



**Strategic Environment Assessment (SEA) and
Habitats Regulations Assessment (HRA)
Screening Statement for the Eastleigh Draft
Trees and Development Supplementary
Planning Document (SPD)**

Draft for Consultation

May 2021

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1. Introduction

- 1.1 Supplementary Planning Documents are produced to provide detailed advice and guidance on policies in Local Plans.
- 1.2 The National Planning Policy Framework (NPPF) 2019 describes SPDs as:
- “Documents which add further detail to the policies in the development plan. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design. Supplementary planning documents are capable of being a material consideration in planning decisions but are not part of the development plan”.*
- 1.3 Eastleigh Borough Council has prepared and published a draft Trees and Development SPD which provides additional detail to applicants further to the relevant planning policies contained in the emerging Eastleigh Borough Local Plan (2016-2036). Main modifications proposed to the plan following the examination hearings are subject to a period of six-week consultation alongside the draft Trees and Development SPD and this screening statement.
- 1.4 This document constitutes a screening report to determine whether:
- the draft Trees and Development SPD will require a Strategic Environmental Assessment (SEA) in accordance with the ‘European Directive 2001/42/EC’² and associated ‘Environmental Assessment of Plans and Programmes Regulations 2004’.
 - the draft Trees and Development SPD will require a Habitats Regulations Assessment (HRA) or further assessment in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended, including through EU Exit legislation) and the Conservation of Offshore Marine Habitats and Species Regulations 2017 (as amended).

2. Background Context

- 2.1 The emerging Eastleigh Borough Local Plan 2016-2036 was subject to examination hearings over the period between November 2019 and January 2020 with an additional half day hearing session held in January 2021¹. Due to the advanced stage in the preparation of the Local Plan, its emerging policies apart from those subject to further proposed material changes can now be afforded at least considerable weight.
- 2.2 A number of the emerging Eastleigh Borough Local Plan (2016-2036) policies aim to ensure the retention, protection, maintenance, replacement and provision of trees across the Borough. In summary this includes the following:

¹ The latest news relating to the Eastleigh Borough Local Plan following the Local Plan examination hearings can be found here: <https://www.eastleigh.gov.uk/planning-and-building/planning-policy-and-implementation/local-plan/local-plan-examination/latest-news-and-updates>

- Strategic Policy S10, Green infrastructure and supporting text
- Policy DM1, General criteria for new development
- Policy DM3, Adaptation to climate change
- Policy DM8, Pollution (supporting text only which refers to their benefits)
- Policy DM11, Nature conservation
- Policy DM12, Heritage assets (supporting text only)
- A number of the site allocations policies

2.3 The aim of the draft Trees and Development SPD is to outline Eastleigh Borough Council's approach to trees in relation to development. It will be used as a material consideration in the determination of planning applications and, therefore, will be considered by Council Officers and Elected Members as part of their assessment of planning applications. The aim of the draft Trees and Development SPD is to ensure that trees are fully considered as part of the planning process, so that the multiple benefits of trees can be maximised alongside new development across the Borough. In doing so, the SPD will therefore provide additional guidance to the policies including those listed above as currently proposed in the emerging Eastleigh Borough Local Plan (2016-2036).

3. Strategic Environment Assessment

- 3.1 A Strategic Environmental Assessment (SEA) concerns the evaluation of the environmental impacts of a plan or programme. The requirement for an SEA is detailed in the 'European Directive 2001/42/EC' which is adopted into UK legislation as the 'Environmental Assessment of Plans or Programmes Regulations 2004'. Local Plans often comply with SEA requirements by being the subject of a Sustainability Appraisal.
- 3.2 Planning Practice Guidance states that Supplementary Planning Documents are not required to be accompanied by a Sustainability Appraisal. In exceptional circumstances, an SPD may require a SEA if they are likely to have significant effects on the environment which have not been assessed as part of the Local Plan SA.
- 3.3 A screening process has therefore been followed to assess if the draft Trees and Development SPD produced by Eastleigh Borough Council requires a SEA.

4. SEA Screening Process

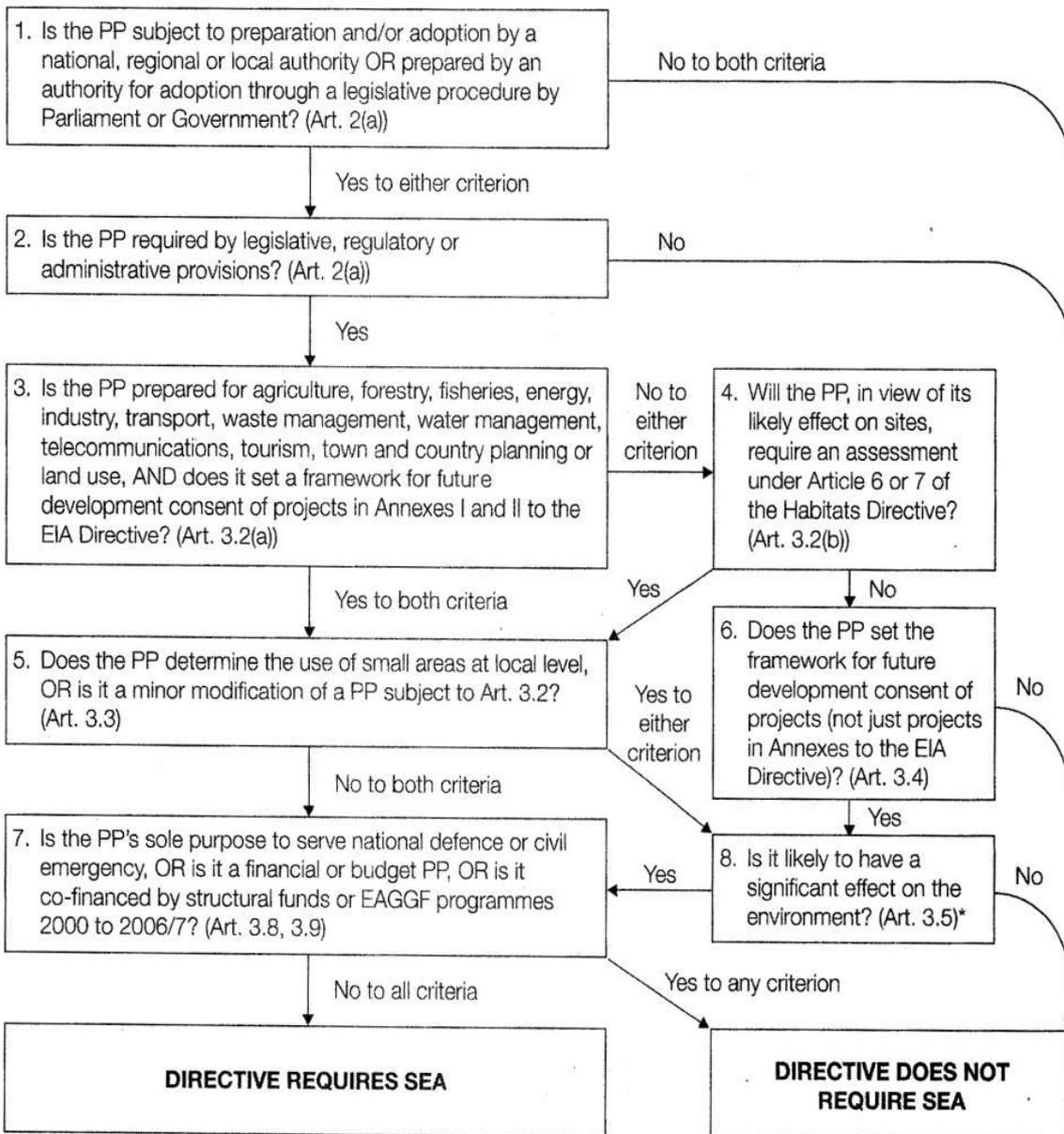
- 4.1 To determine if a SPD is likely to have significant environment effects, Planning Practice Guidance recommends local planning authorities consider the criteria specified in schedule 1 to the Environmental Assessment of Plans and Programmes Regulations 2004. Table 1 of this report presents the criteria in table form with a commentary on the draft Trees and Development SPD which is subject to public consultation. Table 2 shows the results of the screening process for the draft Trees and Development SPD, which confirms that it is unlikely to have significant environmental effects. Section 6 presents the conclusion and rationale for the decision.
- 4.2 Planning Practice Guidance also recommends consulting the consultation bodies cited in the Environmental Assessment of Plans and Programmes Regulations 2004. Historic England, Natural England and the Environment Agency will therefore be consulted for their formal view as to whether the draft Trees and Development SPD will have significant environmental effects and on the conclusions of this screening statement.

5. SEA Determination and Reasoning

- 5.1 The SPD is consistent with the emerging Eastleigh Borough Local Plan (2016-2036) which has already been the subject of a Strategic Environmental Assessment/Sustainability Appraisal undertaken by LUC. The appraisal of the emerging Local Plan policies found that there would be no environmental effects which could not be mitigated and would have positive socio-economic benefits.
- 5.2 The SPD is a lower tier document which provides supplementary guidance to emerging Local Plan policies and it cannot be used as justification for non-compliance with national environmental legislation and national and local environmental policy.
- 5.3 The diagram below illustrates the process for screening a planning document to ascertain whether a full SEA is required.

Figure 2 – Application of the SEA Directive to plans and programmes

This diagram is intended as a guide to the criteria for application of the Directive to plans and programmes (PPs). It has no legal status.



*The Directive requires Member States to determine whether plans or programmes in this category are likely to have significant environmental effects. These determinations may be made on a case by case basis and/or by specifying types of plan or programme.

5.4 The following assessment in Table 1 applies the questions from the preceding diagram. The answers have been used to determine whether the draft Trees and Development SPD in the view of the Council requires a full Strategic Environmental Assessment.

Table 1: Establishing the need for SEA

Stage	Yes / No	Reason
1. Is the SPD subject to preparation and/or adoption by a national, regional or local authority OR prepared by an authority for adoption through a legislative procedure by Parliament or Government? (Art.2(a))	Yes	<p>The preparation and adoption of the draft Trees and Development SPD is allowed under the Town and Country Planning Act 1990. The process in preparing the draft Trees and Development SPD is in accordance with the Town and Country Planning (Local Planning) Regulations 2012.</p> <p>Go to Stage 2</p>
2. Is the SPD required by legislative, regulatory or administrative provisions? (Art.2(a))	Yes	<p>Although the draft Trees and Development SPD is not a requirement under the provisions of the Town and Country Planning Act 1990, if adopted it will form part of the emerging Eastleigh Borough Local Plan (2016-2036) once this is also adopted and supplement its policies. It is therefore important that the screening process is precautionary and considers whether it is likely to have significant environment effects and hence whether SEA is required under the Directive</p> <p>Go to Stage 3</p>
3. Is the SPD prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use,	N/A	<p>The draft Trees and Development SPD has been prepared for the purposes of town and country planning. It supplements policies in the emerging Eastleigh Borough Local Plan (2016-2036) by providing</p>

Stage	Yes / No	Reason
<p>AND does it set a framework for future development consent of projects in Annexes I and II to the EIA Directive? (Art. 3.2(a))</p>		<p>detailed guidance in relation to the retention, protection, maintenance, replacement and provision of trees where new development is proposed.</p> <p>The draft Trees and Development SPD covers development proposals that will come forward across the entire Borough.</p> <p>However, the draft Trees and Development SPD does not create new policy or identify specific sites for development</p> <p>Go to Stage 5</p>
<p>4. Will the SPD, in view of this likely effect on sites require an assessment under Article 6 or 7 of the Habitats Directive? (Art.3.2(b))</p>	N/A	<p>The draft Trees and Development SPD has been subject to a separate Habitat Regulations Assessment screening (included separately below) which has concluded that it is not likely to have significant adverse effects on the integrity of Habitats sites, either alone or in combination with other plans or projects and further 'Appropriate Assessment' is therefore not required.</p>
<p>5. Does the SPD determine the use of small areas at local level, OR is it a minor modification of a plan or programme subject to Art 3.2? (Art.3.3)</p>	No	<p>The draft Trees and Development SPD does not determine the use of small areas at local level as it is supplementary to the emerging Eastleigh Borough Local Plan (2016-2036) which does this and it is not a minor modification of a plan or</p>

Stage	Yes / No	Reason
		programme subject to Article 3.2. Go to Stage 8
6. Does the SPD set the framework for future development consent of projects (not just projects in Annexes to the EIA Directive)? (Art. 3.4)	Not applicable	Not applicable
7. Is the SPD's sole purpose to serve national defence or civil emergency, OR is it a financial or budget plan or programme, OR is it co-financed by structural funds or EAGGF programmes 2000 to 2006/7? (Art. 3.8, 3.9)	Not applicable	Not applicable
8. Is it likely to have a significant effect on the environment? (Art. 3.4)	No	See Part 2, assessment of the likely significant effects on the environment. This concludes that the draft Trees and Development SPD is unlikely to have a significant effect on the Environment. DIRECTIVE DOES NOT REQUIRE SEA of the SPD

5.5 Table 2 sets out the Council's assessment against the Strategic Environmental Assessment criteria for the draft Trees and Development SPD to determine whether it will have a significant effect on the environment. This provides the reasoning behind the conclusions drawn in question 8 in Table 1 above. The criteria against which the screening is carried out are taken directly from Annex II of the SEA Directive, as required by Article 3 (5).

Table 2: Eastleigh draft Trees and Development SPD - criteria for determining the likely significant environmental effects referred to in Article 3(5) (as taken from Annex II of the SEA Directive)

Criteria specified schedule 1 SEA Regulations	Likely significant environmental effect (Yes / No)	Reason
1. The characteristics of plans and programmes, having regard, in particular, to -		
a) The degree to which the SPD sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources;	No	The draft Trees and Development SPD, if adopted will help implement the relevant tree and landscape related policy criteria of the emerging Eastleigh Borough Local Plan (2016-2036) and therefore contribute to the framework for future development consent. The emerging Eastleigh Borough Local Plan (2016-2036) has also been subject to Sustainability Appraisal (SA) and therefore SEA.
b) The degree to which the SPD influences other plans and programmes including those in a hierarchy;	No	The draft Trees and Development SPD is in conformity with the National Planning Policy Framework (February 2019) and the proposed policies of the emerging Eastleigh Borough Local Plan (2016-2036). The draft Trees and Development SPD will not significantly influence other plans and programmes, it instead supplements the emerging Eastleigh Borough Local Plan (2016-2036) which has been subject to SA and therefore SEA
c) The relevance of the SPD for the integration of environmental	No	The draft Trees and Development SPD will help to ensure trees are

Criteria specified schedule 1 SEA Regulations	Likely significant environmental effect (Yes / No)	Reason
considerations in particular with a view to promoting sustainable development;		retained, protected, maintained, replaced and provided for across the Borough. In doing so, the draft Trees and Development SPD has regard to measures which can help towards tackling the environmental and climate change emergency.
d) Environmental problems relevant to the SPD; and	No	Planning policy in relation to environmental problems such as air quality, flood risk and biodiversity is principally established through the emerging Eastleigh Borough Local Plan (2016-2036). The draft Trees and Development SPD provides additional guidance on retaining, protecting, maintaining, replacing and providing trees across the Borough which in turn helps to reduce harmful carbon dioxide emissions and improve air quality, reduce flood risk and improve the Borough's biodiversity value and wider environment. Therefore, positive environmental impacts are predicted.
e) The relevance of the SPD for the implementation of Community legislation on the environment (for example, plans and programmes linked to waste management or water protection)	No	The draft Trees and Development SPD is not directly relevant to the implementation of European legislation including the Water Framework Directive.

Criteria specified schedule 1 SEA Regulations	Likely significant environmental effect (Yes / No)	Reason
2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to -		
a) The probability, duration, frequency and reversibility of the effects;	No	The draft Trees and Development SPD seeks to ensure trees are retained, protected, maintained, replaced and provided which therefore has a positive impact upon the natural and semi-natural environment of the Borough. Therefore, positive social and environmental impacts are predicted. Long-term significant adverse effects are not anticipated.
b) The cumulative nature of the effects;	No	The draft Trees and Development SPD is in conformity with the strategic policies included in the emerging Eastleigh Borough Local Plan Review (2016-2036) and it is intended that there will be positive cumulative effects across the Borough, particularly those which are environmental and social (i.e., mental health and well-being) related.
c) The transboundary nature of the effects	No	There are not expected to be any significant trans-boundary effects arising from the draft Trees and Development SPD which seeks to ensure the retention, protection, maintenance, replacement and provision of trees within Eastleigh Borough only.

Criteria specified schedule 1 SEA Regulations	Likely significant environmental effect (Yes / No)	Reason
d) The risks to human health or the environment (for example, due to accidents);	No	The draft Trees and Development SPD is likely to have a positive impact on human health since tree provision plays a key role in absorbing carbon dioxide through carbon sequestration which therefore helps to improve air quality. Trees also have a positive impact upon human health and social wellbeing. Therefore, the draft Trees and Development SPD poses no significant risks to human health.
e) The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);	No	The draft Trees and Development SPD will apply to any part of Eastleigh Borough depending on where relating development proposals are taking place. This can include windfall sites as well as the strategic sites and site allocations proposed in the emerging Eastleigh Borough Local Plan (2016-2036). However, the draft Trees and Development SPD is not spatial in terms of specific locations and instead covers the whole Borough which according to the latest ONS mid-year estimates for 2019 has a population of 133,854 people.
f) The value and vulnerability of the area likely to be affected due to –	No	There are designated heritage assets located across the Borough from locally listed buildings though to ancient

Criteria specified schedule 1 SEA Regulations	Likely significant environmental effect (Yes / No)	Reason
<p>(i) Special nature characteristics or cultural heritage; (ii) Exceeded environmental quality standards or limit values; or (iii) Intensive land-use</p>		<p>monuments. These cultural assets are covered by other policies in the Local Plan and specific legislation. It is possible that the retention, protection, maintenance, replacement and provision of trees through the draft Trees and Development SPD would help to maintain and enhance the setting of the Borough's special characteristics, cultural heritage and help to enhance the overall environmental quality of the landscape. The retention, protection, maintenance, replacement and provision of trees also helps to maintain the natural environment and prevent over-intensive land use from occurring through new development by providing a softer and greener setting.</p>
<p>g) The effects on areas or landscapes which have a recognised natural, Community or international protection status.</p>	<p>No</p>	<p>The draft Trees and Development SPD will help to protect areas which are covered by environmentally sensitive designations across the Borough including areas of ancient woodland and as such is likely to have a positive effect on more sensitive landscape settings. However, there are no internationally protected landscapes located across the Borough.</p>

6. SEA Conclusions and Next Steps

- 6.1 This SEA screening has identified that the draft Trees and Development SPD is unlikely to have significant effects on the environment and that there is no requirement for it to be subject to a full SA.
- 6.2 This screening opinion will be published alongside the draft Trees and Development SPD and will also be subject to public consultation. Before this screening opinion is confirmed as final, it will also first require feedback from the three designated consultation bodies – Historic England, Natural England, and the Environment Agency.

7. Habitats Regulations Assessment

- 7.1 The Habitats Regulations transpose the Habitats Directive into UK law. A Habitat Regulations Assessment (HRA) refers to one of the several distinct stages of Assessment. These must be undertaken in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended) and the Conservation of Offshore Marine Habitats and Species Regulations 2017 (as amended).
- 7.2 A HRA screening assessment should explore whether the implementation of a plan or project not connected to or necessary for a sites management, would be likely to have a significant effect upon or harm the habitats or species for which the European sites otherwise also known as ‘Natura 2000 sites’ are designated. The European sites are:
- Special Protection Areas (SPAs) – designated by the Birds Directive (79/409/EEC as amended and 2009/147/EC), and:
 - Special Areas of Conservation (SACs) – designated by the Habitats Directive (92/43/EEC).
- 7.3 The National Planning Policy Framework (NPPF) also states that Ramsar sites should be afforded the same level of protection as the European sites.
- 7.4 A screening process has been followed as per this HRA screening assessment to assess if the draft Trees and Development SPD requires a full Appropriate Assessment. The Appropriate Assessment stage of HRA is only required should this preliminary screening assessment not be able to rule out likely significant effects on a European site.

8. HRA Screening Process

- 8.1 The HRA is undertaken in separate stages and should conclude whether or not a proposal or policy would adversely affect the integrity of any sites. This process or stages of the Appropriate Assessment process are further described below.

Stage 1 – Screening

- This is the process which identifies the likely effects upon a European site (Natura 2000 or Ramsar site(s)) of a project or plan, either alone or in-combination with other projects or plans, and determines whether these effects are likely to be significant.
- If there is uncertainty, and it is not possible, based on the information available, to confidently determine that there will be no significant effects on a site then the precautionary principle² will be applied. The screening

² The Precautionary Principle – Prudent action that avoids the possibility of irreversible environmental damage in situations where the scientific evidence is inconclusive but the potential damage could be significant.

assessment must reflect the outcomes of the 2018 judgement of the Court of Justice of the European Union³ which has ruled that where mitigation is necessary this must be identified through an Appropriate Assessment. This means that measures that are necessary to avoid or reduce impacts on the European site, even when considered standard environmental best-practice, cannot be taken into account at this stage.

- If no likely significant effects are determined, the project or plan can proceed without the need to progress onto the stage 2 Appropriate Assessment stage. If any likely significant effects are identified, stage 2 commences.

Stage 2 – Appropriate Assessment

- This is the consideration of the impact on the integrity of the site(s), either alone or in combination with other projects or plans, with respect to the site's structure and function and its conservation objectives.
- Additionally, where there are adverse impacts, an assessment of the potential mitigation of those impacts should be provided.

Stage 3 – Assessment of Alternative Solutions

- This is the process which examines alternative ways of achieving the objectives of the project or plan that avoid adverse impacts on the integrity of the European site (Natura 2000 and Ramsar site(s)); and

Stage 4 – Compensatory Measures

- This is an assessment of the compensatory measures where, in light of an assessment of imperative reasons of overriding public interest, it is deemed that the plan should proceed.

8.2 If the screening stage concludes that are likely to be no significant impacts on European sites (Natura 2000 and Ramsar site(s)), then there is no need to progress onto the stage of Appropriate Assessment (i.e., Stage 2).

9. HRA Determination and Reasoning

9.1 In order to understand the context of the likely effects of the draft Trees and Development SPD, it is important to consider the likely effects of the emerging Eastleigh Borough Local Plan (2016-2036) which has been subject to a continuous and iterative HRA screening and assessment process.

9.2 In summary, therefore, the HRA report for the emerging Eastleigh Borough Local Plan (2016-2036) considers the following European sites (Natura 2000 and Ramsar

3 C-323/17 – People over Wind, Peter Sweetman v Coillte Teoranta

site(s)) as shown in the box below. These have been designated to conserve a wide variety of habitats of European importance, along with species populations of high conservation significance:

- New Forest SAC/SPA/Ramsar
- River Itchen SAC
- Solent Maritime SAC
- Solent & Dorset Coast pSPA
- Solent & Southampton Water SPA/Ramsar

9.3 Those scoped out of the assessment of the emerging Eastleigh Borough Local Plan (2016-2036) Habitats Regulations Assessment include the two following European sites (Natura 2000 sites) as shown in the box below:

- Emer Bog SAC
- Mottisfont Bats SAC

9.4 The HRA screening report (AECOM, 2015) for the Local Plan at that stage in its preparation considered that Emer Bog SAC and Mottisfont Bats SAC could be screened-out of the assessment process. This was on the basis of their reasons for designation and distance from Eastleigh Borough, reasons which remain valid for the emerging Eastleigh Borough Local Plan (2016-2036) HRA (UE Associates 2021) whereby it has been considered that it is not directly connected with or necessary to the management of these sites for nature conservation.

9.5 The latest conclusions of the emerging Eastleigh Borough Local Plan (2016-2036) HRA constitute the following:

- No likely significant effects were identified in relation to Emer Bog SAC, Mottisfont Bats SAC, New Forest SAC/Ramsar or Solent and Dorset Coast SPA, either alone or in combination with other plans and projects.
- Significant effects through coastal squeeze are not likely for Solent Maritime SAC or Solent and Southampton Water SPA/Ramsar, either alone or in combination with other plans and projects.
- Significant effects through atmospheric pollution are not likely for Solent Maritime SAC or Solent and Southampton Water SPA/Ramsar, either alone or in combination with other plans and projects.

- Significant effects through impacts to land outside the boundary of Solent and Southampton Water SPA/Ramsar (non-designated terrestrial wader and Brent goose sites) are not likely, either alone or in combination with other plans and projects.
- Significant effects resulting from recreation are not likely for River Itchen SAC, either alone or in combination with other plans and projects.
- There will be no adverse effect on the integrity of River Itchen SAC as a result of atmospheric pollution, either alone or in combination with other plans and projects.
- Taking account of the mitigation strategy, it can be concluded that there will be no adverse effect on the integrity of River Itchen SAC as a result of noise and vibration, hydrological impacts, impacts to land outside the SAC boundary (otter dispersal corridors), non-native species, water abstraction or water pollution, either alone or in combination with other plans and projects.
- Taking account of the mitigation strategy, it can be concluded that there will be no adverse effect on the integrity of Solent Maritime SAC as a result of non-native species, site-specific hydrological impacts or water pollution, either alone or in combination with other plans and projects.
- Taking account of the mitigation strategy, it can be concluded that there will be no adverse effect on the integrity of New Forest SPA as a result of disturbance, either alone or in combination with other plans and projects.
- Taking account of the mitigation strategy, it can be concluded that there will be no adverse effect on the integrity of Solent and Southampton Water SPA/Ramsar as a result of disturbance, noise and vibration or water pollution, either alone or in combination with other plans and projects.

10. HRA Screening Conclusions and Next Steps

- 10.1 The SPD does not introduce new policies or proposals outside the scope of the emerging Eastleigh Borough Local Plan Review (2016-2036). Instead, it provides further detailed and specific guidance relating to the retention, protection, maintenance, replacement and provision of trees. The policies in the emerging Eastleigh Borough Local Plan (2016-2036) which consider trees have already been subject to HRA with the overall conclusions as noted in Section 9 that the plan is not likely to have adverse effects on the integrity of European sites (Natura 2000 and Ramsar site(s)), either alone or in-combination with other plans or projects.
- 10.2 The Eastleigh draft Trees and Development SPD is also therefore unlikely to have significant adverse effects on the integrity of European sites (Natura 2000 and Ramsar site(s)), either alone or in-combination with other plans or projects and further 'Appropriate Assessment' as per stage 2 of the HRA process is not considered necessary or required.

10.3 This screening opinion will be published alongside the draft Trees and Development SPD and will also be subject to public consultation. Before this screening opinion is confirmed as final, it will also first require feedback from the three designated consultation bodies – Historic England, Natural England, and the Environment Agency.

