



# **Affordable Housing Supplementary Planning Document**

**Strategic Environmental Assessment (SEA) –  
Screening Statement**

**Habitats Regulations Assessment (HRA) –  
Screening Statement**

**Determination Statement**

# I. INTRODUCTION

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- I.1** This statement sets out the Authority's determination under Regulation 9 (1) of the Environmental Assessment of Plans and Programmes Regulations 2004 on whether or not a Strategic Environmental Assessment is required for the consultation draft Affordable Housing Supplementary Planning Document (SPD).
- I.2** This statement also sets out the Authority's determination as to whether Appropriate Assessment is required under the Conservation of Habitats & Species Regulations 2017.

## Strategic Environmental Assessment

- I.3** Under the requirements of the European Union Directive 2001/42/EC (Strategic Environmental Assessment (SEA) Directive) and Environmental Assessment of Plans and Programmes Regulations (2004) specific types of plans that set out the framework for future development consent of projects must be subject to an environmental assessment.
- I.4** There are exceptions to this requirement for plans that determine the use of a small area at a local level and for minor modifications if it has been determined that the plan is unlikely to have significant environmental effects.
- I.5** In accordance with the provisions of the SEA Directive and the Environmental Assessment of Plans and Programmes Regulations (2004) (Regulation 9(1)), the Authority must determine if a plan requires an environmental assessment. Where the Authority determines that SEA is not required then under Regulation 9(3) the Authority must prepare a statement setting out the reasons for this determination. The need for SEA is considered under Section 3 of this report.

## Sustainability Appraisal

- I.6** Under separate legislation (the Planning and Compulsory Purchase Act 2004 and associated Regulations), the Authority is required to carry out a Sustainability Appraisal (SA) for all Development Plan Documents. This considers the social and economic impacts of a plan as well as the environmental impacts.
- I.7** In accordance with current Regulations (Town & Country Planning (Local Development) (England) (Amendment) Regulations 2012) SA is not required to be carried out for SPD. However, despite this, it is still necessary to determine the need for SEA.

## Habitats Regulations Assessment

- I.8** Habitats Regulations Assessment is required to determine whether a plan or project would have significant adverse effects upon the integrity of internationally designated sites of nature conservation importance, or Natura 2000 sites. The need for HRA is set out within the EC Habitats Directive 92/43/EC and transposed into British Law by the Conservation of Habitats and Species Regulations 2017. Section 4 of this report deals with the need for Habitats Regulation Assessment.

## 2. SCOPE OF THE AFFORDABLE HOUSING SPD

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**2.1** The scope of the SPD is to provide further guidance to support the implementation of affordable housing policies of the South Downs Local Plan (SDLP). The SPD will elaborate upon policies SD28: Affordable Homes and SD29: Rural Exception Sites of the SDLP (adopted July 2019) and applies to the whole of the South Downs National Park. The SPD provides further detail on the following matters:

- How to assess 'gross site capacity' and subdivision of sites;
- The development uses to which the affordable housing policies would apply (particularly how to distinguish between C2 and C3 uses);
- Clarification on affordable housing tenures;
- How the mix of dwelling sizes and tenures should be calculated;
- Applying occupancy conditions and local connections criteria;
- Viability appraisal and other exceptional justification for a reduced affordable housing provision;
- Calculating a financial contribution where provision cannot be made on-site;
- Conversions and affordable housing;
- Vacant Building Credit;
- Agriculture and forestry workers' accommodation;
- Community Land Trusts and Registered Providers;
- Defining a Rural Exception Site;
- Evidencing 'local need';
- Selecting the most appropriate Rural Exception Site;
- Delivering Rural Exception Sites; and
- Review mechanisms where viability has reduced the affordable housing being delivered on a site.

### 3. STRATEGIC ENVIRONMENTAL ASSESSMENT (SEA)

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#### The SEA Screening Process

- 2.1** The process for determining whether or not an SEA is required is called screening. In order to screen, it is necessary to determine if a plan will have significant environmental effects using the criteria set out in Annex II of the Directive and Schedule I of the Regulations. Table I sets out the Authority’s screening for the Affordable Housing SPD using the criteria set out in Annex II of the Directive and Schedule I of the Regulations. A determination cannot be made until the three statutory consultation bodies have been consulted: The Environment Agency, Natural England and Historic England.
- 2.2** Within 28 days of making its determination the authority must publish a statement such as this one, setting out its decision. If it determines that an SEA is not required, the statement must include the reasons for this.

#### SEA Determination and Reasons for Determination

- 2.3** Before making a determination, the three statutory consultation bodies were consulted. The responses received are set out in Table I below:

Table I – Comments received by Consultation bodies

Consultation Body	Comments
Environment Agency Date responded 8 <sup>th</sup> July 2017	<p>Thank you for consulting the Environment Agency on the SDNPA’s SEA/HRA Screening Statement for the Affordable Housing SPD.</p> <p>We appreciate that an SPD may require an SEA under the Directive and early SEA screening is advised. The Environment Agency may be able to assist the Local Planning Authority at this stage by advising on whether the plan will result in significant environmental impacts within our remit. However please note that we do not advise on whether the plan falls under the requirements of the SEA Directive.</p> <p>Based on the scope of the SPD, we do not feel that the plan has the potential to give rise to significant environmental effects for areas within our remit.</p>
Historic England	No response provided.
Natural England	No response provided.

Table 2 – SEA Screening for the Affordable Housing SPD

<b>Criteria (from Annex II) of the SEA Directive and Schedule I of the Regulations</b>	<b>SDNPA Comments</b>
<b>Characteristics of the plan or programme</b>	
a) The degree to which the plan or programme sets a framework for projects and other activities, either with regards to the location, nature, size and operating conditions or by allocating resources.	The Affordable Housing SPD sits at the lowest tier of the development plan system. It offers specific guidance to implement policies SD28: Affordable Homes and SD29: Rural Exception Sites of the South Downs Local Plan.
b) The degree to which the plan or programme influences other plans and programmes including those in a hierarchy.	The SPD is an implementation tool for delivering already adopted development plan policies at a higher tier (the South Downs Local Plan) which have already been subject to SA/SEA. It is influenced by other higher tier plans rather than influencing other plans itself.
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 provides further guidance to support the implementation of affordable housing policies of the South Downs Local Plan (SDLP) which have already been subject to SA/SEA and therefore does not have a significant environmental impact on environmental considerations. As the SPD is an implementation tool for the SDLP affordable housing policies it does have social and economic considerations in respect to sustainable development by providing clear and consistent guidance on the provision of affordable housing.
d) Environmental problems relevant to the plan or programme.	The SPD is an implementation tool for delivering already adopted development plan policies at a higher tier which have already been subject to SA/SEA. The SPD expands on higher level policy requirements (SD29) that affordable housing is appropriately located to minimise landscape impact and maximise ecosystem services.
e) The relevance of the plan or programme for the implementation of Community (EU) legislation on the environment (for example	The nature of the Affordable Housing SPD has no direct impact on the implementation of Community legislation. The principle of

plans and programmes linked to waste management or water protection).	development is considered through the SDLP which has been subject to SA/SEA and HRA.
Characteristics of the effects and of the area likely to be affected	
a) The probability, duration, frequency and reversibility of the effects.	<p>The SPD will not in itself set out or bring forward development plans or projects. It sets out guidance for how the Authority will interpret aspects of its strategic policies in the SDLP: policies SD28 and SD29.</p> <p>The SPD should provide positive effects in regards to social and economic considerations.</p>
b) The cumulative nature of the effects	The SPD is not anticipated to have any significant cumulative effects. Cumulative effects are addressed in the SDLP SA/SEA and HRA.
c) The transboundary nature of the effects	The SPD applies within the South Downs National Park area only. It is not expected to have any negative effects outside of the SDNP. Transboundary effects have been addressed in the SDLP SA/SEA and HRA.
d) The risks to human health or the environment (for example, due to accidents)	The SPD presents no direct risks to human health or the environment. It is considered there may be improvements to human health and environment due to affordable housing being developed to meet local needs, including being of the appropriate size, location and quality. This could indirectly support improved health outcomes and reduced health inequalities
e) The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)	The SPD will cover the whole of the South Downs National Park area.
f) The value and vulnerability of the area likely to be affected due to:	The South Downs National Park covers an area with a wide variety of characteristics. The SPD itself does not direct or establish the principle of development. This is covered by higher tier policies in the SDLP which have been subject to SA/SEA. In any case, development proposals will need to be consistent with SDLP policy SD9 Biodiversity and Geodiversity and where appropriate tested through the Habitats Regulations
i) Special natural characteristics or cultural heritage;	
ii) Exceeding environmental quality standards or limit values;	
ii) Intensive land-use	

<p>g) The effects on areas or landscapes which have recognised national, community or international protection status.</p>	<p>The SPD will cover the whole of the South Downs National Park which has been designated for its special landscape, wildlife and cultural value. The SPD should provide positive effects by promoting the provision of affordable housing in the National Park.</p> <p>In line with SD9 of the SDLP, development proposals will need to be tested through the Habitats Regulations where appropriate.</p>
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Other Considerations

**2.4** In reviewing these criteria and coming to a conclusion, the Authority has also had regard to the following:

- The SPD does not present new policies but seeks to clarify the Authority's approach to implementing the SDLP affordable housing policies.

SEA Conclusion

**2.5** Having regard to the considerations above, the Authority considers that the Affordable Housing SPD is unlikely to have any significant environmental effects and therefore does not require a Strategic Environmental Assessment.

**2.6** This determination was made on 28<sup>th</sup> August 2019.

# 4. HABITATS REGULATIONS ASSESSMENT SCREENING STATEMENT

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**2.7** This part of the report seeks to determine whether the Authority's policies and proposals set out in the Affordable Housing SPD will have any significant impacts on Natura 2000 sites.

**2.8** This SPD will support policies SD28: Affordable Housing and SD29: Rural Exception Sites in the adopted South Downs Local Plan (SDLP). The SDLP was subject to a Habitats Regulation Assessment which was prepared in consultation with Natural England. The purpose of HRA is to assess the impacts of plans and/or projects against the conservation objectives of a European protected site. The assessment must determine whether the plan and/ or project would adversely affect the integrity of the site in terms of its conservation objectives. Where adverse effects are identified these effects should be avoided or mitigated.

**2.9** The Appropriate Assessment stage of HRA is only required should the preliminary screening assessment not be able to rule out likely significant effects.

**2.10** The Directive states that any plan or project not connected to or necessary for a sites management, but likely to have significant effect thereon shall be subject to appropriate assessment. There are 4 distinct stages in HRA namely:

- Step 1: Screening - Identification of likely impacts on a European site either alone or in combination with other plans/projects and consideration of whether these are significant.
- Step 2: Appropriate Assessment - consideration of the impact on the integrity of the European Site whether alone or in combination with other plans or projects with respect to the sites structure, function and conservation objectives. Where there are significant effects, step 2 should consider potential mitigation measures.
- Step 3: Assessment of Alternative Solutions - Assessing alternative ways of achieving the objectives of the plan/project which avoid impacts; and
- Step 4: Assessment of Compensatory Measures - Identification of compensatory measures should impact not be avoided and no alternative solutions exist and an assessment of imperative reasons of overriding public interest (IROPI) deems that a project should proceed.

**2.11** Should screening (step 1) reveal that significant effects are likely or effect cannot be discounted because of uncertainty, then it is necessary to move onto step 2: Appropriate Assessment. If step 2 cannot rule out significant effect even with mitigation, then the process moves onto step 3 and finally step 4 if no alternative solutions arise.

## Step 1 - Screening

**2.12** There are four stages to consider in a screening exercise:



Stage 1: Determining whether the plan/project is directly connected with or necessary to the management of the site;

Stage 2: Describing the plan/project and description of other plan/projects that have the potential for in-combination impacts;

Stage 3: Identifying potential effects on the European site(s); and

Stage 4: Assessing the significance of any effects

- 2.13** It can be determined that the Affordable Housing SPD is not directly connected with, or necessary to the management of a site.

Stage 2 to 4

- 2.14** Information about the scope of the SPD can be found in Section 2 of this document. The SPD supports SDLP policies, which are already subject to a full HRA, including of any in-combination effects with other plans and / or project. The SDLP HRA considered the potential effects on the following European sites:

- Calcareous grassland sites: Lewes Downs SAC, Castle Hill SAC and Butser Hill SAC
- Woodland sites: Duncton to Bignor Escarpment SAC, Kingley Vale SAC, East Hampshire Hangers SAC and Rook Cliff SAC
- Heathland bog sites: Thursley, Ash, Pirbright and Chobham SAC, Woolmer Forest SAC, Ashdown Forest and Shortheath Common SAC
- Bat sites: The Mens SAC, Singleton and Cocking Tunnels SAC, and Ebernoe Common SAC
- Heathland bird sites: Wealden Heaths Phase II SPA, Ashdown Forest SPA and Woolmer Forest SAC
- Riverine sites: River Itchen SAC, Arun Valley SAC/SPA/Ramsar
- Estuarine sites: Chichester and Langstone Harbours SPA / Ramsar, Solent Maritime SAC, Dorest and Solent potential SPA
- Wetland sites: Pevensey Levels SAC/ Ramsar site

- 2.15** The following impact pathways were identified as relevant to the SDLP HRA:

- Recreation pressure
- Air Quality
- Water quantity and changes in hydrological cycles
- Water quality
- Loss of supporting habitat
- Urbanisation

- 2.16** The SDLP HRA undertook a test of likely significant effects for policies and site allocations contained in the Local Plan. Policies / allocations assessed as having no potential impact pathways linking to European Designated Sites were screened out from further consideration. The following assessment was made of SDLP policies SD28 and SD29:

Policy	Description	HRA Implications
SD28 Affordable Homes	SD28 seeks to maximise the delivery of affordable homes across the National Park as part of market-led housing schemes. The policy sets out a sliding scale of requirement for developments to provide affordable housing.	<p>“No HRA implications.</p> <p>This is a development management policy relating to the provision of affordable housing.</p> <p>There are no linking impact pathways present.”</p>
SD29 Rural Exception Site	SD29 seeks to encourage the delivery of rural exception sites. These are sites which provide a critical source of affordable housing in perpetuity to meet local needs, which are not served by the market, on land that would not normally be used for housing.	<p>“No HRA implications.</p> <p>This is a policy that seeks to manage development rather than allocating development. Whilst it encourages new residential development, there are no specific locations or quantities mentioned. As such there are no linking impact pathways present.”</p>

#### HRA screening conclusion

**2.17** The Affordable Housing SPD provides further guidance to support the implementation of policies SD28 and SD29. The SPD does not set the principle of development nor does it direct development to a specific location. Therefore, as with the assessment of SD28 and SD29 there are no linking impact pathways present and there are no HRA implications. A full appropriate assessment is not required.

**2.18** This determination was made on 28<sup>th</sup> August 2019.