



Orpington Town Centre Supplementary Planning Document

Strategic Environmental Assessment Screening
Statement – December 2021 (with post-
consultation update June 2023)

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)¹.
 - The National Planning Practice Guidance (PPG) in relation to SEA/SA².
 - A Practical Guide to the Strategic Environmental Assessment Directive (ODPM, 2005)³.
- 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 PPG⁴ 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

¹ Available from:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf

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

³ Available from:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/7657/practicalguidesea.pdf

⁴ Paragraph: 008 Reference ID: 11-008-20140306, available from:

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

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.”

2. Orpington Town Centre SPD

- 2.1. The Orpington Town Centre SPD provides guidance on the interpretation of adopted planning policies as they relate to the Orpington Town Centre area.
- 2.2. The SPD sets out a number of design principles derived from existing Development Plan policies and national policy:
 - Contextual (Character and Identity)
 - Responsive (Architecture and Landscape)
 - Connected (Movement and Connectivity)
 - Inclusive (Access and Inclusion)
 - Healthy (Health and Well-being)
 - Sustainable (Sustainable Design, Adaptability and Resilience)
- 2.3. These design principles are considered essential components in delivering good quality design, and which are widely documented as being among the key characteristics of successful well-designed places:
- 2.4. The SPD divides the Orpington area into a series of character areas, which have been derived through consideration of the context of the wider area and represent those parts of the area which are considered to have similar characteristics. Guidance is provided for each character area, derived from existing planning policies, including guidance on existing site allocations and some further potential development opportunities. General guidance is also provided which applies across all character areas, covering topics such as heritage and conservation, green infrastructure and biodiversity and sustainability.

3. The Screening Process

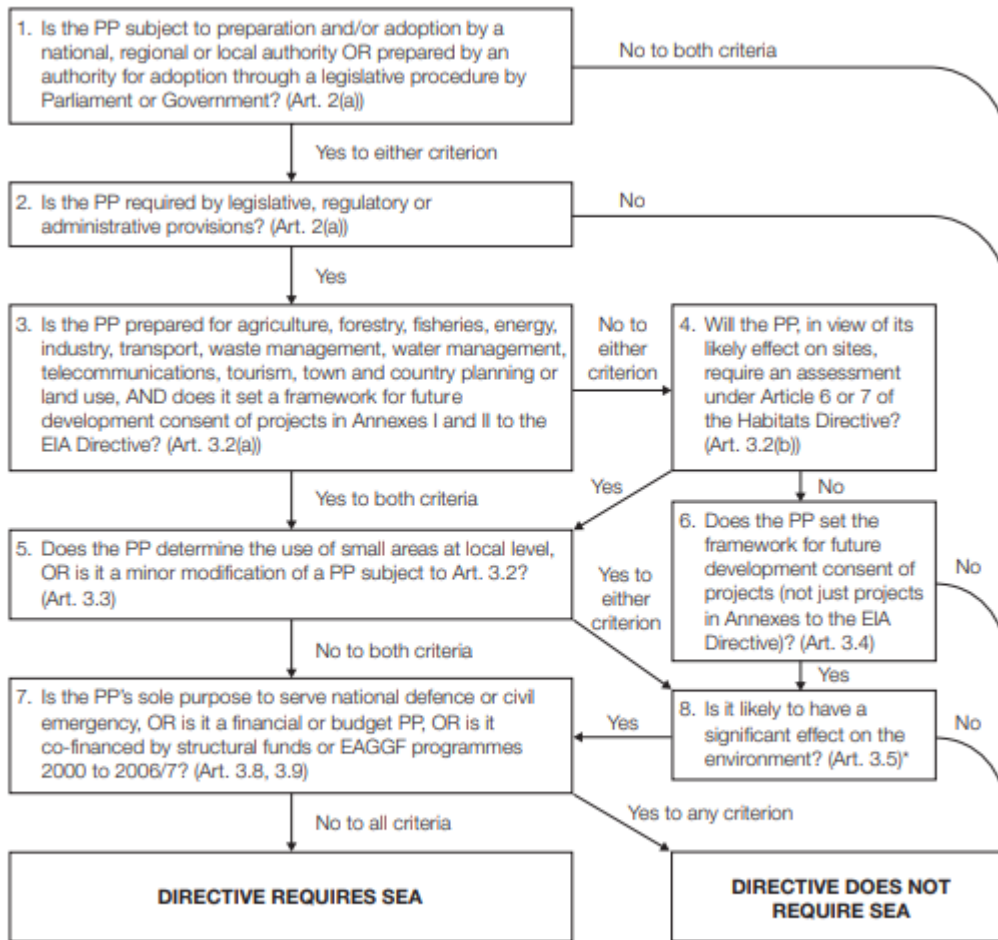
- 3.1. Though not part of the statutory Development Plan, SPDs can cover a range of issues, which generally interpret policies in the Development Plan. If an SPD is considered unlikely to have significant environmental effects through the screening process, then the conclusion will be that the SEA is 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 consulted during the preparation of this SEA screening statement, ahead of the draft SPD consultation; details of their responses are provided at Appendix 1. Responses to this initial consultation were 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.
- 3.4. The Council consulted on the SEA screening statement as part of the draft SPD consultation. The three consultation bodies were specifically consulted as part of this consultation exercise, their responses are set out at Appendix 2, alongside a response from a local resident in relation to the SEA screening statement. Historic

England considered that, given the potential for significant effects on the historic environment through the allocation of the site and the proposed design parameters, we would suggest that the draft SPD should in fact be subject to a SEA.

- 3.5. Following the consultation on the draft SPD and the representations made, the Council has reviewed this SEA screening statement, to ascertain whether any changes are necessary in light of representations received.
- 3.6. 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'⁵. The guidance sets out a flow chart to guide application of the Directive to plans and programmes (shown in Figure 1); the screening questions from the guidance are set out in Table 1, alongside the Council's response in relation to the Orpington Town Centre 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 Orpington Town Centre SPD.

⁵ Ibid

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

	Screening Question	Screening Assessment
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?	<p>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 has been subject to full SA (including SEA).</p> <p>The SPD does set out character areas within Orpington Town Centre, but these are not land use designations; they are broad areas which share similar characteristics, which have been identified for the purposes of providing further guidance in relation to land use and design.</p>
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 interpreting a number of Development Plan policies in relation to Orpington Town Centre, particularly land use and design guidance. This includes guidance for development opportunities on unallocated sites, but these will not constitute site allocations – they will apply relevant Development Plan policy to these sites to guide potential development.
6	Does the SPD set the framework for future	No. This framework is already set within the Development Plan. The SPD will provide further

	Screening Question	Screening Assessment
	development consent of projects (not just projects in Annexes to the EIA Directive)?	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 or EAGGF programmes 2000-2006/7?	No. The SPD does not fall into any of the criteria listed.
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 environment, 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

SEA Directive Criteria and Schedule 1 of Environmental Assessment of Plans and Programmes Regulations 2004	London Borough of Bromley Response
1. Characteristics of the Orpington Town Centre SPD having particular regard to:	
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 environmental issues, derived from policies in the adopted Development Plan, including open space and green infrastructure, transport, and energy infrastructure.
Environmental problems relevant to the SPD.	The SPD will provide further guidance on environmental Development Plan policies, with reference to Orpington Town Centre.
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.
2. Characteristics of the effects and of the area likely to be affected, having particular regard to:	
The probability, duration, frequency and reversibility of the effects.	The overall impact of the SPD will be positive, by ensuring that development in Orpington Town Centre addresses key policy requirements and delivers sustainable development.
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 in and around Orpington Town Centre, and will therefore have limited, if any, transboundary impacts.
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 likely minor positive effects of the SPD will be localised to the Orpington Town Centre area, through the interpretation of relevant adopted policies.
The value and vulnerability of the area likely to be affected by the SPD	The SPD will be consistent with the Development Plan approach that seeks to conserve and enhance

SEA Directive Criteria and Schedule 1 of Environmental Assessment of Plans and Programmes Regulations 2004	London Borough of Bromley Response
<p>due to:</p> <ul style="list-style-type: none"> i. Special natural characteristics or cultural heritage; ii. Exceeded environmental quality standards or limit values; or iii. Intensive land use. 	<p>the borough's heritage assets in a manner appropriate to their significance. This includes the Orpington Priory Conservation Area.</p> <p>Orpington Town Centre includes a SINC designation at Priory Gardens. The Development Plan has policies which protect SINC's; the SPD will assist with the implementation of these policies.</p> <p>Orpington Town Centre is within an Air Quality Management Area. The SPD provides guidance on how air quality policy requirements will be delivered.</p> <p>The SPD will interpret the policies within the adopted Development Plan to set out appropriate land uses for the Orpington Town Centre area. The SPD will not result in a significantly more intensive land use than that expected via application of the adopted Development Plan policies.</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>
<p>The effects of the SPD on areas or landscapes which have recognised national, community or international protection status.</p>	<p>There are no areas or landscapes in or around Orpington Town Centre which have recognised national, community or international protection status.</p>

5. Statement of Reasons for Determination

- 5.1. The Council believes that the impact of the 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 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 Orpington Town Centre SPD.
- 5.2. As noted in paragraph 3.5, the Council has reviewed this screening statement following the consultation on the draft SPD. We consider that the responses to the SEA criteria set out in tables 1 and 2 remain appropriate, and these responses have remained unchanged from the initial draft SEA screening statement.
- 5.3. Appendix 2 sets out the Council's response to the specific consultation responses received during the consultation on the draft SPD.

Appendix 1: responses to draft SEA screening statement from Historic England, the Environment Agency and Natural England, received as part of SEA screening consultation prior to consultation on draft SPD

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 received prior to consultation on the draft SPD.	N/A
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

Appendix 2: responses to draft SPD that relate to SEA

Consultee	Response	LBB comment
Environment Agency	No comment on SEA as part of consultation response.	N/A
Historic England	<p>We have concerns that the development opportunities outlined in section 6 (Orpington East sub-area) are not based on an appropriate evidence base and that potential effects on the historic environment have not been properly assessed, understood or avoided. In particular, we consider the identification of the Walnuts shopping centre as a suitable site for what would be in local terms a very tall building to be premature at this stage.</p> <p>The draft SPD is in effect allocating this site without any detailed assessment of the environmental effects of a 12-15 storey building and fails to adopt a plan-led approach to the location and appearance of tall buildings. We consider that the effects on designated heritage assets in close proximity need to be understood before any decision on the suitability of such development is made.</p> <p>We further note the indication at para 1.3 that the preparation of the draft SPD for the town centre will inform the local plan review process. Should the allocation of the Walnuts shopping centre site and the design parameters at para 6.4 be confirmed in the SPD and carried forward to the emerging local plan, we would be concerned that it would not be possible for the Plan to be in conformity with national and regional planning policy as it relates to the historic environment.</p> <p>It would appear to us that in relation to the Walnuts site, the draft SPD is in effect creating new policy beyond that set out</p>	<p>Disagree - officers fundamentally disagree with Historic England about the need for an SEA. The comments are based on a misunderstanding of the role of the document. The guidance provided in the document relating to 'Development Opportunities' is not a site allocation – it is broad guidance which notes potentially suitable development height (based on officer judgement), and it defers to the need for detailed justification to address relevant policy requirements. This would include London Plan policy D9 which has specific consideration of heritage impacts. For the avoidance of doubt, the SPD has been amended to provide further clarity about the 'Development Opportunities'.</p> <p>Regarding Historic England's view that the SPD is in effect creating new policy beyond that set out in the adopted Local Plan, it is noted that Policy 1 of the Local Plan identifies Orpington Town Centre as a broad location where additional large housing sites may come forward. The housing trajectory at Appendix 10.1 of the Local Plan attributes 125 units from this source of supply, although this quantum is not the result of detailed modelling and is not a cap, hence it does not preclude delivery of a greater quantum of housing. Other sources of supply from 'Broad Locations' set out in the Local Plan housing trajectory – changing retail patterns and Public Land Reorganisation – envisage delivery of almost 600 units and could in principle relate to Orpington Town Centre.</p>

Consultee	Response	LBB comment
	<p>in the adopted Local Plan. While this is potentially problematic in itself, the absence of evidence and assessment of potential effects also fails to reflect the requirements of NPPF paras 31 and 190.</p> <p>Given the potential for significant effects on the historic environment through the allocation of the site and the proposed design parameters, we would suggest that the draft SPD should in fact be subject to a Strategic Environmental Assessment (SEA). This would enable proper understanding of the effects on heritage significance and help inform the design parameters in such a way as to avoid and/or mitigate them.</p> <p>Historic England has produced a range of good practice and advice notes on issues that are of relevance with regard to the draft SPD and which we would commend to you in its preparation.</p> <p>...</p> <p>Our principal concern with the contents of the SPD however relate to the proposed density and heights of development on the site of the Walnuts shopping centre. This site has come forward independently of the local plan process, and would appear to date to have not been subject to any assessment of the potential environmental effects the type of development suggested. The site is in close proximity to a number of designated heritage assets, including two highly graded listed buildings, the Orpington Priory conservation area and Priory Gardens registered park and garden. Together these assets help form the village-like character of the area to the north of the High Street. We consider there is potential for adverse impacts on this character and the individual significance of assets if as proposed the site is allocated with a taller building of up to 15 storeys.</p>	

Consultee	Response	LBB comment
	<p>Given the likely significant effects, we consider that the site (and therefore draft SPD) should be subject to SEA to assess and understand the impacts. This assessment should then be used to inform the site allocation design parameters and avoid (or at the very least mitigate) effects on the significance of individual heritage assets and wider historic character. It will also allow for better understanding of how such proposals relate to relevant planning policy in national, London-wide and local terms.</p> <p>This approach would represent a plan-led approach to tall buildings and sustainable development as required by the NPPF (para 15) and London Plan policy D9. It would ensure that the development process would proactively look to conserve and enhance the historic environment. As currently set out, there is a risk that the establishing the principle of a 15 storey tower on the site will mean that effects on nearby heritage assets have to be managed rather than integrated into the process much earlier. Further detail on this approach can be found in Historic England's advice note on Tall Buildings referred to earlier.</p> <p>As indicated above, we acknowledge the development potential of the site in question. However, we consider that the draft SPD is premature in proposing development of the density and height in question without robust evidence to support it or understand the level of impacts likely to occur. Detailed analysis is required to inform the design parameters before a decision on whether such development is appropriate for the site.</p>	
Natural England	In principle SPDs should not be subject to the Strategic Environmental Assessment Directive or the Habitats Directive because they do not normally introduce new policies or	Noted. The Council considers that an SEA is not required.

Consultee	Response	LBB comment
	<p>proposals or modify planning documents which have already been subject to a Sustainability Appraisal or Habitats Regulations Assessment. 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. This may happen, for example, where the relevant high level planning document contains saved policies within a saved local plan which predates the need to carry out a SA or HRA and therefore no higher tier assessment has taken place. If there is any doubt on the need to carry out a SA or HRA a screening assessment should be carried out.</p>	
Local resident	<p>Disagrees with the Council's conclusion in Table 1, row 8, that 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. Respondent states that an SEA is required owing to significant effects.</p>	<p>Disagree – the respondent does not specify what the significant effects are. For the reasons set out in the screening statement, the Council remains of the opinion that the SPD will not have any significant effect on the environment, beyond those effects that have already been assessed through the SA (including SEA) of the Local Plan and London Plan.</p>
	<p>Respondent does not accept comments in relation to Table 2, section 1, item 2. The LBB reply is that it has 'limited (if any) influence'. However this is the document that is subjected to consultation. An agreed SPD should be a significant guidance document.</p>	<p>Disagree – the SPD does not create new policy, which limits the influence over other plans and programmes. The fact that the document has been consulted on is irrelevant in terms of its influence. The key issue is its place within the statutory framework.</p>
	<p>Respondent does not accept comments in relation to Table 2, section 2, item 3. Depending on the development there could be significant 'Transboundary Impacts'</p>	<p>Disagree – the respondent does not elaborate on what significant transboundary impacts could occur. The respondent's comments are also based on the potential impact of a specific development, whereas the SPD will provide supplementary guidance to the Local Plan and London Plan which provide the overarching framework for assessing development in the Borough.</p>
	<p>Respondent does not accept comments in relation to Table 2, section 2 item 4. Depending on the development there could be significant risk to human health AND the environment.</p>	<p>Disagree – the respondent does not elaborate on what significant risks to human health and the environment could occur. The respondent's comments are also based on the potential impact of a specific development, whereas the SPD</p>

Consultee	Response	LBB comment
		will provide supplementary guidance to the Local Plan and London Plan which provide the overarching framework for assessing development in the Borough.
	Respondent does not accept comments in relation to Table 2, section 2 item 6. Depending on the development there could be significant loss of views, overshadowing of Conservation Areas, requirements to upgrade and improve infrastructure: roads, footpaths, transport, support services and statutory services.	Disagree – the respondent’s comments are based on the potential impact of a specific development, whereas the SPD will provide supplementary guidance to the Local Plan and London Plan which provide the overarching framework for assessing development in the Borough.
	Respondent does not accept comments in relation to Table 2, section 2 item 6 and item 7 (last). These two clauses appear to contradict each other. Priory Gardens has a ‘Site of Interest for Nature Conservation status’ SINC.	Disagree – there is no contradiction as the respondent seems to have misunderstood the different types of designation covered by the different criterion. A SINC is Local Plan designation that reflects special natural characteristics; therefore it is relevant to the criterion in section 2, row 6. A SINC is not a landscape designation relevant to the criterion in section 2, row 7.
	Respondent does not accept statement at paragraph 5.1. Depending on the type, scope and time scale of Development there could be significant impact. A SEA will be required.	Disagree – as noted above, the Council considers that an SEA is not necessary. The respondent’s comments are also based on the potential type, scope and timescale of a specific development, whereas the SPD will provide supplementary guidance to the Local Plan and London Plan which provide the overarching framework for assessing development in the Borough.