



ST HELENS
BOROUGH COUNCIL

Affordable Housing Supplementary Planning Document

Strategic Environmental Assessment

and

Habitat Regulations Assessment

Screening Determination Statement

May 2024

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1. Introduction

The aim of this statement is to determine if a Strategic Environmental Assessment (SEA) is required for the St Helens Council Affordable Housing Supplementary Planning Document (SPD), which is being prepared by St Helens Council. The statement will also consider whether the SPD requires a Habitat Regulations Assessment (HRA).

More detail is given in the following sections on SEAs and HRAs (Section 2), SPDs and SEA guidance (Section 3) and the Affordable Housing SPD specifically (Section 4).

The screening assessment and determination of the Affordable Housing SPD are included in Sections 5 and 6.

2. Strategic Environmental Assessment and Habitat Regulation Assessment Context

Strategic Environmental Assessment (SEA)

The requirement for a Strategic Environmental Assessment arises from the European Directive 2001/42/EC “*on the assessment of the effects of certain plans and programmes on the environment*” (known as SEA Directive). This Directive was transposed into law for England and Wales in the Environmental Assessment of Plans and Programmes Regulations 2004, referred to as SEA Regulations. The purpose of a SEA is to promote sustainable development through assessing the extent to which the plan or programme will help to achieve relevant environmental, economic and social objectives.

Under Regulation 9 of the SEA Regulations, the responsible authority (including a local authority, parish or town council or neighbourhood forum) is required to determine whether a plan or programme is likely to have significant environmental effects, and therefore whether a SEA is required. This process is called screening. It is undertaken using a specified set of criteria (set out in Schedule 1 of the SEA Regulations). If likely significant environmental effects are identified during the SEA screening, then an environmental report must be prepared in accordance with regulation 12(2) and 12(3) of the SEA Regulations. Where the local authority can demonstrate that a plan and/or programme is unlikely to have significant environmental effects, a full SEA will not be required. In these situations, the local authority has a duty to prepare a Screening Determination Statement (this document) of its reasons for the determination, which must be publicly available.

Habitat Regulation Assessment (HRA)

HRA identifies whether a plan or project is likely to have a significant effect on a European site. A HRA should be undertaken as early as possible alongside other assessment processes. An initial HRA screening determines whether significant effects of a plan or project on a European site are likely, and therefore a full HRA is required.

The requirement for a Habitats Regulation Assessment arises from the European Directive 92/43/EEC of the Conservation of Natural Habitats and Wild Flora, often referred to as the Habitats Directive. This Directive was transposed into English law by Regulation 63 of the Conservation of Habitats and Species Regulations 2017. Under Articles 6(3) and 6(4) of the Habitats Directive, an assessment referred to as an 'Appropriate Assessment' must be undertaken if a plan or project is likely to have a significant effect on the conservation objectives of one or more European sites either individually, or in combination with other plans and/or projects. Paragraph 187 of the National Planning Policy Framework (2023) requires that Ramsar sites are to be given the same protection as fully designated European sites, such as Special Areas of Conservation (SACs) and Special Protection Areas (SPAs), that all form part of the national site network.

3. Supplementary Planning Documents and Strategic Environmental Assessments

Planning Practice Guidance 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 been assessed during the preparation of the relevant strategic policies.'

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 will need to take into account the criteria specified in schedule 1 to the Environmental Assessment of Plans and Programmes Regulations 2004 and consult the consultation bodies'.¹

¹ Paragraph: 008 Reference ID: 11-008-20140306 of Planning Policy Guidance – Strategic environmental assessment and sustainability appraisal

The SEA Directive requires an SEA for plans which (i) '*determine the use of small areas at a local level*' or (ii) '*are minor modifications to plans*', only when these are likely to cause significant environment effects. The criteria for determining the significance of effects are taken from Schedule 1 of the Environmental Assessment of Plans and Programmes Regulations 2004. These can be split into criteria related to:

- (i) the scope and influence of the document; and
- (ii) the type of impact and area likely to be affected.

This Screening Determination Statement has taken account of the criteria as set out at Schedule 1 of the Regulations in reaching its conclusions.

4. Affordable Housing SPD

The NPPF defines SPDs as documents which add further detail to the policies in the Development Plan. As SPDs do not have the same status as policies contained within the Development Plan (in the case of St Helens Council it is the St Helens Borough Local Plan up to 2037 (2022) (Local Plan), the Bold Forest Park Area Action Plan 2017 and the Joint Merseyside and Halton Waste Local Plan 2013), they are not subject to an independent examination. However, SPDs must undergo public consultation and are considered as material considerations when determining planning applications.

National planning policy requires the Council to plan for the delivery of a wide choice of high-quality homes within sustainable, inclusive and mixed communities, based on sound evidence, and to identify the size, type, tenure and range of housing that is required. The Council is seeking to achieve a mix of housing that reflects St Helens Borough's housing needs, and in accordance with national planning policy, this includes providing housing for different groups including those who require affordable housing. Annex 2 ('Glossary') of the National Planning Policy Framework (NPPF) defines affordable housing as '*Housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers)*'.

The Affordable Housing SPD will aim to set out the Council's expectations in relation to affordable housing provision on development sites, to ensure that prospective developers are aware of the requirements that need to be met when submitting a planning application for residential development. Once adopted, this will replace the existing Affordable Housing SPD (adopted January 2010) and will carry full weight as a material consideration in the determination of planning applications.

5. Screening Assessment

Before the responsible authority makes a formal determination, there is a requirement to consult three statutory consultation bodies designated in the Regulations (the Environment Agency, Historic England and Natural England) on whether an environmental assessment is required. This consultation is taking place alongside consultation on the scope of the SPD.

Where the responsible authority determines that a plan or programme is unlikely to have a significant effect and therefore does not need to be subject to a full SEA; the responsible authority must prepare a statement showing the reason for this determination. The Regulations specify a set of criteria which must be used to assess whether any plan covered by the Regulations is likely to have a significant environmental effect and therefore require a SEA.

The table below considers each of these criteria in turn and the results of the screening process for the Affordable Housing SPD.

Criteria for Determining the Likely Significance of Effects on the Environment		
SEA Directive Criteria Schedule 1 - Environmental Assessment of Plans and Programmes Regulation 2004	Assessment Justification	Likely to have significant effects?
1. The characteristics of plans and programmes, having regard, in particular 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	The SPD will provide greater detail for interested parties on the provision of affordable housing for residential development within the Borough. The SPD will not allocate land or identify sites for development. The SPD will operate within the planning framework of the adopted Local Plan, which has been subject to a comprehensive Sustainability Appraisal (SA) incorporating SEA and HRA.	No

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<p>(b) the degree to which the plan or programme influences other plans and programmes including those in a hierarchy</p>	<p>The SPD is intended to supplement Local Plan policies, providing detail on the provision of affordable housing on residential schemes and has less material weight than the Local Plan. The SPD must be in conformity with the strategic policies of the Local Plan and national policy. It does not introduce new policy.</p>	<p>No</p>
<p>(c) the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development</p>	<p>The SPD will promote sustainable development through ensuring a mix of housing that reflects St Helens Borough's housing needs, including providing housing for different groups including those who require affordable housing. These objectives are enshrined in the NPPF and Local Plan.</p>	<p>No</p>
<p>(d) environmental problems relevant to the plan or programme</p>	<p>The Local Plan SEA and HRA both identified environmental constraints within the Borough. However, these were assessed and addressed by policies within the Local Plan. The SPD will not alter the approach relating to the environmental issues assessed and addressed by policies within the Local Plan, but rather provide further guidance and clarity on matters relating to the provision of affordable housing on relevant residential sites.</p>	<p>No</p>
<p>(e) the relevance of the plan or programme for the implementation of Community legislation on the environment (for example, plans and</p>	<p>The Local Plan SEA assessed the impact policies contained within the Local Plan would have in relation to flood risk and water management within the Borough. The proposed SPD will not set</p>	<p>No</p>

programmes linked to waste management or water protection)	standards deemed to meet environmental legislation and any guidance provision will remain within the parameters of the policy approach as set out in the Local Plan.	
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	The anticipated effects are expected to be positive by providing guidance to support policies intended to provide a mix of housing that reflects St Helens Borough's housing needs. The duration of the effects is difficult to define; the effects will be linked to a planning permission which is (usually) permanent unless superseded by a subsequent permission on the same site. The SPD will not give rise to any significant effects on the environment in addition to those considered as part of the Local Plan process.	No
(b) the cumulative nature of the effects	The Local Plan SA/SEA expects overall positive benefits to arise from the specific policies related to affordable housing that the SPD relates to. The SPD will therefore not give rise to any cumulative effects on the environment in addition to those already assessed and considered as part of the Local Plan process.	No
(c) the transboundary nature of the effects	The Affordable Housing SPD only relates to development in the St Helens Borough.	No

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<p>(d) the risks to human health or the environment (for example, due to accidents)</p>	<p>No significant effects or risks have been identified.</p>	<p>No</p>
<p>(e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)</p>	<p>The SPD will be applied to all relevant planning applications in the Borough, although the effects of the SPD will be more likely felt at a more local scale (i.e. specific site or neighbourhood). Any effects will be positive and would promote sustainable development through ensuring a mix of housing that reflects St Helens Borough's housing needs.</p>	<p>No</p>
<p>(f) the value and vulnerability of the area likely to be affected due to:</p> <p>(i) special natural characteristics or cultural heritage</p> <p>(ii) exceeded environmental quality standards or limit values</p> <p>(iii) intensive land-use</p>	<p>The SPD will not be able to set policy related to specific land uses, it will only affect the provision of affordable housing on residential schemes where relevant thresholds are met. Therefore, the SPD will not give rise to any cumulative effects on the environment in addition to those already assessed and considered as part of the Local Plan process.</p>	<p>No</p>
<p>(g) the effects on areas or landscapes which have a recognised national, Community or international protection status</p>	<p>None identified as these have already been assessed and addressed as part of the Local Plan process. Any applications for development will be required to satisfy the relevant policies of the recently adopted Local Plan before planning permission is granted. No negative impacts are likely to occur as a result of the Affordable Housing SPD.</p>	<p>No</p>

The Local Plan was subject to a HRA², which assessed all policies contained in the adopted Local Plan. The HRA concluded in respect of Local Plan Policy LPC02 (Affordable Housing) that it would not have a likely significant effect on a European site as the policy is a development management policy relating to the delivery of affordable housing and does not provide for any location or quantum of development.

The HRA concluded that the Local Plan contains a sufficient policy framework to ensure that no adverse effects on the integrity of any European sites arise, either from the Local Plan alone, or from the Local Plan in combination with other plans and projects.

Therefore, it is considered that the Affordable Housing SPD, either alone or in combination with other plans and programmes, is also not likely to have a significant effect on any European site as it does not introduce new policy or allocate sites.

6. Screening Determination

This section sets out St Helens Council's formal determination in the regard to the potential requirement for a HRA and SEA of the SPD, made in accordance with Regulation 9 of the Environmental Assessment of Plans and Programmes Regulations 2004, Articles 6(3) and 6(4) of the EU Habitats Directive and Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended). It sets out the reasons for the determination.

Following the screening process, St Helens Council has determined that the Affordable Housing SPD would not be likely to have '*significant environmental effects*' in itself, and therefore **a SEA is not required**.

As the purpose of the SPD is to expand on existing policies of the Local Plan, in accordance with the conclusions of the Local Plan HRA, it is considered that the Affordable Housing SPD would not have a significant effect upon the integrity of a European site (Special Area of Conservation or Special Protection Area) or a Ramsar Site and therefore **a HRA is not required**.

The principal reasons for this conclusion are that:

- The Development Plan policies, as set out in St Helens Borough Local Plan up to 2035 and supplemented by this SPD, have themselves been subject to HRA,

² St Helens Borough Local Plan 2020-2035 – Submission Draft – Habitat Regulations Assessment (December 2018), St Helens Borough Local Plan 2020-2035 – Submission Draft – Habitat Regulations Assessment Addendum (September 2020), and St Helens Borough Local Plan 2020-2035 – Main Modifications – Habitat Regulations Assessment (November 2021).

SA and SEA. The Sustainability Appraisal³, in respect of Policy LPC02 of the local plan, states that the policy, which sets a lower affordable housing requirement for developments within areas where viability is not optimal, including much of the St Helens urban area and predominantly brownfield sites, '*...could act as an incentive for developers to redevelop such land, potentially tackling contamination, dereliction and delivering higher density development.*' The SA also concluded that the policy '*...is predicted to have neutral effects on landscape character, as it is concerned with the affordability and mix of homes, and not the location, design or layout*', with the policy '*...likely to have a positive effect on health and well-being as it would help to reduce poverty and social exclusion by allowing greater accessibility to housing for residents that are struggling to get onto the housing ladder.*' It is further concluded that the affordable targets introduced under the policy '*...help to facilitate development which may have otherwise been unviable by offering different targets for brownfield or greenfield sites*' and that '*This could make development more attractive to developers.*'

- The Affordable Housing SPD will provide guidance on the implementation of existing Local plan policies relating to affordable housing and therefore it is not expected that it would alter the conclusions reached in the St Helens Borough Local Plan HRA and SA/SEA. The Affordable Housing SPD cannot set new policy and has been prepared to build upon the adopted Local Plan policies relating to affordable housing and provide guidance to applicants/prospective developers regarding affordable housing provision with the Borough (in accordance with the NPPF).

On the basis of the above, and considering the HRA and SA/SEA undertaken for the St Helens Borough Local Plan up to 2037, and the identified likely effects, St Helens Borough Council concludes that the Affordable Housing SPD will not have significant environmental effects beyond those considered by the Local Plan HRA and SEA, and therefore does not trigger the need for either a HRA or SEA.

³ St Helens Borough Local Plan 2020-2035 – Submission Draft – Sustainability Appraisal: SA Report (January 2019)