3 Sustainability Appraisal and Strategic Environmental Assessment

Legislation and Guidance
3.1 Section 39(2) of the Planning and Compulsory Purchase Act 2004 states that SA is mandatory for Regional Spatial Strategy revisions and for new or revised Development Plan Documents (DPDs) and Supplementary Planning Documents (SPDs). Planning authorities are also required to conduct an environmental assessment in accordance with the requirements of the SEA Directive 2001/42/EC on “the assessment of the effects of certain plans and programmes on the environment”, which was translated into UK legislation by the Environmental Assessment of Plans and Programmes Regulations 2004 (the ‘SEA Regulations). The SEA Directive requires that a formal assessment is undertaken or plans and programmes which are likely to have significant effects on the environment.

3.2 The SLWP’s approach to undertaking SA as part of the preparation of the South London Waste Plan is based on Government guidance on ‘SA of Regional Spatial Strategies and LDFs’ issued by the former ODPM in November 2005, which is designed to ensure compliance with the SEA Directive.

Main Stages of Appraisal
3.3 Government guidance identifies five main stages of appraisal (A to E) that should be carried out as part of the preparation of all DPDs, such as the South London Waste Plan. Each stage consists of a number of ‘key tasks’ as outlined below.

Stage A: Setting the Context and Objectives, Establishing the Baseline and Deciding on Scope
3.4 Stage A, to be undertaken as part of the LDF evidence-gathering process, consist of the following tasks:

- **Task A1:** Identifying other relevant policies, plans and programmes, and sustainability objectives which are likely to influence the options to be considered (Section 3);
- **Task A2:** Collecting ‘baseline’ information to enable the impacts of policy options on sustainability objectives to be predicted and monitored (Section 4);
- **Task A3:** Identifying sustainability issues and environmental problems as the basis for defining key issues for the DPD to address (Section 5);
- **Task A4:** Developing the SA Framework, consisting of sustainability objectives, indicators and targets, in order to test the environmental, social and economic effects of the plan (Section 6); and
- **Task A5:** Consulting on the scope of the SA on the basis of a Scoping Report presenting the outcome of Stage A (i.e this document).

3.5 The SA Scoping Report i.e. (this document) presents the outcome of Stage A in relation to the appraisal of the emerging South London Waste Plan.

Stage B: Developing and Refining Options and Assessing Effects
3.6 Stage B, which is to be undertaken as part of the preparation of ‘issues and options’ and subsequently in the preparation of ‘Preferred Options’ (or draft SPDs), involves:

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• **Task B1**: Testing the DPD/ SPD objectives against the SA Framework to ensure compatibility;

• **Task B2**: Developing the DPD/ SPD options, working with the community and stakeholders, in order to achieve the DPD objectives and contribute to sustainable development;

• **Task B3**: Predicting the social, economic and environmental effects of the DPD/ SPD options against the SA Framework and comparing with the ‘no DPD’ and ‘business as usual’ scenarios;

• **Task B4**: Evaluating the effects of the DPD or SPD in terms of their significance and the overall sustainability of each option, including the ‘Preferred Option’ or draft SPD;

• **Task B5**: Considering ways of mitigating adverse effects and maximising beneficial effects; and

• **Task B6**: Proposing measures to monitor the significant effects of implementing the DPD or SPD.

**Stage C: Preparing the Sustainability Appraisal Report**

3.7 The SA Report, which must be prepared alongside the DPD Preferred Options document for statutory public consultation, is the key output of the appraisal process.

• **Task C1**: Preparing the SA Report.

3.8 The SA Report should present the outcome of Stages A and B and clearly show that the SEA Directive’s requirements have been met in terms of providing information on the likely significant effects on the environment, the reasons for selecting the alternatives dealt with and measures to prevent, reduce or offset any potentially adverse effects.

3.9 In relation to the emerging South London Waste Plan, an initial SA Report presenting the likely environmental, social and economic effects of each option will be prepared to inform public consultation on issues and options between September and November 2008 (although it should be recognised that formal publication of an SA Report at the issues and options stage of DPD preparation is not a requirement of Government guidance or the SEA Regulations).

Subsequently, the final version of the SA Report will then be prepared for public consultation at the ‘Preferred Options’ stage in accordance with Task C1 (scheduled for September-October 2009).

**Stage D: Consulting on the Preferred Options of the DPD and SA Report**

3.10 Stage D involves the following Tasks:

• **Task D1**: Public participation on the Preferred Options of the DPD (or draft SPD) and the SA Report to give the public and statutory bodies an opportunity to comment;

• **Task D2(i)**: Appraising significant changes which may have been incorporated within the DPD prior to submission (or within the SPD prior to adoption);

• **Task D2(ii)**: Appraising significant changes resulting from representations (DPDs only); and

• **Task D3**: Making decisions and providing information through the production of an Adoption Statement to accompany the adopted DPD. The Adoption
Statement will outline how the findings of SA have been taken into account and how sustainability considerations have been integrated into the DPD.

Stage E: Monitoring the Significant Effects of Implementing the DPD

3.11 Stage E involves monitoring the significant effects of the plan in order to measure its performance against sustainability objectives and inform future policy revisions:

- **Task E1:** Finalising aims and methods for monitoring; and
- **Task E2:** Responding to adverse effects.

3.12 In line with Government guidance on ‘LDF Monitoring: A Good Practice Guide’ (ODPM, 2005), Annual Monitoring Reports (AMRs) should include the findings of SA Monitoring. In the case of the South London Waste Plan, it is intended that AMRs prepared within each of the four Boroughs will provide the means for reporting on the significant effects of the South London Waste Plan in order to measure its performance against the sustainability objectives, indicators and targets making up the SA Framework (see Section 7).

**Key Outputs of Appraisal**

3.13 Figure 3.1 provides an overview of how each stage of the SA process relates to the DPD preparation process.

*Figure 3.1: Main Stages of SA In relation to the DPD Process*

3.14 Figure 3.2 sets out the key outputs of the SA process in relation to the South London Waste Plan in terms of the expected timescale for the preparation of SA Reports for public consultation.
<table>
<thead>
<tr>
<th>DPD Stage</th>
<th>Key Appraisal Outputs (publication of SA Reports)</th>
<th>Timescale</th>
</tr>
</thead>
<tbody>
<tr>
<td>Evidence Gathering</td>
<td>SA Scoping Report (i.e. this document)</td>
<td>Consultation with Statutory Bodies 1July - 5 Aug 2008</td>
</tr>
<tr>
<td></td>
<td>SA Stages A1-A5</td>
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<tr>
<td>document</td>
<td>SA Stages A1-A5</td>
<td></td>
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<tr>
<td>Consultation on the draft Waste Plan</td>
<td>Final SA Report</td>
<td>Sept to Oct 2009</td>
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<tr>
<td>Submission of the Waste Plan to the</td>
<td>(Appraisal of significant changes)</td>
<td>June 2010</td>
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<tr>
<td>Secretary of State</td>
<td>SA Stage D2(i)</td>
<td></td>
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<tr>
<td>Independent Examination</td>
<td>(Appraisal of significant changes arising from representations)</td>
<td>Dec 2010</td>
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<td></td>
<td>SA Stage D2(ii)</td>
<td></td>
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<tr>
<td>Adoption</td>
<td>Ongoing monitoring of significant effects of implementing the DPD (via AMRs prepared by the 4 Boroughs)</td>
<td>From Sept 2011</td>
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<td></td>
<td>SA Stages E1 and E2</td>
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</tbody>
</table>

**Equalities Impact Assessment**

3.15 An Equalities Impact Assessment (EqIA) is required as part of the SA process to ensure that the DPD options will not adversely affect the members of socially excluded or vulnerable groups and to assist in meeting the Boroughs’ statutory duties under the Disability Discrimination Act (1995), Race Relations Amendment Act (2000) and other regulations. An EqIA will be prepared accordingly as part of the SA Interim Report on Issues and Options.

**Habitats Directive Assessment (HDA) Screening**

3.16 The purpose of the Habitats Directive Assessment (HDA) of land use plans is to ensure that the protection and integrity of European nature conservation sites (also known as the Natura 2000 network) is part of the planning process at the regional and local level. In October 2005, the European Court of Justice ruled that a HDA must be carried out on all land use planning documents. This requirement has subsequently been implemented in the UK through an amendment to the 1994 Conservation (Natural Habitats) Regulations (August 2007). The regulations are responsible for safeguarding conservation sites of EU importance such as Special Protection Areas (SPAs), Special Areas for Conservation (SACs) and international RAMSAR sites.

3.17 Government guidance on HDAs identifies three steps (1) likely significant effects (2) Appropriate Assessment and ascertaining the effect on site integrity, and (3) Mitigation and alternative solutions. Task 1 of the HDA process, which identifies whether a plan option is ‘likely to have a significant effect’ on a European site, is referred to as ‘screening’ under the Regulations. There is therefore a need to prepare a HDA Screening Report in support of the Joint Waste DPD Issues and Options document in order to determine whether stages 2 and 3 of the HDA are required.