



# **Design Guide 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 (as amended) on whether or not a Strategic Environmental Assessment is required for the consultation draft Design Guide 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 (as amended).

## **Strategic Environmental Assessment**

- I.3** The requirement for SEA was established in the European Union Directive 2001/42/EC (Strategic Environmental Assessment (SEA) Directive) which was then transposed into UK Law in the Environmental Assessment of Plans and Programmes Regulations (2004) (as amended). The regulations require 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 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 Design Guide SPD 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 an 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 requirement for HRA is set out within the Conservation of Habitats & Species Regulations 2017 (as amended). Section 4 of this report deals with the need for Habitats Regulation Assessment.

## 2. SCOPE OF THE DESIGN GUIDE SPD

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**2.1** The scope of the SPD is to provide guidance which supports the implementation of design policies of the South Downs Local Plan (SDLP) adopted in 2019. The SPD will elaborate upon on policy SD5 in particular. The SPD applies to the whole of the South Downs National Park. The SPD provides further detail on the following matters:

- the design process

and detailed design guidance for new development, including on:

- layout
- character
- household extensions
- different development types
- scale
- public realm
- parking and services
- green and blue infrastructure
- residential amenity
- boundaries
- materials
- architectural detail
- social and environmental sustainability
- dark night skies.

# 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 2 below sets out the Authority’s screening of the Design Guide 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 1 below:

**Table 1 – Comments received by Consultation bodies**

Consultation Body	Comments
Environment Agency	I can confirm that we do not believe that the SPD is likely to give rise to significant environmental effects and as such would not require an SEA for areas within our remit.
Historic England	In the light of the Environmental Assessment of Plans and Programmes Regulations 2004, our view is that a SEA <u>is not</u> required in this instance for the reason set out in paragraph 3.4 of the Screening Statement (SDNPA , 12 April 2022).
Natural England	We have briefly reviewed the updated Design Guide SPD and can confirm that we have no further comments to make on it. We can further confirm that we concur with your conclusion that there is no requirement for the document to be subject to either Strategic Environmental Assessment or Appropriate Assessment.

**Table 2 – SEA Screening for the Design Guide 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	The Design Guide SPD sits at the lowest tier of the development plan system. It provides more detail on the

<p>framework for projects and other activities, either with regards to the location, nature, size and operating conditions or by allocating resources.</p>	<p>policies and principles contained in the Adopted South Downs Local Plan, specifically policy SD5 Design.</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 design 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 the 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>The SPD will not introduce or exacerbate any environmental problems. Rather, it will have a positive impact helping to address environmental problems identified.</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 has no direct or key relevance to the implementation of retained EU law on the environment.</p> <p>–</p>
<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 Design Guide 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,</p>

	national and European legislation. The cumulative effects of the Local Plan policies are addressed in the accompanying SA/SEA.
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 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 good design standards 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.
f) The value and vulnerability of the area likely to be affected due to:  i) Special natural characteristics or cultural heritage;  ii) Exceeding environmental quality standards or limit values;  ii) Intensive land-use	<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 good design standards 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 Design Guide 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 design policies. Where environmental effects are identified they will be positive.
- 3.5 This determination was made on 27<sup>th</sup> June 2022.

# 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 Design Guide SPD will have any significant impacts on Natura 2000 sites.
- 4.2 This SPD will support policy SD2 Ecosystem Services; SD4 Landscape Character; SD5 Design; SD11 Trees, Woodland and Hedgerows; SD15 Conservation Areas; SD17 Protection of the Water Environment; SD19 Transport and Accessibility; SD20 Walking, cycling and Equestrian Routes; SD21 Public Realm, Highway Design and Public Art; SD22 Parking Provision; SD23 Sustainable Tourism; SD48 Climate Change and Sustainable Use of Resources;
- 4.3 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.
- 4.4 The Appropriate Assessment stage of HRA is only required should the preliminary screening assessment not be able to rule out likely significant effects.
- 4.5 The Regulations require that any plan or project not connected to, or necessary for a site's 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.



- 4.6 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**

- 4.7 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*

- 4.8 It can be determined that the Design Guide SPD is not directly connected with, or necessary to the management of a site.

#### *Stage 2 to 4*

- 4.9 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 projects. 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, Dorset and Solent potential SPA
- Wetland sites: Pevensey Levels SAC/ Ramsar site

- 4.10 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

4.11 Through the HRA of the Local Plan, the following assessment was made of SDLP policies SD2 SD4, SD5, SD11, SD17, SD19, SD20, SD21, SD22, SD23 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.
Strategic Policy SD4: Landscape Character	No HRA implications. This policy provides for the protection of landscape character. This is a positive policy as it provides for the safeguarding of green corridors. There are no linking impact pathways present.
Strategic Policy SD5: Design	No HRA implications. This policy provides for a landscape led approach to design. There are no linking impact pathways present.
Development Management Policy SD11: Trees, Woodland and Hedgerows	No HRA implications. This is a positive policy that provides for protection of trees, woodland and hedgerows. These features have potential to be used for roosting and foraging and commuting designated bat species associated with The Mens SAC, Ebernoe Common SAC, Singleton and Cocking Tunnels SAC. There are no linking impact pathways present.
Development Management Policy SD15: Conservation Areas	No HRA implications. This is a development management policy relating to conservation areas. There are no linking impact pathways present.
Strategic Policy SD17: Protection of the Water Environment	No HRA implications. This is a development management policy relating to the protection of the water environment. It provides for the conservation and enhancement of water quality and quantity and biodiversity. It also identifies the need for development to eliminate the risk of pollution to groundwater and surface waters which could harm their ecological and chemical status. This is a positive policy as it will, by definition, aid in the protection of the Arun Valley SPA/SAC/Ramsar site and River Itchen SAC. There are no linking impact pathways present.
Strategic Policy SD19: Transport and Accessibility	No HRA implications This policy does not outline any specific new development relating to transport. It is essentially a policy that seeks to manage development rather than allocating development and one that promotes sustainable transport and designing development to limit journey requirements or promote sustainable transport. It promotes the use of sustainable transport methods such as walking, cycling and bus

	connectivity and use. This has potential to limit the Plan's contribution to atmospheric pollution. As such there are no impact pathways present.
Strategic Policy SD20: Walking, Cycling and Equestrian Routes	No HRA implications. This Policy does not outline any specific new development relating to Walking, Cycling and Equestrian Routes.
Development Management Policy SD21: Public Realm, Highway Design and Public Art	No HRA implications. This is a development management policy for public realm, highway design and public art. Whilst the design of a highway could have potential to alter atmospheric contributions, this policy does not identify any type, location or extent of development. 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**

4.12 The Design Guide 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.

4.13 This determination was made on 27<sup>th</sup> June 2022.