

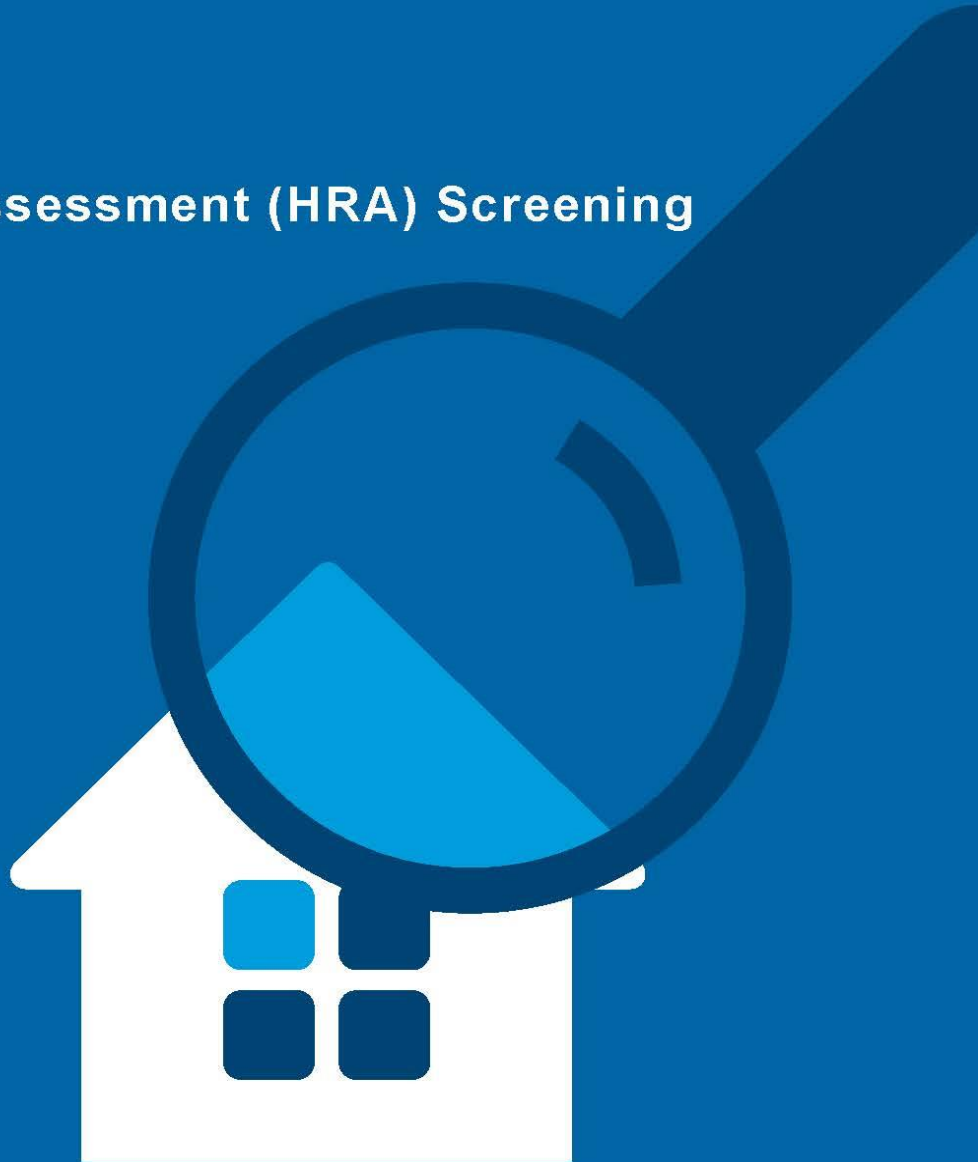
Dover District Council

Affordable Housing Supplementary Planning Document (SPD)

Strategic Environmental Assessment (SEA) Screening Determination

and

Habitat Regulations Assessment (HRA) Screening Determination



Final July 2025

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1 - Introduction and Non-Technical Summary

Introduction

- 1.1 This report provides a screening determination of the Draft Affordable Housing Supplementary Planning Document (SPD) against the need for a Strategic Environmental Assessment (SEA) and Habitat Regulations Assessment (HRA). It has been prepared by Dover District Council.
- 1.2 This screening determination dated May 2025 is based on draft version of the SPD which will be available for public consultation during 2025.
- 1.3 The principles of SEA and HRA are introduced in the following paragraphs, while the legislative context underpinning each is summarised ahead of the relevant assessments in Sections 3 and 4 of the report.

What is SEA?

- 1.4 A Strategic Environmental Assessment (SEA) is required under European legislation¹ for all plans or programmes which may have a significant effect on the environment. This particularly relates to plans which allocate development sites, including Local Plans but is also relates to Supplementary Planning Documents (SPD).
- 1.5 An SEA is a mechanism for considering and communicating the likely significant effects of a draft Plan or programme, and reasonable alternatives, with a view to avoiding and mitigating negative environmental effects and maximising the positives.
- 1.6 The purpose of SEA is to provide a high level of protection of the environment and to integrate environmental issues into the preparation and adoption of plans or programmes with a view to promoting sustainable development. Screening explores potential cause-effect relationships between the plan or programme and the environmental baseline.
- 1.7 Not every plan or programme needs a SEA. To determine whether the SPD requires an SEA it is necessary to screen the objectives and proposals of the

¹ The Environmental Assessment of Plans and Programmes Regulations 2004 (SI 2004/1633), as amended by The Environmental Assessments and Miscellaneous Planning (Amendment) (EU Exit) Regulations 2018 (SI 2018/1232). It should be noted that the purpose of the amendments to the SEA Regulations is to ensure that the law functions correctly after the UK has left the European Union. No substantive changes are made to the way the SEA regime operates.

plan to determine whether it is likely to result in significant environmental effects.

- 1.8 As part of this screening process it is necessary to consult the SEA consultation bodies for a five week period (Historic England, Natural England and the Environment Agency) to get their opinion on whether or not the plan or programme is likely to result in significant environmental effects and therefore whether an SEA is required.
- 1.9 There are two potential outcomes to this screening: either the SPD is not likely to result in any significant environmental effects and an SEA is not required, or the SPD is deemed to be likely to result in significant environmental effects and that SEA (scoping report and full report) is required.

What is HRA?

- 1.10 Habitats Regulations Assessment (HRA) is a process which looks at the potential impact of proposals within a plan on internationally designated wildlife sites. For the purpose of the HRA, internationally designated wildlife sites are Special Protection Areas (SPA), Special Areas of Conservation (SAC) and Ramsar wetland sites, which together are also known as 'Natura 2000' sites.
- 1.11 This initial screening stage of the HRA process involves consideration of the reasons for designation and the conservation objectives of each internationally designated wildlife site and the potential impact of the proposals within the draft SPD on these. If the HRA screening establishes that an appropriate assessment is needed then an SEA is triggered.

Consultation

- 1.12 A copy of the Draft Screening Report was sent on 15 May 2025 to the three statutory consultees, the Environment Agency, Historic England and Natural England, for a five week consultation period to obtain their views on its content and the determination outcomes.
- 1.13 Both Historic England and Natural England confirmed they agreed with the conclusion that the SPD does not require a full SEA/HRA. The Environment Agency had no comments. Full copies of their responses are included in Appendix 1.

Conclusion

- 1.14 On the basis of the Screening process, including consultation with the statutory consultees, it has been determined that the Affordable Housing SPD does not require a SEA under the SEA Directive and SEA Regulations and it that a full HRA/AA of the Affordable Housing SPD is not required.

2 - The scope of the SPD

- 2.1 The SPD sets out how delivery and mix of affordable housing must be considered early in the planning process so that the correct quantity and type of affordable homes that meet local needs is delivered. The SPD takes applicants through the process of complying with national and local policies on providing affordable housing as part of a new housing developments.
- 2.2 Supplementary planning documents (SPDs) build upon and provide more detailed advice or guidance on policies in an adopted local plan. As they do not form part of the development plan, they cannot introduce new planning policies into the development plan.
- 2.3 This SPD will instead support implementation of Adopted **Local Plan Policies SP5: Affordable Housing and H2: Local Rural Needs Housing** and will be a material consideration in the determination of planning applications upon its adoption. It does not allocate sites for development.

3 - SEA Screening Assessment

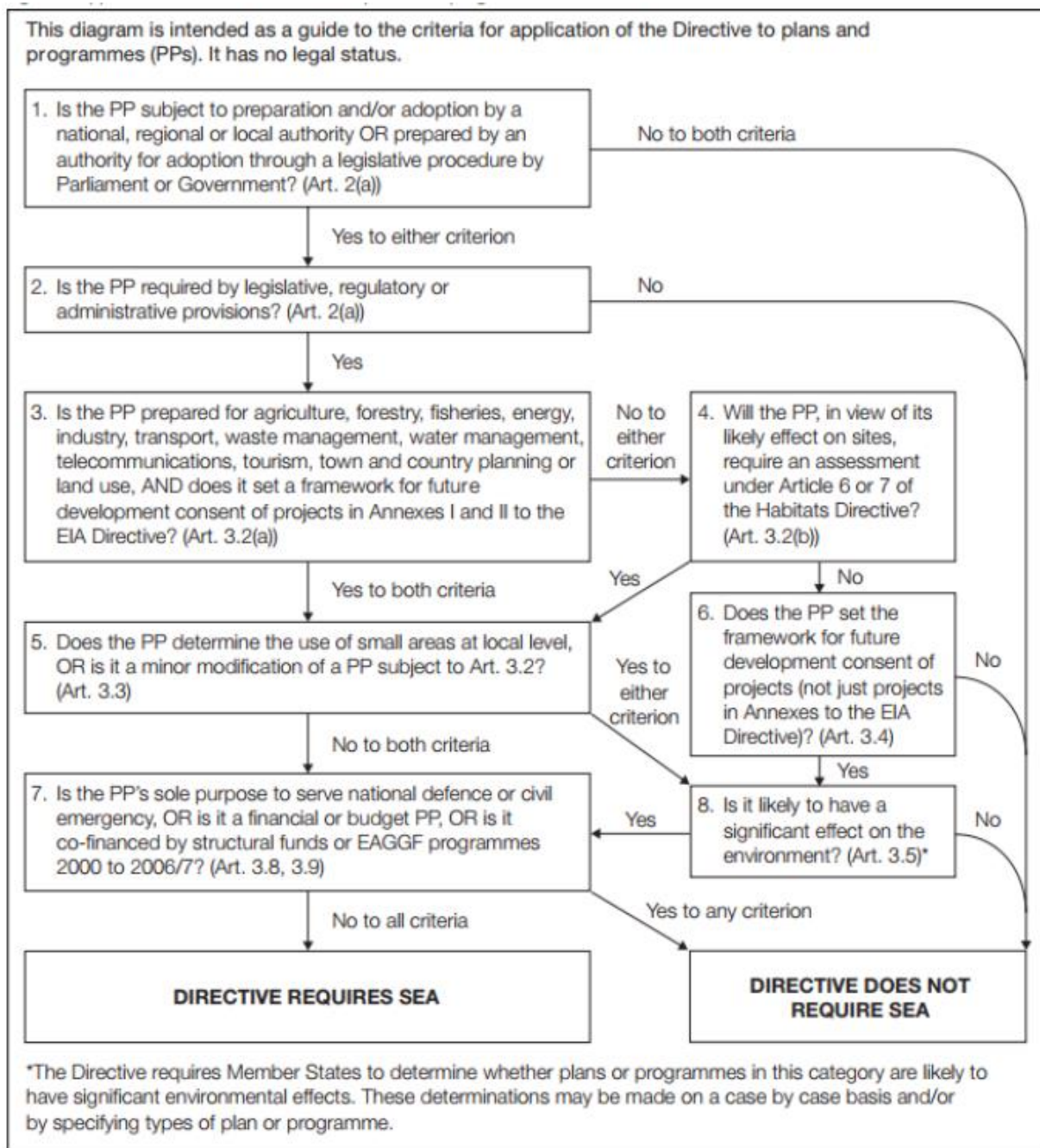
- 3.1 The basis for Strategic Environmental Assessments and Sustainability Appraisal legislation is European Directive 2001/42/EC (the SEA Directive) and was transposed into English law by the Environmental Assessment of Plans and Programmes Regulations 2004, or SEA Regulations². Detailed Guidance of these regulations can be found in the Government publication “A Practical Guide to the Strategic Environmental Assessment Directive” (ODPM 2005).
- 3.2 In October 2023 the Levelling up and Regeneration Act received royal assent, setting out detailed reforms to the planning system. Amongst other things, the Act allows for the replacement of the current SEA regime with a new requirement for an Environmental Outcomes Report. The specific

² The Environmental Assessment of Plans and Programmes Regulations 2004 (SI 2004/1633), as amended by The Environmental Assessments and Miscellaneous Planning (Amendment) (EU Exit) Regulations 2018 (SI 2018/1232). It should be noted that the purpose of the amendments to the SEA Regulations is to ensure that the law functions correctly after the UK has left the European Union. No substantive changes are made to the way the SEA regime operates

requirements will be set out in forthcoming regulations, along with information about transition arrangements; however at present the requirement for SEA remains as set out in existing legislation.

3.3 To establish if a plan needs to be accompanied by a full SEA, a “screening” assessment is required against a series of criteria set out in the SEA Directive. A Practical Guide to the Strategic Environmental Assessment Directive sets out in a diagrammatic form the process for screening the Plan against a series of criteria.

Figure 1 - Application of the SEA Directive to Plans and Programmes



- 3.4 SPDs add further detail to policies in the development plan. They are capable of being a material consideration in planning decisions but are not part of the development plan. New policy cannot be introduced through SPD.
- 3.5 Generally, SPDs do not require SEA. However, SPDs may, in exceptional circumstances, require SEA if they are likely to have significant environmental effects that have not already been assessed during the preparation of the relevant strategic policies. The Council is therefore required to undertake SEA screening to assess whether the SPD is likely to have significant environmental effects, and to consult the consultation bodies.
- 3.6 The SEA screening has been conducted by assessing the draft SPD against the criteria listed at Schedule 1 of the SEA Regulations.

Part 1 - Utilising the step-by-step guide

Stage	Y/N	Justification
1. Is the PP 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))	Y	Once the plan is prepared it will be subject to public consultation. It will be adopted by Dover District Council as the Local Planning Authority as a material consideration in the determination of planning applications and support the development plan.
2. Is the PP required by legislative, regulatory or administrative provisions? (Art 2. (a))	Y	Whilst the provision of an SPD is optional, it Will form a guidance document which supports the Development Plan for the District. It is therefore important that the screening process considers whether it is likely to have significant environmental effects and whether SEA is required under the Directive.
3. Is the PP 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))	Y	The SPD is being prepared for town and Country planning and land use, and will therefore set a framework for future development consent of projects in Annex II of the EIA Directive including Energy and Infrastructure developments

4. Will the PP, in view of its likely effect on sites, require an assessment under Article 6 or 7 of the Habitats Directive? (Art. 3.2(b))	N/A	See HRA Screening Assessment in Section 4
5. Does the PP determine the use of small areas at local level, OR is it a minor modification of a PP subject to Art 3.2? (Art. 3.3)	Y	The SPD does not allocate land for a Specific purpose but does show preference for the type and form of housing development at local level.
6. Does the PP set the framework for future development consent of projects (not just projects in Annexes to the EIA Directive)? (Art. 3.4)	N/A	
7. Is the PP's sole purpose to serve national defence or civil emergency, OR is it a financial or budget PP, OR is it co-financed by structural funds or EAGGF programmes 2000 to 2006/7? (Art. 3.8, 3.9)	N/A	
8. Is it likely to have a significant effect on the environment? (Art 3.5)		See assessment carried out in Table 3

Table 1 - Utilising the step-by-step guide in relation to Langdon Neighbourhood Development Plan

3.7 At this stage of SPD preparation, the scope and objectives of the SPD as outlined in Section 2 of this report have been used to undertake this screening assessment.

3.8 If the information used to undertake this screening report is changed in a significant manner as the SPD redrafted, then an additional screening exercise will be required.

3.9 This part of the report is to deal specifically with Question 8 of the SEA Directive guidance (Table 1 above). The criterion for this assessment is taken from Article 3.5 of the SEA Directive:

Part 2 – Assessment of likelihood of significant environmental effect of Affordable Housing SPD against Article 3.5 criteria

SEA Requirement	Potential for Significant Effects?
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;	No. The SPD does not set a framework for projects or Other activities. The SPD provides more detail to the policies in the local plan.
b) The degree to which the plan or programme influences other plans and programmes including those in a hierarchy;	No. The SPD provides guidance on policies contained within the Local Plan. It does not modify or influence the policies of the local plan. It sits beneath those policies in terms of a hierarchy. The Local Plan is supported by the <u>SD03a Sustainability Appraisal incorporating Strategic Environmental Assessment Report (2022)</u> where Appendix B sets out the detailed policy context, baseline, and key sustainability issues (including their likely evolution without the Local Plan) for each SA subject area, including the topics required to be covered by the SEA Regulations.
c) The relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development;	No. The SPD is concerned with the provision of affordable housing within development proposals.

SEA Requirement	Potential for Significant Effects?
d) Environmental problems relevant to the plan or programme;	<p>No</p> <p>The SPD does not introduce any environmental problems. Taken together with the Local Plan, the SPD merely Provides a framework for assessing the specific tenures of new housing development.</p>
e) The relevance of the plan or programme for the implementation of Community legislation on the environment (for example, plans and programmes linked to waste management or water protection).	<p>No</p> <p>The SPD will not affect implementation of European Community environmental legislation (or those now transcribed in UK law), which have been hard regard to in the preparation of the Dover District Local Plan with which the SPD is supporting.</p>
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;	<p>No</p> <p>No environmental effects are anticipated to result From implementation of the SPD.</p>
b) The cumulative nature of the effects;	<p>No</p> <p>The SPD will provide context and a framework for Assessing the provision of affordable housing units within new development. It supplements adopted planning policy and there will be no direct or cumulative effects arising for the SPD</p> <p>The Dover District Local Plan has been subject to full Sustainability Appraisal, which addresses cumulative Matters in more detail.</p>
c) The transboundary nature of the effects;	<p>No</p> <p>Any effects of this SPD will be limited to Dover District.</p>

SEA Requirement	Potential for Significant Effects?
d) The risks to human health or the environment (for example, due to accidents);	No There is no reason why this SPD would introduce or exacerbate any risks to human health or the environment.
e) The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);	No The SPD will only apply to the District and therefore The geographical effect of the SPD will be limited to The population of Dover. However, as stated elsewhere there are no anticipated significant effects arising from the implementation of the SPD.
f) The value and vulnerability of the area likely to be affected due to: i) special natural characteristics or cultural heritage; ii) exceeded environmental quality standards or limit values; or (iii) intensive land-use	No The SPD does not itself direct or establish the principle of development. It is limited to matters of housing type.
g) The effects on areas or landscapes which have a recognised national, Community or international protection status.	No The SPD does not itself direct or establish the principle of development. It is limited to matters of housing type.
Part 2 SEA Overall Conclusion	The SPD is unlikely to have significant environmental effects

Table 2 - Assessment of likelihood of significant environmental effect for Affordable Housing SPD against Article 3.5 criteria

SEA Screening Determination

3.10 On the basis of the Screening process, including consultation with the statutory consultees, **it has been determined that the Affordable Housing SPD does not require a SEA under the SEA Directive and SEA Regulations.**

3.11 This is because:

- It is unlikely to give rise to significant environmental effects as it does not set new policy, nor does it result in additional development;
- It provides guidance on the implementation of policies contained in the Local Plan which have already been subject to Sustainability Appraisal incorporating Strategic Environmental Assessment; and
- The content of the SPD when taken as a whole and in combination with policies in the Local Plan will not give rise to significant effects.
- Chapter 4 below sets out an HRA screening assessment which concludes that a full appropriate assessment is not required. This means that SEA is not triggered by a need to undertake an appropriate assessment.

4 - HRA Screening Report and Determination

4.1 The Habitats Regulations Assessment (HRA) refers to the appropriate assessment required for any plan or project to assess the potential implications for European wildlife sites. The HRA therefore looks at whether the implementation of the plan or project would harm the habitats or species for which European wildlife sites are designated. These include:

- Special Protection Areas (SPA) designated under the Birds Directive (79/409/EEC)
- Special Areas of Conservation (SAC) designated under the Habitats Directive (92/43/EEC)

4.2 In addition to SPAs and SACs Ramsar sites are designated under the Ramsar Convention (Iran 1971 as amended by the Paris Protocol 1992). Although they are not covered by the Habitats Regulations, as a matter of national planning policy, Ramsar sites are treated in the same way as European wildlife sites. These European wildlife sites are often grouped and known as Natura 2000 sites.

4.3 The first stage of the HRA process is a “screening” exercise where the details of nearby internationally designated sites are assessed to see if there is the potential for the implementation of the Plan to have an impact on the site.

4.4 The purpose of the Screening stage is to:

- Identify all aspects of the plan that would have no effect on a European site. These can be eliminated from further consideration in respect of this and other plans
- Identify all aspects of the plan that would not be likely to have a significant effect on a European site (i.e. would have some effect because of links/connectivity but the effect is not significant), either alone or in combination with other aspects of the same plan or other plans or projects. These do not require ‘Appropriate Assessment’.
- Identify those aspects of the plan where it is not possible to rule out the risk of significant effects on a European site, either alone or in combination with other plans or projects. This provides a clear scope for the parts of the plan that will require Appropriate Assessment.

Screening

4.5 The SPD supplements **Local Plan Policies SP5: Affordable Housing and H2: Local Rural Needs Housing** and will be a material consideration in the determination of planning applications upon its adoption. It does not allocate sites for development.

4.6 The SPD clarifies the Council's approach to delivery of Affordable Housing in terms of information requirements and calculations on total provision and tenure. The SPD does not introduce new policy or any site allocations. It will not result in any increase in development.

4.7 The recently adopted Local Plan (2024) was subject to a Habitats Regulations Assessment which considered any in-combination effects with other plans and projects and was prepared in consultation with Natural England. The [HRA Final \(2024\)](#) is a composite version of all updates that have taken place to the HRA since the consultation on the Regulation 19 September 2022 HRA and incorporates consideration of the Main Modifications to the Local Plan consulted on during April and May 2024.

4.8 With regards to the HRA screening assessment at this time for Policies SP5 and H2 it was determined that no ‘likely significant effect’ predicted (Page 20 of main report and full assessment in Appendix C).

HRA Screening Conclusion

- 4.9 The SPD is providing supplementary guidance to support the implementation of Policies which were screened out of having any likely significant effects. The SPD does not set the principle of development, nor does it direct development to a specific location. It does not include and proposals that would be likely to adversely affect the integrity of the internationally designated sites, alone or in combination with other projects and plans.
- 4.10 **It is therefore determined that a full HRA/AA of the Affordable Housing SPD is not required.**
- 4.11 Once the draft SPD is consulted upon, if it is changed in a significant manner, or any currently unidentified consequences or policy conflicts arise, a new HRA screening process may need to be undertaken to re-assess the conclusions on whether a full HRA/AA will be required.

Appendix 1 – Responses from Statutory Consultees

From: SM-NE-Consultations (NE) <consultations@naturalengland.org.uk>
Sent on: Wednesday, May 28, 2025 6:21:37 AM
To: PlanningPolicy <PlanningPolicy@DOVER.GOV.UK>
Subject: FAO Planning Policy Team REF: Affordable Housing Supplementary Planning Document - SEA HRA Screening

Follow up: Follow up
Start date: Wednesday, May 28, 2025 12:00:00 AM
Due date: Wednesday, May 28, 2025 12:00:00 AM

Categories: Joanne

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Our Ref: 513020
Your Ref: Affordable Housing SPD – SEA HRA Screening

Dear Sir or Madam

Thank you for your consultation request, dated and received by Natural England on 15th May 2025.

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

Natural England has no significant comments to make on the SEA / HRA Screening document, however we do agree with your conclusion, that full SEA and HRA/AA are not required for the Affordable Housing Supplementary Planning Document.

The lack of comment from Natural England should not be interpreted as a statement that there are no impacts on the natural environment. Other bodies and individuals may wish to make comments that might help the Local Planning Authority (LPA) to fully take account of any environmental risks and opportunities relating to this document.

If you disagree with our assessment of this proposal as low risk, or should the proposal be amended in a way which significantly affects its impact on the natural environment, then in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, please consult Natural England again.

Yours faithfully

Sharon Jenkins
Assistant Officer
Natural England
Consultation Service

Email: consultations@naturalengland.org.uk
www.gov.uk/natural-england

RE: Consultation Notification: Dover Affordable Housing SPD and Dover Archaeological SPD SEA/HRA Screening Determination



KSLPlanning <KSLPLANNING@environment-agency.gov.uk>

To: PlanningPolicy



Fri 16/05/2025 09:07

Flagged Start by 19/05/2025. Due by 19/05/2025.

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Dear Team,

Thank you for consulting us on the above Screening Determination.

We have no comments to make.

Kind regards,

Adam Blake

Planning Advisor, Sustainable Places, Kent, South London and East Sussex

Environment Agency | Orchard House, Endeavour Park, Addington, West Malling, Kent, ME19 5SH



Historic England

Planning Policy and Projects
Planning and Development
Dover District Council
Council Offices, White Cliffs Business Park,
Whitfield, Dover CT16 3PJ

Our ref: PL00798921

Your ref:

Telephone 020 7973 3700

Email e-seast@historicengland.org.uk

By email only to planning.policy@dover.gov.uk

Date 20 June 2025

Dear Sir or Madam

**Dover District Council – Dover Affordable Housing SPD Strategic Environmental Appraisal
Screening Opinion**

Thank you for your email dated 15 May 2025 consulting Historic England on your intention of carrying out a SEA for the above plan.

In light of the Environmental Assessment of Plans and Programmes Regulations 2004, our view is that a SEA is not required in this instance for the reasons set out in paragraph 3.11 of the Screening Determination (Dover DC, May 2025).

Yours sincerely

Alan Byrne
Historic Environment Planning Adviser