

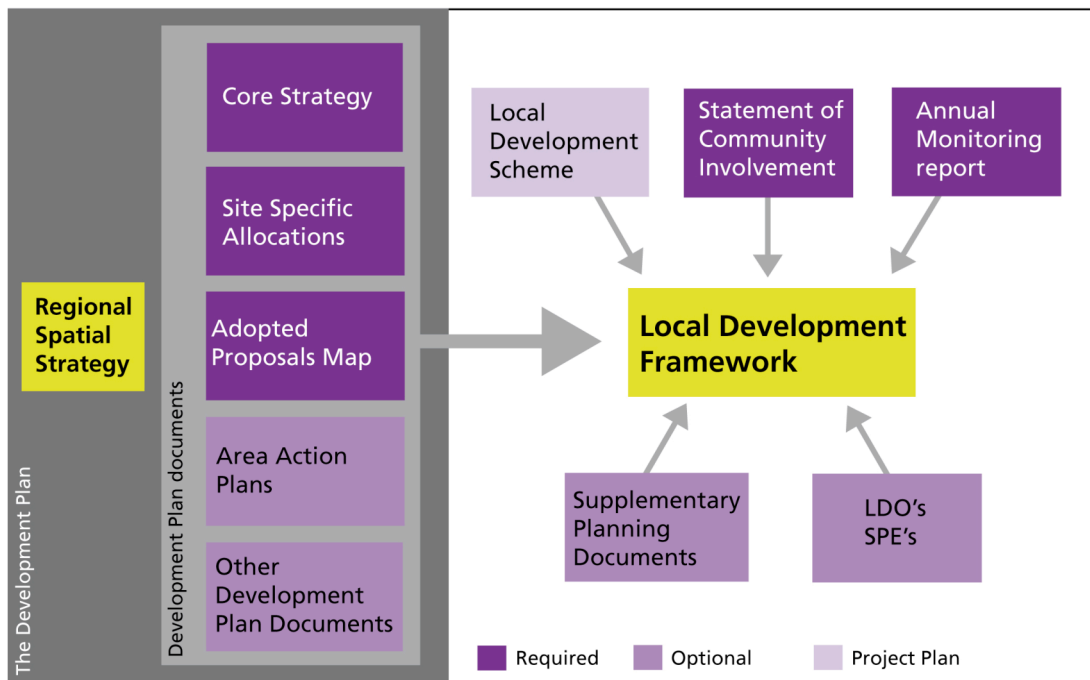
**Draft Sustainability Appraisal Report  
Appendix C: Legal and Policy Background for Sustainability  
Appraisal and Area Action Plans  
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The 2004 Planning and Compulsory Purchase Act introduced a number of significant changes to the planning system in England. Under the 2004 Act, existing unitary development plans are to be replaced by a local development framework (LDF). The LDF will comprise a number of separate **local development documents**, including a **core strategy** for the borough and detailed development control policies, a borough-wide **proposals map**, **area action plans** relating to a specific location within the borough, and other **supplementary planning documents**. An outline of the contents of the Local Development Framework is illustrated in Figure 1 below.

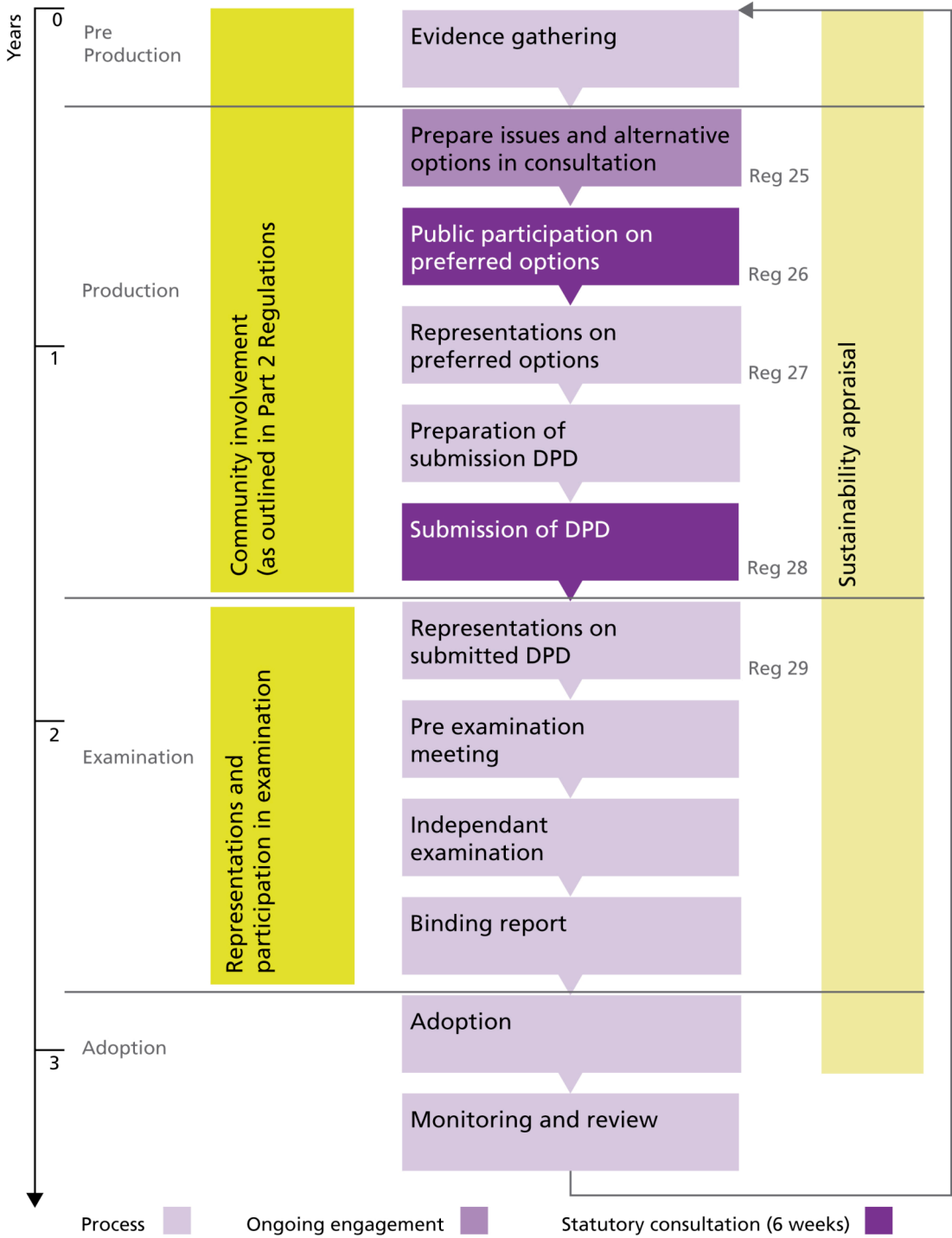
**Figure 1 Local Development Framework Contents**



Together with the regional spatial strategy (the London Plan), the core strategy as well as area action plans will comprise “development plan documents” and once these have been adopted, they will be the primary consideration in determining planning applications.

The stages in preparing an area action plan is set out in Figure 2 below:

**Figure 2 Stages in the preparation of an area action plan**



Section 39 of the Planning and Compulsory Purchase Act 2004 requires that Sustainability Appraisals are prepared for all local development documents, including area action plans.

### **Strategic Environmental Assessment and Sustainability Appraisal**

The AAP and SPD also fall within the definition of a 'plan or programme' under European Directive 2001/42 (the SEA Directive) and because it likely to have significant environmental effects, it must also undergo a Strategic Environmental Assessment (SEA), as part of a sustainability appraisal. The SEA directive is transposed into UK law by the Environmental Assessment of Plans and Programmes Regulations 2004.

Guidance on the implementation of the 2004 Regulations and the Planning and Compulsory Purchase Act is set out in the ODPM's Practical Guide to the Strategic Environmental Assessment Directive (September 2005) and Sustainability Appraisal of Regional Spatial Strategies and Local Development Documents (November 2005) respectively.

These guidance documents set out a similar methodology to be used in the preparation of both SAs and SEAs. It is common practice that SAs incorporate an SEA. In the case of the AAP and SPD, all reference to SA should be understood as referring to both the SA and SEA process.

SEA involves the systematic identification and evaluation of the environmental impacts of a strategic action (e.g. a plan or programme). In 2001, the EU legislated for SEA with the adoption of Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment (the 'SEA Directive'). The aim of the SEA Directive is "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". It seeks to do this by ensuring that an environmental assessment is carried out of certain plans and programmes which are likely to have significant effects on the environment.

The Directive was transposed into English law by the Environmental Assessment of Plans and Programmes Regulations 2004 (the 'SEA Regulations'). The SEA Regulations require that an environmental assessment is conducted for plans and programmes that are subject to preparation and / or adoption by a national, regional or local authority.

SA is a wider process in the planning system to encompass economic and social aspects in addition to environmental concerns of SEA. Under the Planning and Compulsory Purchase Act 2004 Section 39(2), local authorities must undertake SA when preparing or revising all local development documents, inclusive of AAPs and SPDs. SA is therefore a statutory requirement for AAPs and SPDs along with SEA.

The stages in the preparation of SA and their relationship to the stages in the preparation of an AAP and SPD are as follows:

**Table 1 SA and SEA in relation to the stages required in preparing an Area Action Plan**

Stages in the preparation of Sustainability Appraisals and Strategic Environmental Assessments	Corresponding AAP Stage
<b>Stage A: Setting the context and objectives, establishing the baseline and deciding on the scope</b>	
<b>Task A1:</b> Identifying other relevant policies, plans and programmes and sustainable development objectives which should be taken into account in preparing the AAP and undertaking the SA/SEA	<b>Gathering evidence to form the baseline for the AAP</b>
<b>Task A2:</b> Collecting relevant social, environmental and economic baseline information to understand the current context and in order to be able to measure future progress	
<b>Task A3:</b> Identifying sustainability issues and problems which may apply to the area, using the baseline information and other relevant sources of local knowledge	
<b>Task A4:</b> Developing the sustainability appraisal framework, comprising sustainability objectives, indicators and targets.	
<b>Task A5:</b> Preparing and consulting on a Scoping Report. Consultation must be undertaken with the Environment Agency, English Heritage and Natural England, as well as relevant bodies set out in Planning Policy Guidance Note 12	
<b>Stage B: Developing and refining options and assessing effects</b>	
<b>Task B1:</b> Testing the AAP objectives against the sustainability objectives to identify potential synergies or possible inconsistencies	<b>Assess issues and options in the AAP area and undertake consultation on these</b>
<b>Task B2:</b> Developing the AAP options and preferred options	
<b>Task B3:</b> Predicting the social, economic and environmental effects of the preferred options	
<b>Task B4:</b> Evaluating the predicted effects of the AAP options	
<b>Task B5:</b> Considering ways of mitigating adverse effects and maximising beneficial effects	
<b>Task B6:</b> Proposing measures to monitor the significant effects of implementing the AAP	
<b>Stage C: Preparing the Sustainability Appraisal Report</b>	
<b>Task C1:</b> Preparing the Sustainability Appraisal Report	<b>Prepare Preferred Options Report</b>

Stages in the preparation of Sustainability Appraisals and Strategic Environmental Assessments	Corresponding AAP Stage
<b>Stage D: Consulting on the Development plan document and the Sustainability Appraisal Report</b>	
<b>Task D1:</b> Public participation on the sustainability appraisal report	<b>Consult on Preferred Options Report</b>
<b>Task D2:</b> Amending the Sustainability Appraisal where necessary to take account of significant changes in either the submission draft AAP or adoption draft AAP, made as a result of consultation on the sustainability appraisal	<b>Prepare submission draft AAP for consultation and progress through examination in public</b>
<b>Task D6:</b> Preparing a Sustainability Statement prior to adoption, and summarising information on how the findings of the sustainability appraisal and consultees opinions have been taken into account in the preparation of the AAP	<b>Adopt AAP</b>
<b>Stage E: Monitoring the significant effects of implementing the AAP</b>	<b>Monitor AAP through the Annual Monitoring Report</b>
<b>Task E1:</b> Finalising aims and methods for monitoring for effects of the AAP	
<b>Task E2:</b> Monitor significant effects of area action plan to identify at an early stage any unforeseen adverse effects	