

Sustainable Design and Construction Supplementary
Planning Document

**Strategic Environmental Assessment &
Sustainability Appraisal draft screening
statement**

October 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 Sustainable Design and Construction 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 environment, 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 draft SPD.

2.0 Background of the Sustainable design and Construction SPD

- 2.1 The purpose of the Sustainable Design and Construction SPD is to supplement policy PCS15 of the adopted Portsmouth Plan 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 information and guidance in the SPD will be of particular use to developers, architects and agents looking to promote development sites in Portsmouth. It will provide practical advice to help developers comply with the Portsmouth Plan's sustainable design and construction requirements. It also sets out the procedure for determining planning applications, what information will be required and when it will be required.

3.0 The Strategic Environmental Appraisal process

- 3.1 The first stage of the process is for the council to determine whether or not the draft SPD is likely to have significant effects on the environment. This screening process includes assessing the SPD against a set of criteria (as set out in Schedule 1 of the regulations). The results of this have been set out in Appendix 1 of this statement. The aim of this statement is to provide sufficient information to demonstrate whether the SPD is likely to have significant environmental effects.
- 3.2 The council also has consulted the Environment Agency, English Heritage and Nature England on this screening statement, as is required by the regulations. No representations were received concerning this statement.

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

3.3 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 Draft Regulation 9(3) statement.**

4.0 Sustainability Appraisal

4.1 Whilst there is no statutory reason to undertake an SA of SPDs, the council has considered whether a SA of this draft SPD is required. The council has determined that the draft SPD is unlikely to have significant environmental, social or economic effects beyond those of the policies it supplements (PCS 15 of the Portsmouth Plan). In coming to this conclusion the council is mindful that this draft 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).

5.0 Habitats Regulations Assessment

5.1 In addition to SEA and SA, the council is also required to consider 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 draft SPD, against the conservation objectives of any sites designated for their nature conservation importance. An HRA² has been carried out on the 'parent DPD', the Portsmouth Plan.

5.3 The Portsmouth Plan's HRA screened out PCS15 at an early stage, concluding that it was unlikely to have a significant effect on the integrity of European sites. As the purpose of this draft SPD is to expand on policy PCS15, the council has determined that an HRA is not required.

6.0 Conclusions

6.1 On the basis of the screening process **it is the council's opinion that the Sustainable Design and Construction draft 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 policy PCS15 of the Portsmouth Plan.

² Habitats Regulations Assessment for the Portsmouth Core Strategy, Regulation 27 Stage, February 2011. <http://www.portsmouth.gov.uk/living/24335.html>

Appendix 1 - Draft SEA Screening for the Sustainable Design and Construction Draft SPD

Criteria (Schedule 1 of Environmental Assessment of Plans and Programmes Regulations 2004)	Portsmouth City Council's response
Characteristics of the plan or programme	
(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 draft SPD provides more detail to the policies and principles established within the Portsmouth Plan (which has already been subject to SA incorporating SEA), particularly policy PCS15. The purpose of the SPD is to set a framework for the policy's implementation and to guide developers through the issue of sustainable design to enable them to incorporate it into their standard business practices.
(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 and to guide the preparation and determination of planning applications. It does not influence any other planning policy documents.
(c) the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development.	The draft SPD provides more details to the policies within the Portsmouth Plan relating to sustainable development. This will facilitate the integration of sustainability considerations into the development process.
(d) environmental problems relevant to the plan or programme.	The document itself does not have any significant environmental problems. Indeed the SPD aims to address identified environmental issues, such as promoting water efficient development in an area of serious water stress.
(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).	The draft SPD seeks to provide further details to policy PCS15 of the Portsmouth Plan. Both the Portsmouth Plan and draft SPD comply with the regulations.
Characteristics of the effects and of the area likely to be affected	
(a) the probability, duration, frequency and reversibility of the effects.	The draft SPD supplements policy PCS15 of the Portsmouth Plan and provides the context and framework for the preparation and determination of planning applications. The SPD encourages further economic growth and development in a

Criteria (Schedule 1 of Environmental Assessment of Plans and Programmes Regulations 2004)	Portsmouth City Council's response
	sustainable way.
(b) the cumulative nature of the effects.	The draft SPD will be implemented city-wide and 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.
(c) the trans-boundary nature of the effects.	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.
(d) the risks to human health or the environment (for example, due to accidents).	There are no perceived risks to human health or the environment arising from the draft SPD.
(e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected).	The draft SPD will be implemented across Portsmouth. It should lead to a marked increase in the quality of new housing in the city. However it will increase the construction costs associated with new development.
(f) the value and vulnerability of the area likely to be affected due to (i) special natural characteristics or cultural heritage; (ii) exceeded environmental quality standards or limit values; or (iii) intensive land-use.	The SPD will be applied across Portsmouth and will result in new development which exceeds the national standards for sustainable design. The city does contain many buildings and areas with heritage conservation designations. However the draft SPD contains a section specifically addressing the difficulties in applying the standards to historic buildings and includes some flexibility in the standards.
(g) the effects on areas or landscapes which have a recognised national, Community or international protection status.	The Portsmouth Plan SA / SEA and HRA examined how the proposals may impact upon the European sites and there are plans in place to avoid and mitigate adverse effects on those sites. The policy which the draft SPD helps to implement was screened out early in the HRA process as it would not lead to an adverse effect on any European sites.

