

Strategic Environmental Assessment (SEA) Screening Statement

Greening Supplementary Planning Document (SPD)

July 2018



THE ROYAL BOROUGH OF
KENSINGTON
AND CHELSEA

Contents

1.	Introduction.....	3
2.	Purpose of Sustainability Appraisal (SA) / Strategic Environmental Assessment (SEA).....	5
3.	The Screening Process	5
4.	Statement of Reasons for Determination	6
5.	Conclusion.....	11

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:

Greening Supplementary Planning Document (SPD)

Subject: The Greening SPD has been prepared by the Royal Borough of Kensington and Chelsea to provide guidance to help meet the strategic objective in the Local Plan for respecting environmental limits which is to contribute to the mitigation of and adaption to climate change; significantly reduce carbon dioxide emissions; maintain low and further reduce car use; carefully manage flood risk and waste; protect and attract biodiversity; improve air quality; and reduce and control noise within the borough.

Purpose

The proposed Greening SPD will provide more detailed guidance and advice on the policies within the RBKC Consolidated Local Plan. The purpose of the SPD will be to help applicants make successful planning applications and development to be more environmentally friendly.

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 (DCLG, 2014).
- The National Planning Policy Framework (NPPF) (DCLG, 2012).
- 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 or by post to by **Wednesday 8 August 2018**.

Planning Policy Team

Planning and Borough Development

The Royal Borough of Kensington and Chelsea

The Town Hall

Hornton Street

London W8 7NX

Tel 020 7361 3012

Contact Officer/s

Astrid Coughlan astrid.coughlan@rbkc.gov.uk

Preeti Gulati Tyagi preeti.gulatityagi@rbkc.gov.uk

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 (PPG DCLG 2014 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 Greening SPD.
- 3.6 This screening will help to demonstrate whether or not the Greening 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 Greening SPD, through responses to the SEA Directive Criteria, will not have significant environmental effects on Kensington and Chelsea. In addition, the SPD is not setting new policy; it is providing further guidance on how planning permissions should have a positive impact on the environment and achieve the highest standard of sustainable design and construction. Therefore, it is currently considered that an SEA will not be required for the Greening SPD.

It is considered (in accordance with the NPPG) that the Greening 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 (air quality, flooding, climate change etc.) were found to generally have a positive correlation with SA objectives related to environment. These included but are not limited to biodiversity, climate change, flooding, air quality, traffic reduction and conservation of cultural heritage.

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 Greening SPD is likely to be required.

Paragraph 165 of the NPPF states “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 166 goes on to state “Assessments should be proportionate, and should not repeat policy assessment that has already been undertaken”.

It is clear that the SA/SEA process has been followed and there is no need to repeat this assessment for the Greening 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.

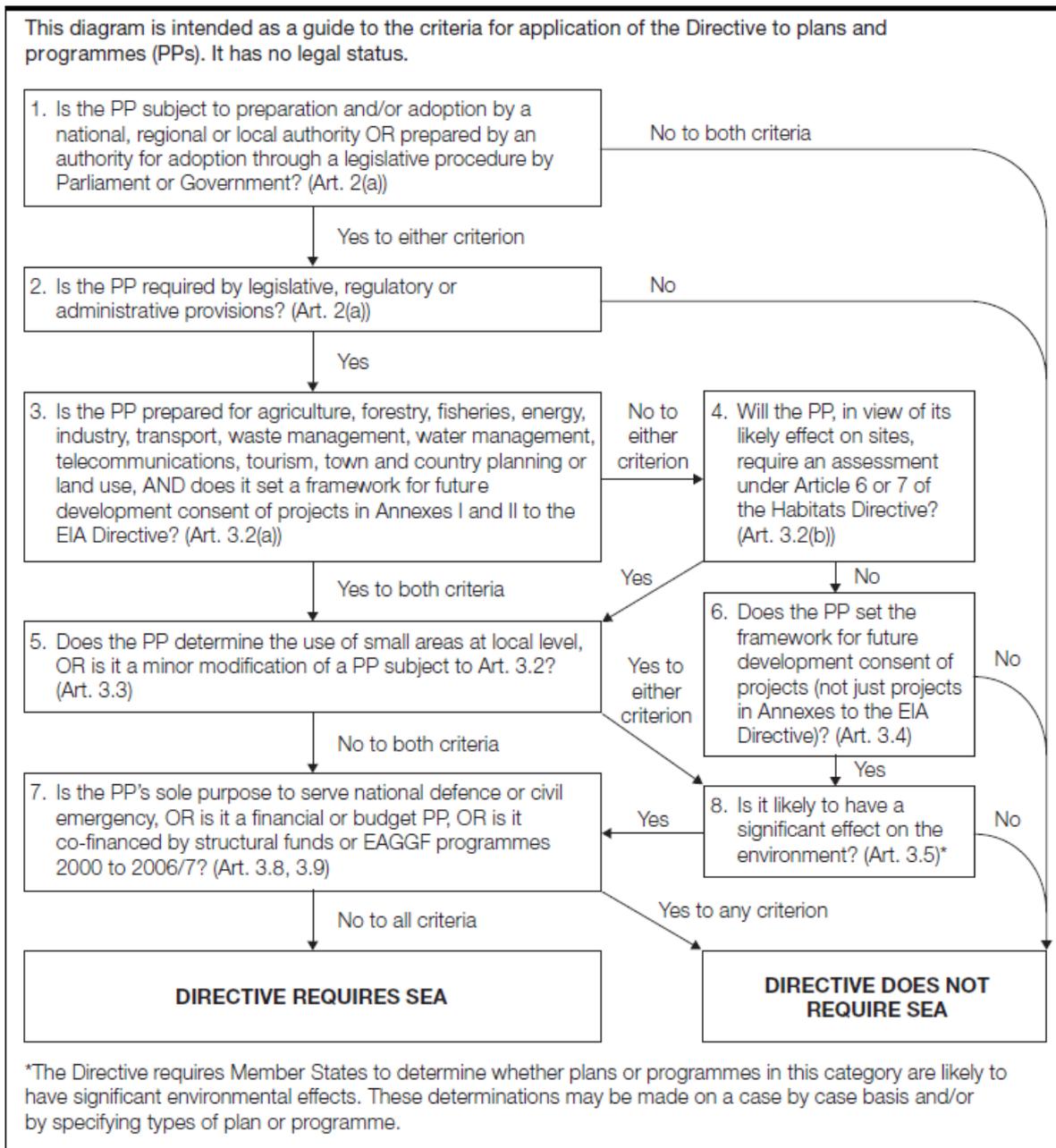


Figure 1: Application of the SEA directive to plans and programmes. Source: A Practical Guide to the Strategic Environmental Assessment Directive (ODPM: 2005)

The purpose of the Greening SPD is to provide guidance on how new development and refurbishments in the Royal Borough of Kensington and Chelsea should be designed and built so that it has a positive impact on the environment and achieves the highest standard of sustainable design and construction. 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 ¹	Royal Borough of Kensington and Chelsea Response	
	Is there a significant effect?	Justification
1. Characteristics of the Greening SPD		
(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	This SPD provides guidance on how new development and refurbishments in RBKC should be designed and built so that it has a positive impact on the environment and achieves the highest standard of sustainable design and construction. It is a material consideration when determining planning applications.
(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 Consolidated Local Plan. The Plan contains policies which seek to reduce carbon emissions, protect biodiversity, reduce air pollution and waste, and mitigate the risk of flooding. The SPD provides detail in these areas in relation to design and construction.
(c) The relevance of the SPD for the integration of environmental considerations in particular with a view to promoting sustainable development.	No	The SPD integrates environmental considerations by promoting sustainable design and construction.
(d) Environmental problems relevant to the SPD.	No	The environmental problems relevant to the SPD are carbon emissions, water supply and use, flooding, biodiversity issues, the sourcing of materials for construction, waste management and air pollution control.
(e) The relevance of the SPD for the implementation of community legislation on the	No	The SPD will have a positive impact in line with community legislation regarding climate change, biodiversity and air quality and will therefore

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

environment (for example, plans and programmes linked to waste management or water protection).		contribute to local implication of this legislation. The SPD will have a positive effect on water protection and sustainable waste management.
2. Characteristics of the effects and of the area likely to be affected, having particular regard to:		
(a) The probability, duration, frequency and reversibility of the effects.	No	The probability of increasing sustainable standards of design and construction for most major developments on a permanent basis is relatively high. The probability for minor developments is relatively low although there are a considerable number of refurbishments. Therefore, overall the environmental effects are expected to be long term positive and permanent.
(b) The cumulative nature of the effects of the SPD.	No	The cumulative effects are expected to be positive.
(c) The trans-boundary nature of the effects of the SPD.	No	The effects in terms of carbon reduction, air quality improvements, reduction of flood risk and waste reduction are expected to be transboundary in nature.
(d) The risks to human health or the environment (e.g. due to accidents)	No	No risks to human health have been identified.
(e) The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected) by the SPD.	No	The SPD is applicable to development located within Kensington and Chelsea and those people who live, work and visit the borough.
(f) The value and vulnerability of the area likely to be affected by the SPD due to: <ul style="list-style-type: none"> • Special natural characteristics or cultural heritage; 	No	Kensington and Chelsea has a high population density, with significant concentrations of heritage assets, together with areas at risk of flooding and poor air quality. Development plan policies seek to ensure the sustainable development of the borough through the provision

<ul style="list-style-type: none"> • Exceeded environmental quality standards or limit values; or • Intensive land use. <p>And (g) The effects of the SPD on areas or landscapes which have recognised national, community or international protection status.</p>		<p>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 identify any likely significant effects or impacts on the integrity of any European (Natura 2000) site.</p>
--	--	---

5. Conclusion

- 5.1 Having considered the guidance in PPG, NPPF and in A Practical Guide to the Strategic Environmental Assessment Directive (ODPM, 2005) it is concluded that the proposed Greening SPD is unlikely to require a SA or SEA.
- 5.2 This screening demonstrates that the Greening 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 **Wednesday 4 July 2018 – Wednesday 8 August 2018**, 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.