

Eastney Beach Habitat Restoration and Management Plan
Supplementary Planning Document

Strategic Environmental Assessment & Sustainability Appraisal screening statement

December 2014

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 Eastney Beach Habitat Restoration and Management Plan Supplementary Planning Document.
- 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 Supplementary Planning Document

- 2.1 The purpose of the SPD is to supplement policy PCS9 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 concern to developers, architects and agents looking to promote the small scale developments which have been identified for the Eastney Beach area in the Searfront Masterplan SPD. It provides a practical means to ensure that an impact on the vegetated shingle local wildlife site can be appropriately mitigated.

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 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 to consult the Environment Agency, English Heritage and Nature England on this screening statement. A final determination cannot be made until the three statutory consultation bodies have been consulted. This statement will be sent to those consultation bodies for their comments.

¹ Local Development Framework, Sustainability Appraisal Report, Core Strategy (Regulation 27), Portsmouth City Council, February 2011. <http://www.portsmouth.gov.uk/living/3850.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 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 this SPD is required. The council has determined that the SPD is unlikely to have significant environmental, social or economic effects beyond those of the policy it supplements (PCS9 of the Portsmouth Plan). 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). It is also noteworthy that the SPD effectively acts to facilitate the development in the Seafront Masterplan, which itself has been subject to a full Sustainability Appraisal.

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) and its subsequent amendments.

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 HRA² has been carried out on the 'parent DPD', the Portsmouth Plan as well as the Seafront Masterplan SPD, which this SPD also relates to.

5.3 The Portsmouth Plan's HRA screened out PCS9 at an early stage, concluding that it was unlikely to have a significant effect on the integrity of European sites, albeit acknowledging that it could form part of the mitigation for significant effects caused by other policies in the plan. As the purpose of this SPD is to expand on policy PCS9, 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 Eastney Beach Habitat Restoration and Management Plan 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 PCS9 of the Portsmouth Plan.

² Habitats Regulations Assessment for the Portsmouth Core Strategy, Regulation submission stage, July 2011. <http://www.portsmouth.gov.uk/living/7923.html>

Appendix 1 - SEA Screening for the Eastney Beach Habitat Restoration and Management Plan 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 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 PCS9. The purpose of the SPD is to enable small-scale development proposals at Eastney Beach to ensure that there will not be a adverse effect on the vegetated shingle habitat which forms the basis for the Eastney Beach local wildlife site designation.
(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 SPD provides more details to the policies within the Portsmouth Plan relating to the impact of development on the Eastney Beach Local Wildlife Site. It will ensure that development schemes are able to provide mitigation to remove any adverse effect they otherwise would have had on the habitat.
(d) environmental problems relevant to the plan or programme.	Vegetated shingle is a priority habitat. In the absence of any mitigation measures, development at Eastney beach would be likely to have an adverse effect on this habitat.
(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 SPD seeks to provide further details to policy PCS9 of the Portsmouth Plan. Both the Portsmouth Plan and 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 SPD supplements policy PCS9 of the Portsmouth Plan. The developments which will be effected by the proposals in the SPD are likely to

Criteria (Schedule 1 of Environmental Assessment of Plans and Programmes Regulations 2004)	Portsmouth City Council's response
	be in place for a number of decades. However the proposals in the SPD include an extensive monitoring system to ensure that the mitigation measures are effective.
(b) the cumulative nature of the effects.	The SPD will only be relevant to a small number of developments in a small part of the city. As such, it is unlikely that there will be any cumulative effects of the developments with other schemes elsewhere in the city.
(c) the trans-boundary nature of the effects.	As this only relates to a small area of the city, which is a sizeable distance from the local authority boundary, there are not likely to be any trans-boundary effects.
(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 SPD.
(e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected).	The SPD will be implemented across only a small part of Portsmouth. As such, the size of the population which could be affected is low.
(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.	There is an acknowledged risk of a an adverse effect from development identified in the Seafront Masterplan to the vegetated shingle at Eastney Beach. However the SPD enables applicants to address this in a satisfactory way.
(g) the effects on areas or landscapes which have a recognised national, Community or international protection status.	It is not considered that there is any likelihood of an effect on nationally or internationally protected areas.

