

**New Housing Development
Supplementary Planning
Document**

**Strategic Environmental
Assessment/ Habitats
Regulations Assessment**

Final Screening Statement

September 2015

1. Introduction

- 1.1 This report has been produced to determine the need for a:
- I. **Strategic Environmental Assessment (SEA)** in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plans and Programmes Regulations 2004).
 - II. **Habitats Regulations Assessment (HRA)** in accordance with article 6 of the EC Habitats directive 1992, as interpreted by Regulation 61(1) of the Conservation of Habitats and Species Regulations 2010 (the habitats regulations)

For the proposed New Housing Development Supplementary Planning Document (SPD).

2. Policy context

2.1 Government policies and the National Planning Policy Framework (The Framework) promote and recognise that having a choice of housing is important for balanced communities. The NPPF has as one of its key objectives delivering a wide choice of high quality homes (chapter 6).

2.2 New housing development is essential to facilitate vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations. However new housing development has the potential if not properly designed to negatively impact on neighbouring properties and the character of the local area potentially resulting in poorer living conditions for neighbours.

2.3 The emerging Sefton Local Plan (2015) includes a policy relating to new housing development Policy HC3- Residential development and development in Primarily Residential Areas.

2.4 The Sefton New Housing Development Supplementary Planning Guidance (SPG) (2003) is the current supplementary guidance relating to new housing development in the Borough, it expands upon policy H10- Residential Development and development in Residential Areas of the Sefton Unitary Development Plan (UDP) (2006).

2.5 The proposed New Housing Development SPD will replace the existing SPG and expand upon policy HC3 (Residential development and development in Primarily Residential Areas) of the emerging Sefton Local Plan. (The policy is shown in Appendix A.) More detail on the scope of the SPD is set out below.

Introduction and Context

2.5 It is important to ensure new housing developments are high quality and respect and enhance the surrounding area. Clear guidance is required to make the most of the benefits of new housing development and to reduce any potential harm.

2.6 The SPD will support draft Local Plan policy HC3 - Residential development and development in Primarily Residential Developments.

The SPD will replace the 2003 New Housing Development SPG. (Available on the webpage below) <http://www.sefton.gov.uk/planning-building-control/planning-policy/supplementary-guidance.aspx>

Purpose and aims

2.7 The aim of the SPD is to provide clear guidance to homebuilders on the standards the Council requires for new homes in developments of all sizes. The document will set out principles and standards that new housing developments are required to adhere to this will ensure that new developments are high quality and respect and enhance the surrounding area.

2.8 This will include guidance on design, layout, access, housing type, density, gardens etc. The SPD will also help show local residents the high standards that the Council will be insisting on for new housing developments.

2.9 The SPD will be used by the Council to determine planning applications for new housing development.

Part 1- SEA Screening

3. Screening

3.1 The requirement for a Strategic Environment Assessment (SEA) is set out in the “Environmental Assessment of Plans and Programmes Regulations 2004”. There is also practical guidance on applying European Directive 2001/42/EC produced by the ODPM (now DCLG)¹. These documents have been used as the basis for this screening report.

3.2 Previously all Development Plan Documents (DPDs) and Supplementary Planning Documents required Sustainability Appraisal. Sustainability Appraisal incorporated the requirements for SEA². However, the regulations were amended in 2009³. These amendments removed the requirement for the sustainability appraisal of supplementary planning documents. These changes were confirmed in the 2012 regulations⁴

3.3 Despite no longer requiring sustainability appraisal, SPDs may still require SEA. The ODPM practical guidance provides a checklist approach based on the SEA regulations to help determine whether SEA is required. This guide has been used as the basis on which to assess the need for SEA as set out below.

¹ A Practical Guide to the Strategic Environmental Assessment Directive (2005) (ODPM)

² The Town and Country Planning (Local Development) (England) Regulations 2004

³ The Town and Country Planning (Local Development) (England) (Amendment) Regulations

⁴ The Town and Country Planning (Local Planning) (England) Regulations 2012

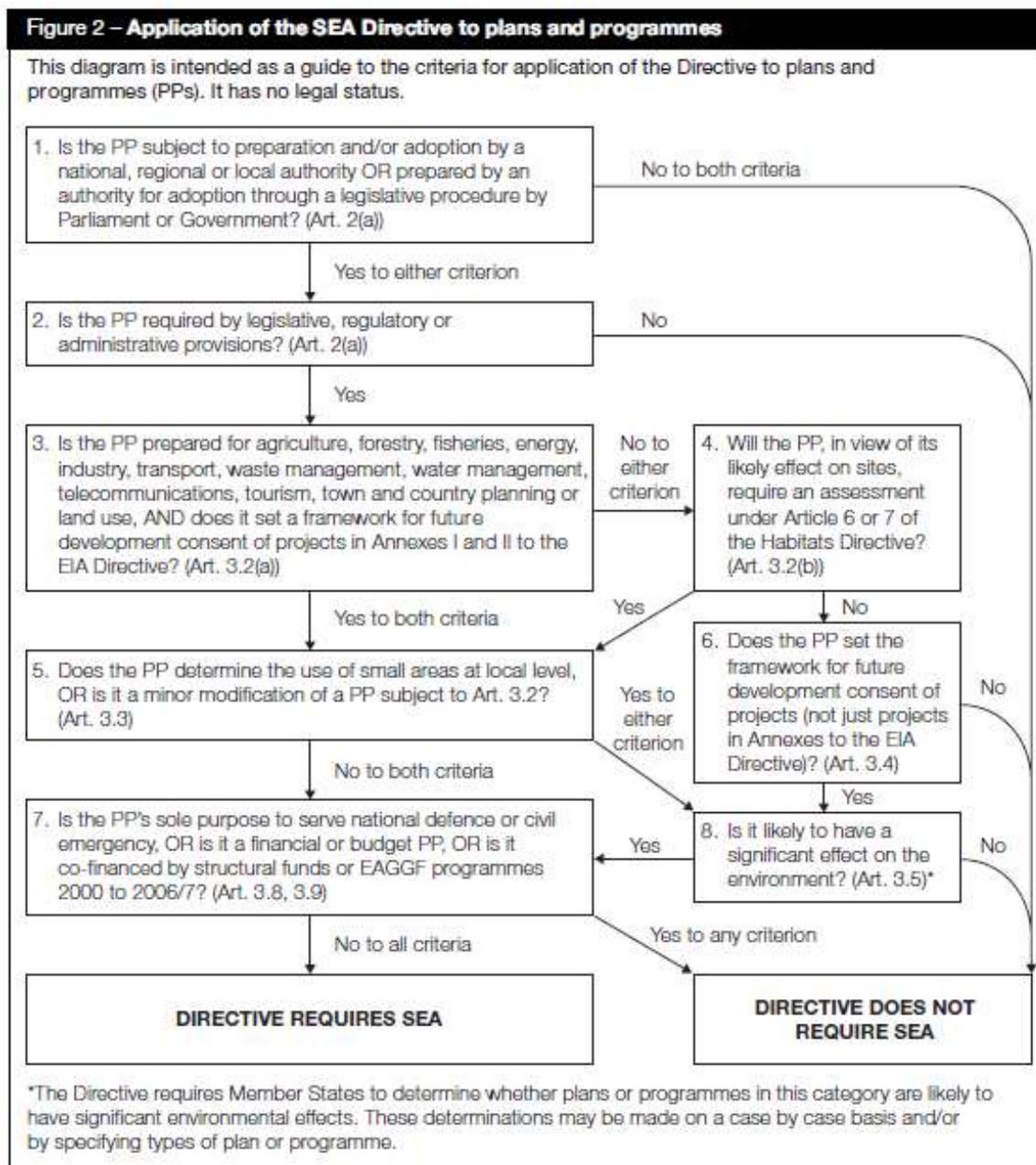


Table 1: Establishing the need for SEA

Stage [from the flowchart above]	Answer	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 of	Yes	SPD to be adopted by Sefton Council

Stage [from the flowchart above]	Answer	Reason
Government? (Article 2(a))		
2. Is the SPD required by legislative, regulatory or administrative provisions? (Article 2(a))	Yes	The detail that the Council wish to provide to the emerging local plan policy can only be given due weight if it is contained in a Supplementary Planning Document.
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, 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))	No	The SPD is for town and country planning purposes but does not set a framework for future development consent of projects in Annexes I and II to the EIA Directive
4. Will the SPD, in view of its likely effect on sites, require an assessment under Article 6 or 7 of the Habitats Directive? (Article 3.2(b))	No	The draft screening statement concludes that an assessment under the Habitats Directive is not required. (<i>*see part 2</i>)
6. Does the SPD set the framework for future development consent of projects (not just projects in Annexes to the EIA Directive)? (Article 3.4)	Yes	Although the emerging local plan policies will set the overall framework, the SPD will provide additional guidance on the interpretation of these policies.
8. Is it likely to have a significant effect on the environment? (Article 3.5)	No	See ' Table 2 ' below 'Determining the likely significance of effects'

Table 2: Determining the likely significance of effects on the environment

SEA Directive Annex II: Criteria for determining likely significance of effects referred to in Article 3(5)	Sefton Comment
<i>The characteristics of plans and programmes, having regard, in particular, to:</i>	
1a) 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	The SPD will be providing additional guidance on existing policies that set the broad framework.

SEA Directive Annex II: Criteria for determining likely significance of effects referred to in Article 3(5)	Sefton Comment
conditions or by allocating resources	
1b) The degree to which the plan or programme influences other plans and programmes including those in a hierarchy	The SPD can only expand on existing policies and should not introduce new policies not contained in higher order plans.
1c) The relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development	The SPD will promote sustainable development through encouraging appropriate new housing development whilst seeking to minimize any potential negative effects such as on the amenity of neighbouring properties or the local environment.
1d) Environmental problems relevant to the plan or programme	The SPD will seek to mitigate potential environmental issues from new housing development by requiring appropriate distances between dwellings, highway visibility, gardens and amenity areas as part of new housing development. However the impact isn't likely to be significant given the local nature of the issues.
1e) 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).	The SPD is unlikely to be directly relevant in regard to this criterion.
<i>Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:</i>	
2a) The probability, duration, frequency and reversibility of the effects	The anticipated effects on the sustainability of the areas covered by the SPD are expected to be positive by limiting possible negative impacts associated with poorly designed New Housing Development. The duration of impacts is likely to be long term as once a house has been built this has a permanent permission.
2b) The cumulative nature of the effects	The cumulative nature of effects on the environment is likely to be positive although relatively minor other than at a local level.
2c) The trans-boundary nature of the effects	None identified.

SEA Directive Annex II: Criteria for determining likely significance of effects referred to in Article 3(5)	Sefton Comment
2d) The risks to human health or the environment (e.g. due to accidents)	The SPD will seek to address issues of amenity and living conditions for potential occupiers of new houses and the impact it may have on the health and wellbeing of neighbours.
2e) The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)	The SPD will cover the borough of Sefton although the SPD is likely to be relevant to new housing sites only, therefore the impact of the SPD will be on a moderately local level around new housing developments.
2f) 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 III. Intensive land-use	The SPD will only apply to New Housing Development. However the principle of development of these areas is determined in the Local Plan or through the planning application process, the SPD will simply set out guidelines for new housing development to reduce any potential negative effects. Other guidance and policies related to environmental issues are covered in the emerging local plan and emerging SPD guidance.
2g) The effects on areas or landscapes which have a recognized national, Community or international protection status	None identified. Any new housing development will need to satisfy the relevant planning policies for protecting these areas before permission is granted.

4. Consultation

4.1 The Council consulted with the three statutory environmental bodies [see below] on this screening report and the determination. The table below provides their responses.

Statutory Body	Comments
Environment Agency	We have no objections with the conclusions of the report and have no other comments to make at this time.
Historic England	In terms of our area of interest, we would concur with your assessment that the document is unlikely to result in any significant environmental

Statutory Body	Comments
	effects on the historic environment and will simply provide additional guidance on existing policies which have already been subject to a Sustainability Appraisal. As a result, we would endorse the conclusions that it is not necessary to undertake a Strategic Environmental Assessment of the document.
Natural England	No comment.

5. Conclusion and statement of reasons

5.1 The SPD is supplementing and will provide further guidance on Policy HC3 (Residential development and development in Primarily Residential Areas) of the emerging Local Plan.

5.2 The SPD merely expands upon the policy HC3 to set out guidance on the standards the council expects new housing development to demonstrate. The principle of housing development on sites will be determined through the local plan (for larger sites) or through the planning application process (for smaller sites not identified in the local plan). Any impacts on the environment are likely to be local and small scale and positive in nature. The SPD will not allocate any housing sites.

5.3 The comments of the statutory consultees are set out above.

5.4 It is considered that the New Housing development SPD will not give rise to any significant environmental effects. Therefore, it is considered that a Strategic Environmental Assessment **is not required** for the proposed New Housing development Supplementary Planning Document.

Part 2- HRA Screening

6. HRA Screening

6.1 The requirement for a Habitats Regulations Assessment (HRA) in accordance with article 6 of the EC Habitats directive 1992, as interpreted by Regulation 61(1) of the Conservation of Habitats and Species Regulations 2010 (as amended) (the habitats regulations). An assessment of the “likely significant effects” of a plan or project on sites of international nature conservation importance (Natura 2000 sites) is required. This part of the document sets out Sefton Council’s screening of the draft New Housing Development SPD in accordance with the Habitats Regulations.

6.2 The Sefton Local Plan Publication version (2015) was subject to HRA assessment produced by AECOM (formerly URS) (January 2015) that assessed in combination effects taking into account other plans and projects, Local Plan site allocations and policies. The HRA Report (January 2015) was produced by AECOM (formerly URS) included an assessment of in combination effects taking into account other plans and projects as well as Local Plan site allocations, policies and objectives and the impact of the plan as a whole. See <http://www.sefton.gov.uk/planning-building-control/planning-policy/evidence-and-studies/environmental.aspx>

6.3 In terms of the New Housing Development SPD the “parent policy” is policy HC3 (Residential development and development in Primarily Residential Areas) of the Publication Draft Local Plan. This policy was assessed as part of the HRA of the Local Plan. The policy was “screened out” meaning that there would not need to be an additional HRA assessment. The HRA comments on policy HC3 (Residential development and development in Primarily Residential Areas) are shown below.

- *No implications.*
- *This policy is a control document for residential development and housing within Primary Residential Areas*
- *There are no impact pathways.*

6.4 The New Housing Development SPD will not lead to any development additional to that permitted by Policy HC3 as it merely expands upon and provides more detailed guidance for new residential development in relation to policy HC3- Residential development and development in Primarily Residential Areas. That is, the SPD merely expands upon policy HC3 to set out guidance on the standards the council expects new housing development to demonstrate. It does not deal with the location or amount of new housing. The principle of housing development on sites will be determined through the local plan (for larger sites) or through the planning application process (for smaller sites not identified in the local plan). There are approximately 125,300 existing homes in Sefton. Of the 11,070 new homes proposed in the Plan period, 7309 of them are due to be built on the 46 allocated housing sites. Site allocation policies have been subject to HRA, as part of the HRA of

the Local Plan. More generally, policy NH2 ‘Protection of nature sites, priority habitats and species’, which has also been subject to HRA, sets out more detailed requirements in relation to Nature 2000 sites and supporting habitats and to planning application stage site-specific HRA where relevant.

6.5 Although the SPD will cover the whole of Sefton it relates to new housing developments only or redevelopments. Therefore the impact of the SPD will be localised and smallscale; in and around new housing developments.

6.6 The following Natura 2000 sites are located within Sefton:

- Sefton Coast SAC
- Ribble and Alt Estuaries SPA and Ramsar site
- Mersey Narrows & North Wirral Foreshore SPA and Ramsar site (small part of site is at Seaforth Nature Reserve, the rest is approx. 1km+ away on Wirral).

6.7 In addition the following Natura 2000 sites are located outside of Sefton but were “screened in” to the HRA of the Local Plan publication draft.

- Liverpool Bay SPA
- Manchester Mosses SAC -
However, Sefton’s Local Plan HRA Report concluded that Sefton is not adjacent to the M62; that the Local Plan includes proportionate measures to minimise its contribution to M62 vehicle movements; and that Sefton’s effect on atmospheric nitrogen deposition on Manchester Mosses SAC is effectively inconsequential. Thus this site is not considered further in this HRA screening document.

6.8 Below is an assessment of potential pathways for impacts to the Natura 2000 site taking into account the HRA of the Publication version of the local plan.

Table 3: Assessment of likely significant effects (taking into account HRA Report for Publication Draft Local Plan (2015))

Potential pathway and Natura 2000 sites affected	HRA assessment regarding likely significant effects	Further comments
Recreational pressure / disturbance <ul style="list-style-type: none"> • Sefton Coast SAC • Ribble and Alt Estuaries SPA & Ramsar site • Mersey Narrows & North Wirral Foreshore SPA and Ramsar site • Liverpool Bay SPA (in- 	No significant impacts.	SPD has no influence on location or number of new homes proposed (and hence on recreational pressure); only on amenity, design and related issues. SPD has no influence on ship movements. SPD will have no additional impacts compared to its parent

Potential pathway and Natura 2000 sites affected	HRA assessment regarding likely significant effects	Further comments
combination disturbance of birds through increase in ship movements and recreational pressure)		policy HC3 (Residential development and development in Primarily Residential Areas) which has been screened out.
Disturbance to qualifying species <ul style="list-style-type: none"> • Sefton Coast SAC • Ribble and Alt Estuaries SPA and Ramsar site • Mersey Narrows & North Wirral Foreshore SPA and Ramsar site 	No significant impacts.	SPD has no influence on location or number of new homes proposed (and hence on recreational pressure); only on amenity, design and related issues. SPD will have no additional impacts compared to its parent policy HC3 (Residential development and development in Primarily Residential Areas) which has been screened out.
Coastal squeeze <ul style="list-style-type: none"> • Sefton Coast SAC • Ribble and Alt Estuaries SPA and Ramsar site • Mersey Narrows & North Wirral Foreshore SPA and Ramsar site 	No significant impacts.	SPD will have no additional impacts compared to its parent policy HC3 (Residential development and development in Primarily Residential Areas) which has been screened out.
Direct habitat loss through expansion of the Port at Seaforth <ul style="list-style-type: none"> • Mersey Narrows & North Wirral Foreshore SPA and Ramsar site 	No significant impacts	SPD has no influence on Port expansion.
Direct habitat loss through mineral extraction <ul style="list-style-type: none"> • Ribble and Alt Estuaries SPA and Ramsar site. 	No significant impacts	SPD has no influence on minerals expansion.
Loss of habitat / supporting habitat outside the <i>Natura 2000</i> site boundary <ul style="list-style-type: none"> • Sefton Coast SAC • Ribble and Alt Estuaries SPA and Ramsar site 	No significant impacts	SPD has no influence on location or number of new homes proposed (and hence on recreational pressure); only on amenity, design and related issues. SPD will

Potential pathway and Natura 2000 sites affected	HRA assessment regarding likely significant effects	Further comments
		have no additional impacts compared to its parent policy HC3 (Residential development and development in Primarily Residential Areas) which has been screened out.
Reduction in water quality <ul style="list-style-type: none"> • Sefton Coast SAC • Ribble and Alt Estuaries SPA and Ramsar site • Mersey Narrows & North Wirral Foreshore SPA and Ramsar site • Liverpool Bay SPA - potential for 'in combination' effects with other plans and projects (through sewage effluent discharges). 	No significant impacts	SPD has no influence on location or number of new homes proposed (and hence on recreational pressure); only on design and related issues
Reduction in air quality <ul style="list-style-type: none"> • Sefton Coast SAC • Ribble and Alt Estuaries SPA and Ramsar site • Mersey Narrows & North Wirral Foreshore SPA and Ramsar site 	No significant impacts	SPD has no influence on location or number of new homes proposed (and hence on recreational pressure); only on amenity, design and related issues
Mineral extraction <ul style="list-style-type: none"> • Mersey Narrows & North Wirral Foreshore SPA and Ramsar site 	No significant impacts	SPD has no influence on minerals expansion.
Dredging and disturbance of sediments/benthic habitats <ul style="list-style-type: none"> • Mersey Narrows & North Wirral Foreshore SPA and Ramsar site • Liverpool Bay SPA (following Port expansion) 	No significant impacts	SPD has no influence on dredging or disturbance of benthic habitats, or on Port expansion.

6.9 The SPD is unlikely to have any significant effects on a SAC or SPA (Natura 2000 sites) above and beyond any significant effects that the Local Plan is likely to have, either individually or in combination with other plans and projects. The “parent policies” in the Local Plan were screened out meaning no further assessment is needed. The SPD is unlikely to give rise to impacts/significant effects on Natura 2000 sites

6.5 The SPD is unlikely to have any significant effects on a SAC or SPA (Natura 2000 sites) above and beyond any significant effects that the Local Plan is likely to have, either individually or in combination with other plans and projects. The “parent policy” in the Local Plan was screened out meaning no further assessment is needed. Therefore the SPD will not require a Habitats Regulations Assessment.

7. Consultation

7.1 The Council consulted Natural England, the statutory body for the purposes of HRA. The table below provides their response.

Statutory Body	Comments
Natural England	No comment.

8. Conclusion and statement of reasons

8.1 The SPD is supplementing and will provide further guidance on Policy HC3 (Residential development and development in Primarily Residential Areas) of the emerging Local Plan. The SPD merely expands upon the policy HC3 to set out guidance on the standards the council expects new housing development to demonstrate. There are no significant effects on Natura 2000 sites in Sefton.

8.2 The comments of Natural England are set out above.

8.3 On the basis of the above information, Sefton Council is of the opinion and concludes that the proposed plan to which this screening opinion relates – the New Housing Development Supplementary Planning Document - :

a) is not directly connected with or necessary to the management of the site,

b) is not likely to have a significant effect on each of the following sites:

- Ribble and Alt Estuaries Ramsar site
- Ribble and Alt Estuaries Special Protection Area (SPA)
- Sefton Coast Special Area of Conservation (SAC)
- Mersey Narrows and North Wirral Foreshore Ramsar site
- Mersey Narrows and North Wirral Foreshore Special Protection Area (SPA).
- Liverpool Bay SPA.
- Manchester Mosses SPA.

either alone or in combination with other plans or projects.

And accordingly, **no “appropriate assessment” is required** to be made under Regulations 61, 62 and 63 of the Conservation (Natural Habitats &c) Regulations (as amended) before the Council decides to undertake, or give any consent, permission or other authorisation for this plan.

Part 3- Appendices

Appendix A- Contact details

Further information can be obtained from:

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Appendix B- Extract from Sefton Publication Draft Local Plan (2015): Parent Policy text

RESIDENTIAL DEVELOPMENT AND DEVELOPMENT IN PRIMARILY RESIDENTIAL AREAS

8.35 Much of the land within Sefton's towns and villages is designated as Primarily Residential Area (PRA) within the Local Plan. The purpose of this policy is to ensure that development in PRAs protects the residential character and the living conditions of the residents in those areas. This policy also addresses issues that may arise with residential development outside of PRAs.

<p>HC3 RESIDENTIAL DEVELOPMENT AND DEVELOPMENT IN PRIMARILY RESIDENTIAL AREAS</p> <p>1. New residential development will be permitted in Primarily Residential Areas shown on the Policy Map where consistent with other Local Plan policies.</p> <p>2. Non-residential development will be permitted in Primarily Residential Areas provided that it can be demonstrated that the proposal:</p> <ul style="list-style-type: none">a) will not have an unacceptable impact on the living conditions of neighbouring properties, andb) will otherwise not harm the character of the residential area, andc) will not undermine objectives of the plan regarding housing delivery. <p>3. Residential development will be permitted in other areas except where:</p> <ul style="list-style-type: none">a) the land is required for the purpose for which it is designated,b) the development would conflict with the allocated land use, andc) it would result in an unacceptable residential environment. <p>4. New residential development must achieve a minimum density of 30 dwellings per hectare, except where:</p> <ul style="list-style-type: none">a) constraints within the site, or the provision of infrastructure within the site, make this impractical, orb) a lower density can be justified having regard to the layout and character of the immediate surrounding area.

Explanation

8.36 The Primarily Residential Areas comprise the main housing areas in the borough. New residential development is acceptable in principle in these areas. A key consideration in assessing development proposals in the Primarily Residential Areas is the impact on the residential amenity of existing residents.

8.37 Some types of non-residential development are desirable in residential areas to ensure facilities are in easy reach of local people. For example, local shops, services and small-scale leisure and cultural facilities can improve sustainability in a community by reducing the need to use the car, and also help to create a sense of community (see Policy HC6 'Assets of Community Value'). However, inappropriate development can be harmful to both the appearance and amenity of residential areas. In general, developments that generate a significant amount of noise or traffic should be avoided in residential areas. It is also important that non-residential development does not compromise the ability to meet Sefton's objectively assessed housing needs, either through a direct loss of housing sites or housing capacity on sites, or through development that might make it difficult to meet housing needs in the future.

8.38 Residential development that is not in a Primarily Residential Area will often be acceptable. However there are some instances where it can conflict with other land uses. This may either result in poor quality living conditions for future residents or may prevent other important

forms of development taking place, for example, to provide employment opportunities. In these instances residential development will not be approved.

- 8.39 A minimum density for housing developments is needed (both in Primarily Residential Areas and for housing allocations), in order to make the most efficient use of urban sites and reduce the amount of land being removed from the Green Belt to meet future housing needs.

Appendix C – Natura 2000 sites in Sefton

