



**Levett-Therivel**  
Sustainability Consultants

Regional Spatial Strategy for the South East:  
Sustainability Appraisal and Habitats Regula-  
tions Assessment Statement

Prepared for the Government Office for the South East



White Cliffs, courtesy of Dover District Council

May 2009

## Revision Schedule

### Regional Spatial Strategy for the South East: Sustainability Appraisal and Habitats Regulations Assessment Statement

May 2009

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# 1 Introduction

## 1.1 The South East Plan

- 1.1.1 The Regional Spatial Strategy (RSS) for the South East – ‘the South East Plan’ - sets out the scale, priorities and broad locations for future development across the region - providing a framework for where and how much development should take place. It covers a broad range of issues including housing, retail and the environment and includes a Regional Transport Strategy. It is a statutory document with which local authority development plans must conform.
- 1.1.2 The South East England Regional Assembly (SEERA) formally submitted the **Draft South East Plan** to Government on 31 March 2006. It was tested at Examination in Public (EiP) between November 2006 and March 2007 and the Report of the EiP Independent Panel – ‘the Panel Report’ – was published on 29 August 2007. The Secretary of State considered the recommendations in the Panel Report and subsequently undertook consultation on her **Proposed Changes** to the Draft South East Plan on 17 July 2008. Consultation on the changes ended on 24 October 2008. Following consultation, the Secretary of State has made **Final Revisions** to the Plan. The **Final South East Plan** was published on 6 May 2009.

## 1.2 SA and HRA

- 1.2.1 The Draft South East Plan was subject to a Sustainability Appraisal (SA) which was submitted to the Government alongside the Draft Plan. SA seeks to identify and evaluate the impacts of a plan on the economy, the community and the environment – the three dimensions of sustainable development – and suggest measures for improving the plan’s sustainability. The SA process incorporated a Strategic Environmental Assessment (SEA), as required under the European ‘SEA Directive’<sup>1</sup>. The Draft South East Plan was also subject to an assessment of its impacts on nature conservation sites of European importance - a so-called Habitats Regulations Assessment (HRA) / Appropriate Assessment (AA).
- 1.2.2 Following the publication of the Panel Report, Scott Wilson and Levett-Therivel Sustainability Consultants were commissioned to undertake the SA and HRA / AA of the Proposed Changes. Scott-Wilson and Levett-Therivel Sustainability Consultants also undertook the SA and HRA / AA of the Final Revisions and the Final South East Plan.
- 1.2.3 Table 1 summarises the development of the RSS, SA and HRA / AA. All of the SAs and HRA / AAs were undertaken before the finalisation of their respective versions of the RSS. This provided an opportunity for the plan authors to consider the appraisal recommendations and reflect these in the emerging RSS as appropriate.

<sup>1</sup> Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment

**Table 1: Development of the RSS and associated SA and HRA / AA**

Date	RSS	SA	HRA / AA
2003 – 2006	Draft RSS prepared by South East England Regional Assembly (SEERA)	SA of Draft RSS carried out by ERM	
March 2006	Publication of Draft RSS	Publication of SA of Draft RSS	
May – Oct. 2006			HRA / AA of Draft RSS carried out by Scott Wilson and Levett-Therivel
Nov. 2006 – March 2007	Examination in Public		
August 2007	Publication of Panel Report		
Sept. 2007 – July 2008	Proposed Changes prepared by Government Office for the South East (GOSE)	SA and HRA / AA of Proposed Changes carried out by Scott Wilson and Levett-Therivel	
July 2008	Publication of Proposed Changes	Publication of SA and HRA / AA of Proposed Changes	
July – Oct. 2008	Consultation on Proposed Changes and the SA and HRA / AA report		
Nov. 2008 – April 2009	Final Revisions and Final South East Plan prepared by GOSE	SA and HRA / AA of Final Revisions and Final South East Plan carried out by Scott Wilson and Levett-Therivel	
May 2009	Publication of Final RSS	Publication of SA and HRA / AA of Final Revisions and Final South East Plan	

## 1.3 The SA and HRA / AA Statement

1.3.1 The SEA Directive requires the findings of the SEA (in this case the SA) as documented in the environmental report (in this case the SA Report), and the responses to the consultation on the plan or programme (in this case the RSS) to be taken into account by decision-makers (in this case the Government Office for the South East, GOSE) before a plan or programme is adopted:

*“The environmental report... [and] the opinions expressed [through the consultation]...shall be taken into account during the preparation of the plan or programme and before its adoption...”*

(SEA Directive, Article 8)

- 1.3.2 Once a plan or programme has been adopted, the SEA Directive requires those responsible for preparing it to provide the SEA Consultation Bodies<sup>2</sup> and the public with information on how environmental (in this case sustainability) considerations and consultation responses are reflected in the plan or programme and how its implementation will be monitored in the future. This helps to demonstrate that the findings of the assessment and the consultation have been taken into account in plan-making.

Plan or programme proponents should ensure that, when a plan or programme is adopted, the SEA Consultation Bodies and the public “are informed and the following items are made available to those so informed:

- (a) the plan or programme as adopted;
- (b) a statement summarising how environmental considerations have been integrated into the plan or programme and how the environmental report... and the results of consultation... have been taken into account... and the reasons for choosing the plan or programme as adopted, in the light of the other reasonable alternatives dealt with, and
- (c) the measures decided concerning monitoring [of the plan]”

(SEA Directive, Annex 9(1))

- 1.3.3 Planning Policy Statement 11 reiterates this requirement:

“As soon as practicable after the RSS revision has been published by the Secretary of State, the [regional planning body] should publish a consolidated SA report of the entire SA process covering all RSS revision stages. Either at the front of the SA report or as a separate document there should be a statement, agreed by the Secretary of State and the RPB, summarising information on how the SA results and opinions received were taken into account, reasons for choice of alternatives and proposals for monitoring.”

(PPS11, para. 2.52)

- 1.3.4 This report is the ‘SA statement’ for the South East Plan. In the interests of best practice, we have extended the report to include information on the HRA / AA. The report sets out the following information:

- Chapter 2 summarises how the **Draft RSS** was influenced by the SA process and consultation comments, and how alternatives were considered in the development of the Draft RSS. It thus explains the appraisal process up to March 2006;
- Chapter 3 summarises how the **Proposed Changes** were influenced by the SA and HRA / AA processes and consultation comments, and how alternatives were considered in the Proposed Changes. It explains the appraisal process between April 2006 and July 2008; and
- Chapter 4 summarises how the **Final Revisions** and **Final South East Plan** were influenced by the SA and HRA / AA processes and consultation comments, and how

<sup>2</sup> English Heritage, the Environment Agency and Natural England

alternatives were considered in the Final Revisions. It explains the appraisal process between August 2008 and May 2009.

- 1.3.5 The SA, HRA / AA and formal consultation responses are only three of many different factors influencing the development of the South East Plan (or any RSS). Other factors include national policy, the concerns and influence of the sub-regions and individual local authorities, legal constraints on what can and cannot be covered by RSSs, and continuously emerging evidence on issues such as demographic change, climate change and the global economy. Many of these factors interrelate, so it is not easy to clearly identify what changes to an RSS can be attributed to any one factor. For instance, changes to the RSS since 2006 to improve the management of flood risk have been made in response to a national Planning Policy Statement on flooding (2006); new evidence from two rounds of regional-level flood risk assessment (2006 and 2008); informal discussions with the Environment Agency; formal consultation comments from the Environment Agency and others; and the findings of the SA process: all of these interrelate, and it is impossible to pinpoint which has led to which changes in the RSS. In this report, we have done our best to attribute changes to the RSS to the SA, HRA / AA and consultation responses, but a truly clear audit trail is impossible, and this report can only present a simplified version of an extremely lengthy and complex process.
- 1.3.6 Overall, the SA process has led to greater emphasis in the RSS on public transport, reducing flood risk, ensuring adequate provision of infrastructure, protecting water quality and water resources, and supporting regeneration. It has also encouraged a more consistent approach to some of these issues across the different sub-regions. The HRA / AA process has led to greater protection of the integrity of sites of international nature conservation importance and, indirectly, to greater protection of air and water quality, and water resources. The consultation responses have identified sub-regions and local areas with characteristics and requirements that are different from those of the region as a whole, and the RSS has been fine-tuned to take these into account.

## 2 Draft RSS

### 2.1 Introduction

- 2.1.1 The Draft RSS was written by the South East England Regional Assembly (SEERA). It went through a lengthy process of development, including discussion at four Regional Planning Committees (November 2004, May 2005, June 2005 and February 2006) and two plenaries (November 2004, July 2005). The Draft RSS was published in March 2006.
- 2.1.2 The SA for the Draft RSS went through several iterations and consultation stages, and its development was informed by a SA sounding board. An SA scoping report was consulted on in October 2004 and updated in November 2004. Appraisal of the Draft RSS was begun in October 2004. A draft SA report was published for consultation in January 2005, and updated in response to the consultation comments and changes made to the plan. A second draft SA report was published in July 2005. District level housing distributions were appraised in February 2006, and a final SA report was published in March 2006. A separate SA for the Draft Implementation Plan was prepared in September 2006.
- 2.1.3 Habitats Regulations Assessment / Appropriate Assessment for RSSs became mandatory in February 2006, only a month before the Draft RSS was published. As such, HRA / AA did not influence the development of the Draft RSS.

This chapter summarises the findings of:

- Annex G of the SA of the Draft RSS, which lists the mitigation measures proposed for the Draft RSS: <http://www.southeast-ra.gov.uk/southeastplan/key/sustainability/AnnexG.pdf>
- Annex F of the SA of the Draft RSS, which discusses how the Draft RSS was changed in response to these recommendations: <http://www.southeast-ra.gov.uk/southeastplan/key/sustainability/AnnexF.pdf> and
- Annex B of the SA of the Draft Implementation Plan, which explains how the SA findings for the Draft Implementation Plan were taken into account: [http://www.southeast-ra.gov.uk/southeastplan/key/infrastructure/imp\\_plan\\_sa-annex\\_b\\_audit%20trail.pdf](http://www.southeast-ra.gov.uk/southeastplan/key/infrastructure/imp_plan_sa-annex_b_audit%20trail.pdf)

The Draft RSS is available at: [http://www.southeast-ra.gov.uk/sep\\_submitted.html](http://www.southeast-ra.gov.uk/sep_submitted.html). In the discussion below, the policy numbers refer to those of the Draft RSS; many of these have changed since then.

## 2.2 SA recommendations

### 2.2.1 SA recommendations that were implemented in the Draft RSS were as follows:

- Policy T1 on transport was amended to include specific reference to the need to minimise the negative environmental impact of transport.
- Policy CC9 on spatial emphasis was revised to promote regeneration areas.
- A new Policy CC12 on character of the environment and quality of life was added to the RSS.
- A new Policy RE5 on addressing intra-regional economic disparities was added, to help ensure that deprived areas would benefit from regional growth and development.
- The final sentence of Policy H6 on type and size of new housing was revised to include reference to provision of a mix of housing types, size and tenures.
- Policy H7 on making better use of the existing housing stock was reworded to allow more flexibility in how the number of vacant, unfit and unsatisfactory dwellings could be reduced.
- Policies T1 on transport management and investment and T9 on airports were changed to increase their emphasis on public transport.
- Policy NRM1 on sustainable water resources was broadened to cover groundwater; refer to demand management and River Basin Management Plans; and support adequate provision of sewerage infrastructure. The policy was strengthened to “*Require development that would use significant quantities of water to incorporate measures to achieve high levels of water efficiency, and reflect current best practice including BREEAM ‘very good’ and increasingly ‘excellent’ standards*”, and to “*Not permit development that presents a risk of pollution or where satisfactory pollution prevention measures are not provided in areas of high groundwater vulnerability (in consultation with the Environment Agency)*”.
- Policy NRM3 on flood risk management was amended to require Sustainable Drainage Systems and other water retention and flood storage measures; and to take account of increased sewage effluent flows on fluvial flood risk.
- Policy NRM4 on biodiversity was amended to ensure appropriate access to areas of wildlife importance, and to maintain and establish accessible green networks and open green space in urban areas (a precursor to the later Policy CC8 on green infrastructure).
- Policy NRM7 on air quality was rephrased to promote reduction in the environmental impacts of transport and congestion management, and support for the use of cleaner transport fuels.
- Energy Policies EN1 and EN4 were revised to strengthen their promotion of high energy efficiency standards and small-scale community-based energy schemes.
- A new clause was added to Policy C3 on landscape and countryside management which supported local economies and the social wellbeing of communities through small-scale development proposals to meet local needs.

- A new Policy C4 on countryside access and rights of way management was added, to encourage access to the countryside.
- Policy S2 on full life costing of public service facilities was revised to reflect SA concerns about energy consumption of health facilities.
- Policy S8 on community infrastructure was changed to include a statement that facilities should be made accessible to all sections of the community, in both urban and rural settlements.

2.2.2 Many of the formal SA recommendations were not implemented in the draft RSS because SEERA felt that they were already dealt with elsewhere in the plan, at the local development plan level, or through other mechanisms. Other **SA recommendations that were not implemented** in the draft RSS were as follows:

- Promotion and procurement of local, sustainable products was not felt to be within the scope of the Plan
- The SA recommended that Policy H3 on the location of housing remove the term 'generally', and replace 'can be' with 'will be' in the sentence "Housing developments should *generally* be in locations that are, or *can be*, well served by a choice of transport modes, with higher densities in and near locations well served by public transport" (our emphasis). It also recommended that a clause should be inserted that would state that "The location, size, and nature of developments must not have unacceptable or unsustainable impacts on environmental quality or quality of life". These proposed changes were felt to be too restrictive, and to inhibit the supply of housing.

2.2.3 The SA concluded that

*"Implementation of the Plan is likely to contribute to increases in resource consumption, in increased production of waste, increased emissions from transport, increased levels of water resource consumption and loss of biodiversity; Implementation of the Plan will increase the ecological footprint of the region; At the level of housing provision proposed in the Plan it is unlikely that existing issues relating to the backlog of affordable housing and the issues of homelessness will be resolved; It appears unlikely that the target in the Plan for the provision of affordable housing is deliverable.*

*The appraisal recognises and applauds the Plan's commitment to the stabilisation and reduction of the region's footprint. This would make a significant contribution to the delivery of the Plan within the 'environmental limits' of the region. However, no detailed regional policies are set out or targets set that suggest that the Plan is in the position of having a framework for achieving a stabilisation let alone a reduction of the region's footprint.*

*The Plan is also to be applauded for its recognition of the importance of behavioural change. This is clearly a key factor in making the Plan more sustainable but the complexity of bringing about the levels of change required means that reliance on behavioural change to make policies more sustainable, given the region's ability to stimulate these changes on its own, means that caution is required regarding the likely outcome of the implementation of much of the Regional Policy Framework especially in relation to policies addressing Sustainable Natural Resources."*

2.2.4 The Panel Report concluded that the SA process for the draft RSS was sound:

*“In assessing the soundness of the SA process, we have noted firstly that it is a relatively new one, and that there are particular difficulties in carrying out SA of a regional plan because its spatial specificity is limited and this limits the ability to assess performance against some objectives... [A] very large volume of detailed work was undertaken and the SA and plan-making processes worked in parallel, guided by the independent SA Sounding Board. There is a clearly documented audit trail that shows how the submission draft Plan, including the Implementation Plan, has been influenced by the findings of SA. Against all of this background, participants generally endorsed the SA process as sound and we agree. This is not to say that the draft Plan is sustainable or that its response to the findings of the SA is satisfactory in every respect – our conclusions and recommendations on a number of issues clearly indicate otherwise. In particular we take a different view on the overall sustainability of options involving the selective review of Green Belts in several sub-regions.”*

## 2.3 Consultation comments

2.3.1 Two periods of consultation influenced the SA. First, 21 consultees commented on a scoping report of October 2004. This led to the collection of some additional baseline data and consideration of some additional policies and strategies.

2.3.2 Second, a Draft SA Report was consulted on in January 2005. Many consultation comments on the Draft SA Report were positive, but others suggested that the evidence base was inadequate, the appraisal of the sub-regions was inadequate, and that the SA did not meet the requirements of the SEA Directive. As a result of these comments, the final SA report included more information on cumulative impacts, mitigation measures, and monitoring proposals. ERM also explained in its final SA report that the SA had used the best publicly available information, that the level of detail provided on the sub-regions reflected the time available and quality of information, and that the SA report did meet the requirements of the SEA Directive.

2.3.3 Consultees also commented that the SA showed the Draft RSS as having mainly negative sustainability impacts, and queried whether such a plan should proceed. The final SA report noted that *“The appraisal indicates that there are a series of issues which are fundamental to the growth of the region. These issues apply to all regions of England to a greater or lesser degree. Both the plan and the appraisal recognise the importance of responding to these issues in an effective manner.”*

## 2.4 Rationale behind the choice of key options

2.4.1 The SA for the Draft RSS formally considered six **spatial options** based on two sets of variables:

- Three scales of regional growth (in terms of dwellings per annum, dpa): 25,500 dpa, 28,000 dpa and 32,000 dpa; and
- Two distribution options for accommodating that growth: 1. continuation of existing policy, with a distribution of development which mirrors that set out in RPG9, or 2. ‘sharper focus’, concentrating an increased proportion of development in sub-regions with particular economic potential and/or regeneration needs.

- 2.4.2 The SA concluded that the higher growth options were more likely to meet housing demands (and therefore ease problems of affordability) and provide for higher rates of economic growth, but would place more pressure on environmental resources. Conversely, the lower growth options would have lower environmental impacts but would not fully address existing housing supply problems or support as much economic growth. The SA was not able to come to a clear conclusion about the distribution options, in part because they did not differ significantly in terms of where housing would be focused within the region. Furthermore, because they did not specify housing numbers at district or local level, it was difficult to relate proposals to specific communities or to physical assets.
- 2.4.3 The preferred spatial option was for 28,900 dpa with a 'sharper focus' distribution. The resulting pattern of development was felt by SEERA and consultees to increase the potential to support growth by maximising the efficient use of existing and new infrastructure.
- 2.4.4 **Other options** also considered during the development of the RSS, but not formally appraised and compared, included whether to include a green infrastructure policy in the RSS or not; different forms of wording for Policy CC5 on infrastructure; and different approaches to Policy NRM1 on water resources management, in particular the relative contributions of the two strands of the 'twin-track' approach of demand management and resource provision.

## 3 Proposed Changes

### 3.1 Introduction

- 3.1.1 The Proposed Changes were written by the Government Office for the South East (GOSE), with input from the Environment Agency and Natural England. The Proposed Changes implemented most of the recommendations of the Panel Report of August 2007, including higher housing numbers, a clearer spatial framework for economic development and employment land in the region, and a new green infrastructure policy. They did not include a proposed allocation of 7,500 new homes to the west of Reading.
- 3.1.2 Although the HRA / AA for the Draft RSS was carried out too late to influence the Draft RSS, it informed the Panel Report of August 2007, and the HRA / AA process generally had a major influence on the RSS development process from that point onwards. Scott Wilson and Levett-Therivel also carried out a SA and HRA/AA of the Proposed Changes between October 2007 and July 2008.

This chapter summarises the findings of:

- Chapter 16 of the HRA / AA for the Draft RSS, which lists proposed avoidance and mitigation measures: [http://www.southeast-ra.gov.uk/southeastplan/key/app\\_assess/appropriate\\_assessment-nov06.pdf](http://www.southeast-ra.gov.uk/southeastplan/key/app_assess/appropriate_assessment-nov06.pdf)
- The SA and HRA / AA for the Proposed Changes. SA recommendations are listed at the end of each of the main SA chapters. HRA recommendations are at Chapter 15: <http://gose.limehouse.co.uk/portal/rss/pcc/sahra?pointId=1216286197058>
- Chapter 15 of the SA and HRA / AA for the Final South East Plan, which provides a detailed audit trail of the HRA / AA recommendations made in the two previous reports, and how they have been implemented in the RSS: <http://www.gos.gov.uk/gose/planning/regionalPlanning/815640>

Appendix E of the Panel Report lists the issues covered by the EiP, and participants in the EiP. All EiP documentation is available at: <http://www.gos.gov.uk/gose/planning/regionalPlanning/southEastPlan/>.

The Proposed Changes are available at: <http://gose.limehouse.co.uk/portal/rss/pcc/consult>

### 3.2 SA recommendations

- 3.2.1 **SA recommendations that were implemented** in the Proposed Changes were as follows:

- The SA noted that the Proposed Changes could lead to insufficient delivery of infrastructure, in turn affecting water quality, water resources, and other social and environmental factors. In response, Policy CC7 on infrastructure was rephrased to more firmly link the delivery of future development to the provision of adequate infrastructure, including delivery of new

infrastructure where necessary. The supporting text to the policy was rephrased to take account of the fact that some infrastructure demand relates to the number of houses in the region, not only to population size. Policy NRM2 was also rephrased to require local authorities and others to ensure that development would not lead to an unacceptable deterioration in water quality or present a pollution risk.

- The SA and HRA / AA raised concerns about air quality in the region, and in particular about the effect of air pollution on sites of international importance for nature conservation. In response, Policy NRM9 on air quality was strengthened to require plans and proposals to contribute to sustaining the current downward trend in air pollution in the region; and to require local authorities to take into account the effect of air pollution on species and habitats of international importance for nature conservation. A clause was also inserted to Policy LF6, to require air quality standards not to be breached at Chertsey
- The SA noted that the wording of Policy CC4 on sustainable design could act as a barrier rather than an incentive for local authorities to promote sustainable design that exceeds national standards. In response the policy was rephrased to be more positive.
- Policy CC8 on green infrastructure was revised to emphasise the importance of green infrastructure for regional hubs, strategic development areas, and near sites of international importance for nature conservation.
- Further reference to tourism in Brighton and Oxford was added to Policy SP2 on Regional Hubs to further enhance employment opportunities in those cities.
- In response to SA and HRA / AA concerns about water quality in the Solent, Policy SH8 was amended to state that wastewater treatment discharges into marine waters must be in accordance with Habitats Directive constraints.
- The SA suggested that the RSS could include standards for public transport accessibility, such as those in the Yorkshire and Humber RSS. The supporting text to Policy T2 was changed to note that the next review of the RSS should consider such standards.
- The SA identified several parts of the region where preliminary data suggested that water resources could act as a constraint on development. In response, the RSS included a clause in Policy NRM5, stating that new development should be directed to areas where adequate water supply could be guaranteed and, where this is not possible, development should be phased so that capacity could be provided ahead of new development.

### 3.2.2 **SA recommendations that were not implemented** in the Proposed Changes were:

- A proposed 'contingency clause' in Policy CC7 on infrastructure, making delivery of new homes dependent on delivery of adequate supporting infrastructure, due to concerns about this leading to a 'stop-go' investment climate which would not give enough certainty to developers.
- The SA noted that Policy H1's requirement for 'at least' 662,500 net additional dwellings could lead to individual districts promoting significantly more housing than set out in Policy H1 and that, together with a lack of 'conditionality clause' in Policy CC7, this could lead to inadequate infrastructure provision. The SA recommended that the words 'at least' be removed from Policy H1 and / or housing provision be made contingent on delivery of

adequate infrastructure. No changes to the RSS were made at the Proposed Changes stage, although 'at least' was removed as part of the Final Revisions.

- Policy NRM5 on biodiversity was (at the Proposed Changes stage) not broadened to apply principles for Thames Basin Heaths to other sites of international importance for nature conservation: these principles were felt to be specific to Thames Basin Heaths, had taken much time to be implemented and monitored in practice, and would not necessarily be relevant to other sites.
- The SA identified that the RSS was likely to lead to significant impacts on biodiversity at Chertsey, Reading, Slough, Dover and proposed employment sites on the Sussex Coast. Some changes were made to the relevant RSS policies - for instance reference to NRM5 in SCT3 – but overall these impacts were felt to be adequately dealt with through other parts of the RSS, and/or the benefits of development were felt to outweigh their biodiversity impacts.
- Housing allocations for Shoreham Harbour, the Gatwick area and West Berkshire, and employment land allocations in the Sussex Coast sub-region were not changed in response to concerns about flood risk, as recommended in the SA. However a statement was included in the relevant plan policies: *“Development proposals identified in this list will need to comply with policy set out in NRM4, NRM5 and PPS25”*.
- Given water resource constraints in the region, the SA recommended that Policy CC4 on sustainable design should include water efficiency standards that exceed current building regulations. This was not implemented in the RSS because GOSE felt that *“creating what in effect would be a separate regional set of building regulations on water efficiency risks confusion, delay and a situation where the implications for housing delivery cannot be taken into account”*. Forthcoming work by the Environment Agency was also expected to inform the Final Revisions.

3.2.3 The **SA concluded** that many of the changes made through the Proposed Changes would help to promote sustainable development. Other changes were identified as being less sustainable, notably removal of the 'conditionality clause' that linked new housing development to provision of adequate infrastructure. The SA concluded that:

*“Of all the English regions, the South East is under the greatest pressure to provide more homes. It is arguably the UK’s most economically successful and prosperous region, and is expected to continue to be a major locomotive for the UK economy. However, the region’s infrastructure, particularly its transport infrastructure, is already inadequate in many places. Its ecological footprint is the highest of all the regions, and many aspects of its environment are already under stress. [The] Draft South East Plan, as amended by the Proposed Changes, would lead to:*

- *Economic benefits resulting from increased housing provision (although this is less than the level necessary to fully support economic growth...) and the provision of employment sites and new infrastructure....*
- *Community benefits from the provision of more homes although the increase in provision to 33,125 dpa is insufficient to accommodate the forecast number of households and combat the housing backlog... With regard to affordability, this level of housing is unlikely to increase affordability although it will provide opportunities for the provision of affordable housing (although the South East as a region has a poor record in delivering affordable housing)....*

- *Significant environmental costs, to the point of potentially approaching environmental limits (although this is difficult to demonstrate empirically). These include: water quality in the Solent area, and possibly elsewhere due to constraints on wastewater treatment; water resources throughout much of the region; air quality near the region's airports; biodiversity, as exemplified by problems in ensuring that the integrity of sites of international nature conservation importance is not significantly affected; and increased flooding due to climate change and the location of some new development in areas of flood risk."*

### 3.3 HRA / AA recommendations

3.3.1 The HRA / AA for the Draft RSS listed a range of recommendations that, if implemented, would help to ensure that the emerging RSS would not have a significant impact on the integrity of European sites (Special Areas of Conservation, Special Protection Areas, Ramsar sites, European Marine Sites). In brief, those **HRA / AA recommendations that were implemented** were as follows:

- Promote enhanced management of European sites: NRM5 was changed to include the phrase *'work to secure improved habitat management'*.
- Include a new policy on green infrastructure: A new Policy CC8 on Green Infrastructure was included in the RSS.
- To reduce recreational and urbanisation pressures, provide a buffer zone or 'exclusion zone' where no development is permitted, or other similar measures for relevant site: supporting text was added to Policy NRM5 referring to urbanisation effects.
- Policy NRM6 should not specifically apply just to the Thames Basin Heaths, but rather apply to all European sites: This was partly implemented through a rewording of Policy C6 on countryside access which promotes appropriate access management and other measures to avoid the risk of recreational impacts.
- Local authorities must ensure that their Local Development Frameworks take account of the limits of existing sewage treatment works, and ensure that wastewater treatment infrastructure is delivered in parallel with (and ideally prior to) the delivery of the new development, particularly on the south coast: Policy NRM2 was amended to ensure wastewater infrastructure is planned to meet demand, that the rate and location of development does not lead to a deterioration in water quality, and to specify that where new development risks affecting water quality, new infrastructure to prevent this will need to be delivered before development goes ahead.
- Stipulate that no wastewater from new housing is to be treated at Chickenhall, or discharged to the Itchen: The Test Valley section of Chapter 25 of the RSS was amended accordingly.
- Future water resource infrastructure should be operational prior to planning permission being granted for any development for which necessary additional abstraction would otherwise adversely affect sensitive European sites: Policy CC7 on infrastructure was reworded to state that *'The scale and pace of development will depend on sufficient capacity being available in existing infrastructure to meet the needs of new development. Where this cannot be demonstrated the scale and pace of development will be dependent*

*on additional capacity being released ... Where new development creates a need for additional infrastructure a programme of delivery should be agreed before development begins ... The phasing of development will be closely related to the provision of infrastructure.'*

- Housing allocations in 11 (listed) districts should be reconsidered due to water resource constraints: housing figures were not revised, but supporting text was added to Policy NRM1 noting that further water supply constraints work will be particularly required in relation to development within the listed districts.
- Direct development to areas where the air quality risk to European sites can be minimised: this was partly done by adding a requirement in Policy NRM9 on air quality that refers to areas of importance for nature conservation.
- Incorporate a policy that protects essential supporting habitat outside the boundaries of some (listed) European sites: Policy NRM5 was rephrased to include '*... Seeking to ensure that damage to county wildlife sites and locally important wildlife and geological sites is avoided, including areas outside the boundaries of Natura 2000 sites where these support the species for which that site has been designated*'

### 3.3.2 HRA/AA recommendations that were not implemented were as follows:

- Prevent any landtake from European sites, particularly the intertidal zone and estuaries.
- Include a region-wide policy to address recreational impacts on European sites.
- Policy LF4A should specify that development will need to be in compliance with Policy NRM6 which sets mitigation requirements for the Thames Basin Heaths Special Protection Area: GOSE argued that this was unnecessary since residential development at Chertsey will be anyway subject to the requirements of Policy NRM6.
- The levels of housing within the Thames Basin Heaths authorities should be phased, with an increased delivery rate after a five year gap, which would allow the effectiveness of Suitable Accessible Natural Green Space (SANGS) as mitigation to be monitored and evaluated before higher levels of housing are delivered: GOSE argued that phasing was a matter for local authorities, and that the Panel Report concluded that the proposed levels of development could be delivered in a way that protects the integrity of the SPA.
- Promote multi-local authority working to assess whether recreational pressures are likely to have a significant impact on the integrity of European sites; where this is likely to be a problem, agree and implement a S106 funding regime for improved habitat management where appropriate; and where this is unlikely to preserve site integrity, assess and implement the provision of alternative recreational space where appropriate: GOSE reworded Policy NRM6 to state that local authorities should work with Natural England and other stakeholders to: "*implement access management measures and work to secure improved habitat management*", but felt that the RSS otherwise dealt with this issue adequately.
- The RSS should require high levels of water efficiency (Code for Sustainable Homes level 6) by 2016 in areas where it cannot be demonstrated that the development will not affect the integrity of a European site. For new developments that will be occupied prior to new water resources becoming operational and where it cannot be demonstrated that the development

will not affect the integrity of a European site, measures should be put in place that will render them effectively 'water neutral': GOSE argued that water efficiency measures are a matter for national regulation, not RSSs. However, it changed Policy CC4 to encourage new development to seek the highest possible sustainability rating in the Code for Sustainable Homes, subject to economic viability.

- If routine or targeted monitoring of European sites shows that water levels are being negatively affected, then the phasing, distribution, and if necessary amount of further development may need to be revised: this was not implemented at the Proposed Changes stage.
- Require all local authorities to balance out the air pollution emissions of any new development with corresponding reductions in air pollution elsewhere, to be "pollution neutral": GOSE noted that Policy NRM9 already sets out a clear steer that improvements in air quality should be sought.
- Strengthen the links between European site integrity and transport emissions, transport infrastructure, management of public transport and transport demand management: GOSE felt that this was already adequately dealt with through Policies H1 and CC7.
- Restrict or exclude less clean vehicles from certain road areas: GOSE felt that this would be difficult to implement.
- For (listed) European sites whose site integrity is likely to be affected by coastal squeeze, provide a buffer zones where no development is permitted, or other similar measures. This was not implemented, but Policy NRM8 on coastal management was amended to note that "development must not compromise the ability to preserve the interest features of Natura 2000 sites through managed retreat of coastal habitats in response to sea level rise."
- Prohibit the physical expansion of quarries near (listed) European sites, and further assess the implications of future mineral extraction on another European site. This was not included in the RSS.

### 3.3.3 The HRA concluded that...

*"It is clear from the above sections that, air quality issues aside, the additional housing proposed under the Proposed Changes would exacerbate the scale of impacts to a degree that difficulties in implementing the previously identified mitigation measures would arise. This is particularly the case when they are focused on locations (such as the Thames Basin Heaths) where problems in delivery of mitigation measures have already been identified for the SEERA allocations in the period since those allocations were made. It has also become clear in the intervening period that some of the anticipated mitigation mechanisms have encountered obstacles that need to be resolved (or at least a reliable mechanism put in place for resolving them) before any mitigation can be confidently said to render adverse effects on European sites unlikely."*

## 3.4 Consultation comments, and rationale behind the choice of options

- 3.4.1 The main influence on the Proposed Changes, and the main forum for considering options and consultation comments, was the Examination in Public. The subsequent Panel Report of August 2007 discussed these views and options (some more explicitly than others) together, and gives a detailed explanation of what changes to the Draft RSS were proposed and why.
- 3.4.2 The main Panel Report is 460 pages long, and it is not possible here to provide more than a very superficial summary of its many findings. However, the quotes below show the Panel Report's approach and conclusions for five of the most high-profile issues considered during the EiP: housing numbers; the spatial strategy for the region; links between housing and infrastructure; selective reviews of Green Belts; and strategic gaps.

### Housing numbers

- 3.4.3 *"While local authorities and environmental bodies generally endorsed the proposed rate of growth, of those taking a contrary view to the draft Plan based on technical evidence, almost all responses sought an increase in the proposed average of 28,900 dwellings per annum (dpa). Despite the figures in the adopted RPG9 being clearly labelled as interim to be reviewed upwards by 2006, the irony is that over large parts of the region this draft Plan proposes housing levels below RPG9... Until November 2004 the Assembly's officers were considering options in the range of 32,000-35,000 dwellings per annum (dpa), which had a clear relationship with past migration trends..."*
- 3.4.4 *[We] consider that the outcome has put too much weight on the results of consultation with existing residents. Important though this is, inevitably it gives no voice to those of the next generation who will be seeking homes within the plan period, and no voice to those who may need to or wish to move to this region to take up job opportunities.*
- 3.4.5 *In particular we find that the draft Plan gives insufficient weight to demographic and economic factors... In some part of the region, e.g. the London Fringe, we consider that proposed housing levels are inconsistent with meeting the needs of both the existing population and continued in-migration, which would have adverse implications for housing affordability. In several areas, particularly to the south west and west of London, we share the South East England Development Agency's (SEEDA) concerns that the growth in labour supply associated with the draft Plan's housing levels would be insufficient to meet the needs of the economy, even allowing for the concept of 'smart growth'.*
- 3.4.6 *Taking all these factors into account, our recommendation is for an increase of 10% over the draft Plan housing level for 2006-26. This translates into an absolute increase of 62,000 additional dwellings above the draft Plan's proposals..."*

### Spatial strategy

- 3.4.7 *"The spatial strategy included in the draft Plan is to a large extent hidden.... The nine sub-regions are intended to be a linchpin of the spatial strategy... The spatial strategy is also predicated on an urban focus, making the most use of previously developed land [but] we see the need for some major development areas as being additional to making the most of*

*estimated urban potential. The 21 regional hubs are also intended to be a linchpin of the spatial strategy [but only] in very few instances do the local authorities concerned see their hub status as implying that they should accommodate a greater proportion of residential development...*

- 3.4.8 *Various options were considered by the Regional Assembly at regional scale... and various distribution options by the principal authorities in preparing sub-regional strategies. However this work was criticised by many developer and business representatives for not having given any serious consideration to more radical options... This applies particularly where such options would require a more flexible approach to Green Belt... [More] work could usefully have been undertaken on testing a strategic option which focused a greater proportion of development to support the more economically buoyant parts of the region...*
- 3.4.9 *Our recommended spatial vision would maintain all the sub-regions as areas of growth or regeneration. The role of London Fringe which as noted above seems lacking in the draft Plan would be strengthened under our recommendations. Our recommended spatial strategy would also highlight those hubs and other growth points intended to support significant residential development. In recommending a higher regional housing level, we see the hubs as the logical place for much of this higher growth to be accommodated... In addition we identify six Strategic Development areas... In our view a clearer presentation of this revised spatial strategy could be achieved by devoting an entire chapter within the draft Plan."*

## Infrastructure

- 3.4.10 *"The strategy as we recommend it be amended will undoubtedly have implications for infrastructure. This is one of the issues of most concern to the Regional Assembly. We agree with their 'manage and invest' approach, and have tried to strengthen elements of this. All participants agreed that behavioural change will be necessary both in terms of water use and natural resource use in general... and in transport, particularly road use... With increased housing levels, this imperative will be even stronger. Nevertheless we are confident that Government policy will provide new levers/incentives to make the task easier, e.g. the new Code for Sustainable Homes...*
- 3.4.11 *We consider that the role of the RSS is to provide a firm basis for planning. Hence our recommended housing provision figures are intended to be targets. In this way the spatial strategy should provide a clear steer to infrastructure providers about the scale and timing of new infrastructure required. In relation to the water utility companies this should provide them with the ammunition needed to justify financial settlement with Ofwat for new sources of water supply and waste water treatment (WWT) capacity. In relation to the latter, it should also provide them with adequate warning of the engineering solutions that might need to be commissioned in order to avoid exceeding new water quality standards as these are progressively tightened under the Water Framework Directive.*
- 3.4.12 *We do not consider that RSS housing levels in any sub-region or indeed the region can be made contingent upon the delivery of particular pieces of infrastructure – this would produce a 'stop-go' climate unhelpful to investment. Instead we encourage the Assembly to continue its coordinating and lobbying role, working jointly with the Government Office to influence mainstream programme funding, and to progress its innovative proposals for a Regional Infrastructure Fund."*

## Selective reviews of the Green Belt

- 3.4.13 *“Green Belts have been seen as a critical input to the spatial strategy; in fact they have been treated as inviolate. This cannot be consistent with Government policy, which makes clear the Regional Planning Bodies (RPBs) may need to review existing policy constraints when considering options for the distribution of new housing development in areas where need and demand are high. From all evidence available to the EiP, it is abundantly clear to us that these are precisely the circumstances in the South East... It will therefore be necessary to look beyond the existing urban areas to help accommodate future housing requirements. We consider that this must include the option of some selective reviews of the Green Belt while ensuring that it can continue to fulfil its long-term role in shaping the pattern of settlements.*
- 3.4.14 *[Significantly] more residential growth should be directed to some of the hubs, including Guildford and Oxford, and to a lesser extent Redhill and Reigate and Woking, which are all tightly constrained by the Green Belt. Only some of the required growth can be accommodated by urban intensification and we consider that selective review of the Green Belt at Guildford and Oxford, and possibly at Woking is likely to be the most sustainable solution in these cases... Smaller scale local review may be necessary at Redhill-Reigate...”*

## Strategic gaps

- 3.4.15 *“Where there is a need to prevent the coalescence of settlements in order to retain their separate identity, Policy CC10b [of the Draft RSS] would allow local authorities to identify strategic gaps in their LDDs, subject to two criteria: the gap should prevent the coalescence of settlements each with a resident population greater than 10,000; and the gap must be no greater in size than necessary, and in all cases no greater than five miles at its widest points.*
- 3.4.16 *National planning policy does not recognise a need for strategic gap policies. PPS7 generally advises against local landscape designations, preferring instead a criteria-based approach in local policies that are specifically targeted at the features that require protection. Proponents of strategic gap policies argued at the EiP that these are not landscape designations but spatial planning tools, designed to shape the pattern of settlements... The high level of public support for the existing strategic gap policies is also noted. However the research evidence on the effectiveness of these policies is inconclusive. We agree with those participants who warned that gap policies are all too often used in an inflexible way, as long-term restraints on opportunities for sustainable development in urban fringe locations...*
- 3.4.17 *The need to accommodate new development in the most sustainable locations will require critical appraisal of all potential opportunities, including those on the edge of settlements, and therefore it should be made clear the strategic gap designations will be reviewed regularly...*
- 3.4.18 *[We] consider that a gap of up to five miles width is unlikely to be necessary to maintain the separateness of settlement; much would depend in our view on locational characteristics, landscape character, physical and other features, but in many cases it seems likely that a considerably smaller gap e.g. two miles, may suffice... The reviewed policy should delete the reference to five miles. Also, it should be amended to require evidence that the proposed gaps could not be protected adequately to countryside and landscape policies, and that no more land is included within them than is required for the prevention of coalescence but that this is unlikely to be more than two miles in width.”*

## 4 Final Revisions and Final RSS

### 4.1 Introduction

- 4.1.1 The Final Revisions to the RSS were written by GOSE, with limited, clarification-style input by the Environment Agency and Natural England but no other stakeholder involvement. They aimed to take into account the findings of public consultation on the Proposed Changes.
- 4.1.2 The Final Revisions made many relatively minor changes to the RSS, particularly in response to consultation comments by the Environment Agency and Natural England. Key changes were a reduction in housing numbers from 'at least' 33,125 per year to 32,700 per year, removal of East of the M1 Motorway at Milton Keynes from the list of Strategic Development Areas, and additional location-specific requirements on wastewater treatment, water resources and flooding.
- 4.1.3 The SA and HRA / AA of the Final Revisions and Final South East Plan were carried out between October 2008 and April 2009.

This chapter summarises the findings of the SA and HRA/AA for the Final Revisions and Final South East Plan. The SA conclusions are presented at the end of each of the main SA chapters. The HRA conclusions are given at Chapter 15:  
<http://www.gos.gov.uk/gose/planning/regionalPlanning/815640>

The Final South East Plan is available at:  
<http://www.gos.gov.uk/gose/planning/regionalPlanning/815640>

### 4.2 SA recommendations

- 4.2.1 An early, informal round of SA of December 2009 had recommended a range of relatively minor changes that could further improve the RSS's sustainability. This led, for instance, to discussions about whether desalination and bulk transfer of water should be included in Policy NRM3 despite their high energy use<sup>3</sup> and a more consistent approach to the wording of sub-region specific requirements for management of water resources and flood risk.
- 4.2.2 The key **SA recommendations that were not implemented** in the RSS were:
- Removal of the Shoreham Harbour SDA: Policies H1, SCT3 and SCT5 propose an interim figure of 10,000 new homes plus employment development at Shoreham Harbour, which is a flood risk area. Policy SCT5 notes that *"The interim figure of 10,000 dwellings for Shoreham Harbour will be subject to detailed studies (including a flood risk assessment) and assistance from the agencies as part of the strategic regeneration of the port."* GOSE

<sup>3</sup> The Environment Agency advised that they should be included, as their energy use might not be significantly higher than that of new reservoirs, and assessment of individual water resource project proposals would help to determine the best solution on a case-by-case basis

sees Shoreham Harbour as a priority area of regeneration and economic growth for the Sussex Coast sub-region, and believes that flooding concerns can be dealt with through improved flood defences.

- Removal of some employment sites from Policy SCT3: Shoreham Airport, Shoreham Cement Works and Eastbourne Park would have biodiversity impacts; and north of Bognor Regis, Shoreham Harbour, Newhaven Eastside and Port, Easbourne Park and Eastbourne Sovereign Harbour are all in areas shown on the Environment Agency website as likely to flood. The Final Revisions' change to the supporting text, which allows mixed use schemes on these sites in exceptional circumstances, also suggests that the sites may not be fully viable as employment sites. However, GOSE have decided to retain these sites because of the need to support economic development in the Sussex Coast sub-region. GOSE also believe that Policy SCT3's reference to Policy NRM4 on flood risk management and PPS25 will help to minimise flood risk.
- Set water efficiency requirements: Given the severe constraints on water resources in the South East, the Final SA still recommended that the RSS should require new development to achieve water efficiency levels that significantly exceed current Building Regulations. GOSE has decided not to include such a requirement for two main reasons. First, Policies CC4 on sustainable design and NRM1 on sustainable water resources already point to the proactive role that both the planning system and local authorities can play on water efficiency through their LDFs, and require local authorities to identify circumstances under which new development will need to be supported by water efficiency standards that are stronger than those of the Building Regulations. Second, the RSS is in line with national policy and consistent with what the Secretary of State consulted upon; it would be invidious now to change that policy without further consultation and collective agreement.

4.2.3 The **conclusions of the SA** for the Final South East Plan were similar to those for the Proposed changes:

*“Overall the RSS has evolved from one that one which clearly would not provide for enough housing but that aimed to protect quality of life and the environment through innovative measures such as a Concordat with Government (draft South East Plan); to one that was significantly more driven by housing and employment imperatives but to the detriment of environmental quality (Proposed Changes); to one that proposes housing and employment development levels in between those of the two previous versions but with much more specific environmental safeguards (Final South East Plan). The Final South East Plan is supported by a much more detailed evidence base, including a Regional Flood Risk Assessment, detailed Habitats Regulations Assessment, and more detailed information about water-related infrastructure.*

*Of all the English regions, the South East is under the greatest pressure to provide more homes. It is arguably the UK's most economically successful and prosperous region, and is expected to continue to be a major locomotive for the UK economy. However, the region's infrastructure, particularly its transport infrastructure, is already inadequate in many places. Its ecological footprint is the highest of all the regions, and many aspects of its environment are already under stress. [The] Final South East Plan would lead to:*

- *Some economic benefits resulting from increased housing provision... and the provision of employment sites and new infrastructure...*

- *Some community benefits from the provision of more homes although the increase in provision to 32,700 dpa is insufficient to accommodate the forecast number of households and combat the housing backlog... This level of housing is also unlikely to increase housing affordability, although it will provide opportunities for the provision of affordable housing (although the South East as a region has a poor record in delivering affordable housing)...*
- *Significant environmental costs, despite concerted attempts to minimise these costs, to the point of potentially approaching environmental limits (although this is difficult to demonstrate empirically). These include water resources throughout much of the region; water quality in the Solent area, and possibly elsewhere due to constraints on wastewater treatment; air quality near the region's airports; biodiversity, as exemplified by problems in ensuring that the integrity of sites of international nature conservation importance is not significantly affected; and increased flooding due to climate change and the location of some new development in areas of flood risk."*

## 4.3 HRA / AA recommendations

4.3.1 The main HRA / AA-related discussions at the Final Revisions stage of the RSS concerned Policy NRM5 on conservation and improvement of biodiversity. This policy was completely revised between the Proposed Changes and Final Revisions stages. The new NRM5 enshrines the concept of a 'feedback loop', whereby regional housing allocations can be revised if local authority HRA / AA reveals that (when considered within the light of the further spatial and technical detail available at the local level) the housing level within the RSS cannot be delivered without adverse effects upon European sites. The policy also commits the RSS to the production of future guidance which will provide more detail on avoidance and mitigation measures regarding particular European sites or suites of sites.

4.3.2 The HRA / AA for the Final South East Plan includes a detailed audit trail of how the recommendations of the HRA process have been taken into account in the development of the RSS. It concludes that the RSS has adopted most of the HRA recommendations made to date:

- Policy C6 refers to buffer zones around sensitive sites and promotes access management to reduce recreational disturbance
- The new policy on green infrastructure will help to act as 'stepping stones' between areas of high biodiversity
- Reference has been included on the need for wastewater treatment infrastructure in specific locations where water pollution could otherwise affect the integrity of European sites
- Water cycle studies are required to inform the siting and delivery of housing at specific locations
- Policies CC4 on sustainable design and NRM1 on sustainable water resources direct local authorities to aim to deliver the highest standards of water efficiency, and to identify circumstances under which new development will need to be supported by water efficiency standards exceeding extant Building Regulations standards.

- Although Policy NRM9 does not include a specific reference to directing development to areas where impacts on European sites can be avoided, the final RSS does direct local authorities to devise mitigation for adverse air quality impacts on European sites, which could include ensuring allocated sites in site allocations DPDs are situated away from sensitive European sites. The final RSS also directs local authorities to proactively seek an improvement in air quality.

4.3.3 The HRA / AA notes that information from the Environment Agency has made some recommendations obsolete, notably the need for restrictions on new housing discharging wastewater into the Chickenhall wastewater treatment plant. It accepts that some of the HRA suggestions are not within the RSS's remit, are impractical, or would duplicate other controls. Examples include:

- Restricting access of more polluting vehicles to certain areas due to air quality impacts (impractical);
- Require all local authorities to balance out the air pollution emissions of any new development with corresponding reductions in air pollution elsewhere, to be "pollution neutral" (not in remit); and
- Prevention of any landtake from European sites, particularly the intertidal zone and estuaries (duplication).

4.3.4 It notes that the 'feedback loop' of Policy NRM5 deals with most of the remaining HRA / AA-related issues, including:

- The recreational impact of housing at Chertsey on the Thames Basin Heaths SPA.
- The need for multi-local authority working to manage recreational pressures on European sites.
- If routine or targeted monitoring of European sites shows that water levels are being negatively affected, then the phasing, distribution, and if necessary amount of further development may need to be revised.
- For those new developments that will be occupied prior to these new water resources becoming operational and where it cannot be demonstrated that the development will not affect the integrity of a European site, measures should be put in place that will render them effectively 'water neutral'.
- Revision of housing numbers in certain listed districts, to reduce the risk of impacts on water quality and/or water abstraction on site integrity.
- Protection of essential supporting habitat outside the boundaries of specific (listed) European sites.

4.3.5 The **HRA concluded** that:

*"The final RSS, while providing for a greater level of housing delivery than the draft RSS (2006) also contains an extensive network of policies (more extensive than for the draft RSS) that specifically seek to address the possible impacts of this scale of development upon European sites and combine general cross-cutting guidance on the procedures for lower tier HRA/AA by*

*local authorities with a series of specific measures deliberately targeted to particular issues that were identified through the HRA/AA of the RSS.*

*While the final RSS has not itself lowered housing allocations for those sub-regions or districts in which the HRA/AA of the draft Proposed Changes identified a potential conflict with European sites it does provide (via the feedback loop) within NRM5 a clear opportunity for this to occur if lower tier assessments and the further detail that will arise during implementation planning confirm that the required levels of housing cannot be delivered. Equally although the RSS cannot provide detailed avoidance and mitigation strategies for all impacts and effects that may arise from the Plan upon every European site... it does set out a policy framework through which additional guidance of this nature to local authorities can and will be provided by the Secretary of State...*

*As such, the final South East Regional Spatial Strategy has (within the constraints of mechanisms available to regional planning policy) made extensive changes to policy in order to ensure that adverse effects do not result on European sites. There is also acknowledgement within the RSS that the regional HRA/AA and mitigating policies are inevitably high-level, but this is recognised and allowed for through a policy framework to produce more detailed tailored guidance and for regional allocations to be revised in the light of new data coming forward from lower tier HRA/AA or other relevant studies (e.g. Water Cycle Studies). These measures thus ensure the greatest confidence possible within the confines of regional planning that development under the South East Plan will not result in an adverse effect on European sites."*

## 4.4 Consultation responses

- 4.4.1 GOSE received approximately 8,700 consultation responses on the Proposed Changes, including lengthy responses from the Environment Agency, Natural England, English Heritage, the South East England Regional Assembly, and South East County Leaders; and comments from a wide range of local authorities, environmental and countryside groups, developers, and members of the public.
- 4.4.2 The Environment Agency provided 75 pages of detailed comments, focusing on flooding, water quality and water resources. GOSE made significant changes to the Final South East Plan to respond to these comments. These include a requirement for flood risk assessments to inform housing distributions in sub-regions where flood risk is a particular concern; a requirement to consider sewerage infrastructure and wastewater treatment plants in local areas where inadequate infrastructure is a particular concern; and a requirement for local authorities and future RSS reviews to carry out water cycle studies and/or 'further work' with respect to water pollution problems at specific locations
- 4.4.3 Natural England also provided about 100 pages of detailed comments, focusing on issues of biodiversity (notably on HRA / AA issues) and landscape/countryside. Many of the environmental groups made similar comments, again with an HRA / AA focus. GOSE made significant changes to the Final South East Plan to take these points into consideration, including the complete rewording of Policy NRM5, significant rewording of Policy CC8 on green infrastructure and Policy NRM6 on the Thames Basin Heaths Special Protection Area, and more reference to green spaces throughout the RSS.
- 4.4.4 A range of organisations, including SEERA and the South East County Leaders, opposed the increase in housing numbers put forward in the Proposed Changes, the fact that these

numbers were minimum ('at least') levels, and the removal of a clear link between new housing and the provision of adequate supporting infrastructure. Several organisations were also concerned about RSS's seeming over-reliance on behavioural change. These concerns were partly addressed by lowering the housing numbers from 33,125 to 32,700 dpa, and by removal of references to minimum housing figures in Policy H1.

4.4.5 Examples of other changes made to the RSS in response to consultation comments included:

- Reference to safe, secure and socially inclusive communities in Policy CC1 on sustainable development – in response to comments by the Thames Valley Police
- Revision of the climate change targets in Policy CC2 on climate change – Sussex Wildlife Trust
- Reference to shelter and extra care housing in Policy CC5 on the ageing population – David Wilson Homes
- Reference to the Community Infrastructure Levy in Policy CC7 on infrastructure – Hampshire County Council
- Reference to sustainable development in Policy RE1 on long-term competitiveness – South Bucks District Council and Friends of the Earth South East
- Waterfront strategies removed from Policy RE3 on employment and land provision – New Forest District Council
- Reference to Integrated Employment and Skills made to the supporting text to Policy RE4 on human resources development - SEERA

4.4.6 Recommendations made by consultees that were not integrated into the RSS included:

- Removal of the SDAs at Shoreham Harbour and Whitehill/Bordon from the RSS, on grounds of their impact on biodiversity – recommended by e.g. the RSPB and the South East England Biodiversity Forum;
- Removal of the SDA at N/NE Hedge End and the selective Green Belt review at Guildford from the RSS, on grounds of their impact on traffic, biodiversity, infrastructure provision, and (in the case of N/NE Hedge End) the coalescence of Hedge End and Botley – recommended by local residents and CPRE;
- Removal of policies on strategic review of the Green Belt, and re-inclusion of a policy on strategic gaps – recommended by CPRE and others.

4.4.7 Most consultee comments referred to the **SA report** to support their arguments about the RSS, rather than critiquing the SA report itself. The SA's conclusion that the emerging RSS would have "*significant environmental costs to the point of potentially approaching environmental limits*" was cited particularly frequently. Several consultees noted that the SA should include more information about environmental capacity and cumulative impacts in the region; we understand that the Environment Agency has commissioned such research. SEERA noted that the colour coding used in the SA report seemed to understate the negative impacts that would be caused by the Proposed Changes. However this colour scheme was kept in the final report and much finer gradations of colour (or some form of numerical score) would suggest a level of certainty that is not possible in a strategic, region-wide assessment.

4.4.8 Again, most consultees referred to the **HRA / AA report** to support their arguments, rather than critiquing the report itself. Natural England noted that they would like the report to more clearly discuss the 'in combination' elements of the HRA and how these elements were taken into account; the final HRA / AA report presents more information on this. The RSPB and others also identified minor wording problems in the HRA / AA for the Proposed Changes, which were rectified in the final HRA / AA report.

## 4.5 Rationale behind the choice of key options

4.5.1 The main options considered at this stage involved

- Fine-tuning of some districts' housing allocations. For instance, allocations in Brighton, Winchester, and Reigate and Banstead were slightly reduced to reflect capacity constraints; and the East of the M1 Motorway allocation at Milton Keynes was removed due to concerns about this being a late allocation which had not previously been fully consulted on, and the lack of opportunity to test any alternatives.
- The precise wording of Policy NRM5 on conservation and improvement of biodiversity. Options considered included whether to limit this policy to housing only or to apply it to all forms of development; whether to include a 'feedback loop' from project HRA / AA to plan HRA / AA, and how this should be phrased; and the form of any future Natural England guidance on HRA / AA of specific sites. The chosen option was selected to ensure that, if additional evidence emerges from lower-tier studies that led some authorities to conclude that they will not be able to deliver the RSS allocations without an adverse effect on European sites, then allocations can be revised. The chosen option also ensures that this mechanism, while relating to housing in particular should not be restricted to housing. This would serve as a 'safety valve' following implementation of the various policies elsewhere in the RSS that establish a policy framework for avoiding and mitigating adverse effects. The chosen option was also selected as it enshrines in over-arching regional policy forthcoming guidance to local authorities on certain aspects of HRA / AA for their Development Plan Documents, particularly with regard to pan-authority collaborative working.
- Whether to include a required standard for water efficiency in new developments: Section 4.2 discusses the reasoning for not including such a requirement in the RSS.

## 5 Monitoring

### 5.1 Introduction

- 5.1.1 The SEA Directive includes a specific requirement for monitoring the significant environmental effects of plans and programmes and the Environmental Report on the assessment (incorporated within the SA Report) should include a description of the measures envisaged for monitoring the plan.

The 'Environmental Report' required under the SEA Directive should include:

*"a description of the measures envisaged concerning monitoring in accordance with Article 10"*

Annex 1(i)

*"Member States shall monitor the significant environmental effects of the implementation of plans and programmes..."*

(Article 10(1))

### 5.2 Monitoring the RSS

- 5.2.1 Monitoring work at the regional level is guided by *Regional Spatial Strategy Monitoring: A good practice guide*, which states that: *"(monitoring) represents a crucial feedback loop with the cyclical process of policy-making. It provides information on the performance of policy and its surrounding environment, taking a future orientated approach by identifying the key challenges and opportunities and enabling adjustments and revisions to be made if necessary"*<sup>4</sup>.
- 5.2.2 SEERA has been monitoring RPG9 through the Regional Monitoring Report (RMR). However, the 2007 RMR was the last report to fully monitor RPG9. The Regional Planning Body will continue to monitor the South East Plan through the Regional Monitoring Framework set out within the Plan. This includes a comprehensive set of sustainability indicators for the region. Table 2 identifies the SA and HRA / AA related issues that will be monitored through the RMR process. There will also continue to be a Regional Monitoring Report under the emerging legislation/guidance for single Regional Strategies, although it is not yet clear how and when this will be produced.

<sup>4</sup> ODPM (2005). *Regional Spatial Strategy Monitoring: A good practice guide* [online] available at: <http://www.communities.gov.uk/documents/planningandbuilding/pdf/143201.pdf> (accessed 15 May 2008).

**Table 2: SA and HRA / AA-related issues that will be monitored**

Topic	Issues that will be monitored
Air quality & causes of climate change	Air quality at Chertsey, Dover etc. Per capita energy use Renewable energy provision Ecological footprint Delivery of climate change targets
Biodiversity	Condition of SSSIs Integrity of European sites, particularly Thames Basin Heaths Implementation of BAPs
Community wellbeing	Implementation of green infrastructure
Economy	Employment and unemployment
Flooding	New housing/development built in flood risk areas Effect of SFRA information on housing numbers in districts where the RSS says that flooding issues could affect housing numbers
Housing and affordable housing	Housing delivery Levels of affordable homes
Land use, landscape and historic environment	Listed buildings etc. affected by development Housing density Housing on greenfield / Green Belt / previously developed land Waste production Waste management - % waste reused, recycled etc.
Transport and accessibility	Vehicle-km (total and per person) Vehicular modes used Levels of walking and cycling Implementation of transport infrastructure, particularly whether public transport infrastructure delivery is slower than delivery of road projects Traffic levels / congestion on main roads
Water quality and water resources	Per capita water demand Implementation of water resource and wastewater management infrastructure Water quality, particularly in areas where this is of concern (e.g. Solent)