

PLANNING OBLIGATIONS SPD

DRAFT STRATEGIC ENVIRONMENTAL ASSESSMENT SCREENING OPINION



PREPARED BY PRO VISION PLANNING & DESIGN ON BEHALF OF THE LONDON BOROUGH
OF LEWISHAM

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Planning Obligations SPD
Draft Strategic Environmental Assessment Screening Report
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1.0 INTRODUCTION

- 1.1 This report has been prepared on behalf of the London Borough of Lewisham to determine the need for a Strategic Environmental Assessment (SEA) for the updated Planning Obligations Supplementary Planning Document (SPD).
- 1.2 It has become necessary to revise the 2011 Planning Obligations SPD to reflect changes in the legislative and planning policy framework including the amended Community Infrastructure Levy (CIL) Regulations, the National Planning Policy Framework (2012), expected changes in the forthcoming London Plan and the Lewisham Core Strategy (2011).
- 1.2 For SPDs it is necessary to undertake an SEA in instances where there is potential for significant environmental impacts that have not already been assessed during the preparation of the Development Plan.
- 1.3 This Screening Report has been prepared in accordance with Section 9 (3) of the Assessment of Plans and Programmes Regulations 2004 and is based on the Council's understanding of the current scope of the draft SPD.

2.0 SEA SCREENING PROCEDURE

2.1 The SEA screening procedure comprises 6 stages, detailed below:

1. **Preliminary Assessment:** initial tests applied to determine whether screening is necessary;
2. **Assessment of likely Environmental Impacts:** if screening is required the an assessment of the likely environmental impacts will be undertaken in accordance with the 2004 Regulations;
3. **Draft Screening Report:** a draft screening report will be prepared summarising the results of Stage 2 and including a draft determination that provides sufficient information to demonstrate whether the SPD is likely to have significant environmental effects;
4. **Consultation with statutory bodies:** before a final screening report can be published it will be necessary to undertake consultation with the Environment Agency, English Heritage and Natural England. If these statutory bodies consider that the SPD is likely to have significant environmental effects, then a full SEA will be required;
5. **Final Screening Report:** consideration to be given to the responses from the three statutory bodies and then a final version of the screening report prepared confirming:
 - a. The result of the screening;
 - b. Responses from the consultation bodies;
 - c. The final determination, and
 - d. The statement of reasons if no SEA is required
6. **Final Screening Report made publically available:** the Council will issue the Final Screening Report to each of the three statutory consultees and make it public available for inspection on the Council's website and within public libraries.

3.0 ASSESSMENT OF ENVIRONMENTAL EFFECTS

3.1 It is necessary to undertake screening of the likely significant environmental effects of the SPD because the SPD meets the following SEA Directive criteria¹:

1. the SPD is subject to preparation and adoption by a Local Authority;
2. the SPD is required by legislative, regulatory or administrative provisions
3. the SPD is prepared for town planning and land use purposes

3.2 The criteria for determining the significance of effects are taken from schedule 1 of the Regulations. The SPD has been judged against each of these criteria and the results are detailed in Table 3.1 below.

Table 3.1

| Criterion | | Justification |
|-----------|--|---|
| 1 | | |
| (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 draft SPD sits at the lowest tier of the development plan hierarchy. The function of the document is to provide amplification to the policies and strategies set out within the Development Plan (specifically Core Strategy Policy 21). The SPD makes no provision for the allocation of resources but it will ensure that resources are available to fund projects to mitigate the impact of new development and to ensure that there is adequate infrastructure to cater for the needs of the Borough. |
| (b) | the degree to which the plan or programme influences other plans and programmes including those in a hierarchy; | The draft SPD is a function of the adopted Development Plan, its purpose being to expand upon and clarify the requirements of the Plan. The SPD is required to be in conformity with the Plan and other higher tier policy documents (which have been subject to full Sustainability Appraisals). The SPD does not influence other plans and programmes. |
| (c) | the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development; | The draft SPD provides advice on how planning obligations will be assessed and sets out procedural guidance on how these will be negotiated and secured in accordance with Core Strategy Policy 21 and other higher tier policies and objectives. This process will assist in mitigating the effects arising from development and thus will help in the further integration of environmental considerations and promotion of sustainable development. However, the SPD does not set out the initial policy requirements for planning obligations and so is of less relevance than the higher tier documents from which these requirements derive. |
| (d) | environmental problems relevant to the plan or programme; | No environmental problems will be introduced or intensified as a result of the draft SPD. Conversely, the draft SPD will introduce higher standards for CO2 emissions in line with the requirements of the London Plan. These provisions have the potential to generate environmental improvements. |

¹ A Practical Guide to the Strategic Environmental Assessment Directive (2005)

| | | |
|----------|--|--|
| (e) | 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 draft SPD is not relevant to the implementation of Community legislation on the environment but will facilitate the process of securing environmental mitigation and enhancement where necessary. |
| 2 | | |
| (a) | the probability, duration, frequency and reversibility of the effects, | Taken as a whole, the impact of the SPD will be positive, with the document having the potential to have general positive impacts in the short, medium and longer term. This may include having a positive effect on climate change through efforts to minimise and off-set CO2 emissions. |
| (b) | the cumulative nature of the effects | Individual planning obligations will have beneficial effects. When individual obligations are combined and applied to larger mitigation and / or enhancement schemes there is potential for significant positive cumulative effects. |
| (c) | the trans-boundary nature of the effects of the SPD | The positive effects of the draft SPD will be mostly be felt in areas close to new development as there is a need for planning obligations to be 'directly related to the development'. Notwithstanding this, some mitigation measures can have positive effects that impact upon a much wider area such reductions in CO2 emissions. |
| (d) | the risks to human health or the environment (for example, due to accidents) | The draft SPD expands upon adopted planning policies that have been subject to a full Sustainability Appraisal and will pose no risk to human health. Planning obligations in some circumstances present the opportunity to mitigate against risks to human health and other negative impacts arising from development. |
| (e) | the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected), | The draft SPD supplements existing adopted planning policy and therefore will not itself have a significant effect. The implementation of Core Strategy Policy 21 may have a significant effect, although the magnitude and extent will largely depend on the nature and scale of different development proposals and their associated planning obligations. |
| (f) | 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 | The borough is characterised by a range of different and sometimes vulnerable natural and manmade environments. These include SINCS, Local Nature Reserves, 27 Conservation Areas and 540 Listed Buildings. It is the role of development plan policies to protect, conserve and in many instances enhance these areas which set out specific standards for environmental quality and land use. The draft SPD supplements planning policy and will not have any impact on these areas. |
| (g) | the effects on areas or landscapes which have a recognised national, Community or international protection status | Within the Borough there are a range of areas which have a recognised protection status. These are protected, conserved and enhanced by adopted plan policies and through separate legislation in some instances. The draft SPD will not impact on these areas. |

4.0 DRAFT DETERMINATION

- 4.1 The assessment detailed in table 3.1 indicates that that the SPD is unlikely to generate significant environmental effects by itself. Any effects resulting from higher tier planning documents including the 'parent policies' relevant to this SPD have already been assessed by a separate full SEA.
- 4.2 The SPD does not propose any new policies, or the amendment of existing policies, and will not allocate resources or direct other plans and programmes

Next Stage

- 4.3 The draft determination is that a SEA will not be required for the SPD. However, before a final determination is made it will be necessary to:
1. Consult on this draft determination with the three statutory consultees, and
 2. Prepare a final screening report, which is to be made publicly available.