

# **Strategic Environment Assessment Screening Report**

## **Affordable Housing Supplementary Planning Document April 2016**



**EAST RIDING**  
OF YORKSHIRE COUNCIL

## Contents

1	Purpose of the Strategic Environmental Assessment Screening Report .....	3
2	Legislative Background.....	3
3	Overview of the Affordable Housing SPD .....	4
4	Screening Procedure .....	5
5	Conclusion and Screening Outcome .....	5
	Appendix 1: Assessment of Likely Significance of Effects on the Environment .....	6

## **1 Purpose of the Strategic Environmental Assessment Screening Report**

- 1.1 This screening report is designed to determine whether or not the contents of the Affordable Housing Supplementary Planning Document (the SPD) requires a Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plans and Programmes Regulations 2004.

## **2 Legislative Background**

- 2.1 The objective of Strategic Environmental Assessment is to provide for a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes with a view to promoting sustainable development. It is a requirement of the European Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment, also known as the SEA Directive. The Directive was transposed in UK law by The Environmental Assessment of Plans and Programmes Regulations 2004, often known as the SEA Regulations.
- 2.2 Article 3(2) of the directive states that SEA is required for plans and programmes:
- a) which are prepared for agriculture,... town and country planning or land use and which set the framework for future development consent for projects listed in Annexes I and II to the Environmental Impact Assessment (EIA) Directive (85/337/EEC); or
  - b) which, in view of the likely effect on sites, have been determined to require an assessment pursuant to Article 6 or 7 of the Habitats Directive (92/43/EEC).
- 2.3 However, Article 3(3) and 3(4) make clear that SEA is only required for some plans and programmes when they have significant environmental effects. This includes plans and programmes which “determine the use of small areas at a local level” or which only propose “minor modifications to plans and programmes”. Annex II of the Directive lists criteria for determining the likely significance of the environmental effects of plans or programmes.
- 2.4 The Planning and Compulsory Purchase Act 2004 required Local Authorities to produce Sustainability Appraisals (SA) for all local development. It is considered best practice to incorporate the requirements of the SEA Directive into a Sustainability Appraisal. The

2008 Planning Act<sup>1</sup> removed the requirement to undertake a Sustainability Appraisal for a Supplementary Planning Document, although consideration of whether the proposed plan or programme requires SEA is still required. This report screens for SEA, to determine whether a full assessment is needed.

### **3 Overview of the Affordable Housing SPD**

3.1 The SPD provides clear and consistent guidance on how Policy H2 'Providing Affordable Housing' of the Local Plan Strategy Document is to be implemented. It is an important consideration in determining relevant planning applications.

3.2 The policy requires that varying levels of affordable housing is provided on sites at or over the site size threshold, subject to economic viability. It also sets out the circumstances when rural exception sites for affordable housing would be acceptable in locations where market housing would not usually be allowed. The SPD provides a brief introduction to affordable housing, including:

- Providing a definition;
- Identifying the evidence base for Policy H2 of the Local Plan; and
- Summarising relevant national and local policy for housing and planning.

3.3 It then considers Policy H2 of the East Riding Local Plan Strategy Document which covers both the provision of affordable housing through requirements on private developments (Section 106 agreements) and on rural exception sites. The SPD explains how the policy is applied and answers questions that may be raised when considering the policy, for example:

- When is affordable housing required on market development sites?
- How much affordable housing should be provided on market development sites?
- How should the affordable housing requirement on market development sites be provided?
- What mix of affordable housing will be required?
- What design of affordable housing is appropriate?
- What information should be included in a S106 Agreement/Unilateral Undertakings?

---

<sup>1</sup> Part 9, Chapter 2, paragraph 180 of the 2008 Planning Act amended section 19, subsection 5 of the 2004 Planning and Compulsory Purchase Act

## **4 Screening Procedure**

- 4.1 The purpose of the SPD is to provide advice on how Policy H2 of the Local Plan Strategy Document will be satisfied. The Strategy Document is an 'overarching' strategic policy document for the East Riding and covers a wide range of issues and spatial matters. SEA has been undertaken for the Strategy Document as part of the Sustainability Appraisal. This report establishes whether there are any additional likely significant impacts arising from the SPD that have not been considered in the Strategy Document Sustainability Appraisal Report (Submission Version, April 2014). A full SEA is only required if additional likely significant effects are identified.
- 4.2 Schedule 1 of the Directive sets out the assessment criteria for considering significant environmental effects. The SPD has been assessed against these criteria. The detailed assessment is set out in Appendix 1.

## **5 Conclusion and Screening Outcome**

- 5.1 As a result of the above assessment it is unlikely that there will be any significant environmental effects arising from the Affordable Housing SPD that were not covered in the Appraisal of the Local Plan Strategy Document. Therefore, the SPD will not trigger the need for an SA/SEA.

## Appendix 1: Assessment of Likely Significance of Effects on the Environment

CRITERIA FOR DETERMINING THE LIKELY SIGNIFICANCE OF EFFECTS ON THE ENVIRONMENT	Potential effects of the SPD	Is there a likely significant effect?
<b>1.</b> The characteristics of plans and programmes, having regard, in particular, to—		
(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;	The SPD will provide guidance on how to apply policy set in the Local Plan (Policy H2: Providing Affordable Housing). It does not set new policy. The policy framework is set in the Local Plan, which has been subject to SEA.	No
(b) the degree to which the plan or programme influences other plans and programmes including those in a hierarchy;	The SPD sits in a hierarchy of documents. It sits under the Local Plan, providing detail on how to apply Policy H2. The Policy may impact on other plans and programmes however the SPD only follows the policy, which has already been subject to SEA. The SPD could have minor impacts on the detail of how housing priorities are implemented though plans and programmes such as the Housing Strategy. The SPD will not form part of the Development Plan.	No
(c) the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development;	Sustainable development has underpinned the production of the Local Plan. The SPD will help promote the aim for sustainable development by providing clear and consistent guidance on the provision of affordable housing. This should have some positive impacts.	No
(d) environmental problems relevant to the plan or programme; and	The SPD should not introduce new or add to any existing problems. The document aims to ensure affordable housing is well integrated and meets local needs (as required by the policy). This should have positive impact.	No
(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).	The SPD sets out guidance on the provision of affordable housing. The principle of development is considered through the Local Plan, which has been subject to SEA.	No
<b>2.</b> Characteristics of the effects and of the area likely to be affected, having regard, in particular, to—		

CRITERIA FOR DETERMINING THE LIKELY SIGNIFICANCE OF EFFECTS ON THE ENVIRONMENT	Potential effects of the SPD	Is there a likely significant effect?
(a) the probability, duration, frequency and reversibility of the effects;	No adverse effects on environmental interests resulting from the implementation of the SPD have been identified. The guidance will be used to aid the determination of planning applications and will thereby help ensure that the duration and frequency of adverse environmental effects are minimised or mitigated. The SPD will support the delivery of development that is in conformity with the Local Plan, thereby reinforcing the sustainability outcomes of the Plan. This should provide minor positive effects.	No
(b) the cumulative nature of the effects;	The cumulative impact of the effects of the SPD should be positive with regard to the principles of sustainable development. The SPD will aid the focus on the sustainability appraisal objectives of the Local Plan Strategy Document.	No
(c) the trans-boundary nature of the effects;	The SPD is not considered to have cross boundary impacts.	No
(d) the risks to human health or the environment (for example, due to accidents);	There are not likely to be negative impacts on human health or environment. It is considered that there are likely to be improvements to human health and environment due to affordable housing being developed to meet needs, including being of the appropriate size, location and quality. There will be a positive contribution to wellbeing.	No
(e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);	The SPD covers the East Riding of Yorkshire administrative area. The area covers over 930 square miles. It has a population of approximately 335,900 people. The SPD will affect those applying for planning permission for housing on sites which meet or exceed the size thresholds set in Policy H2. It will also impact on Registered Providers and will have an indirect effect on future occupants of affordable housing.	No
(f) the value and vulnerability of the area likely to be affected due to—	The East Riding covers an area with a wide variety of characteristics. The SPD will not lead to exceeding of environmental standards or the	No

<b>CRITERIA FOR DETERMINING THE LIKELY SIGNIFICANCE OF EFFECTS ON THE ENVIRONMENT</b>	<b>Potential effects of the SPD</b>	<b>Is there a likely significant effect?</b>
(i) special natural characteristics or cultural heritage; (ii) exceeded environmental quality standards or limit values; or (iii) intensive land-use; and	intensification of land use. The area likely to be effected will be guided by individual planning applications. The appropriateness of those locations will be guided by policies within the Local Plan, which has been subject to SEA.	
(g) the effects on areas or landscapes which have a recognised national, Community or international protection status.	Impacts on such areas will be considered through the application of other Local Plan Policies which have been subject to SEA.	No

# **Habitat Regulations Assessment Stage 1: Screening Report**

## **Affordable Housing Supplementary Planning Document April 2016**



**EAST RIDING**  
OF YORKSHIRE COUNCIL

## Contents

1	Introduction .....	11
2	Background to the Affordable Housing SPD .....	11
3	Background to HRA .....	12
4	Previous HRA Work .....	13
5	Conclusion.....	14

## **1 Introduction**

- 1.1 This Habitat Regulations Assessment screening report determines whether or not the contents of the Affordable Housing Supplementary Planning Document (the SPD) will result in significant impacts on international sites.

## **2 Background to the Affordable Housing SPD**

- 2.1 The SPD provides clear and consistent guidance on how Policy H2 'Providing Affordable Housing' of the Local Plan Strategy Document is to be implemented. It is an important consideration in determining relevant planning applications.

- 2.2 The policy requires that varying levels of affordable housing is provided on sites at or over the site size threshold, subject to economic viability. It also sets out the circumstances when rural exception sites for affordable housing would be acceptable in locations where market housing would not usually be allowed. The SPD provides a brief introduction to affordable housing, including:

- Providing a definition;
- Identifying the evidence base for the Policy H2 of the Local Plan; and
- Summarising relevant national and local policy for housing and planning.

- 2.3 It then considers Policy H2 of the East Riding Local Plan Strategy Document which covers both the provision of affordable housing through requirements on private developments (Section 106 agreements) and on rural exception sites. The SPD explains how the policy is applied and answers questions that may be raised when considering the policy, for example:

- When is affordable housing required on market development sites?
- How much affordable housing should be provided on market development sites?
- How should the affordable housing requirement on market development sites be provided?
- What mix of affordable housing will be required?
- What design of affordable housing is appropriate?
- What information should be included in a S106 Agreement/Unilateral Undertakings?

### 3 Background to HRA

3.1 Habitats Regulation Assessment (HRA) is required by Regulation 61 the Conservation of Habitats and Species Regulations 2010 (as amended) (the Habitat Regulations) for all plans and projects which may have likely significant effects on a European site and are not directly connected with or necessary to the management of the European site.

3.2 European sites include Special Areas of Conservation, Special Protection Areas and listed Wetlands of International Importance (Ramsar sites). HRA is also required, as a matter of UK Government policy for potential SPAs, candidate SACs and proposed Ramsar sites for the purposes of considering plans and projects, which may affect them. Hereafter all of the above designated nature conservation sites are referred to as 'international sites'.

3.3 The stages of HRA process are:

- **Stage 1 – Screening:** To test whether a plan or project either alone or in combination with other plans and projects is likely to have a significant effect on an international site;
- **Stage 2 – Appropriate Assessment:** To determine whether, in view of an international site's conservation objectives, the plan (either alone or in combination with other projects and plans) would have an adverse effect (or risk of this) on the integrity of the site with respect to the site structure, function and conservation objectives. If adverse impacts are anticipated, potential mitigation measures to alleviate impacts should be proposed and assessed;
- **Stage 3 – Assessment of alternative solutions:** Where a plan is assessed as having an adverse impact (or risk of this) on the integrity of an international site, there should be an examination of alternatives (e.g. alternative locations and designs of development); and
- **Stage 4 – Assessment where no alternative solutions remain and where adverse impacts remain:** In exceptional circumstance (e.g. where there are imperative reasons of overriding public interest), compensatory measures to be put in place to offset negative impacts.

3.4 This report comprises the Stage 1 – Screening of the project.

## 4 Previous HRA Work

4.1 An HRA has been produced for the Local Plan Submission Strategy Document. It is available to view at [www.eastriding.gov.uk/localplanexam](http://www.eastriding.gov.uk/localplanexam). The Stage 1 – Screening Report assessed whether the Strategy Document is likely to lead to significant effects on the international sites listed below with reference to the conservation objectives of the qualifying feature of the site:

- Flamborough Head and Bempton Cliffs SPA;
- Flamborough Head SAC;
- Hornsea Mere SPA;
- Humber Estuary Ramsar site;
- Humber Estuary SPA;
- Humber Estuary SAC;
- Thorne and Hatfield Moors SPA;
- Thorne Moor SAC;
- Lower Derwent Valley Ramsar site;
- Lower Derwent Valley SPA;
- Lower Derwent Valley SAC;
- River Derwent SAC;
- Skipwith Common SAC.

4.2 It assessed all of the policies in the Strategy Document. In relation to Policy H2: Providing Affordable Housing, it stated:

*“There will be no likely significant effects due to the proposals for development outlined in the 23 policies listed above (including Policy H2) as these elements of the Plan are at a strategic level (e.g. the exact details of where the development sites will be located, their design and/or when (or if) these sites will be constructed upon are not known). The draft Local Plan also includes an Allocations Document and Bridlington Town Centre Area Action Plan and, where relevant, policies in the Strategy Document identify when new development will be identified through these other Local Plan documents. This will include the allocation of specific sites for new development and their proposed land uses. Other documents, such as Supplementary Planning Documents may also arise from the Plan.”*

- 4.3 It was concluded that, with the exception of Part B of Policy S6 (Delivering Employment Land), there will be no likely significant effects from the Strategy Document 'alone or 'in combination' on any of the international sites within the assessment. Therefore, it was not necessary to move to Stage 2 - Appropriate Assessment for Policy H2. The Strategy Document HRA committed to conducting HRAs for any future Local Plan documents, in particular the Allocations Document and any planning applications which might have likely effects on international sites. It identified that future site allocations/planning applications will need to be in line with the Strategy Document and will need to satisfy the East Riding of Yorkshire Council and Natural England that there will be no adverse effect on the integrity of the international sites. Any adverse effects on site integrity must be effectively mitigated.
- 4.4 HRA screening has been undertaken for the Submission Allocations Document. The housing allocations (including some mixed use allocations) will require the SPD to be applied. The screening concluded that there will be no significant effects alone or in combination on any of the international sites. There are also likely to be other sites on which affordable housing is required. However the location of these sites is currently unknown.

## **5 Conclusion**

- 5.1 As the SPD does not provide further details on the location of development it is not possible to provide any further assessment on the impacts on international sites in addition to the assessment provided by the Strategy Document and Allocations Document. In line with the assessment of those Plans there will be no likely significant effects alone or in combination on any of the international sites caused by the SPD. Therefore a Stage 2 assessment is not required.