

Draft Screening Assessment on the
determination of the need for Strategic
Environment Assessment and
Sustainability Appraisal for the Nuneaton
and Bedworth Sustainable Design and
Construction Supplementary Planning
Document (SPD)

October 2019

1. Introduction

- 1.1 Nuneaton and Bedworth Borough Council has prepared a Sustainable Design and Construction Supplementary Planning Document (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 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 Sustainable Design and Construction policy are presented below:

Policy BE3 – Sustainable Design and Construction

Development proposals must be:

- a) Designed to a high standard.
- b) Able to accommodate the changing needs of occupants.
- c) Adaptable to, and minimise the impact of climate change.

Urban Character

All development proposals must contribute to local distinctiveness and character by reflecting the positive attributes of the neighbouring area,

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

respecting the sensitivity to change of the generic character types within each urban character area. Key characteristics to review include:

- Current use of buildings.
- Ownership/tenure.
- Street layout.
- Patterns of development.
- Residential amenity.
- Plot size and arrangement.
- Built form.

Residential

Major development proposals must provide a statement with their application showing how their proposal will:

1. Meet all the questions set out in the Buildings for Life 12 standard. Where it is not possible to positively meet all 12 questions, a statement of justification must be provided to explain why it is not possible, and what mitigation measures will take place to offset this.
2. Meet the optional Building Regulations requirement M4(2) for 'accessible and adaptable dwellings' for 35 % of the development proposal.
3. Install rainwater harvesting systems in the curtilage of all new buildings.
4. Integrate the principles of passive solar design.
5. Contribute to reducing crime and fear of crime by meeting the principles of Secured By Design.
6. Minimise the potential for pollution of air, soil, noise and light, and in particular not contribute to unacceptable levels of air pollution.

Where a developer considers meeting any of the above requirements is unviable or can demonstrate that they are not suited to local circumstances, an independent viability assessment must be submitted with the application.

Commercial

Major non-domestic development proposals must meet the BREEAM very good standard for new construction projects using the most up to date New Construction version of BREEAM, where technically and financially feasible. Where assessment methods are changed or superseded, the appropriate replacement standards will be used.

Sustainable Construction

Development must minimise or reuse waste generated during the construction phase. This should be done by using materials and construction techniques that generate the least waste and minimise

emissions. Waste should be treated as a resource to be re-used, recycled or recovered and should only be disposed of when all other options have been explored.

On-site management of waste will be preferred unless the activities would result in unacceptable harm through impacts on the environment, transport or on neighbouring uses or that management elsewhere would have wider sustainability benefits.

Supplementary Planning Documents

Detailed information to help developers comply with this policy will be set out in the Sustainable Design and Construction SPD

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 Sustainable Design and Construction SPD produced to support the Nuneaton and Bedworth Borough Plan provides information and guidance on the following topics:

- Urban Character
- Current Use of Buildings
- Ownership/Tenure
- Street Layout
- Patterns of Development
- Residential Amenity
- Size and Arrangement
- Built Form
- Residential
- Building for Life
- Optional Building Regulations
- Passive Solar Design
- Secured by Design
- Air, Soil, Noise and Light Pollution

⁵ National Planning Policy Framework

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

- Commercial
- Building Research Establishment Environmental Assessment Method (BREEAM)
- Sustainable Construction
- Construction Waste

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 Programmes Regulations 2004'. Local Plans often comply with SEA requirements by being subject of a Sustainability Appraisal.
- 3.2 Planning Practice Guidance⁶ states 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 Sustainable Design and Construction 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. The SPD sets a framework for developments which are localised and will have a limited impact on resources. The SPD includes guidance on the content of Construction management Plans which are to be submitted with planning applications and Waste Management Plans which will influence the construction phase of the operation. The SPD contains guidance on design and layout of potential developments, these are considered to be sustainable reducing energy use and promoting high quality design. 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</p>	<p>No</p>

	produce new policy and are the lowest tier of the hierarchy, they cannot significantly influence policies at a higher tier.	
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 will help to promote sustainable development offering guidance on the following: Passive Solar Design to reduce energy usage in new homes; sustainable transport is encouraged in road layouts, cycle storage and electric vehicle charging points; measures for the reduction of air, noise and light pollution.	No
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 guidance regarding construction waste and household waste management. The guidance has been informed by the Nuneaton and Bedworth Borough Council's Waste Management Strategy.	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.	The effects of the SPD are expected to be positive on the sustainable development of the borough. The frequency of the effects will depend upon planning applications received which will be judged on the merits of the application. The reversibility of the effects depend on future requests for planning permission and	No

	future land use requirements.	
2b) The cumulative nature of the effects.	The cumulative effect of the SPD will be positive helping to the borough to create needed development which is sustainable.	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 high quality accommodation. 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.	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 polices in the Borough Plan, 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

<p>2g) The effects on areas or landscapes which have a recognised national, Community or international protection status.</p>	<p>The SPD does not refer directly to any protected areas. Planning applications will have to satisfy the requirements of relevant national polices and polices in the Borough Plan before permission can be granted. The SPD cannot override any local or national designation.</p>	<p>No</p>
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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, they 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 Sustainable Design and Construction Supplementary Planning Document (SPD): **there are no likely significant environmental effects and does not require a full SEA to be undertaken.**