



Portsmouth Plan

Strategic Environmental Assessment & Sustainability
Appraisal, Screening Statement:

City Centre Masterplan – Supplementary Planning
Document

December 2012

1.0 Introduction

- 1.1 This statement sets out Portsmouth City Council's (the council) determination under Regulation 9 of the Environmental Assessment of Plans and Programmes Regulations 2004 (which transposed EC Directive 2001/42/EC) on whether or not a Strategic Environmental Assessment (SEA) is required for the City Centre Masterplan – Supplementary Planning Document (SPD).
- 1.2 Under separate legislation (Planning and Compulsory Purchase Act 2004 and associated Regulations), the council is also required to carry out a Sustainability Appraisal (SA) for all Development Plan Documents (DPDs). This process is designed to consider the environmental, social and economic impacts of the proposed plan / document.
- 1.3 Whilst the Planning Act 2008 and Town and Country Planning (Local Development) (England) Regulations 2012 removed the requirements for a SA to be produced for all SPDs, the council is still required to screen its SPDs to ensure that the legal requirements for sustainability appraisals are met where there are impacts that are not covered in the appraisal of a parent DPD or where an assessment is required by the SEA regulations. This statement also sets out whether or not a SA is required for the SPD.

2.0 Background of the City Centre Masterplan, SPD

- 2.1 The purpose of the City Centre Masterplan SPD is to supplement planning policies PCS4 - Portsmouth city centre and PCS17 - Transport within the Portsmouth Plan (Portsmouth City Council's Local Plan, adopted in January 2012) and will be used to inform development management decisions. The Portsmouth Plan is the 'parent DPD', which has been subject to SA incorporating SEA¹.
- 2.2 The SPD establishes a framework of principles that will guide development proposals brought forward in the city centre, in particular it:
 - articulates a vision for this key part of the city;
 - sets out the background and context for development opportunities and public realm proposals, and
 - provides a framework of guidance within which to assess proposals for development.
- 2.3 The SPD highlights a number of key opportunity sites and public realm opportunities across the city centre. It provides detailed guidance on issues such as development aspirations, appropriate land-uses, access points and entrances, the height of new buildings and parking and servicing.

¹ Local Development Framework, Sustainability Appraisal Report, Core Strategy (Regulation 27), Portsmouth City Council, February 2011. <http://www.portsmouth.gov.uk/living/7923.html>.

- 2.4 The SPD will be used as a material consideration in determining planning applications. It provides a basis for development to be taken forward giving developers and stakeholders a degree of certainty as to potential opportunities within the city centre.

3.0 The Strategic Environmental Appraisal process

- 3.1 In July 2012, the council assessed whether or not the draft SPD would be likely to have significant effects on the environment. This process included assessing the draft SPD against a set of criteria (as set out in Schedule 1 of the regulations). The results of this were set out in the draft screening statement².
- 3.2 The council consulted the Environment Agency, English Heritage and Natural England on the draft screening statement. In accordance with the regulations, the final determination cannot be made until those three statutory consultation bodies have been consulted.
- 3.3 The Environment Agency and English Heritage did not raise any specific issues. Natural England raised concerns regarding the draft screening document's statement that 'there are plans in place to control and manage access and recreation, in order to avoid and mitigate adverse effects on the international sites' and that they would be looking to the council to respond to the findings of the Solent Disturbance and Mitigation Project when considering planning applications for the sites within the SPD.
- 3.4 The council has assessed the final version of the SPD, together with the comments received from the consultation bodies, against the criteria referred to 3.1. This assessment is set out in Appendix 1 and includes clarification on the council's commitment to the findings of the Solent Disturbance and Mitigation Project.
- 3.5 The aim of this statement (and previous draft version) is to provide sufficient information to demonstrate whether the SPD is likely to have significant environmental effects. Where the council determines that SEA is not required then under Regulation 9(3) the council must prepare a statement setting out the reasons for this determination. **This statement is Portsmouth City Council's Regulation 9(3) statement.**

4.0 Sustainability Appraisal

- 4.1 Whilst there is no statutory reason to undertake a SA of SPDs, the council has considered whether a SA of the SPD is required. The council has determined that the plan is unlikely to have significant environmental, social or economic effects beyond those of the policies it supplements. In coming to this conclusion the council is mindful that this SPD does not create new policies and serves only to expand on existing policy within its 'parent DPD', the Portsmouth Plan (which has already been subject to SA incorporating SEA).

² City Centre Masterplan, Draft Supplementary Planning Document – July 2012. Strategic Environmental Assessment & Sustainability Appraisal – Draft Screening Statement

5.0 Habitats Regulations Assessment

- 5.1 In addition to SEA and SA, the council is also required to consider the Habitats Regulations Assessment (HRA). HRA is the process used to determine whether a plan or project would have significant adverse effects upon the integrity of internationally designated sites of nature conservation importance, known as European sites or European offshore marine 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).
- 5.2 The regulations state the council must assess the potential effects of its land use plans, in this case the SPD, against the conservation objectives of any sites designated for their nature conservation importance. An HRA³ has been carried out on the 'parent DPD', the Portsmouth Plan.
- 5.3 The purpose of this SPD is to expand upon policies with the Portsmouth Plan, which has already been the subject of an HRA. Therefore, the council has determined that an HRA of the SPD is not required. Furthermore, it should be noted that there are already avoidance and mitigation measures included in the Portsmouth Plan to ensure that there would be no adverse effects on the ecological integrity of any European sites as a result of the proposals in the plan, including those for the city centre.

6.0 Conclusions

- 6.1 On the basis of the screening process **it is the council's opinion that the City Centre Masterplan SPD does not require a Strategic Environmental Appraisal or a Sustainability Appraisal.** This is because there will be no significant environmental, social or economic effects arising from its implementation and that it supplements policies PCS4 and PCS17 of the Portsmouth Plan.
- 6.2 As individual detailed proposals / planning applications come forward they will be subject to the Environmental Impact Assessment Regulations⁴ and Habitats Regulations Assessment, and may require the submission of an environmental impact assessment and HRA.

³ Habitats Regulations Assessment for the Portsmouth Core Strategy, Regulation 27 Stage, February 2011. <http://www.portsmouth.gov.uk/living/24335.html>

⁴ The Town and Country Planning (Environmental Impact Assessment) Regulations 2011

Appendix 1 – SEA Screening for the City Centre Masterplan SPD

Criteria (Schedule 1 of Environmental Assessment of Plans and Programmes Regulations 2004)	Portsmouth City Council's response
<i>Characteristics of the plan or programme</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 to the policies and principles established within the Portsmouth Plan (which has already been subject to SA incorporating SEA), particularly policies PCS4 and PCS17. The purpose of the SPD is to set a framework for the preparation and determination of planning applications in the context of the adopted policies within the Portsmouth Plan.
(b) the degree to which the plan or programme influences other plans and programmes including those in a hierarchy.	The SPD is at the lower tier of the development plan hierarchy, as it sits underneath the Portsmouth Plan (the Local Plan). The purpose of the document is to supplement the policies in the Portsmouth Plan, to guide the preparation and determination of planning applications and coordinate and support the council's bid for funding and capital spending programme.
(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 more details to the policies within the Portsmouth Plan. Environmental and sustainability considerations underpin all the proposals within the SPD, including how any development within the city centre could achieve the sustainable development requirements set out in the Portsmouth Plan.
(d) environmental problems relevant to the plan or programme.	The document itself does not identify any environmental problems beyond those already recognised in the SA / SEA of the Portsmouth Plan. The SPD provides the context and framework for the preparation and determination of planning applications. Any environmental problems will also be identified (and if required mitigated) as the more detailed proposals for each site are drawn up through the planning application process.

<p>(e) the relevance of the plan or programme for the implementation of Community legislation on the environment (for example, plans and programmes linked to waste management or water protection).</p>	<p>The SPD seeks to provide further details to the policies within the Portsmouth Plan. Both the Portsmouth Plan and SPD comply with the regulations.</p>
<p><i>Characteristics of the effects and of the area likely to be affected</i></p>	
<p>(a) the probability, duration, frequency and reversibility of the effects.</p>	<p>The SPD supplements the policies within the Portsmouth Plan and provides the context and framework for the preparation and determination of planning applications. The SPD encourages further growth / development in a holistic way, which is more likely to encourage sustainable development than without a masterplan.</p>
<p>(b) the cumulative nature of the effects.</p>	<p>Whilst the masterplan covers a key area of the city, the accumulation of the proposals both on their own and with other plans and programmes covering the city, are unlikely to result in significant environmental effects beyond those identified in the SA / SEA of the Portsmouth Plan.</p>
<p>(c) the trans-boundary nature of the effects.</p>	<p>The only trans-boundary effects will be those with neighbouring authorities and are unlikely to result in significant environmental effects beyond those identified in the SA / SEA of the Portsmouth Plan.</p>
<p>(d) the risks to human health or the environment (for example, due to accidents).</p>	<p>There are no perceived risks to human health or the environment arising from the SPD. Also any risks to human health or environmental effects will be identified (and if required mitigated) as the more detailed proposals for each site are drawn up through the planning application process.</p>
<p>(e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected).</p>	<p>The SPD covers a key area of the city, encourages growth / regeneration and identifies the most appropriate location for major new retail development. The SPD will affect residents and businesses within the city and visitors to the city. One of the aims of the SPD is also to encourage external investment into the city.</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; or (iii) intensive land-use. 	<p>The SPD area does not contain any special nature conservation designations / significant habitats. However, the area does contain a number of listed buildings (both nationally and locally), which the SPD seeks to protect and enhance. The SPD supplements the policies within the Portsmouth Plan and provides a framework to encourage sustainable development.</p>
<p>(g) the effects on areas or landscapes which have a recognised national, Community or international protection status.</p>	<p>As set out in (f) above, the SPD area itself does not contain any special nature conservation designations / significant habitats. The Portsmouth Plan has been subject to SA (incorporating SEA) which sets out avoidance and mitigation measures to ensure that there will not be an adverse effect on any European sites. Policy PCS13 of the plan includes a commitment by the city council to respond to the findings of the Solent Disturbance and Mitigation Project which is looking at the issue of recreational disturbance on European sites at a landscape scale. The SPD does not provide for more development than is in the Portsmouth Plan and so the effects on special nature conservation designations have already been assessed.</p>