

# Strategic Environmental Assessment (SEA) Screening Statement

## Affordable Housing Supplementary Planning Document (SPD)

August 2019



THE ROYAL BOROUGH OF  
KENSINGTON  
AND CHELSEA

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## 1. Introduction

Report on the determination of the need for a Strategic Environmental Assessment in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 and European Directive 2001/42/EC of the:

### **Affordable Housing Supplementary Planning Document (SPD) (please note that the Council may change the title of the document when published)**

**Subject:** The Affordable Housing SPD will be prepared by the Royal Borough of Kensington and Chelsea to provide guidance on how policies within the Development Plan will be implemented, in order to deliver affordable homes and to help promote mixed and sustainable communities.

#### Purpose

The proposed Affordable Housing SPD will provide more detailed guidance and advice on the policies within the RBKC Development Plan including the London Plan. In particular, it will help clarify the definitions of affordable housing, provide guidance on the tenure mix of affordable housing where secured and cover other guidance on securing or protecting affordable housing as required.

#### Relevant Guidance

The following documents have been used to assist with the screening process:

- The National Planning Practice Guidance (PPG ID: 11) in relation to SEA/SA (MHCLG, 2019).
- The National Planning Policy Framework (NPPF) (MHCLG, 2019).
- A Practical Guide to the Strategic Environmental Assessment Directive (ODPM, 2005).
- The Environmental Assessment of Plans and Programmes Regulations 2004.
- 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.

Consultation:

Consultees are requested to provide responses to [planningpolicy@rbkc.gov.uk](mailto:planningpolicy@rbkc.gov.uk) or by post to by **Monday 9 September 2019**

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## 2. Purpose of Sustainability Appraisal (SA) / Strategic Environmental Assessment (SEA)

- 2.1 A sustainability appraisal is a process to assess the extent to which any emerging plan, when judged against reasonable alternatives, will help to achieve relevant environmental, economic and social objectives. In terms of supplementary planning documents (SPDs), the National Planning Practice Guidance (NPPG MHCLG 2019 ID 11-008) states that they do not require a sustainability appraisal 'but may in exceptional circumstances require a strategic environmental assessment if they are likely to have significant effects that have not already been assessed during the preparation of the Local Plan'. Before deciding whether significant environmental effects are likely, the local planning authority is required to take into account the criteria specified in Schedule 1 to the Environmental Assessment of Plans and Programmes Regulations 2004 and consult the consultation bodies (Natural England, the Environment Agency and Historic England). Section 19 of the Planning and Compulsory Purchase Act 2004 (the Act) requires a local planning authority to carry out a sustainability appraisal of each of the proposals in a Local Plan during its preparation. Section 39 of the Act requires that the authority preparing a Local Plan must do so 'with the objective of contributing to the achievement of sustainable development'.
- 2.2 Sustainability appraisals incorporate the requirements of the Environmental Assessment of Plans and Programmes Regulations 2004 (commonly referred to as the Strategic Environmental Assessment Regulations) which implement the requirements of European Directive 2001/42/EC ('the Strategic Environmental Assessment Directive') on the assessment of the effect of certain plans and programmes on the environment. The use of a sustainability appraisal ensures that social and economic issues are given full consideration alongside environmental effects. A strategic environmental assessment alone can be required in some limited situations where a sustainability appraisal is not needed.

## 3. The Screening Process

- 3.1 Though not part of the statutory Development Plan, supplementary planning documents cover a range of issues, which generally provide guidance on the implementation of policies in the Development Plan. If an SPD is considered unlikely to have significant environmental effects through the screening process, then the conclusion will be that the Strategic Environmental Assessment (SEA) is not necessary.

- 3.2 To assess whether an SEA is required, the 'Responsible Authority' (The Royal Borough of Kensington and Chelsea) must undertake a screening process based on a standard set of criteria.
- 3.3 Where the Responsible Authority determines that the plan or programme is unlikely to have significant environmental effects, and therefore does not need to be subject to full Strategic Environmental Assessment, it must prepare a statement showing the reasons for this determination.
- 3.4 This must be subject to consultation with Historic England, the Environment Agency and Natural England. Following consultation, the results of the screening process must be detailed in an updated Screening Statement, which is required to be made available to the public.
- 3.5 Key to the screening decision is the determination of whether the SPD is likely to have significant environmental effects, using the criteria set out in Annex II of the SEA Directive. These criteria are set out in the tables below, alongside the Council's assessment in relation to the Affordable Housing SPD.
- 3.6 This screening will help to demonstrate whether or not the Affordable Housing SPD is likely to have significant effects on the environment and therefore whether or not it will be necessary to carry out a SEA on this document.

## 4. Statement of Reasons for Determination

- 4.1 The Council believes that the impact of the Affordable Housing SPD, through responses to the SEA Directive Criteria, will not have significant environmental effects on Kensington and Chelsea. In addition, the SPD is providing further guidance on how the affordable housing policy will be applied. The SPD will not result in new development in the borough but clarify the position on affordable housing provision in relevant development. Therefore, it is considered that an SEA will not be required for the Affordable Housing SPD.

It is considered (in accordance with the NPPG) that the Affordable Housing SPD will be unlikely to result in significant environmental effects in relation to Schedule 1 of the Environmental Assessment of Plans and Programmes Regulations 2004. This is because the environmental effects of the existing policies within the Consolidated Local Plan were considered as part of the Integrated Impact Assessment (IIA) process in which were rigorously assessed. In the final version of the IIA (May 2017) the various strands of the relevant policies were found to generally have a positive correlation with SA objectives related to environment.

Given the purpose of the SPD stated above it is not considered that there are any

“exceptional circumstances” which are likely to result in “significant environmental effects that have not already have been assessed during the preparation of the Local Plan”. Therefore, the Council does not consider that a SEA of the proposed Affordable Housing SPD is likely to be required.

Paragraph 32 of the NPPF states “A sustainability appraisal that meets the relevant legal requirements...should demonstrate how the plan has addressed relevant economic, social and environmental objectives”.

It is clear that the SA/SEA process has been followed and there is no need to repeat this assessment for the Affordable Housing SPD because it has already been undertaken.

- 4.2 This Screening Statement will be updated after public consultation has taken place. Figure 1 below illustrates the process for screening a planning documents to ascertain where a full SEA is required.

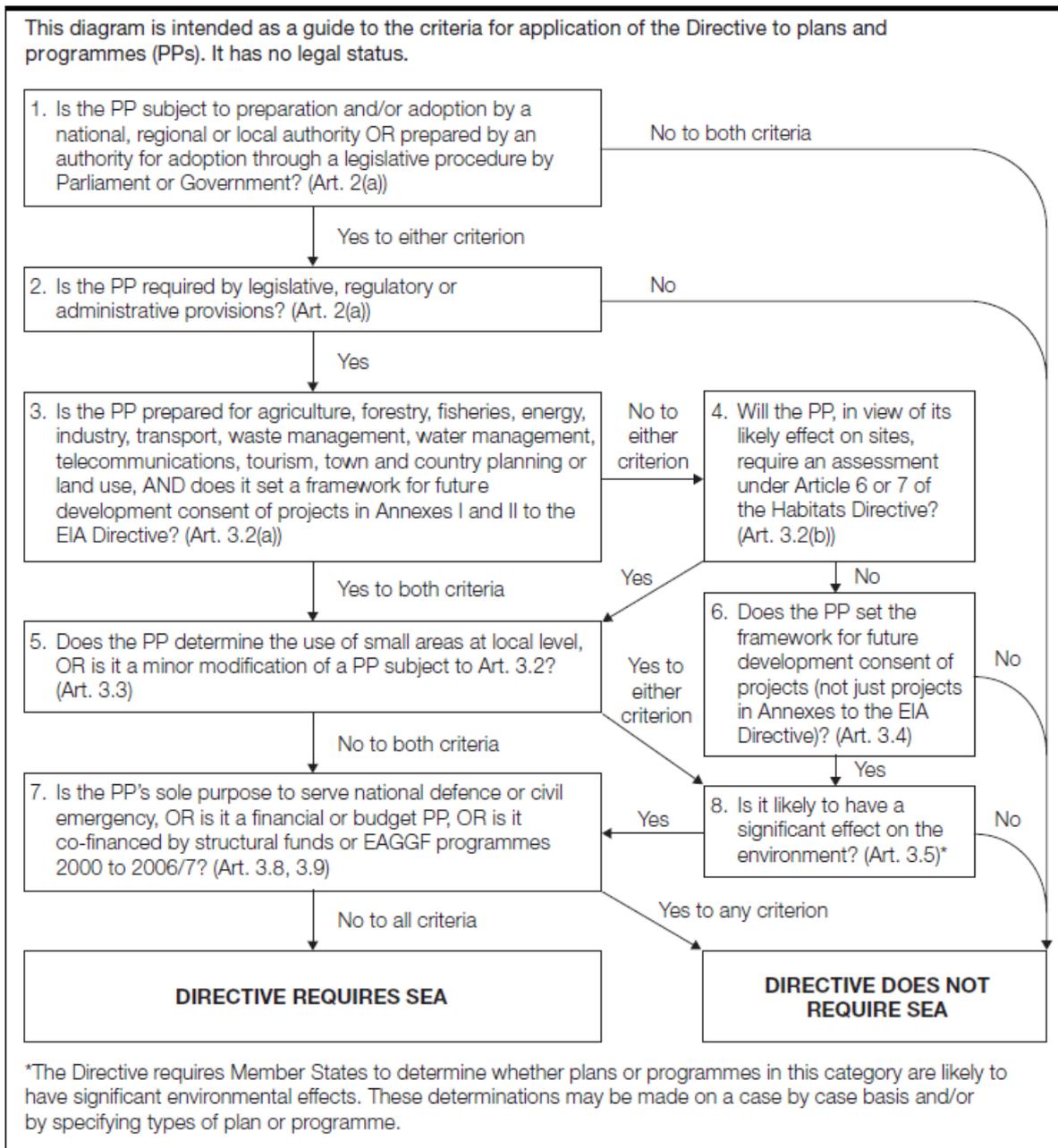


Figure 1: Application of the SEA directive to plans and programmes. Source: A Practical Guide to the Strategic Environmental Assessment Directive (ODPM: 2005)

An assessment of the likely significant effects of the SPD was undertaken and the findings are shown in the following Table 1:

**Table 1: Assessment of likelihood of significant effects on the environment**

SEA Directive Criteria and Schedule 1 of Environmental Assessment of Plans and Programmes Regulations 2004 <sup>1</sup>	Royal Borough of Kensington and Chelsea Response	
	Is there a significant effect?	Justification
<b>1. Characteristics of the Affordable Housing SPD</b>		
(a) The degree to which the SPD sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources.	No	The proposed Affordable Housing SPD will provide more detailed guidance and advice on the policies within the RBKC Local Plan. The SPD will not result in new development in the borough but clarify the position on affordable housing provision in relevant development.
(b) The degree to which the SPD influences other plans and programmes including those in a hierarchy.	No	The SPD provides greater detail to complement the policies within the Development Plan
(c) The relevance of the SPD for the integration of environmental considerations in particular with a view to promoting sustainable development.	No	The SPD will not result in new development in the borough but clarify the position on affordable housing provision in relevant development.
(d) Environmental problems relevant to the SPD.	No	None as is about a policy creating new development, see para 4.1 above.
(e) The relevance of the SPD for the implementation of community legislation on the environment (for example, plans and programmes linked to waste management or water protection).	No	It is not linked to plans/programmes on waste management or water protection. It's about definitions of affordable housing and the proportion of social/affordable rent and intermediate tenures where affordable housing is secured.
<b>2. Characteristics of the effects and of the area likely to be affected, having particular regard to:</b>		

<sup>1</sup> <http://www.legislation.gov.uk/uksi/2004/1633/contents/made>

<p>(a) The probability, duration, frequency and reversibility of the effects.</p>	<p>No</p>	<p>The probability of increasing affordable housing for most major applications on a permanent basis is relatively high. Given the overwhelming need for affordable housing in the borough, the overall effects are expected to be long term positive and permanent.</p>
<p>(b) The cumulative nature of the effects of the SPD.</p>	<p>No</p>	<p>The cumulative effects are expected to be positive.</p>
<p>(c) The trans-boundary nature of the effects of the SPD.</p>	<p>No</p>	<p>The effects in terms of affordable housing are not expected to be transboundary in nature as the provision of affordable housing will be within the borough boundaries.</p>
<p>(d) The risks to human health or the environment (e.g. due to accidents)</p>	<p>No</p>	<p>No risks to human health have been identified.</p>
<p>(e) The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected) by the SPD.</p>	<p>No</p>	<p>The SPD is applicable to development located within Kensington and Chelsea and those people who live, work and visit the borough.</p>
<p>(f) The value and vulnerability of the area likely to be affected by the SPD due to:</p> <ul style="list-style-type: none"> <li>• Special natural characteristics or cultural heritage;</li> <li>• Exceeded environmental quality standards or limit values; or</li> <li>• Intensive land use.</li> </ul> <p>And</p> <p>(g) The effects of the SPD on areas or landscapes which have recognised national, community or international protection status.</p>	<p>No</p>	<p>Kensington and Chelsea has a high population density, with significant concentrations of heritage assets, together with areas at risk of flooding.</p> <p>Development plan policies seek to ensure the sustainable development of the borough through the provision of infrastructure, environmental measures and the protection and enhancement of natural and historic assets.</p> <p>No detrimental environmental effects are expected to impact any vulnerable or valuable areas within the Royal Borough of Kensington and Chelsea.</p> <p>The Habitats Regulations Assessment as part of the IIA on the LLPR did not</p>

		<p>identify any likely significant effects or impacts on the integrity of any European (Natura 2000) site.</p>
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## 5. Conclusion

- 5.1 Having considered the guidance in NPPG, NPPF and in A Practical Guide to the Strategic Environmental Assessment Directive (ODPM, 2005) it is concluded that the proposed Affordable Housing SPD is unlikely to require a SA or SEA.
- 5.2 This screening demonstrates that the Affordable Housing SPD is unlikely to have significant effects on the environment. Therefore, it will not be necessary to carry out an SEA on this document.
- 5.3 The Council is consulting Historic England, Natural England and the Environment Agency on this Screening Opinion, seeking their views/comments from **Thursday 15 August 2019 until Friday 20 September 2019** following which, a final Screening Opinion will be published alongside the draft SPD. Responses to this SA/SEA Screening report consultation should be sent by email or post using the details provided.