

SEA Screening Statement – Development Viability Supplementary Planning Document

October 2017

1. Legislative background and purpose of Strategic Environment Assessment and Sustainability Appraisals

- 1.1. The requirement for a Strategic Environmental Assessment (SEA) is set out in the Environmental Assessment of Plans and Programmes Regulations 2004 (commonly referred to as the Strategic Environmental Assessment Regulations), which implements the requirements of the European Directive 2001/42/EC. Regulation 5 of the Directive sets out the types of plans that require an environmental assessment, which includes those that set the framework for future development consent. Regulation 5 (6) provides an exemption and states that an environmental assessment need not be carried out: (a) for a plan or programme which determines the use of a small area at local level; or (b) for a minor modification to a plan or programme, unless it has been determined that the plan, programme or modification, as the case may be, is likely to have significant environmental effects.
- 1.2. Section 39 of the Planning and Compulsory Purchase Act 2004 requires local authorities to undertake a Sustainability Appraisal (SA) for Development Plan Documents and Supplementary Planning Documents (SPDs). However the Town and Country Planning (Local Development) (England) (Amendment) Regulations 2009 removes the automatic need for an SA of SPDs. This is because SPDs do not normally introduce new policies or proposals or modify planning documents which have already been subject to Sustainability Appraisal. National Planning Practice Guidance confirms that SPDs 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 been assessed during the preparation of the Local Plan.
- 1.3. SEA/SAs are undertaken during preparation of plans or programmes and their purpose is to assess the sustainability of emerging plans or programmes. The EU Directive 2001/42/EC requires the Strategic Environment Assessment (SEA) of the *environmental* effects of certain plans and programmes on the environment. The SA extends the reach of the SEA to incorporate *economic* and *social* issues relevant to the plan or programme.
- 1.4. The Lambeth Local Plan 2015 SA which also incorporated SEA (published 2013) is relevant to the Development Viability SPD as the SPD provides further guidance of policies contained within the Lambeth Local Plan – these policies have already been subject to SA/SEA analysis.

2. Development Viability SPD

- 2.1. The economic viability of development has become an important consideration as part of the planning system, both in terms of plan-making and when determining planning applications. This is established in the National Planning Policy Framework (NPPF) which requires that the costs of any requirements applied to a development should allow for competitive returns to a willing land owner and willing developer to enable the development to be deliverable.

- 2.2. The aim of the SPD is to provide guidance to developers, the public, and other stakeholders, on information requirements and the approach to assessing viability through the planning process. Specifically, the SPD sets out guidance relating to the submission of financial viability appraisals as part of the planning application process, the council's approach to publishing financial information alongside other planning application documents, viability appraisal methodology and the use of review mechanisms.
- 2.3. SPDs cannot introduce new policy. Rather, the purpose of the SPD will be to support relevant policies in the Lambeth Local Plan 2015, particularly affordable housing policy but also in respect of any other development plan policies (comprising the London Plan and the Local Plan) where viability is a consideration. It will be a material consideration in the determination of relevant planning applications in Lambeth.

3. SEA Screening and this report

- 3.1. The Responsible Authority (Lambeth Council) must determine whether a plan or programme under assessment is likely to have significant environmental effects. If the SPD is considered unlikely to have significant environmental effects through the screening process, then a SEA is not necessary and the Responsible Authority must prepare a statement showing the reasons for determination.
- 3.2. The assessment must be made taking account of the criteria set out in Schedule 1 of the Environmental Assessment of Plans and Programmes Regulations 2004 (see appendix 1) and in consultation with the Environmental Agency, Historic England and Natural England. If having consulted these bodies and undertaken this assessment the Council considers that the SPD is likely to have significant environmental effects, then a SEA would be required.
- 3.3. This report sets out the SEA Screening Statement and includes:
 - The result of the screening
 - Responses from consultation bodies
 - Determination
 - Statements of reasons why SEA is not required.
- 3.4. Regulation 9(1) of the Directive requires a determination of environmental effects and reasons if it is considered that an SEA is not required. An initial screening exercise was undertaken on the Draft SPD and sent to the three statutory consultees. The initial screening demonstrated that the Draft SPD was unlikely to have significant effects on the environment.
- 3.5. Following public consultation on the Draft SPD and the Revised Draft SPD, the screening exercise was updated to determine whether the Final Draft SPD is likely to have significant environmental effects. This included further consultation with the three statutory consultees.
- 3.6. Appendix 1 shows the results of the council's SEA screening for the Final Draft SPD. Appendix 2 sets out the statutory consultee's comments on the screening exercise.

4. Assessment of environmental effects and determination

- 4.1. It is considered that the impact of the Final Draft SPD, through responses to the SEA Directive Criteria (see Appendix 1), will not have significant environmental effects. The Final Draft SPD does not set new policy; rather the Final Draft SPD provides further guidance on the

implementation of policies contained in the Lambeth Local Plan 2015. For this reason, it is considered that an SEA will not be required for the Final Draft SPD.

Appendix 1: Criteria for determining the likely significance of effects on the environment

SEA Directive and Schedule 1 of Environmental Assessment of Plans and Programmes Regulations 2004	Is there significant environmental effect?	London Borough of Lambeth response
1. Characteristics of the Final Draft Development Viability SPD		
(a) The degree to which the SPD sets out a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources	No	<p>The Development Viability SPD does not set a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources.</p> <p>The SPD will provide supplementary guidance to adopted development plan policies on how viability matters are dealt with when determining planning applications.</p> <p>The SPD sits at the lowest tier of the development plan hierarchy and provides more detail to the policies established in upper tier plans (Lambeth Local Plan 2015) which have been subject to full SA and SEA. An SPD also has to be consistent with the development plan further up the hierarchy.</p>
(b) The degree to which the SPD influences other plans and programmes including those in a hierarchy	No	Not applicable. The SPD does not influence other plans and programmes as it sits at the lowest tier in the hierarchy of Local Plan documents, of which have been subject to full SA and SEA.
(c) The relevance of the SPD for the integration of environmental considerations in particular with a view to promoting sustainable development	No	The SPD aligns with adopted environmental, sustainability and heritage policies set out within the Lambeth Local Plan 2015. These policies will help to ensure that new development in the borough accords with the principle of sustainable development. The SPD provides guidance which is relevant to and will assist with the implementation of these policies.

(d) Environmental problems relevant to the SPD	No	The SPD will not introduce or exacerbate any environmental problems. Together with the Lambeth Local Plan 2015 this SPD provides a context and framework for assessing development viability.
(e) The relevance of the SPD for the implementation of community legislation on the environment (for example plans and programmes related to waste management or water protection)	No	Together with the upper tier plans the SPD provides a context and framework for assessing development viability. The SPD supplement's adopted planning policy and is not relevant to the implementation of Community legislation on the environment.
2. Characteristics of the effects and area likely to be affected having particular regards to:		
(a) The probability, duration, frequency and reversibility of the effects	No	The SPD provides guidance on the implementation of Lambeth Local Plan policies. No environmental effects are anticipated to result from implementation of the SPD.
(b) The cumulative nature of the effects of the SPD	No	Together with the upper tier development plans the SPD provides a context and framework for assessing development viability. The SPD supplements adopted planning policy and there are no direct or cumulative effects arising from the SPD.
(c) The trans-boundary nature of the effects of the SPD	No	The effects of this SPD are limited to developments in Lambeth.
(d) The risks to human health or the environment (eg due to accident)	No	There is no reason to believe the SPD would cause a risk to human health or the environment.
(e) The magnitude and spatial extent of the effects (geographic area and size of the population likely to be affected) by the SPD	No	The SPD is applicable to developments located within Lambeth. Similarly, the size of population that may potentially be affected by the SPD would be the population of the borough. However, it is considered that there would be no significant effects arising from the SPD as stated elsewhere.
(f) The value and vulnerability of the area likely to be affected by the SPD due to:	No	Not applicable. Together with the upper tier development plans the SPD provides a context and framework for assessing development viability. The SPD supplements adopted planning

<ul style="list-style-type: none"> • Special natural characteristics or cultural heritage; • Exceeded environmental quality standards or limit values; • Intensive landuse. 		policy and there are no direct or cumulative effects arising from the SPD.
(g) The effects of the SPD on areas or landscapes which have recognised national community or international protected status	No	Not applicable. There are no areas or landscapes which have recognised national community or international protected status in the London Borough of Lambeth.

Appendix 2: Statutory consultee responses

Statutory Consultee	Response to consultation on the initial screening of the Draft Lambeth Development Viability SPD
Natural England	The further two SEA screenings for the two SPDs aren't for policy areas that Natural England would normally make comment upon hence we would have no specific comment to make regarding those nevertheless given the precise nature of the SPDs we could agree that full SEA not being required is acceptable in this instance.
Historic England	Thank you for the opportunity to comment on the draft Supplementary Planning Document (SPD) on Development Viability and the associated SEA screening report. As the Government's statutory adviser on the historic environment, and a statutory consultee for the Strategic Environmental Assessment process, Historic England is pleased to engage in the consultation process. With respect to the SEA screening report we have no reason to disagree with the conclusion that SEA is not required.
Environment Agency	The Environment Agency is in agreement with the findings of the initial screening assessment that the Draft Development Viability SPD is unlikely to have any significant environmental effects and therefore a full Strategic Environmental Assessment will not be required.

Statutory Consultee	Response to consultation on the final screening of the Final Draft Lambeth Development Viability SPD
Natural England	Many thanks for your consultation regarding the updated SEA screening assessment for the draft Lambeth

	Development Viability SPD. Given our previous response to the initial consultation, where we agreed that a full SEA wasn't required, we would also agree that in this instance the same would be true and no further full assessment would be required in this instance for the Development Viability SPD.
Historic England	Thank you for consulting with Historic England on the revised SEA screening assessment for the Development Viability SPD. Thank you also for the background consultation report. Historic England agrees that SEA is not required in respect of the revised SPD.
Environment Agency	Thank you for consulting the Environment Agency. We are in agreement with the findings of the SEA Screening Report that the final Draft Lambeth Development Viability SPD is unlikely to have any significant environmental effects and therefore a full Strategic Environmental Assessment will not be required.