



# **Planning Obligations Supplementary Planning Document**

Strategic Environmental Assessment Screening  
Statement – December 2021 (with post-  
consultation update May 2022)

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

- 1.1. This Strategic Environmental Assessment (SEA) screening is being prepared in accordance with the requirements of European Directive 2001/42/EC (“the Directive”); and the Environmental Assessment of Plans and Programmes Regulations 2004 (“the Regulations”). The following guidance has also been taken into account:
- The National Planning Policy Framework (NPPF) (July 2021)<sup>1</sup>.
  - The National Planning Practice Guidance (PPG) in relation to SEA/SA<sup>2</sup>.
  - A Practical Guide to the Strategic Environmental Assessment Directive (ODPM, 2005)<sup>3</sup>.
- 1.2. Sustainability Appraisal (SA) is the process by which the Directive is applied to Local Plan 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 Directive also requires a SEA to be carried out on certain types of plans with significant environmental effects.
- 1.3. 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, the SA should focus on social, economic and environmental issues.
- 1.4. 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 Directive, and Government guidance on undertaking SAs has been prepared so as to incorporate the requirements of the SEA Directive.
- 1.5. Bromley’s Development Plan consists of the Bromley Local Plan and the London Plan. The Bromley Local Plan and the London Plan have both been subject to a SA/SEA
- 1.6. The PPG<sup>4</sup> states that:

*“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 relevant strategic policies.*

*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.”*

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<sup>1</sup> Available from:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1005759/NPPF\\_July\\_2021.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf)

<sup>2</sup> Available from: <https://www.gov.uk/guidance/strategic-environmental-assessment-and-sustainability-appraisal>

<sup>3</sup> Available from:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/7657/practicalguidesea.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/7657/practicalguidesea.pdf)

<sup>4</sup> Paragraph: 008 Reference ID: 11-008-20140306, available from:

<https://www.gov.uk/guidance/strategic-environmental-assessment-and-sustainability-appraisal>

## 2. Planning Obligations SPD

- 2.1. The Planning Obligations SPD provides guidance on the Council's general approach to Planning Obligations, and where possible, the requirements and mechanisms for infrastructure contributions arising from the application of policies in the Local Plan and London Plan. The Council adopted a local Community Infrastructure Levy (CIL) on 19 April 2021, which will assist with the future funding of strategic infrastructure requirements. The use of Planning Obligations through a Section 106 agreement will remain for site specific infrastructure, affordable housing and any other non-infrastructure matters required to make a development acceptable in planning terms (such as monitoring or management arrangements).
- 2.2. New development can raise additional pressure on local infrastructure, whether by way of additional school places required, amendments to the local highway, new health / community facilities or provide opportunities to local employment and housing. All new development (where meeting the requirement to pay CIL) will pay a contribution via the CIL towards the general infrastructure provision required in the borough; in some cases, further contributions may be required to address site specific impacts through the use of Planning obligation (Section 106 agreements).

## 3. The Screening Process

- 3.1. Though not part of the statutory Development Plan, SPDs can cover a range of issues, which generally interpret 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 (Bromley Council) must undertake a screening process based on a standard set of criteria. 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 SEA, it must prepare a statement showing the reasons for this determination.
- 3.3. 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 a Screening Statement, which is required to be made available to the public. The three consultation bodies were been consulted during the preparation of the SEA screening statement; and as part of the SPD consultation; details of their responses are provided at Appendix 1. As of the end of the SPD consultation (22 April 2022), responses to the SEA screening statement had been received from the Environment Agency and Natural England; both these consultation bodies agreed with the Council that an SEA would not be required for the proposed SPD. Historic England did not provide any comments in relation to the SEA screening statement, but they did provide comments on the draft SPD itself.
- 3.4. Key to the screening decision is the determination of whether the SPD is likely to have significant environmental effects. To assess this, the Council has taken a two-step approach:
  - First, to assess the plan against the guidance set out in 'A Practical Guide to the Strategic Environmental Assessment Directive'<sup>5</sup>. The guidance sets out a flow chart to guide application of the Directive to plans and programmes (shown in

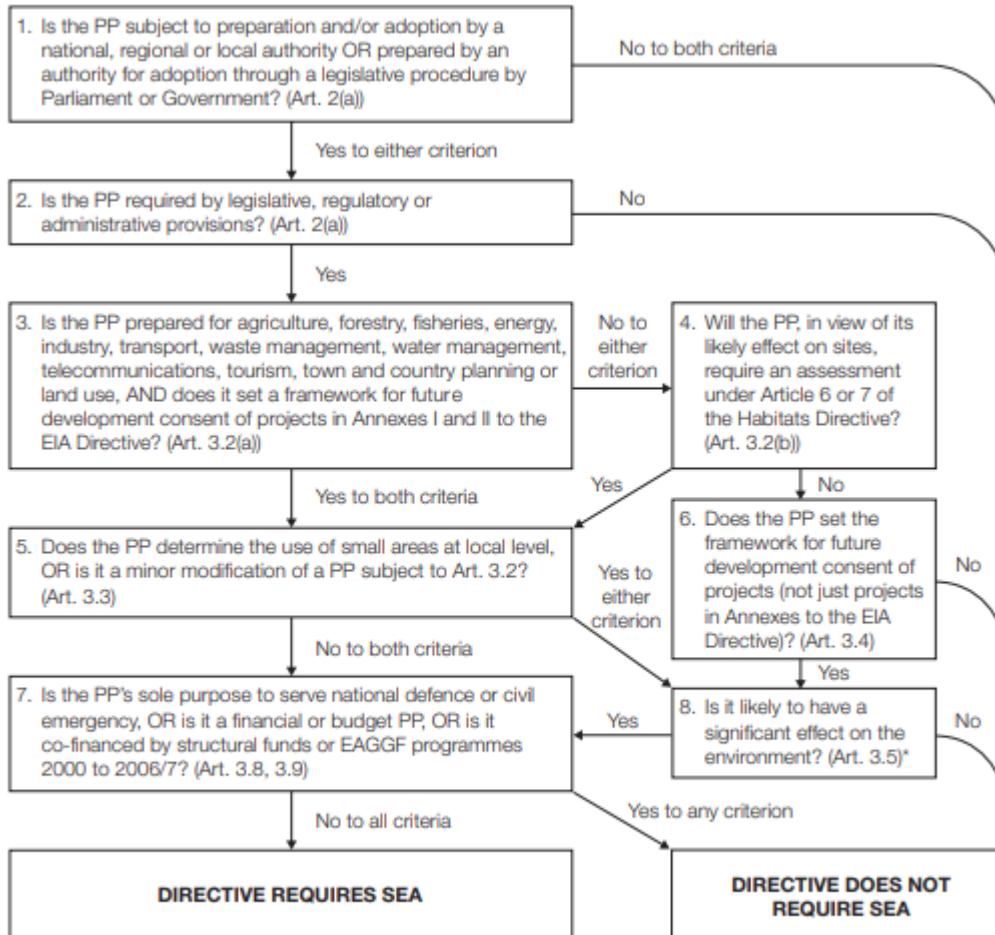
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<sup>5</sup> Ibid

Figure 1); the screening questions from the guidance are set out in Table 1, alongside the Council's response in relation to the Planning Obligations SPD.

- Second, using the criteria set out in Schedule 1 of the Regulations to determine whether the SPD will have significant environmental effects. These criteria are set out in Table 2, alongside the Council's response in relation to the Planning Obligations SPD.

**Figure 1: flow chart to assist with the application of the SEA Directive to plans and programmes**



\*The Directive requires Member States to determine whether plans or programmes in this category are likely to have significant environmental effects. These determinations may be made on a case by case basis and/or by specifying types of plan or programme.

## 4. Screening assessment

**Table 1: assessment against criteria in A Practical Guide to the Strategic Environmental Assessment Directive**

	<b>Screening Question</b>	<b>Screening Assessment</b>
1	Is the SPD subject to preparation and/or adoption by a national, regional or local authority OR prepared by an authority through legislative procedure by Parliament or Government?	Yes. The SPD will be prepared and adopted by the London Borough of Bromley in its role as Local Planning Authority.
2	Is the SPD required by legislative, regulatory or administrative provisions?	No. The preparation of a SPD is optional. However, once adopted by the London Borough of Bromley, it will be a material consideration in the determination of planning applications.
3	Is the SPD prepared for agricultural, forestry, fisheries, energy, industry, transport or 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?	Yes. The SPD will not create new policy or land use designations, but it will provide further guidance to support the Local Plan and London Plan, which is the town planning policy framework for its area and includes policies for land-use. However, the Local Plan and London Plan have been subject to full SA (including SEA).
4	Will the SPD, in view of its likely effects on sites, require an assessment under Article 6 or 7 of the Habitats Directive?	No. The Local Plan and London Plan were subject to screening for the need for assessment under the requirements of the Habitats Directive and it was concluded that such assessment was unnecessary. As the SPD will not change or add to policy, proposals or designations within the Core Strategy it is not considered that further screening for such assessment is necessary as there would be no likely effects on European Sites.
5	Does the SPD determine the use of small areas at local level, OR is it a minor modification of a plan subject to Article 3.2?	No. The SPD will complement the policies that have already been set within the Local Plan and London Plan. No aspects of the SPD will modify existing adopted policies nor seek to change existing site allocations, nor add new ones. The SPD will provide guidance on the Council's general approach to Planning Obligations.
6	Does the SPD set the framework for future development consent of projects (not just projects in Annexes to the EIA Directive)?	No. This framework is already set within the Local Plan and London Plan. The SPD will provide further guidance on the implementation of these policies.
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 funds	No. The SPD does not fall into any of the criteria listed.

	<b>Screening Question</b>	<b>Screening Assessment</b>
	or EAGGF programmes 2000-2006/7?	
8	Is it likely to have a significant effect on the environment?	It is not likely that the SPD will have any significant effect on the borough, beyond those effects that have already been assessed through the SA (including SEA) of the Local Plan and London Plan.

**Table 2: assessment against SEA Directive criteria**

<b>SEA Directive Criteria and Schedule 1 of Environmental Assessment of Plans and Programmes Regulations 2004</b>	<b>London Borough of Bromley Response</b>
<b>1. Characteristics of the draft Planning Obligations SPD having particular regard to:</b>	
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.	The SPD will provide supplementary guidance to the Local Plan and London Plan which provide the overarching framework for assessing development in the Borough (and which were both subject to an SA/SEA)
The degree to which the SPD influences other plans and programmes including those in a hierarchy.	The SPD is a non-statutory document, subsidiary to policies in the adopted Local Plan and London Plan, and therefore will have limited (if any) influence over other plans and programmes, including national policy in the NPPF.
The relevance of the SPD for the integration of environmental considerations in particular with a view to promoting sustainable development.	The SPD provides guidance on the Council's general approach to Planning Obligations. Some planning obligations relate to environmental considerations; however, the requirements are derived from policies in the adopted Development Plan.
Environmental problems relevant to the SPD.	The SPD will provide guidance on planning obligations, linked to relevant policy requirements, which may include environmental policies. The SPD will help to ensure that the requirements of these policies are secured, including financial contributions for carbon offsetting.
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.
<b>2. Characteristics of the effects and of the area likely to be affected, having particular regard to:</b>	
The probability, duration, frequency and reversibility of the effects.	The overall impact of the SPD will be positive, by ensuring that development or contributions from development assist with efforts which minimise, avoid or off-set negative environmental impacts such as CO2 emissions.
The cumulative nature of the effects of the SPD.	Cumulative effects have been assessed through the Local Plan and London Plan SA/SEAs. The SPD is unlikely to have specific cumulative effects which differ from those assessed as part of the Local Plan and London Plan; the effect of the SPD will therefore be neutral.
The trans-boundary nature of the effects of the SPD.	The SPD will apply to developments within the borough boundary, although some policy requirements secured through planning obligations could have a wider positive effect, for example, a reduction in carbon emissions could benefit

SEA Directive Criteria and Schedule 1 of Environmental Assessment of Plans and Programmes Regulations 2004	London Borough of Bromley Response
	adjacent areas. The SPD will have a minor positive effect in this regard.
The risks to human health or the environment (e.g. due to accidents)	No significant risks to human health are envisaged through the application of this SPD.
The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected) by the SPD.	The majority of the SPD effects will be localised to a specific area or within the borough; however, as noted above in relation to potential trans-boundary effects, some benefits may extend to adjacent areas. The SPD will have a minor positive effect in this regard.
<p>The value and vulnerability of the area likely to be affected by the SPD due to:</p> <ul style="list-style-type: none"> <li>i. Special natural characteristics or cultural heritage;</li> <li>ii. Exceeded environmental quality standards or limit values; or</li> <li>iii. Intensive land use.</li> </ul>	<p>The SPD will be consistent with the Development Plan approach that seeks to conserve and enhance the borough's heritage assets in a manner appropriate to their significance.</p> <p>Bromley has a number of areas with special natural characteristics, including an AONB and several SSSIs. The Development Plan has a number of policies which protect these areas; the SPD will assist with the implementation of these policies.</p> <p>Bromley has an Air Quality Management Area which extends across a large part of the Borough, and several Air Quality Focus Areas. The Development Plan policy approach to managing these environmental conditions will be applied, with the SPD providing guidance on how the policy requirements can be implemented and secured, including in relation to air quality.</p> <p>The SPD will not relate specifically to intensifying land use, although it may provide guidance on policies which relate to land use, specifically how any policy requirements can be secured.</p> <p>The overall likely effect of the SPD will be positive by securing the positive environmental effects of development and minimising or avoiding negative impacts.</p>
The effects of the SPD on areas or landscapes which have recognised national, community or international protection status.	Bromley has an AONB. The Local Plan has policies which protect the AONB and its unique landscape quality; the SPD could assist with the implementation of these policies.



## 5. Statement of Reasons for Determination

- 5.1. The Council believes that the impact of the draft SPD, through responses to the Criteria identified in Tables 1 and 2, will not have significant environmental effects (positive or negative) on Bromley, further to the effects that have already been assessed during the preparation of the Local Plan and the London Plan. In addition, the draft SPD is not setting new policy; it is supplementing and providing further guidance on existing policies. Therefore, it is considered that an SEA will not be required for the draft Planning Obligations SPD.

## Appendix 1: responses to draft SEA screening statement from Historic England, the Environment Agency and Natural England

Consultee	Response	LBB comment
Environment Agency	<p>The SPDs are unlikely to have significant environmental effects, and therefore a full Strategic Environmental Assessment is not required.</p> <p>We have no more comments to make.</p>	Noted.
Historic England	No response as of 22 April 2022 (end of the SPD consultation period).	
Natural England	<p>Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.</p> <p>Natural England have no comments to make on this consultation, however we do not feel an SEA will be necessary for this supplementary planning document.</p>	Noted