Proposed Brownfield Land Register

Strategic Environmental Assessment (SEA) Screening Statement
Regulation 9, The Environmental Assessment of Plans and Programmes Regulations 2004

September 2017
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:

**Brownfield Land Register**

Subject: The Brownfield Land Register has been prepared by the Royal Borough of Kensington and Chelsea to meet the regulatory requirements to prepare and maintain a register of previously developed land by 31 December 2017 as set out in the Town and Country Planning (Brownfield Land Register) Regulations 2017.

Consultation: Tuesday 12 September to Tuesday 24 October 2017

Address: Comments can be submitted to the Planning Policy Team

Online: planningconsult.rbkc.gov.uk

In writing: Planning Policy, Royal Borough of Kensington and Chelsea, Kensington Town Hall, Hornton Street, W8 7NX

By email: planningpolicy@rbkc.gov.uk
## Contents

1. Purpose of Sustainability Appraisal (SA)/ Strategic Environmental Assessment (SEA) .................................................................................................................. 2
2. Strategic Environmental Assessment of Brownfield Land Registers ............ 2
3. Brownfield Land Register .................................................................................. 3
4. The Screening Process ...................................................................................... 3
5. Statement of Reasons for Determination .......................................................... 5
6. Conclusion ........................................................................................................ 7
1. **Purpose of Sustainability Appraisal (SA)/ Strategic Environmental Assessment (SEA)**

1.1 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. 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’.

1.2 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 the European Directive 2001/42/EC (the ‘Strategic Environmental Assessment Directive’) on the assessment of the effects of certain plans and programmes on the environment. Sustainability appraisal ensures that potential environmental effects are given full consideration alongside social and economic issues. A strategic environmental assessment alone can be required in some limited situations where a sustainability appraisal is not needed.

2. **Strategic Environmental Assessment of Brownfield Land Registers**

2.1 In terms of brownfield land registers, the National Planning Practice Guidance (NPPG) on Brownfield Land Registers offers specific advice and states that, “The preparation of brownfield land registers may require Strategic Environmental Assessment if a register is considered to be a plan or programme which sets the framework for future development consent for development which is likely to have a significant effect on the environment. Where this is the case, the proposed register may fall within the scope of the **Environmental Assessment of Plans and Programmes Regulations 2004**. Local planning authorities are strongly encouraged to consider the environmental implications of registers at an early stage, and to consider whether the **Environmental Assessment of Plans and Programmes Regulations 2004** are likely to apply. Where a local planning authority considers that the Environmental Assessment of Plans and Programmes Regulations apply, the Strategic Environmental Assessment is likely to be limited in scope, and it may be appropriate to use assessments undertaken during the preparation of relevant development plan documents.”

“A further environmental assessment may only be needed when registers are reviewed if it is considered that the addition of new sites would lead to significant effects on the environment, taking into account cumulative effects. These decisions
will be for local authorities to make, taking into account the particular circumstances.” (emphasis added)

3. Brownfield Land Register

3.1 Regulation 3 of the Town and Country Planning (Brownfield Land Register) Regulations 2017 requires local planning authorities to prepare, maintain and publish registers of previously developed (brownfield) land by 31 December 2017. Brownfield sites that meet the relevant criteria must be entered in Part 1 of brownfield land registers. Sites entered in Part 2 of the brownfield land registers are granted permission in principle. Regulation 17 requires local planning authorities to review their registers at least once a year.

3.2 Part 1 of a brownfield land register includes sites with extant full planning permission, outline planning permission and sites without planning permission. Part 2 of a brownfield land register is a subset of Part 1. Part 2 is not mandatory to produce but should comprise only those sites in Part 1 that the local planning authority has decided to grant ‘permission in principle’ for residential development.

3.3 At the present time the Council has included sites only in Part 1. No sites have been granted permission in principle and therefore none are included in Part 2 of the proposed brownfield land register.

4. The Screening Process

4.1 As set out in paragraph 2.1 above as per the NPPG on brownfield land registers, the first issue to assess whether an SEA would be required is to establish if the proposed brownfield land register “sets the framework for future development consent for development which is likely to have a significant effect on the environment.”

4.2 The proposed brownfield land register that has been produced for consultation contains 61 sites in total. Of these 49 sites already have planning permission and 1 is pending permission. The remaining 11 sites form a small proportion of the overall number of sites but altogether are earmarked for a minimum of 3,905 net additional dwellings in the borough. The large proportion of this capacity is from a single site which is Kensal Canalside expected to provide 3,500 dwellings and is a site allocation both in the adopted and emerging Local Plan. The Council is currently working on a Local Plan Partial Review (LPPR) which has been submitted for examination in May 2017. Kensal Canalside together with other site allocations in the LPPR and those in the St Quintin and Woodlands Neighbourhood Plan which do not currently benefit from planning permission have the capacity for 3,771 dwellings. As

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1 As defined in Annex 2 of the NPPF
part of the extensive work undertaken for the LPPR, the Council has also produced an Integrated Impact Assessment (IIA) which includes a detailed SA/SEA of all the site allocations. Therefore, all of the site allocations have been subject to a detailed SA/SEA process with the latest IIA report published as recently as May 2017. The NPPG further advises that “Where a local planning authority considers that the Environmental Assessment of Plans and Programmes Regulations apply, the Strategic Environmental Assessment is likely to be limited in scope, and it may be appropriate to use assessments undertaken during the preparation of relevant development plan documents.”

4.3 The only sites that remain in the brownfield land register that are neither permissioned nor site allocations only have a capacity of 134 dwellings.

4.4 On this basis it is concluded that the brownfield land register does not set a framework for future development consent for development which is likely to have a significant effect on the environment. Therefore, the proposed brownfield land register is not considered to fall within the scope of the Environmental Assessment of Plans and Programmes Regulations 2004.

4.5 If the brownfield land register 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.

4.6 In addition to the above assessment using NPPG guidance the Council has also undertaken a screening process using SEA Directive Criteria and Schedule 1 of Environmental Assessment of Plans and Programmes Regulations 2004.

4.7 Where the Responsible Authority determines that a 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.

4.8 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.

4.9 Key to the screening decision is the determination of whether the brownfield land register 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 table in section 5, alongside the Council’s response in relation to the proposed brownfield land register.
4.10 This screening will help to demonstrate whether or not the brownfield land register 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.

5. **Statement of Reasons for Determination**

5.1 The Council believes that the impact of the brownfield land register, having followed the advice in the NPPG and the SEA Directive Criteria, will not have significant environmental effects on Kensington and Chelsea. In addition, the brownfield land register is not setting new policy; it is a register of sites that are largely permissioned or site allocations and other sites in the minority which do not have planning permission or which have been subject to SA/SEA as site allocations. Therefore, it is considered that an SEA will not be required for the proposed brownfield land register.

5.2 This Screening Statement may be updated after public consultation has taken place.
<table>
<thead>
<tr>
<th>SEA Directive Criteria and Schedule 1 of Environmental Assessment of Plans and Programmes Regulations 2004</th>
<th>Royal Borough of Kensington and Chelsea Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Is there a significant effect?</td>
<td>Justification</td>
</tr>
<tr>
<td><strong>1. Characteristics of the Proposed Brownfield Land Register</strong></td>
<td></td>
</tr>
<tr>
<td>The degree to which the brownfield land register 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>No</td>
</tr>
<tr>
<td>The degree to which the brownfield land register influences other plans and programmes including those in a hierarchy.</td>
<td>No</td>
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<tr>
<td>The relevance of the brownfield land register for the integration of environmental considerations in particular with a view to promoting sustainable development.</td>
<td>No</td>
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<tr>
<td>Environmental problems relevant to the brownfield land register.</td>
<td>No</td>
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<tr>
<td>The relevance of the brownfield land register for the implementation of community legislation on the environment (for example, plans and programmes linked to waste management or water protection).</td>
<td>No</td>
</tr>
<tr>
<td><strong>2. Characteristics of the effects and of the area likely to be affected, having particular regard to:</strong></td>
<td></td>
</tr>
<tr>
<td>The probability, duration, frequency and reversibility of the effects.</td>
<td>No</td>
</tr>
</tbody>
</table>

² As defined in Annex 2 of the NPPF
allocations for residential development. By its very nature the register identifies previously development land and it is unlikely to cause additional environmental effects.

| The cumulative nature of the effects of the brownfield land register. | No | The effect of brownfield land register is that it may encourage development on sites that are not already permissioned or are site allocations for residential development. By its very nature the register identifies previously development land and it is unlikely to cause additional environmental effects. |
| The trans-boundary nature of the effects of the brownfield land register. | No | The identified sites are within the borough boundaries. Therefore the effects of the proposed brownfield land register will be mostly limited to areas in the vicinity of new development in Kensington and Chelsea. However the positive effects of more housing may be felt more widely. |
| The risks to human health or the environment (e.g. due to accidents) | No | No risks to human health have been identified. |
| The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected) by the brownfield land register. | No | The identified sites are within the borough boundaries. Therefore the effects of the proposed brownfield land register will be mostly limited to areas in the vicinity of new development in Kensington and Chelsea. However the positive effects of more housing may be felt more widely. |
| The value and vulnerability of the area likely to be affected by the brownfield land register due to: | 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 of infrastructure, environmental measures and the protection and enhancement of natural and historic assets. The local and national planning policy framework is there to ensure that sustainable development takes place. |
- Special natural characteristics or cultural heritage;
- Exceeded environmental quality standards or limit values; or
- Intensive land use.
And
- The effects of the brownfield land register on areas or landscapes which have recognised national, community or international protection status.

6. **Conclusion**

6.1 This screening demonstrates that the proposed brownfield land register is unlikely to have significant effects on the environment. Therefore, it will not be necessary to carry out an SEA of the proposed brownfield land register.