

Barking & Dagenham

London Borough of Barking and Dagenham Draft Planning Obligations Supplementary Planning Document (SPD) Strategic Environmental Assessment (SEA)

Introduction

This is a Strategic Environmental Assessment screening document for the draft Planning Obligations Supplementary Planning Document. It determines that a Strategic Environmental Assessment is not required in this case for the reasons outlined in the remainder of this report.

Legislative Background

A Strategic Environmental Assessment (SEA) is a way of ensuring the environmental implications of a plan or programme for 'town or country planning or 'land use' are taken into account. The need for environmental assessments is set out in the EU Directive 2001/42/EC (hereafter referred to as the SEA Directive). This has subsequently been transposed into English law by the Environmental Assessment of Plans and Programmes Regulations 2004 (hereafter referred to as the SEA Regulations).

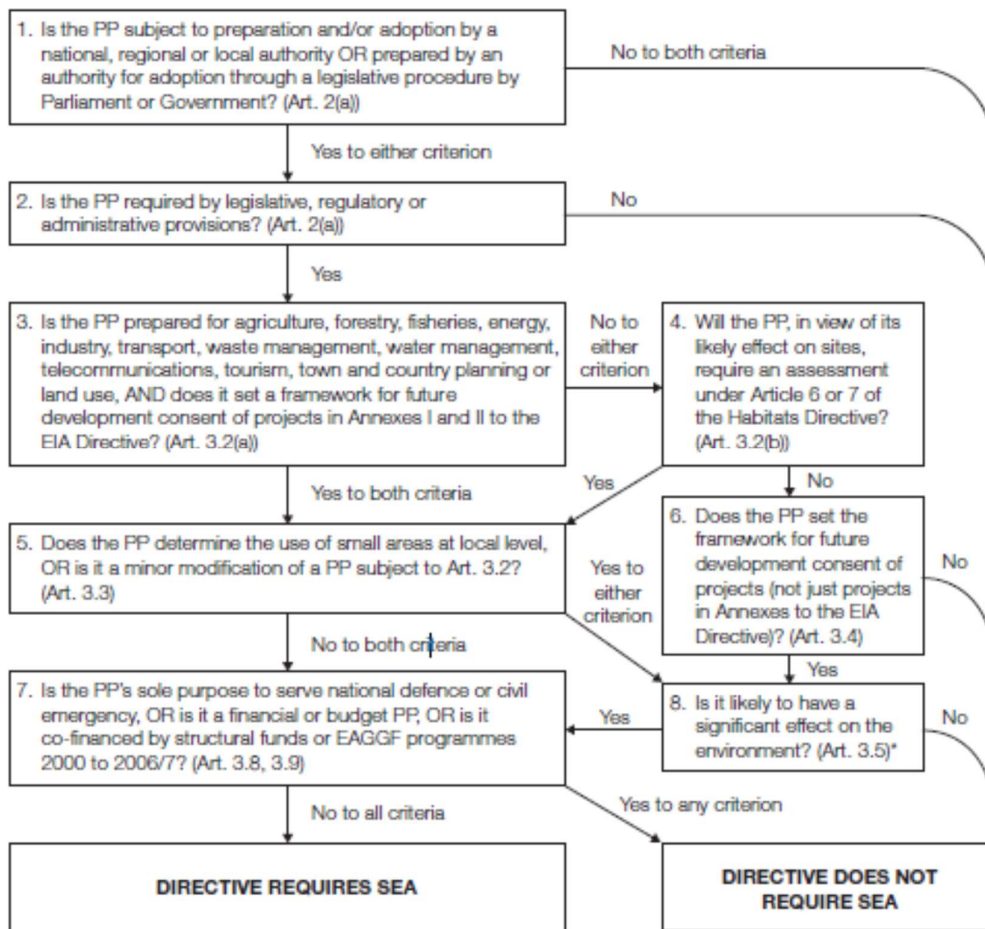
The Government's Planning Practice Guidance (PPG) states in some limited circumstances, where a Supplementary Planning Document (SPD) could have significant environmental effects, it may fall within the scope of the SEA Regulations and so require an SEA. To determine whether the Planning Obligations SPD might have significant environmental effects, its potential scope has been assessed against the criteria set out in Schedule 1 to the SEA Regulations. As noted in the PPG note, an SEA is unlikely to be required where a supplementary planning document deals only with a small area at a local level (see regulation 5(6) of the Environmental Assessment of Plans and Programmes Regulations 2004) unless it is considered that there are likely to be significant environmental effects.

Screening Process

The screening opinion assessment is undertaken in two parts: the first part will assess whether the SPD requires SEA (as per the flow chart which follows (**Figure 2**)); and the second part of the assessment will consider whether the SPD is likely to have a significant effect on the environment, using criteria drawn from Schedule 1 of the SEA Directive and the SEA Regulations.

Figure 2 – Application of the SEA Directive to plans and programmes

This diagram is intended as a guide to the criteria for application of the Directive to plans and programmes (PPs). It has no legal status.



*The Directive requires Member States to determine whether plans or programmes in this category are likely to have significant environmental effects. These determinations may be made on a case by case basis and/or by specifying types of plan or programme.

Summary of the SPD

Details of SPD	
Name of SPD	Draft Planning Obligations SPD
Geographic Coverage	The entire Borough
Purpose	To provide more detailed guidance to planning officers, applicants and the general public as to the nature of planning obligations which will be sought from developers to help support future growth in the Borough and mitigate the impacts of development, along with the mechanisms through which they will be collected
Summary of content	<p>Supplementary planning document providing guidance and supporting information on the planning obligations which will be sought from developers in order to make developments acceptable in planning terms. This covers:</p> <ul style="list-style-type: none"> - Background and legislative context to Planning Obligations; - Different types of Planning Obligations which a Local Authority can seek; - The procedure for securing these obligations (including information on monitoring); and - What areas the Council has identified that will be covered by planning obligations and relevant thresholds, e.g. affordable housing, affordable workspace, employment and training etc

Assessment 1: Screening Assessment Establishing the Need for SEA Stage

Stage	Y/N	Reason
1. Is the SPD 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? (Art. 2(a))	Y	Yes. The SPD will be prepared and adopted by LB Barking and Dagenham Council in its role as Local Planning Authority, which is allowed under the Town and Country Planning Act 1990.
2. Is the SPD required by legislative, regulatory or administrative provisions? (Art. 2(a))	N	No. The preparation of this SPD is not a requirement of legislation, regulatory or administrative provisions.
3. Is the SPD prepared for agriculture, forestry, fisheries, energy, industry, transport, 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? (Art. 3.2(a))	Y	Yes. The SPD is intended to provide further guidance to the Local Plan which is the land-use planning policy framework for its area. The emerging Local Plan has been subject to full Sustainability Appraisal (including SEA). The SPD will not create new policy or land-use designations.
4. Will the SPD, in view of its likely effect on sites, require an assessment for future	N	No. The Local Plan was subject to screening for the need for assessment under the

development under Article 6 or 7 of the Habitats Directive? (Art. 3.2(b))		requirements of the Habitats Directive and it was concluded that such assessment was unnecessary. The SPD will not change or add to policy, proposals or designations within the Local Plan, therefore it is not considered that further screening for such assessment is necessary as there would be no significant 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 or programme subject to Art. 3.2? (Art. 3.3)	N	No. There are no policies, proposals or allocations contained within the SPD which have not already been set within the Local Plan. There will be no aspect of the SPD which would modify the emerging Local Plan, just support it.
6. Does the SPD set the framework for future development consent of projects (not just projects in annexes to the EIA Directive)? (Art. 3.4)	N	No. This framework is already set within the Local Plan. The SPD will provide further guidance on the relevant policies, proposals or allocations within the emerging Local Plan.
7. Is the SPD's sole purpose to serve the national defence or civil emergency, OR is it a financial or budget plan or programme, OR is it co-financed by structural funds or EAGGF programmes 2000 to 2006/7? (Art. 3.8, 3.9)	N	None of these are the sole purpose of the SPD.
8. Is it likely to have a significant effect on the environment? (Art 3.5)	N	No. It is not likely that the SPD will have any significant effect that has not already been identified and assessed through the Sustainability Appraisal (including SEA) of the Local Plan.

Assessment 2: Likely Significant Effects on the Environment

SEA Directive criteria and Schedule 1 of Environmental Assessment of Plans and Programmes Regulations 2004	LBBB assessment	Likely significant environmental effect?
The characteristics of plans and programmes, having regard, in particular, to—		
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	The SPD will provide further guidance on the policies, proposals and the relevant site allocations that are contained within the Local Plan. The Local Plan as a whole, including those parts relating to the area and the topics covered in this SPD, have been fully assessed for the purposes of	None

operating conditions or by allocating resources;	Sustainability Appraisal and the Strategic Environmental Assessment, with no additional environmental impact for consideration	
The degree to which the plan or programme influences other plans and programmes, including those in a hierarchy	The SPD, in providing further guidance on 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 London Plan, which has also been subject to a SA/SEA and examined against the National Planning Policy Framework.	None
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 sets the context for achieving sustainable development, for which the SPD will provide further guidance regarding how this should be achieved.	None
Environmental problems relevant to the plan or programme; and	Environmental problems have already been considered in the Sustainability Appraisal associated with the Local Plan, which the guidance in this document supplements. No additional issues should arise, as the SPD does not create policies or site allocations.	None
The relevance of the plan or programme for the implementation of Community legislation on the environment (for example, plans and programmes linked to waste management or water protection).	The SPD is not directly relevant to the implementation of any National or European legislation on the environment, such as the Water Framework Directive.	None
Characteristics of the effects and of the area likely to be affected, having particular regard to:		
The probability, duration, frequency and reversibility of the effects;	This SPD seeks to ensure that development across the Local Plan period (2020-2037) makes appropriate contributions to the supporting infrastructure required to sustain the projected level of development. It is not anticipated the SPD will result in significant long-term adverse effects, and any social and environmental impacts are likely to be positive	None
The cumulative nature of the effects;	The SPD is in general conformity with the strategic policies, the implementation of which it seeks to support across the Borough. It is not considered that there will be any negative cumulative effects on the Borough overall.	None
The transboundary nature of the effects;	The SA and SEA conducted for the Local Plan did not identify any screened European sites in or	None

	adjacent to the Borough, the closest site being Epping Forest, approximately 6 miles away. Therefore, there are not expected to be any significant trans-boundary effects.	
The risks to human health or the environment (for example, due to accidents);	The SA and SEA conducted for the Local Plan did not identify any potential negative impacts upon human health and the environment.	None
The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);	This is not an area-specific masterplan, but supplementary planning guidance which will apply to development across the Borough. As such, it should not in itself directly result in any spatial impacts of any notable magnitude. The geographical area of the Borough has been subject to a SA/SEA through the Local Plan.	None
The value and vulnerability of the area likely to be affected due to—		
(i) special natural characteristics or cultural heritage;	Applications for development within the Borough will be assessed against relevant development policy in relation to sites of importance for cultural heritage. LBBB's designated heritage assets are covered by separate Local Plan and legislation. The SPD seeks a positive approach to seeking to maintain or improve the setting of these assets. No significant effects have therefore been identified	None
(ii) exceeded environmental quality standards or limit values; or	The SPD seeks to support development in keeping with the principles outlined in national, London Plan and Local Plan policy guidance and the policies in the Local Plan have already been subject to SA/SEA to ensure development is sustainable.	None
(iii) intensive land-use; and		None
Assessment 2 conclusion:	The Draft Planning Obligations SPD is not likely to have a significant detrimental impact upon the environment.	

Conclusion

Summary of Screening Opinion

Conclusion of assessment	SEA is not required
Reason for conclusion	It is concluded that the Draft Planning Obligations SPD is consistent with the new draft Local Plan and corresponding Site-Specific Allocations. The policies and allocations therein have been subject to Strategic Environmental Assessment in

	<p>their own right through the Local Plan Sustainability Appraisal.</p> <p>The Sustainability Appraisal cites a number of 'key themes' against which the Local Plan's <i>preferred option</i> is examined for its potential impact. The sole area of concern relates to the 'high level of growth located within areas of high fluvial flood risk'. However, it is suggested that this can be addressed through careful planning, mitigation and innovative design and thus the impacts will be 'uncertain' as opposed to 'negative'. The SA report predicts that the Council's <i>preferred option</i> will impact significantly on a number of environmental themes, e.g. land usage, quality of environment, but in a positive manner.</p>
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As a result of the Screening Assessment, it is concluded that draft Planning Obligations Supplementary Planning Document (SPD) is not likely to have significant environmental effects.

The SPD accords with the [draft Barking and Dagenham Regulation 19 \(2\) Local Plan 2037](#) which has undergone a full Sustainability Appraisal incorporating SEA, as well as national and regional policies. This document provides guidance on these policies and is required to be in line with them (it does not create new policies). As such, we have determined that this SPD does not require an SEA to be undertaken.