



Examination of the Basingstoke and Deane Local Plan (2011 to 2029)

Basingstoke and Deane Borough Council
Response to Inspectors Key Issues and
Discussion Note

Issue 2: Sustainability Appraisal and Habitats
Regulations Assessment

September 2015

3. **Sustainability Appraisal (SA) and Habitats Regulations Assessment (HRA):**

3.1 *Is the **spatial strategy** supported by the SA and the HRA?*

3.1.1 The spatial strategy is supported by the Sustainability Appraisal (SA) incorporating Strategic Environmental Assessment (SEA) ([PS/02/16](#)) and Habitats Regulations Screening Assessment (HRA) ([CD09](#) and [PS/02/19](#)). The council considers that the SA (inc. SEA) and Habitats Regulations Screening Assessment are sufficiently robust in justifying the development strategy set out in the Submission Local Plan, incorporating proposed modifications.

Sustainability Appraisal (inc. Strategic Environmental Assessment)

3.1.2 The SA has been undertaken in line with the relevant requirements of EU Directive 2001/42/EC, the Environmental Assessment of Plans and Programmes Regulations 2004, the National Planning Policy Framework (NPPF), in particular paragraphs 152 and 165, and National Planning Practice Guidance (NPPG).

3.1.3 The SA (inc. SEA) has been carried out alongside the preparation of the Local Plan and has been an iterative process. The social, environmental and economic dimensions have been taken into account at every stage of the Local Plan production to ensure sustainable development.

3.1.4 The development and appraisal of the Local Plan, and in particular the spatial strategy which sets the overall direction of growth, has also been an iterative process with the findings of the SA (inc. SEA) feeding into the selection and refinement of the Plan's spatial strategy and its policies. Each version of the Plan has been subject to a SA which details the evolution of the process of testing the vision, strategic objectives, options and refinement of options including resultant changes.

3.1.5 The key appendices of the SA (inc. SEA) that support and have informed the development of the spatial strategy include:

- Appendix 9 - Appraising housing growth options
- Appendix 10 - Initial appraisal of the Core Strategy approaches (as set out in the Core Strategy Issues and Options consultation document) against the Sustainability Appraisal objectives.
- Appendix 11 - Justification for the approaches identified in the Core Strategy Issues and Options
- Appendix 12 - Progression and refinement of Options from 'Issues and Options' Stage to Pre-Submission Core Strategy
- Appendix 12a - Progression and refinement of Options from 'Issues and Options' Stage to Revised Pre-Submission Local Plan
- Appendix 12b - Progression and refinement of Options from 'Issues and Options' stage to the Mid Examination Local Plan

- Appendix 13 - Sustainability Appraisal of the options for the spatial distribution of housing
- 3.1.6 Section 6 of the SA (inc. SEA) Report provides further information on the appraisal of the Core Strategy Issues and Options ([PV07](#)). Section 8 provides information on identifying and appraising the options/ alternatives.
- 3.1.7 The spatial strategy concentrates development in and around the edge of the borough's main settlements, focusing growth primarily around Basingstoke and the larger settlements of Whitchurch, Overton, Bramley, Kingsclere and Oakley. The spatial strategy is considered to be the most sustainable option that balances the delivery of growth in line with the broad range of economic, social and environmental considerations in accordance with the NPPF, paragraph 7 to achieve sustainable development.
- 3.1.8 Each version of the SA (inc. SEA) has also been subject to public consultation including with the statutory consultees (Environment Agency, Historic England and Natural England). As identified in the council's Duty to Cooperate Statement (pages 21 and 23 of [CD08](#)), Natural England and Historic England both agree that the SA (inc. SEA) meets the regulatory requirements. Comments from the statutory consultees at all stages of the SA (inc. SEA) process have been taken into account.
- 3.1.9 The SA has been subject to external scrutiny on three occasions through its development (AMEC and twice by Levett-Therivel) and these have concluded that the SA is fit for purpose and is a sound and robust basis for making decisions in the plan.
- 3.1.10 Following the Local Plan Exploratory Meeting the council commissioned Levett-Therivel to assess whether the updated SA Report and appendices for the Mid Examination Local Plan are robust and compliant with the SEA Directive, and specify any further action needed, with particular reference to the proposed main modifications made in response to the Inspector's concerns at the Exploratory Meeting. The quality assurance review ([PS/02/31](#)) takes into account changes to the SA Report and appendices made by the council in response to informal feedback and an earlier version of the Levett-Therivel review. The council made changes to the SA (inc. SEA) Report in response to recommendations made in the quality assurance review which concluded that there were no non-compliance issues.

Habitats Regulations Screening Assessment

- 3.1.11 The council has undertaken a Habitats Regulations Screening Assessment (HRA) in conjunction with Natural England. This screening assessment has been made to conclude whether the Local Plan would have a 'significant effect' on the integrity of the European Network of Special Areas of Conservation and Special Protection Areas under the Habitats Directive. There are no Natura 2000 sites within the borough, but there are a number within neighbouring authorities (including the Thames Basin Heaths Special Protection Area) which have been assessed.

- 3.1.12 Although the HRA has been undertaken as a ‘screening’ exercise, and the Supreme Court has recently (July 2015) clarified in the case of R (Champion) v North Norfolk District Council [2015] UKSC 52 that ‘screening’ is not a requirement or formal stage of the Habitats Directive or the Conservation of Habitats & Species Regulations 2010 (the Habitats Regulations), the substantive decision recorded in the HRA (in section 12) is that the Plan, alone or in combination with other plans and programmes, is not likely to have a significant effect on any European site. It adds that the Local Plan contains an adequate policy framework to avoid or adequately mitigate effects on European sites. This conclusion has been accepted by Natural England. There is nothing to suggest that the outcome would be any different if the decision was expressed as the conclusion of an appropriate assessment rather than as a ‘screening’ decision that ‘full’ (or further) appropriate assessment is not required. The decision is, therefore, an adequate satisfaction of the requirements for appropriate assessment in the Habitats Directive and in Regulation 102 of the Habitats Regulations, as now clarified by the Supreme Court. The Local Plan will not therefore require ‘full’ (or further) Appropriate Assessment under the Habitats Regulations.
- 3.1.14 The Screening Assessment was published alongside the Pre Submission, Revised Pre Submission and Submission Local Plan and has been updated at each relevant stage of the local plan process.
- 3.1.15 Following the Exploratory meeting, proposed main modifications to the Submission have been suggested. An addendum to the Screening Assessment ([PS/02/19](#)) for the Submission Local Plan has been produced which considers these proposed main modifications. It concludes that the proposed main modifications will not have a ‘significant effect’ on any European sites and therefore the Local Plan will not require a ‘full’ (or further) Appropriate Assessment under the Habitats Regulations. Natural England concur with this conclusion.
- 3.1.16 The borough council’s Habitats Regulations work has been undertaken with respect to the relevant requirements of European Directive (92/43/EEC) on the Conservation of Natural Habitats and Wild Flora and Fauna (the Habitats Directive) and also the Conservation of Habitats and Species Regulations 2010 (as amended).
- 3.1.17 As identified in the council’s Duty to Cooperate Statement (page 23 of [CD08](#)) Natural England agree with the findings of the Habitats Regulations Screening Assessment. The borough council has taken into account any comments on the Habitats Regulations Assessment from Natural England.
- 3.1.18 For all of the above reasons, the Council considers that its approach to assessing spatial options and selecting a spatial strategy through the SA (inc. SEA) and Habitats Regulations Assessment is in full accord with all relevant legislation, and is iterative, logical and sound.

- 3.2 *Have **reasonable alternative** been considered in the SA? Is there a clear audit trail from the consideration of options to the preferred strategy in the plan?*
- 3.2.1 The SA (inc. SEA) has considered reasonable alternatives and within each iteration of the SA a clear audit trail is provided of the preferred options taken forward within the Local Plan.
- 3.2.2 Through the SA process, a number of potential development options have been tested, including different development levels and distribution strategies, and this process has informed the plan as it has developed. Potential development sites were also assessed in detail through this process, the conclusions of which were fully considered in the selection of allocated sites. The SA process identified constraints associated with individual sites and potential mitigation, and this was considered in the development of criteria based policies for each of the housing site allocations.
- 3.2.3 Policies in the Local Plan have also been subject to a comprehensive SA (inc. SEA) and they best achieve the dimensions of sustainable development in comparison to the reasonable alternative options.
- 3.2.4 The Council is confident that all reasonable options have been considered throughout the SA process. There is no requirement to appraise all possible alternative options, only those that are reasonable to achieving the objectives of the Plan. This is in accord with the SEA Directive which states in article 5 that *'an environmental report shall be prepared in which the likely significant effects on the environment of implementing the plan or programme and reasonable alternatives taking into account the objectives and the geographical scope of the plan or programme, are identified, described and evaluated'*.
- 3.2.5 A SA has been undertaken on all stages of the Plan making process including the Core Strategy Issue and Options, Pre Submission Local Plan and Revised Pre Submission Local Plan. Each stage of the Plan further refines the preferred options and integrates the outcomes of the SA process. The subsequent SAs have therefore ensured that the refinement of policies did not themselves give rise to significant effects, and appropriate mitigation measures have been integrated to ensure the policies chosen are the most sustainable option. In particular the proposed main modifications to the Submission Local Plan have been subject to SA to ensure no significant effects are predicted.
- 3.2.6 The SA clearly assesses all reasonable options and outlines the preferred options taken forward in the Plan. The SA (inc. SEA) for the Submission Local Plan consolidates the appraisal of options to demonstrate that a transparent and robust approach has been undertaken to the consideration of options during the SA process.

3.2.7 The SA provides clear reasoning as to why the preferred option is taken forward and why the alternative options are rejected. This meets the SEA Directive requirement in providing clear justification for how alternative options were considered and rejected.

3.3 *Which **adverse effects** identified by the SA require significant mitigations, and how is the Council addressing these issues?*

3.3.1 The SA (inc. SEA) process has continually assessed and identified predicted significant adverse and positive effects from the Plan with mitigation and/or enhancement measures being integrated at appropriate stages in the evolution of the Plan. This has ensured that the Council is able to appropriately address these effects and monitor the potential for unforeseen adverse impacts.

3.3.2 The SA (inc. SEA) of the Local Plan has appraised the policies, alternatives and sites including on the likelihood, spatial scale, timescale, duration and significance.

3.3.3 Throughout the appraisal of policies and sites, where potential adverse impacts have been identified or sustainability could be enhanced, recommendations have been made and amendments made to the policies where possible (see Section 12 and Appendices 14 and 18 of the SA (inc. SEA). Section 11 of the SA (inc. SEA) provides further information on mitigating the adverse effects of the Plan these are summarised as follows:

- The sixth column of the appraisal of strategic housing sites (Appendix 14) extensively identifies the mitigation that must be considered for each site.
- For the preferred sites (identified in Appendix 15), the mitigation required has been taken into account in the drafting of respective site allocation policies.
- The fifth column of the appraisal of preferred policies (Appendix 18) identifies mitigation, either through the implementation of other specific policies (i.e. use of the landscape policy to ensure the landscape is protected when considering specific development proposals), or possible policy amendments to be considered.
- For sites, mitigation is more appropriately addressed/ implemented at master planning or planning application stage and potential issues have been identified in the wording of individual site policies under Policies SS3.1 to SS3.12. For policies, mitigation may have been taken into account in revised wording or through inclusion/revision of another policy. Monitoring can be used to measure the impact of mitigation.
- The council has also worked closely with the three statutory environmental bodies (Historic England, Natural England and the Environment Agency) throughout the evolution of the Local Plan and SA (inc. SEA), particularly with regard to their representations on Pre Submission and Revised Pre Submission versions of the Local Plan. A number of outcomes were agreed

as a result of these discussions including revisions to the criteria in specific policies, such as the site specific policies SS3.1 to SS3.11).

- Table 12 of the SA (inc. SEA) Report shows changes that have been made to policies in response to appraisal through the process, in order to minimise adverse sustainability effects.

3.3.4 In addition to incorporating relevant mitigation and enhancement measures to address the predicted significant effects, regular monitoring of the Plan will ensure unforeseen adverse effects are identified and enable the actual impact of the Plan to be tested against the predicted effects. Table 13 of the SA (inc. SEA) Report sets out the proposed monitoring framework of significant effects that will be confirmed at the time of the adoption of the Local Plan.