

London Borough of Barking and Dagenham

Screening Statement on the determination of the need for Strategic Environmental Assessment and Sustainability Appraisal for the Public Houses Supplementary Planning Document

Introduction

- 1 Section 180 of the Planning Act 2008 removes the requirement for a sustainability appraisal report to be prepared for all Supplementary Planning Documents (SPD). This is reflected in the Town and Country Planning (Local Planning) (England) Regulations 2012. Despite no longer requiring sustainability appraisal, SPDs may still require screening, to ensure that legal requirements for Sustainability Appraisal (SA) are met where there are impacts that have not been covered in the appraisal of the parent Development Plan Document (DPD) or where an assessment is required by the SEA Directive. In accordance with the Strategic Environmental Assessment (SEA) Directive (2001/42/EC) and under the Environmental Assessment of Plans and Programmes Regulations 2004 (the Regulations), Councils must carry out a SEA of land-use and spatial plans. Clause (10) of the SEA Directive requires SEA for plans which “determine the use of small areas at a local level” or, which are, “minor modifications” to plans, only when these are determined to be likely to cause significant environmental effects. This is transposed in the Regulations. Where the Council can demonstrate that any land-use or spatial plan is unlikely to have significant environmental effects (Regulation 9(3)), or where the proposed development is less than 0.5 hectares in area, a SEA will not be required. Therefore this document screens the Public Houses SPD to establish if SEA or SA is required.
- 2 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 regulations advise that this is determined by a screening process, which should use a specified set of criteria (set out in Schedule 1 of the Regulations). The results of this process must be summarised in an SEA screening statement, which must be publicly available.
- 3 The Council will consult with the specified environmental 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 is likely to have significant environmental effects. In the situation whereby it is concluded that there are not to be significant environmental effects and therefore no need for SEA this statement will clearly indicate the reasons for such a decision.

Public Houses SPD

- 4 The purpose of the SPD is to provide more detail to the policies and principles established in the Local Plan. The SPD supplements the following policies:

Core Strategy (2010)

- CM1: General Principles for Development
- CM5: Town Centre Hierarchy
- CE1: Vibrant and Preposterous Town Centres
- CP1: Vibrant Culture and Tourism
- CP2: Protection and Promoting the Built Environment
- CC2: Social Infrastructure to Meet Community Needs

Borough Wide Development Policies Development Plan Document (2011)

- BE2: Development in Town Centre
- BP11: Urban Design
- BC6: Loss of Community Facilities

This Supplementary Planning Document (SPD) seeks to resist against the loss of Public Houses. Proposals which involve the change of use of a pub will only be permitted where the applicant satisfies a number of criteria set out in the SPD guidance.

- 5 The preparation of the SPD will involve the local community in line with the Requirements set out in the Town and Country Planning (Local Planning) (England) Regulations 2012 and in line with the Council's adopted Statement of Community Involvement (SCI).

Requirement for Screening

- 6 The preliminary assessment of whether or not SEA is required led to the conclusion that screening is necessary for the following reasons.

- The SPD is subject to preparation and adoption by a Local Authority
- The SPD is required by legislative, regulatory or administrative provisions
- The SPD is prepared for town planning

- 7 The screening process set out in Regulation 9 and Schedule 1 of the Regulations includes two sets of characteristics for determining the likely significance of effects on the environment. These relate firstly to the characteristics of the SPD and secondly to the characteristics of the effects and of the area likely to be affected. There are a number of criteria relating to each of these characteristics, the answers to which are set out below.

Characteristics of the Public Houses SPD

1.	Criterion	Is there an effect?	Is there a significant environmental effect?	Justification
(a)	The degree to which the Public Houses SPD sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources.	Yes	No	This SPD sits at the lowest tier of the development plan system. The SPD provides more detail to the policies and principles established in the Core Strategy (2010), in particular CC2: Social Infrastructure to Meet Community Needs. The SPD also supplements several policies in Council's Borough Wide Development Policies DPD (2011), in particular BC6: loss of Community Facilities. The SPD provides a way to protect the loss of Public Houses through the planning system. Its higher level plans, the Core Strategy and the Development Policies DPD, have been subject to SA incorporating SEA.
(b)	The degree to which the Public Houses SPD influences other plans and programmes including those in the hierarchy.	No	No	This SPD sits at the lowest tier of the development plan system. It does not influence plans and strategies. It supplements the Core Strategy and the Development Policies DPD which have been subject to SA incorporating SEA.
(c)	The relevance of Public Houses SPD for the integration of environmental considerations in particular with a view to promoting sustainable development.	No	No	The purpose of the SPD is to provide more detail to the policies and principles established in the adopted Local Plan. Environmental principles are set in the higher level plans the Core Strategy and the Borough Wide Development Policies DPD.

(d)	Environmental problems relevant to the Public Houses SPD.	No	No	Together with the Core Strategy and Borough Wide Development Policies DPD this SPD provides a context and framework within which applicants must work when preparing planning applications. The SPD supplements adopted planning policy and will itself not have a significant effect.
(e)	The relevance of the Public Houses SPD to the implementation of Community legislation on the environment (for example, plans and programmes linked to waste management or water protection).	No	No	Together with the Core Strategy and Borough Wide Development Policies DPD this SPD provides a context and framework within which applicants must work when preparing planning applications. The SPD supplements adopted planning policy and will itself not have a significant effect.

Characteristics of the effects and of the area likely to be affected

2	Criterion	Is there a significant environmental effect?	Justification
(a)	The probability, duration, frequency and reversibility of the effects of the Public Houses SPD	No	Together with the Core Strategy and Borough Wide Development Policies DPD this SPD provides a context and framework within which applicants must work when preparing planning applications. The SPD supplements adopted planning policy and will itself not have a significant effect.
(b)	The cumulative nature of the effects of the Public Houses SPD	No	Together with the Core Strategy and Borough Wide Development Policies DPD this SPD

			provides a context and framework within which applicants must work when preparing planning applications. The SPD supplements adopted planning policy and will itself not have a significant effect.
(c)	The trans-boundary nature of the effects of the Public Houses SPD	No	Together with the Core Strategy and Borough Wide Development Policies DPD this SPD provides a context and framework within which applicants must work when preparing planning applications. The SPD supplements adopted planning policy and will itself not have a significant effect.
(d)	The risks to human health or the environment (e.g. due to accidents) of the Public Houses SPD	No	Together with the Core Strategy and Borough Wide Development Policies DPD this SPD provides a context and framework within which applicants must work when preparing planning applications. The SPD supplements adopted planning policy and will itself not have a significant effect.
(e)	The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected) by the Public Houses SPD	No	Together with the Core Strategy and Borough Wide Development Policies DPD this SPD provides a context and framework within which applicants must work when preparing planning applications. The SPD supplements adopted planning policy and will itself not have a significant effect. It is relevant to all Public House users in

			Barking and Dagenham. Despite the comprehensive spatial extent of the SPD, the document supplements adopted planning policy and will itself not have a significant effect.
(f)	<p>The value and vulnerability of the area likely to be affected by the Public Houses SPD due to:</p> <ul style="list-style-type: none"> (i) special natural characteristics or cultural heritage (ii) exceeded environmental quality standards or limit values or (iii) intensive land use 	No	Together with the Core Strategy and Borough Wide Development Policies DPD this SPD provides a context and framework within which applicants must work when preparing planning applications. The SPD supplements adopted planning policy and will itself not have a significant effect.
(g)	The effects of the Public Houses SPD on areas or landscapes which have a recognised national, community or international protection status.	No	The Public Houses SPD will not affect areas or landscapes which have a recognised national community or international protection status.

Guidance on the Requirement for Sustainability Appraisal

- 9 The Council considers that the Public Houses SPD is unlikely to have significant social or economic effects beyond those of the policies it supplements, and there is no statutory reason to undertake an SA of this document, or that any practical value could come from it.
- 10 In reviewing these criteria the Council has been mindful that the Public Houses SPD does not present policies or proposals and serves only to expand on existing policy within the adopted Core Strategy and Borough Wide Development Policies DPD, which have already been subject to Sustainability Appraisal.
- 11 On the basis of these characteristics the Council concludes that the Public Houses SPD is unlikely to have significant social or economic effects (beyond those of the policy it supplements).

Conclusion

- 12 The Council considers that neither a Strategic Environmental Assessment nor a Sustainability Appraisal is necessary for the Public Houses SPD as it is not likely, by itself, to have any significant environmental, social or economic effects.