



ISLINGTON

SEA Screening Statement

Planning Obligations Supplementary Planning Document

December 2016





Screening Statement

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:

Planning Obligations Supplementary Planning Document (SPD)

Subject: The Planning Obligations SPD has been prepared by the London Borough of Islington to improve the efficiency and effectiveness of dealing with Planning Obligations in the planning application process.

Consultation: 29 July 2016 - 23 September 2016.

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

- 1.1 The requirement for a Strategic Environmental Assessment (SEA) is set out in the ODPM's practical guidance on applying European Directive 2001/42/EC, and in the "Environmental Assessment of Plans and Programmes Regulations 2004." These documents place an obligation on local planning authorities to undertake an SEA on any land use plan or programme "which sets the framework for future development consent of projects."
- 1.2 Sustainability Appraisal (SA) is the process by which this Directive is applied to Local Development Framework documents. An SA is required under the Planning and Compulsory Purchase Act 2004 for all Development Plan Documents (DPDs) and Supplementary Planning Documents (SPDs). The EU Strategic Development Directive also requires a Strategic Environmental Assessment (SEA) to be carried out on certain types of plans with significant environmental effects.
- 1.3 The Town and Country Planning (Local Development) (England) (Amendment) Regulations 2009 removes the automatic need for an SA of SPDs. Exceptions to this requirement are for plans "which determine the use of small areas at a local level" or which only propose "minor modifications to plans," if the local planning authority determines that the plan is unlikely to have significant environmental effects.
- 1.4 Both SA and SEA processes are undertaken during the preparation of a plan or strategy to aid the implementation of sustainable development. The main difference between them is that while an SEA has more of an environmental focus, an SA should focus on social, economic *and* environmental issues.
- 1.5 Although SA and SEA are distinct requirements, government guidance has recommended a single appraisal process. The SA process for planning documents translates the requirements of the European SEA Directive. Government guidance on undertaking SAs has been prepared so as to incorporate the requirements of the SEA Directive.
- 1.6 Relevant Development Plan Documents (DPD) that have already been subject to a SA include the Islington Council Core Strategy DPD, the Development Management Policies DPD and the Finsbury Local Plan.

2. Draft Planning Obligations Supplementary Planning Document (SPD)

- 1.1 Planning obligations are used as part of the planning application process to address specific planning issues and impacts arising from a development proposal. They are normally agreed between the Council, land owners and developers in a legal agreement called a Section 106 (S106) agreement, and are intended to make acceptable a development that would otherwise be unacceptable in planning terms.
- 1.2 Planning obligations can be used to regulate the nature of development, to address the impacts of development, and to contribute towards needs associated with a proposal. They help to ensure that new development is sustainable and assists in meeting the objectives of the Council's policies and strategies, including Islington's Core Strategy (February 2011) and its Corporate Plan 2015-19.

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- 1.3 The Planning Obligations SPD has been prepared in order to provide further detail and explanation of the Council's policies on planning obligations and of the procedure for agreeing planning obligations following the adoption of Islington's Community Infrastructure Levy (CIL). Please note that as supplementary planning guidance, this document cannot establish new policy but aims merely to summarise, elaborate and provide references to all relevant policies as contained in relevant national planning policy and in Islington's statutory Development Plan (the London Plan, Islington's Core Strategy and supporting documents). The correct application of the SPD will ensure that resources are used prudently, reducing the need for a lengthy negotiation and decision making process.
- 2.4 The Planning Obligations SPD will be a material consideration in the determination of planning applications in Islington. The SPD sets out how the council will take planning obligations into account in the planning process, and support the key principle of the planning system of achieving sustainable development, as set out in the National Planning Policy Framework. On adoption, the new Planning Obligations SPD supersedes guidance in the previous Islington Planning Obligations SPD of 2013.

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 SEA is not necessary.
- 3.2 To assess whether an SEA is required the Responsible Authority (Islington Council) 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 statement must be subject to consultation with Historic England, the Environment Agency and Natural England. This was undertaken as part of the public consultation process.
- 3.5 During the council's preliminary consultation process, no issues were raised by Historic England, the Environment Agency or Natural England. The Canal and River Trust made a relevant comment, suggesting that the council should clarify further how unique infrastructure improvements only relevant to specific sites (such as canal and towpath capacity access/ improvements in the vicinity of Regent's Canal) will be addressed through S106 / CIL and asked that the process for claiming S106 funds for projects should be explained further in the SPD. During the public consultation process, Natural England, the Environment Agency, the Canal & River Trust and Historic England made no comments. A summary of comments made, the council's response and changes made in reaction to all comments received during the various stages of the consultation process is included in the updated Consultation Statement published alongside this updated SEA Screening Statement.

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3.6 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 table in Appendix 1, alongside the Council's response in relation to the SPD.

3.7 This screening will help to demonstrate whether or not the Planning Obligations 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 SPD, through responses to the SEA Directive Criteria, will not have significant environmental effects on Islington. In addition, the SPD is not setting new policy; it is providing further guidance on how planning obligations are to be required and negotiated. Therefore, it is considered that an SEA will not be required for the Planning Obligations SPD.

4.2 This screening statement was reviewed and updated after public consultation took place. However, no changes to the projected impacts of the SPD are anticipated.

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APPENDIX 1: Criteria for determining the likely significance of effects

SEA Directive Criteria and Schedule 1 of Environmental Assessment of Plans and Programmes Regulations 2004	London Borough of Islington Response
1. Characteristics of the Draft Planning Obligations SPD	
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.	<p>This 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 Development Plan Documents on how planning obligations matters are dealt with when determining planning applications.</p>
The degree to which the SPD influences other plans and programmes including those in a hierarchy.	The document does not influence any other plans or programmes, and is supplementary to the policy documents identified above which have been subject to full Sustainability Appraisal.
The relevance of the SPD for the integration of environmental considerations in particular with a view to promoting sustainable development.	The SPD aligns with adopted environmental, sustainability and heritage policies set out within the Core Strategy, Development Management Policies and Finsbury Local Plan. These policies will help to ensure that new development in the borough accords with the principle of sustainable development. The SPD will provide guidance which is relevant to and will assist with the implementation of these policies.
Environmental problems relevant to the SPD.	The SPD will not introduce or exacerbate any environmental problems
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).	The SPD will not impact on the implementation of community legislation on the environment.

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<p>2. Characteristics of the effects and of the area likely to be affected, having particular regard to:</p>	
<p>The probability, duration, frequency and reversibility of the effects.</p>	<p>The SPD will provide guidance on the implementation of adopted Development Plan policies whose potential effects have been subject to full Sustainability Appraisal.</p>
<p>The cumulative nature of the effects of the SPD.</p>	<p>The SPD will provide guidance on how planning obligations are dealt with through the planning process and support the implementation of adopted Development Plan policies which seek to address environmental problems. The cumulative impacts will therefore be neutral.</p>
<p>The trans-boundary nature of the effects of the SPD.</p>	<p>The effects of this SPD are limited to developments in Islington.</p>
<p>The risks to human health or the environment (e.g. due to accidents)</p>	<p>No risks to human health have been identified.</p>
<p>The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected) by the SPD.</p>	<p>The SPD is applicable to developments located within Islington. 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.</p>
<p>The value and vulnerability of the area likely to be affected by the SPD due to:</p> <ul style="list-style-type: none"> • Special natural characteristics or cultural heritage; • Exceeded environmental quality standards or limit values; or • Intensive land use. <p>And</p> <ul style="list-style-type: none"> • The effects of the SPD on areas or landscapes which have recognised national, community or international protection status. 	<p>Islington has a high population density, with areas of intensive land use, exceeded air pollution targets and a rich historic environment.</p> <p>Adopted 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>Through ensuring that approaches to negotiating planning obligations during the planning application process are appropriate, the SPD will assist with implementation of these policies.</p>