

Climate Change and Sustainable Construction Supplementary Planning Document (SPD)

Strategic Environmental Assessment and Habitats Regulations Assessment Screening Statement

Final Determination December 2021

Contents

1. Executive Summary	3
2. Introduction	3
3. Scope of the SPD under preparation.....	4
Climate Change and Sustainable Construction SPD	4
4. Strategic Environmental Assessment (SEA).....	6
Table 1 Screening Assessment for Climate Change and Sustainable Construction SPD	7
Conclusions in respect of Strategic Environmental Assessment.....	10
5. Habitat Regulation Assessment Screening	12
Table 2 Conclusions of Joint Core Strategy in respect of relevant policies	13
Conclusions in respect of Habitat Regulations Assessment Screening	15
Appendix 1: Responses from the three Statutory Bodies (will be included once available).....	17

1. Executive Summary

- 1.1 This screening statement considers whether a Strategic Environmental Assessment and / or full Habitats Regulation Assessment is required to be produced to accompany the Climate Change and Sustainable Construction Supplementary Planning Document (SPD).
- 1.2 The screening concludes that a SEA is not required for the SPD. It also concludes that the SPD listed would not need to be subject to full Appropriate Assessment under the Habitats Regulations Assessment.
- 1.3 These conclusions were agreed by the three consultation bodies in November 2021.

2. Introduction

- 2.1 East Hampshire District Council is preparing a Climate Change and Sustainable Construction Supplementary Planning Document (SPD) to inform new development in the district (outside the SDNP) on how to adapt to climate change, achieve other sustainability objectives and to support the Government's target of achieving zero carbon emissions by 2050.
- 2.2 This SPD will provide additional guidance to support implementation of policies in the Council's adopted Local Plan: Joint Core Strategy (adopted 2014). Upon adoption, the SPD will be a material consideration in planning determinations in the district (outside the SDNP).
- 2.3 The 2004 Planning and Compulsory Purchase Act and associated Regulations made all local development documents subject to Sustainability Appraisal, which met the requirements of Strategic Environmental Assessment (SEA) as defined by the EU Directive 2001/42/EC. The 2008 Planning Act removed the requirement for SPDs to be subject to Sustainability Appraisal and, as such, the Council does not propose to carry out a sustainability appraisal of the SPD.
- 2.4 The requirement for local planning authorities to carry out a SEA of relevant plans and programmes before adoption is set out in the Environmental Assessment of Plans and Programmes Regulations 2004.
- 2.5 However, there are exceptions to this and, in most cases, SPDs do not require SEA. This is acknowledged in the Planning Practice Guidance (PPG)¹, which sets out that *"supplementary planning documents do not require a sustainability appraisal but may in exceptional circumstances require a strategic environmental assessment if they are likely to have significant environmental effects that have not already been assessed"*

¹ PPG Strategic environmental assessment and sustainability appraisal Paragraph: 008 Reference ID:11-008-20140306

during the preparation of the relevant strategic policies". Ultimately, it is the responsibility of the local planning authority to assess whether the plan is likely to have significant effects on the environment and make these conclusions public.

- 2.6 In addition, Article 6 of the Habitats Directive (as transposed into UK law by the Conservation of Habitats and Species Regulations 2017 ("the Habitats Regulations 2017) requires an assessment of the implications of a plan, both individually and in combination with other plans or projects, on designated 'Natura 2000' sites². If it is determined that a plan or project is likely to have a significant effect on these protected sites, an Appropriate Assessment should be undertaken.
- 2.7 The Council has therefore prepared this Screening Statement to determine whether the proposed Climate Change and Sustainable Construction SPD should be subject to a SEA and/or Habitats Regulations Assessment (HRA)/Appropriate Assessment.

3. Scope of the SPD under preparation

- 3.1 The paragraphs below summarise the purpose, scope and intended content of the Climate Change and Sustainable Construction SPD under preparation which is the subject of this SEA/ HRA Screening Report.
- 3.2 It should be noted that the document will not contain any new policies, proposals, or site allocations. Nor will it influence or alter the scale or spatial distribution of development across the district which is already established through the Joint Core Strategy and Housing and Employment Allocations.

Climate Change and Sustainable Construction SPD

- 3.3 The purpose of the Climate Change and Sustainable Construction SPD is to supplement specific policies in the East Hampshire Local Plan Joint Core Strategy (2014).
- 3.4 The SPD will assist new development to be adaptable to the impacts of climate change and promote sustainable construction and design processes to reduce energy use, waste, pollution, and carbon/greenhouse gas emissions. It will aid landowners, developers, applicants, and decision makers in supporting the national ambition of Net Zero Carbon emissions by 2050.
- 3.5 The SPD will provide further detailed advice and guidance in relation to the following adopted Joint Core Strategy policies:

² Including Special Protection Areas (SPAs), Special Areas of Conservation (SACs) and Ramsar sites (which are treated as Natura 2000 sites)

Joint Core Strategy Policies	
CP24	Sustainable Construction
CP25	Flood Risk
CP26	Water resources/Water quality
CP27	Pollution
CP28	Green Infrastructure
CP29	Design
CP31	Transport
CSWB5	Design
CSWB6	Sustainable Construction
CSWB7	Waste
CSWB8	Sustainable Water Management
CSWB10	Green Infrastructure
CSWB12	Pedestrian and Cycle routes
CSWB13	Public Transport
CSWB18	Low Carbon Vehicles

4. Strategic Environmental Assessment (SEA)

- 4.1 As discussed in the Introduction above, SEA is required for certain categories of plans and programmes where they are determined to be likely to have significant environmental impacts.
- 4.2 Regarding SPDs, the PPG indicates that SEA will normally only be required in exceptional circumstances. The Council must therefore determine, on a case-by-case basis, whether SEA is required for the SPD being prepared. This is referred to as a screening process.
- 4.3 As part of this, the Council must first determine whether the SPD is a “plan or programme” covered by Article 3(3) and 3(4). If it determines that it is, then the Council must carry out a screening to establish whether SEA is required. This will depend on its potential to result in significant environmental effects.
- 4.4 In deciding whether significant environmental effects are likely, the Council must take into account the criteria in Schedule 1 to the Environmental Assessment of Plans and Programmes Regulations 2004, and to consult the specified Consultation Bodies.
- 4.5 The Council’s assessments of the SPD against Schedule 1 criteria is set out in **Table 1** below.
- 4.6 This Screening Report covers:
 - a. An assessment of whether the SPD is covered by Article 3(3) and Article 3(4)
 - b. An appraisal of the SPD takes account of the criteria in Schedule 1 of the Environmental Assessment of Plans and Programmes Regulations 2004
- 4.7 The three consultation bodies (Historic England, Environment Agency, and Natural England) were consulted and they agree with the conclusion of this report. Their responses are attached within Appendix 1.

Table 1 Screening Assessment for Climate Change and Sustainable Construction SPD

The SPD is considered to be a plan or programme covered by Articles 3(3) and 3(4) SCHEDULE 1 – Regulations 9(2)(a) and 10(4)(a)

CRITERIA FOR DETERMINING THE LIKELY SIGNIFICANT EFFECTS ON THE ENVIRONMENT

SEA Directive Criteria	Response
1. The Characteristics of Plans and Programmes having regard to:	
1a) The degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources.	The SPD will not set a framework for other projects or activities. It will provide additional guidance on existing policies within the Local Plan, including Joint Core Strategy policies (CP24-CP29, CP31, CSWB5-8, CSWB10, CSWB12, CSWB13, and CSWB18) that have been subject to SEA (concluding no significant effects expected).
1b) The degree to which the plan or programme influences other plans and programmes including those in a hierarchy.	The Joint Core Strategy provides the adopted policies to which the SPD will supplement. The SPD will only be able to expand and provide more guidance on the policies within the Local Plan. It will not introduce new policy. The SPD will be at the bottom of the hierarchy and will have no influence on the documents above it.

<p>1c) The relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development.</p>	<p>The SPD will contribute to sustainable development by providing more detail and guidance to support Local Plan policies, most notably CP24, CP25, CP26, CSWB6, CSWB8 and CSWB18 in the Joint Core Strategy.</p> <p>The aim of the SPD is to support measures which will enable development to mitigate the impacts of climate change, reduce carbon and other harmful emissions, and reduce waste.</p>
<p>1d) Environmental problems relevant to the plan or programme.</p>	<p>The policies within the Local Plan that the SPD supplements are not expected to have any likely significant detrimental effects on the environment. Indeed, the SPD will be providing guidance which will seek to improve environmental quality.</p>
<p>1e) The relevance of the plan or programme for the implementation of Community legislation on the environment (e.g., plans and programmes linked to waste management or water protection).</p>	<p>The SPD will help support the implementation of the Local Plan which in itself is contributing or responding to EU based legislation including:</p> <ul style="list-style-type: none"> • EU Directive 2009/28/EC Energy produced from renewable energy sources • EU Directive 2018/844/EU Energy Performance of Buildings • EU Directive 2008/98/EC Waste framework directive • Commission of the European Communities (2007) Limiting Global Climate Change to two degrees Celsius: The way ahead for 2020 and beyond • The Climate Change Act 2008 (2050 Target Amendment) Order 2019

2. Characteristics of the effects and of the area likely to be affected:

2a) The probability, duration, frequency, and reversibility of the effects.	The SPD provides guidance aimed at avoiding or mitigating the negative impact which new developments could have on the environment and encouraging positive change and benefits. It supports delivery of policies within the Local Plan which have already been subject to SA/SEA.
2b) The cumulative nature of the effects.	The Local Plan SA/SEA expects overall positive impacts to arise from Joint Core Strategy policies CP24, CP26, CP27, CSWB6, CSWB8 and CSWB18. The benefits of these will increase as they are applied to more planning applications.
2c) The trans boundary nature of the effects.	The SPD will be local to East Hampshire district and only indirect effects are expected cross-boundary (and not as a result of the SPD in itself).
2d) The risks to human health or the environment (e.g., due to accidents).	The SPD does not present any risks to human health or the environment; conversely, it will encourage improvements in these areas.

<p>2e) The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected).</p>	<p>The SPD will be applied to all relevant planning applications in the district, although the effects of the SPD will be more likely felt at a more local scale (i.e., by populations in and around the development sites to which the SPD is applied, but also those visiting those areas).</p>
<p>2f) The value and vulnerability of the area likely to be affected due to:</p> <ul style="list-style-type: none"> i) special natural characteristics or cultural heritage. ii) exceeded environmental quality standards or limit values. iii) intensive land-use. 	<p>The SPD itself will not be able to set policy related to specific land uses. However, the SPD only offers guidance to support implementation of policies which have already been subject to SA/SEA. It does not propose further or different types of development to those already contemplated through the Local Plan.</p>
<p>2g) The effects on areas or landscapes which have a recognised national, Community or international protection status.</p>	<p>In applying to the district of East Hampshire, the SPD potentially covers and may be applied to, areas protected for their special natural characteristics and various Conservation Areas. Any applications for development will be required to satisfy the relevant policies for protection of the character of the area before permission is granted.</p>

Conclusions in respect of Strategic Environmental Assessment

4.8 The policies that the SPD will supplement and support the delivery of existing policies

in the Council's Local Plan (listed in section 2) have themselves been subject to SEA and SA. In particular, the appraisals for the Joint Core Strategy Policies CP24-CP29, CP31, CSWB5-8, CSWB10, CSWB12, CSWB13, and CSWB18 conclude that there will be no significant environmental effects. The SPD will not introduce new policies or proposals, nor will it alter the overall development strategy (scale and distribution) which is established through the higher order Local Plan documents.

- 4.9 Having reviewed and assessed the SPD being prepared against the relevant criteria and considerations in Schedule 1 to the Environmental Assessment of Plans and Programmes Regulations 2004 (as set out in above), the Council concludes that the Climate Change and Sustainable Construction SPD will not give rise to significant environmental effects. **Strategic Environmental Assessment is not therefore required for the Climate Change and Sustainable Construction SPD.**
- 4.10 This conclusion has been agreed with the Environment Agency, Historic England and Natural England. Their responses are included in Appendix 1.

5. Habitat Regulation Assessment Screening

- 5.1 The European Directive (92/43/EEC) on the Conservation of Natural Habitats and Wild Flora and Fauna (the 'Habitats Directive') sets out the means to protect habitats and species of European importance through the establishment and conservation of a network of sites known as the 'Natura 2000' network. These include Special Areas of Conservation (SACs) and Special Protection Areas (SPAs). It is also Government policy for sites designated under the Convention on Wetlands of International Importance (Ramsar sites) to be treated as having equivalent status to Natura 2000 sites. These are sites of exceptional importance in respect of rare, endangered, or vulnerable natural habitats and species within the European Community. In this report SACs, SPAs and Ramsar sites will be collectively referred to as 'Natura 2000' sites.
- 5.2 The purpose of an HRA is to assess the implications of a plan, both individually, and in- combination with other plans or projects, on these Natura 2000 sites. The Habitats Directive applies the precautionary principle to Natura 2000 sites. In normal circumstances, a land use plan can be brought into effect only after having ascertained that it will not adversely affect the integrity of a Natura 2000 site either alone or in- combination with other plans.
- 5.3 The first stage in the process is to establish, via screening, whether the plan is either directly connected with, or necessary to, the management of a European site. If not, a determination needs to be made as to whether the plan in itself or in combination with others is likely to have a significant effect on a European site.
- 5.4 A comprehensive Habitats Regulation Assessment (HRA) Appropriate Assessment was undertaken as part of the preparation of these higher order Local Plan documents to determine whether those policies would have likely significant effects. The conclusions of these previous HRAs are considered highly relevant to the screening assessment for the proposed SPD. In relation to the policies which the proposed SPD will implement, the HRA for the Joint Core Strategy concluded as follows:

Table 2 Conclusions of Joint Core Strategy in respect of relevant policies

Policy	HRA conclusions
<p>Joint Core Strategy Policy CP24 – Sustainable Construction (known as Policy CP22 in the original Joint Core Strategy HRA)</p>	<p>HRA (July 2013) concluded that the policy incorporates a number of requirements for sustainable construction including those that will help to reduce demand on water resources:</p> <p>The HRA concluded that adverse water supply/flow impacts as a result of Joint Core Strategy development are therefore unlikely.</p>
<p>Joint Core Strategy Policy CP25 – Flood Risk</p>	<p>HRA (July 2013) concluded that the policy had no impact pathways and no HRA/AA implications. The policy was therefore screened out.</p>
<p>Joint Core Strategy Policy CS26 – Water resources/Water quality (known as Policy CS24 in the original Joint Core Strategy HRA)</p>	<p>HRA (July 2013) concluded that the policy incorporates a number of requirements for sustainable construction including those that will help to reduce demand on water resources:</p> <p>The HRA concluded that adverse water supply/flow impacts as a result of Joint Core Strategy development are therefore unlikely.</p>
<p>Joint Core Strategy Policy CP27 – Pollution (known as Policy CP25 in the original Joint Core Strategy HRA)</p>	<p>HRA (July 2013) concluded that an adequate policy framework is in place to ensure that there will be no likely significant effects from the Joint Core Strategy through the pathway of atmospheric pollution either alone or in combination with other plans and projects.</p>
<p>Joint Core Strategy Policy CP28 – Green Infrastructure</p>	<p>HRA (July 2013) concluded that the policy had no impact pathways and no HRA/AA implications. The policy was therefore screened out.</p>

<p>Joint Core Strategy Policy CP29 – Design</p>	<p>HRA (July 2013) concluded that the policy had no impact pathways and no HRA/AA implications. The policy was therefore screened out.</p>
<p>Joint Core Strategy Policy CP31 – Transport (known as Policy CP29 in the original Joint Core Strategy HRA)</p>	<p>HRA (July 2013) concluded that the Transport policy lists a range of measures that will be implemented to maximise sustainable transport.</p> <p>It has been possible to determine that significant air quality effects are unlikely to occur as a result of Joint Core Strategy</p>
<p>Joint Core Strategy Policy CSWB5 - Design</p>	<p>HRA (July 2013) concluded that the policy had no impact pathways and no HRA/AA implications. The policy was therefore screened out.</p>
<p>Joint Core Strategy Policy CSWB6 – Sustainable Construction</p>	<p>HRA (July 2013) concluded that the policy incorporates a number of requirements for sustainable construction including those that will help to reduce demand on water resources:</p> <p>The HRA concluded that adverse water supply/flow impacts as a result of Joint Core Strategy development are therefore unlikely.</p>
<p>Joint Core Strategy Policy CSWB7 - Waste</p>	<p>HRA (July 2013) concluded that the policy had no impact pathways and no HRA/AA implications. The policy was therefore screened out.</p>

<p>Joint Core Strategy Policy CSWB8 - Sustainable Water Management</p>	<p>HRA (July 2013) concluded that the policy incorporates a number of requirements for sustainable construction including those that will help to reduce demand on water resources:</p> <p>The HRA concluded that adverse water supply/flow impacts as a result of Joint Core Strategy development are therefore unlikely.</p>
<p>Joint Core Strategy Policy CSWB10 – Green Infrastructure</p>	<p>HRA (July 2013) concluded that the policy had no impact pathways and no HRA/AA implications. The policy was therefore screened out.</p>
<p>Joint Core Strategy Policy CSWB12 – Pedestrian and Cycle Routes</p>	<p>HRA (July 2013) concluded that the Transport policy lists a range of measures that will be implemented to maximise sustainable transport.</p> <p>It has been possible to determine that significant air quality effects are unlikely to occur as a result of Joint Core Strategy</p>
<p>Joint Core Strategy Policy CSWB13 – Public Transport</p>	<p>HRA (July 2013) concluded that the Transport policy lists a range of measures that will be implemented to maximise sustainable transport.</p> <p>It has been possible to determine that significant air quality effects are unlikely to occur as a result of Joint Core Strategy</p>
<p>Joint Core Strategy Policy CSWB18 – Low Carbon Vehicles</p>	<p>HRA (July 2013) concluded that the Transport policy lists a range of measures that will be implemented to maximise sustainable transport.</p> <p>It has been possible to determine that significant air quality effects are unlikely to occur as a result of Joint Core Strategy</p>

Conclusions in respect of Habitat Regulations Assessment Screening

5.5 Previous HRAs have therefore concluded that there were no likely significant effects on European sites, either alone or in combination with

other plans and projects, as a result of the policies within the Local Plan which the Climate Change and Sustainable Construction SPD is intended to implement.

- 5.6 Given the proposed SPD is intended to provide supplementary guidance to aid implementation of existing policies in the Local Plan (Joint Core Strategy) and will not introduce new or amended planning policy, it is concluded that the SPD will not give rise to likely significant effects on any European sites. **It is therefore concluded that a full Appropriate Assessment under the Habitats Regulations is not required for this SPD.**
- 5.7 This conclusion has been agreed with the Environment Agency, Historic England and Natural England. Their responses are included in Appendix 1.

Appendix 1: Responses from the three Statutory Bodies (will be included once available)

Date: 18 November 2021
Our ref: 373501



Victoria Potts
Victoria.Potts@easthants.gov.uk
East Hampshire District Council

Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

BY EMAIL ONLY

T 0300 060 3900

Dear Victoria Potts

Climate Change and Sustainable Construction Supplementary Planning Document: Strategic Environmental Assessment and Habitats Regulations Assessment Screening Statement

Thank you for your consultation on the above received on the 5 November 2021.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

We agree with the conclusions of the above screening report, particularly as this Supplementary Planning Document (SPD) is providing supplementary guidance on existing policies and not introducing new policies or allocations. Therefore, we advise that a full Habitats Regulation Appropriate Assessment and Strategic Environmental Assessment is not required for this SPD. If any environmental impacts are identified during the creation of the SPD then this position may require reconsideration and we advise that you re-consult Natural England.

Please note that post-Brexit it may be preferable for the documents to refer to the UK collection of European sites as the 'national site network', rather than Natura 2000, and to rely on reference to the Habitats Regulations as the Habitats Directive no longer applies.

For any further consultations on your SPD, please contact: consultations@naturalengland.org.uk.

Yours sincerely

Miranda Petty
Senior Adviser
Thames Solent Team
Sustainable Development

Potts, Victoria

From: Winter, Edward <Edward.Winter@HistoricEngland.org.uk>
Sent: 10 November 2021 15:48
To: Potts, Victoria
Subject: RE: EHDC - SEA/HRA Screening on draft Climate Change and Sustainable Construction SPD.

CAUTION: This email came from outside of the council - only open links and attachments that you're expecting.

Dear Ms Potts

Thank you for consulting Historic England on the SEA/HRA Screening on draft Climate Change and Sustainable Construction SPD.

We agree with the screening determination that SEA is not required.

Kind regards

Edward Winter LLB MA MRTPI

Historic Environment Planning Adviser

Regions Group (London & South East)

Historic England, Floor 4, The Atrium, Cannon Bridge House, 25 Dowgate Hill, London, EC4R 2YA

07557 831241

Potts, Victoria

From: Lines, Charlotte <charlotte.lines@environment-agency.gov.uk>
Sent: 08 December 2021 08:15
To: Potts, Victoria
Cc: Rabone, Anna
Subject: RE: Urgent: EHDC - SEA/HRA Screening on draft Climate Change and Sustainable Construction SPD.

CAUTION: This email came from outside of the council - only open links and attachments that you're expecting.

Hi Victoria,

Whilst we agree with the conclusion that an SEA will not be required for the proposed Climate Change and Sustainable Construction SPD, consideration will need to be given to the proposed use of sites coming forward if they are sited within a Groundwater Source Protection Zone. Construction methods will also need to be considered, hopefully the SPD will be able to address and provide further clarification on these points.

Many thanks,
Charlotte

C. Lines C. Lines C. Lines

Charlotte Lines | Principal Planning Officer Sustainable Places West | Solent and South Downs Area | Environment Planning and Engagement | Environment Agency | Romsey | Canal Walk | Romsey | SO51 7LP | Tel: 02084745838 | charlotte.lines@environment-agency.gov.uk or PlanningSSD@environment-agency.gov.uk