

## **Leeds City Council Draft Interim Affordable Housing Policy Screening for Strategic Environmental Assessment January 2011.**

### **1. Introduction**

1.1 The requirement for a Strategic Environmental Assessment (SEA) stems from the European Directive 2001/42/EC “on the assessment of the effects of certain plans and programmes on the environment” (SEA Directive). This Directive was transposed in law by The Environmental Assessment of Plans and Programmes Regulations 2004 (the SEA Regulations). These documents place an obligation on local authorities to undertake a SEA on any plan or programme prepared for town and country planning or land use and which sets the framework for future development consent of certain projects (which includes development sites over 0.5ha). Guidance on the SEA process is provided in “A Practical Guide to the Strategic Environmental Assessment Directive (ODPM et al, 2005).

1.2 Under Article 3(3) and 3(4) of the SEA Directive, SEA is required for plans and programmes which “determine the use of small areas at a local level” or which only propose “minor modifications to plans” to plans and programmes, and which would otherwise require SEA, only where they are determined to be likely to have significant environmental effects.

1.3 Leeds Draft Interim Affordable Housing Policy provides updated guidance on targets to be sought for affordable housing as a modification to the existing Affordable Housing SPG and in advance of the Affordable Housing SPD being adopted. It is therefore a “minor modification to a plan”. As a result, it is for the local planning authority (Leeds City Council) to follow a screening process to decide whether SEA should be undertaken. The screening process is based upon consideration of standard criteria and consulting three “environmental consultation bodies” to determine whether the plan is likely to have “significant environmental effects”. The result of the local planning authority’s screening process is detailed in this Screening Statement. This will be made available for public scrutiny alongside the Draft Interim Affordable Housing Policy consultation. The three environmental consultation bodies (Natural England, English Heritage and the Environment Agency) are currently being consulted on the screening process.

1.4 Alongside consultation on the draft Interim Affordable Housing Policy, the three “environmental consultation bodies” will be consulted to determine whether they agree with the local planning authority that the plan would not be “likely to have significant environmental effects”. In accordance with Regulation 9 of the SEA Regulations, only after these “bodies” have been consulted can the local planning authority confirm whether a SEA will be required. This screening determination will therefore be updated when the views of these three “bodies” are known.

1.5 Should the three “bodies” advise that the plan would be likely to have significant environmental effects, listing the grounds for their views, the scope of a Strategic Environmental Assessment would then need to be set.

## 2. Draft Interim Affordable Housing Policy

2.1 The Draft Interim Affordable Housing Policy has been prepared for consultation purposes. The document proposes new targets for affordable housing across Leeds. It is only the proposed targets that are changed – all other aspects of the existing SPG remain unchanged – including the policy on tenure splits, threshold, pro-rata provision, integration throughout a development site etc. The Interim Policy is being introduced in response to the DTZ Report on Economic Viability Assessment, which considers levels of affordable housing considered to be appropriate given the current state of the housing market).

2.2 A Draft Affordable Housing SPD and accompanying Sustainability Appraisal underwent formal public consultation from 29th September to 7<sup>th</sup> November 2008. In response to representations received, the viability appraisal has been revisited. The SPD will be redrafted in response to the updated viability work, and in conjunction with production of the Core Strategy.

2.3 Due to the fact that production of the SPD has been delayed the introduction of a Draft Interim Affordable Housing Policy is considered appropriate in the meantime. The Interim Policy will apply until replaced by the formal Local Development Framework policies within the Core Strategy and Affordable Housing SPD (or unless the national planning framework is further changed by national government, and/or further interim policy proves necessary). The Interim policy will be subject to public consultation prior to its introduction.

## 3. The Screening Process

3.1 The key screening decision is the determination of whether the Draft Interim Affordable Housing Policy is likely to have significant environmental effects, using the criteria set out in Schedule 1 of the SEA Regulations. These criteria are set out in the table below, and a response is given to each from the perspective of the draft Interim Affordable Housing Policy.

SEA Regulations Criteria (from Annex II of SEA Directive)	LCC Response	Is there a significant effect?
1a) 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 Interim policy will not set a new framework: rather it will supplement existing Supplementary Planning Guidance and affordable housing policies. It will provide more appropriate targets for affordable housing in the current market climate.	<b>No</b>
1b) The degree to which the plan or programme influences other plans and programmes including those in a hierarchy	The Interim Policy is informal policy, in advance of formal LDF policies – the Core Strategy and Affordable Housing SPD. As interim policy its influence on other plans and programmes will be limited.	<b>No</b>

<p>1c) The relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development</p>	<p>PPS 12 states that at the heart of sustainable development is the idea of ensuring a better quality of life for everyone, for now and future generations. The Interim policy proposes higher affordable housing targets in outer areas and less in inner areas of Leeds which will complement the aims for mixed sustainable communities. Whilst this is the case, when viewed in isolation the effect of the interim policy on the environment is modest. Accordingly, it is not considered that the introduction of the interim policy will result in significant effects on the environment having regard to this criterion.</p>	<p><b>No</b></p>
<p>1d) Environmental problems relevant to the plan or programme</p>	<p>None are envisaged.</p>	<p><b>No</b></p>
<p>1e) The relevance of the plan or programme for the implementation of Community legislation on the environment (e.g. plans and programmes linked to waste-management or water protection).</p>	<p>The Interim Policy is not linked to any community legislation on the environment.</p>	<p><b>No</b></p>
<p>2a) The probability, duration, frequency and reversibility of the effects</p>	<p>Affordable housing is built to the same (or higher) standards and specification as market housing. Planning policies of the Council aim to ensure that any new build developments achieve high standards of sustainability through design and construction. Accordingly, it is not considered that the introduction of the interim policy will result in significant effects on the environment having regard to this criterion.</p>	<p><b>No</b></p>
<p>2b) The cumulative nature of the effects</p>	<p>The cumulative nature of the effects of the Interim policy will be to achieve more affordable housing in areas where it is viable to do so. Having lower targets in less viable areas should act as a stimulant to development, and help revive a</p>	<p><b>No</b></p>

	declined housing market. Whilst this is the case, when viewed in isolation the effect of the interim policy on the environment is modest. Accordingly it is not considered that the introduction of the interim policy will result in significant effects on the environment having regard to this criterion.	
2c) The trans-boundary nature of the effects	Any trans-boundary effects associated with the Interim policy are likely to be limited..	<b>No</b>
2d) The risks to human health or the environment (e.g. due to accidents)	No obvious risks are associated with the introduction of the Interim policy.	<b>No</b>
2e) The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)	The Interim policy provides guidance on affordable housing targets across the authority area and will apply to any application for residential development of 15 or more residential units. Whilst this is the case, when viewed in isolation the effect of the interim policy on the environment is modest. Accordingly, it is not considered that the effect of the introduction of the Interim policy will result in significant effects on the environment having regard to this criterion.	<b>No</b>
2f) The value and vulnerability of the area likely to be affected due to: I. special natural characteristics or cultural heritage, II. exceeded environmental quality standards or limit values III. intensive land-use	It is considered that the Interim Policy will not adversely affect the value and vulnerability of the authority's area.	<b>No</b>
2g) The effects on areas or landscapes which have a recognised national, Community or international protection status.	It is considered that the Interim Policy will not materially affect areas or landscapes which have a recognised national, Community or international protection status	<b>No</b>

#### 4. Statement of Reasons for Determination

4.1 In reviewing these criteria the Council has been mindful of the fact that the Draft Interim Affordable Housing Policy has been produced in direct response to updated

evidence on which policies are to be based (the Economic Viability Appraisal). The fundamental policy approach set out in the SPG is not altered – in essence the guidance is being updated to reflect current market conditions.

4.2 Having reviewed the criteria in this manner the Council concludes that the draft Interim Affordable Housing Policy **is unlikely to have significant environmental effects**, and therefore does not require a Strategic Environmental Assessment.

4.3 Before it can be confirmed that a SEA is not needed, it is necessary to consult the three environmental bodies over this screening determination. (Consultation is currently ongoing). This screening determination will therefore be updated when the views of these three “bodies” are known, and the updated screening determination will be made available to the public.