

FAREHAM

BOROUGH COUNCIL

Screening Statement of the need for a Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) for the Fareham Borough Council Planning Obligations Supplementary Planning Document

Introduction

1. This screening statement has been prepared to determine whether the proposed Planning Obligations Supplementary Planning Document (SPD) should be subject to a Strategic Environmental Assessment (SEA) in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 (SEA Regulations).
2. The purpose of the Planning Obligations SPD is to aid the effective implementation of the Council's strategic planning objectives and the infrastructure delivery policies in the Fareham Local Plan 2037. The relevant policies are:
 - HP5: Provision of Affordable Housing
 - E1: Employment Land Provision
 - CC2: Managing Flood Risk and Sustainable Drainage Systems
 - NE1: Protection of Nature Conservation, Biodiversity and the Local Ecological Network
 - NE2: Biodiversity Net Gain
 - NE3: Recreational Disturbance on the Solent Special Protection Area SPAs
 - NE4: Water Quality Effects on the Special Protection Areas, Special Areas of Conservation and Ramsar Sites of the Solent
 - NE5: Solent Wader and Brent Goose Sites
 - NE6: Trees, Woodlands and Hedgerows
 - NE10: Protection and Provision of Open Space
 - TIN1: Sustainable Transport
 - TIN2: Highway Safety and Road Network
 - TIN4: Infrastructure Delivery
 - D3: Coordination of Development and Piecemeal Proposals
3. The SPD will provide further guidance on how to implement policies that are material considerations in the determination of planning applications and inform Development Management decisions. The SPD will provide further guidance to all parties seeking to comply with the Local Plan policies and will therefore be of particular use to developers, architects and agents looking to bring forward development.

Strategic Environmental Assessment – Regulatory Requirements

4. The basis for Strategic Environmental Assessment legislation is the Environmental Assessment of Plans and Programmes Regulations 2004 (SEA Regulations) which was transposed from European Directive 2001/42/EC. Detailed guidance of these regulations can be found in the Government publication 'A Practical Guide to the Strategic Environmental Assessment Directive' (ODPM, 2005) and Paragraph 11-008 (Strategic Environmental Assessment and Sustainability Appraisal) of the Planning Practice Guidance (PPG). This states that "supplementary planning documents do not require 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 during the preparation of the local plan”.

5. Under the requirements of the Environmental Assessment of Plans and Programmes Regulations (2004), certain types of plans that set the framework for the consent of future development projects, must be subject to an environmental assessment.
6. The objective of a Strategic Environmental Assessment is to provide for a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes with a view to promoting sustainable development.

The Strategic Environmental Appraisal Process

7. The first stage of the process is for the Council to determine whether the SPD is likely to have significant effects on the environment. This screening process includes assessing the SPD against a set of criteria (as set out in Schedule 1 of the SEA Regulations). The results of this are set out in table 2 of Appendix 1 of this statement. The aim of this statement is therefore to provide sufficient information to demonstrate whether the SPD is likely to have significant environmental effects.
8. Where the Council determines that a SEA is not required, Regulation 9(3) of the SEA Regulations states that the Council must prepare a statement setting out the reasons for this determination. This statement is Fareham Borough Council's Regulation 9(3) statement. The Council has consulted the Environment Agency, Historic England and Natural England on this screening statement (Appendix 2).

Habitats Regulations Assessment

9. In addition to the SEA, the Council is required to consider a Habitats Regulations Assessment (HRA). HRA is the process used to determine whether the plan or project would have significant adverse effects on the integrity of an internationally designated site of nature conservation importance, known as European sites. The need for an HRA is set out within the Conservation of Habitats and Species Regulations 2010, which transposed EC Habitats Directive 92/43/EEC into UK law.
10. The Fareham Local Plan 2037 was subject to a comprehensive HRA: [HRA Update Report September 2022.pdf \(fareham.gov.uk\)](#)
11. The HRA screened out the policies listed in paragraph 2 of this assessment at an early stage, concluding that they were unlikely to have a significant effect on the integrity of European Sites. The summary of that can be found in appendix 2 of the HRA (linked above). As the purpose of this SPD is only to provide guidance and clarity on these policies, the Council has determined that a HRA is not required.

Conclusion

12. Based on the screening process, it is the Council's opinion that the Planning Obligations SPD does not require a Strategic Environmental Assessment under the SEA regulations or an appropriate assessment under the Habitats Regulations. This is because there will be no significant environmental, social or economic effects arising from its implementation, as it seeks only to expand upon and provide guidance for the effective and consistent implementation of Local Plan policies.

Appendix 1:

Table 1: Establishing whether there is a need for an SEA (based on figure 2, ODPM guidance)

Assessment Criteria	Yes/ no	Assessment
1. Is the PP 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. Proceed to Q2	Supplementary Planning Documents are prepared by local planning authorities under the provisions of Regulations 11 to 16 of the Town and Country Planning (Local Planning) (England) Regulations 2012.
2. Is the PP required by legislative, regulatory or administrative provisions? (Art. 2 (a)).	Yes. Proceed to Q3	The SPD is consistent with and expands upon the Borough Council's Local Plan. It is therefore necessary to answer the following questions to determine further if an SEA is required.
3. Is the PP prepared for agriculture, forestry, fisheries, energy, industry, transport, water management, water management, 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 Environmental Impact Assessment Directive? (Art 3.2 (a))	No. Proceed to Q4	Whilst the SPD has been prepared for town and country planning purposes, it does not set policy or a framework as it only provides guidance on the policies within the Local Plan. The policies that the SPD supplements have been subject to SA/SEA.
4. Will the PP, 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)).	No. Proceed to Q6	The policies that the SPD is supplementing have themselves been subject to Habitats Regulations Assessment. Refer to paragraph 12 in this document.
6. Does the PP set the framework for future development consent of projects (not just projects in Annexes to the EIA Directive)? (Art 3.4).	Yes. Proceed to Q8	The SPD provides further guidance to supplement policies related to developer contributions and infrastructure provision. The SPD does not allocate land and it does not set policy or a framework for future development, but it does provide guidance to policies in the local plan
8. Is it likely to have a significant effect on the environment? (Art. 3.5)	No	Directive does not require SEA.

Table 2: Assessment of the likelihood of the Planning Obligations SPD having significant effects on the environment

Significant effect criteria	Potential effects of the SPD
<i>The characteristics of the plan having regard to:</i>	
(a) 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 provides more detail on the policies and principles established in the Fareham Local Plan 2037, which has been subject to comprehensive SA incorporating SEA. The purpose of the SPD is to provide guidance on the effective and consistent implementation of the relevant policies in paragraph 2. The policies in the SPD must not and do not conflict with those in the Local Plan and as such are subservient and supplemental to those in the Local Plan.
(b) The degree to which the plan or programme influences other plans and programmes including those in a hierarchy;	The purpose of the SPD is to supplement the Local Plan policies and sits below the Local Plan in terms of the Development Plan hierarchy.
(c) The relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development;	The SPD is relevant in terms of promoting sustainable development as it seeks to ensure the effective and consistent implementation of infrastructure policies in the Local Plan, the aim of which is to provide better places for local communities.
(d) Environmental problems relevant to the plan or programme;	There are no environmental problems relevant to the SPD. This SPD will result in social and economic benefits through the effective and consistent implementation of infrastructure policies.
(e) The relevance of the plan or programme for implementation of Community legislation on the environment (e.g. plans and programmes linked to waste management or water protection).	The purpose of the SPD is to provide guidance on the effective and consistent implementation of infrastructure policies. The Fareham Local Plan 2037 contains other policies relating to these objectives.

<i>Characteristics of the effects likely having regard, in particular, to:</i>		
SEA Directive Criteria	Response	Is there a likely significant environmental effect?
(a) The probability, duration, frequency and reversibility of the effects;	The SPD is not expected to give rise to any significant environmental effects. The SPD seeks to ensure the effective and consistent implementation of infrastructure policies, which in themselves should	No

	ensure positive effects relating environmental impact.	
(b) The cumulative nature of the effects;	The SPD is not considered to have any significant cumulative effects.	No
(c) The transboundary nature if the effects;	The SPD is not expected to give rise to any significant transboundary environmental effects. However, where strategic sites are in close proximity to neighbouring settlements, the provision of infrastructure will assist in mitigating any impacts from development and delivering sustainable new developments for residents from a wider area as well as from within Fareham's communities.	No
(d) The risks to human health or the environment (e.g. due to accidents);	There are no anticipated effects of the SPD on human health.	No
(e) The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);	The effective and consistent implementation of infrastructure policies will have positive benefits for all Fareham residents and those who wish to move to Fareham.	No
(f) The value and vulnerability of the area likely to be affected due to – (i) Special natural characteristics or cultural heritage; (ii) Exceeded environmental quality standards or limit values; or (iii) Intensive land use;	The SPD is not anticipated to adversely affect any special natural characteristic or cultural heritage. Nor would the SPD be expected to lead to the exceedance of environmental standards or promote intensive land use. Matters relating to environmental standards and land use are contained in the Fareham Local Plan 2037.	No
(g) The effects on areas or landscapes which have a recognised national, Community or international protection status.	The SPD is not expected to have any adverse effect on areas with national, community or international protection.	No
Part 2 Overall Conclusion	No Likely Significant Environmental Effect	

Appendix 2: Screening Consultation Responses

Date: 31 January 2023
Our ref: 419185
Your ref: Fareham Borough Council Planning Obligations SPD



Pete Drake
Principal Planner (Strategy)
Fareham Borough Council

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

BY EMAIL ONLY

T [REDACTED]

Dear Pete Drake,

Screening Statement of the need for a Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) for the Fareham Borough Council Planning Obligations Supplementary Planning Document

Thank you for your consultation on the above, dated and received by Natural England on 23 January 2023

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.

Screening Request: Strategic Environmental Assessment (SEA) Screening Assessment of the Fareham Borough Council Planning Obligations SPD.

It is our advice, on the basis of the material supplied with the consultation, that, in so far as our strategic environmental interests (including but not limited to statutory designated sites, landscapes and protected species, geology and soils) are concerned, that there are unlikely to be significant environmental effects from the proposed plan.

Neighbourhood Plan

Guidance on the assessment of Neighbourhood Plans, in light of the Environmental Assessment of Plans and Programmes Regulations 2004 (as amended), is contained within the [National Planning Practice Guidance](#). The guidance highlights three triggers that may require the production of an SEA, for instance where:

- a neighbourhood plan allocates sites for development
- the neighbourhood area contains sensitive natural or heritage assets that may be affected by the proposals in the plan
- the neighbourhood plan may have significant environmental effects that have not already been considered and dealt with through a sustainability appraisal of the Local Plan.

We have checked our records and based on the information provided, we can confirm that in our view the proposals contained within the plan will not have significant effects on sensitive sites that Natural England has a statutory duty to protect.

We are not aware of significant populations of protected species which are likely to be affected by the policies / proposals within the plan. It remains the case, however, that the responsible authority should provide information supporting this screening decision, sufficient to assess whether protected species are likely to be affected.

Notwithstanding this advice, Natural England does not routinely maintain locally specific data on all potential environmental assets. As a result the responsible authority should raise environmental issues that we have not identified on local or national biodiversity action plan species and/or habitats, local wildlife sites or local landscape character, with its own ecological and/or landscape advisers, local record centre, recording society or wildlife body on the local landscape and biodiversity receptors that may be affected by this plan, before determining whether an SA/SEA is necessary.

Please note that Natural England reserves the right to provide further comments on the environmental assessment of the plan beyond this SEA/SA screening stage, should the responsible authority seek our views on the scoping or environmental report stages. This includes any third party appeal against any screening decision you may make.

For any new consultations, or to provide further information on this consultation please send your correspondences to [REDACTED]

Yours sincerely,

Elizabeth Ball
Consultations Team



Historic England

Pete Drake
Principal Planner (Strategy)
Fareham Borough Council

Our ref: PL00016395

[REDACTED]
by email only

3 February 2023

Dear Pete

Fareham Borough Council Planning Obligations Supplementary Planning Document: Strategic Environmental Assessment (SEA) Screening Opinion

Thank you for consulting Historic England about the above Screening Opinion.

In terms of our area of interest, given the nature of the SPD, we concur with your assessment that the document is unlikely to result in any significant environmental effects and will simply provide additional guidance on existing Policies contained within a Adopted Development Plan Document which has already been subject to a Sustainability Appraisal/SEA. As a result, subject to adoption of the Local Plan (which we understand is imminent), we endorse the Authority's conclusions that it is not necessary to undertake a SEA of this particular SPD.

The views of the other statutory consultation bodies should be taken into account before the overall decision on the need for an SEA is made.

Considering heritage within the SPD

Having noted the above, we encourage the Council to consider the potential role of planning obligations in conserving and enhancing the historic environment, which we believe inform the Council's adopted SPD on planning obligations. Therefore, we suggest adding relevant heritage policies to the list of relevant policies.

To explain our thinking a little further, NPPF paragraph 20 advises that: "Strategic policies should set out an overall strategy for the pattern, scale and design quality of places, and make sufficient provision for: ... c) community facilities (such as health, education and cultural infrastructure); ...".



Historic England, Cannon Bridge House, 25 Dowgate Hill, London EC4R 2YA
Telephone 0370 333 0607 HistoricEngland.org.uk

Please note that Historic England operates an access to information policy.
Correspondence or information which you send us may therefore become publicly available.



Historic England considers cultural infrastructure to include all heritage assets within the Borough. The importance of cultural infrastructure to the character, authenticity, creativity and general attractiveness is widely and increasingly recognised (e.g. London now has a [Cultural Infrastructure Plan](#)), as is the importance of cultural infrastructure to economic activity and the health and wellbeing of communities. A wealth of information on the value of heritage to our economy, society and environment has been published within [Heritage Counts](#).

While it is difficult to quantify a requirement for cultural infrastructure, given the importance of cultural infrastructure, as identified in the NPPF, Historic England asserts that it would be reasonable to expect the Council's approach to aim at least to maintain existing levels of cultural assets that exist within the Borough, and to seek improvements to secure the long term future of assets classed as 'at risk'.

Clearly, regimes for the protection of heritage assets are already in place. However, for heritage assets that are identified 'at risk', while a range of mechanisms may be used to save these assets, none of these is guaranteed. Therefore, Historic England is keen that any opportunity to save heritage assets is explored.

If you have any queries or would like to discuss anything further, please do not hesitate to contact me.

Yours sincerely,

Yours sincerely

Guy Robinson
Historic Environment Planning Adviser
Development Advice – London and the South East Region

[Redacted signature]

Pete Drake

From: Lax, Laura [REDACTED]
Sent: 10 February 2023 14:39
To: Pete Drake
Cc: Nick Cutler
Subject: RE: Fareham Borough Council SPD Screening Assessment

Dear Peter

Thank you for consulting the Environment Agency on the SEA Screening for your planning obligations SPD. The Environment Agency agree with the conclusion within the screening statement that a SEA is not required as there will be no significant environment, social or economic effects arising from implementation of the SPD. We defer to the opinion of Natural England with regard to the requirement for an Appropriate Assessment.

If you have any queries regarding the above please do not hesitate to contact me.

Kind regards
Laura

Laura Lax
Sustainable Places
Solent and South Downs

Tel: [REDACTED]
Email: [REDACTED]

From: Pete Drake [REDACTED]
Sent: 23 January 2023 15:22
To: Lax, Laura [REDACTED]
Cc: Nick Cutler [REDACTED]
Subject: Fareham Borough Council SPD Screening Assessment
Importance: High

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Dear colleagues,

Please find attached an SEA Screening Assessment of the Fareham Borough Council Planning Obligations SPD for your consideration.

If you could please let me have your response by the **10th** February, that would be much appreciated.

Kind regards

Pete

Pete Drake
Principal Planner (Strategy)
Fareham Borough Council
[REDACTED]