

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

Introduction

1. This screening statement has been prepared to determine whether the proposed Biodiversity Net Gain 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 Biodiversity Net Gain SPD is:
 - the effective implementation of NE2: Biodiversity Net Gain policy in the Fareham Local Plan 2037
 - to aid developers and planners in understanding how Biodiversity Net Gain (BNG) will apply to planning applications in Fareham
 - set out the core concepts of BNG and Biodiversity Metrics, explaining what steps developers need to take to submit the correct net gain information
 - provide guidance on meeting BNG requirements in the future and possible solutions when encountering issues in achieving BNG onsite
3. The SPD contains:
 - Policy context based upon the Fareham Local Plan 2037 regarding Biodiversity Net Gain;
 - Details on DEFRA's Biodiversity Metric Calculation Tool;
 - Biodiversity Gain Plan requirements;
 - Approaches and advice in relation to major and minor development;
4. The SPD provides guidance on how Biodiversity Net Gain can be achieved onsite, or off site where necessary and how Biodiversity Net Gain management and maintenance should be considered.

Strategic Environmental Assessment – Regulatory Requirements

5. 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".
6. 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.
7. 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

8. 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.
9. 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. Responses to be included at Appendix 2.

Habitats Regulations Assessment

10. 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.
11. The Fareham Local Plan 2037 was subject to a comprehensive HRA:
[HRA Update Report September 2022.pdf \(fareham.gov.uk\)](#)
12. 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

13. Based on the screening process, it is the Council's opinion that the Biodiversity Net Gain 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 negative 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 Self and Custom Build Housing 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: Statutory Consultee Responses



Historic England

FAO: Nick Cutler
Principal Planner (Strategy)
Fareham Borough Council

Our ref: PL00792512

[REDACTED]
by email only

15 March 2023

Dear Nick

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

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

In terms of our area of interest, we concur with your assessment that the document is unlikely to result in any significant environmental effects and will simply provide more guidance on existing Policies contained within an 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 Council'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.

Additionally, we take this opportunity to highlight the important synergy between the historic and natural environment. Countryside, landscape parks and the open spaces in our cities, towns and villages often have heritage interest, which it would be helpful if the SPD were to highlight. In other words, the Council's approach to BNG would be strengthened by taking into account the heritage significance of a place (both known and the potential for unknown archaeological remains) and the role that green infrastructure can play in enhancing and conserving the historic environment.

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

Yours sincerely

Guy Robinson, BSc, MRTPI
Historic Environment Planning Adviser
Development Advice – London and the South East Region
[REDACTED]



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



From: [Wyatt, Louise](#)
To: [Nick Cutler](#)
Subject: NE Response: Fareham Borough Council SPD SEA Screening Assessments
Date: 17 March 2023 12:42:35
Attachments: [image001.png](#)

Dear Nick,

Our ref: 424018 & 424019

Thank you for your consultation on the SEA and HRA Screening of the proposed Fareham Borough Council Biodiversity Net Gain SPD and the Self and Custom Build SPD.

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.

Based on the information submitted, Natural England agree with the assessment that the supplementary planning documents do not require a SEA or HRA.

Should the proposal change, please consult us again.

Kind regards,
Louise

Louise Wyatt
Sustainable Development Lead Adviser
Thames Solent Team
Natural England

[Redacted signature block]

[Redacted contact information]


From: Nick Cutler <[Redacted]>
Sent: 03 March 2023 09:53
To: Andrew, Mary [Redacted]
Subject: Fareham Borough Council SPD SEA Screening Assessments

Dear colleagues,

Please find attached SEA Screening Assessments of the Fareham Borough Council Biodiversity Net Gain SPD and for the Self and Custom Build SPD for your consideration.

If you could please let me have your response by the 17th March for the BNG SPD if possible and the 24th March for the Self and Custom Build SPD that would be much appreciated.

Kind regards

Nick Cutler
Principal Planner (Strategy)
Fareham Borough Council


From: [Lax, Laura](#)
To: [Nick Cutler](#)
Subject: RE: Fareham Borough Council SPD SEA Screening Assessments
Date: 21 March 2023 12:42:25

Hi Nick,

Don't worry I found the attachments buried in my inbox!

Having reviewed the SEA Screening Assessments of the Biodiversity Net Gain SPD and Self and Custom Build SPD, I can confirm that we agree with your conclusion within both screening statements. The documents **do not** require a Strategic Environmental Assessment under the SEA regulations because there will be no significant environment, social or economic effects arising from implementation of the SPD as it seeks only to expand upon and provide guidance for the effective and consistent implementation of Local Plan policies. We defer to the opinion of Natural England with regard to the requirement for an Appropriate Assessment.

Kind regards
Laura

Laura Lax
Sustainable Places
Solent and South Downs

From: Nick Cutler [REDACTED]
Sent: 03 March 2023 09:53
To: Andrew, Mary [REDACTED]
[REDACTED]
Subject: Fareham Borough Council SPD SEA Screening Assessments

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Kind regards

Nick Cutler
Principal Planner (Strategy)
Fareham Borough Council
[REDACTED]