



# **Sustainable Construction Supplementary Planning Document**

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

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

**DRAFT 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 Sustainable Construction 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 consents on projects must be subject to an environmental assessment.
- I.4 Supplementary planning documents may in exceptional circumstances require a strategic environmental assessment if they are likely to have significant environmental effects that have not already have been assessed during the preparation of the relevant strategic policies.
- I.5 In accordance with the provisions of the Directive and Regulations, 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 a SEA of the Sustainable Construction SPC is considered in 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. However, in accordance with current Regulations (Town & Country Planning (Local Development) (England) (Amendment) Regulations 2012) a SA is not required to be carried out for SPD.

## **Habitats Regulations Assessment**

- I.7 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 (transposed into British Law). Section 4 of this report deals with the need for Habitats Regulation Assessment.

## 2. SCOPE OF THE SUSTAINABLE CONSTRUCTION SPD

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**2.1** The scope of the SPD is to provide guidance which supports the implementation of sustainable construction policies of the South Downs Local Plan (SDLP) adopted in 2019. The SPD will elaborate upon policies SD2 Ecosystem Services; SD48: Climate Change and Sustainable Use of Resources; the element of SD22: Parking Provision, as it relates to electric vehicle charging; and SD3 Major Development. The SPD applies to the whole of the South Downs National Park. The SPD provides further detail on the following matters:

- Reducing predicted CO<sub>2</sub> emissions through the energy efficiency of new development;
- Reducing CO<sub>2</sub> emissions through the generation of on-site low or zero carbon energy;
- Reducing CO<sub>2</sub> emissions through the provision of electric car charging in new development;
- Reducing CO<sub>2</sub> emissions through the reduction of waste as part of construction and operational waste in new development;
- Reducing CO<sub>2</sub> emissions through the use of low carbon materials in new development;
- Adapting to predicted climate change by reducing predicted mains water consumption;
- Adapting to predicted climate change by conserving and enhancing green and blue infrastructure and promoting multi-functional sustainable drainage systems.
- Adapting to predicted climate change by encouraging green roofs on new buildings
- Adapting to predicted climate change by encouraging the use of native species and low irrigation planting.
- Adapting to predicted climate change by encouraging shade-casting street trees, green walls and other design measures to reduce overheating in new development

# 3. STRATEGIC ENVIRONMENTAL ASSESSMENT (SEA)

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## The SEA Screening Process

- 3.1 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 below sets out the Authority’s screening of the Sustainable Construction SPD.
- 3.2 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

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

**Table I – Comments received by Consultation bodies**

Consultation Body	Comments
Environment Agency	<i>To be completed following consultation on this screening opinion</i>
Historic England	
Natural England	

**Table 2 – SEA Screening for the Sustainable Construction SPD**

Criteria (from Annex II) of the SEA Directive and Schedule I of the Regulations	SDNPA Comments
<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.	<p>The Sustainable Construction SPD sits at the lowest tier of the development plan system. It provide more detail on the policies and principles contained in the Adopted South Downs Local Plan, specifically policies SD2 Ecosystem Services; SD48: Climate Change and Sustainable Use of Resources; the element of SD22: Parking Provision, as it relates to electric vehicle charging; and SD3 Major Development.</p> <p>The Local Plan was subject to a full SA/SEA.</p>

	<p>The SPD applies to the whole of the South Downs National Park but does not directly determine the location, nature or size of a project. It is more directly relevant to how that project is implemented or constructed.</p>
<p>b) The degree to which the plan or programme influences other plans and programmes including those in a hierarchy.</p>	<p>The requirements for sustainable construction are already set out in the Adopted South Downs Local Plan. The SPD provides additional detail. The adoption of this SPD may influence forthcoming Area Action Plans and Neighbourhood Development Plans due to the greater prominence of this issues that will be generated as a result of the SPD. It is more likely that the issues will be considered from the outset which often leads to better outcomes. This could lead to some positive effects above those resulting from the Local Plan.</p>
<p>c) 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 content of the SPD is directly and positively linked to the promotion of sustainable development.</p>
<p>d) Environmental problems relevant to the plan or programme.</p>	<p>UK air temperatures are predicted to continue to rise, with 10 of the hottest years recorded since 1999. The strongest average monthly temperature increases have been in the South East along with the Midlands and East Anglia. Projections indicate that the South East will experience hotter, drier summers and warmer wetter winters with more extreme weather events. Sea level rises are predicted for the south east as a result of isostatic readjustment and ice sheet melt.</p> <p>Climate change will result in a range of direct and indirect effects on both the natural and human environment including flooding and increased soil erosion related to current and projected wetter winters. This may impact on soil condition with increased erosion and nutrient loss. Drier summers will exacerbate the predicted supply/demand deficit for water supply and extreme weather events will impact on human health.</p> <p>Evidence prepared to support the preparation of the Local Plan shows that:</p> <ul style="list-style-type: none"> <li>– Annual energy demand within buildings in the National Park is around 2,287,271MWh. Given the current mix of fuel sources used, this contributes around 675,438 tCO<sub>2</sub>/yr.</li> <li>– Energy use is generally higher per residential dwelling than it is in other parts of the country, reflecting the largely detached and semi-detached</li> </ul>

	<p>nature of the housing stock. The majority of this demand comes from residential energy use.</p> <ul style="list-style-type: none"> <li>– Taking into account savings already made nationally, to achieve an 80% reduction in CO2 emissions based on 1990 levels by, the SDNP would need to reduce building related emissions to 164,751 tCO2/yr.</li> <li>– Generation of electricity from renewable sources is increasing in the South East including that generated by the Rampion Offshore Wind Farm.</li> </ul> <p>The SDNP is the custodian of land rich in woodlands and there is significant potential for additional carbon sequestration through additional woodland planting in the National Park.</p> <p>The SPD will not introduce or exacerbate any environmental problems. Rather, it will have a positive impact helping to address environmental problems identified. It is also making a contribution towards tackling global climate change.</p>
<p>e) The relevance of the plan or programme for the implementation of Community (EU) legislation on the environment (for example 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 legislation, for example:</p> <ul style="list-style-type: none"> <li>– EU Directive 2009/28/EC Energy produced from renewable energy sources</li> <li>– EU Directive 2018/844/EU Energy Performance of Buildings</li> <li>– EU Directive 2008/98/EC Waste framework directive</li> <li>– Commission of the European Communities (2007) Limiting Global Climate Change to two degrees Celsius: The way ahead for 2020 and beyond</li> <li>– The Climate Change Act 2008.</li> </ul>
<p><b>Characteristics of the effects and of the area likely to be affected</b></p>	
<p>a) The probability, duration, frequency and reversibility of the effects.</p>	<p>The Sustainable Construction SPD provides more detail on the policies and principles contained in the Adopted South Downs Local Plan. It applies to most developments across the entire National Park and in combination with the Local Plan should result in multiple small, positive, potentially permanent environmental, social and economic effects. The Local Plan was the subject of a SA/SEA.</p>
<p>b) The cumulative nature of the effects</p>	<p>The SPD will have a range of beneficial environmental, social and economic impacts which will result in positive cumulative effects when sitting alongside the Local Plan, national and European legislation. The cumulative effects of the Local Plan policies are addressed in the accompanying SA/SEA.</p>

c) The transboundary nature of the effects	The direct effects of this SPD are limited to developments within the South Downs National Park. However the nature of climate change means that there are inherently transboundary issues and consequences. The transboundary effects of this SPD are limited, but when combined with plans and strategies across adjoining Authorities this may lead to more significant positive environmental impacts over the medium to long term.
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. Rather, the implementation of sustainable construction methods will lead to improvements to human health and the environment.
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 with a population of around 117,000 people.
<p>f) The value and vulnerability of the area likely to be affected due to:</p> <p>i) Special natural characteristics or cultural heritage;</p> <p>ii) Exceeding environmental quality standards or limit values;</p> <p>ii) Intensive land-use</p>	<p>The South Downs National Park covers an area with a wide variety of characteristics. It is a nationally designated landscape and in summary it:</p> <ul style="list-style-type: none"> <li>– Measures over 1,600km<sup>2</sup> of which over 70% is farmland, 15% is protected for wildlife.</li> <li>– 117,000 residents, 18.8 million visitors annually</li> <li>– 19 landscape types</li> <li>– 4 market towns</li> <li>– 616 Scheduled monuments, 5,860 listed buildings and 166 conservation areas.</li> <li>– 17.5km of coastline</li> </ul> <p>Key environmental issues include:</p> <ul style="list-style-type: none"> <li>– Habitat decline in both extent and quality</li> <li>– Species decline, particularly farmland</li> <li>– Impact of climate change on the historic environment.</li> <li>– Climate change</li> <li>– Water extraction</li> <li>– There are two Air Quality Management Zones within the National Park.</li> </ul>
g) The effects on areas or landscapes which have recognised national, community or international protection status.	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 sustainable construction and conserving and enhancing green and blue infrastructure throughout the National Park.

### SEA Conclusion

3.4 Having regard to the considerations above, the Authority concludes that the Sustainable Construction SPD is unlikely to have any significant environmental effects and therefore does not require a Strategic Environmental Assessment. The SPD does not present new policies but

seeks to clarify the Authority's approach to implementing the SDLP sustainable construction policies. Where environmental effects are identified they will be positive.

3.5 This determination was made on 14<sup>th</sup> January 2020.



# 4. HABITATS REGULATIONS ASSESSMENT SCREENING STATEMENT

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- 4.1 This part of the report seeks to determine whether the Authority's policies and proposals set out in the Sustainable Construction SPD will have any significant impacts on Natura 2000 sites.
- 4.2 This SPD will support policies SD2 Ecosystem Services; SD48: Climate Change and Sustainable Use of Resources; the element of SD22: Parking Provision, as it relates to electric vehicle charging; and SD3 Major Development. The South Downs Local Plan 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.
- 4.3 The Appropriate Assessment stage of HRA is only required should the preliminary screening assessment not be able to rule out likely significant effects.
- 4.4 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.
- 4.5 Should screening (Step 1) reveal that significant effects are likely or the 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 I - Screening

4.6 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

### *Stage 1*

4.7 It can be determined that the Sustainable Construction SPD is not directly connected with, or necessary to the management of a site.

### *Stage 2 to 4*

4.8 Information about the scope of the SPD can be found in Section 2 of this Screening Document. The SPD supports South Downs Local Plan policies, which are already subject to a full HRA, including of any in-combination effects with other plans and / or project. The South Downs Local Plan 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: Pevensy Levels SAC/ Ramsar site

4.9 The following impact pathways were identified as relevant to the South Downs Local Plan HRA:

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

4.10 Through the HRA of the Local Plan, the following assessment was made of SDLP policies SD2 / SD3 / SD22 and SD48.

<b>Policy</b>	<b>HRA Implications</b>
Core Policy SD2: Ecosystem Services	No HRA implications. This policy identifies that development will not be permitted if it is likely to have a detrimental impact upon ecosystem services. This is a positive policy. There are no linking impact pathways present.
Core Policy SD3: Major Development	No HRA implications. This policy identifies the criteria that constitute major development rather than presenting actual allocations. It identifies that major development will only be permitted in exceptional circumstances and it is in the public interest. This policy also provides for the requirement of sustainable measures. Whilst major development could potential result in likely significant effects, this policy does not explicitly provide for major development, merely criteria by which it will be assessed against and enhancement opportunities that will be sought. There are no linking impact pathways present.
Development Management Policy SD22: Parking Provision	No HRA implications. This is a development management policy relating to parking provision. It is a positive policy as it provides for connections to allow vehicle charging, thus encouraging the use of electric vehicles which has the potential to reduce atmospheric pollution contributions. There are no linking impact pathways present.
Strategic Policy SD48: Climate Change and Sustainable Use of Resources	No HRA implications. This is a positive policy in that it promotes sustainable development, which has potential to reduce greenhouse gas emissions, and thus theoretically improve air quality. There are no linking impact pathways present.

#### **HRA screening conclusion**

4.11 The Sustainable Construction SPD provides further guidance to support the implementation of a number of policies within the Local Plan. These policies have already been considered through the HRA of the Local Plan, there are no impact pathways present and no implications were found. The SPD does not set the principle of development nor does it direct development to a specific location. A full appropriate assessment is not required.

4.12 This determination was made on 14<sup>th</sup> January 2020.