

Strategic Environmental Assessment Screening and Determination Statement

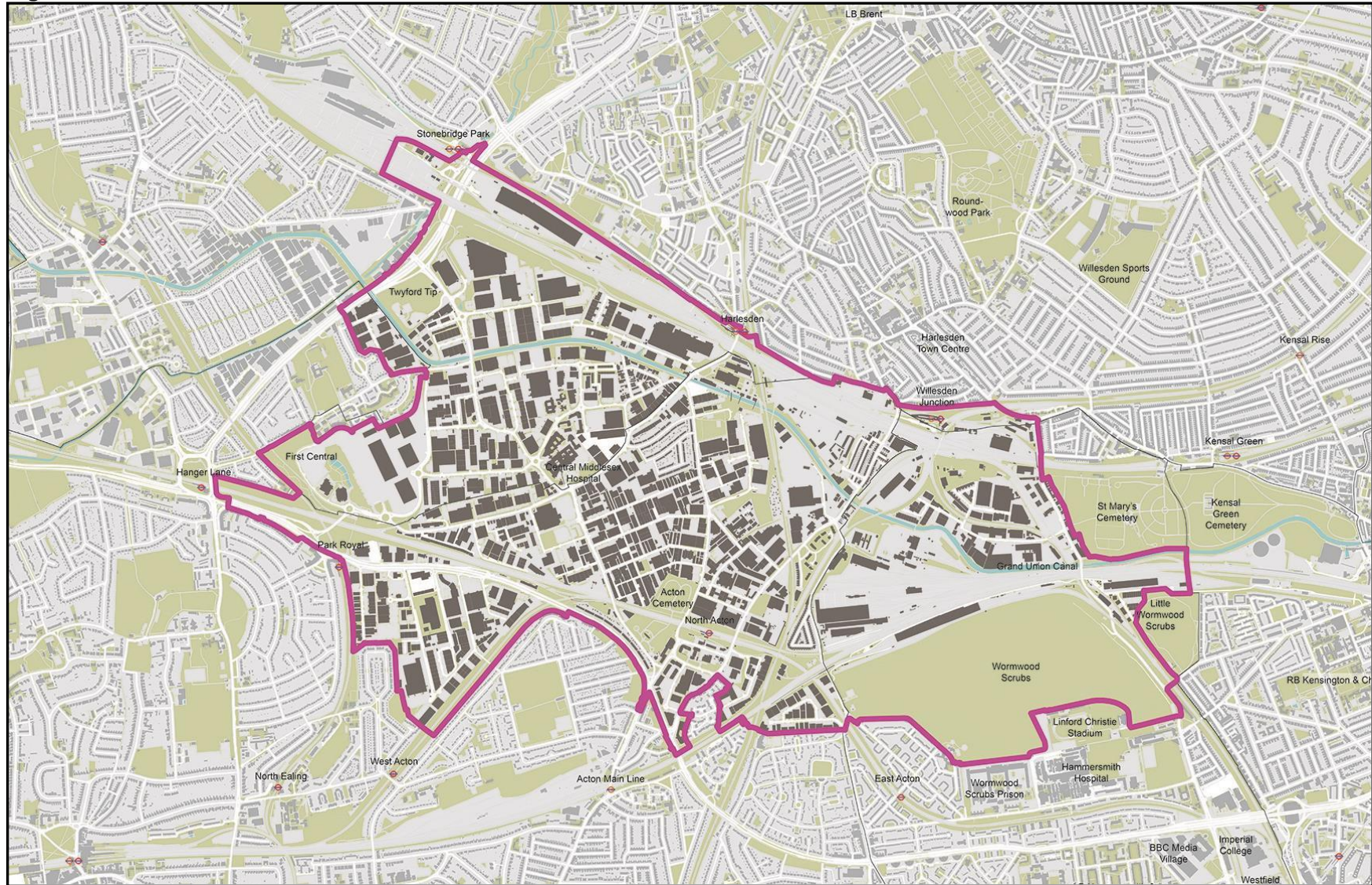
Planning Obligations Supplementary Planning Document

July 2022

1.0 Introduction

- 1.1 The Old Oak Park Royal Development Corporation (OPDC) is preparing a Supplementary Planning Document (SPD) to provide further guidance on the monetary and non-monetary obligations which OPDC will secure through Section 106 agreements. This will support Local Plan Policy DI1 (Balancing Priorities and Securing Infrastructure Delivery) and all development management policies within the Local Plan. Section 3 of this document describes the proposed scope of the SPD. Figure 1 provides a map of the extent of the OPDC area, and therefore the extent of the SPD.
- 1.2 This Strategic Environmental Assessment (SEA) screening has been prepared in accordance with the requirements of Directive 2001/42/EC of the European Parliament and of the Council on the Assessment of the Effects of Certain Plans and Programmes on the Environment and the Environmental Assessment of Plans and Programmes Regulations 2004. The following guidance has also been taken into account:
- The National Planning Policy Framework (NPPF) (DCLG, 2012).
 - The National Planning Practice Guidance (PPG ID: 11) in relation to SEA/SA (DCLG, 2015).
 - A Practical Guide to the Strategic Environmental Assessment Directive (ODPM 2005).
- 1.3 This document also includes the Determination Statement on the need for a Strategic Environmental Assessment (SEA) in section 4.
- 1.4 The screening consultation was prepared to enable the Environmental Bodies as specified in section 4 of the Environmental Assessment of Plans and Programmes Regulations 2004 to provide comment on the appropriateness of the screening process and its conclusion for this proposed SPD.
- Those bodies are:
- Natural England,
 - Historic England and the
 - Environment Agency
- Other bodies that were specifically been invited to comment are:
- London Boroughs of Brent, Ealing, and Hammersmith and Fulham;
 - Greater London Authority.
- 1.5 The consultation period ran from 6 May 2022 to midnight on 10 June 2022. Any comments were invited to be made in writing and returned to the Planning Team at:
Email: planningpolicy@opdc.london.gov.uk
Postal Address: SEA Screening Consultation (Planning obligations SPD), Planning Policy, Brent Civic Centre, 32 Engineers Way, Wembley, HA9 0FJ

Figure 1: OPDC Area



2.0 Purpose of Sustainability Appraisal (SA) / Strategic Environmental Assessment (SEA)

- 2.1 The ODPM's practical guidance on applying European Directive 2001/42/EC, and the Environmental Assessment of Plans and Programmes Regulations 2004 both detail the requirements of a Strategic Environmental Assessment (SEA). These documents place an obligation on local planning authorities to undertake an SEA on any land use plan or programme "which sets the framework for future development consent of projects."
- 2.2 Sustainability Appraisal (SA) is the process by which this Directive is applied to Local Plan documents. An SA is required under the Planning and Compulsory Purchase Act 2004 for all Development Plan Documents (DPDs), including Local Plans, and Supplementary Planning Documents (SPDs). The EU Strategic Development Directive also requires a Strategic Environmental Assessment (SEA) to be carried out on certain types of plans with significant environmental effects. The Town and Country Planning (Local Development) (England) (Amendment) Regulations 2009 removes the automatic need for an SA of SPDs. Exceptions to this requirement are for plans "which determine the use of small areas at a local level" or which only propose "minor modifications to plans," if the local planning authority determines that the plan is unlikely to have significant environmental effects.
- 2.3 Both SA and SEA processes are undertaken during the preparation of a plan or strategy to aid the implementation of sustainable development. The main difference between them is that while an SEA has more of an environmental focus, an SA should focus on social, economic and environmental issues. Although SA and SEA are distinct requirements, government guidance has recommended a single appraisal process. The SA process for planning documents therefore incorporates the requirements of the European SEA Directive. In the case of the OPDC Plan preparation an Integrated Impact Assessment (IIA) has been undertaken. The IIA incorporates the requirements of a SA and SEA as well as incorporating the Health Impact Assessment (HIA) and the Equalities Impact Assessment (EqIA) which are two additional assessments a Local Planning Authority are required to undertake in preparation of a plan.
- 2.4 The requirements and extent for SA/SEA on SPDs are also made explicit in national planning policies, the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG).

NPPF

Paragraph 165: A sustainability appraisal which meets the requirements of the European Directive on strategic environmental assessment should be an integral part of the plan preparation process, and should consider all the likely significant effects on the environment, economic and social factors.

Paragraph 167: Assessments should be proportionate, and should not repeat policy assessment that has already been undertaken. Wherever possible the local planning authority should consider how the preparation of any assessment will contribute to the plan's evidence base.

NPPG¹: Supplementary planning documents do not require a sustainability appraisal but may in exceptional circumstances require a strategic environmental assessment

¹ Paragraph: 008 Reference ID: 11-008-20140306

if they are likely to have significant environmental effects that have not already have been assessed during the preparation of the Local Plan.

- 2.5 Using the definitions set out in national planning policies the purpose of this screening is therefore to ascertain if the Planning Obligations SPD requires a separate SA to that of the OPDC Local Plan. In general terms the screening is testing if this SPD will create policy additional to that in the Local Plan that needs to be tested against the SA criteria.

3.0 OPDC Planning Observations SPD

- 3.1 The purpose of the Planning Obligations SPD will be to provide further guidance on how OPDC will secure planning obligations through Section 106 agreements to make development acceptable in planning terms by applying relevant policies from the Local Plan and the London Plan in relation affordable housing, sustainable travel and highways, social infrastructure, energy and sustainability, employment, vibrancy and design and heritage. It will not create any new policy or amend any policies. Table 1 sets out the proposed structure of the Planning Obligations SPD. Once produced, a draft of this SPD will be subject to formal public consultation.

Table 1: Proposed Structure of the Planning Obligations SPD

Chapter	Content
1. Introduction	This section sets out the status of the SPD, consultation information and context.
2. Policy and Legislative Context	This section provides an overview of the national, regional and local policy context relating to planning obligations. This includes the requirements set out in the NPPF, London Plan (2021) and OPDC's Local Plan (2022).
3. Role of Planning Obligations in the OPDC area	This section explains the relationship of Section 106 contributions with other forms of development contributions, including OPDC CIL (when adopted), Mayoral CIL, Section 278 and Section 38 agreements.
4. Core Heads of Terms and Planning Obligation	This section sets out the core planning obligations which OPDC will seek to secure through Section 106 agreements. The obligations are structured on the core Heads of Terms which will form the basis of Section 106 agreements: HO1: Affordable Housing HO2: Housing Management HO3: Sustainable Travel, Public Realm and Open Space HO4: Transport Management and Highways HO5: Social Infrastructure HO6: Energy and Sustainability HO7: Employment, Training and Skills HO8: Vibrancy HO9: Design and Heritage HO10: Section 106 Monitoring

7. Appendices	This section provides background and supporting information including information about how the rates in section 4 have been calculated, and a glossary.

SEA Determination Statement

4.0 Determination Statement on the need for Strategic Environmental Assessment (SEA) for the OPDC Planning Observations SPD.

4.1 This section of the report constitutes the determination statement as to the need for a full SEA under Regulation 9(3) of the Environmental Assessment of Plans and Programmes Regulations 2004. This section sets out the results of the SEA screening process set out in the earlier sections of this document for the OPDC's proposed Planning Observations SPD along with the reasoning behind the determination that an SEA is not required.

Consultation with Statutory Bodies

4.2 In accordance with the Regulations the OPDC as the Local Planning Authority for its area has consulted with specified environmental organisations (Natural England, Historic England and the Environment Agency) and in light of the Duty to Cooperate has also consulted other relevant parties, to determine the need or otherwise for an SEA of the proposed Planning Observations Supplementary Planning Document. OPDC has determined that a SEA is not required in this instance and the reasons for reaching that conclusion are set out in paragraph 6.1 of this document. The conclusion of this states:

"In considering the scope of the Planning Observations SPD against the criteria from the guidance document "A Practical Guide to the Strategic Environmental Assessment Directive" (ODPM, 2005) and the Environmental Assessment of Plans and Programmes Regulations 2004, it is concluded that as the OPDC Planning Observations SPD will not change or introduce new planning policy, proposals or allocations and that those on which it will rely are within the Local Plan which are subject to an Integrated Impact Assessment (IIA) (including a SA/SEA), it is considered that a SEA is not required for the Planning Observations SPD."

4.3 The SEA Screening Statement was sent to the following organisations:

- Historic England;
- Natural England;
- The Environment Agency;
- London Boroughs of Brent, Ealing, and Hammersmith and Fulham; and
- Greater London Authority.

4.4 Their comments are summarised in Table 2 below:

Table 2: Summarised Consultation Responses

Organisation	Summarised Comment
Historic England	Historic England replied confirming that they had no comments to make on the consultation
Natural England	Natural England replied confirming they had no comments to make apart from the fact that they do not

	believe that SEA is required
Environment Agency	No comment received
Greater London Authority	No comment received
London Borough of Brent	London Borough of Brent responded to say they believe that SEA is not required.
London Borough of Ealing	No comment received
London Borough of Hammersmith and Fulham	No comment received

Conclusion / Reasoning

- 4.5 The OPDC Planning Obligations SPD will supplement policy in the OPDC's Local Plan once adopted, focusing on securing planning obligations. A screening of this document has led to the conclusion that the SPD is unlikely to have any significant environmental impacts and, therefore, that an SEA is not required. This conclusion has been verified through a consultation with the bodies identified in paragraph 4.3 above.
- 4.6 This section therefore constitutes the OPDC's Determination Statement' outlining the process that has led to the conclusion that SEA is not required.

5.0 Screening Assessments of the Planning Obligations SPD

- 5.1 The document “A Practical Guide to the Strategic Environmental Assessment Directive” (ODPM, 2005), sets out eight criteria that should be taken into account when screening a plan or programme to determine whether it will require SEA.

Table 3: ODPM Assessment - application of the SEA Directive to the Proposed SPD

	Screening Question	Screening Assessment
1	Is the SPD subject to preparation and/or adoption by a national, regional or local authority OR prepared by an authority through legislative procedure by Parliament or Government?	Yes. The Planning Obligations SPD will be prepared and adopted by the Old Oak and Park Royal Development Corporation (OPDC) in its role as Local Planning Authority (LPA).
2	Is the SPD required by legislative, regulatory or administrative provisions?	No.
3	Is the SPD prepared for agricultural, forestry, fisheries, energy, industry, transport or waste 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?	Yes. The Planning Obligations SPD is intended to provide further guidance to the OPDC Local Plan which is the town planning policy framework for its area. The Local Plan has been subject to a full Sustainability Appraisal (including SEA), contained in the Integrated Impact Assessment (IIA) supporting study. However, the SPD will not create new policy or land-use designations.
4	Will the SPD, in view of its likely effects on sites, require an assessment under Article 6 or 7 of the Habitats Directive?	No. The Local Plan was subject to screening for the need for assessment under the requirements of the Habitats Directive and it was concluded that such assessment was unnecessary. As the Planning Obligations 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 SPD determine the use of small areas at local level, OR is it a minor modification of a plan subject to Article 3.2?	No. The policies, proposals and allocations that determine use within the SPD area have already been set within the Local Plan. There will be no aspect of the Planning Obligations SPD which would modify the Local Plan.
6	Does the SPD set the framework for future development consent of projects (not just projects in Annexes to the EIA Directive)?	No. This framework is already set within the Local Plan. The Planning Obligations SPD will provide further guidance on the relevant policies, proposals or allocations within the Local Plan.
7	Is the SPD's sole purpose to serve the national defence or civil	No.

Screening Question		Screening Assessment
	emergency, OR is it a financial or budget plan, OR is it co-financed by structural funds or EAGGF programmes 2000-2006/7?	
8	Is it likely to have a significant effect on the environment?	<p>It is not likely that Planning Obligations SPD will have any significant effect on the OPDC area or elsewhere that has not already been assessed through the IIA (including SA/SEA) of the Local Plan.</p> <p>The IIA assessed the relevant policies within the Local Plan and concluded that they are likely to result overall in positive impacts. Local Plan policies that are likely to be specifically within the scope of the further guidance within the Planning Observations SPD are as follows:</p> <p>Principle: Principles for securing high quality development</p> <p>D1: Public Realm</p> <p>D7: Heritage</p> <p>D8: Play space</p> <p>EU1: Open space</p> <p>EU2: Urban Greening and Biodiversity</p> <p>EU4: Air Quality</p> <p>EU9: Minimising Carbon Emissions and Overheating</p> <p>EU10: Energy Systems</p> <p>T1: Roads and Streets</p> <p>T2: Walking</p> <p>T4: Parking</p> <p>T5: Rail</p> <p>T6: Buses</p> <p>T8: Construction</p> <p>T9: Transport Assessments and Travel Plans</p> <p>H2: Affordable Housing</p> <p>H6: Build to Rent housing</p> <p>H7: Co-living and Shared Housing</p> <p>H9: Specialist Housing</p> <p>H10: Student Housing</p> <p>E2: Employment Sites Outside of SIL</p> <p>E3: Supporting Small Businesses and Start-ups</p> <p>E4: Work-live Units</p> <p>E5: Local Access to Training, Employment and Economic Opportunities</p> <p>TCC1: Locations for and Impacts of Town Centre Uses</p> <p>TCC2: Vibrancy</p> <p>TCC3: Social Infrastructure</p> <p>TCC4: Culture and Art</p> <p>TCC5: Sports and Leisure</p> <p>TCC8: Meanwhile Uses</p> <p>DI1: Balancing Priorities and Securing Infrastructure Delivery</p> <p>DI4: Planning Powers and Monitoring</p>

--	--	--

5.2 The below tables assess the likely significant effects of the SPD in relation to the SEA Directive Criteria as set out in the Environmental Assessment of Plans and Programmes Regulations 2004:

Table 4: Determining the likely significance of effects of the proposed Planning Obligations SPD.

SEA Directive Criteria Schedule 1 Environmental Assessment of Plans and Programmes Regulations 2004	Is there a significant environmental effect?	Summary of significant effects
(a) The degree to which the SPD sets out a framework for projects and other activities, either with regard to the location, nature, size or operating conditions or by allocating resources	No	The Planning Obligations SPD will not provide a policy framework or allocate resources; rather it will provide further guidance as to how aspects of the policies, proposals and the allocations that are contained within the Local Plan can be implemented. The Integrated Impact Assessment (IIA) supporting study has assessed the effects of policies in the Local Plan.
(b) The degree to which the SPD influences other plans and programmes including those in a hierarchy	No	This Planning Obligations SPD will sit at the lowest level in the hierarchy of planning policy documents providing supplementary guidance to policies in the Mayor's London Plan and OPDC's Local Plan. As such it does not affect other specific public sector plans or programmes but rather is influenced by the Local Plan, London Plan and NPPF.
(c) The relevance of the SPD for the integration of environmental considerations with a view to promoting sustainable development	No	The Local Plan and London Plan set the policies for achieving sustainable development. The Planning Obligations SPD will assist in the promotion of sustainable development by providing guidance on the compliance and implementation mechanisms. This guidance will not change the Local Plan policy. The IIA for the Local Plan concludes that the majority of effects generated against all IIA Objectives are predicted to be positive.

(d) Environmental problems relevant to the SPD	No	<p>The guidance in the Planning Obligations SPD supplements the Local Plan. As such, the Planning Obligations SPD will not introduce or exacerbate any environmental problems already identified in the IIA for the Local Plan. Rather it should assist in ensuring that the policies in the Local Plan are implemented.</p> <p>Where the IIA has indicated that there are possible negative impacts on the environment for instance from the Housing Policies, there is an acknowledgement that objectives and policies elsewhere in the Local Plan provide opportunities in minimise the effect.</p> <p>Given the identification of mitigation measures through other policies within the Local Plan, it is concluded that there are no identified impacts relevant to this Planning Obligations SPD that cannot be mitigated. As, the SPD supplements the Local Plan it will support the mitigation of this impact.</p>
(e) The relevance of the SPD for the implementation of Community legislation on the environment (for example plans and programmes related to waste management or water protection)	No	<p>The Planning Obligations SPD will supplement the Local Plan and is not relevant to the implementation of Community legislation on the environment. It will provide supplementary guidance to policies in the Local Plan.</p>

Table 5: Characteristics of the effects and area likely to be affected having particular regard to:

SEA Directive criteria Schedule 1 Environmental Assessment of Plans and Programmes Regulations 2004	Is there a significant environmental effect?	Summary of significant effects
(a)The probability, duration, frequency and reversibility of the effects	No	<p>The Planning Obligations SPD will not provide guidance for a period longer than the period covered by the Local Plan. The IIA was undertaken for the Local Plan which included the policies that relate to planning obligations. The overall aim of the Planning Obligations SPD is positive in that it seeks to ensure the positive effects of development are delivered while ensuring developer participation in the mitigation of negative environmental impacts. This intention will remain constant for the duration of the Local Plan.</p> <p>The evidence to support the IIA for the Local Plan is up-to-date and examined the probability, duration, frequency and reversibility of effects.</p>
(b)The cumulative nature of the effects of the SPD	No	Cumulative effects of this Planning Obligations SPD will be largely beneficial; therefore, any cumulative impacts will also be beneficial.
(c)The trans boundary nature of the effects of the SPD	No	There will be no national trans-boundary effects resulting from the Planning Obligations SPD. The likely cross boundary effects of the Local Plan policies were considered in detail within the Local Plan IIA. The majority of these were found to be positive. Depending on the nature of the effect this Planning Obligations SPD could provide mitigation with positive impacts.
(d)The risks to human health or the environment (e.g.: due to accident)	No	No risks to human health are envisaged to occur through the application of this Planning Obligations SPD.
(e)The magnitude and spatial extent of the effects (geographic area and size of the population likely to be affected) by the SPD	No	The spatial extent of the Planning Obligations SPD is expected to be mostly contained within the Local Plan area but may go beyond the immediate boundaries of the Local Plan where the mitigation of impacts is required.
(f)The value and vulnerability of the area likely to be affected by the SPD due to:	No	The value and vulnerability of the area of this Planning Obligations SPD have been considered as part of the Local Plan IIA.

SEA Directive criteria Schedule 1 Environmental Assessment of Plans and Programmes Regulations 2004	Is there a significant environmental effect?	Summary of significant effects
<ul style="list-style-type: none"> • Special natural characteristics or cultural heritage • Exceeded environmental quality standards or limit values • Intensive land use 		<p>IIA Objectives 6, 7, 8, 9, 10 and 11 consider environmental elements. The majority of these showed positive impacts. Where other impacts were identified these were identified to be mitigated and managed through other policies of the plan.</p> <p>IIA Objective 2 considers optimising the efficient use of land through increased development densities. This predicts a strong positive impact. This Planning Obligations SPD aims to further strengthen the benefits associated with increased densities by ensuring that environmental and amenity performance is not compromised.</p>
(g)The effects of the SPD on areas or landscapes which have recognised national Community or international protected status	No	There are a range of areas with various types of protected status within and adjacent to the area covered by the Planning Obligations SPD. The Planning Obligations SPD is unlikely to have a negative impact on these areas. It is anticipated that the supplementary guidance included in this Planning Obligations SPD is considered to have no or minimal impact on protected areas.

6.0 Conclusion

- 6.1 In considering the scope of the Environmental Assessment Screening Document for the Planning Obligations SPD against the criteria from the guidance document “A Practical Guide to the Strategic Environmental Assessment Directive” (ODPM, 2005) and the Environmental Assessment of Plans and Programmes Regulations 2004, it is concluded that as the OPDC Environmental Assessment Screening Document for the Planning Obligations SPD will not change or introduce new planning policy, proposals or allocations and that those on which it will rely are within the Local Plan which are subject to an Integrated Impact Assessment (IIA) (including a SEA), it is considered that a SEA is not required for the Planning Obligations SPD.