

Harrow School Masterplan SPD Environmental Assessment – Screening Opinion

Environmental Assessment of Plans and Programmes Regulations 2004 Screening Opinion for Harrow School Masterplan SPD (2015)

February 2015

1. Introduction

This screening report is designed to determine whether or not the contents of the Draft Supplementary Planning Document (SPD) require a Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plans and Programmes Regulations 2004.

The purpose of the Harrow School Masterplan SPD is to give effect to the Council's adopted Site Allocation G01: Harrow School Estate. In particular, it is intended to: -

- Establish the principle for redevelopment and refurbishment of the School's buildings and facilities in accordance with the policy requirements;
- Provide more certainty to the Council and community that future redevelopment would be undertaken in a planned and coherent manner, delivering the level of quality required by the Local Plan; and
- Provide a practical framework within which subsequent planning applications can be prepared.

The legislative background set out below outlines the regulations that require the need for this screening exercise. Section 4, provides a screening assessment of the likely significant environmental effects of the SPD.

2. Legislative Background

The basis for Strategic Environmental Assessments and Sustainability Appraisal legislation is European Directive 2001/42/EC and was transposed into English law by the Environmental Assessment of Plans and Programmes Regulations 2004, or SEA Regulations.

The Planning and Compulsory Purchase Act 2004 required Local Authorities to produce Sustainability Appraisals (SA) for all local development documents to meet the requirement of the EU Directive on SEA. It is considered best practice to incorporate requirements of the SEA Directive into an SA.

However, the 2008 Planning Act removed the requirement to undertake a Sustainability Appraisal for a Supplementary Planning Document, but not a Strategic Environmental Assessment. This is because SPD's do not normally introduce new policies or proposals or modify planning documents which have already been subject to Sustainability Appraisal.

This report focuses on screening for SEA and the criteria for establishing whether a full assessment is needed.

3. Criteria for assessing the effects of supplementary planning documents

Criteria for determining the likely significance of effects referred to in Article 3(5) of Directive 2001/42/EC are set out below:

(a) the degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources;

The Harrow School Masterplan SPD seeks to give effect to an adopted Site Allocation within the Harrow Local Plan. As such, the Harrow School Masterplan SPD is being prepared to be in accordance with the requirements of the Local Plan and therefore does set a framework for projects or development beyond that already provided for by the adopted Harrow Local Plan.

The SPD does not allocate land or uses and will therefore not influence the spatial distribution, location or quantity of development to be provided in the Borough.

(b) the degree to which the plan or programme influences other plans and programmes including those in a hierarchy;

As an SPD, this document is non-statutory in nature, as it does not form part of the Council's 'development plan'. SPD's may constitute a material consideration in planning decisions and accordingly occupy the lowest rung of the hierarchy of planning policy documents. By their very nature, SPDs can only supplement existing policy, must conform to higher-level statutory plans and policies and cannot introduce new policy. Given that this SPD is intended to give effect to an adopted Site Allocation within the Harrow Local Plan, it has no potential, to influence the preparation or content of other plans or programmes including those within the UK planning policy hierarchy.

(c) the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development;

The Harrow School Masterplan SPD is being prepared to be in accordance with the requirements of the Local Plan, which itself seeks to promote sustainable patterns of development, including the integration of environmental considerations.

(d) environmental problems relevant to the plan or programme; and

There are no environmental problems that have arisen or are likely to arise, which have prompted the Council to prepare the SPD.

(e) the relevance of the plan or programme for the implementation of Community legislation on the environment (for example, plans and programmes linked to waste management or water protection).

The SPD is not considered to be of any significant relevance to the implementation of EU legislation relating to the environment as it does not introduce policy. As such, the SPD is limited by its legal status and its scope to give any additional effect to the implementation of EU legislation beyond that required by the relevant Local Plan policies.

Characteristics of the effects and of the area likely to be affected having regard, in particular, to:-

(a) the probability, duration, frequency and reversibility of the effects;

The probability that the SPD would lead to any discernible adverse significant environmental effects upon the built or natural environment of the Borough is considered to be *de minimis*.

(b) the cumulative nature of the effects;

The SPD will apply to development proposed only within the Harrow School Estate and, therein, to ensuring the continued education use of the site and the management of its existing and proposed buildings for this purpose. No cumulative negative effects from the SPD are expected.

(c) the trans-boundary nature of the effects;

The proposed SPD is confined to the Borough and would not impact any neighbouring Borough(s) or EU member states.

(d) the risks to human health or the environment (for example, due to accidents);

No risk to the environment or to human health is envisaged through the adoption and implementation of the proposed SPD.

(e) the magnitude and spatial extent of the effects (geographical area and size of population likely to be affected);

The SPD will apply only to the existing Harrow School Estate, approximately 160ha, with 814 boys whom board full time. However, the facilities on the site are used and do benefit the wider community.

(f) the value and vulnerability of the area likely to be affected due to –

(i) the special natural characteristics or cultural heritage

The proposed SPD retains all listed and locally listed buildings and landscapes, maintaining their use and status. Individual proposals

(ii) exceeded environmental quality standards or limit values; or

These would be unlikely to be affected by the proposed SPD.

(iii) intensive land-use; and

The proposals of the SPD are to meet the current needs of the existing school role. It is not considered that the SPD would have any significant affect on the intensity of land use in the Borough.

(g) the effects on areas or landscapes which have a recognised national, Community or international protection status.

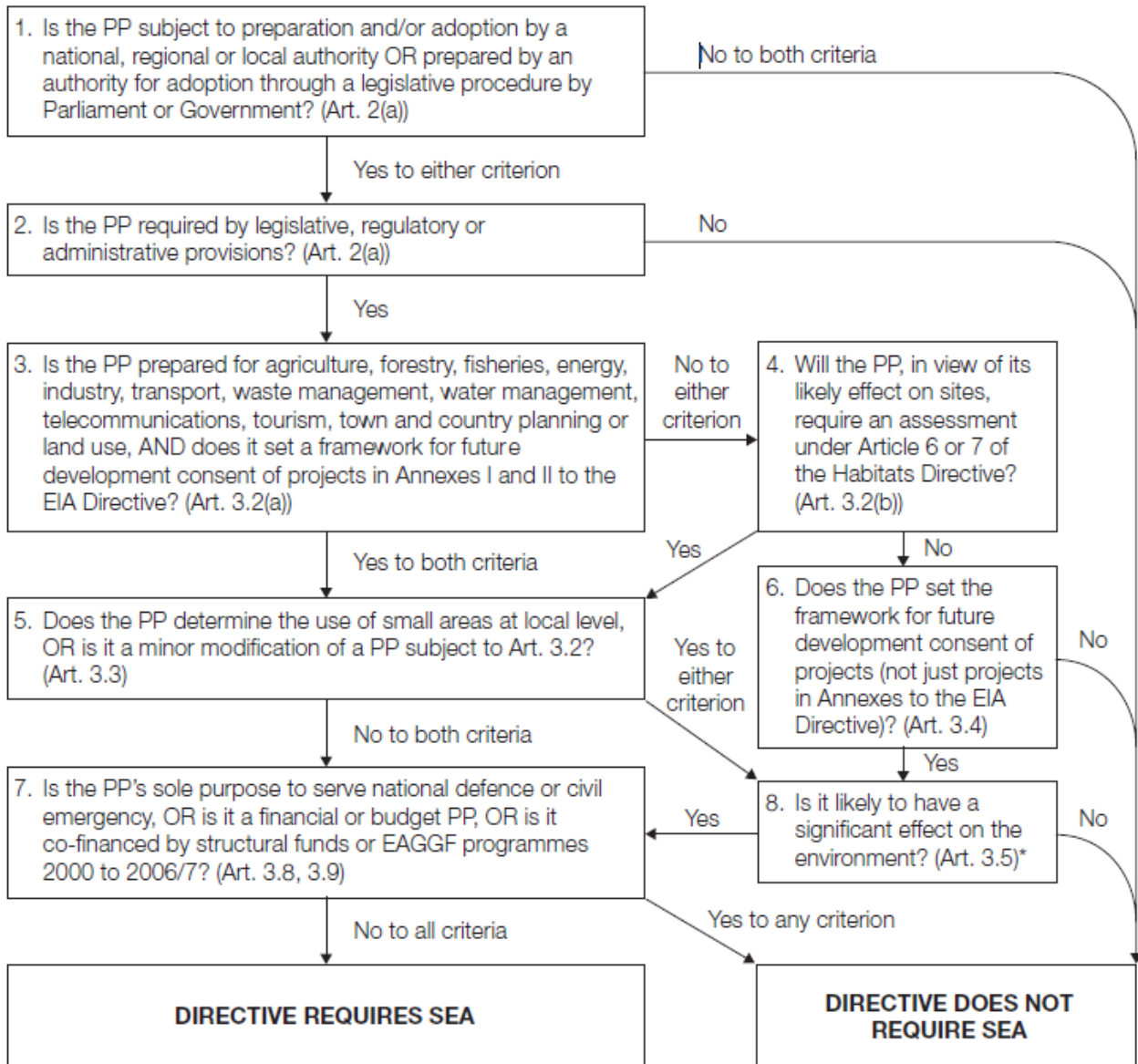
There would be no effects on any landscape of recognised national Community or international protection status.

4. Assessment

The diagram below illustrates the process for screening a planning document to ascertain whether a full SEA is required.

Figure 2 – Application of the SEA Directive to plans and programmes

This diagram is intended as a guide to the criteria for application of the Directive to plans and programmes (PPs). It has no legal status.



*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.

The table below shows the assessment of whether the SPD/guidance will require a full SEA. The questions below are drawn from the diagram above which sets out how the SEA Directive should be applied.

Stage	Y/N	Reason
1. Is the PP (plan or programme) subject to preparation and/or adoption by a national, regional or local authority OR prepared by an authority for adoption through a legislative procedure by Parliament or Government? (Art. 2(a))	Y	The SPD is prepared by the local authority potentially for adoption at a local level.
2. Is the PP required by legislative, regulatory or administrative provisions? (Art. 2(a))	Y	The Harrow Local Plan includes statements that further guidance will be provided through the preparation of a masterplan, indicating that the SPD is "required"
3. Is the PP prepared for agriculture, forestry,	Y	This SPD is prepared for the town

fisheries, energy, industry, transport, waste management, water 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? (Art 3.2(a))	(to both parts of Q) Go to Q5	and country planning and land use and sets out a framework for the future consents of projects in Annexes I and II of the EIA Directive. An EIA scoping opinion will be sought for individual proposals on the request of the potential applicant.
4. Will the PP, in view of its likely effect on sites, require an assessment for future development under Article 6 or 7 of the Habitats Directive? (Art. 3.2 (b))	N/A	N/A
5. Does the PP Determine the use of small areas at local level, OR is it a minor modification of a PP subject to Art. 3.2? (Art. 3.3)	N Go to Q7	The Masterplan SPD does not determine the use of the land and is not a minor modification of PP, but provides additional guidance on the interpretation of Harrow Local Plan Site Allocation G01
6. Does the PP set the framework for future development consent of projects (not just projects in annexes to the EIA Directive)? (Art 3.4)	N/A	N/A
7. Is the PP's sole purpose to serve the national defence or civil emergency, OR is it a financial or budget PP, OR is it co-financed by structural funds or EAGGF programmes 2000 to 2006/7? (Art 3.8, 3.9)	N	N/A
8. Is it likely to have a significant effect on the environment? (Art. 3.5)	N	The Harrow School Masterplan SPD only elaborates on policies within the Harrow Local Plan and Site Allocation G01. The SPD does not introduce new policy. Due regard has been given to Annex II of the SEA Directive (Directive 2001/42/EC)

5. Screening Outcome

Harrow Council considers that the Harrow School Masterplan SPD does not require a full SEA to be undertaken.

Regulation 9(2)(b)

Before making a determination whether the SPD is likely to have significant environmental effects, the responsible authority must first consult the Environment Agency, Natural England and English Heritage. In accordance with this clause, this screening opinion is therefore submitted to the three statutory bodies for their consideration of its findings. The period of consultation will run for five weeks in accordance with the regulations, commencing 30 March 2015 and ending on 1 May 2015.

The response of the consultation bodies will be published alongside this screening opinion on the Council's SPD page of its website.

Regulation 9(3)

Regulation 9(3) states that '*Where the responsible authority determines that the plan, programme or modification is unlikely to have significant environmental effects (and, accordingly, does not require an environmental assessment), it shall prepare a statement of its reasons for the determination*'. This screening opinion constitutes the statement of reasons for the purposes of the regulation.