

Draft Screening Assessment on the
determination of the need for Strategic
Environment Assessment and
Sustainability Appraisal for the Nuneaton
and Bedworth Planning for a Healthier
Area - Hot Food Takeaways Supplementary
Planning Document (SPD)

October 2019

1. Introduction

- 1.1 Nuneaton and Bedworth Borough Council has prepared a Planning for a Healthier Area – Hot Food Takeaways SPD which provides advice and guidance in support of policies in the Nuneaton and Bedworth Borough Plan 2011-2031¹.
- 1.2 This document is a screening report to determine if the SPD will require a Strategic Environmental Assessment (SEA) in accordance with the ‘European Directive 2001/42/EC’² and associated ‘Environmental Assessment of Plans and Programmes Regulations 2004’³.

2. Background

- 2.1 The Nuneaton and Bedworth Borough Plan 2011-2031 was adopted in July 2019. The policies to which the SPD refers have been subject of an integrated Sustainability Appraisal (SA) and Strategic Environmental Assessment (SEA)⁴ produced in line with the requirements of ‘The Environmental Assessment of Plans and Programmes Regulations 2004’
- 2.2 The details of the policy HS7 are presented below:

Policy HS7 – Creating a healthier food environment

To limit development of environments that encourage obesity, A5 uses (hot-food take-aways) should be directed to town centres as set out in Policy TC3 – Hierarchy of centres. Outside of Nuneaton and Bedworth town centres, A5 use proposals will be permitted providing:

- The proposal is not within a 400 m radius of the principal point of access to an existing secondary school or sixth form college. This will not apply when the buffer zone overlaps with a town or local centre.

¹ Nuneaton and Bedworth Borough Plan 2011-2031 <https://nuneatonbedworthboroughcouncil.sharefile.eu/d-s56969f3fadf4b108>

² European Directive 2001/42/EC <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32001L0042&from=EN>

³ Environmental Assessment of Plans and Programmes Regulations 2004 <http://www.legislation.gov.uk/ukxi/2004/1633/contents/made>

⁴ Nuneaton and Bedworth Borough Plan Sustainability Assessment August 2018 https://www.nuneatonandbedworth.gov.uk/download/downloads/id/2699/borough_plan_sustainability_appraisal_2018_v2.pdf

- The proposal does not jeopardise the provision of an essential local service.
- The proposal does not increase the number of units under the A5 use class to over 20% of the centre's total usage.
- Customer visits by car would not unacceptable impact on existing or proposed public transport provision, traffic movements, road or pedestrian safety.
- A sequential assessment is provided which demonstrates that there are no other sequentially preferable sites.

Proposals should be in accordance with the supplementary planning document 'Planning for a healthier area – Nuneaton and Bedworth'.

2.3 Supplementary Planning Documents are produced to provide detailed advice and guidance on policies in Local Plans.

2.4 The National Planning Policy Framework⁵ (NPPF) describes SPDs as:

“Documents which add further detail to the policies in the development plan. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design. Supplementary planning documents are capable of being a material consideration in planning decisions but are not part of the development plan”. (page, 72)

2.5 The Planning for a Healthier area – Hot Food Takeaways SPD produced to support the Nuneaton and Bedworth Borough Plan provides information and guidance on the following topics:

- Proximity to schools
- Concentration and clustering of hot food takeaways
- Environment considerations

3. Strategic Environment Assessment

3.1 A Strategic Environmental Assessment (SEA) concerns the evaluation of the environmental impacts of a plan or programme. The requirement for an SEA is detailed in the 'European Directive 2001/42/EC' which is adopted into UK legislation as the 'Environmental Assessment of Plans or

⁵ National Planning Policy Framework

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779764/NPPF_Feb_2019_web.pdf

Programmes Regulations 2004'. Local Plans often comply with SEA requirements by being the subject of a Sustainability Appraisal.

- 3.2 Planning Practice Guidance⁶ states that Supplementary Planning Documents are not required to be accompanied by a Sustainability Appraisal. In exceptional circumstances, a SPD may require a SEA if they are likely to have significant effects on the environment which have not been assessed as part of the Local Plan SA.
- 3.3 A screening process has been followed to assess if the Planning for a healthier area – Hotfood Takeaways SPD produced by Nuneaton and Bedworth Borough Council requires a SEA

4. Screening Process

- 4.1 To determine if a SPD is likely to have significant environment effects, Planning Practice Guidance recommends local planning authorities consider the criteria specified in [schedule 1 to the Environmental Assessment of Plans and Programmes Regulations 2004](#). Table 1 of this report presents the criteria in table form with a commentary on the SPD under consideration. Section 5 presents the conclusion and rationale for the decision.
- 4.1 Planning Practice Guidance also recommends consulting the consultation bodies cited in the Environmental Assessment of Plans and Programmes Regulations 2004; Historic England, Natural England and the Environment Agency will be consulted to determine if the SPD have a significant environment effect.

⁶ Planning Practice Guidance, Paragraph: 008 Reference ID: 11-008-20140306, Revision date: 06 03 2014
<https://www.gov.uk/guidance/strategic-environmental-assessment-and-sustainability-appraisal>

Table 1: Criteria for Likely Significant Environment Effect

SEA Directive Criteria	Response	Is there a likely significant environment effect?
1. The Characteristics of Plans and Programmes, having regard, in particular, to:		
<p>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.</p>	<p>The SPD acts in support of policies in the Local Plan, offering guidance on the requirements asked of developers operating in the borough. The SPD sets a framework for developments which are localised and will have a limited impact on resources. The Borough Plan determines land allocation and contains policies regarding the nature and size of development. The Borough Plan has been subject of an integrated SA/SEA.</p>	<p>No</p>
<p>1b) The degree to which the plan or programme influences other plans and programmes including those in a hierarchy.</p>	<p>The National Planning Policy Framework is the top tier policy in the planning process. The Borough Plan is produced in alignment with the NPPF and contains the policies which the SPD supports. The SPD cannot produce new policy and are the lowest tier of the hierarchy, they cannot significantly influence policies at a higher tier.</p>	<p>No</p>
<p>1c) The relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development.</p>	<p>The SPD will help to promote sustainable development as it provides detail on the requirements for planning applications for new hot food takeaway establishments. The supplementary detail is intended to reduce the</p>	<p>No</p>

	detrimental impact that new hot food takeaways could have on people's health and the environment in the borough.	
1d) Environmental problems relevant to the plan or programme.	The SPD does not add to existing or create new environmental problems.	No
1e) 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).	The SPD contains supplementary detail on the requirements for proposals for new hot food takeaways only. The Borough Plan contains other policies in relation to this Directive Criteria.	No
2. 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.	This SPD is not expected to have any significant negative effects on the environment. It will be used when determining planning applications for new hot food takeaways to ensure that they do not have a negative impact on their location. The frequency of the effects will depend on how often applications are submitted and each application will be judged on its own merits. The reversibility of the effects will depend on future applications for planning permission and future land use requirements.	No
2b) The cumulative nature of the effects.	The SPD is not expected to have any significant cumulative effects on the environment.	No
2c) The trans-boundary nature of the effects.	The SPD is only concerned with guidance for polices in	

	the Borough Plan. The Borough Plan is local to the Nuneaton and Bedworth area, only indirect effects are likely to be trans-boundary.	No
2d) The risks to human health or the environment (e.g. due to accidents).	The SPD offers guidance based on the Borough Plan policies to improve the environment and human health through ensuring that new hot food takeaways are appropriately located within the borough. There are no risks to human health or the environment anticipated from the SPD.	No
2e) The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected).	The SPD will apply to planning applications made in the borough of Nuneaton and Bedworth. The effects of the SPD are more likely to be felt in a localised area in the vicinity of the area to which planning permission has been granted. The SPD will affect applicants seeking planning permission for new hot food takeaways.	No
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. iii) intensive land-use.	i and ii) The SPD offers guidance related to policies in the Borough Plan and they cannot supersede any national or local environmental/ cultural designation. The SPD does not directly address any natural or cultural asset. iii) The SPD does not set policy for land use.	No
2g) The effects on areas or landscapes which have a recognised national, Community or	The SPD does not refer directly to any protected areas. Planning applications will have to satisfy the requirements of relevant national policies and policies	No

international protection status.	in the Borough Plan before permission can be granted. The SPD cannot override any local or national designation.	
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5. Determination and Reasoning

- 5.1 The SPD is consistent with the Nuneaton and Bedworth Borough Plan which has already been subject of a Sustainability Appraisal. The appraisal found there would be no environmental effects which could not be mitigated and would have positive socio-economic benefits.
- 5.2 The SPD is a lower tier document which provide guidance on local policies and it cannot be used as justification for non-compliance with national environmental legislation and national and local environmental policy.
- 5.3 Applying the criteria of schedule 1 to the Environmental Assessment of Plans and Programmes Regulations 2004 Nuneaton and Bedworth Borough Council finds that with regards to the Planning for a healthier area – Hot Food Takeaways SPD: **there are no likely significant environmental effects and does not require a full SEA to be undertaken.**