

Planning Obligations SPD Addendum Screening Assessment and Statement of Reasons

Final Screening Assessment and Statement of Reasons

January 2017

On the determination of the need for a Strategic Environmental Assessment (SEA) in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 and European Directive 2001/42/EC

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1. Introduction

The Screening Assessment and Statement of Reasons have been prepared to:

- Determine whether the contents of the Addendum to the Section 106 Planning Obligations and Community Infrastructure Levy Supplementary Planning Document (2015) (“the SPD addendum”) require a Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plans and Programmes Regulations 2004 (the 2004 Regulations).
- State the reasons for the determination (Statement of Reasons), as required by Regulation 9 of the 2004 Regulations.

The purpose of the SPD addendum is to explain how we will use s106 planning obligations and Community Infrastructure Levy (CIL) in the Old Kent Road Opportunity Area. It sets out the council’s approach to negotiating section 106 (s106) planning obligations for funding transport infrastructure in the Old Kent Road Opportunity Area and explains why this is required.

The legislative background set out below outlines the legislation that requires the need for this screening exercise. Section 4 sets out the process for undertaking a screening assessment of the likely significant environmental effects of the SPD and whether there is a need for a full SEA.

2. Legislative Background

A Sustainability Appraisal (SA) is a tool that is used to improve the sustainability of planning policy documents. It uses a range of sustainability objectives and indicators to test whether the plans, policies and proposals can deliver sustainable development. An SA can be viewed as a yardstick against which the social, economic and environmental effects of the plan can be tested. Integrated into an SA are the requirements of the Directive 2001/42/EC in relation to the environmental assessment of the effect of certain plans and programmes. However, the sustainability appraisal covers wider social and economic effects of plans, as well as the more environmentally-focused considerations in the Directive.

The Planning and Compulsory Purchase Act 2004 required Local Authorities to produce Sustainability Appraisals (SA) for all local development documents including DPDs (now local plans) and SPDs. However the Town and Country Planning (Local Development) (England) (Amendment) Regulations 2009 have removed the need for an SA of an SPD. This is because SPDs do not normally introduce new policies or proposals or modify planning documents which have already been subject to Sustainability Appraisal. Paragraph 008 of the National Planning Practice Guidance (NPPG) confirms that SPDs do not require a sustainability appraisal but may in exceptional circumstances require a strategic environmental assessment if they are likely to have significant environmental effects that have not already have been assessed during the preparation of the Local Plan.

The council must consider the 2004 Regulations, which incorporate the requirements of the Directive. Regulation 5 of the Directive sets out the types of plans that require an environmental assessment, which includes those that set the framework for future development consent. Regulation 5 (6) provides an exemption and states that an environmental assessment need not be carried out: (a) for a plan or programme which determines the use of a small area at local level; or (b) for minor modification to a plan or programme unless it has been determined that the plan, programme or modification, as the case may be, is likely to have significant environmental effects.

Detailed guidance of the 2004 Regulations can be found in the Government publication ‘A Practical Guide to the Strategic Environmental Assessment Directive’ (ODPM 2005).

The council is required to consult with the prescribed statutory organisations (Natural England, English Heritage and the Environment Agency) on this Screening Statement for five weeks. The

SEA Screening Statement should provide sufficient information to demonstrate whether the SPD addendum is likely to have significant environmental affects.

Regulation 12 of the Town & Country Planning (Local Development) (England) Regulations 2012 states that the local planning authority must make copies of the planning policy document that is the subject of the screening assessment available for consultation over a period of at least 6 weeks. Southwark's Statement of Community Involvement (SCI) indicates that a 12 week consultation period is usually appropriate in Southwark.

3. SPD addendum

Planning obligations are used as part of the planning application process to address specific planning issues and impacts arising from a development proposal. In dealing with planning applications, local planning authorities consider each on its merits and reach a decision based on whether the application accords with the relevant development plan, unless material considerations indicate otherwise.

The Section 106 Planning Obligations and Community Infrastructure Levy (CIL) SPD, April 2015, provides detailed guidance on the use of section 106 planning obligations alongside the community infrastructure levy. It outlines how we will use s106 planning obligations to address the site specific negative impacts of development and explains how Southwark negotiates the most common s106 planning obligations.

The purpose of the SPD addendum is to provide clear guidance on how we will use s106 planning obligations and CIL in the Old Kent Road Opportunity Area, to the benefit of developers and the wider public. In the period prior to adopting a revised CIL charging schedule, major developments located in the south of the opportunity area which provide 100 or more residential homes will be expected to contribute towards the cost of delivering identified transport infrastructure projects. We will ordinarily expect the contribution to be £164 per square metre of residential floorspace, subject to the legal test of regulation 122 of the Community Infrastructure Levy Regulations 2010 as amended. Affordable housing will be exempt. Contributions from large scale non-residential development of over 10,000sqm floorspace will be negotiated on a case by case basis

The funds secured through this charge will contribute to the following infrastructure projects:

- Old Kent Road Station 1 (Northern station) on the Bakerloo Line extension
- Old Kent Road Station 2 (Southern station) on the Bakerloo line extension

In accordance with the CIL Regulations 2010 (as amended) we will not pool more than five separate planning obligations towards any one of these items.

The proposed s106 charge is necessary as the delivery of 20,000 new homes in the Old Kent Road Opportunity Area is critically dependent on improving the area's transport infrastructure. By introducing this s106 charge we will ensure that we can secure sufficient funding for this infrastructure, prior to our planned introduction of revised CIL charges for the Old Kent Road Opportunity Area in 2017.

The SPD addendum does not constitute new policy. Rather, it will be used to implement a number of existing policies and guidance as set out in the NPPF, PPG, London Plan (2015), the Core Strategy (2011), and saved policies of the Southwark Plan (2007).

4. Criteria for Assessing the Effects of Supplementary Planning Documents

Strategic Environmental Assessment

The first stage in the SEA process is for the council to determine whether or not a plan is likely to have a significant effect on the environment. The 2004 Regulations advise that this is determined by a screening process, which should use a specified set of criteria for determining the significance of effects. The criteria are taken from schedule 1 (9 (2)(a) and 10 (4)(a) of the 2004 Regulations and are identified in appendix 1 of this statement.

Sustainability Appraisal

ODPM's (2005) guidance suggests that where the authority has made a determination that the plan is unlikely to have any significant environmental effects (and is therefore exempt from the SEA directive) it must consider whether there are likely to be any significant economic or social effects. If these have been formally assessed in the context of the higher-level policies in local plans, it is unlikely that significant social and economic effects arise.

The London Plan, the Core Strategy and the emerging Old Kent Road Area Action Plan contain the overarching parent policies and these documents have been the subject of sustainability appraisals (SAs). The SAs for these documents assessed the parent policies against a range of social, economic and environmental 'sustainability objectives' using a range of indicators to consider the contribution that each policy makes towards the achievement of each sustainability objective.

The SPD addendum, once adopted, will neither change policy set out in the above mentioned local plan documents, nor add any new policies.

The application of the SPD addendum guidance will not give rise to additional social and economic effects already identified through the SAs of the London Plan, Core Strategy and the Old Kent Road Area Action Plan. These SAs have identified positive, uncertain and negative impacts of the policies and where these impacts can be mitigated through other guidance or policies.

5. Screening Assessment

The SPD addendum does not determine the use of land or constitute a minor modification to the development plan (rather it constitutes an amendment to a supplementary planning document). Based on the assessment in Appendix 1, it is demonstrated that the SPD does not give rise to significant environmental effects. It is unlikely there will be any significant environmental effects arising from the SPD addendum that were not covered in the Sustainability Appraisals of the London Plan, Core Strategy and Old Kent Road AAP. Therefore it is not necessary to carry out a full SA/SEA on this document.

A Sustainability Appraisal has not been prepared because the SPD addendum does not introduce new policies, determine the use of land or constitute a minor modification to a development plan. It simply provides guidance on policies contained in the London Plan, Core Strategy and Old Kent Road AAP and supplements the guidance contained in the existing Section 106 Planning Obligations and Community Infrastructure Levy Supplementary Planning Document. The council considers that the SPD addendum will not result in any additional significant effects to those already identified through the higher level sustainability appraisals.

Planning is a statutory function carried out by local authorities. The development of planning policies and the impacts of planning decisions can affect everyone with an interest in land in the borough. The document will be of most relevance to the following stakeholders:

- Current and future residents who will benefit from the new provision of and improvements to infrastructure and other facilities that are funded by developer contributions or provided directly by developers, as a result of successful Section 106 negotiations and CIL.

- Developers (and their clients), landowners and those acting on their behalf (e.g. architects and planning agents) and members of the public who will be submitting or commenting on a planning application for a site in Southwark.
- The council.

The council consulted on the SPD addendum alongside the preliminary draft charging schedule, regulation 123 list and draft Old Kent Road Area Action Plan between June and November 2016. This screening assessment has been updated following this consultation.

It is envisaged that the SPD addendum will be adopted in early 2017.

The Council's Statement of Community Involvement (SCI) explains how the local community can get involved in the preparation of planning policy documents and sets out methods of consultation for target groups.

Key stakeholders involved in the preparation of the SPD include:

- Cabinet Member for Regeneration and New Homes
- Southwark Councillors
- External stakeholders including GLA and TfL



Appendix 1: Criteria from schedule 1 of the Environmental Assessment of Plans and Programme Regulations 2004

Table 1: Characteristics of the SPD

1	Criterion	Is there an effect?	Is there significant environmental effect?	Justification
a)	The degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources.	No	No	While the SPD addendum will secure funding for critical infrastructure it does not set a framework for the design, location, delivery or operation of this infrastructure. This document sits at the lowest tier of the development plan hierarchy. The SPD addendum provides more detail to the policies and principles established in upper tier plans which have been subject to SA incorporating SEA.
b)	The degree to which the plan or programme influences other plans and programmes including those in a hierarchy.	No	No	Not applicable. The SPD addendum sits at the lowest tier of the development plan hierarchy and therefore does not influence other plans or programmes. Conversely, it is influenced by and in general conformity with upper tier documents at local, regional and national level.
c)	The relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development.	No	No	Not applicable. The SPD addendum does not influence the integration of environmental considerations in particular with a view to promoting sustainable development.
d)	Environmental problems relevant to the plan or programme.	No	No	The SPD addendum will not introduce or exacerbate any environmental problems. Together with the Core Strategy and other adopted plans and the planning obligations SPD, this SPD addendum provides a context and framework for negotiating s106 contributions.

e)	The relevance of the plan or programme for the implementation of Community legislation on the environment (e.g. plans and programmes linked to waste-management or water protection.	No	No	Together with the upper tier plans and the planning obligations SPD, the SPD addendum provides a context and framework for negotiating s106 contributions. The SPD supplement's adopted planning policy and is not relevant to the implementation of Community legislation on the environment.
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Table 2: Characteristics of the effects and of the area likely to be affected

2	Criterion	Is there an effect?	Is there significant environmental effect?	Justification
a)	The probability, duration, frequency and reversibility of the effects.	No	No	Together with the upper tier development plans and the planning obligations SPD, the SPD addendum provides a context and framework for negotiating s106 contributions.
b)	The cumulative nature of the effects.	No	No	Together with the upper tier development plans and the planning obligations SPD, the SPD addendum provides a context and framework for negotiating s106 contributions. The SPD addendum supplements adopted planning policy and there are no direct or cumulative effects arising from it.
c)	The trans-boundary nature of the effects.	No	No	Together with the upper tier development plans and the planning obligations SPD, the SPD addendum provides a context and framework for negotiating s106 contributions. The SPD addendum supplements adopted planning policy and there are no direct or cumulative effects arising from it.
d)	The risks to human health or the environment (e.g. due to accidents).	No	No	Together with the upper tier development plans and the planning obligations SPD, the SPD addendum provides a context and framework for negotiating s106 contributions. The SPD addendum supplements adopted planning policy and there are no direct or cumulative effects arising from it.

e)	The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected.	No	No	Together with the upper tier development plans and the planning obligations SPD, the SPD addendum provides a context and framework for negotiating s106 contributions. The SPD addendum supplements adopted planning policy and there are no direct or cumulative effects arising from it.
f)	The value and vulnerability of the area likely to be affected due to: i) Special natural characteristics or cultural heritage. ii) Exceeded environmental quality standards or limit values. lii) Intensive land-use.	No	No	Together with the upper tier development plans and the planning obligations SPD, the SPD addendum provides a context and framework for negotiating s106 contributions. The SPD addendum supplements adopted planning policy and there are no direct or cumulative effects arising from it.
g)	The effects on areas or landscapes which have a recognised national, Community or international protection status.	No	No	Together with the upper tier development plans and the planning obligations SPD, the SPD addendum provides a context and framework for negotiating s106 contributions. The SPD addendum supplements adopted planning policy and there are no direct or cumulative effects arising from it.