

**Chard Shop Front Design Guide
Supplementary Planning Document (SPD)
SEA/HRA Screening Report**

1. Introduction

1.1. This screening assessment is to determine whether the Chard Shop Front Design Guide Supplementary Planning Document (SPD) requires either or both of the following:

- Habitats Regulation Assessment (HRA) under European Directive 92/43/EEC on the Conservation of Natural Habitats and Wild Flora (the “Habitats Directive”) and associated Conservation of Habitats and Species Regulations 2010 (“Habitat Regulations”), and / or;
- Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plans and Programmes Regulations 2004. In the case of this being required then a wider Sustainability Appraisal (SA) may also be necessary.

1.2. The SPD will provide design guidance for Chard shop fronts, to supplement policies within South Somerset’s adopted Local Plan 2006-2028. The SPD sets out detailed guidance on the design and delivery of shopfronts in Chard town centre. It does not provide new policies, elaborating only on policies within the Local Plan to assist implementation (namely EQ2 General Development and EQ3 Historic Environment). The Local Plan policies have been subject to SEA as part of a SA.

1.3. The legislative background set out below outlines the regulations that require the need for this screening exercise. Sections 3 and 4 provide a screening assessment of the likely significant environmental effects of the SPD and examine the need for a HRA and an SEA respectively.

2. Legislative Background

2.1. In respect of HRA (which relates to internationally important nature conservation sites), the aim of this screening is to establish whether the SPD is likely to give rise to significant effects which have not been formally assessed in the context of the HRA of the Local Plan or in the context of issues that might have arisen in relation to protected sites since this time. The requirement under the “Habitats Directive” is to consider potential impacts on sites of European importance for Nature Conservation. This is done through a process referred to as a Habitats Regulation Assessment which starts with a screening stage and may need to be followed with more detailed examination through an “Appropriate Assessment”.



2.2. The requirement for a Strategic Environmental Assessment (SEA) arises from the European Directive 2001/42/EC “on the assessment of the effects of certain plans and programmes on the environment” (SEA Directive). This Directive was transposed in UK law by the Environmental Assessment of Plans and Programmes Regulations 2004 (the SEA Regulations). This legislation places an obligation on local authorities to undertake a SEA on any plan or programme prepared for town and country planning or land use purposes and which sets the framework for future development consent of certain projects.

2.3. The 2008 Planning Act removed the requirement to undertake an SA for an SPD, although this did not replace the requirement to establish whether an SPD required SEA (see Explanatory Memorandum to the Town and Country Plan (Local Development) (England) (Amendment) Regulations 2009 No 401). Therefore this report focuses on screening for SEA and the criteria for establishing whether a full Assessment is needed. **SPDs will only require SEA if they are likely to have significant environmental effects that have not already have been assessed during the preparation of the Local Plan.**

2.6. There is some potential overlap between the two types of assessment; in particular an identified requirement for an “Appropriate Assessment” under the Habitat Regulations will automatically trigger a requirement for SEA (unless a “local level” or “minor modification” exemption applies). In this report, Section 3 considers the potential need for HRA whilst Section 4 does the same in respect of SEA.

2.7. There is a duty to consult with specified environmental organisations (Natural England, Historic England and the Environment Agency) when determining the need for SEA for development falling within the criteria set by this Regulation. In situations where SEA is not deemed to be required, the Council has a duty to prepare a statement of its reasons for determining that SEA is not required. The SEA Screening Statement should provide sufficient information to demonstrate whether the SPD is likely to have significant environmental effects. If it is concluded that there are not likely to be significant environmental effects, and therefore no need for SEA, this statement will clearly indicate the reasons for such a decision.

3. Screening for Habitats Regulation Assessment (HRA)

3.1. It is a requirement under the Habitats Directive that the potential effects of “plans or projects” on designated European sites (Special Areas of Conservation/Special Protection Areas, also referred to as “Natura 2000 sites”) are considered, and where necessary are appropriately assessed. Regulation 61(1) of The Conservation of Habitats and Species Regulations 2010 states:

A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which —



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- a) *is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and*
- b) *is not directly connected with or necessary to the management of that site,*

must make an appropriate assessment of the implications for that site in view of that site's conservation objectives.

The authority may agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site (Regulation 61(5)).

3.2. Therefore, where a plan or project is “*not directly connected with or necessary to the management of a [Natura 2000] site*”, the first stage in the HRA process is to establish whether a “*significant effect*” is likely. This is referred to as the “screening stage”. If it is found that a significant effect is not likely then no further action is required but if potential effects are identified and deemed to be significant then further “*Appropriate Assessment*” is required and used as a tool to help modify the plan or project to ensure that impacts are removed or if this is not possible mitigated to prevent an adverse effect upon the integrity of the European site.

3.4. As the competent authority under The Conservation of Habitats and Species Regulations 2010 (the Habitats Regulations), South Somerset District Council was required to assess its Local Plan through the HRA process, as policies and site allocations in the plan could have potentially affected Natura 2000 sites within or near the District.

3.5. The Chard Shop Front Design Guide SPD is not a plan or project which will be implemented in its own right – it expands upon adopted policies within the Local Plan – most specifically EQ2 General Development and EQ3 Historic Environment. It is restricted to the area of Chard town centre defined on the Local Plan Policies Map. The policies within the Local Plan related to the SPD have already been subject to HRA and measures to address the identified likely significant effects on the integrity of sites from development proposals have been set out in Local Plan policies. The SPD does not introduce new proposals of a type and/or scale outside the parameters of the Local Plan or amend any of the proposed mitigation measures agreed.

3.6. Since the adoption of the Local Plan, this Council, along with the other Somerset Council's as well as Dorset Council received a [letter](#) from Natural England concerning high levels of phosphates in the Somerset Levels and Moors and stressing the need to protect them from further phosphate pollution. In light of a court judgement (known as Dutch N), Natural England have advised SSDC that, in light of the unfavourable condition of the Somerset Levels and Moors Ramsar Site, before determining a planning application/submission that may give rise to additional phosphates within the catchment, competent authorities should undertake a Habitats Regulations Assessment (HRA).

3.7. As the SPD is only guidance on the design of new shopfronts, it is not proposing



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development that will give rise to additional phosphates within the Somerset Levels and Moors Ramsar Site catchment.

3.8. It is therefore considered that the Chard Shop Front Design Guide SPD is not likely to have a significant effect on a European site. This means that an “Appropriate Assessment” is not required.

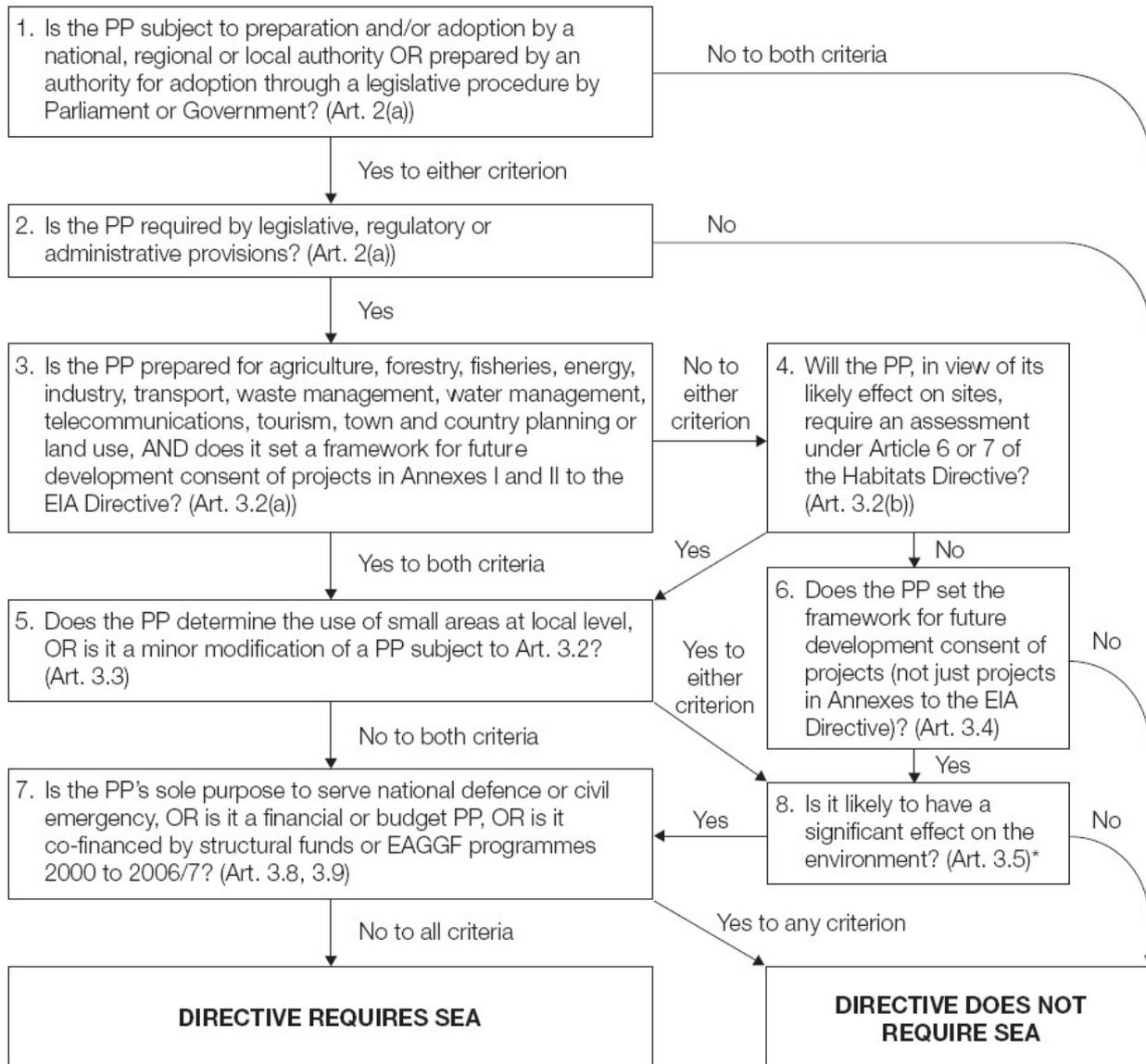
4. Screening for Strategic Environment Assessment

4.1. The requirement to undertake SEA applies to plans and programmes which are subject to preparation or adoption by an authority at a national, regional or local level. In order to establish whether SEA is required, the fundamental consideration is whether the document is likely to have ‘significant environmental effects’.

4.2. The best way to determine this is to carry out a screening assessment. If the screening assessment indicates that there could be significant environmental effects, an SEA is needed. The following diagram illustrates the process for screening a planning document to ascertain whether a full SEA is needed:

Figure 2 – Application of the SEA Directive to plans and programmes

This diagram is intended as a guide to the criteria for application of the Directive to plans and programmes (PPs). It has no legal status.



*The Directive requires Member States to determine whether plans or programmes in this category are likely to have significant environmental effects. These determinations may be made on a case by case basis and/or by specifying types of plan or programme.

Source: *A Practical Guide to the Strategic Environmental Assessment Directive*, ODPM, 2005

4.3. Table 1 below sets out the Council's response to the above questions in order to clearly assess the need for an SEA. Table 2 provides the Council's assessment of likely significant effects, in accordance with the screening report process in Table 1.

Table 1: SEA Screening of the Chard Shop Front Design Guide SPD

SEA Screening Questions	Screening Assessment of the Chard Shop Front Design Guide SPD
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 (Art. 2(a))?	Yes – the SPD is prepared and subject to adoption by a local planning authority, South Somerset District Council. <i>(Yes to either criteria – go to question 2)</i>
2. Is the plan or programme required by legislative, regulatory or administrative provisions (Art. 2(a))?	Yes – the SPD is produced to aid delivery of the statutory Local Plan. The SPD supports the regeneration of Chard town centre. <i>(Yes – go to question 3)</i>
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 (Art 3.2(a))?	Yes – it is an SPD prepared for town and country planning and land use and provides detail and additional guidance to the Local Plan policy framework for future consent of new shopfronts. No – this does not include projects listed in Annexes I & II of the EIA Directive or Schedules 1 and 2 of the The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 <i>(No to one or both criteria – go to question 4)</i>
4. Will the plan or programme, in view of its likely effect on sites, require an assessment under Article 6 or 7 of the Habitats Directive (Art 3.2(a))?	No – it is an SPD prepared to guide the design of shop fronts within the defined area of Chard Town Centre. It is considered that this form of development is not likely to have a significant effect on a European site. <i>(No – go to question 6)</i>



<p>6. Does the plan or programme set the framework for future development consent of projects (not just projects in Annexes I & II of the Directive)?</p>	<p>No – this is the development plan (the adopted Local Plan). The SPD will be a material consideration in the consideration of planning applications for new shop fronts within Chard town centre. It provides detailed guidance to adopted Local Plan Policy EQ2 General Development. <i>(No – Directive does not require SEA)</i></p>
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Table 2: Determining the likely significance of effects on the environment

<p>SEA Directive Criteria Schedule 1 Environmental Assessment of Plans and Programmes Regulations 2004</p>	<p>Summary of significant effects</p>
<p>1. Characteristics of the Chard Shop Front Design Guide SPD having particular regard to :</p>	
<p>(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</p>	<p>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.</p>
<p>(b) The degree to which the plan or programme influences other plans and programmes including those in a hierarchy</p>	<p>The SPD will have less material weight than the existing Local Plan policies, which have been subject to SEA. It sits below 'higher tier' development plan documents and does not set new policies.</p>
<p>(c) 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 provides guidance on the interpretation of existing local plan policies and national guidance, all of which promote sustainable development. The SPD does not introduce new policy.</p>
<p>(d) Environmental problems relevant to the plan or programme</p>	<p>There are no negative environmental issues associated with this SPD, moreover the SPD seeks where possible to achieve environmental improvements via good quality design to enhance the historic urban environment.</p>



<p>(e) The relevance of the plan or programme for the implementation of [European] Community legislation on the environment (for example, plans and programmes linked to waste management or water protection)</p>	<p>The SPD is not directly relevant to the implementation of community legislation. It offers guidance on the implementation of existing Local Plan policies, which have been subject to SEA, to provide further positive effects.</p>
<p>2. Characteristics of the effects and of the area likely to be affected by the Chard Shop Front Design Guide SPD, having regard, in particular, to:</p>	
<p>(a) The probability, duration, frequency and reversibility of the effects</p>	<p>The SPD provides guidance aimed at ameliorating the negative impact of new developments. It is anticipated to have positive and beneficial effects on the built environment of Chard town centre. It offers guidance on the implementation of existing Local Plan policies, which have been subject to SEA, to provide further positive effects.</p>
<p>(b) the cumulative nature of the effects</p>	<p>The effects of this SPD will be largely beneficial; therefore any cumulative effects will also be beneficial e.g. the use of better quality design materials in several developments within local area will create a better quality built environment.</p>
<p>(c) the transboundary nature of the effects</p>	<p>The SPD is unlikely to result in any transboundary effects, as it is limited to Chard town centre.</p>
<p>(d) the risks to human health or the environment (e.g. due to accidents)</p>	<p>The SPD does not present any risk to human health or the environment; conversely it aims to encourage improvements in these areas.</p>
<p>(e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)</p>	<p>The SPD will be applied to all relevant planning applications in Chard town centre so has very limited 'local' scale.</p>
<p>(f) the value and vulnerability of the area likely to be affected due to:</p> <ul style="list-style-type: none"> • special natural characteristics or cultural heritage • exceeded environmental quality standards or limit values • intensive land-use 	<p>The SPD covers Chard town centre so will be relevant in guiding decision-making for proposed developments in a conservation area. It seeks to create quality design informing application of local plan policies. However, it is only offering guidance on the implementation of existing Local Plan policies, which have been subject to SEA,</p>



	to provide further positive effects. It does not propose any new development over and above that proposed by the Local Plan policies.
(g) the effects on areas or landscapes which have a recognized national, Community or international protection status.	The SPD is specifically aligned to the area of Chard town centre only, so is only offering guidance on existing Local Plan policies which have been subject to SEA to aid implementation and provide further positive effects. It does not propose any new development over and above that proposed by the Local Plan policies.

4.4. This screening indicates that a SEA is not required for the Chard Shop Front Design Guide SPD.

5. Determination

5.1. The screening indicates that the Chard Shop Front Design Guide SPD is not subject to HRA or SEA assessment because the SPD does not introduce new policies. It simply provides guidance on existing policies within the adopted Local Plan (Part 1). These policies have been sufficiently appraised via SAs and HRAs.

5.2. The Council considers that the Chard Shop Front Design Guide SPD will not result in any additional significant effects to those already identified in the higher level SAs or in the context of the phosphates issue identified in 2020 within the catchment of the Somerset Levels and Moors Ramsar Site. It will provide more detailed guidance to developers and decision makers to ensure that the positive effects identified in the Local Plan SA are realised and that any neutral and/or negative effects are mitigated further.

6. Consultation

6.1. The Council are in the process of consulting the three statutory environmental bodies – Environment Agency, Historic England and Natural England – on the above draft SEA/HRA screening assessment.

6.2. The SPD will be subject to any changes in response to these statutory agencies on the SEA screening assessment and as such this consultation will be reported to District Executive as part of the update report in March 2022.