

Guide for
Converting Shops to Residential
Supplementary Planning Document

Strategic Environmental Assessment
Screening Determination Statement

January 2019

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Guide for Converting Shops to Residential Supplementary Planning Document Strategic Environmental Assessment Screening Determination Statement

1.0 Strategic Environmental Assessment

1.1 This Strategic Environmental Assessment Screening Determination Statement has been produced in relation to the draft Ashfield Guide for Converting Shops to Residential Supplementary Planning Document (SPD).

1.2 European Directive 2001/42/EC is the legislative basis for Strategic Environment Assessment (SEA), and it was transposed into UK law by the Environmental Assessment of Plans and Programmes Regulations 2004 (the SEA Regulations). Under the requirement of the Directive and the Regulations, plans and programmes which set the framework for future development consent of projects must be subject to an environmental assessment.

1.3 The objective of the SEA Directive 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 ... with a view to promoting sustainable development.’ (Article 1)

1.4 Ashfield District Council, as the Local Planning Authority, is required to carry out a screening to determine whether plans or programmes are likely have significant effects and whether or not a SEA¹ is required. The purpose of this Screening Determination is to determine whether the SPD will have any significant effects on the environment. Annex II of the Directive lists the criteria to be taken into account in determining the likely significance of the environmental effects of plans or programmes.

¹ Section 19(5)(a) of the 2004 Act provides that: "...the local planning authority must also (a) carry out an appraisal of the sustainability of the proposals in each development plan document". This provision was amended by Section 180(5)(d) of the Planning Act 2008 so as to exclude that requirement in respect of SPDs.

2.0 Policy Background

- 2.1 The Guide for Converting Shops to Residential SPD has been prepared by Ashfield District Council to help ensure high quality conversions are achieved in the District. The SPD sets out design advice to achieve a quality conversion, where a conversion may be appropriate and where it will not, and highlights issues that Planning and Building Control teams look for when considering an application.
- 2.2 Upon adoption, the SPD will be taken into account as a material consideration in the planning process.
- 2.3 **National Planning Policy Framework (2018)** - One of the fundamental aims of the planning system is to deliver high quality buildings and places that create better places in which to live and work. The need for high quality design is embedded in the National Policy Framework (NPPF). Detailed advice set out in the Part 12 “Achieving Well Designed Places”.
- 2.4 **The Ashfield Local Plan Review 2002 (ALPR)** – The ALPR was adopted in November 2002. A number of policies within the ALPR are ‘saved’ policies under the provisions of the Planning & Compulsory Purchase Act 2004; Schedule 8(1(3))². These include a number of policies which relate to design. Of particular relevance to this SPD is Policy ST1 Development, which states that development must not adversely affect the character, quality, amenity or safety of the environment. Due weight can be given to this policy under NPPF paragraph 213, according to their degree of consistency with the NPPF. The ALPR was not subject to a Sustainable Appraisal as it was adopted prior to the SEA Regulations.
- 2.5 The SDP identifies that it is important for the Council to raise the quality of conversions to residential in the District, especially in terms of the impact on the quality of the street scene. The main purpose of the SPD is to:
- Provide practical advice for developers who are considering converting a shop to a house or flat;
 - Provide applicants with the understanding of the local context, help identify features of importance, and ensure that proposals are appropriately designed to be compatible with their surroundings;
 - Assist applicants by highlighting the issues that the planning and Building Control Teams look for when considering the application.

² The saved policies in the Ashfield Local Plan Review 2002 are identified on the Council’s website.

3.0 The SEA Screening Process

- 3.1 The Government has set out guidance on applying European Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment' in the ODPM, "A Practical Guide to the Strategic Environmental Assessment Directive", 2005

- 3.2 Diagram 1 from "A Practice Guide" illustrates the process for screening a planning document to ascertain whether a full SEA is required. Table 1 sets out the Council's assessment of whether the SPD will require a full SEA. The questions are drawn from the diagram which sets out how the SEA Directive should be applied. It also reflects the findings in Table 2, which sets out an assessment of the SPD against the criteria within Annex II of European Directive 2001/42/EC and Schedule 1 of the SEA Regulations.

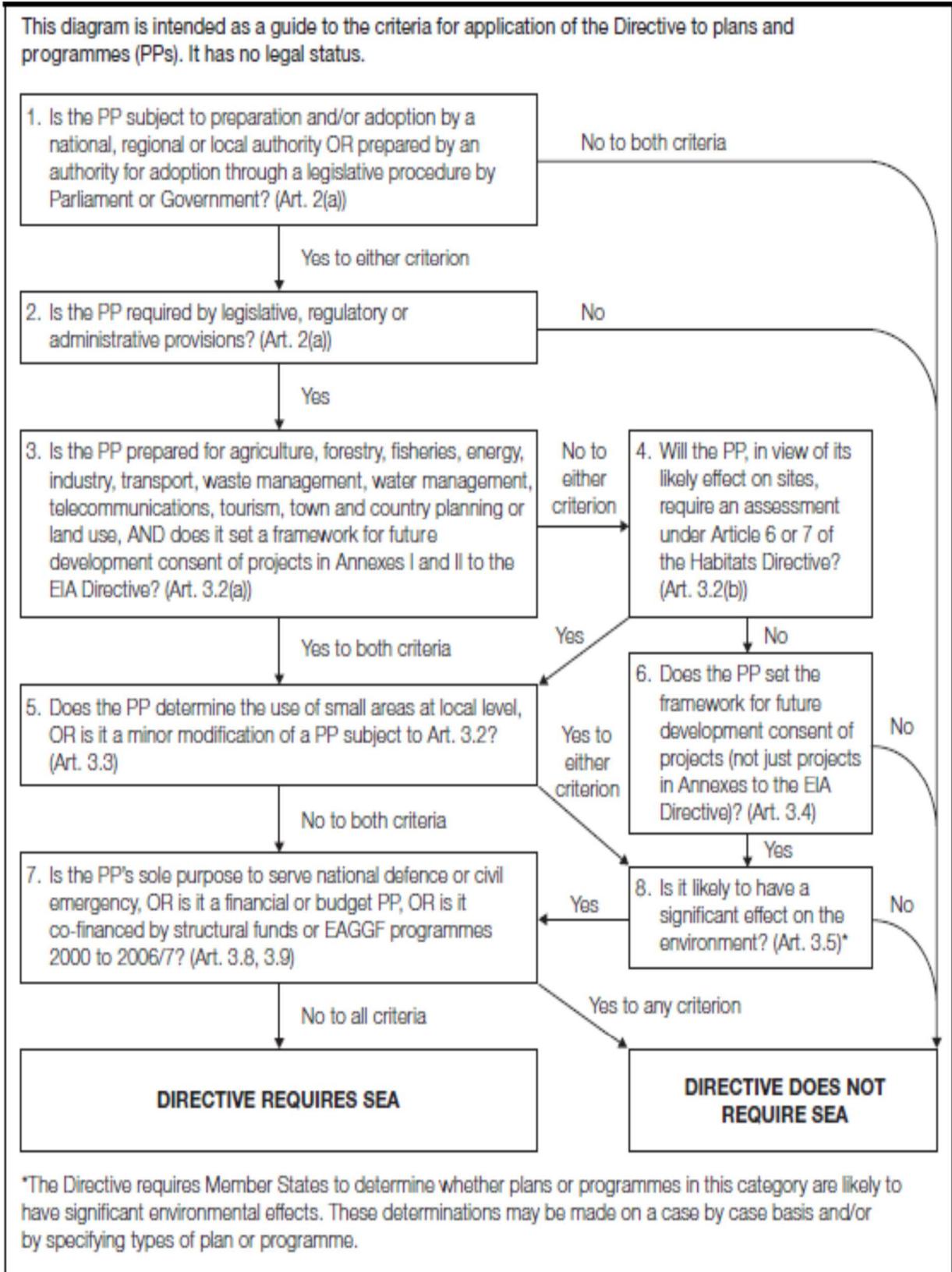


Diagram 1: ODPM, “A Practical Guide to the Strategic Environmental Assessment Directive”, 2005 paragraph 2.18 Figure 2.

Table 1: Assessment of whether the SPD will require a full SEA.

<p>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))</p>	<p>Yes – the SPD is prepared by a local authority.</p> <ul style="list-style-type: none"> • Yes to either criterion, go to question 2; • No to both criteria – Directive does not require SEA.
<p>2. Is the PP required by legislative, regulatory or administrative provisions? (Art. 2(a))</p>	<p>Yes.</p> <ul style="list-style-type: none"> • Yes, go to question 3; • No – Directive does not require SEA.)
<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>	<p>Yes, the PP is prepared for town planning and land use, but it does NOT set a framework for future development consent of projects in Annexes I and II of the EIA Directive.</p> <ul style="list-style-type: none"> • Yes to both criteria, go to question 5; • No to either criterion, go to question 4.
<p>4. Will the PP, in view of its likely effect on sites, require an assessment for future development under Article 6 or 7 of the Habitats Directive? (Art. 3.2 (b))</p>	<p>No.</p> <ul style="list-style-type: none"> • Yes, go to question 5; • No, go to question 6.
<p>5. Does the PP Determine the use of small areas at local level, OR is it a minor modification of a PP subject to Art. 3.2? (Art. 3.3)</p>	<p>N/A</p> <ul style="list-style-type: none"> • No to both criteria, go to question 7; • Yes to either criterion, go to question 8.
<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>	<p>Yes.</p> <ul style="list-style-type: none"> • Yes, go to question 8; • No – Directive does not require SEA.)
<p>7. Is the PP’s sole purpose to serve the national defence or civil emergency, OR is it a financial or budget PP, OR is it co-financed by structural funds or EAGGF programmes 2000 to 2006/7? (Art 3.8, 3.9)</p>	<p>N/A</p> <ul style="list-style-type: none"> • No to all criteria – Directive requires SEA; • Yes to any criterion – Directive does not require SEA.

8. Is it likely to have a significant effect on the environment? (Art. 3.5)	No, see Table 2 - SEA not required. <ul style="list-style-type: none"> • Yes, go to question 7; • No – Directive does not require SEA.)
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3.3 The key screening decision is the determination of whether the SPD is likely to have significant environmental effects, using the criteria set out in Schedule 1 of the SEA Regulations. These criteria are set out in Table 2, and a response is given to each from the perspective of the draft SPD.

Table 2: Assessment of the SPD against the SEA Regulations, Schedule 1

SEA Regulations Criteria	Response	Is there a significant environmental effect?
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 not set a new framework and will not allocate resources. It will supplement existing saved policies in the ALPR (2002) and the design aspects of the NPPF. It offers guidance to which will require developers to consider sustainable design from the outset of a developments and will assist in ensuring that planning application will improve design quality.	No
1b) The degree to which the plan or programme influences other plans and programmes including those in a hierarchy	The SPD will conform to national planning guidance and the Saved Policies in the ALPR (2002) that are consistent with the NPPF (para 213). It is in the form of a design guide to the help statutory policy guidance. The SPD is not a development plan documents and is designed to add clarity to issues and or policies contained within the Local Plan.	No
1c) The relevance of the plan or programme for the integration of environmental considerations in particular with a view to	The NPPF emphasises the importance of sustainable development. The SPD is intended to promote	No

promoting sustainable development	sustainable development through layout and design of buildings. It provides guidance in relation to the NPPF design aspects and to Saved Policies in the ALPR (2002). It does not provide environmental policy in its own right.	
1d) Environmental problems relevant to the plan or programme	Any negative environmental effect will be identified and accompanied by proposals for mitigation as part of the planning process.	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 should have a positive effect on the compliance with European legislation. It clarifies design aspects and gives emphasis to sustainable design.	No
2a) The probability, duration, frequency and reversibility of the effects	The SPD provides more detailed guidance to encourage good design and best practice in conformity with national and local planning policy. The outcome is expected to be positive with little or no negative effects.	No
2b) The cumulative nature of the effects	The cumulative nature of the effects will be the delivery of a high quality environment with the aim of creating sustainable communities.	No
2c) The trans-boundary nature of the effects	It is anticipated that improvement in design means that any possible trans-boundary effects are likely to be positive.	No
2d) The risks to human health or the environment (e.g. due to accidents)	There are risks from any construction process but these are not within the control of the proposed SPD. There are no perceived risks to human health or the environment arising from the adoption of the SPD itself.	No

<p>2e) The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)</p>	<p>The SPD provides guidance on conversions of shops to residential (where appropriate) within the District of Ashfield which has a population of 119,497 (Census 2011).</p> <p>The effects will be limited to individual premises within the urban area.</p> <p>The SPD is anticipated to assist in improving the quality of development in the District, to achieve high quality buildings and inclusive places, to create a stronger sense of place.</p>	<p>No</p>
<p>2f) The value and vulnerability of the area likely to be affected due to:</p> <p>I. special natural characteristics or cultural heritage,</p> <p>II. exceeded environmental quality standards or limit values</p> <p>III. intensive land-use</p>	<p>Through providing clear design guidance, it is considered that the SPD will not adversely affect the value and vulnerability of the District.</p> <p>Development should result in incrementally improvements, leading to enhancements in the quality and sustainability of the towns and settlement in Ashfield.</p>	<p>No</p>
<p>2g) The effects on areas or landscapes which have a recognised national, Community or international protection status</p>	<p>The SPD will not adversely affect areas or landscapes which have a recognised national, Community or international protection status.</p>	<p>No</p>

4.0 Consultation

- 4.1 The Council consulted with three statutory environmental bodies, English Heritage, the Environment Agency and Natural England, who have not identified any issues over the findings of the screening of the SEA.
- 4.2 The consultation responses (from the three statutory bodies) to the SEA Screening Report are detailed below:

Table 3: Consultation Responses

Consultation Body	Comments on SEA	Council's Response
Historic England	On the basis of the information supplied and in the context of the criteria set out in Schedule 1 of the Environmental Assessment Regulations [Annex II of 'SEA' Directive], Historic England is of the view that the preparation of a Strategic Environmental Assessment is not likely to be required.	The Council welcomes the comments made.
Environment Agency	Confirmed that they agreed with the conclusions of the SEA, i.e. the SPD is unlikely to have significant environmental impacts.	The Council welcomes the comments made.
Natural England	No comments to make.	N/A

5.0 Statement of Reasons for the Determination

5.1 The SEA Regulations set out in Paragraph 5 (6) that “ An environmental assessment need not be carried out –

- a) for a plan or programme of the description set out in paragraph (2) or (3) which determines the use of a small area at local level; or
- b) for a minor modification to a plan or programme of the description set out in either of those paragraphs,

unless it has been determined under regulation 9(1) that the plan, programme or modification, as the case may be, is likely to have significant environmental effects, or it is the subject of a direction under regulation 10(3).

5.2 This SPD provides guidance on adopted saved planning policies and is considered to be a “minor modification to a plan”. It does not present new policies or proposals, and serves only to expand on existing saved policies within the Ashfield Local Plan Review 2002 and reflects the approach to design set out in the National Planning Policy Framework.

- 5.3 The SPD provides guidance on the design of shop conversions to residential which seeks to improve the design quality of the built environment in Ashfield. Having reviewed the implications of the SPD against the Schedule 1 of the SEA Regulations the Council and the three statutory environmental bodies referred to above, have concluded that the SPD is unlikely to have any significant environmental effects. Therefore a Strategic Environmental Assessment is not required under the EU Directive 2001/42/EC and the Environmental Assessment of Plans and Programmes Regulations (2004) for the SPD..