

Sustainability Appraisal Report June 2012



Table of Contents

Non-technical summary	2
Statement on the difference the process has made to date	3
How to comment on the report	3
1 Background.....	4
1.1.0 Purpose of the Sustainability Appraisal and the Sustainability Appraisal Report ..	4
1.2.0 This Report.....	6
1.3.0 The Public Houses Policy	6
2 Assessment of the Policy Options	7
2.1.0 Testing the Policy options against the SA Objectives.....	7
2.2.0 Towards a preferred option	11
2.3.0 Predicting and evaluating the effects (including secondary, cumulative and synergistic) of the preferred Policy option against the business as usual scenario.	12
2.4.0 Conclusions.....	15
3 Mitigation and Monitoring.....	15
3.1.0 Mitigation.....	15
3.2.0 Monitoring	16
3.3.0 Difficulties encountered in compiling information or carrying out the assessment	16
4 Consultation	17
Appendix I – SA Objectives	18
Appendix II – Other relevant local plans / policies / strategies	19
Appendix III – Assessment of the Option	20
Appendix IV – Predicting the Effect of the Preferred Option (both policies combined).....	24
Appendix V – Definitions	28
Appendix VI - Quality Assurance checklist	29
Appendix VII – Glossary	34

Non-technical summary

The purpose of this policy review is to develop a planning policy that resists the loss of public houses. The Council adopted its Core Strategy in December 2010, a document which looks ahead to 2028 setting a clear policy framework with regard to where new development should be located, the nature of this development and what uses should be protected. Public houses are considered a social and community use in the Borough and recent concern over their loss to residential use has been noted. The issue was raised when preparing the Core Strategy, and although the loss of public houses was regrettable, back then, it was considered that there was too little evidence to resist their loss. The issue of loss of public houses has been kept under review, and due to an increase number of pubs being lost to other uses, it is considered appropriate to re-evaluate the matter.

The document supports the following policies in the Core Strategy: CK1: Social and Community Uses; CK3: Walkable Neighbourhoods and Neighbourhood Facilities; CL1: Context and Character; and CL3: Conservation Areas and Historic Spaces. This document has been designed to address two specific issues raised by the loss of public houses: the loss of a community facility, and the loss of a use which contributes to the character of an area and its sense of place.

In line with the requirements of the SEA Directive (2001/42/EC) and the Planning and Compulsory Purchase Act (2004) (as amended), the policy has been subject to a Strategic Sustainability Assessment/Sustainability Appraisal (SEA/SA). The Public Houses SEA/SA Scoping Report identified the issues relevant to public houses and the SA Objectives (or framework) developed as part of the SEA/SA for the Core Strategy. Statutory consultees were consulted on the Scoping Report and their feedback was taken into consideration in the preparation of this report. The SEA/SA examined the compatibility of the 4 different policy options with the SA Framework. The report also appraised the aims of the preferred option, option 4 to highlight any potential negative impacts and address them through mitigation measures.

The aim of the policy is unlikely to affect 6 of the SA Objectives, have a positive effect on 5 of the objectives, and a negative effect on 1 of the objectives. The effect of the policy on 4 of the objectives is unclear. The preferred option, unlike the other options, would have a positive effect on SA Objective 4.

The final adopted policy will be taken into consideration by the Council as a material consideration in the determination of planning applications for the change of use of any A2, A3 or A4 use within the Town and Country Planning (Use Classes) Order 1987 (as amended); and for a change of use where the use contributes to the character and significance of the surrounding area, and to its sense of place.

The preparation of this document has been informed by the responses to the consultation, the Public Houses Scoping Report and the Core Strategy SEA/SA.

Monitoring is important in order to identify any unforeseen adverse effects of adopting the policy. In order to monitor the effect of the adoption of the policy, it is proposed to use the following indicators: Housing trajectory; number of appeals related to viability; number of complaints to Environmental Health on amenity related to Public Houses or other eating and drinking establishments; and the number of anti-social behaviour complaints.

Statement on the difference the process has made to date

The Sustainability Appraisal has highlighted the likely effects of the adoption of the policy. RBKC will be considering comments on the SEA/SA report together with responses from the consultation on the draft policy document.

The ultimate effectiveness of the policy for the protection of public houses, from the point of view of sustainable development, will depend on an effective partnership between RBKC, prospective developers and the wider community.

How to comment on the report

To comment on this report please contact:

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The report can also be accepted at:

<http://www.rbkc.gov.uk/planningandconservation/planningpolicy/publichouses.aspx>

1 Background

1.1.0 Purpose of the Sustainability Appraisal and the Sustainability Appraisal Report

- 1.1.1 The Strategic Environmental Assessment (SEA) / Sustainability Appraisal (SA) of the Policy for the Protection of Public Houses has been undertaken by the Planning and Borough Development Department of the Royal Borough of Kensington and Chelsea.
- 1.1.2 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 Directive entered into force in the UK on 21 July 2004 and applies to a range of English plans and programmes including Local Development Frameworks (LDFs).
- 1.1.3 The UK Government has chosen to implement the SEA directive through 'Sustainability Appraisal' (SA), a method that fully encompasses economic and social concerns, as well as those of the environment. Under the Planning and Compulsory Purchase Act 2004 (PCPA), Local Authorities must undertake SA for each of their Development Plan Documents (DPDs) and Supplementary Planning Documents (SPDs) – the constituent parts of the LDF.
- 1.1.4 A sustainability framework has been prepared by the Council for all documents within the LDF. This is reviewed with each individual document, and an addendum scoping report prepared.
- 1.1.5 In October 2005, the Government published guidance on undertaking combined SEA / SA of LDFs ('the Guidance'¹). This guidance was followed for the production of the SA.
- 1.1.6 The SEA Directive sets out a statutory process that must be followed. The SEA Requirement Checklist (Table 1.1) and Quality Assurance checklist (Appendix V) have been used to ensure the requirements of the SEA Directive are met.
- 1.1.7 The SA Report supports the public consultation on the Public Houses Policy document, as required by Regulation 24 of the Town and Country Planning (Local Development) (England) Regulations, 2004 (as amended). It is intended to inform decision makers within the Council, alongside public and stakeholder responses to the consultation, before the policy document is finalised. Issuing the SA Report alongside the policy helps provide objective information for consultees, so that their responses can be made in full awareness of the predicted sustainability impacts of different 'options'. It also shows what information is being fed into the decision making process and how this was arrived at.
- 1.1.8 Table 1.1 below indicates where specific requirements of the SEA Directive can be found:

¹ODPM (2005) Sustainability Appraisal of Regional Spatial Strategies and Local Development Documents.

Table 1.1: SEA Directive requirements checklist

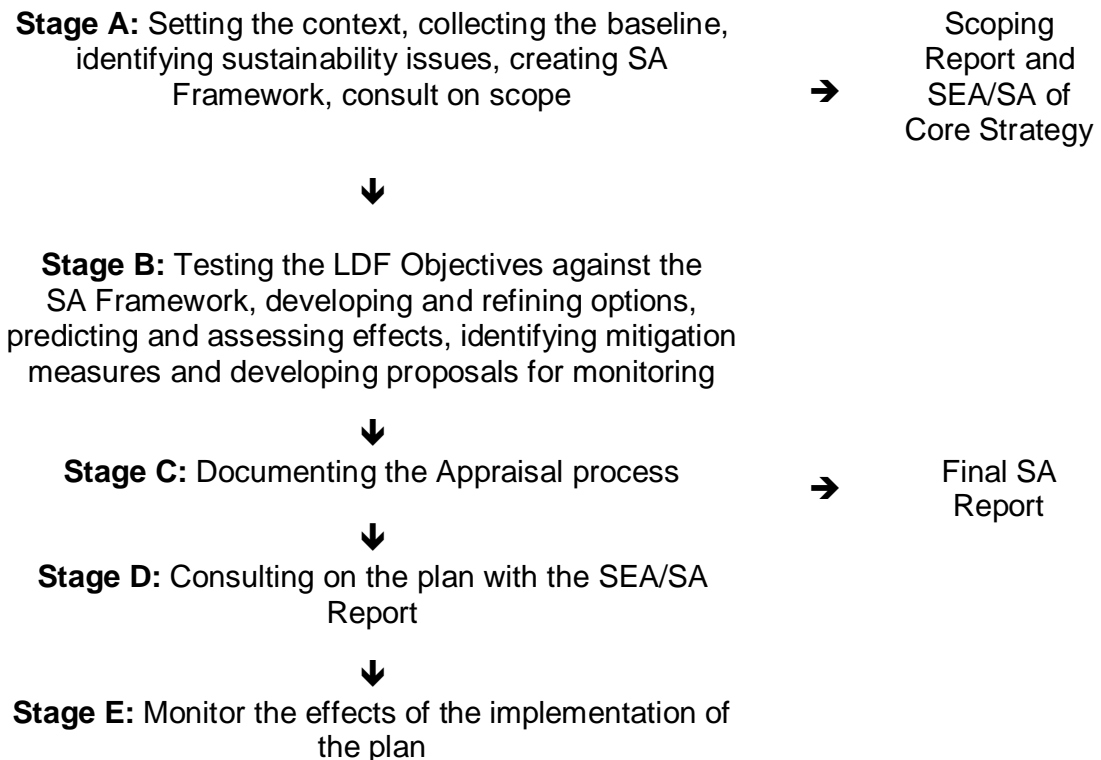
<i>Environmental Report Requirements</i> ²	<i>Section of this report</i>
(a) an outline of the contents, main objectives of the plan or programme and relationship with other relevant plans and programmes;	Chapter1 & Scoping Report
(b) the relevant aspects of the current state of the environment and the likely evolution thereof without implementation of the plan or programme;	Scoping Report
(c) the environmental characteristics of areas likely to be significantly affected;	Scoping Report Addendum
(d) any existing environmental problems which are relevant to the plan or programme including, in particular, those relating to any areas of a particular environmental importance, such as areas designated pursuant to Directives 79/409/EEC (The Birds Directive) and 92/43/EEC (The Habitats Directive);	Scoping Report
(e) the environmental protection objectives, established at international, Community or Member State level, which are relevant to the plan or programme and the way those objectives and any environmental considerations have been taken into account during its preparation;	Scoping Report & Appendix I
(f) the likely significant effects on the environment, including on issues such as biodiversity, population, human health, fauna, flora, soil, water, air, climatic factors, material assets, cultural heritage including architectural and archaeological heritage, landscape and the interrelationship between the above factors;	Chapter 3
(g) the measures envisaged to prevent, reduce and as fully as possible offset any significant adverse effects on the environment of implementing the plan or programme;	Chapter 4
(h) an outline of the reasons for selecting the alternatives dealt with, and a description of how the assessment was undertaken including any difficulties (such as technical deficiencies or lack of know-how) encountered in compiling the required information;	Chapter 2
(i) a description of the measures envisaged concerning monitoring in accordance with Article 10;	Chapter 4
(j) a non-technical summary of the information provided under the above headings.	See NTS

² As listed in Annex I of the SEA Directive (Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment)

1.2.0 This Report

1.2.1 Figure 1 shows the five-stage approach of the SA/SEA process recommended in the Guidance. Stage A was carried out and documented in the SA Scoping Report for the Public Houses. Consultation was carried out on the Scoping Report in line with Regulation 24 of the Town and Country Planning (Local Development) Regulations 2004 (as amended) and responses were integrated into the report accordingly.

Figure 1: Five Stages of SA preparation process (ODPM, 2005 p.58)



1.2.2 To examine the SA framework and other Sustainability Appraisal work conducted to date on the developing Public Houses Policy, please refer to the “Scoping Report”. This is available on the Council’s website³.

1.2.3 This report records Stages B and C of the SA process. Stage C involves the preparation of the SA report, which is documented here.

1.3.0 The Public Houses Policy

1.3.1 The Royal Borough of Kensington and Chelsea adopted its Core Strategy in December 2010. One of the Council’s strategic objectives in the Core Strategy is for *Keeping Life Local* so that residential communities can flourish. This means

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http://uk.sitestat.com/rbkc/rbkc/s?idoc&ns_type=pdf&ns_url=http://www.rbkc.gov.uk/planningandconservation/planningpolicy/idoc.ashx?docid=0a7f728f-35d7-41cd-aa56-d0d717bf8686&version=-1

protecting uses that have lower land values, but remain of high value to the community.

- 1.3.2 Policy CK1 sets out to protect a wide range of social and community uses, uses which include medical facilities and care homes; hostels; laundrettes; libraries; petrol filling stations; places of worship; places of education and sports facilities. The full list can be found at paragraph 30.3.4 of the Core Strategy.
- 1.3.3 In the Core Strategy, particular reference is made to the Borough's public houses. Whilst these are considered to be a form of social and community facility, the Council concluded that given that so few public houses had been lost in the decade previous to the writing of the policy, "there is too little evidence to resist their loss at the present time." The Core Strategy did, however, recognise that any loss is of concern and that this position would be "kept under review". The latest Annual Monitoring Report (AMR) confirms information provided by some of our residents - that public houses continue to be lost to other uses. Therefore, the Council has decided to review its policies with regard to the protection of public houses.
- 1.3.4 The purpose of the policy review is to develop a planning policy to prevent the loss of public houses. Two main issues are considered: the loss of a social and community facility and the contribution to the character of an area by reason of physical appearance and use. These two issues were highlighted in the Scoping Study.

2 Assessment of the Policy Options

2.1.0 Testing the Policy options against the SA Objectives

- 2.1.1 Under the SEA Directive, plan and programme, proponents should ensure that: "reasonable alternatives taking into account the objectives and the geographical scope of the plan or programme, are identified, described and evaluated" (Article 5(1)) and the Environmental Report should include "an outline of the reasons for selecting the alternatives dealt with" (Annex I (h)).
- 2.1.2 The Public House Policy Issues and Options document contains four alternatives, which are the following:
 - Option one:** The Council should resist the loss of Class A4 uses (drinking establishments including public houses) across the Borough.
 - Option Two:** The Council should resist the loss of Class A4 uses (drinking establishments including public houses) and Class A3 uses (restaurants and cafes) across the Borough.
 - Option Three:** In consultation with residents groups, land owners and other interested stakeholders, the Council will draw up a list of public houses which it would like to see protected. The loss of any public houses on this list will be resisted.
 - Option Four:** The Council should resist the loss of A4, A3 and A2 Class uses, when the facility acts as a community facility and/or contributes to the character and appearance of the area.

2.1.3 The aims of the different Policy options are to protect assets that are important to the community and to the historic environment. It is considered that the Council's 16 SA objectives set out in the LDF SEA/SA Scoping Report are appropriate to assess the implications of the emerging policy.

2.1.4 Table 2.2 below assesses the compatibility of the different policy options with the SA objectives. Table 2.1 shows the marking scheme used.

Table 2.1 Marking scheme

+	Objectives are compatible
-	Objectives are conflicting
?	Objective correlation is unknown
X	No Objective correlation (i.e. unlikely to have a significant effect)

Table 2.2 Comparison of the key aims of the SPD with the SA objectives

SA OBJECTIVE	Option 1	Option 2	Option 3	Option 4	COMMENT
1. To conserve and enhance the natural environment and biodiversity.	X	X	X	X	The different options do not have an obvious impact on the natural environment.
2. Reduce crime and anti-social behaviour and the fear of crime.	+/-	+/-	+/-	+/-	The presence of drinking and eating establishments normally adds to the vibrancy of an area and makes it feel more secure. On the other hand, if not managed properly it could lead to a detriment of amenity.
3. To support a diverse and vibrant local economy to foster sustainable economic growth.	+	+	+	++	Drinking and eating establishments are considered to contribute to the vibrancy and diversity of an area.
4. Encourage social inclusion, equity, the promotion of equality and a respect for diversity.	-	+	-	+	The different options of the policy might not impact different groups equally.
5. Minimise effects on climate change through reduction in emissions, energy	?/x	?/x	?/x	?/x	There is not a clear correlation between the policy and this SA objective.

efficiency and use of renewables.					
6. Reduce the risk of flooding to current and future residents.	X	X	X	X	There is no correlation between the policy and this SA objective.
7. Improve air quality in the Royal Borough.	?/X	?/X	?/X	?/X	There is no a clear correlation between the policy and this SA objective.
8. Protect and enhance the Royal Borough's parks and open spaces.	X	X	X	X	There is no correlation between the policy and this SA objective.
9. Reduce pollution of air, water and land.	?/X	?/X	?/X	?/X	There is no a clear correlation between the policy and this SA objective.
9a. Prioritize development on previously developed land.	+	+	+	+	The policy encourages development on land that has been already developed.
10. To promote traffic reduction and encourage more sustainable alternative forms of transport to reduce energy consumption and emissions from vehicular traffic.	+/x	+/x	+/x	+/x	The policy does not have a direct relation with traffic. However, the promotion and protection of local facilities may lead to a reduction in the need to use private transport.
11. Reduce the amount of waste produced and maximise the amount of waste that is recycled.	X	X	X	X	There is no correlation between the policy and this SA objective.
12. Ensure that social and community uses and facilities which serve a local need are enhanced, protected, and to encourage the provision of new community facilities.	+	+	+	++	The policy seeks to protect uses that are considered to serve the community needs. Option 4 would have a more positive impact than the others since it aims to protect different uses that are considered to fulfil

					community needs.
13. To aim that the housing needs of the Royal Borough's residents are met.	-	-	-	-	This policy would not allow for the increase in the Borough's housing provision.
14. Encourage energy efficiency through building design to maximise the re-use of buildings and the recycling of building materials.	X	X	X	X	There is no correlation between the policy and this SA objective.
15. Ensure the provision of accessible health care for all Borough residents.	X	X	X	X	There is no correlation between the policy and this SA objective.
16. To reinforce local distinctiveness, local environmental quality and amenity through the conservation and enhancement of cultural heritage.	+	+	+	+	One of the aims of this policy is to prevent the loss of an asset that contributes to the character or appearance of the area. The use of the property is considered to contribute to this character and a sense of place.

2.1.5 The different options are unlikely to have any significant effect on 6 of the 17 SA Objectives. This is due to the specific nature of the policy. The options would not affect the following objectives:

- Conserve and enhance the natural environment and biodiversity (SA objective 1).
- Reduce the risk of flooding to current and future residents (SA objective 6)
- Protect and enhance the Royal Borough's parks and open spaces (SA objective 8).
- Reduce the amount of waste produced and maximise the amount of waste that is recycled (SA objective 11).
- Encourage energy efficiency through building design to maximise the re-use of buildings and the recycling of building materials (SA objective 14).
- Ensure the provision of accessible health care for all Borough residents (SA objective 15).

2.1.6 Policy options are likely to have a positive relationship with SA objectives 3, 9a, 10, 12 and 16. The aim of all the options is to promote and protect uses that are considered community facilities, protect the Borough's architectural heritage and

contribute to the character of an area and its sense of place. The reduction of traffic as a consequence of retaining local facilities could have indirect effects, such as minimising the effects of climate change (SA objective 5), improving air quality (SA objective 7) and reducing air pollution (SA objective 9).

- 2.1.7 There is a negative relationship with SA objectives 13, due to the policy options not allowing for the increase in the Borough's housing provision. However, the Council has other policies in place to ensure the residents' housing needs are met.
- 2.1.8 The relationship between the aims of the policy options and SA Objective 2 is also unclear. Although there is a link between excessive alcohol consumption and crime and disorder, if managed properly, drinking and eating establishments would not disturb the amenity of the area but could add to its vibrancy and may make it feel more secure.
- 2.1.9 The four different options of the policy would have a different effect on SA Objective 4, which refers to social inclusion and equalities. This will be discussed in more depth in the following sections.

2.2.0 Towards a preferred option

- 2.2.1 The Guidance advises *“the LPA appraises in broad terms the effects of strategic options and then in more detail the effects of the preferred options when these have been selected”*. The preferred option is the adoption of option four: “The Council should resist the loss of A4, A3 and A2 Class uses, when the facility acts as a community facility and/or contributes to the character and appearance of the area”
- 2.2.2 The nature and continued use of a building, especially one for which it was originally built, would contribute to the character of an area. This was identified in the Issues and Options paper and addressed later during the consultation process. It was therefore considered necessary to derive the generic policy into two separate policies, one of them that would refer specifically to the protection of uses, when they contribute to the character of the area and its sense of place. The preferred option policies are the following:
- “The Council will resist the loss of Public Houses and other Drinking Establishments (Class A4) throughout the Borough; and Restaurants and Cafes (Class A3) and Financial and Professional Services (Class A2) outside of Higher Order Town Centres”.
 - “The Council will resist the change of use of any building where the current use contributes to the character and significance of the surrounding area, and to its sense of place”.
- 2.2.3 The Guidance also recommends that in predicting and evaluating the effects of a policy it is useful to examine *“whether the effect will be permanent rather than temporary, and the time scale over which the effect is likely to be observed”*. In addition, the Guidance suggests that the uncertainty surrounding predictions should be identified.

- 2.2.4 Appendix IV shows the table recording the prediction and evaluation of the effects of the policy, incorporating the likely temporal effects and uncertainty of the effects of the option on the SA objectives. Suggestions for mitigation measures are also put forward where relevant.
- 2.2.5 Public houses do not only represent valuable meeting places, but they also often make a contribution to the local distinctiveness of the area by help creating a sense of place and vitality. They can also add to the vibrancy and diversity of the local economy.
- 2.2.6 However, it is not only public houses that serve a local need, other drinking and eating establishments can also offer valued meeting places and contribute positively to the vitality of not only the Borough's town centres but also predominantly residential areas . Financial and professional services, such as banks and building societies, also fulfil a valuable supporting role for the community. Protecting all these uses therefore, would guarantee the policy impacts equally on the community, and it does not benefit a particular group.
- 2.2.7 Option 4 ensures that facilities that are considered to serve a local need are protected. This option also encourages social inclusion, equity, the promotion of equality and a respect for diversity, since it does not favour any particular social group.
- 2.2.8 The distinctive character of many buildings derives not only from their physical appearance, but from the purpose for which they were built. Their architectural and historic interest is inherent not just to the building itself, but to its use. Historical uses can contribute to the character of an area and to a sense of place.
- 2.2.9 The responses from the consultation on the issues and options for developing a planning policy on resisting the loss of public houses (and other uses in relation to option 4) showed that 43.6% of the respondents preferred option 4; 23.6% preferred option 1; 14.5% preferred option 2; 7.3% preferred option 3; and 11% did not choose any of these options.
- 2.3.0 Predicting and evaluating the effects (including secondary, cumulative and synergistic) of the preferred Policy option against the business as usual scenario.**
- 2.3.1 Given the duty under the Planning and Compulsory Purchase Act on those preparing a planning policy to contribute to sustainable development, it is essential for the preferred policy to set out to improve on the situation which would exist if there were no policy. The no policy (business as usual) option was therefore considered as an alternative option to the policy.
- 2.3.2 The two options (business as usual and adopting option 4) were compared against the SA objectives. The anticipated effect was predicted alongside comments made on the likely impact on the objective. Table 2.3 provides a summary of the assessment of option 4 and the business as usual option. The full assessment matrices can be found in Appendix III. The appraisal was carried out using information in the SEA/SA of the Core Strategy and information related to Public Houses in Kensington and Chelsea. The scoring criteria in Table 2.1 are applicable for Appendices III and IV.

Table 2.3 Assessment of the compatibility of option 4 and the business as usual scenario with the SA objectives.

SA OBJECTIVE	Preferred option		No policy
	Protection of A Class Uses	Protection of uses	
1. To conserve and enhance the natural environment and biodiversity.	X	X	X
2. Reduce crime and anti-social behaviour and the fear of crime.	+/-	?	+/-
3. To support a diverse and vibrant local economy to foster sustainable economic growth.	++	++	-
4. Encourage social inclusion, equity, the promotion of equality and a respect for diversity.	+	X	x
5. Minimise effects on climate change through reduction in emissions, energy efficiency and use of renewables.	?/x	X	?/x
6. Reduce the risk of flooding to current and future residents.	X	X	X
7. Improve air quality in the Royal Borough.	?/x	X	X
8. Protect and enhance the Royal Borough's parks and open spaces.	X	X	X
9. Reduce pollution of air, water and land.	?/x	X	X
9a. Prioritize development on previously developed land.	+	+	+
10. To promote traffic reduction and encourage more sustainable alternative forms of transport to reduce energy consumption and emissions from vehicular traffic.	+/x	X	-/x
11. Reduce the amount of waste produced and maximise the amount of waste that is recycled.	X	X	X
12. Ensure that social and community uses and facilities which serve a local need are enhanced, protected, and to encourage the provision of new community facilities.	++	?	-
13. To aim that the housing needs of the Royal Borough's residents are met.	-	?	+/?
14. Encourage energy efficiency through building design to	X	X	X

maximise the re-use of buildings and the recycling of building materials.			
15. Ensure the provision of accessible health care for all Borough residents.	X	X	X
16. To reinforce local distinctiveness, local environmental quality and amenity through the conservation and enhancement of cultural heritage.	+	++	-

- 2.3.3 Both the preferred option and the business as usual scenario are unlikely to have any effect on SA Objectives 1, 6, 8, 11, 14 and 15. Additionally, the policy for the protection of uses is unlikely to have any effect on SA objectives 4, 5, 7, 9 and 10. Although unclear, the policy for the protection of A Class uses might have some secondary effects on SA Objective 5, 7 and 9:
- SA Objective 1: To conserve and enhance the natural environment and biodiversity.
 - SA Objective 5: Minimise effects on climate change through reduction in emissions, energy efficiency and use of renewables.
 - SA Objective 6: Reduce the risk of flooding to current and future residents.
 - SA Objective 8: Protect and enhance the Royal Borough's parks and open spaces.
 - SA Objective 11: Reduce the amount of waste produced and maximise the amount of waste that is recycled.
 - SA Objective 14: Encourage energy efficiency through building design to maximise the re-use of buildings and the recycling of building materials.
 - SA Objective 15: Ensure the provision of accessible health care for all Borough residents.
- 2.3.4 The preferred option of the policy will have significant positive effects on SA objectives 3,, 9a, 12, 16and 4 (only the policy for the protection of A Class uses will have an effect on this objective). Both policies of the preferred option combined, result in the prioritization of development on previously developed land, aim to ensure the provision and protection of social and community facilities; support the vibrant local economy and to promote equality and respect for diversity. . Local distinctiveness of the area could be highly reinforced by both policies;
- 2.3.5 It is difficult to ascertain if the policy for the protection of uses will have any effect on crime and antisocial behaviour (SA objective 2), the protection and provision of social and community facilities (SA objective 12) or the housing provision in the Borough (SA objective 13). The policy for the protection of A Class uses might have a negative effect on the SA objective 13, due to the policy option not allowing for the increase in the Borough's housing provision.
- 2.3.6 If the policies were not adopted, options 3, 12 and 16 would likely be negatively affected. Not adopting the policies would mean that facilities that fulfil an important role for the community and/or that constitute an asset might be lost. This would have a negative effect on the diversity and vibrancy of the local economy and, the vitality and character of an area.

- 2.3.7 It is unlikely that not adopting the policies will have any effect on social inclusion, equity, the promotion of equality and a respect for diversity (SA Objective 4). However, it will have a positive effect on SA Objective 9a, as it promotes the use of already developed land.
- 2.3.8 The policy for the protection of A Class uses and the business as usual scenario would have opposite effects on SA Objectives 2, 10 and 13.
The presence of drinking and eating establishments normally adds to the vibrancy of an area and makes it feel more secure. On the other hand, if not managed properly, it could lead to disturbances to the amenity.
The policy does not have a direct relation with traffic. However, the promotion and protection of local facilities may lead to a reduction in the need to use private transport.
The adoption of the policy would not allow for the increase in the Borough's housing provision.
- 2.3.9 The cumulative effect of the policy will be positive but restricted to the protection of the character and vitality of the area and a community facility, owing to the specific nature of the policy. There might be some secondary effects of the policy on air quality and CO2 emissions, as a result of a potential decrease in the use of private transport with the promotion of local facilities within walking distance of a large proportion of the Borough's population. A beneficial synergistic effect could take place by a collective improvement on the provision of social and community uses and the protection and enhancement of the Borough's historic character.

2.4.0 Conclusions

- 2.4.1 The adoption of option four is recommended as the preferred option as this would allow the Council to protect public houses, as well as other drinking and eating establishments, and financial and professional services, which are considered to fulfil a valuable community role and/or contribute to the character and appearance of the area. This option guarantees the policy impacts equally on the community, and does not benefit a particular group. By protecting all A Class uses, the risk of public houses being converted into another A Class use and then into a residential or another non A Class use may be reduced. In the case of Financial and Professional Services (Class A2), there are occasions where such services can provide a valued community facility and this option would allow them to be determined on their own merits. Also, by protecting uses, it is ensured that the mix and fine grain of uses that contribute to the character of the Borough, is not deteriorated but enhanced.
- 2.4.2 No significant negative impacts should arise as a consequence of adopting this policy.

3 Mitigation and Monitoring

3.1.0 Mitigation

- 3.1.1 It has been identified during the appraisal process that the adoption of the preferred option could have a potential negative effect on the following matters:

- The Borough’s housing provision
- The property values of the class uses that the policy would protect
- The vitality of the area, if public houses are closing down and are not being occupied as a result of the limited uses allowed. In other words, they are boarded up and left empty.
- The effect on the amenity of residents who live close to public houses, or other drinking and eating establishments.

3.1.2 A crucial mitigation measure is to monitor the adopted policy and review it if there is evidence that it is not having the desired effect. Other mitigation measures have been identified during the appraisal process:

- **Specific Housing Policy** – The Council has specific policies to ensure that sufficient housing sites are allocated in order to ensure the housing targets are met (Policy CH1 of the Core Strategy: Housing Targets)
- **Pre Application discussions** - It is clear that the adoption of the policy should not preclude pre-application discussions on issues relating to the proposed policies..
- **Dialogue with the community** – An ongoing dialogue with the local residents should be maintained. This will reinforce the outcomes from the annual monitoring report and could lead to potential new mitigation measures.

3.2.0 Monitoring

3.2.1 The significant sustainability effects of implementing the policy must be monitored to identify unforeseen adverse effects and to be able to undertake appropriate remedial action (SEA Directive).

3.2.2 A monitoring framework was developed for the LDF as a whole but sufficient information about the effects of a Public House policy and one dealing with character and use needs to be provided for.

3.2.3 The following indices (Table 3.1) might be collected to assist with monitoring.

Table 4.1: Proposed Monitoring Data

INDICATORS
Housing trajectory.
Number of appeals related to viability of the uses to be protected by the preferred option.
Number of complaints to Environmental Health on amenity relating to Public Houses or other eating and drinking establishments.
Number of anti-social behaviour complaints.

3.3.0 Difficulties encountered in compiling information or carrying out the assessment

3.3.1 The specific and technical nature of the policy for the protection of A Class uses meant that the assessment was a straightforward process. There are however

uncertainties over the effect the policy would have on issues like climate change, air pollution or air quality.

- 3.3.2 The effects of the policy for the protection of uses on issues such as crime and antisocial behaviour, the provision of housing and the delivery of social and community facilities are unclear – the positive and negative effects of such a policy would appear to be fairly neutral. This makes the appraisal of this policy quite complex.

4 Consultation

- 5.1.1 Upon the completion of the SA report, the Guidance recommends the report be submitted for consultation alongside the draft policy to the statutory consultees and to other stakeholders (SEA Directive Article 6 (2)). The comments are then to be integrated into the report accordingly (SA Directive Article 8).

Appendix I – SA Objectives

SA OBJECTIVES

SA OBJECTIVE
1. To conserve and enhance the natural environment and biodiversity.
2. Reduce crime and anti-social behaviour and the fear of crime.
3. To support a diverse and vibrant local economy to foster sustainable economic growth.
4. Encourage social inclusion, equity, the promotion of equality and a respect for diversity.
5. Minimise effects on climate change through reduction in emissions, energy efficiency and use of renewables.
6. Reduce the risk of flooding to current and future residents.
7. Improve air quality in the Royal Borough.
8. Protect and enhance the Royal Borough's parks and open spaces.
9. Reduce pollution of air, water and land. 9a. Prioritize development on previously developed land.
10. To promote traffic reduction and encourage more sustainable alternative forms of transport to reduce energy consumption and emissions from vehicular traffic.
11. Reduce the amount of waste produced and maximise the amount of waste that is recycled.
12. Ensure that social and community uses and facilities which serve a local need are enhanced, protected, and to encourage the provision of new community facilities.
13. To aim that the housing needs of the Royal Borough's residents are met.
14. Encourage energy efficiency through building design to maximise the re-use of buildings and the recycling of building materials.
15. Ensure the provision of accessible health care for all Borough residents.
16. To reinforce local distinctiveness, local environmental quality and amenity through the conservation and enhancement of cultural heritage.

Appendix II – Other relevant local plans / policies / strategies

The following lists relevant local plans, programmes, strategies and initiatives, and the key messages, identified in the Scoping Report Addendum.

National
National Planning Policy Framework (adopted March 2012)
London
The London Plan (adopted July 2011)
Local
Local Development Scheme 2005 (revised 2007)
Core Strategy for the Royal Borough with a Focus on North Kensington Development Plan Document (adopted December 2010)

Appendix III – Assessment of the Option

SA Objective	Adoption of the policy		No policy
	Protection of Social and Community Uses	Protection of uses that contribute to the character of an area	
1. To conserve and enhance the natural environment and biodiversity.	No direct impact	No direct impact	No direct impact
2. Reduce crime and anti-social behaviour and the fear of crime.	Mainly positive effect since the presence of well-managed drinking and eating establishments normally adds to the vibrancy of an area and makes it feel more secure. However, if not managed properly,	Uncertainty as different uses could have different effects on amenity.	The loss of A Class uses could lead to a reduction of footfall in the area/street and a potential increase in antisocial behaviour and to a fear of crime.

	drinking and eating establishments can pose a threat to residential amenity.		
3. To support a diverse and vibrant local economy to foster sustainable economic growth.	By protecting the social and community uses, the local economy is being supported.	Protecting the historical environment could have a potential positive effect on the local economy and its diversity.	The potential loss of social and community facilities and/or a use that contributes to the character and appearance of the area could have a negative effect on the diversity and vitality of the local economy.
4. Encourage social inclusion, equity, the promotion of equality and a respect for diversity.	Positive impact, as the preferred option does not favour any particular group.	No direct impact	It is unlikely that not adopting the policy will have any effect on social inclusion, equity, the promotion of equality and a respect for diversity (SA Objective 4).
5. Minimise effects on climate change through reduction in emissions, energy efficiency and use of renewables.	There might be some indirect positive effect due to the reduction in private transport. It is, however, uncertain.	There might be some indirect positive effect owing to the lack of new development. It is, however, uncertain.	There might be some indirect negative effect due the increase in the use of private transport (lack of local facilities) and new development. It is uncertain though
6. Reduce the risk of flooding to current and future residents.	No impact	No impact	No impact
7. Improve air quality in the Royal Borough.	There might be some indirect positive effect due to the reduction in private transport. It is uncertain though	There might be some indirect positive effect owing to the lack of new development. It is uncertain though	No impact
8. Protect and enhance the Royal Borough's parks and	No impact	No impact	No impact

open spaces.			
9. Reduce pollution of air, water and land.	There might be some indirect positive effect due to the reduction in private transport. It is uncertain though	There might be some indirect positive effect owing to the lack of new development. It is uncertain though	No impact
9a. Prioritize development on previously developed land.	Positive effect as it promotes the use of already developed land.	Positive effect as it promotes the use of already developed land.	Positive effect as it promotes the use of already developed land.
10. To promote traffic reduction and encourage more sustainable alternative forms of transport to reduce energy consumption and emissions from vehicular traffic.	Some indirect positive effect due to the reduction in private transport.	Some indirect positive effect owing to the lack of development. Uncertain	Some indirect negative effect due the increase in the use of private transport (lack of local facilities) and development. Uncertain
11. Reduce the amount of waste produced and maximise the amount of waste that is recycled.	No impact	No impact	No impact
12. Ensure that social and community uses and facilities which serve a local need are enhanced, protected, and to encourage the provision of new community facilities	High positive impact	No direct impact	Negative impact. Not adopting the policy would mean that facilities that fulfil an important role for the community might be lost.
13. To aim that the housing needs of the Royal Borough's residents are met.	There might be some negative impact as a result of the indirect effect of the policy not allowing for	There might be some negative impact as a result of the indirect effect of the policy not allowing for more provision of housing	There might be some positive impact as the absence of the policy might facilitate the housing provision in the Borough.

	more provision of housing		
14. Encourage energy efficiency through building design to maximise the re-use of buildings and the recycling of building materials.	No impact	No impact	No impact
15. Ensure the provision of accessible health care for all Borough residents.	No impact	No impact	No impact
16. To reinforce local distinctiveness, local environmental quality and amenity through the conservation and enhancement of cultural heritage.	Positive effect, since it would offer protection of local distinctiveness.	Very positive effect, since it would prevent the loss of built assets that contribute to the character or appearance of the area and its sense of place.	Not adopting the policy would mean that facilities that constitute an asset which contributes to character and a sense of place might be lost.

Appendix IV – Predicting the Effect of the Preferred Option (both policies combined)

PREFERRED OPTION – ADOPTION OF SPD						
SA OBJECTIVE	TEMPORAL EFFECTS			UNCERTAINTY (1-3) (-+)	COMMENTS	MITIGATION/ RECOMMENDATIONS
	SHORT (2012)	MEDIUM (2015)	LONG (2017)			
1. To conserve and enhance the natural environment and biodiversity.	X	X	X	N/A	The policy does not have an obvious impact on the natural environment.	N/A
2. Reduce crime and anti-social behaviour and the fear of crime.	+/-	++/--	++/--	3	It is uncertain whether the effect on this objective will be more positive than negative, but it may accumulate in the medium to long term.	Monitoring of anti-social behaviour.
3. To support a diverse and vibrant local economy to foster sustainable economic growth.	+	++	++	1	The effect of the policy would be positive, especially in the medium to long term.	The protection of A4, A3 and A2 uses was recommended to ensure the support of the local economy. An ongoing dialogue with the community as well as pre-application advice are recommended as mitigation measures.
4. Encourage social inclusion, equity, the	+	+	+	1	The policy will have a positive	The protection of all drinking and eating

promotion of equality and a respect for diversity.					effect on the objective in the short to long term.	establishments was recommended as the preferable option to ensure equality.
5. Minimise effects on climate change through reduction in emissions, energy efficiency and use of renewables.	x	x	x	2	There is not a clear correlation between the policy and this SA objective.	No mitigation measures are proposed, as it is very uncertain that the policy will have any effect on this objective.
6. Reduce the risk of flooding to current and future residents.	X	X	X	N/A	There is no correlation between the policy and this SA objective.	No mitigation measures are proposed, as it is unlikely that the policy will have any significant effect on this objective.
7. Improve air quality in the Royal Borough.	X	X	X	N/A	There is no correlation between the policy and this SA objective.	No mitigation measures are proposed, as it is unlikely that the policy will have any significant effect on this objective.
8. Protect and enhance the Royal Borough's parks and open spaces.	X	X	X	N/A	There is no correlation between the policy and this SA objective.	No mitigation measures are proposed, as it is unlikely that the policy will have any significant effect on this objective.
9. Reduce pollution of air, water and land.	X	X	X	N/A	There is no correlation between the policy and this SA objective.	No mitigation measures are proposed, as it is unlikely that the policy will have any significant effect on this objective.
9a. Prioritize development on previously developed land.	+	+	+	1	The effect of the policy is positive from the short to the long term.	No mitigation measures are proposed, as it is unlikely that the policy will have any significant

						effect on this objective.
10. To promote traffic reduction and encourage more sustainable alternative forms of transport to reduce energy consumption and emissions from vehicular traffic.	+/x	+	+	3	The policy does not have a direct relation with traffic. However, the promotion and protection of local facilities may lead to a reduction in the need to use private transport.	No mitigation measures are proposed, as it is very uncertain that the policy will have any significant effect on this objective.
11. Reduce the amount of waste produced and maximise the amount of waste that is recycled.	X	X	X	N/A	There is no correlation between the policy and this SA objective.	N/A
12. Ensure that social and community uses and facilities which serve a local need are enhanced, protected, and to encourage the provision of new community facilities.	+	++	++	1	The policy will have a positive effect on ensuring the protection and enhancement of social and community uses, especially in the medium to long term.	The policy was envisaged to ensure the protection of social and community uses. An ongoing dialogue with the community as well as pre-application advice are recommended as mitigation measures.
13. To aim that the housing needs of the Royal Borough's residents are met.	-/?	-/?	-/?	3	This policy might affect negatively the provision of housing in the Borough. If it does, the impact, due to the cumulative effect,	Specific housing policies are in place to ensure the Borough's needs are met.

					will be higher in the medium to long term.	
14. Encourage energy efficiency through building design to maximise the re-use of buildings and the recycling of building materials.	X	X	X	N/A	There is no correlation between the policy and this SA objective.	N/A
15. Ensure the provision of accessible health care for all Borough residents.	X	X	X	N/A	There is no correlation between the policy and this SA objective.	N/A
16. To reinforce local distinctiveness, local environmental quality and amenity through the conservation and enhancement of cultural heritage.	+	++	++	1	The policy will have a positive effect on the objective, especially in the medium to long term due to the cumulative effect.	The policy was envisaged to ensure the protection of heritage assets. An ongoing dialogue with the community as well as pre-application advice are recommended as mitigation measures.

Appendix V – Definitions

The SA guidance provides definitions for what is meant by the terms ‘secondary’, ‘cumulative’ and ‘synergistic’:

“Secondary or Indirect effects are effects that are not a direct result of the policy, but occur away from the original effect or as a result of a complex pathway. Examples of secondary effects are a development that changes a water table and thus affects the ecology of a nearby wetland; and construction of one project that facilitates or attracts other developments.

Cumulative effects arise, for instance, where several developments each have insignificant effects but together have a significant effect; or where several individual effects of the policy (e.g. noise, dust and visual) have a combined effect.

Synergistic effects interact to produce a total effect greater than the sum of the individual effects. Significant synergistic effects often occur as habitats, resources or human communities get close to capacity. For example, a wildlife habitat can become progressively fragmented with limited effects on a particular species until the last fragmentation makes the areas too small to support the species at all. On the other hand, beneficial synergistic effects may occur when a series of major transport, housing and employment developments in a sub-region, each with their own effects, collectively reach a critical threshold so that both the developments as a whole and the community benefiting from them become more sustainable.

The terms are not mutually exclusive. Often the term ‘cumulative effects’ is taken to include secondary and synergistic effects”.

Appendix VI - Quality Assurance checklist

Quality assurance is an important element of the appraisal exercise. It helps to ensure that the requirements of the SEA Directive are met, and show how effectively the appraisal has integrated sustainability considerations into the plan-making process.

Guidance Checklist	Section	Carried out by	When
Objectives and Context			
The plan's purpose and objectives are made clear.	Scoping Report & Section 1 & 2	RBKC	Spring 2012
Sustainability issues, including international and EC objectives, are considered in developing objectives and targets.	Scoping Report	RBKC	Spring 2012
SA objectives are clearly set out and linked to indicators and targets where appropriate.	Scoping Report & Appendix I	RBKC	Spring 2012
Links with other related plans, programmes and policies are identified and explained.	Scoping Report	RBKC	Spring 2012
Conflicts that exist between SA objectives, between SA and plan objectives, and between SA and other plan objectives are identified and described.	Section 2	RBKC	Spring 2012
Scoping			
The environmental consultation bodies are consulted in appropriate ways and at appropriate times on the content and scope of the SA Report.	Scoping Report & SA Report	RBKC	Spring 2012
The appraisal focuses on significant issues.	Section 2	RBKC	Spring 2012
Technical, procedural and other difficulties encountered are	Section 4	RBKC	Spring 2012

discussed; assumptions and uncertainties are made explicit.			
Reasons are given for eliminating issues from further consideration.	Scoping Report and Section 2	RBKC	Spring 2012
Options/Alternatives			
Realistic alternatives are considered for key issues, and the reasons for choosing them are documented.	Section 2	RBKC	Spring 2012
Alternatives include 'do nothing' and/or 'business as usual' scenarios wherever relevant	Section 2	RBKC	Spring 2012
The sustainability effects (both adverse and beneficial) of each alternative are identified and compared	Section 2	RBKC	Spring 2012
Inconsistencies between the alternatives and other relevant plans, programmes or policies are identified and explained.	Section 2	RBKC	Spring 2012
Reasons are given for selection or elimination of alternatives.	Section 2	RBKC	Spring 2012
Baseline information			
Relevant aspects of the current state of the environment and their likely evolution without the plan are described.	Core Strategy Scoping Report Addendum / Public Houses Scoping Report	RBKC	Jan 2006/ Spring 2012
Characteristics of areas likely to be significantly affected are described, including areas wider than the physical boundary of the plan area where it is likely to be affected by	Core Strategy Scoping Report Addendum / Public Houses Scoping Report	RBKC	Jan 2006/ Spring 2012

the plan where practicable.			
Difficulties such as deficiencies in information or methods are explained.	Core Strategy Scoping Report Addendum / Public Houses Scoping Report / Section 3 of SA/SEA	RBKC	Jan 2006-March 2007/ Spring 2012
Prediction and evaluation of likely significant effects			
Likely significant social, environmental and economic effects are identified, including those listed in the SEA Directive (biodiversity, population, human health, fauna, flora, soil, water, air, climate factors, material assets, cultural heritage and landscape), as relevant.	Section 2	RBKC	Spring 2012
Both positive and negative effects are considered, and where practicable, the duration of effects (short, medium or long-term) is addressed.	Section 2	RBKC	Spring 2012
Likely secondary, cumulative and synergistic effects are identified where practicable.	Section 2	RBKC	Spring 2012
Inter-relationships between effects are considered where practicable.	Section 2	RBKC	Spring 2012
Where relevant, the prediction and evaluation of effects makes use of accepted standards, regulations, and thresholds.	Section 2	RBKC	Spring 2012
Methods used to evaluate the effects are described.	Section 1	RBKC	Spring 2012
Mitigation measures			

Measures envisaged to prevent , reduce and offset any significant adverse effects of implementing the plan are indicated	Section 3	RBKC	Spring 2012
Issues to be taken into account in development consents are identified	Section 3	RBKC	NA
The Sustainability Appraisal Report			
Is clear and concise in its layout and presentation	This report		Spring 2012
Uses simple, clear language and avoids or explains technical terms.	This report		Spring 2012
Uses maps and other illustrations where appropriate	Scoping Report and this report		Spring 2012
Explains the methodology used	Section 1		Spring 2012
Explains who was consulted and what methods of consultation were used	Scoping Report and this report	RBKC	Spring 2012
Identifies sources of information, including expert judgement and matters of opinion	Section 1	RBKC	Spring 2012
Contains a non technical summary	NTS	RBKC	Spring 2012
Consultation			
The SA is consulted on as an integral part of the plan-making process	Scoping Report and this report	RBKC	Spring 2012
The consultation bodies, other consultees and the public are consulted in ways which give them an early and effective opportunity within appropriate time frames to express their opinions on the draft plan and SA report	Scoping Report and this report	RBKC	Spring 2012
Decision making and			

information on the decision			
The SA Report and the opinions of those consulted are taken into account in finalising and adopting the plan	Forthcoming	RBKC	Spring- Summer 2012
An explanation is given of how they have been taken into account	Forthcoming	RBKC	Spring- Summer 2012
Reasons are given for choices in the adopted plan, in the light of other reasonable options considered	Forthcoming	RBKC	Spring- Summer 2012
Monitoring measures			
Measures proposed for monitoring are clear, practicable and linked to the indicators and objectives used in the SA	Section 3	RBKC	Spring 2012
Monitoring is used where appropriate, during implementation of the plan to make good deficiencies in baseline information in the SA	Forthcoming	RBKC	
Monitoring enables unforeseen adverse effects to be identified at an early stage(These effects may include predictions which prove to be incorrect	Forthcoming	RBKC	
Proposals are made for action in response to significant adverse effects			

Appendix VII – Glossary

- **Alternative** See ‘options’.
- **Annual Monitoring Report (AMR)** Assesses the implementation of the Local Development Scheme and the extent to which policies in Local Development Documents are being achieved.
- **Anti-Social Behaviour (ASB)** Anti-social behaviour covers a wide range of activities, from boundary disputes and verbal harassment through to vandalism and intimidation. It is any kind of repeated behaviour which is likely to cause you alarm or distress and is often carried out by individuals who live in close proximity to you. Broadly, it is a quality of life issue.
- **Consultation Body** An authority which because of its environmental responsibilities is likely to be concerned by the effects of implementing plans and programmes and must be consulted under the SEA Directive. The Consultation Bodies in England are the Countryside Agency, English Heritage, English Nature and the Environment Agency.
- **Consultation Statement** A statement prepared by a Local Planning Authority for a Regulation 28(c) of the Town and Country Planning (Local Development) (England) Regulations 2004 **Core Strategy** It sets out the key elements of the planning framework for the area. It should comprise: a spatial vision and strategic objectives for the area; a spatial strategy; core policies; and a monitoring and implementation framework with clear objectives for achieving delivery.
- **Development Plan Documents (DPD)** A type of Local Development Document. DPDs include the Core Strategy, site specific allocations of land and Area Action Plans (where needed).
- **Environmental Impact Assessment (EIA)** A generic term used to describe environmental assessment as applied to projects. In this guide ‘EIA’ is used to refer to the type of assessment required under the European Directive 337/85/EEC.
- **Indicator** A measure of variables over time, often used to measure achievement of objectives.
- **Output indicator** An indicator that measures the direct output of the plan or programme. These indicators measure progress in achieving a plan objective, targets and policies.
- **Significant effects indicator** An indicator that measures the significant effects of the plan.
- **Contextual indicator** An indicator used in monitoring that measures changes in the context within which a plan is being implemented.
- **Local Development Document (LDD)** There are two types of Local Development Document: Development Plan Documents and Supplementary Planning Documents.
- **Local Development Framework (LDF)** Sets out, in the form of a ‘portfolio’, the Local Development Documents which collectively deliver the spatial planning strategy for the area in question. The LDF also includes the Statement of Community Involvement, the Local Development Scheme and the Annual Monitoring Report.
- **Local Development Regulations** Town and Country Planning (Local Development) (England) Regulations 2004. Town and Country Planning (Transitional Arrangements) (England) Regulations 2004.
- **Mitigation** Used in this guidance to refer to measures to avoid, reduce or offset significant adverse effects on the environment.
- **Objective** A statement of what is intended, specifying the desired direction of change in trends.

- **Option** The ranges of rational choices open to plan makers for delivering the plan objectives. For the purposes of this guidance ‘option’ is synonymous with ‘alternative’ in the SEA Directive.
- **Plan** For the purposes of the SEA Directive this is used to refer to all of the documents to which this guidance applies, including Regional Spatial Strategy revisions and Development Plan Documents. Supplementary Planning Documents are not part of the statutory Development Plan but are required to have a sustainability appraisal.
- **Scoping** The process of deciding the scope and level of detail of a Sustainability Appraisal.
- **SEA Directive** European Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment
- **SEA Regulations** The Environmental Assessment of Plans and Programmes Regulations 2004 (which transposed the SEA Directive into law).