

**Appendix 3 - SEA Screening Report**

## **Houses in Multiple Occupation Supplementary Planning Document (HMO SPD)**

### **Strategic Environmental Assessment Screening Report**

**December 2021**

#### **1. Introduction**

This Strategic Environmental Assessment (SEA) Screening Report has been produced to determine the need for a SEA in accordance with the European Directive 2001/42/EC (SEA Directive) and associated Environmental Assessment of Plans and Programmes Regulations 2004 (SEA Regulations) for Bath and North East Somerset Council's revised Houses in Multiple Occupation (HMO) Supplementary Planning Document (SPD) (hereafter referred to as the 'HMO SPD').

#### **2. Planning Context**

The policy approach to HMO development in B&NES is currently set out within the Placemaking Plan at policy H2. Policy H2 is being updated as part of the Local Plan Partial Update to increase the scope of applications to be assessed using the policy, and to require a good standard of accommodation where new or intensified HMOs are permitted, including a requirement for all new or intensified HMOs to meet Energy Performance Certificate 'C' or above.

The Draft HMO SPD is an update to the currently adopted HMO SPD (2017).

Overall, the HMO SPD sets out the Council's approach to the distribution and dispersal of HMOs. It aims to encourage a sustainable community in Bath, by achieving an appropriately balanced housing mix across Bath, supporting a wide variety of households in all areas.

The Draft HMO SPD seeks to continue to do this, but with a number of amendments, as summarised below:

- Removal of the census output area test currently used to assess applications, to ensure that all applications are fairly assessed using the same test;
- Provision of guidance on assessing flatted developments using the sandwich test, and;
- Provision of additional guidance relating to updates to policy H2 set out within the Local Plan Partial Update Draft Plan, with a particular focus on provision of good quality accommodation for occupiers.

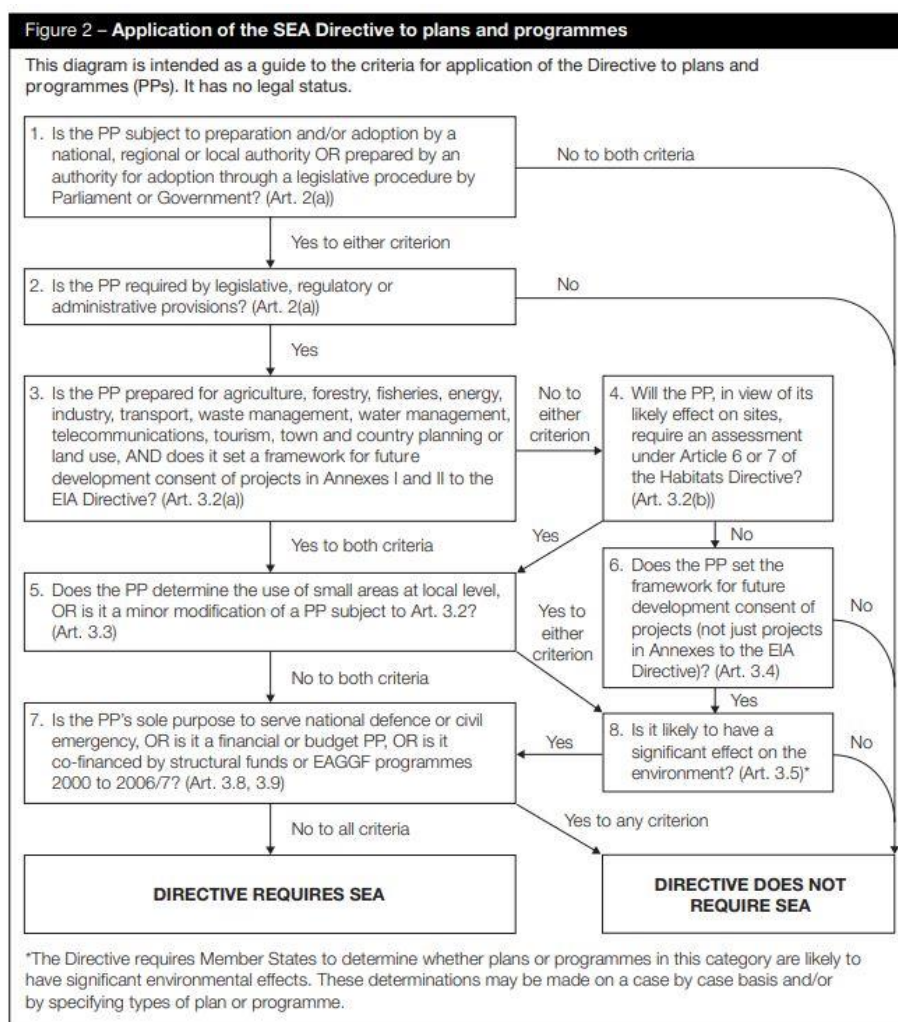
Following adoption, the SPD will be a material planning consideration when assessing planning applications, where it will be used alongside relevant Local Plan policies to determine applications for new or intensified HMOs.

### 3. SEA Screening Process

Previously, all development plan documents and SPDs were subject to Sustainability Appraisal (SA). Sustainability Appraisals incorporated the requirement for SEA<sup>1</sup> but when these regulations were amended in 2009<sup>2</sup>, the requirement for SA for SPDs was removed. However, SPDs are still subject to the requirements set out by the SEA.

The Planning Practice Guidance provides a checklist approach<sup>3</sup> based on the SEA Regulations to help determine whether SEA is required. This screening report has been used as the basis on which to assess the need for SEA, as set out below.

The diagram below is taken from the UK Government's SEA Guidance<sup>4</sup> and sets out the screening process for determining whether SEA is required for a plan or programme. Table 1 below uses the questions presented in the diagram below to establish whether there is a need for SEA for the HMO SPD.



<sup>1</sup> The Town and Country Planning (Local Development) (England) Regulations 2004

<sup>2</sup> The Town and Country Planning (Local Development) (England) (Amendment) Regulations 2009

<sup>3</sup>

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/580073/Strategic\\_Environmental\\_Assessment\\_Regulations\\_requirements\\_checklist.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/580073/Strategic_Environmental_Assessment_Regulations_requirements_checklist.pdf)

<sup>4</sup> ODP (2005) A Practical Guide to the Strategic Environmental Assessment Directive

#### 4. Screening Assessment

This section sets out a screening assessment using Annex II of the SEA Directive.

**Table 1** Establishing whether there is a need for SEA

Stage	Yes / No	Reason
1. Is the SPD 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 of Government? (Article 2(a))	Yes	The SPD is to be adopted by Bath & North East Council, subject to consultation.
2. Is the SPD required by legislative, regulatory or administrative provisions? (Article 2(a))	Yes	It is considered that the SPD is required to provide clarity to the provisions set out in Policy H2 of the Local Plan Partial Update.
3. Is the SPD 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))	No	The SPD is for town and country planning purposes but does not set a framework for future development consent of projects in Annexes I and II to the EIA Directive.
4. Will the SPD, in view of its likely effect on sites, require an assessment under Article 6 or 7 of the Habitats Directive? (Article 3.2(b))	No	This SPD is not likely to have an effect, particularly given that it will have little influence over external works and therefore is unlikely to have an impact on habitats.
6. Does the SPD set the framework for future development consent of projects (not just projects in Annexes to the EIA Directive)? (Article 3.4)	Yes	This SPD does not have Development Plan status, but it will be considered as a material planning consideration in the determination of planning applications. It does this by setting out key decision-making criteria for determining planning applications for new or intensified HMOs.

8. Is it likely to have a significant effect on the environment? (Article 3.5)	No	See Table 2 below to understand the determination of likely significant effects.
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Question 8 within the ODPM guidance (see table 1) refers to whether the SPD would have a significant effect on the environment. The criteria from Annex II of the SEA Directive and Schedule 1 of the Environmental Assessment of Plans and Programmes Regulations (2004) can be used to consider the relevance of the SPD to the SEA Directive. The criteria are set out in table 2 below, along with discussion as to whether the HMO SPD would have a significant impact on the environment.

**Table 2** *Determining the Likely Significant Effects using SEA Directive Annex II (referred to in Article 3(5))*

The characteristics of plans and programmes, having regard, in particular, to:	Is there a significant environmental impact?	Justification
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	No	The SPD does not provide a framework for other plans and strategies.
1b) The degree to which the plan or programme influences other plans and programmes including those in a hierarchy	No	The SPD does not have development plan status and forms the lowest tier of the LDF. It will therefore not influence other plans or programmes, but it will be afforded significant weight as a material planning consideration in the determination of planning applications.
1c) The relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development	No	The SPD aims to support sustainable development through controlling the concentration of HMOs to enable balanced and mixed communities. Through this, it also aims to address potential negative environmental

		<p>issues associated with HMOs such as condition of the property, rubbish accumulation, noise issues and parking pressures. It is anticipated that this may have a positive impact in the local area to which the policy is applied. It also provides guidance to support emerging policy H2 which requires new and intensified HMOs to meet Energy Performance Certificate 'C' or above. However, the SPD does not provide a specific environmental policy in its own right. The SPD has also been subject to an Equalities Impact Assessment which has promoted sustainable development.</p>
1d) Environmental problems relevant to the plan or programme	No	<p>The policy will restrict the change of use of properties to HMOs, new HMOs and the intensification of existing HMOs within the B&amp;NES area where high concentrations already exist. It is not envisaged that these restrictions will cause environmental problems, in fact, it is likely to have a positive effect on managing existing environmental concerns in areas of higher HMO concentration. The SPD will seek to ensure that planning applications for the development types listed above will not have a detrimental impact on the residential amenity of an area.</p>
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).	No	<p>The SPD is not considered relevant to this criterion.</p>

2a) The probability, duration, frequency and reversibility of the effects	No	The anticipated effects of the document are anticipated to be positive through the provision of a mixed and balanced community as well as the mitigation of potential negative environmental effects associated with HMOs. The duration of effects is hard to define given that once planning permission has been granted to use class C4, change of use to C3 is permitted development.
2b) The cumulative nature of the effects	No	The cumulative effects of the SPD are likely to be positive although only on a local neighbourhood scale.
2c) The trans-boundary nature of the effects	No	The SPD is not anticipated to have trans-boundary effects as the guidance will be localised within B&NES in its application.
2d) The risks to human health or the environment (e.g. due to accidents)	No	There are no significant effects to the human environment (e.g. due to accidents) or to human health identified. The SPD should help to ensure mixed and balanced communities which aim to mitigate detrimental effects to the local community and amenities. Additional licensing is also being applied in certain wards which will lead to higher residential standards in HMOs with positive effects on human health.
2e) The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)	No	The SPD covers the District, although HMOs are mainly located within certain wards within Bath City. The guidance set out by the SPD will have the greatest effect at the local street or neighbourhood level, particularly in areas where higher concentrations of HMOs exist. The effect is anticipated to be limited at a larger scale.

<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>	No	<p>The SPD proposes to control the concentration of HMOs through the setting of a threshold above which conversions to HMO's will be refused. The application of this policy should ensure that mixed and balanced neighbourhoods are maintained. The real and perceived detrimental impacts associated with HMO accommodation (noise, waste management and parking) will also be mitigated. The SPD is considered to not have effects on natural characteristics, cultural heritage, environmental quality standards or intensive land-use.</p>
<p>2g) The effects on areas or landscapes which have a recognised national, Community or international protection status</p>	No	<p>The SPD will help support Bath's status as a World Heritage Site by controlling the concentration of HMOs in residential neighbourhoods and managing the environmental degradation of these neighbourhoods.</p>

## 5. Conclusion

Based on the information set out in the tables above, it is considered that the HMO SPD will not give rise to significant environmental effects. It is therefore proposed that a Strategic Environmental Assessment is not required for the revised HMO SPD.