

## Appendix D

### Screening Statement

On the determination of the need for a Strategic Environmental Assessment (SEA) in accordance with the *Environmental Assessment of Plans and Programmes Regulations 2004* and *European Directive 2001/42/EC* of the:

Enforcement Supplementary Planning Document

11 July 2016



## Sustainability Appraisal/Strategic Environmental Assessment Screening

### Enforcement SPD

1. Purpose of Sustainability Appraisal (SA) / Strategic Environmental Assessment (SEA)
  - 1.1. The SEA Directive identifies the purpose of SEA as “ to provide for a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes with a view to promoting sustainable development” (Directive 2001/EC/42)
  - 1.2. Sustainability Appraisal (SA) is the process by which this Directive is applied to Local Plan documents. SA aims to promote sustainable development through the integration of social, environmental and economic considerations into the preparation of plans.
  - 1.3. The City’s Local Plan is subject to Sustainability Appraisal. However the 2008 Planning Act allows for Supplementary Planning Documents to be prepared without a full SA as long as they are screened to establish whether they will result in significant effects as defined by the SEA Directive.
  - 1.4. The SEA Directive exempts plans and programmes from assessment “*When they determine the use of small areas at local level or are minor modifications to the above plans or programmes...*” and states that “ *....they should be assessed only where Member States determine that they are likely to have significant effects on the environment.*”
  - 1.5. The criteria for determining the significance of effects are taken from schedule 1 (9 (2) (a) and 10 (4) (a) of the Environmental Assessment of Plans and Programmes Regulations 2004 and are defined in appendix 1. These can be split into the criteria related to (i) the scope and influence of the document (ii) the type of impact and area likely to be affected
2. Purpose of the Enforcement SPD
  - 2.1. The Enforcement SPD sets out the City’s approach to planning enforcement. It explains the principles and procedures the City will follow to ensure that development is properly regulated. It contains standards and targets and seeks to resolve breaches through negotiation rather than formal legislative action.
  - 2.2. This strategy is a Supplementary Planning Document which provides guidance regarding the City’s Local Plan policies for enforcement of planning law. It defines the approach that the City will follow in the event of a breach of planning control, associated with for example failure to secure the required planning permission or consent prior to commencing development, failure to comply with any condition or limitation associated with a permission, consent or permitted development or failure to comply with a Notice.
  - 2.3. The London Plan and City of London Local Plan have been evaluated through the SA and Habitats Regulation Assessment (HRA) screening process, which

incorporates the requirements of the SEA Directive, and have been found to be sound. This document provides details of how the City will enforce planning decisions to comply with London Plan and Local Plan policies.

### 3. SEA Screening Procedure

3.1. The Responsible Authority (the City of London Corporation) must determine whether the plan or program under assessment is likely to have significant environmental effects. This 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 Environment Agency, Historic England and Natural England.

3.2. 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.

3.3. Appendix 1 shows the results of this screening process for the Enforcement SPD.

### 4. Screening and Consultation Outcome

4.1. This screening demonstrates that the Enforcement SPD is unlikely to have significant effects on the environment. Therefore it will not be necessary to carry out a full SA/SEA on this document.

4.2. Each of the statutory consultees has been consulted on this initial screening statement and their responses are summarised below:

| Consultee          | Response               |
|--------------------|------------------------|
| Environment Agency | No response            |
| Natural England    | Do not wish to comment |
| Historic England   | No response            |

### 5. Determination

6. The Enforcement SPD is unlikely to have significant effects on the wider environment since it provides guidance on the implementation of Local Plan policies which will have largely positive impacts. Therefore it will not be necessary to carry out a Strategic Environmental Assessment on this SPD

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

### 1. Characteristics of the Enforcement SPD having particular regard to:

| SEA Directive Criteria<br>Schedule 1 Environmental Assessment of<br>Plans and Programmes Regulations 2004   | Summary of significant effects   |
|---|--|
| (a) The degree to which the SPD sets out a framework for projects and other activities, either with regard to the location, nature, size or operating conditions or by allocating resources | This SPD sets out the approach that the City Corporation will take to enforcement action in line with the policies of the Local Plan. It does not set a framework for other projects.  |
| (b) The degree to which the SPD influences other plans and programmes including those in a hierarchy  | This SPD does not influence any other plans or programmes. It will uphold the policies in the Local Plan which has been subject to Sustainability Appraisal fulfilling the requirements of the SEA Directive.  |
| (c) The relevance of the SPD for the integration of environmental considerations in particular with a view to promoting sustainable development   | The City Corporation's planning policies promote sustainable development. This SPD describes how breaches of planning control will be dealt with in line with these planning policies.   |
| (d) Environmental problems relevant to the SPD  | This SPD may involve enforcement action associated with environmental issues such as noise, air quality, biodiversity, tree protection and other amenity matters. Investigation will begin within 1 day where serious breaches including irreversible or serious damage to the environment and / or a building, works/uses causing substantial harm, works to protected trees and traffic hazards. This will ensure that environmental problems are tackled quickly avoiding further damage. |
| (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)          | The guidance in this SPD will assist in implementing Community legislation in line with the City of London Local Plan.   |

## 2 Characteristics of the effects and area likely to be affected having particular regard to:

| SEA Directive criteria<br>Schedule 1 Environmental Assessment of<br>Plans and Programmes Regulations 2004   | Summary of significant effects   |
|---|--|
| (a)The probability, duration, frequency and reversibility of the effects  | The positive effects of this SPD in preventing or reversing harm caused by breach of planning controls will be on-going for the life of each development.  |
| (b)The cumulative nature of the effects of the SPD  | Any cumulative impacts will be positive in reinforcement of adopted planning policy which has been subject to Sustainability Appraisal   |
| (c)The trans boundary nature of the effects of the SPD  | This SPD is not likely to have any trans-boundary effects  |
| (d)The risks to human health or the environment ( e.g. due to accident)   | Enforcement of planning controls will reduce any potential risks to human health and 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  | This SPD applies to development in the City of London geographic area which has a resident population of 9,000 and 400,000 workers. Some breaches of planning control (e.g. views protection, biodiversity and pollution control measures) could have potential impacts beyond the City's boundary. This SPD will prevent or reverse potential harm from breach of planning controls.  |
| (f)The value and vulnerability of the area likely to be affected by the SPD due to:<br>Special natural characteristics or cultural heritage<br>Exceeded environmental quality standards or limit values<br>Intensive land use | This area includes 26 conservation areas and over 600 listed buildings which will be protected through application of this SPD.<br>The City is an air quality management area for nitrogen dioxide and fine particulates. Breaches of planning control which could lead to deterioration will be prevented or reversed by this SPD.<br>Land use in the City is very intensive – this SPD will reduce adverse impacts of planning control breaches. |
| (g)The effects of the SPD on areas or landscapes which have recognised national Community or international protected status   | Views of nationally important landmarks in and near the City will continue to be protected through the implementation of this SPD.   |