



Basingstoke
and Deane

Heritage Supplementary Planning Document

**Strategic Environmental Assessment Screening and Habitats Regulations
Assessment**

22 November 2018

Executive Summary

This report details the consideration as to whether a Strategic Environmental Assessment and/or a full Habitats Regulations Assessment needs to be produced to accompany the Heritage Supplementary Planning Document.

Following consultation with the three statutory consultees (the Environment Agency, Historic England and Natural England), it concludes that an SEA is not required, and that the SPD would not need to be subject to full Appropriate Assessment under the Habitats Regulations.

1. Introduction

1.1 This report is designed to establish whether the Heritage Supplementary Planning Document (the SPD) requires:

- A Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plans and Programmes Regulations 2004; and
- An assessment against the Habitats Regulations to establish whether there would be any significant effects on a European site(s).

2. Purpose and content of the Heritage SPD

2.1 Basingstoke and Deane Borough Council, in its role as Local Planning Authority, is producing heritage guidance, with the intention that it will be adopted as a Supplementary Planning Document (SPD) in Spring 2019.

2.2 The purpose of the Heritage SPD is to provide more detailed guidance regarding the implementation of Policy EM11 (Historic Environment) in the adopted Basingstoke and Deane Local Plan (2011-2029) (the policy is set out in full in Appendix 1). The document will also be of relevance to other policies which involve heritage related considerations, namely relevant strategic housing allocations (SS3.1 – 3.12), EM1 (Landscape) and EM10 (Delivering High Quality Development).

2.3 The draft Heritage SPD provides detailed guidance to applicants, developers, consultants, architects, urban designers and landscape architects about how development should be delivered in order to meet with Local Plan policies. It expands upon the historic environment policies in the Local Plan. It replaces the former appendix to the Design and Sustainability SPD which covered Conservation Areas only, along with a number of older Supplementary Planning Guidance documents covering a range of heritage issues¹. The new SPD provides more all-encompassing guidance concerning the historic environment than was previously the case. It also replaces the Farm Diversification and Traditional Farmsteads SPD, which will be withdrawn following the adoption of this document as SPD.

¹ <https://www.basingstoke.gov.uk/planningpolicyguidance>

2.4 The draft SPD is structured around the following topics:

- Listed Buildings
- Conservation Areas
- Other designated heritage assets
- Non-designated heritage assets
- Setting of heritage assets
- Heritage at risk
- Archaeology
- Biodiversity considerations relevant to heritage assets
- Energy efficiency in relation to heritage assets
- The application process

It also includes detailed appendices in relation to the following issues:

- Historic farmsteads, farm buildings and farmhouses
- Windows and doors
- Shopfronts and signs
- Criteria for inclusion on the local list
- Article 4 Directions

In each case, the SPD refers to the relevant legislation, planning policy, and best practice/design guidance.

3. SEA screening

3.1 The adopted Local Plan was underpinned by a Sustainability Appraisal (SA) (incorporating SEA). This included a specific assessment of the relevant policies referred to above. The Local Plan can be found on the council website at:

<http://www.basingstoke.gov.uk/planningpolicy>

and the SA can be viewed here:

<http://www.basingstoke.gov.uk/content/doclib/952.pdf>

3.2 With regard to the need for SA (inc. SEA) for SPDs, the National Planning Policy Guidance (Reference ID: 11-008-20140306) states that:

Supplementary planning documents do not require a sustainability appraisal but may in exceptional circumstances require a strategic environmental assessment if they are likely to have significant environmental effects that have not already have been assessed during the preparation of the Local Plan.

A strategic environmental assessment is unlikely to be required where a supplementary planning document deals only with a small area at a local level (see regulation 5(6) of the Environmental Assessment of Plans and Programmes Regulations 2004), unless it is considered that there are likely to be significant environmental effects.

Before deciding whether significant environment effects are likely, the local planning authority should take into account the criteria specified in Schedule 1 to the Environmental Assessment of Plans and Programmes Regulations 2004 and consult the consultation bodies.

3.3 The following table therefore assesses the proposed SPD in relation to Schedule 1 of the EIA Regulations to determine whether it would be likely to have environmental effects:

Criteria for determining the likely significance of effects of the environment	Potential effects of the SPD	Is there a likely significant effect?
The characteristics of the plan having regard to:		
(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;	<p>The SPD provides guidance on how to apply policies contained within the existing adopted Local Plan. It does not establish new policy.</p> <p>The adopted Local Plan was prepared with continuous, iterative input from the SA (inc. SEA). The Local Plan was considered sound following an Examination in Public, which included specific consideration of the SA and the relevant policies.</p>	No
(b) the degree to which the plan or programme influences other plans and programmes including those in a hierarchy;	The SPD sits within a hierarchy of documents. It does not directly affect any other plans or programmes but is derived from the adopted Local Plan and would need to be interpreted in light of other higher tier planning policy documents including the revised National Planning Policy Framework (NPPF).	No
(c) the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development;	The adopted Local Plan and other higher level policies set the context for achieving sustainable development in the borough. The SPD will provide further guidance as to how this should be achieved in relation to heritage issues and	No

	<p>historic buildings. The SPD will not change the higher level policy requirements which have, in themselves, been subject to SA (inc. SEA).</p> <p>The SPD sets out measures designed to help ensure that the protection of the environment and achievement of sustainable development is delivered through the consideration of relevant planning applications.</p>	
(d) environmental problems relevant to the plan or programme; and	There can be environmental issues associated with the historic buildings, primarily in relation to issues such as sustainable energy usage. However, these issues are not as a result of this SPD, and it contains guidance designed to mitigate such issues, but in a manner which is sympathetic to the relevant heritage considerations.	No
(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).	It is very unlikely that there would be any significant environmental effects resulting from the SPD, especially as the SPD is mainly focused on preventing detrimental impacts rather than facilitating any development or works which could have environmental effects.	No
Characteristics of the effects likely having regard, in particular, to:		
(a) the probability, duration, frequency and reversibility of the effects;	<p>The SPD will mainly be of relevance during the process of planning applications being prepared, submitted and determined for the development of sites, which is likely to be within in the period up to 2029.</p> <p>It is very unlikely that any significant environmental effects will flow from the SPD itself, as the document is unlikely to be at the root of any of decisions as to whether to carry out development, rather the SPD will be seeking to influence development</p>	No

	<p>which would have been taking place in any case.</p> <p>The evidence to support the SA (inc. SEA) for the Local Plan continues to be up-to-date and considered the probability, duration, frequency and reversibility of effects.</p>	
(b) the cumulative nature of the effects;	There are no likely cumulative effects that would result from the production of the SPD.	No
(c) the transboundary nature of the effects;	There will be no transboundary effects (in relation to other EU member states).	No
(d) the risks to human health or the environment (e.g. due to accidents);	There are no likely risks to human health or the environment flowing from the production of the SPD.	No
(e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);	<p>There are not likely to be any significant environmental effects flowing from the production of the SPD.</p> <p>In terms of the scope of the SPD, its impact will be largely limited to those areas containing, or which are relevant to, heritage assets.</p>	No
(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; and	The SPD is inevitably focused on cultural heritage, but is intended to help ensure that such assets are protected, and hence will not result in any detrimental impacts.	No
(g) the effects on areas or landscapes which have a recognised national, Community or international protection status.	The document does cover historic landscapes, some of which may be of national significance, and protected accordingly. However, the SPD is intended to ensure the protection of such landscape and will not result in any detrimental impacts.	No

4. SEA conclusion

- 4.1 The SPD is designed to ensure the effective protection of the historic environment. It will not result in any significant detrimental impacts on the environment, and is intended to prevent any such impacts flowing from development. A Strategic Environmental Assessment is therefore not required.

5. Habitats Regulation Assessment Screening

- 5.1 A Habitats Regulations Assessment (HRA)² screening report was undertaken for the adopted Local Plan (2011-2029). In relation to Policy EM11, it concluded that “this policy may be screened out as there is no likely significant effect arising on European sites”. Given that the SPD does not allocate any development, it is not likely to have a significant effect on any European site. Therefore a full Appropriate Assessment under the Habitats Regulations is not required.

6. Conclusion

- 6.1 Following consultation with the three statutory consultees (the Environment Agency, Historic England and Natural England), the preliminary screening report indicates that an SEA is not required for the Heritage SPD. Similarly, it would not need to be subject to full Appropriate Assessment under the Habitats Regulations.

² <https://www.basingstoke.gov.uk/content/doclib/384.pdf>

Appendix 1: Extract from the Basingstoke and Deane Borough Local Plan 2011-2029:

Policy EM11 – The Historic Environment

All development must conserve or enhance the quality of the borough's heritage assets³ in a manner appropriate to their significance.

Development proposals which would affect designated or non-designated heritage assets will be permitted where they:

- a) Demonstrate a thorough understanding of the significance of the heritage asset and its setting, how this has informed the proposed development, and how the proposal would impact on the asset's significance. This will be proportionate to the importance of the heritage asset and the potential impact of the proposal;
- b) Ensure that extensions and/or alterations respect the historic form, setting, fabric and any other aspects that contribute to the significance of the host building;
- c) Demonstrate a thorough understanding of the significance, character and setting of conservation areas and how this has informed proposals, to achieve high quality new design which is respectful of historic interest and local character;
- d) Conserve or enhance the quality, distinctiveness and character of heritage assets by ensuring the use of appropriate materials, design and detailing; and
- e) Retain the significance and character of historic buildings when considering alternative uses and make sensitive use of redundant historic assets.

³ Heritage assets include designated and non-designated heritage assets. Designated heritage assets include Scheduled Monuments, Listed Buildings, Registered Parks and Gardens or Conservation Areas designated under the relevant legislation. Non-designated heritage assets are buildings, monuments, sites, places, areas or landscapes identified as having a degree of significance meriting consideration in planning decisions but which are not formally designated heritage assets, although they may be identified as having local importance. In some instances non-designated assets, particularly archaeological remains, may be of equivalent significance to designated assets, despite not yet having been formally designated.

Appendix 2 – responses received from the consultation bodies (the Environment Agency did not respond to the consultation)

Date: 31 October 2018
Our ref: 260898
Your ref: Basingstoke & Deane Heritage SPD – SEA Screen



Mr Andrew Rushmer
Principal Planning Officer
Basingstoke and Deane Borough Council
Civic Offices
London Road
Basingstoke
Hampshire
RG21 4AH

Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

BY EMAIL ONLY

Andrew.Rushmer@basingstoke.gov.uk

Dear Mr Rushmer

Basingstoke and Deane Borough Council - Heritage SPD SEA Screening

Thank you for your consultation on the above dated and received by Natural England on 1st October 2018.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Screening Request: Strategic Environmental Assessment

It is our advice, on the basis of the material supplied with the consultation, that, in so far as our strategic environmental interests are concerned (including but not limited to statutory designated sites, landscapes and protected species, geology and soils) are concerned, that there are unlikely to be significant environmental effects from the proposed supplementary planning document.

We have checked our records and based on the information provided, we can confirm that in our view the proposals contained within the supplementary planning document will not have significant effects on sensitive sites that Natural England has a statutory duty to protect.

We are not aware of significant populations of protected species which are likely to be affected by the policies / proposals within this supplementary planning document. It remains the case, however, that the responsible authority should provide information supporting this screening decision, sufficient to assess whether protected species are likely to be affected.

Notwithstanding this advice, Natural England does not routinely maintain locally specific data on all potential environmental assets. As a result the responsible authority should raise environmental issues that we have not identified on local or national biodiversity action plan species and/or habitats, local wildlife sites or local landscape character, with its own ecological and/or landscape advisers, local record centre, recording society or wildlife body on the local landscape and biodiversity receptors that may be affected by this supplementary planning document.

For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours sincerely

Sharon Jenkins
Consultations Team



Historic England

Mr Andrew Rushmer
Principal Planning Officer
Basingstoke and Deane Borough Council
Civic Offices
London Road
Basingstoke, RG21 4AH

Our ref: HD/P5229/
Your ref:
Telephone 01483 252040
Fax

30th October 2018

Dear Andrew,

Basingstoke and Deane Borough Council - Heritage SPD SEA Screening

Thank you for your e-mail of 4th October seeking Historic England's comments on the Council's draft SEA Screening Opinion for its Heritage SPD.

We find your conclusion that the SPD would not have significant effects as regards "*the integration of environmental considerations in particular with a view to promoting sustainable development*" slightly odd in that surely that is the ultimate purpose of the SPD ? If it would not have a significant effect in integrating environmental considerations and promoting sustainable development, it rather begs the question why produce the SPD ? The same point applies to "*environmental problems relevant to the plan or programme*" and "*special natural characteristics or cultural heritage*".

It should be remembered that the SEA Directive and Regulations only refer to "effects" – there is no distinction between adverse and beneficial effects. We therefore consider that it is erroneous to conclude that SEA is not required because "*It will not result in any significant detrimental impacts on the environment*".

However, we are satisfied that the SPD would not give rise to any effects (adverse or beneficial) that would not arise from Policy EM11 of the adopted Local Plan (2011-2029), which we are aware has already been subject to SA incorporating SEA. We therefore agree with the Council's conclusion that SEA is not required.

We hope these comments are helpful. Thank you again for consulting Historic England.

Kind regards,

Martin Small Principal Adviser, Historic Environment Planning

(Bucks, Berks, Oxfordshire, Hampshire, IoW, South Downs NP and Chichester)
martin.small@historicengland.org.uk