



Planning Obligations: Supplementary Planning Document

Strategic Environmental Assessment Screening Statement

January 2021



1. Introduction

- 1.1. Planning obligations are legal obligations entered into by developers in agreement with the local planning authority under s106 of the Town and Country Planning Act 1990 in order to mitigate the impacts of a development proposal.
- 1.2. The Planning Obligations Supplementary Planning Document (SPD) provides guidance on how planning obligations are secured from new development. While this SPD does not form part of the statutory development plan, it is a material consideration for the determination of planning applications.
- 1.3. A Screening Statement was initially prepared for the draft Planning Obligations SPD prior to public consultation. Changes have been made to the Planning Obligations SPD as a result of feedback received during the public consultation. As such, this Screening Statement has been reviewed and updated based on the final version of the Planning Obligations SPD.
- 1.4. This Screening Statement outlines the Council's consideration of whether the Planning Obligations SPD should be subject to a Strategic Environmental Assessment (SEA).

2. Legislative and Policy Context

- 2.1. A Sustainability Appraisal (SA) considers the potential impacts of a planning policy document on the environmental, economic, and social aspects of sustainability. SAs are required to be produced for Development Plan Documents, but not for other kinds of planning documents. There is no legal requirement for a SA to be produced for a SPD.
- 2.2. A SA was undertaken as part of the preparation of the Tower Hamlets Local Plan 2031 (adopted January 2020). The Local Plan (including the SA) was consulted upon, has undergone examination in public and subsequently been adopted.
- 2.3. A Strategic Environmental Assessment (SEA) is an assessment of the likely effects of a plan or programme on the environment. The requirement for a SEA is set out in the SEA Directive (2001/42/EC), transposed into UK law through the Environmental Assessment of Plans and Programmes Regulations 2004 (known as the SEA Regulations).
- 2.4. Regulation 9 of the SEA Regulations requires councils to undertake a screening exercise to determine whether or not a plan or programme is likely to have significant environmental effects. This is also set out in

the PPG on Strategic Environmental Assessment and Sustainability Appraisal.

3. SEA Screening

- 3.1. The purpose of this statement is to screen the Planning Obligations SPD in order to establish whether a SEA will be required. As required by Regulation 9 and 11 of the SEA Regulations, the council will also consult with the specified environmental organisations (Natural England, Historic England and the Environment Agency) before making a determination as to whether a SEA will be needed for the SPD.
- 3.2. In accordance with Regulation 9(3), where the council SEA Screening Statement determines that the SPD is unlikely to have significant environmental effects and therefore does not need to be subject to a full SEA, it must prepare a statement showing the reasons for this determination.
- 3.3. The SEA Screening Statement is included in Appendix 1 below.

4. Consultation

- 4.1. The SEA Screening Statement prepared for the draft Planning Obligations SPD was sent to the relevant statutory consultees – Natural England, Historic England and the Environment Agency – as required under the SEA Regulations.
- 4.2. No comments on the SEA Screening Statement were received. As such, it is considered that the responses of the statutory consultees do not give rise to any further changes to the SEA Screening Statement.

5. Conclusion

- 5.1. A SEA Screening Statement was prepared for the draft Planning Obligations SPD. Following public consultation, changes have been made to the Planning Obligations SPD. As such, the SEA Screening Statement has been reviewed and updated based on the final version of the Planning Obligations SPD.
- 5.2. On the basis of the SEA Screening Statement the Council has come to the view that the Planning Obligations SPD will not have any significant effects in relation to the criteria set out in Schedule 1 of the SEA Regulations. As such, a Strategic Environmental Assessment is not required for the Planning Obligations SPD.

Appendix 1 – Screening Statement

Criteria for Determining the Likely Significance of Effects on the Environment (Schedule 1 of Environmental Assessment of Plans and Programme Regulations 2004)	London Borough of Tower Hamlets Assessment	
	Likely significant effect?	Justification
1. Characteristics of the Draft Planning Contributions SPD		
The degree to which the SPD sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources.	No	<p>The framework for projects and other activities is primarily set by the Local Plan and London Plan. The council's Local Plan has been subject to a full Sustainability Appraisal which includes consideration of the Local Plan policies.</p> <p>The purpose of the SPD is to provide supplementary guidance to the council's Local Plan policies. While the SPD is a material consideration in the determination of planning applications, it does not set a framework for projects and other activities.</p>
The degree to which the SPD influences other plans and programmes including those in a hierarchy.	No	The SPD is a low level policy document which provides supplementary guidance to the council's Local Plan. The SPD does not directly influence other plans and programmes in the hierarchy.
The relevance of the SPD for the integration of environmental considerations in particular with a view to promoting sustainable development.	No	<p>The Local Plan policies, which have been subject to a full Sustainability Appraisal, include environmental matters, such as those relating to the promotion of sustainable development. The Plan sets out the integration of these considerations in development.</p> <p>The SPD provides additional detail and guidance in relation to securing planning obligations and financial contributions, some of which seek to</p>

		mitigate environmental impacts from development and promote sustainable development.
Environmental problems relevant to the SPD	No	Environmental problems relevant to the borough are identified in the Local Plan. The Local Plan policies seek to address these and have been assessed as part of the full Sustainability Appraisal. The SPD provides additional guidance on the Local Plan policies and does not introduce new policy nor are there environmental problems specific to just the SPD.
The relevance of the SPD for the implementation of community legislation on the environment (for example, plans and programmes linked to waste management or water protection).	No	The SPD will provide additional guidance on the implementation of policies in the Local Plan which in turn must conform with relevant environmental legislation. The SPD does not introduce new policy initiatives and therefore is not expected to have a significant effect on the environment under this criterion.
2. Characteristics of the effects and of the areas likely to be affected, having particular regard to:		
The probability, duration, frequency and reversibility of the effects	No	The SPD will provide additional guidance on the implementation of policies in the Local Plan which have been assessed as part of the full Sustainability Appraisal.
The cumulative nature of the effects of the SPD	No	The SPD will provide additional guidance on the implementation of policies in the Local Plan. The potential cumulative impacts of the policies have been assessed as part of the full Sustainability Appraisal.
The trans-boundary nature of the effects of the SPD	No	The SPD will provide additional guidance on the implementation of policies in the Local Plan which relate to development proposals in the borough. The positive effects of some developer contributions may be felt more widely (for example, improvements in air quality or flood risk measures). However, this potential improvement is not considered to be significant.

<p>The risks to human health or the environment (e.g. due to accidents)</p>	<p>No</p>	<p>The SPD does not contain any policies that are likely to increase the risk of harm to human health or the environment.</p>
<p>The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected) by the SPD.</p>	<p>No</p>	<p>The SPD is applicable to development that is located in London Borough Tower Hamlets. Along with the Local Plan and London Plan, it forms part of the policy framework guiding development across the borough.</p> <p>As the SPD provides guidance on Local Plan policy and does not introduce any new policy, the potential effects of the SPD are limited and are considered to fall within the scope of the Sustainability Appraisal that was prepared for the Local Plan.</p>
<p>The value and vulnerability of the area likely to be affected by the SPD due to:</p> <ul style="list-style-type: none"> • Special natural characteristics or cultural heritage; • Exceeded environmental quality standards or limit values; or • Intensive land use 	<p>No</p>	<p>The Local Plan details the areas, landscapes and characteristics of the borough. The Local Plan policies manage the development of land in the borough and seek to protect these landscapes and characteristics including open spaces, heritage assets and water spaces.</p> <p>Planning obligations are sought where they are necessary to make a development acceptable in planning terms. As such, implementation of the SPD is expected to have a positive impact on the areas, landscapes and characteristics identified in the Local Plan.</p>
<p>The effects of the SPD on areas or landscapes which have recognised national, community or international protection status.</p>	<p>No</p>	<p>The Local Plan details the areas, landscapes and characteristics of the borough. The Local Plan policies manage the development of land in the borough and seek to protect these landscapes and characteristics including open spaces, heritage assets and water spaces.</p> <p>Planning obligations are sought where they are necessary to make a development acceptable in planning terms. As such, implementation of the SPD is expected to have a positive impact on the areas, landscapes and characteristics identified in the Local Plan.</p>