

SEA Screening Determination and Sustainability Appraisal Review

Revised Planning Obligations Supplementary Planning Document

February 2013



1. Background and Context

- 1.1 Following the adoption of the Core Strategy in September 2010, the Council adopted a Planning Obligations Supplementary Planning Document (SPD) in January 2012. The SPD includes guidance and transparency on the S106 planning contributions the Council will seek to mitigate negative impacts of development on the borough's infrastructure and any adverse impacts of development at the sitespecific level.
- 1.2 From April 1st 2014, or sooner, the Council will charge a Community Infrastructure Levy (CIL) to mitigate any borough-wide impacts of development and the scope for negotiating S106 Agreements will become more limited.
- 1.3 The Revised Planning Obligations SPD will set out guidance on how the Council will continue to apply S106 following the introduction of CIL. Future use will be in accordance with regulation 122 of the CIL Regulations (2010), a planning obligation may only be entered into where the obligation is:

(a) necessary to make the development acceptable in planning terms;(b) directly related to the development; and

(c) fairly and reasonably related in scale and kind to the development. The Council will mitigate cumulative impacts of development on the borough's infrastructure by using CIL receipts to fund a wide range of local and strategic infrastructure that is required as a result of new development such as transport schemes, open spaces, schools and community facilities.

1.4 This document outlines the Council's consideration of whether the proposed Revised Planning Obligations SPD should be subject to a Strategic Environmental Assessment (SEA) and provides a Sustainability Review

2. Purpose of this SA Review

- 2.1 A Sustainability Appraisal (SA) considers the potential impacts of a planning policy document on the environment, the economy, and society. It does this by assessing the extent to which the planning document will help achieve a set of objectives that cover a range of issues, including air quality, landscape, water, health and the population. The SA also has to satisfy the requirements of the EC Directive 2001/42/EC on the assessment of the effects of certain planning documents and programmes on the environment (known as the Strategic Environmental Assessment [SEA] Directive).
- 2.2 There is no longer a statutory requirement for the Council to produce an SA for Supplementary Planning Documents (SPD), however, the requirement remains for Development Plan Documents (DPD). An SA was undertaken for the Council's Core Strategy 2025, and the emerging Managing Development DPD.

- 2.3 Although it is not a statutory requirement to prepare an SA for SPDs, in pursuing best practice the Council has undertaken an SA Review for the Planning Obligations SPD. This SA review does not constitute an SA satisfying the EC Directive 2001/42/EC (or accompanying regulations), however, it will enable the Council to ensure that the social, economic and environmental impacts of the draft Planning Obligations SPD have been considered and that the SPD is a robust and coherent document that considers all aspects of sustainability. This document will also provide an efficient method of determining if the SPD is compatible with the sustainability objectives established in the SA for the Core Strategy.
- 2.4 This SA Review draws heavily on the SA review undertaken as a part of the evidence base for the adopted Planning Obligations SPD. The Revised Planning Obligations SPD is also supported by an Equalities Analysis (EA) Scoping Report. Following an external consultation on the SPD, between 17th April and 31st May 2013, any required changes which impact the Sustainability Appraisal will be reassessed.

3. SEA Screening Determination

- 3.1 In accordance with the requirements of regulation 9(1) of the Environmental Assessment of Plans and Programmes Regulations 2004, the Council has determined that this SPD should not be subject to a Strategic Environmental Assessment (SEA) as the document provides an elaboration of an existing plan, and is therefore a minor modification of that plan.
- 3.2 This approach is consistent with the determination made for the adopted Planning Obligations SPD which, following consultation on the determination with the statutory environmental bodies, responses were received from the Environment Agency and Natural England, both of whom confirmed that the Planning Obligations SPD does not require an SEA to be undertaken as the SPD is an elaboration of an existing plan and is therefore a minor modification of that plan, and is unlikely to have significant effects.
- 3.3 The Revised Planning Obligations SPD does not introduce new mechanisms under which a S106 contribution shall be required, rather it refines the Council's approach by removing the requirement to mitigate some forms of development impacts through S106 in favour of CIL. The determination therefore is entirely appropriate.
- 3.4 This SA Review document also fulfils the function of a statement of the Council's reasons for its determination that SEA is not required.

4. Revised Planning Obligations SPD Context

4.1 Table 1 below provides an overview of the Revised Planning Obligations SPD. For further details, please refer to the Planning Obligations SPD.

Legislative Context	 Review the Town & Country Planning Act 1990.
	 Review of Community Infrastructure Levy Regulations 2010 (Regulation 122 and Regulation 123).
Policy and Guidance	 Review of national guidance contained within Planning Policy Statement 1 and Planning Policy
Context	Statement 12.
	 Focus on guidance contained within Circular 05/2005 which details the use of Planning Obligations.
	 Review of Regional Policy, the Draft Replacement London Plan 2010.
	 Review of Local Policy and Guidance including the Council's Community Plan 2008/2009, emerging
	Development Plan Documents and Area Actions Plans and the Unitary Development Plan saved
	policies 1998.
Approach to	 Summary of the Infrastructure Delivery Plan
Infrastructure	 Summary of the Council's proposed use of CIL
Delivery	 Summary of the Council's proposed use of S106
Negotiating Planning	 Liaising with the Council at the pre-application stage.
Obligations	 Submission of Planning Obligation details at application stage.
	 Where application area unable to provide the contributions, a Viability Assessment is required to be
	submitted alongside a planning application.
Standard Obligations	 This section sets out the standard Planning Obligations that the Council will seek.
and Charges	 Each Planning Obligation has been set out individually with 'justification', 'threshold' and 'approach'.
Procedure and	 Information relating to monitoring and managing planning agreements including details of;
Management	 monitoring fees
	 trigger points
	 pooling of contributions
	 interest bearing accounts
	 penalty clause and enforcement of obligations
	 complying with planning obligations
	 monitoring and delivering planning obligations

5. Sustainability Appraisal Review

- 5.1 The objectives from the Core Strategy's SA have been used to asses the Planning Obligations SPD and the Revised Planning Obligations SPD. The purpose of this exercise is to identify any potential incompatibilities or gaps in the Revised Planning Obligations SPD, and where appropriate identify mitigation measures. The mitigation measures mainly relate to future applications and detailed development considerations. The challenge will be to ensure that such measures are picked up as specific development proposals are progressed and development proposals are implemented. The results of this assessment are set out in Table 3 below.
- 5.2 In general, it is considered that the Revised SPD will contribute to achieving the principles of sustainable development and is aligned with the SA objectives established in the Core Strategy. It performs well against the SA objectives and no instances were identified where the Revised Planning Obligations SPD would conflict with the SA objectives.
- 5.3 Table 2 presents the results of the assessment against each SA objective using the key below. The matrix also indicates whether the effects are temporary or permanent in nature.

Table 2

Objective Met?	
Objective met to large extent	++
Objective met slight extent	+
Objective met, neutral impact	0
Objective not met, slight adverse impact on objective	-
Objective not met, moderate adverse impact on objective	
Timeframe	
Objective met or impacted temporarily	Т

Objective met or impacted permanently	Р

Table 3.

Sustainability Objective and Questions to Consider As set out by the Sustainability Appraisal of the Core Strategy (2009)	Timeframe	Objective Met?	Comments	Recommendations / Mitigation
Environmental				
 Biodiversity: To conserve and enhance natural habitats and wildlife and bring nature closer to people. Will it conserve and enhance habitats and species in accordance with the Local Biodiversity Action Plan. In particular, will it avoid harm to national or London priority species and designated sites and habitats and species identified in the Local Biodiversity Action Plan? Will it provide for the long-term management of natural habitats and wildlife? Will it improve the quality and extent of designated and non-designated sites with the intention of achieving a net gain in biodiversity? Will it provide opportunities to enhance the environment and create new conservation assets (or restore existing wildlife habitats) for example by integrating the creation of new habitats into the design of new buildings and areas? Will it protect and enhance the borough's water 	Ρ	++	This lies outside the remit of the Revised SPD however the Council will seek contributions towards enhancements to Biodiversity from all major residential and commercial developments. Where it is considered unfeasible to provide adequate on-site enhancements the Council will seek an equivalent financial contribution for off-site projects.	The Biodiversity measures respond to the impacts of climate change and an increasingly dense cityscape by maintaining areas of biodiversity value and encouraging appropriate biodiversity enhancements within the borough.

 bodies to achieve a good ecological status? Will it promote, educate and raise awareness of the enjoyment and benefits of the natural environment? Will it bring nature closer to people, especially in the most urbanised parts of the borough, for example through the use of green and brown roofs? Will it improve access to areas of biodiversity 				
interest?Will it enhance the ecological function and carrying capacity of the green space network?				
 Water Quality & Water Resources: To improve the quality of surface waters and groundwater and to achieve the wise management and sustainable use of water resources. Will it reduce discharges to surface and groundwater? Will it support sustainable urban drainage? Will it improve the water systems infrastructure (e.g. water supply/sewerage)? Will it reduce abstraction form surface and groundwater sources? Will it reduce water consumption? Will it encourage the consideration of the water cycle? 	n/a	n/a	The principle of the objectives fall outside of the Revised SPD although contributions will be sought and used to increase and enhance brown and green roofs etc.	Further assessment to be provided at the detailed planning application stage, to mitigate any adverse impacts on water quality and resources. Flood Risk Assessments will be undertaken for any development which exceeds the thresholds as laid out in PPS25.
Natural Resources : To minimise the global, social and environmental impact of consumption of resources by using sustainably produced, harvested and manufactured local products.	n/a	n/a	Through the Environmental Sustainability section of the SPD, both financial	Further assessment to be provided at the detailed planning application stage and

 Will it reduce the demand for natural resources and raw materials from unsustainable sources? Will it encourage the prudent and efficient use of natural resources? Will it encourage the use of local sustainable products? Will it reduce the extraction of minerals? Will it reduce the borough's ecological footprint per capita? 			and non-financial obligations are secured to mitigate the impacts of climate change.	through the negotiation of planning obligations, to minimise impact of development upon natural resources.
 Climate Change: To address the causes of climate change through minimising the emissions of greenhouse gases and ensuring that London is prepared for its impacts. Will it minimise emissions of greenhouse gases? Will it help London meet its emissions targets? Will it reduce the numbers of cars entering London's congestion charge zone? Will it protect the borough from climate change impacts? Will it avoid exacerbating the impacts of climate change? Will it help the borough adapt to the impacts of climate change? Will it minimise the risk of flooding from rivers and watercourses to people and property? Will it manage existing flood risks appropriately and avoid new flood risks? 	Ρ	++	Through the Environmental Sustainability section of the SPD, both financial and non-financial obligations are secured to mitigate the impacts of climate change.	Further assessment to be provided at the detailed planning application stage and through the negotiating of planning obligations, to minimise impacts of development on climate change.

 Air Quality: To improve air quality Will it improve air quality? Will it help to reduce emissions of PM10, NO₂? Will it reduce emissions of ozone depleting substances? Will it help to achieve national and international standards for air quality (for example, those set out in the Air Quality Regulations 2000 and (Amendment) Regulations 2002? (See objective 10 for further details on transport criteria including the provision of infrastructure to achieve a modal shift) 	Ρ	+	Through the Sustainable Transport section of the SPD, non-financial obligations are secured to mitigate the impacts of air quality through Car Free Agreements and promoting sustainable forms of transport.	Further assessment to be provided at the detailed planning application stage and through the negotiating of planning obligations, to minimise impacts of development on air quality.
 Energy: To achieve greater energy efficiency and to reduce reliance on fossil fuels for transport, heating, energy and electricity. Will it reduce the demand and need for energy? Will it promote and improve energy efficiency (e.g. buildings)? Will it increase the proportion of energy both purchased and generated from renewable and sustainable resources? 	Ρ	++	Through the Environmental Sustainability and Sustainable Transport sections of the SPD, obligations are secured to mitigate the impacts of energy inefficiency.	Further assessment to be provided at the detailed planning application stage and through the negotiating of planning obligations, to minimise impacts of development on energy efficiency.
 Waste: To minimise the production of waste across all sectors and increase reuse, recycling, remanufacturing and recovery rates. Will it minimise the production of household and commercial waste? Will it promote reuse and recycling (e.g. in the design of housing or promoting recycling schemes in existing building stock etc) particularly in high density developments? Will it help the borough achieve its statutory waste recycling targets? 	n/a	n/a	Objective falls outside the SPD remit.	Planning applications to provide details of waste and waste management.

 Will it help to promote a market for recycled products? 				
 Built and Historic Environment: To enhance and protect the existing built environment (including the architectural distinctiveness, townscape/landscape and archaeological heritage), and ensure new buildings are appropriately designed and constructed in a sustainable way. Will it protect and enhance sites, features and areas of historical, archaeological and cultural value/potential and their settings? Will it conserve and enhance the townscape/cityscape character including the protection of views and landmark buildings? Will it promote access to the historic environment and also contribute to better understanding of the historic environment? Will it respect visual amenity and the spatial diversity of communities? Will it protect and enhance areas of open space? Will it promote the creation of new accessible local parks and facilities on the City Fringe? Will it improve access to open space and improve the quality and quantity of publicly accessible greenspace? 	n/a	n/a	These objective falls outside the SPD remit and impacts of development will be mitigated through planning conditions and CIL.	Planning applications will be required to submit a Design Statement to ensure development does not have a significant adverse impact on the built environment, but enhance and protect it.

Social Objectives				
 Housing: To ensure that all Londoners have access to good quality, well-located, affordable housing that promotes liveability. Will it reduce homelessness? Will it reduce the number of unfit homes, including those owned by Registered Social Landlords? Will it reduce overcrowding? Will it increase the range and affordability (both upfront and over its lifetime) of housing (taking into account different requirements and preferences of size, location, type and tenure)? Will it ensure that appropriate services and facilities are in place for the new population? Will it provide housing that ensures a good standard of living and promotes a healthy lifestyle? Will it increase use of sustainable design and sustainable building materials in construction? Will it improve energy efficiency and insulation in housing to reduce fuel poverty and ill health? Will it provide housing that encourages a sense of community and enhances the amenity value of the community? 	P	++	The SPD refers to SP02 of the Core Strategy 2025 which requires all major residential developments to provide 35% - 50% affordable homes on-site (subject to viability).	Planning applications will also need to have regard to National, Regional guidance and housing policies in the emerging DPD and requirements. The Council's approach to delivery of affordable housing will be delineated in a separate SPD.
 Liveability and Place: To create and sustain liveable, mixed use physical and social environments that promote long- term social cohesion, sustainable lifestyles and a sense of place. Will it create and sustain vibrant and diverse communities and encourage increased 	n/a	n/a	These objective falls outside the SPD remit and impacts of development will be mitigated through planning conditions and CIL.	The Council will use CIL receipts to fund improvements to Liveability and Place

 engagement in recreational, leisure a activities? Will it increase the provision of cultur recreational activities for all: this cou quality, affordable and healthy food, cultural, sporting, or leisure opportunt those associated with the Olympic le Will it provide opportunities for peopl active, fulfilling life? Will it increase the provision of key s facilities and employment opportunitie Will it positively enhance and promot perceived sense of place held by the Will it protect and enhance the provision space? Will it encourage a mix of land uses? Will it reduce the urban heat island entance 	e, leisure and d include as well as ities including gacy? e to choose an ervices, es? e the community? sion of open			
associated with increasingly dense d	evelopment?			
Education and Skills: To maximise the	education and P	++	The SPD requires	The Council will use
 skills levels of the population. Will it increase the opportunities for experimental statements. 	educational		applicants to make a contribution towards local	CIL receipts to deliver infrastructure
and vocational goals to be achieved			employment opportunities	which enhances
employment and entrepreneurial opp	0		and skills acquisition	local education and
• Will it provide the infrastructure to he			commensurate with the	skill acquisition
the levels of participation and attainn	nent in		proposed scheme.	
education?	f the		Obligations include commitments to engage	
Will it improve overall achievement of berough's primary and secondary set.			local labour and provide	
 borough's primary and secondary sc Will it help improve employee education 			training associated with	
or programmes?	ion/iraining		the construction and end	
 Will it help improve the qualifications 	and skills of		user stage of the	
young people?			development.	

 Will it help promote lifelong learning activities? Will it help support the voluntary sector and promote volunteering? Will it help promote sustainable development education? Will it help reduce skills shortages? Will it help to reduce the disparity in educational achievement between different ethnic groups? Will it promote multiple uses of schools? 			Education falls outside the SPD remit and impacts of development will be mitigated through planning conditions and CIL.	
 Ownership and Participation: To promote civic participation, ownership and responsibility and enable individuals, groups and communities to contribute to decision-making at neighbourhood, borough and regional levels in London. Will it promote social cohesion and encourage engagement in community activities? Will it increase the ability of people to influence decisions? Will it support civic engagement and encourage the involvement and participation of a diverse range of stakeholders? Will it promote community spirit and encourage community networks? Has consideration been given to cross boundary issues and the potential for working in conjunction with other authorities? 	n/a	n/a	These objective falls outside the SPD remit.	Developers are encouraged to undertake community engagement with local residents and stakeholders. The Council also undertakes consultation with local residents and stakeholders during the Planning Application stage.
 Health and Well-being: To maximise the health and well-being of the population and reduce inequalities in health. Will it reduce poverty and health inequalities? Will it improve mental wellbeing? 	Ρ	++	These objective falls outside the SPD remit and impacts of development on health and wellbeing will be mitigated through planning conditions and	The Council will mitigate the impacts of new developments on the borough's health facilities using CIL receipts following

 Will it improve access to high quality public services (including health facilities)? Will it address the causes of key health issues including high rates of cardio-vascular disease and lung cancer? Will it create an environment that will promote and support physical activity and other healthy behaviours?? Will it improve access by active travel means such as walking, cycling and public transport? 			CIL.	an assessment of local needs.
 Safety and Security: To enhance community safety by reducing crime, antisocial behaviour and the fear of crime. Will it help reduce the number of vehicle crimes? Will it help reduce the number of burglaries? Will it help reduce the number of racial incidents? Will it reduce the fear of crime? Will it reduce antisocial behaviour? Will it reduce actual noise levels and disturbances from noise? Will it reduce the risk of terrorist attack? 	n/a	n/a	These objective falls outside the SPD remit.	Planning applications will be required to submit a statement to ensure development does not have a significant adverse impact on the safety and security of the existing and proposed built environment.
 Equality and diversity: To ensure equitable outcomes for all communities, particularly those most liable to experience discrimination, poverty and social exclusion. Will it reduce poverty and social exclusion in those areas and communities most affected? Will it promote a culture of equality, fairness and respect for people and the environment? Will it promote equality for black and minority ethnic communities, women, disabled people, 	Ρ	+/0	Securing contributions towards affordable would assist in improving social cohesion and help towards achieving positive equality outcomes throughout the borough.	It has been identified that the SPD cannot directly achieve Equality and Diversity as contributions seek to mitigate the impacts of development. The thrust of Equality and Diversity policies

 lesbians, gay men, bisexual and transgender people, older people, young people, children and faith groups? Will it benefit the equality target groups listed above? 				are held within the adopted Core Strategy and emerging Managing Development DPD.
Economic Objectives				
 Accessibility / Availability (Transport): To maximise the accessibility to key services and amenities and increase the proportion of journeys made by public transport, by bicycle and by foot (relative to those taken by car). Will it encourage a modal shift to more sustainable forms of travel as well as encourage greater efficiency (e.g. through car-sharing and use of waterways)? Will it provide the infrastructure required to achieve a modal shift to more sustainable forms of travel as well need for people to travel by improving their access to the services, jobs, leisure and amenities in the place in which they live? Will it reduce the length of commuting journeys? Will it nebp to provide a more integrated transport service from start to finish i.e. place of residence to point of service use or place of employment? Will it increase the capacity of public transport? 	Ρ	++	The Sustainable Transport and Highways section of the SPD requires all major residential and commercial developments to contribute towards reducing the need to travel by private modes of transport	Strategic transport requests will be submitted during the Planning Application stage by Transport for London. These include contributions towards provision of an improved public transport system.

 on the car? Will it promote locally-based employment? Will it improve accessibility to work by public transport, walking and cycling? Will it reduce road traffic accidents? Will it promote inter-borough connectivity? Regeneration & Land Use: To stimulate regeneration and urban renaissance that maximises benefits for the most deprived areas and communities and to improve efficiency in land use through the sustainable reuse of previously developed land and existing buildings. Will it provide a viable network of complementary centres? Will the regeneration have immediate and long-term benefits for deprived areas? Will it help to make people feel positive about the area they live in? Will it help to create a sense of place and 'vibrancy'? Will it minimise the loss of soils to development? Will it improve soil quality and tackle contamination? 	n/a P	n/a	These objective falls outside the SPD remit and impacts of development on regeneration and land use will be mitigated through planning conditions and CIL.	On balance, the 'Regeneration and Land Use' objectives fall outside the SPD. A full assessment will be considered during the detailed Planning Application stage.
 Employment: To offer everyone the opportunity for rewarding, well-located and satisfying employment. Will it generate satisfying and rewarding new jobs? Will it help to provide employment in the most deprived areas and stimulate regeneration? 	٢	++	Training and Enterprise section of the SPD seeks to provide new employment opportunities and training.	of Employment options are to be considered during the Planning Application stage.

 Will it reduce overall unemployment, particularly long-term unemployment? Will it help to improve levels of income and help to deliver a living wage to all? Will it encourage flexibility of work, including voluntary and part-time work? Will it encourage volunteering and promote the value of unpaid work? Will it encourage the development of healthy workplaces? Will new employment opportunities be well served 				
 by public transport? Stable Economy: To encourage a strong, diverse and stable economy and to improve the resilience of businesses and their environmental, social and economic performance. Will it improve sustainable business development? Will it improve the resilience of business and the economy? Will it help to diversify the economy? Will it prevent the loss of indigenous businesses? Will it encourage business start-ups and support the growth of businesses? Will it encourage ethical and responsible investment? Will it reduce levels of deprivation? Will it safeguard the best of the employment land portfolio? 	Ρ	+/0	The Employment, Skills Training and Enterprise, section of the SPD seeks to provide new employment opportunities and to protect existing and provide for new facilities for small and medium enterprises.	Whist major residential and commercial developments will be required to provide employment opportunities and provision of Small and Medium Enterprise (SME) units for start up businesses where appropriate, the SPD does not in itself facilitate a 'sustainable economy'. Applications are able to submit viability assessments should

				they consider that a scheme cannot be delivered with the provision of all Planning Obligations.
 Creativity and Innovation: To promote creativity and innovation in the environmental and social economy (including new clean technologies, renewable energy, pollution control and the skills sector). Will it help to diversify the economy? Will it encourage investment in new technologies, new solutions, new plans and new ideas that contribute to achieving progress towards sustainability? Will it boost the green technology sector? 	Ρ	+/0	The Environmental Sustainability section of the SPD encourages the use of new technologies that contribution towards achieving sustainable environments.	Further assessment to be provided at the detailed planning application stage and through the negotiating of planning obligations, to promote sustainable creativity and innovation.