



Strategic Environmental Assessment and Habitats Regulation Assessment Screening Report

Reuse, Recycle and Waste Supplementary Planning Document

Statement of Reasons

April 2021



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1. Introduction

- 1.1. This screening exercise outlines the Council's consideration of whether the proposed Reuse, Recycle and Waste Supplementary Planning Document (SPD) (Regulation 14 consultation version, dated July 2020) should be subject to a Strategic Environmental Assessment (SEA) or Habitats Regulation Assessment (HRA).

- 1.2. This document constitutes the Council's Statement of Reasons for whether the Reuse, Recycle and Waste (RRW) SPD requires a Strategic Environmental Assessment, as set out under Regulation 9 of the Environmental Assessment of Plans and Programmes Regulations 2004. It is accompanied by a Determination Letter.

2. Reuse, Recycle and Waste Supplementary Planning Document

- 2.1 The Reuse Recycle and Waste Supplementary Planning Document (SPD) sets out guidance for developers on how waste management should be addressed in proposals for new residential and mixed-use development. The SPD covers the entire borough and aims to support the implementation of the Local Plan policies on waste management.
- 2.2 The SPD does not apply to a specific area in the Borough but will be applied across the Tower Hamlets council area. As indicated the context chapter of the SPD, the document is relevant to residential and mixed-use development.
- 2.3 The London Plan seeks to move towards a future where goods are designed to be reused and recycled and very little waste will require disposal in the future (a 'circular economy'). Tower Hamlets has the highest housing target in the London Plan. To better manage waste within the borough, all of our new residential and mixed-use schemes need to have best-practice waste management systems.
- 2.4 The Tower Hamlets Local Plan sets out how the borough will grow and develop from now until 2031. It identifies that management of waste is one of the most pressing issues facing Tower Hamlets. The borough will have significant growth in the coming decades and with this comes a greater need to reduce, recycle and recover more waste and divert it away from landfill. Adopting best-practice waste management systems will assist with this.
- 2.5 The SPD contains guidelines for selecting the most appropriate waste management system for developments and additional guidelines for implementation and management.

3. Legislative and Policy Context

Sustainability Appraisal (SA)

- 3.1 A Sustainability Appraisal (SA) considers the potential impacts of a planning policy document on the environmental, economic, and social aspects of sustainability. It does this by assessing the extent to which the

planning document will help achieve a set of sustainability 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 European 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 Directive – for more information, see below).

- 3.2 There is a statutory requirement for SAs to be produced for Development Plan Documents, but not for other kinds of planning documents. There is no legal requirement for an SA to be produced for a supplementary planning document (PPG on Strategic Environmental Assessment and Sustainability Appraisal, paragraph 026).
- 3.3 An SA was undertaken in 2017 as part of the Integrated Impact Assessment (IIA) of the Tower Hamlets Local Plan 2031, with an addendum added in March 2019 to cover modifications to the plan. The plan (and its SA) underwent an examination in public and was adopted in January 2020.
- 3.4 The sustainability objectives for the Local Plan SA were developed through a comparison of existing sustainability objectives in the borough, the objectives of the Local Plan, and the identification of sustainability issues through the scoping process for the IIA. The SA was publicly consulted on as part of the consultation process for the Local Plan. The sustainability objectives from that SA are set out in table 1 below.

- 1. Equality:** reduce poverty and social exclusion and promote equality for all communities.
- 2. Liveability:** promote liveable, safe, high quality neighbourhoods with good quality public services.
- 3. Health and wellbeing:** improve the health and wellbeing of the population and reduce health inequalities.
- 4. Housing:** ensure that all residents have access to good quality, well-located, affordable housing that meets a range of needs and promotes liveability.
- 5. Transport and mobility:** create accessible, safe and sustainable connections and networks by road, public transport, cycling and walking.
- 6. Education:** increase and improve the provision of and access to childcare, education and training facilities and opportunities for all age groups and sectors of the local population.
- 7. Employment:** reduce worklessness and increase employment opportunities for all residents.
- 8. Economic growth:** create and sustain local economic growth across a range of sectors and business sizes.
- 9. Town centres:** promote diverse and economically thriving town centres.
- 10. Design and heritage:** enhance and conserve heritage and cultural assets; distinctive character and an attractive built environment.
- 11. Open space:** enhance and increase open spaces that are high quality, networked, and multi-functional.
- 12. Climate change:** ensure the Local Plan incorporates mitigation and adaption measures to reduce and respond to the impacts of climate change.
- 13. Biodiversity:** protect and enhance biodiversity, natural habitats, water bodies and landscapes of importance.
- 14. Natural resources:** ensure sustainable use and protection of natural resources, including water, land and air, and reduce waste.
- 15. Flood risk reduction and management:** to minimise and manage the risk of flooding.
- 16. Contaminated land:** improve land quality and ensure mitigation of adverse effects of contaminated land on human health.

Strategic Environmental Assessment (SEA)

- 3.5 A Strategic Environmental Assessment (SEA) is an assessment of the likely effects of a plan or programme on the environment. The requirement for an 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). This particularly relates to plans which designate sites for development.
- 3.6 The purpose of an SEA is to ensure a high level of protection of the environment and to integrate consideration of the environment into the preparation and adoption of plans with a view to promoting sustainable development. SEAs must take account of the likely significant effects on the environment, including on issues such as biodiversity, population and human health, fauna, flora, soil, water, air quality, climate, material assets, cultural heritage, landscape, and the interrelationship between these factors. The SEA process sets out criteria for assessing the significance of the impact of a plan on the environment. If a significant effect is possible the assessment requires the consideration of alternative options.
- 3.7 SEA considers only the environmental effects of a plan, whereas SA considers the plan's wider economic and social effects in addition to its potential environmental impacts. The requirements of the SEA are subsumed within the requirements of the SA – that is, an SA requires all the detail expected of an SEA, and then more. Therefore, the objectives developed as part of the SA of the Local Plan can be extracted to cover the required considerations for an SEA. The correspondence between the SA objectives and the likely significant effects for an SEA to consider are set out in Appendix C of the Integrated Impact Assessment, and summarised in table 2 below. These are the SA objectives that will be used when considering the effects of the Spitalfields Neighbourhood Plan for the purpose of the SEA screening.

SEA Dimension	Relevant SA Objective
Biodiversity, Flora and Fauna	13. Biodiversity
Population and Human Health	2. Liveability

	3. Health and Wellbeing
Soil	14. Natural Resources 16. Contaminated Land
Water	14. Natural Resources 15. Flood Risk Reduction and Management
Air Quality	14. Natural Resources
Climate	12. Climate Change
Material Assets	14. Natural Resources 15. Flood Risk Reduction and Management 16. Contaminated Land
Cultural Heritage	10. Design and Heritage
Landscape	10. Design and Heritage 11. Open Space

Table 2: Correspondence between SEA dimensions and SA objectives

3.8 A **supplementary planning document** is considered to be a plan or programme as defined by the SEA Regulations. Under Article 3(3) of the SEA Directive, plans or programmes which “determine the use of small areas at a local level” or constitute “minor modifications to plans and programmes” only require an SEA if there are likely to be significant environmental effects that have not already have been assessed during the preparation of the Local Plan. Regulation 9 of the SEA Regulations requires the responsible authority (Tower Hamlets Council in this case) to undertake a screening exercise to determine whether or not a plan or programme is likely to have significant environmental effects and would therefore be subject to an SEA. This is also set out in the PPG on Strategic Environmental Assessment and Sustainability Appraisal, paragraph 008.

3.9 The screening exercise looks at the proposals in the SPD to see if a significant effect is likely. The criteria for the screening exercise are set out in the relevant legislation and explained in the next section of this report.

Habitats Regulation Assessment (HRA)

- 3.10 Habitats Regulation Assessment (HRA) is a process which looks at the potential impact of proposals within a plan (either individually or in combination with others) on European protected wildlife sites – consisting of Special Protection Areas (SPAs), Special Areas of Conservation (SACs) and Ramsar wetland sites. This assessment is required by the European Habitats Directive (92/43/EEC), transposed into UK law as the Conservation of Habitats and Species Regulations 2017 (as amended).
- 3.11 The initial stage of the HRA process involves consideration of the reasons for designation and the conservation objectives of each designated wildlife site within a reasonable distance of the neighbourhood plan area, and the potential impact of proposals within the plan on these sites.

4 Screening Exercise

4.1 The process of screening a plan or programme to determine whether an SEA is required is set out in figure 2 below. This figure is taken from A Practical Guide to the Strategic Environmental Assessment Directive, issued by the Office of the Deputy Prime Minister in 2005. This approach is commonly used in SEA screening exercises at the current time.

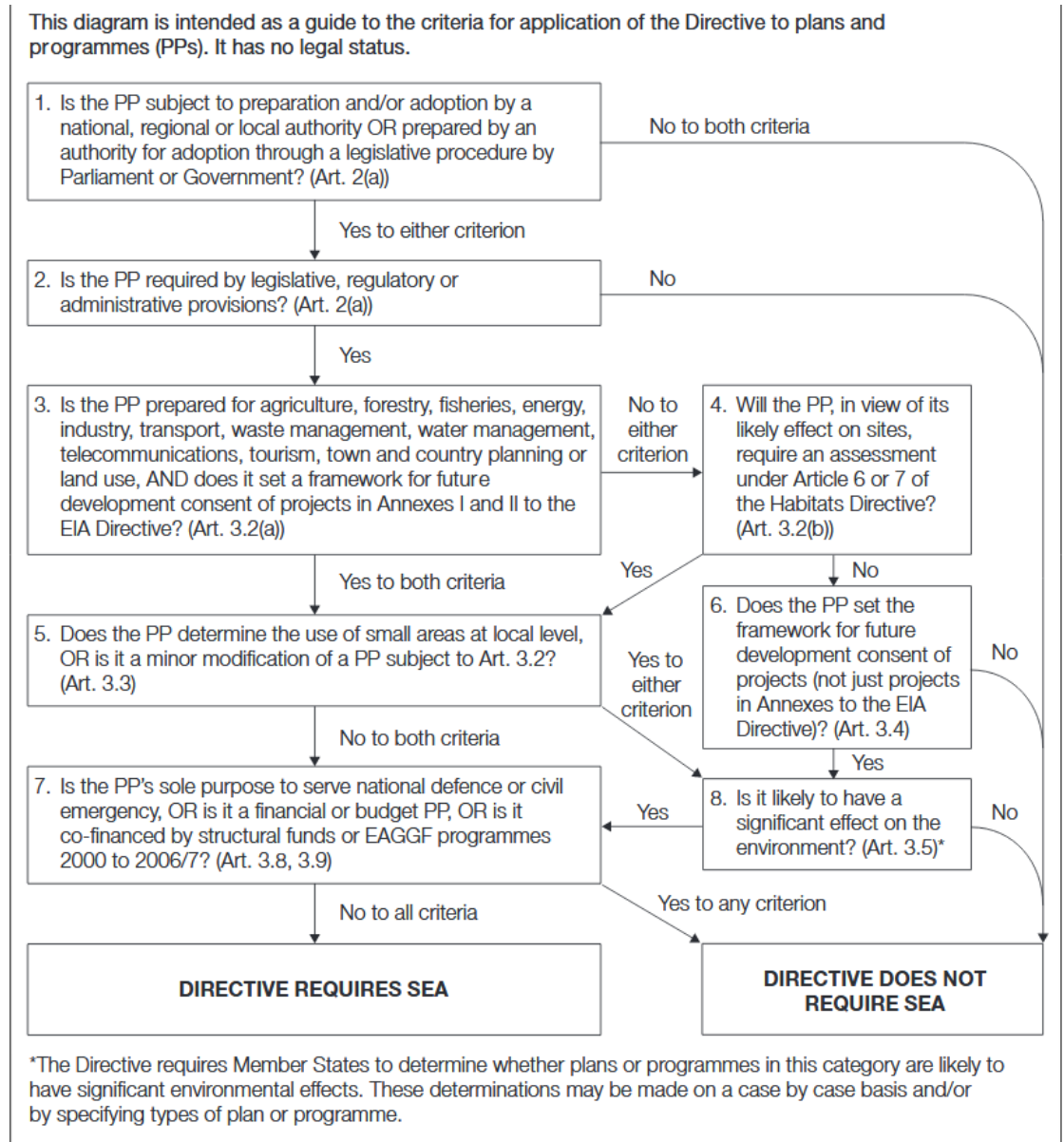


Figure 2: Application of the SEA Directive to plans and Programmes

4.2 Table 3 below assesses the Reuse, Recycle and Waste SPD against the criteria in figure 2.

Stage	Y/N	Reason
1. Is the plan 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? (Article 2(a))	Y	The SPD will be prepared and adopted by Tower Hamlets Council in its role as Local Planning Authority.
2. Is the plan required by legislative, regulatory or administrative provisions? (Article 2(a))	N	The preparation of a supplementary planning document is optional. However, once adopted it will be a material consideration when determining planning applications. It is therefore considered important that the screening process considers whether the Reuse, Recycle and Waste SPD is likely to have significant environmental effects invoking the need for a full SEA, and the assessment should proceed to step 3.
3. Is the plan 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? (Article 3.2(a))	Y N	The SPD is intended to provide further guidance to Tower Hamlets Local Plan 2031 which is the planning policy framework for its area, including policy for land-use. The Local Plan has been subject to full Sustainability Appraisal (including SEA). However, it relates only to the design and waste management of individual new residential and mixed-use development and therefore it does not set a framework for future development consent for projects listed in the Schedule II of the EIA Directive. (No to either criterion, go to question 4)
4. Will the PP, in view of its likely effect on sites, require an assessment under Article 6 or 7 of the Habitats Directive?	N	The Tower Hamlets Local Plan 2031 (January 2020) rules out any adverse effects on Natura 2000 sites. As the SPD will not change or add to policy, proposals or designations within the Local Plan, it is not considered that further

		screening for such assessment is necessary as there would be no likely effects on European Sites.
5. Does the plan determine the use of small areas at local level, OR is it a minor modification of a plan or programme subject to Article 3.2? (Article 3.3)	N	The SPD will be a material consideration in the consideration of planning applications for new residential and mixed-use development proposals in the Borough. The SPD does not modify the plan, just adds detail to it and doesn't determine use of sites. The SPD only recommends guidance for developments that happen to be proposed.
6. Does the plan set the framework for future development consent of projects (not just projects in Annexes to the EIA Directive)? (Article 3.4)	N	The SPD will be a material consideration in the consideration of planning applications for new residential and mixed-use development proposals in the Borough.
7. Is the plan's sole purpose to serve national defence or civil emergency, OR is it a financial or budget PP, OR is it co-financed by structural funds or EAGGF programmes 2000 to 2006/7? (Articles 3.7, 3.8)	N	The SPD does not address these issues.
8. Is it likely to have a significant effect on the environment? (Article 3.5)	N	<p>It is not likely that the SPD will have any significant effect within Tower Hamlets that has not already been assessed through Sustainability Appraisal (including SEA) of the Tower Hamlets Local Plan 2031.</p> <p>The assessment of Local Plan policies relevant to high density residential developments concluded that there were predominantly positive impacts and no overall negative impacts when assessed against the Local Plan SA Objectives.</p> <p>The additional guidance which supplements each policy in the SPD will provide further detail tailored to inform high density residential design. Although there may be some environmental effects of providing specific guidance, the assessment of significant effects has already been covered in</p>

		<p>principle in the SA of the Local Plan.</p> <p>Therefore, it is considered that the SPD does not need to be subject to further SEA. In addition, each policy has already been assessed through Sustainability Appraisal (including SEA) of the Local Plan. Local Plan policies that are likely to be specifically within the scope of the further guidance within the SPD are as follows:</p> <ul style="list-style-type: none"> • Policy S.DH1: Delivering high quality design • Policy D.DH2: Attractive streets, spaces and public realm • Policy D.DH6: Tall buildings • Policy D.DH7: Density • Policy D.DH8: Amenity • Policy D.H3: Housing standards and quality • Policy S.ES1: Protecting and enhancing our environment • Policy D.MW3: Waste collection facilities in new development
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Table 3: SEA Screening of the Reuse, Recycle and Waste SPD

4.3 The conclusion of the assessment is that an SEA is only required if the Supplementary Planning Document is likely to have significant effects on the environment. Section 5 of this report provides a detailed assessment of the likely significance of effects to determine whether this is the case.

4.4 Section 5 of this report will then screen the Reuse, Recycle and Waste SPD to determine whether a full HRA is required.

5. Assessment of Likely Significant Effects

5.1 The criteria for assessing the likely significance of effects stemming from a plan or programme are set out in Annex II of the SEA Directive (Schedule 1 of the SEA Regulations), and are quoted below in box 3.

1. The characteristics of plans, having regard, in particular, to:
 - The degree to which the plan sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources
 - The degree to which the plan influences other plans and programmes including those in a hierarchy
 - The relevance of the plan for the integration of environmental considerations in particular with a view to promoting sustainable development
 - Environmental problems relevant to the plan
 - The relevance of the plan for the implementation of Community [i.e. European Community] legislation on the environment (e.g. plans and programmes linked to waste management or water protection)

2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:
 - The probability, duration, frequency and reversibility of the effects
 - The cumulative nature of the effects
 - The transboundary nature of the effects
 - The risks to human health or the environment (e.g. due to accidents)
 - The magnitude and spatial extent of the effects (geographical area and size of the population to be affected)
 - The value and vulnerability of the area likely to be affected due to:
 - Special natural characteristics or cultural heritage
 - Exceeded environmental quality standards or limit values
 - Intensive land-use
 - The effects on areas or landscapes which have a recognised national, [European] Community or international protection status

	SEA Directive Annex II: Criteria for determining likely significance of effects referred to in Article 3(5)	Comment
The characteristics of plans and programmes, having regard, in particular, to:		
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	The SPD will provide further guidance to the policies, proposals and the allocations that are contained within the Tower Hamlets Local Plan 2031 which already sets the framework for the development projects and activities that could occur within the Tower Hamlets area. The Local Plan as a whole, including those policies relevant to housing and mixed-use design, have been fully assessed for the purposes of SA/SEA. There will be no new policies or site allocations contained in the SPD. The SPD provides further information and guidance on implementation and interpretation of the existing policies through specific design details (for example materials, room layouts, location of spaces etc.)
1b)	The degree to which the plan or programme influences other plans and programmes including those in a hierarchy	The Reuse, Recycle and Waste SPD, in providing further guidance to the framework set within the Local Plan, does not directly affect other specific public sector plans or programmes but rather is influenced by the Local Plan and other higher tier planning policy, including the NPPF.
1c)	The relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development	The Local Plan and other higher level policies set the context for achieving sustainable development. The SPD will provide further guidance as to how this can be achieved (for example by providing design recommendations on biodiversity). The SPD will not revisit or change the higher level policy requirements which have been subject to SA/SEA. The SA Report (March 2019) shows that the policies relevant to housing and tall buildings design have a positive impact overall and a

		specifically positive impact for the majority of the SA objectives when assessed against these. The SPD is intended to provide further guidance to Tower Hamlets Local Plan 2031 on how the high density buildings can be designed to meet the relevant policies including policies related to promoting sustainable development such as sustainable urban drainage, accessibility and safety.
1d)	Environmental problems relevant to the plan or programme	The Local Plan SA did not identify any negative effects against the SA Objectives for the policies relevant to housing and tall buildings design.
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).	It is unlikely that there would be any significant impact resulting from the further guidance for Reuse, Recycle and Waste SPD.
Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:		
2a)	The probability, duration, frequency and reversibility of the effects	The SPD will cover the same period of time as the Tower Hamlets Local Plan 2031. A Sustainability Appraisal was undertaken for the Local Plan which included an assessment of the policies relevant to residential and mixed-use design that will be supplemented by the SPD. The evidence to support the SA for the Local Plan continues to be updated and the assessment looked at the probability, duration, frequency and reversibility of effects. Whilst the SPD will provide further guidance and supplement the existing policies in the Local Plan (and have largely positive effect), the probability, duration, frequency and reversibility of the effects from the implementation of the SPD will remain the same.
2b)	The cumulative nature of the effects	There are no likely cumulative effects that would result from the production of the Reuse, Recycle and Waste

		SPD.
2c)	The trans-boundary nature of the effects	There will be no national trans boundary effects resulting from the Reuse, Recycle and Waste SPD given that it will only apply on a district wide basis. Local administrative trans boundary effects were considered as part of the SA/SEA of the Local Plan.
2d)	The risks to human health or the environment (e.g. due to accidents)	Human health and environmental effects were assessed in the SA for the Local Plan (Policy S.ES1 - Protecting and enhancing our environment). No risks to human health or the environment were identified in relation to the policies relative to housing and tall buildings design. Further specific guidance on housing design will provide more certainty that the probable positive effects already assessed in the SA for the Local Plan will arise.
2e)	The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)	The spatial extent of the SPD will be the same as the area covered in the Local Plan. The potential impacts of development proposals in this geographical area have been assessed as part of the SA/SEA of the Local Plan. The SPD will focus on the comprehensive approach to development delivery in a way which will enhance the consideration given to housing design and in turn reduce the likelihood of adverse impacts arising with respect to safety, access, parking, cycling, walking, flood risk and drainage.
2f)	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 values III. intensive land use	The value and vulnerability of the area of the SPD have been considered as part of the SA/SEA of the Local Plan. The intensiveness of the proposed use of land is a factor for which information was available at the time of the SA/SEA assessment of the Local Plan and no significant impacts were identified in relation to this.
2g)	The effects on areas or landscapes which have a recognised national, Community or international protection status	The SPD is unlikely to result in significant effects on landscapes which have a recognised national, Community or international protection status.

6. Habitats Regulation and Assessment Screening

- 6.1 A Habitats Regulation Assessment (HRA) examines the potential impacts of a plan or programme, whether alone or cumulatively, on European protected sites. These sites are Special Protection Areas (SPAs) designated under the Bird Directive 79/409/EEC and Special Areas of Conservation (SACs) designated under the Habitats Directive 92/43/EEC. It is government policy that HRAs should also consider sites designated under the Ramsar Convention of 1971 (known as 'Ramsar sites') in the same way as the European protected sites.
- 6.2 The first stage of the HRA process is a screening exercise where the details of nearby designated sites are assessed to see if there is the potential for the plan or programme to have an impact on the sites. For the purposes of the screening exercise, the potential impact of the Reuse, Recycle and Waste SPD on designated the borough will be considered.
- 6.3 There are five European protected sites or Ramsar sites within the borough. These sites are:
- Epping Forest SAC
 - Richmond Park SAC
 - Wimbledon Common SAC
 - Lee Valley SPA
 - Lee Valley Ramsar
- 6.4 The plan cannot influence development in the direct vicinity of any of the sites.
- 6.5 The HRA of the Tower Hamlets Local Plan 2031 identified that the main reasons for 'unfavourable' ratings of the condition of the designated sites were due to public access, air pollution, and inappropriate management. Reuse, Recycle and Waste cannot affect the management of these sites, and therefore the only potential for adverse impacts on these sites from

development in this form would be through increased visitor pressure from a large population increase, or an increase in negative air quality impacts.

- 6.6 The Reuse, Recycle and Waste SPD provides design recommendations that aims to decrease the level of litter and inappropriately disposed waste across the Borough, it is considered that the impact of this SPD will be no more significant than existing Tower Hamlets planning policies on this topic and is unlikely to have an effect on the designated sites.
- 6.7 The Reuse, Recycle and Waste SPD does not set any additional growth targets or site allocations, and therefore does not propose any more development than that planned for in the Tower Hamlets Local Plan 2031. The Local Plan was subject to an HRA screening as part of the Integrated Impact Assessment. This screening concluded that the Local Plan would have no significant effects (alone or in combination) on any of the sites due to an absence of impact pathways, policy controls within the plan which can ensure significant effects are avoided, and some suggested changes to the plan which were accepted by the Council and included in the adopted Local Plan. As part of the examination process, a technical note was appended to the HRA justifying how the Local Plan HRA was in line with the outcome of the 'People Over Wind' decision, and had not considered mitigation measures as part of the HRA screening process. This position was accepted by Natural England, and the Integrated Impact Assessment (including the HRA screening) was successfully examined as part of the Local Plan examination process.
- 6.8 As the scale of development proposed by the Reuse, Recycle and Waste SPD does not exceed that proposed by the Local Plan, it is considered that the Reuse, Recycle and Waste SPD cannot have any additional significant impact (either by itself or cumulatively with other plans and programmes) than the Local Plan itself. The findings of the HRA screening of the Local Plan are therefore considered to apply in this situation, and no further HRA screening of the Reuse, Recycle and Waste SPD is required.

7. Conclusion

- 7.1 On the basis of the SEA screening assessment carried out in this document, it is concluded that the Reuse, Recycle and Waste SPD will not have any significant effects in relation to the criteria set out in Schedule 1 of the SEA Regulations Hamlets that have not already been assessed through Sustainability Appraisal (including SEA) of the Tower Hamlets Local Plan 2031, and therefore does not need to be subject to a full SEA, as the SPD will not change or introduce new planning policy over and above the Tower Hamlets Local Plan 2031.
- 7.2 Therefore, it is considered that the SPD does not need to be subject to further SEA. The key areas where the SPD adds to the Local Plan policy is in terms of guidance for housing design with respect to planning and waste management.
- 7.3 To conclude, it is not considered that SEA is a formal requirement given that the principles within the SPD have already been covered in the Local Plan SA.

8. Consultation

- 8.1 The draft report was sent for consultation to the three statutory consultees – the Environment Agency, Natural England, and Historic England – as required under Regulation 11(1) of the SEA Regulations. The consultees were given six weeks to respond. All three consultees responded and confirmed they do not consider an SEA is required.

Appendix 1: Sustainability Appraisal of Local Plan Policies

- Policy S.DH1: Delivering high quality design
- Policy D.DH2: Attractive streets, spaces and public realm
- Policy D.DH6: Tall buildings
- Policy D.DH7: Density
- Policy D.DH8: Amenity
- Policy D.H3: Housing standards and quality
- Policy S.ES1: Protecting and enhancing our environment
- Policy D.MW3: Waste collection facilities in new development