



Supplementary Planning Document: Viability Appraisals for New Development

**Strategic Environmental Assessment (SEA) Screening
Determination**

Habitat Regulations Assessment (HRA) Screening Determination

May 2023

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1. Introduction

- 1.1 This SEA screening determination has been prepared by Hart District Council in its duty to determine whether the proposed **Supplementary Planning Document (SPD) on Viability Appraisals for New Development** requires a Strategic Environmental Assessment (SEA).
- 1.2 Strategic environmental assessment (SEA) is a procedure (set out in the Environmental Assessment of Plans and Programmes Regulations 2004) which requires the formal environmental assessment of certain plans and programmes which are likely to have significant effects on the environment.
- 1.3 Screening explores potential cause-effect relationships between the plan or programme and the environmental baseline. Where it is determined that a plan or programme is likely to have a significant effect on the environment, an SEA process is required. Where it is determined that the plan or programme does not require SEA, a statement of reasons should be prepared and submitted alongside the plan.
- 1.4 The SEA screening process includes a five-week consultation with the SEA bodies: Environment Agency, Historic England and Natural England (see Section 4).
- 1.5 This report also includes (at Appendix 2) a Habitat Regulations Assessment (HRA) screening for likely significant effects on a European site (in Hart, the Thames Basin Heaths Special Protection Area).
- 1.6 If the HRA screening establishes that an appropriate assessment is needed then an SEA is triggered.
- 1.7 The screening opinion dated April 2023 was based on Version 0.1 of the Draft SPD dated April 2023. Only very minor edits were made to the SPD before it was published for consultation on 12th May 2023, and so this determination remains valid.

2. The scope of the SPD

- 2.1 The Council is preparing an SPD that sets out its approach to viability assessments in support of planning applications. If an applicant for planning permission argues that the expected level of developer contributions would render a proposal unviable, a viability assessment must be submitted to support the planning application. The SPD clarifies the financial information that the Council expects to be submitted.
- 2.2 The SPD will support Policies H2 Affordable Housing and INF1 Infrastructure in the [Hart Local Plan \(Strategies & Sites\) 2032](#). Both these policies refer to the need for viability assessments if a case is being put that the expected contributions would render the scheme unviable.

3. SEA Screening Assessment

- 3.1 SPDs add further detail to policies in the development plan. They are capable of being a material consideration in planning decisions but are not part of the development plan. New policy cannot be introduced through SPD.
- 3.2 Generally, SPDs do not require SEA. However, SPDs may, in exceptional circumstances, require SEA if they are likely to have significant environmental effects that have not already been assessed during the preparation of the relevant strategic policies. The Council is therefore required to undertake SEA screening to assess whether the SPD is likely to have significant environmental effects, and to consult the consultation bodies.
- 3.3 The SEA screening has been conducted by assessing the draft SPD against the criteria listed at Schedule 1 of the SEA Regulations set out at Tables 1 and 2.
- 3.4 On the basis of the Screening process, including consultation with the statutory consultees, it has been determined that the Viability Appraisals for New Development SPD does not require a SEA under the SEA Directive and SEA Regulations. This is because:
- It is unlikely to give rise to significant environmental effects as it does not set new policy, nor does it result in additional development;
 - It provides guidance on the implementation of policies contained in the Hart Local Plan (Strategy and Sites) 2032 which have already been subject to Sustainability Appraisal incorporating Strategic Environmental Assessment; and
 - The content of the SPD when taken as a whole and in combination with policies in the Hart Local Plan 2032 will not give rise to significant effects.
- 3.5 Appendix 2 sets out an HRA screening assessment which concludes that a full appropriate assessment is not required. This means that SEA is not triggered by a need to undertake an appropriate assessment.

4. Consultation with the SEA consultees

- 4.1 The Council's Screening Opinion dated April 2023 (i.e. an earlier version of this document with identical analysis and conclusions) was sent to the statutory consultation bodies for SEA for their opinion. The SEA bodies are the Environment Agency, Historic England and Natural England. They were consulted over a 5-week period from 5 April 2023 to 11 May 2023.
- 4.2 None of the bodies raised any objections to the conclusion that SEA is not required. Historic England confirmed this in writing (see Appendix 3).

Appendix 1: SEA screening

Table 1: Characteristics of the SPD

Criterion	Potential for significant effects?
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.	No The SPD does not set a framework for projects or other activities. The SPD provides more detail to the policies in the local plan.
b) The degree to which the plan or programme influences other plans and programmes including those in a hierarchy.	No The SPD provides guidance on policies contained within the Hart Local Plan. It does not modify or influence the policies of the local plan. It sits beneath those policies in terms of a hierarchy.
c) The relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development.	No The SPD is concerned with the provision of financial information regarding development proposals.
d) Environmental problems relevant to the plan or programme.	No The SPD does not introduce or exacerbate any environmental problems. Taken together with the Local Plan, the SPD merely provides a framework for assessing the viability of new development.
e) The relevance of the plan or programme for the implementation of Community legislation on the environment (e.g. plans and programmes linked to waste management or water protection).	No The SPD is not relevant to the implementation of European Community legislation.

Table 2: Characteristics of the effects and of the area likely to be affected

Criterion	Potential for significant effects?
A) The probability, duration, frequency and reversibility of the effects.	No No environmental effects are anticipated to result from implementation of the SPD.

<p>b) The cumulative nature of the effects.</p>	<p>No The SPD will provide context and a framework for assessing the viability of new development. It supplements adopted planning policy and there will be no direct or cumulative effects arising for the SPD.</p>
<p>c) The trans-boundary nature of the effects.</p>	<p>No Any effects of this SPD will be limited to Hart District.</p>
<p>d) The risks to human health or the environment (e.g. due to accidents).</p>	<p>No There is no reason why this SPD would introduce or exacerbate any risks to human health or the environment.</p>
<p>e) The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected).</p>	<p>No The SPD will only apply to Hart District and therefore the geographical effect of the SPD will be limited to the population of Hart. However, as stated elsewhere there are no anticipated significant effects arising from the implementation of the SPD.</p>
<p>f) The value and vulnerability of the area likely to be affected due to:</p> <ul style="list-style-type: none"> i) Special natural characteristics or cultural heritage; ii) exceeded environmental quality standards or limit values; iii) intensive land-use. 	<p>No The SPD does not itself direct or establish the principle of development. It is limited to matters of financial viability assessments.</p>
<p>g) The effects on areas or landscapes which have recognised national, community or international protection status.</p>	<p>No The SPD does not itself direct or establish the principle of development. It is limited to matters of financial viability assessments.</p>

Appendix 2: Habitat Regulations Assessment (HRA)

- A2.1 Under the Conservation of Habitats and Species Regulations 2017 it is necessary to consider whether the **Viability Appraisals for New Development SPD** is likely to have a significant effect on a European site (Special Areas of Conservation (SACs), Special Protection Areas (SPAs) and Ramsar sites, either alone or in combination with other plans or projects.
- A2.2 Where the potential for likely significant effects cannot be excluded, the Council must make an appropriate assessment of the implications of the plan or project for that site, in view the site's conservation objectives.
- A2.3 There are 4 distinct steps in the HRA process which should be followed in order. These are:

Step 1: Screening – identification of likely impacts on European sites, either alone or in combination with other plans and projects, and a consideration of whether the impact is significant.

The objective is to 'screen out' those plans and projects that can, without any detailed appraisal, be said to be unlikely to result in significant impacts upon European sites, usually because there is no mechanism for an interaction with European sites.

If significant effects are likely or cannot be screened out it is necessary to move on to the Appropriate Assessment at step 2.

Step 2: Appropriate Assessment – consideration of the impact on the integrity of European sites with regard to the site's structure, function and conservation objectives. Where effects are significant, mitigation measures should be considered. If step 2 cannot rule out significant effects with mitigation, then the process moved onto the consideration of alternative solutions at step 3.

Step 3: Assessment of alternative solutions – consideration of other methods of achieving the aims of the plan or project whilst avoiding impacts.

Step 4: Assessment of Compensatory Measures – If impact cannot be avoided, no alternative solutions exist and there is overriding public interest for implementing the plan or project, consideration should be given to compensatory measures.

Step 1 – Screening

- A2.4 The SPD supplements Policies H2 Affordable Housing and INF1 Infrastructure in the [Hart Local Plan \(Strategy and Sites\) 2032](#). Both these policies refer to a need for viability assessments when submitting planning applications that do not meet the expected level of infrastructure or affordable housing contributions.
- A2.5 The SPD clarifies the Council's approach to viability appraisals in terms of methodology and information requirements. The SPD does not introduce new policy or any site allocations. It will not result in any increase in development.

A2.6 The Hart Local Plan was subject to a Habitats Regulations Assessment which considered any in-combination effects with other plans and projects and was prepared in consultation with Natural England. The Local Plan HRA considered the potential effects on the following European sites:

- Thames Basin Heaths Special Protection Area sites
 - Bramshill SSSI
 - Hazeley Heath SSSI
 - Castle Bottom to Yateley and Hawley Commons SSSI
 - Bourley and Long Valley SSSI

A2.7 The following impact pathways were identified as being relevant to the Hart Local Plan HRA:

- Urbanisation and recreational pressure
- Atmospheric pollution

A2.8 The Hart Local Plan HRA undertook a test of likely significant effects for policies and allocations contained within the plan. Policies and allocations assessed as having no HRA implications or potential impact pathways linked to European sites were screened out from further consideration. In relation to relevant policies H2 and INF1, the Local Plan HRA findings are set out at Table 3.

Table 3: Hart Local Plan 2032 – HRA likely significant effects test

Policy	Policy description	Screening assessment
H2 Affordable Housing	Outlines the Council’s requirements for affordable housing within developments.	No HRA implications. This is a development management policy relating to the provision of affordable housing within a development site. No location or quantum is identified. There are no impact pathways present.
INF1 Infrastructure (identified as “Policy I1: Infrastructure” in HRA)	Requires developments to make appropriate provision for infrastructure both on- and off-site, or to make financial contributions to off-site provision. Also requires developers to demonstrate adequate wastewater capacity and surface water drainage.	No HRA implications A development management policy relating to the provision of infrastructure. It is positive in that it requires appropriate infrastructure provision in relation to planning permissions, and requires infrastructure to be linked with the phasing of development, ensuring that infrastructure is delivered in a timely fashion.

		There are no impact pathways present.
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A2.9 The SPD is providing supplementary guidance to support the implementation of Policies H2 Affordable Housing and INF1 Infrastructure which were screened out of having any likely significant effects. The SPD does not set the principle of development, nor does it direct development to a specific location. Therefore, as with the assessment of Policies H2 and INF1 during the Hart Local Plan HRA, there are no linking impact pathways present and there are no HRA implications. A full Appropriate Assessment is not required.

Appendix 3: Comments received from the statutory consultation bodies



FAO: Planning Policy Team
Hart District Council

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by email only

09 May 2023

Dear Planning Policy Team

Strategic Environmental Assessment (SEA) Screening Opinion: Viability Appraisals for New Development Supplementary Planning Document (SPD)

Thank you for consulting Historic England about the above screening statement.

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 within an adopted Development Plan Document which has already been subject to a Sustainability Appraisal / SEA. So, 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.

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

Yours sincerely

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