

**Strategic Environmental Assessment (SEA)
and Habitats Regulations Assessment (HRA)
Screening Statement for the Orchards Way,
Gaters Mill and Botley Conservation Area
Appraisals and Management Proposals
Supplementary Planning Documents (SPD)**

February 2025 Draft for Consultation



Contents

1.	Introduction.....	1
2.	Background Context.....	1
3.	Strategic Environment Assessment.....	2
4.	SEA Screening Process	2
5.	SEA Determination and Reasoning.....	3
6.	SEA Conclusions and Next Steps	10
7.	Habitats Regulations Assessment.....	11
8.	HRA Screening Process.....	11
9.	HRA Determination and Reasoning	13
10.	HRA Screening Conclusions and Next Steps.....	15

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) (December 2024) 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 three Conservation Area Appraisals and Management Proposals which provide additional detail to applicants further to the relevant planning policies contained in the adopted Eastleigh Borough Local Plan (2016-2036). These cover Conservation Areas in West End (Orchards Way and Gaters Mill) and in Botley.
- 1.4 This document constitutes a screening report to determine whether:
 - the draft Conservation Areas Appraisals and Management Proposals 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 Conservation Areas Appraisals and Management Proposals 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 Eastleigh Borough Local Plan (2016-2036) was adopted in April 2022 and forms part of the Council’s Development Plan. As such, it is afforded full weight in decision making.
- 2.2 The Council is undertaking a review of its Conservation Area Appraisals. The draft Conservation Areas Appraisals and Management Proposals SPDs provide guidance on the implementation of policies S8 Historic Environment and DM12, Heritage Assets together with S5 New Development in the countryside and other more localised policies as relevant. The draft Conservation Areas Appraisals and Management Proposals SPDs review and update the existing appraisals, including the boundaries, and use this information to put together management proposals for the areas.

- 2.3 As such, the draft Conservation Areas Appraisals and Management Proposals SPDs will be used by residents and developers when considering development within the conservation areas. They will be used as a material consideration in the determination of planning applications and will be afforded significant weight by Council Officers and Elected Members in decision making.

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 Conservation Areas Appraisals and Management Proposals SPDs produced by Eastleigh Borough Council requires a SEA.

4. SEA Screening Process

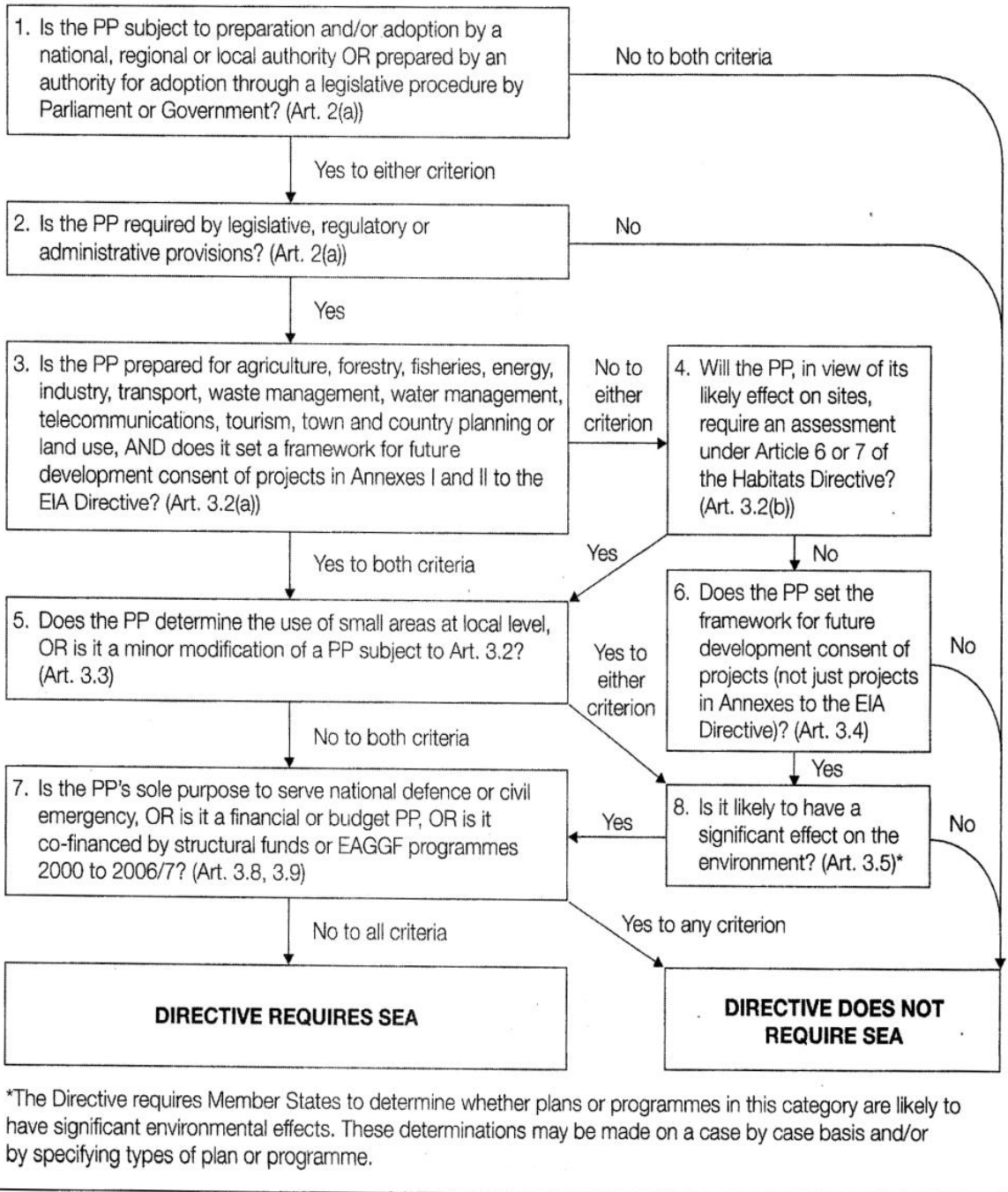
- 4.1 To determine if an SPD is likely to have significant environment effects, Planning Practice Guidance recommends local planning authorities consider the criteria specified in schedule 1 to the Environmental Assessment of Plans and Programmes Regulations 2004. Table 1 of this report presents the criteria in table form with a commentary on the draft Conservation Areas Appraisals and Management Proposals SPDs which are subject to public consultation. Table 2 shows the results of the screening process for the draft Conservation Areas Appraisals and Management Proposals SPDs, which confirms that they are 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 Conservation Areas Appraisals and Management Proposals SPDs will have significant environmental effects and on the conclusions of this screening statement.

5. SEA Determination and Reasoning

- 5.1 The SPDs are consistent with the adopted 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 adopted Local Plan policies found that there would be no environmental effects which could not be mitigated and they would have positive socio-economic benefits.
- 5.2 The SPD is a lower tier document which provides supplementary guidance to adopted 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 overleaf 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.



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 Conservation Areas Appraisals and Management Proposals SPDs in the view of the Council require 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	The preparation and adoption of the three draft Conservation Areas Appraisals and Management Proposals SPD are allowed under the Town and Country Planning Act 1990. The process in preparing the draft Conservation Areas Appraisals and Management Proposals SPD is in accordance with the Town and Country Planning (Local Planning) Regulations 2012.
2. Is the SPD required by legislative, regulatory or administrative provisions? (Art.2(a))	Yes	Under the Planning (Listed buildings and Conservation Areas) Act 1990, there is a statutory requirement to review Conservation Areas Appraisals 'from time to time'. However, there is no set period for review. If adopted, the SPDs will form material considerations alongside the adopted Eastleigh Borough Local Plan (2016-2036) 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.
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	<p>The draft Conservation Areas Appraisals and Management Proposals SPDs have been prepared for the purposes of town and country planning. They supplement policies in the adopted Eastleigh Borough Local Plan (2016-2036) by providing detailed guidance on heritage.</p> <p>The draft Conservation Areas Appraisals and Management Proposals SPDs if adopted will cover development proposals in specific Conservation Areas in West End and Botley. They will not create new policy or identify specific sites for development.</p>

Stage	Yes / No	Reason
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))	No	The draft Conservation Areas Appraisals and Management Proposals SPDs have been subject to a separate Habitat Regulations Assessment screening (included separately below) which has concluded that they are 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.
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)	Yes	The draft Conservation Areas Appraisals and Management Proposals SPDs apply to small areas at a local level. They do not allocate land for development and they are not a minor modification of a plan or programme subject to Article 3.2.
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)	No	The SPDs provide guidance to help conserve and enhance the historic character of the Conservation Areas. They do not include a programme to bring forward specific projects.
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)	No	The SPDs provide planning guidance.
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 Conservation Areas Appraisals and Management Proposals SPDs are 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 Conservation Areas

Appraisals and Management Proposals SPDs 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 Conservation Areas Appraisals and Management Proposals SPDs - 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 Conservation Areas Appraisals and Management Proposals SPDs, if adopted will provide further guidance to the implementation of heritage policies Policies S8 and DM12 within the adopted Eastleigh Borough Local Plan (2016-2036). This restricts development within the Conservation Areas to conserve the historic character of the areas. The adopted 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 Conservation Areas Appraisals and Management Proposals SPDs are in conformity with the National Planning Policy Framework (December 2024) and the adopted policies of the Eastleigh Borough Local Plan (2016-2036). The draft Conservation Areas Appraisals and Management Proposals SPDs will not significantly influence other plans and programmes, instead they supplement the adopted Eastleigh Borough Local Plan (2016-2036) which has been subject to SA and therefore SEA.

Criteria specified schedule 1 SEA Regulations	Likely significant environmental effect (Yes / No)	Reason
c) The relevance of the SPD for the integration of environmental considerations in particular with a view to promoting sustainable development;	No	The draft Conservation Areas Appraisals and Management Proposals SPDs will provide further guidance for the implementation of Policies S8 and DM12 within the adopted Eastleigh Borough Local Plan (2016-2036). These aim to conserve and enhance the heritage assets. As such, it will have no adverse impacts upon environmental considerations which help to promote sustainable development.
d) Environmental problems relevant to the SPD; and	No	<p>Planning policy in relation to environmental problems such as air quality, flood risk and biodiversity is principally established through the Eastleigh Borough Local Plan (2016-2036).</p> <p>The draft Conservation Areas Appraisals and Management Proposals SPDs do not address specific environmental problems.</p>
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 Conservation Areas Appraisals and Management Proposals SPDs are not directly relevant to the implementation of Community legislation on the environment.
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 Conservation Areas Appraisals and Management Proposals SPDs provides guidance to the implementation of heritage policies within the adopted Eastleigh Borough Local Plan (2016-2036). The duration of the effects will be ongoing and positive for the specific Conservation Areas.

Criteria specified schedule 1 SEA Regulations	Likely significant environmental effect (Yes / No)	Reason
b) The cumulative nature of the effects;	No	The draft Conservation Areas Appraisals and Management Proposals SPDs are in conformity with the strategic policies included in the adopted Eastleigh Borough Local Plan Review (2016-2036) and national policy and guidance. The SPDs would not create indirect effects when considered alongside other plans or projects. It is intended that the SPDs, if adopted, will have positive cumulative effects for the specific Conservation Areas.
c) The transboundary nature of the effects	No	The Botley Conservation Area extends beyond the borough boundary into Winchester district. The positive effects of the Conservation Areas Appraisal and Management Proposals for Botley Conservation will therefore extend across the borough boundary. The positive effects of the SPDs will be small scale for the areas affected and surrounding areas.
d) The risks to human health or the environment (for example, due to accidents);	No	It is considered that the draft Conservation Areas Appraisals and Management Proposals SPDs pose no significant risks to human health or the environment with regards to the potential for accidents which could impact the environment more widely.
e) The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);	No	The draft Conservation Areas Appraisals and Management Proposals SPDs will apply to specific Conservation Areas in West End and Botley. The spatial extent will be limited to the Conservation Areas and surrounding areas.
f) The value and vulnerability of the area likely to be affected due to –	No	The draft Conservation Areas Appraisals and Management Proposals SPDs have reviewed and updated the boundary of the

Criteria specified schedule 1 SEA Regulations	Likely significant environmental effect (Yes / No)	Reason
(i) Special nature characteristics or cultural heritage; (ii) Exceeded environmental quality standards or limit values; or (iii) Intensive land-use		Conservation Areas and the existing guidance. They aim to conserve and enhance the specific Conservation Areas. They will have small scale positive impacts on the historic environment.
g) The effects on areas or landscapes which have a recognised natural, Community or international protection status.	No	The draft Conservation Areas Appraisals and Management Proposals SPDs provide guidance to for specific Conservation Areas. They will have small scale positive impact for the historic environment. There are no internationally protected landscapes located across the Borough.

6. SEA Conclusions and Next Steps

- 6.1 This SEA screening has identified that the draft Conservation Areas Appraisals and Management Proposals SPDs are unlikely to have significant effects on the environment and that there is no requirement for them to be subject to a full SA.
- 6.2 This screening opinion will be published alongside the draft Conservation Areas Appraisals and Management Proposals SPDs 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) (December 2024) 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 Conservation Areas Appraisals and Management Proposals SPDs 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 principle¹ will be applied. The screening assessment must reflect the outcomes of the 2018 judgement of the Court of Justice of the European Union² 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 or 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).

1 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.

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

9. HRA Determination and Reasoning

- 9.1 In order to understand the context of the likely effects of the draft Conservation Areas Appraisals and Management Proposals SPDs, it is important to consider the likely effects of the adopted 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 adopted Eastleigh Borough Local Plan (2016-2036) considers the following European sites (Natura 2000 and Ramsar 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 pSPA³
- Solent & Southampton Water SPA/Ramsar

- 9.3 Those scoped out of the assessment of the then emerging Eastleigh Borough Local Plan (2016-2036) Habitats Regulations Assessment included 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 adopted 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 SPDs provide additional guidance and do not introduce new policies or site allocations. Therefore there are no new impact pathways beyond those

³ Identified as a potential SPA in the HRA undertaken by UE Associates for the adopted Local Plan (2016-2036). This was formally designated in January 2020.

already assessed in the Local Plan HRA. The conclusions of the adopted 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 SPDs do not introduce new policies or proposals outside the scope of the adopted Eastleigh Borough Local Plan (2016-2036). Instead, they provide further detailed and specific guidance for development within specific conservation areas in West End and Botley. The policies in the Eastleigh Borough Local Plan (2016-2036) which consider heritage issues have already been subject to HRA. The overall conclusions of the HRA undertaken for the adopted Eastleigh Borough Local Plan (2016-2036) state 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 draft Conservation Areas Appraisals and Management Proposals SPDs are 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 Conservation Areas Appraisals and Management Proposals SPDs 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 environmental bodies – Historic England, Natural England, and the Environment Agency.