SA/SEA Screening for

DRAFT TRANSPORT AND STREETS SUPPLEMENTARY PLANNING DOCUMENT

February 2015
Contents

1. Introduction ............................................................................................................... 2
2. Relevant Guidance .................................................................................................... 3
3. Screening .................................................................................................................. 3
   Purpose of the SPD .................................................................................................. 3
   Guidance in the national Planning Practice Guidance (PPG) (DCLG, 2014) .............. 4
   National Planning Policy Framework (NPPF) (DCLG, 2012) ................................... 5
4. Conclusion & Consultation ....................................................................................... 10

Appendix 1 ................................................................................................................. 15
1. Introduction

1.1 The Council has produced a draft Transport and Streets Supplementary Planning Document (SPD) to supplement a range of policies in the Core Strategy.

1.2 Sustainability Appraisal (SA) is a tool that is used to improve the sustainability of planning policy and guidance. It uses a range of sustainability objectives and indicators to test whether the plans, policies and proposals can deliver sustainable development. SA can be viewed as a yardstick against which the social, economic and environmental effects of the plan can be tested. Integrated into the SA are the requirements of the Strategic Environmental Assessment (SEA) Directive\(^1\). However, the sustainability appraisal covers wider social and economic effects of plans, as well as the more environmentally-focused considerations in the SEA Directive.

1.3 The Planning and Compulsory Purchase Act 2004 required that all Local Development Documents, including DPDs (now local plans) and SPDs be subject to SA prior to publication. Alterations to Section 19(5) of the 2004 Act under the Planning Act 2008 removed the requirement for local authorities to produce an SA for SPDs. The rationale behind this is that SPDs do not contain any new policies, but provide supplementary guidance relating to policies set out in overarching local plans that have been subject to SA.

1.4 However, a SPD may occasionally be found likely to give rise to significant effects which have not been formally assessed in the context of a higher-level planning document. Therefore, local authorities need to screen their SPDs to ensure that legal requirements for SA are met where there are impacts that have not been covered in the appraisal of the parent plan or where an assessment is required by the Strategic Environmental Assessment (SEA) Directive.

**Screening Determination**

It is determined that a SA/SEA is not likely to be required for the purpose of the draft Transport and Streets SPD as outlined in this report.

1.5 This report will explain the reasoning behind the Council's determination that a full SA/SEA of the draft Transport and Streets SPD is not likely to be required and sets out the assessment on which the Council's screening opinion is based.

1.6 An initial draft screening determination on the emerging draft Transport and Streets SPD indicated that the Council was minded to determine that a SA/SEA was not likely to be required. Pursuant to Regulation 9 of The Environmental Assessment of Plans and Programmes Regulations 2004 the draft screening determination is subject to consultation with the statutory SEA bodies, Natural England, English Heritage and the Environment Agency. If the statutory consultation bodies do not agree with the Council’s view their responses will inform the draft Transport and

---

\(^1\) European Directive 2001/42/EC transposed into United Kingdom law by the Environmental Assessment of Plans and Programmes Regulations 2004
2. Relevant Guidance

2.1 The following documents have been used to assist with the screening –

- The national Planning Practice Guidance (PPG ID: 11) in relation to SEA/SA (DCLG, 2014).

3. Screening

3.1 Purpose of the Transport and Streets SPD

3.2 All development potentially has some impact on the environment and/or infrastructure and services. Some of these impacts may relate to transport matters. The draft Transport and Streets SPD does not introduce new policy but instead focuses on providing further guidance to support the policies set out in the Core Strategy, particularly CT1 (Improving Alternatives to Car Use), CR1 (Street Network), CR3 (Street and Outdoor Life), CR4 (Streetscape), CR7 (Servicing), CE6 (Noise and Vibration), CL6 (Small-scale Alterations and Additions) and CL7 (Basements).

3.3 The draft Transport and Streets SPD has been prepared in accordance with the Town and Country Planning (Local Development) (England) Regulations 2012.

3.4 The draft Transport and Streets SPD provides guidance on a range of transport related matters, including:

- Assessing and minimising the impact of development (including the requirement for Travel Plans)
- Parking policy and standards (including minimising parking)
- Residents' parking permit-free development
- Accessing development and pavement crossovers
- Servicing development
- Streetscape
- Reducing the impact of construction on the highway
- Tables and chairs on the highway
Strategic Environmental Assessment and Sustainability Appraisal

3.5 Firstly, the screening process ascertains whether the draft Transport and Streets SPD gives rise to significant environmental effects, using the criteria set out in Annex II of the SEA Directive 2001/42/EC and Schedule 1 of the Environmental Assessment of Plans and Programmes Regulations 2004.

3.6 In addition, paragraph 10 of the SEA Directive only requires SEA for plans which 'determine the use of small areas at a local level' or, which are 'minor modifications' to plans, when these are determined to be likely to cause significant environmental effects. Therefore the criteria for determining the likely significance of effects as listed in SEA Directive 2001/42/EC Annex II and the Schedule 1 of the Environmental Assessment of Plans and Programmes Regulations 2004 have been reviewed to determine whether the exception applies to the draft Transport and Street SPD.

3.7 Appendix 1 sets out the assessment of the draft Transport and Streets SPD issues against the SEA criteria.

Guidance in the national Planning Practice Guidance (PPG) (DCLG, 2014)

3.8 PPG ID 11-008 states (relevant text has been emphasised) “Supplementary planning documents 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. A strategic environmental assessment 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.

Before deciding whether significant environmental effects are likely, the local planning authority should take into account the criteria specified in Schedule 1 to the Environmental Assessment of Plans and Programmes Regulations 2004 and consult the consultation bodies.”

3.9 It is clear from the PPG that a SA of the SPD is not required. Schedule 1 of the Environmental Assessment of Plans and Programmes Regulations 2004 is included in Appendix 2. In relation to Schedule 1 it is considered (in accordance with the PPG) the Transport and Streets SPD will be unlikely to result in significant environmental effects.

3.10 Given the purpose of the SPD stated above (para 3.1) 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 Transport and Streets SPD is likely to be required.
**National Planning Policy Framework (NPPF) (DCLG, 2012)**

3.11 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".

3.12 It is clear that the SA/SEA has already been followed for the adopted policies which the SPD supplements and so there is no need to repeat this assessment for the SPD because it has already been undertaken.


3.13 In addition the Council has considered the guidance on Screening in A Practical Guide to the Strategic Environmental Assessment Directive (ODPM, 2005). Figure 2 of this document presented below provides a guide to the criteria for application of the Directive to plans and programmes.
3.14 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. Table 1 sets out the Council’s assessment of the questions outlined in Figure 2 of A Practical Guide to the Strategic Environmental Assessment Directive (ODPM, 2005). It also concludes that an SEA of the SPD is not required.

---

2 Office of Deputy Prime Minister, Sustainability Appraisal of Regional Spatial Strategies and Local Development Documents (2005)
<table>
<thead>
<tr>
<th>Question</th>
<th>Answer</th>
<th>Reasons</th>
<th>Next Step</th>
</tr>
</thead>
<tbody>
<tr>
<td>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 (Article 2(a))</td>
<td>Yes</td>
<td>The SPD will be prepared and adopted by the local planning authority.</td>
<td>Proceed to Q2.</td>
</tr>
<tr>
<td>2. Is the SPD required by legislative, regulatory or administrative provisions? (Article 2(a))</td>
<td>No</td>
<td>There is no legal requirement to produce a SPD.</td>
<td>Directive does not require SEA</td>
</tr>
<tr>
<td>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))</td>
<td>Yes and No</td>
<td>The SPD is prepared for Town and Country Planning. Future development consent of projects in Annexes I and II to the EIA Directive? (Art. 3.2(a)) – include projects of a much bigger scale such as nuclear power plants, industrial and infrastructure projects amongst others.</td>
<td>Proceed to Q4 (as yes to one criterion)</td>
</tr>
<tr>
<td>4. Will the SPD, in view of its likely effect on sites, require an assessment under Article 6 or 7 of the Habitats Directive? (Article 3.2(b))</td>
<td>No</td>
<td>It concluded that the SPD is not likely to have any effect on a European site.</td>
<td>Proceed to Q6.</td>
</tr>
<tr>
<td>5. Does the SPD determine the use of small areas at local level, OR is it a minor modification</td>
<td>No</td>
<td>The Transport and Streets SPD provides guidance on a range of transport related matters. It is not part of</td>
<td></td>
</tr>
<tr>
<td>Question</td>
<td>Answer</td>
<td>Reasons</td>
<td>Next Step</td>
</tr>
<tr>
<td>------------------------------------------------------------------------</td>
<td>--------</td>
<td>-------------------------------------------------------------------------</td>
<td>--------------------</td>
</tr>
<tr>
<td>of a plan subject to Article 3.2? (Article 3.3)</td>
<td></td>
<td>the development plan.</td>
<td></td>
</tr>
<tr>
<td>6. Does the SPD set the framework for future development consent of projects (not just projects in Annexes to the EIA Directive)? (Article 3.4)</td>
<td>Yes</td>
<td>The SPD will be a material consideration in determining planning applications.</td>
<td>Proceed to Q8.</td>
</tr>
<tr>
<td>7. Is the SPD’s sole purpose to serve the national defence or civil emergency, OR is it a financial or budget plan, OR is it co-financed by structural finds or EAGGF programmes 2000-2006/7? (Article 3.8, 3.9)</td>
<td>No</td>
<td>NA</td>
<td>NA</td>
</tr>
<tr>
<td>8. Is it likely to have a significant effect on the environment? (Article 3.5)</td>
<td>No</td>
<td>It will have no additional positive environmental effects over and above policies CT1 (Improving Alternatives to Car Use), CR1 (Street Network), CR3 (Street and Outdoor Life), CR4 (Streetscape), CR7 (Servicing), CE6 (Noise and Vibration), CL6 (Small-scale Alterations and Additions) and CL7 (Basements) which it is intended to provide guidance on.</td>
<td>Directive does not require SEA</td>
</tr>
</tbody>
</table>

3.15 Secondly, the screening process therefore considers whether the draft Transport and Streets SPD gives rise to significant social and economic 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 from the draft Transport and Streets SPD. However the effects need to be considered.
The plan containing the key parent policies, the Core Strategy, was appraised during its preparation (and Review) and the appraisal results were reported in Sustainability Appraisal Reports. The SAs for those plans assessed 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.

Policy CT1 was considered “likely to provide an overwhelming environmental benefit as well as ensuring positive impacts on social inclusion and access through the provision of improved walking, cycling and public transport improvements.” The policy was considered to “focus on improving provision of and access to public transport whilst simultaneously discouraging the use of private car ownership.” The policy was therefore considered to perform particularly well against the following SA objectives:

- 5. Climate Change – Minimise effects on climate change through reduction in emissions, energy efficiency and use of renewables and adopt measures to adapt to climate change;
- 7. Air Quality – Improve air quality in the Royal Borough; and
- 10. Transport – To promote traffic reduction and encourage more sustainable alternative forms of transport to reduce energy consumption and emissions from vehicular traffic.

Policy CT1 was not deemed to have direct positive or negative impacts on the economic SA objective to support a diverse and vibrant local economy to foster sustainable economic growth, however, “there are likely to be significant indirect economic benefits to the local communities and wider borough through improved connectivity and associated service provisions in those areas identified.”

Regarding policy CR1, CR3, CR4 and CR7 the Sustainability Appraisal found that “Overall, the Development Management Policies perform well against the SA objectives. In terms of positive environmental benefits, the Parks, Gardens, Open Spaces and Waterways and Trees and Landscape policies perform well, particularly against the environmental SA objectives which focus on providing protection, enhancement and creation of the natural environment. The majority of the Development Management Policies perform well with regards to the SA objective to reinforce local distinctiveness and enhance of cultural heritage which marries well with the fundamental vision of An Engaging Public Realm. In particular, the Street Network and Street Form policies show significant benefits.”

The SA noted that “The policies also perform well in terms of the Social SA objectives. The SA objective to reduce crime (specifically, Policy: Street Network, which highlights designs to minimise opportunities for crime) and the SA objective on equalities. This is as a result of the nature of the policies which focus on delivering a high quality public realm to include improved accessibility and connectivity and preservation of and greater public access to natural settings such as parks and waterways. The policy on Street Life performs well against both social and economic SA objectives without any evident adverse environmental impacts (at the level of this analysis).”

---

3 Scott Wilson, Core Strategy with a focus on North Kensington Sustainability Appraisal Report, 2009
The Sustainability Appraisal noted that “There are only four cases where the outcome of the policy could potentially be either positive or negative depending on the detail of the policy or the manner of its implementation. The impact of the Street Network and Servicing policies could not be clearly established against the transport SA objective. The focus of these policies may not necessarily be conducive to promoting traffic reduction or improving road safety.”

The Sustainability Appraisal noted that overall the policies included in Renewing the Legacy (which includes CL6 and is relevant to the Transport and Streets SPD) “perform well against the SA objectives...” The appraisal noted that “Unsurprisingly, all the policies perform well against the cultural heritage SA objective to reinforce local distinctiveness, local environmental quality and amenity through the conservation and enhancement of cultural heritage.” It went on to note that “The Development Management Policies were not identified to have clear impact on the economic SA objective.”

With regard to Respecting Environmental Limits (which includes CE6 and is relevant to the Transport and Streets SPD) the SA noted that “Given that the focus of the Development Management Policies is on “Respecting Environmental Limits”, it was expected that these policies would perform better against the environmentally focussed SA objectives. In general the policies do perform well, however, the appraisal did raise a number of question marks highlighting the potential for negative impacts on the SA objectives if not carefully detailed and/or implemented. The policies perform particularly well against the SA objectives on biodiversity and climate change.”

The appraisal identified that “the benefits to the environment are unlikely to constrain the social or economic SA objectives, however, the policies on Flooding and Climate Change (Carbon Reduction) could have either a positive or negative impact on the crime and housing SA objectives depending on their detail and/or the manner of their implementation.” It went on to note that “The Development Management Policies were not identified to have clear impact on the Economic SA objective.”

Core Strategy Policy CL7 (Basements) was adopted in January 2015. The sustainability appraisal carried out in respect of this policy found that the policy would largely have a positive/no significant impact on most of the SA objectives.

4. Conclusion & Consultation

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 Transport and Streets SPD is unlikely to require a SA or SEA. The reasons for the conclusion are set out in section 3 above. The draft Transport and Streets SPD does not determine the use of land or constitute a minor modification to a plan. Based on the assessment in Appendix 1, it is demonstrated that the draft SPD does not give rise to significant environmental
effects. The draft Transport and Streets SPD does not give rise to significant social and economic effects. Based on the review undertaken as part of the Core Strategy Sustainability Appraisal and as summarised above, it is demonstrated that any social and economic effects that are likely to arise from the draft Transport and Streets SPD have been formally assessed in the context of the parent plans and no significant environmental effects have been identified that have not already been mitigated.

4.2 The Council is consulting English Heritage, Natural England and the Environment Agency, along with neighbouring boroughs on this Screening Opinion, seeking their views/comments from 18 February to 1 April 2015, following which, a final Screening Opinion will be published alongside the final SPD. Responses to this SA/SEA Screening report consultation should be sent by email or post using the details provided below.

4.3 The Council has a ‘Duty to Cooperate’ to “engage constructively, actively and on an ongoing basis”. However, we have concluded that the SPD does not constitute a strategic matter and therefore does not require further actions or consultation relating to the Duty to Cooperate.

Contact officer:
James McCool
Transport Planning Manager
Transport and Highways
The Royal Borough of Kensington and Chelsea
Council Offices, 37 Pembroke Road
London W8 6PW
Tel 020 7361 2656
Email james.mccool@rbkc.gov.uk

Consultees are requested to provide responses within 6 weeks by 1 April 2015 at the latest.

---

4 R4(1), The Environmental Assessment of Plans and Programmes Regulations 2004; paragraph 014, NPPG SEA & SA
5 S33A(2)(a) and paragraph 001 NPPG Duty to Cooperate; see also paragraph 181, NPPF; paragraph 012, NPPG Duty to Cooperate
### Appendix 1: Assessment of draft SPD against Schedule 1
Criteria for determining the likely significance of effects on the environment – The Environmental Assessment of Plans and Programmes Regulations 2004

<table>
<thead>
<tr>
<th>Schedule 1 Criteria</th>
<th>The characteristics of the Draft Transport and Streets SPD having regard to</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1a) 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</td>
<td>Not applicable. The draft Transport and Streets SPD does not set a framework for projects and does not allocate resources.</td>
</tr>
<tr>
<td>(1b) the degree to which the plan or programme influences other plans and programmes including those in a hierarchy;</td>
<td>Not applicable. The draft Transport and Streets SPD sits at the bottom of the 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.</td>
</tr>
<tr>
<td>(1c) the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development;</td>
<td>The draft Transport and Streets SPD clarifies and adds detail to the process for securing transport measures to offset effects arising from development, including environmental effects (for example minimising car parking and encourage Travel Plans). Overall, it therefore contributes positively to the integration of environmental considerations.</td>
</tr>
<tr>
<td>(1d) Environmental problems relevant to the plan or programme; and</td>
<td>There are no specific environmental problems that are relevant to the draft Transport and Streets SPD, although it promotes environmental sustainability through minimising car ownership and use and encourage the use of sustainable modes of transport, including through providing an attractive public realm.</td>
</tr>
<tr>
<td>(1e) 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).</td>
<td>Not applicable. The draft Transport and Streets SPD is not relevant to the implementation of Community legislation on the environment.</td>
</tr>
<tr>
<td>Characteristics of the effects and of the area likely to be affected, having regard, in particular to</td>
<td></td>
</tr>
<tr>
<td>(2a) the probability, duration, frequency and reversibility of the effects; (2b) the cumulative nature of the effects; (2c) the transboundary nature of the effects;</td>
<td>There are no direct or cumulative effects arising from the draft Transport and Streets SPD.</td>
</tr>
<tr>
<td></td>
<td>Not applicable.</td>
</tr>
<tr>
<td>(2d) the risks to human health or the environment (for example, due to accidents);</td>
<td>Not applicable. The Draft Transport and Streets SPD does not produce any risks to human health. It seeks to improve road safety through the use of Traffic and Access Management Plans, through securing Road Safety Audits and through controlling new access and pavement crossovers.</td>
</tr>
<tr>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>(2e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);</td>
<td>The draft Transport and Streets SPD is applicable borough-wide, affects a population of 155,594 (latest ONS estimate) and relates to new developments within a geographical area of 48,000 hectares.</td>
</tr>
<tr>
<td>(2f) the value and vulnerability of the area likely to be affected due to—</td>
<td>The draft Transport and Streets SPD is unlikely to have an impact on these areas.</td>
</tr>
<tr>
<td>(i) special natural characteristics or cultural heritage; (ii) exceeded environmental quality standards or limit values; or (iii) intensive land-use; and</td>
<td></td>
</tr>
<tr>
<td>(g) the effects on areas or landscapes which have a recognised national, Community or protection status</td>
<td>The draft Transport and Streets SPD is unlikely to have an impact on these areas.</td>
</tr>
</tbody>
</table>