAL SCREENING**

### **Introduction**

The purpose of this document is to assess whether the Council's Houses in Multiple Occupation (HMO) Supplementary Planning Document should be subject to sustainability appraisal. Sustainability appraisal is the process of ensuring that a plan or policy contributes to sustainable development. There is an international and national commitment to achieving sustainable development, and this has been incorporated into laws, guidance and advice. One of the means by which sustainable development can be achieved is through the land-use planning process.

### **Background**

The Planning and Compulsory Purchase Act 2004 requires that local development documents prepared as part of the Development Plan be subject to a process of sustainability appraisal.

In addition to the Government's requirement for a sustainability appraisal, EU Directive EC/2001/42 also requires that an assessment of the environmental effects of certain plans and policies (including planning documents) is undertaken. There is a large amount of overlap between the EU 'strategic environmental assessment' (SEA) and the UK sustainability appraisal process. Guidance on how the SEA requirements can be met whilst undertaking a sustainability appraisal is set out in the Government's online Planning Practice Guidance and in the earlier guidance *Sustainability Appraisal of Regional Spatial Strategies and Local Development Frameworks*, 2005. Unless otherwise stated in this document it should be assumed that references to sustainability appraisal incorporate the requirements of SEA.

The Planning Act 2008 removed the requirement to prepare a sustainability appraisal report for supplementary planning documents. The reason for this is that it involved duplication, since supplementary planning documents have to be in conformity with an overarching Development Plan Document which had already been the subject of sustainability appraisal. The Town and Country Planning (Local Development) (England) (Amendment) Regulations 2009 removes the blanket requirement, but advises that each supplementary planning document should be screened for whether there are impacts that have not been covered in the appraisal of the parent Development Plan Document or whether an assessment is required by the SEA Directive.

The online Planning Practice Guidance states that supplementary planning documents do not require a sustainability appraisal but may in exceptional circumstances require a strategic environmental assessment if they are likely

to have significant environmental effects that have not already have been assessed during the preparation of the relevant strategic policies.

It also states that a strategic environmental assessment is unlikely to be required where a supplementary planning document deals only with a small area at a local level (see regulation 5(6) of the Environmental Assessment of Plans and Programmes Regulations 2004), unless it is considered that there are likely to be significant environmental effects.

Before deciding whether significant environmental effects are likely, the local planning authority will need to take into account the criteria specified in schedule 1 to the Environmental Assessment of Plans and Programmes Regulations 2004 and consult the consultation bodies defined in the regulations.

### **HMO Supplementary Planning Document**

The HMO Supplementary Planning Document will give guidance on the implementation of the Bedford Local Plan 2030 policies 2S, 30, 31, 32 and 33 which cover the following issues:

- **2S - Healthy Communities** particularly “ii. To have a positive relationship with the surrounding area, integrating well with and complementing the character of the area in which the development is located”
- **30 - Impact of Development - design impacts**, ensuring positive contributions to the area’s character and identity, promote accessibility and permeability and the incorporation of measures to promote community safety ensuring private and public amenity spaces are clearly defined and integrate functional needs such as refuse/ recycling storage and collection points, car and cycle parking.
- **31 - The impact of development - access impacts** which relates in part to parking provision, safety or general disturbance and access arrangements
- **32 - The impact of development - disturbance and pollution impacts** which covers a range of considerations such as noise, vibration, smell, tranquillity, the suitability of the existing environment and factors which might give rise to disturbance of neighbours including overlooking, crime and community safety
- **33 - The impact of development - infrastructure impacts** which seeks to ensure that proposals are not harmful (including cumulative impacts) on the adequacy of existing infrastructure for example on utilities, schools, health and community facilities.

### **Objectives of the Supplementary Planning Document (SPD)**

The SPD seeks to provide guidance to manage the development of HMOs and their impact on visual character, appearance and amenity in addition to ensuring that they provide a high standard of living for prospective residents.

It aims to provide guidance for those who intend to convert, use or develop properties for multiple occupation about the Council's requirements and standards for houses in multiple occupation.

It will ensure that HMOs contribute to providing housing for residents that require them and that proposals contribute to a well-designed place having regard to safety and security through design-led interventions. It will provide tools to ensure that proposals do not result in cumulative impacts that have an adverse impact on the built and historic environment.

### **Local Plan 2030 Sustainability Appraisal**

The policies upon which the SPD gives guidance have already undergone sustainability appraisal as part of the local plan-making process. At each stage environmental and sustainability considerations were integrated with the plan-making process through the publication of sustainability appraisal documents to inform public consultation. The sustainability appraisal process used a framework of objectives and decision-making questions to describe, analyse and compare the potential environmental and sustainability effects of the local plan. This framework is known as the "sustainability appraisal framework" and was developed and refined through consultation with the statutory environmental consultation bodies (the Environment Agency, Natural England and Historic England) through a Scoping Report.

The local plan's objectives, policies, sites and reasonable alternatives were all appraised against the sustainability appraisal framework. In undertaking the sustainability appraisal in parallel with the local plan, the findings of the sustainability appraisal were integrated into the plan prior to the publication of each consultation stage. Comments on the sustainability appraisal were invited through each public consultation and where appropriate, changes were made to the sustainability appraisal documents or local plan to reflect the results of consultation. The Environment Agency, Natural England and Historic England were consulted at each stage as statutory consultees and this ensured that the sustainability appraisal addressed the key environmental considerations required by the regulations. A copy of the Sustainability Appraisal Report is published on the Council's website at [www.bedford.gov.uk/localplan2030](http://www.bedford.gov.uk/localplan2030).

### **Assessment**

The principal question to be asked is whether the SPD is likely to have significant environmental effects that have not already have been assessed during the preparation of the relevant policies. Appendix 1 shows the results of the Council's SEA screening for the HMO SPD. This screening demonstrates that the SPD is unlikely to have significant effects on the environment.

The SPD does not set a framework for other projects or activities as such, rather it expands upon and provides guidance of existing adopted policy. It does not therefore influence other plans or programmes and nor does it raise

new environmental issues. In terms of the characteristics of its effect and the area likely to be affected, while it may apply to the whole borough its effect will only be on proportionately very small areas. While it will seek to address minor environmental issues such as waste management and visual amenity, the individual appraisal of the local plan policies concerned has already considered all environmental effects and mitigated them wherever possible as part of the sustainability appraisal undertaken.

## **Conclusion**

As a result of the foregoing assessment, it is concluded that a sustainability appraisal of the document is not required. The proposed SPD provides no more than guidance on matters which are in adopted policy. It does not create new policy in itself or result in development that was not intended in the adopted policies. It is reasonable to assume that the SPD does not have any sustainability effects that were not envisaged in the original policies. It can similarly be concluded that a separate assessment to fulfil the requirements of the SEA Directive is not required.

This screening has been undertaken in consultation with the statutory environmental consultation bodies (the Environment Agency, Natural England and Historic England) and a copy of their responses is attached in Appendix 2.

## Screening Assessments of the HMO SPD

The document “A Practical Guide to the Strategic Environmental Assessment Directive” (ODPM, 2005), sets out eight criteria that should be taken into account when screening a plan or programme to determine whether it will require SEA.

SEA Screening Questions	Screening Assessment
1. Is the 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?	Yes – the SPD is prepared and adopted by a local planning authority, Bedford Borough Council.
2. Is the plan or programme required by legislative, regulatory or administrative provisions?	No. However, the specific issues are considered to pose a risk to delivering appropriate levels of amenity in the borough and the SPD has therefore been produced to help address that risk.
3. Is the plan or programme 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 the framework for future development consent for projects listed in Annexes I and II to the EIA Directive?	Yes. The SPD is intended to provide further guidance to the Local Plan, which is the town planning policy framework for Bedford borough. The Local Plan has been subject to a full sustainability appraisal (including SEA). However, the SPD will not create new policy or land-use designations.
4. Will the SPD, in view of its likely effects on sites, require an assessment under Article 6 or 7 of the Habitats Directive?	No. The Local Plan was assessed under the requirements of the Habitats Directive. As the SPD will not change or add to policy, proposals or designations within the Local Plan it is considered that further assessment is not necessary as there would be no likely effects on European Sites.
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?	Yes – the SPD will be a material consideration in the consideration of planning applications for new developments. It provides detailed guidance to adopted Local Plan policy.
6. Does the SPD set the framework for future development consent of projects	No. This framework is already set within the Local Plan. The SPD will provide

(not just projects in Annexes to the EIA Directive)?	further guidance on the relevant policies, within the Local Plan.
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 funds or EAGGF programmes 2000-2006/7?	No.
8. Is it likely to have a significant effect on the environment?	No. The purpose of the SPD is to provide guidance to assist in the interpretation of adopted policies in the Local Plan. The policies to which the SPD relates were subject to SEA (incorporated within the SA) through the Local Plan preparation process. Therefore the SPD will not itself have any significant effects on the environment, and may assist in addressing potential negative effects identified in the SEA of the relevant adopted policies. See table below for detailed assessment.

### Criteria for determining the likely significance of effects on the environment

The table below assesses the likely significant effects of the SPD in relation to the SEA Directive Criteria as set out in the Environmental Assessment of Plans and Programmes Regulations 2004.

<b>SEA Directive Criteria Schedule 1 of Environmental Assessment of Plans and Programmes Regulations 2004</b>	<b>Summary of significant effects</b>	<b>Is there a significant environmental effect?</b>
<b>1. Characteristics of the SPD having particular regard to:</b>		
(a) The degree to which the SPD sets out a framework for projects and other activities, either with regard to the location, nature, size or operating conditions or by allocating resources.	The SPD will not set a framework for other projects or activities - it is providing additional guidance on existing policies within the Local Plan that have been subject to SEA.	No.
(b) The degree to which the SPD influences other plans and programmes	The SPD does not influence other plans and programmes as it sits at the	No.

including those in a hierarchy.	lowest tier in the hierarchy of Local Plan documents.	
c) The relevance of the SPD for the integration of environmental considerations in particular with a view to promoting sustainable development.	The SPD provides guidance on the interpretation of existing local policy along with national guidance, all of which promote sustainable development. The SPD does not introduce new policy.	No.
(d) Environmental problems relevant to the SPD.	There are no negative environmental issues associated the SPD, moreover the SPD seeks where possible to achieve environmental improvements.	No.
(e) The relevance of the SPD for the implementation of Community legislation on the environment (for example plans and programmes related to waste management or water protection).	The SPD will supplement the Local Plan and is not relevant to the implementation of Community legislation on the environment. It will provide supplementary guidance to policies in the Local Plan.	No.
<b>2. Characteristics of the effects and area likely to be affected having particular regard to:</b>		
(a)The probability, duration, frequency and reversibility of the effects.	The SPD provides guidance aimed at ameliorating the negative impact of HMO developments. It offers guidance on the implementation of existing Local Plan policies, which have been subject to SEA.	No.
(b)The cumulative nature of the effects of the SPD.	The effects of the SPD will be largely beneficial- therefore any cumulative effects will also be beneficial, but within the scope of those identified in the SA / SEA of the Local Plan.	No.
(c)The trans boundary nature of the effects of the SPD.	The SPD does not have any transboundary effects.	No.
(d)The risks to human health or the environment (e.g. due to accident).	No risks to human health or the environment are envisaged to occur through the application of this SPD.	No.
(e)The magnitude and spatial extent of the effects (geographic area and size of the population likely to be affected) by the SPD.	The SPD will be applied to all relevant proposals in the borough, although the effects of the SPD will be more likely felt at a more local scale (i.e. the site or neighbourhood).	No.

<p>(f)The value and vulnerability of the area likely to be affected by the SPD due to:</p> <ul style="list-style-type: none"> <li>• special natural characteristics or cultural heritage</li> <li>• exceeded environmental quality standards or limit values</li> <li>• intensive land use.</li> </ul>	<p>The SPD provides guidance on the implementation of existing Local Plan policies, which have been subject to SEA. It does not propose any new development over and above that assessed within the Local Plan</p>	<p>No.</p>
<p>(g)The effects of the SPD on areas or landscapes which have recognised national Community or international protected status.</p>	<p>The SPD provides guidance on the implementation of existing Local Plan policies, which have been subject to SEA. It does not propose any new development over and above that assessed within the Local Plan</p>	<p>No.</p>

### Statutory consultee responses

Environment Agency (received 29/4/20 by email) - We agree with the conclusions your Authority have reached.

Historic England (received 13/5/20 by letter) - With respect to the Screening Opinion, in terms of our area of interest, given the nature of the SPD, we would concur with your assessment that the document is unlikely to result in any significant environmental effects and will simply provide additional guidance on existing Policies contained within an Adopted Development Plan Document which has already been subject to a Sustainability Appraisal/SEA. As a result, we would endorse the Authority's conclusions that it is not necessary to undertake a Strategic Environmental Assessment of this particular SPD.

Natural England (received 23/5/20 by email) - Whilst we welcome this opportunity to give our views, the topic of the Supplementary Planning Document does not appear to relate to our interests to any significant extent. We therefore do not wish to comment.