



Strategic Environmental Screening and
Assessment for the
Draft Houses of Multiple Occupation
(HMO) Supplementary Planning
Document (SPD)
June 2023

1. Introduction

Purpose of the SPD

1.1 Merton Council has produced a draft Houses in Multiple Occupation (HMO) Supplementary Planning Document (SPD). The SPD sets out planning guidance which is applicable to planning applications relating to HMOs and schemes that do not require planning permission. It is important to note that the SPD does not create new planning policies. Its aim is to ensure that landowners, developers, communities and any other interested parties can gain further guidance on how to implement local plan policies and requirements.

1.2 The aim is to ensure that the premises meets occupants' needs, deliver high quality design and healthy homes standards. Other key relevant policy standards included in the SPDs relate to:

- Housing mix
- Accessibility
- Vehicle Parking
- Cycle Parking
- Internal layout standards
- External layout standards
- Waste storage and provision
- Noise
- Air quality
- Ventilation

1.3 Once adopted it will be a material consideration in the determination of planning applications. Prior to its adoption, it will have some weight in the decision making process.

Legislative Background

1.4 Strategic Environmental Assessment (SEA) is a way of ensuring the environmental implications of a plan or programme for 'town or country planning or 'land use' are taken into account. The need for environmental assessments is set out in the EU Directive 2001/42/EC (hereafter referred to as the SEA Directive).

1.5 Subsequently the SEA directive is transposed into English law by the Environmental Assessment of Plans and Programmes Regulations 2004 (hereafter referred to as the SEA Regulations). The Government's Planning Practice Guidance states in some limited circumstances, where an SPD could have significant environmental effects, it may fall within the scope of the SEA Regulations.

1.6 The potential scope of the SPD has been assessed against the criteria set out in Schedule 1 to the SEA Regulations. This is to determine whether it might have significant environmental effects and require a SEA

Article 4 Direction

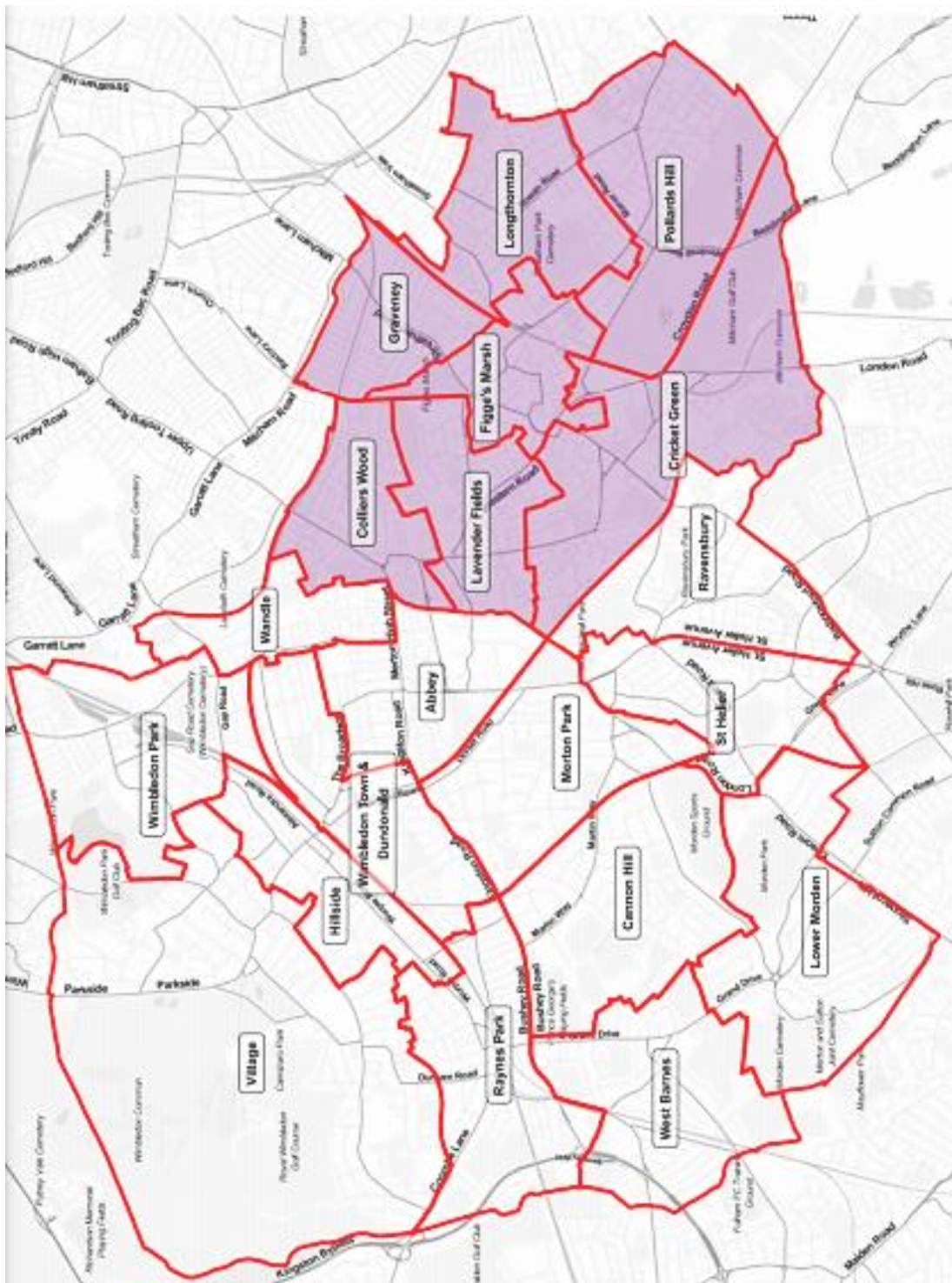
- 1.7 Merton Council (Local Planning Authority) has the power to remove Permitted Development Rights¹. This can be done through a planning process known as an Article 4 Direction. The Council has done this for Class C4 HMOs.
- 1.8 Following the commencement of the Article 4 Direction started on 17 November 2022 to remove permitted development rights for the conversion of homes (Use Class C3) to small houses in multiple occupation (Use Class C4) in seven wards in Merton:
- Colliers Wood
 - Cricket Green
 - Figge's Marsh
 - Graveney
 - Lavender Fields
 - Longthornton
 - Pollards Hill

Public consultation

- 1.9 The Council plans to undertake a public consultation on the document for an eight week period during 19th June to 31st July 2023.

¹ PDR allow certain building works and changes of use to be carried out without the need for a full planning application.

Figure 1: Article 4 Direction Area (started on 17th November 2022)



2. Screening process

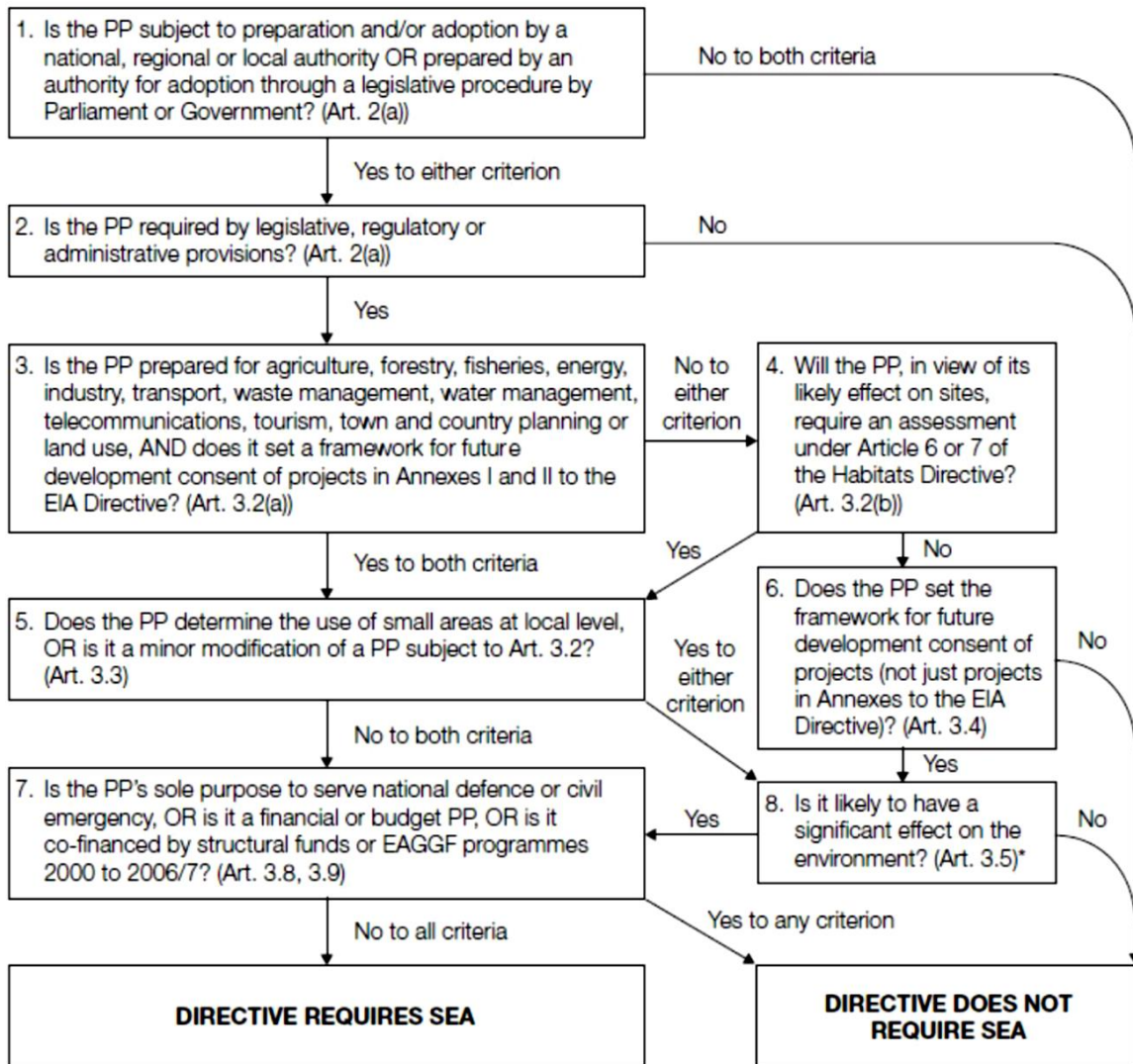
- 2.1 The screening initially is undertaken in two parts:
- The first part assesses whether the SPD requires SEA (Figure 3) related to its status as a plan or programme.
 - The second part considers whether the SPD is likely to have a significant effect on the environment, using criteria drawn from Schedule 1 of the SEA Directive and the SEA Regulations (figure 4).
- 2.2 It is the responsibility of the Responsible Authority (in this case Merton Council) to decide whether the plan or programme under assessment is likely to have a significant adverse environmental effect. This assessment must be made taking account of the criteria set of in Schedule 1 of the Environment Assessment of Plans and Programmes Regulations 2004 and in consultation with:
- The Environment Agency
 - Historic England
 - Natural England
- 2.3 Where the Responsible Authority determines that a plan or programme is unlikely to have a significant effect and therefore does not need to be subject to a full Strategic Environmental Assessment; the Responsible Authority must prepare a statement showing the reason for this determination. Figure 2 below illustrations the screening process for the SPD.

Environmental Assessment of Plans and Programmes Regulations 2004 (part 3) (6):

Where a consultation body wishes to respond to a consultation under paragraph (5), it shall do so within the period of 5 weeks beginning with the date on which it receives the responsible authority's invitation to engage in the consultation.

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.

Flow diagram for considering whether SEA is applicable to a plan or programme. Extracted from A practical Guide to the SEA Directive, DCLG, 2005

Stage 1: Screening assessment establishing the need for SEA Houses in Multiple Occupation SPD

Figure 3: Screening Assessment of Houses in Multiple Occupation SPD against SEA criteria

Stage	Yes/No	Reason
1. Is the SPD 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))	Yes	The SPD is to be adopted by the London Boough of Merton
2. Is the SPD required by legislative, regulatory or administrative provisions? (Art. 2(a))	Yes	<p>The document is required in order to determine how a number of policies within the development plan will be implemented.</p> <ul style="list-style-type: none"> • The London Plan (2021) Policy H9: <i>Ensuring the best use of stock</i> • Merton’s curent local plan Sites and Policies Plan DM H2 <i>Housing Mix</i> -specifies that Houses in Multiple Occupation contribute towards addressing needs. • Emerging Local Plan policy H11.5 <i>Student Housing, other housing with shared facilities and bedsits</i> - supports the development of shared facilities such as HMOs
3. Is the SPD prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management,	Yes to both part of the question 3.	The SPD is for town and country planning purposes and sets a framework of guidance for future development

Stage	Yes/No	Reason
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))		consent of projects in Annexes I and II to the EIA Directive (Urban Development Projects).
4. Will the SPD, 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 SPD determine the use of small areas at local level OR is it a minor modification of a plan or programme subject to Art. 3.2? (Art. 3.3)		The SPD will be a consideration in determining planning application in the borough. It is not a minor modification of a plan or programme.
6. Does the SPD 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 SPD's sole purpose to serve the national defence or civil emergency, OR is it a financial or budget plan or programme, OR is it co-financed by structural funds or EAGGF programmes 2000 to 2006/7? (Art. 3.8, 3.9)	N/A	N/A
8. Is it likely to have a significant effect on the environment? (Art 3.5)	No	Please refer to stage 2 (figure 4).

Stage 2: Assessment of 'likely significant' effects on the environment

Figure 4: Assessment of 'likely significant' effects on the environment

SEA Directive Criteria schedule 1 Environmental Assessment of Plans and Programmes Regulation 2004	Summary of significant effects	'Likely significant' environmental effect?
1. Characteristics of the SPD		
<p>(a) <i>The degree to which the SPD sets out a framework for projects and other activities, either with regard to location, nature, size or operating conditions or by allocating resources</i></p>	<p>The SPD will provide guidance to Merton's Local Plan. Upon adoption the SPD will form part of the Local Plan and be a material consideration when determining submitted planning application for HMOs in the seven ward outline in para 1.9.</p> <p>The policies it interprets and/or provide guidance to have all been subject to SEA</p>	None
<p>(b) <i>The degree to which the SPD influences plans and programmes including those in a hierarchy</i></p>	<p>The guidance within the SPD is in line with the strategic objectives, spatial vision and policies within current Merton Local Plan (Core Planning Strategy and; Sites and Policies Plan and Policy Map (2014)). The emerging Local Plan (pending adoption) will supersede the fore mentioned documents. The SPD supports the emerging SPD.</p> <p>All the above mentioned documents have all been subject to full Sustainability Appraisal and SEA at each consultation stage and at adoption stage.</p>	None
<p>(c) <i>The relevance of the SPD for the integration of environmental considerations in particular with a view to promoting sustainable development.</i></p>	<p>The SPD role is the implementation of Local Plan policy as it relates to Houses in Multiple Occupation. It outlines mitigation measures to ensure developments comply with planning policies (national, regional and local). In</p>	None

	accordance with the National Planning Policy Framework (NPPF) it promotes the delivery of sustainable development.	
(d) <i>Environmental problems relevant to the planning brief</i>	<p>The SPD will not introduce or increase any environmental problems, one of its aim is to minimise and/or reduce social some of which can be defined as environmental.</p> <p>The environmental/social issues associated with Houses in Multiple Occupation (HMO) not subject to control are many:</p> <ul style="list-style-type: none"> • Over-concentration of HMOs which can have an adverse impact on the environmental vibrancy of an area. • Lack of maintenance of properties which results in poor quality neighbourhoods, or housing stock which needs to be replaced. • Increases the use of natural resources and can potentially generates more waste and issue relating to waste • External areas have green infrastructure replaced with hardstanding. • Reducing potential for bio-diversity habitats, such as increase surface water run-off and increase the urban heat island effect. • Environmental pollution such as noise to both human and biodiversity. 	None
(e) <i>The relevance of the SPD for the implementation of community legislation on the environment (e.g. plans and programmes related to water and waste).</i>	The SPD would assist in the implementation of community legislation on the environment. For example, on waste it supports the objectives of sustainable waste management	None

	set out by the NPPF and London Plan.	
2. Characteristics of the effects and area likely to be affected having particular regard to:		
(a) <i>The probability, duration, frequency and reversibility of the effects</i>	<p>The SPD seeks to ensure the continued provision of suitable HMO properties within the Article 4 area (figure 1), and across the borough in accordance with the current and emerging Local Plan policies</p> <p>Therefore positive social and environmental impacts are predicted. It is not anticipated the SPD will result in significant long-term adverse effects. As the planning policies (local, regional and national) it supports have all been subject to a Sustainability Appraisal/Strategic Environmental Assessment. More, importantly the SPD is not introducing policies but, providing further guidance on how the planning policies should be implemented.</p>	None
(b) <i>The cumulative nature of the effects of the SPD</i>	The effects of SPD support sustainable development therefore, any cumulative impact will also be beneficial.	None
(c) <i>The trans boundary nature of the effects of the SPD</i>	The effects are limited to developments within Merton's geographical boundary.	None
(d) <i>The risk to human health or environment (e.g. due to accident)</i>	There are no significant risks to human health. The SPD is anticipated to have a positive impact on human health by seeking to ensure that HMOs deliver more sustainable development, safe and healthier homes (improving the quality of the accommodation provided), which will be beneficial to the occupants and neighbours.	
(e) <i>The magnitude and spatial extent of the effects (geographic area and size of the population likely to</i>	The SPD sets out planning guidance which is applicable to the borough.	None

<i>be affected) by the planning brief</i>		
<p>(f) <i>The value and vulnerability of the area likely to be affected by the planning brief due to:</i></p> <ul style="list-style-type: none"> • <i>Special nature characteristics or cultural heritage</i> • <i>Exceed environmental quality standards or limits values Intensive</i> 	<p>In regard to vulnerability of a particular site, applications will be assessed against relevant development policy in relation to sites with special natural characteristics and cultural heritage.</p> <p>Merton has statutory, non-statutory designated nature and heritage assets (including conservation areas) across the area. These are covered by Merton's Local Plan. The SPD has no particular emphasis on interpretation of policies relevant to these policies and assets. Any development in a conservation area or near heritage assets are subject to the Local Plan policies covering these topics.</p>	None
<p>(g) <i>The effects of the SPD on areas or landscapes which have recognised national Community or international protected status.</i></p>	<p>There are no Areas of Outstanding Natural Beauty (AONB) or Areas of Great Landscape Value (AGLV).</p> <p>The overall, impact of the SPD will be positive by maximising the positive environmental effects of development in Merton and minimising or avoiding negative and adverse impacts.</p>	None
<p>Stage 2 Assessment Conclusion</p>	<p>Merton's Houses in Multiple Occupation Supplementary Planning Document is unlikely to have significant effects on the environment which would not have been taken into account in the associated assessments of Local Plan policies.</p>	