



**Draft Sittingbourne Town Centre
Supplementary Planning Document**

**Strategic Environmental Assessment
&
Habitat Regulations Assessment**

Screening Report

December 2021

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1. Introduction

Purpose of Report

- 1.1. Swale Borough Council (SBC) are in the process of preparing a draft Sittingbourne Town Centre Supplementary Planning Document (SPD).
- 1.2. The purpose of the SPD is to provide additional advice and guidance on the implementation of Policy ST5 (The Sittingbourne area strategy) of the Swale Local Plan (Bearing Fruits 2031) (SLP) as it applies to Sittingbourne town centre. The SPD does not allocate sites or set policy.
- 1.3. The purpose of the screening report is to determine whether or not the SPD requires a Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plans and Programmes Regulations 2004.
- 1.4. The report will also screen whether the SPD requires a Habitat Regulations Assessment (HRA). A HRA is required if it is deemed that likely adverse significant effects may occur on protected European Sites (also known as Natura 2000 sites and Habitats Sites¹), as a result of the implementation of a plan or project.

2. Legislative Background

Strategic Environmental Assessment (SEA)

- 2.1. The basis for Strategic Environmental Assessments and Sustainability Appraisal legislation is European Directive 2001/42/EC 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.
- 2.2. Section 19 of the Planning and Compulsory Purchase Act 2004 requires local planning authorities to carry out a sustainability appraisal (SA) for any documents that can form part of a local plan. It is considered best practice for the SA to incorporate the requirements of the SEA. There is no legal requirement for an SPD to have a SA; this is reflected in the Planning Practice Guidance⁴.
- 2.3. However, the PPG goes on to state⁵ that a SEA may in exceptional circumstances be required where an SPD is likely to have significant environmental effects that have not already been assessed during the preparation of a Local Plan. In addition, the PPG states that a SEA is unlikely to be required where an SPD deals only with a small area at local level, unless it is considered that there are likely to be significant environmental effects.
- 2.4. The Town Centre SPD sets out design and heritage considerations within a specific area at a local level identified in the SLP. The Council must, therefore, determine whether the SPD is likely to have significant environmental effects that have not already been assessed during the preparation of the Local Plan. This

¹ National Planning Policy Framework (NPPF), 2021

² The UK left the EU on 31st January 2020. The SEA Regulations, which previously implemented the requirements of the SEA Directive in England, will continue to apply as before unless and until new legislation is introduced.

³ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/7657/practicalguidesea.pdf

⁴ Paragraph: 005 Reference ID: 11-005-20190722 Planning Practice Guidance (Strategic environmental assessment and sustainability appraisal), revised 22 07 19

⁵ Paragraph: 008 Reference ID: 11-008-20140306 Planning Practice Guidance (Strategic environmental assessment and sustainability appraisal), revised 06 03 2014

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is done through a screening assessment. If the screening assessment indicates that there could be significant effects, an SEA is needed.

Habitat Regulation Assessment (HRA)

- 2.5. The need for an HRA is set out in articles 6(3) and 6(4) of the EU Habitats Directive and by regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended), which require that any plan or project likely to have a significant effect upon the integrity of a European site (Special Area of Conservation, Special Protection Area or Ramsar Site) must be subject to an appropriate assessment.

3. Swale Local Plan

- 3.1. The SLP was adopted in July 2017. The SLP seeks to support the regeneration and environmental enhancement of central Sittingbourne with a focus on the town centre with Policy ST5 (The Sittingbourne area strategy) providing the policy framework to achieve this. The wording of the policy can be found at Appendix 1.
- 3.2. The SLP was subject to a full Sustainability Appraisal, which included SEA assessment, and an HRA was also undertaken⁶. Where appropriate these documents are referenced in the assessment of likely significant effects.
- 3.3. The Local Plan is currently being reviewed. The emerging Local Plan (LPR) is seeking to continue the current policy approach of promoting the regeneration of the town centre (Policy Regen 2 – Sittingbourne Town Centre). A pre-submission version of the Plan was published for consultation under Regulation 19 in February 2021, which was subject to SEA and HRA assessment⁷. Although the Council have decided not to proceed with this version of the Local Plan it nevertheless shows the direction of travel in respect of the policy approach to Sittingbourne Town Centre. Where appropriate, the LPR SEA and HRA are referenced in the assessment of likely significant effects. Following the adoption of the LPR, the SPD will need to be reviewed to ensure it remains consistent with the new Plan and effectively supplements relevant policies.

4. Town Centre SPD

- 4.1. The Sittingbourne Town Centre SPD provides a design led approach to regeneration, setting out additional guidance and principles of development, including the design principles that would apply on an individual site/area basis, and identifies opportunity areas for environmental enhancement within the town centre boundary.
- 4.2. The SPD is structured as follows:
- Introduction – outlines the purpose of the SPD, planning context and the issues to be addressed in the area covered by the SPD
 - Vision and objectives – outlines a vision and objectives for Sittingbourne Town Centre
 - Key development principles /zones – outlines development principles in respect of land uses, frontages, building height, gateways/hubs, movement, parking, public realm, green spaces, design

⁶ <https://swale.gov.uk/planning-and-regeneration/local-plans/adopted-local-plan-for-swale>

⁷ <https://swale.gov.uk/planning-and-regeneration/local-plans/local-plan-review/public-consultation#h2>

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quality and the urban design requirements for five zones within the town centre that offer the opportunity for significant improvements to be achieved

- Implementation, delivery and funding

4.3. The SPD will be of particular use to landowners, developers, occupiers and others looking to bring forward development proposals or undertake improvements within the area covered by the SPD as a framework against which to judge the suitability of proposals and the standards of design expected.

4.4. The SPD largely covers the Sittingbourne Town Centre as defined in the SLP but has slightly amended boundaries to include immediately adjoining areas. This is to enable a more comprehensive approach to the opportunities for enhancement in these areas. The area covered by the SPD is shown in Appendix 2.

5. SEA Assessment

5.1. The diagram in Figure 1 illustrates the process for screening a planning document to ascertain whether a full SEA is required.

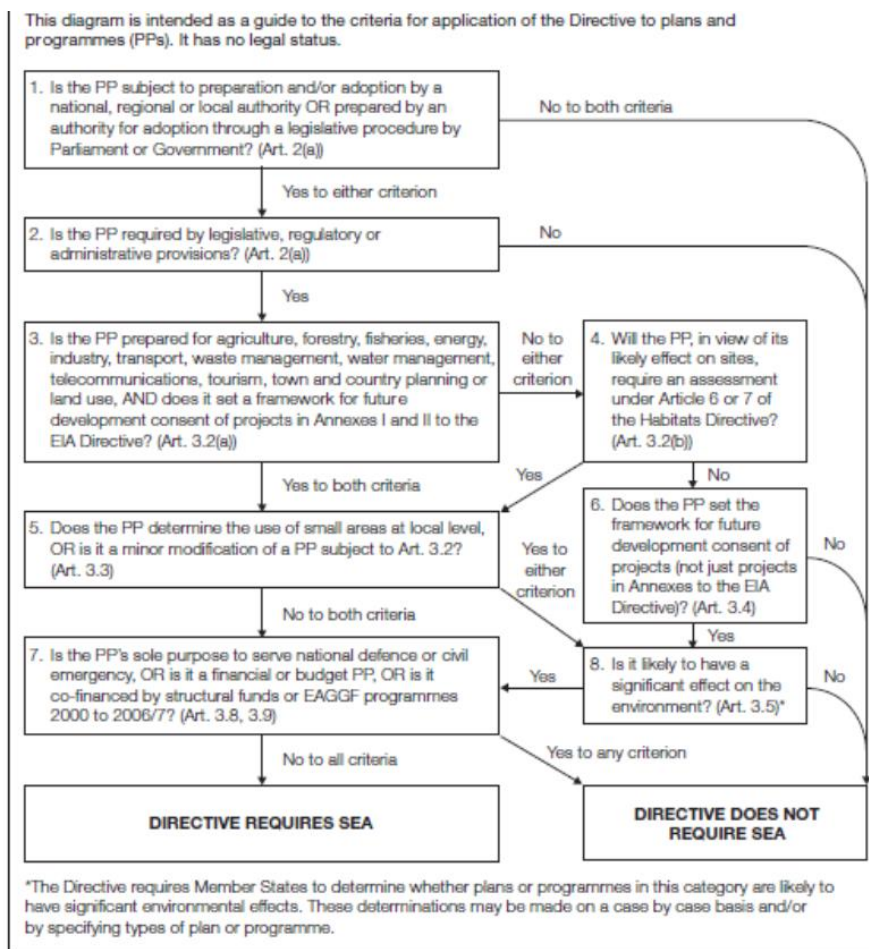


Figure 1: Application of the SEA Directive to Plans and Programmes

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5.2. Table 1 shows the assessment of whether the SPD will require a full SEA. The questions below are drawn from the diagram in Figure 1 which sets out how the SEA Directive should be applied.

Stage	Y/N	Reason
1. Is the PP (plan or programme) 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	The Town Centre SPD will be prepared and adopted by Swale Borough Council. The preparation of the SPD will be in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).
2. Is the PP required by legislative, regulatory or administrative provisions? (Art. 2(a))	N	The preparation of an SPD is optional; there is no legislative, regulatory or administrative requirements to prepare an SPD. However, once adopted it will supplement Policy ST5 in the SLP and will be a material consideration in planning decisions. Therefore, it is considered necessary to answer the following questions to determine whether the SPD is likely to have significant environmental effects and whether an SEA is required.
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 prepared for town and country planning purposes. It supplements SLP Policy ST5 by providing more detailed guidance on how this policy will be implemented.
4. Will the PP, in view of its likely effect on sites, require an assessment for future development under Article 6 or 7 of the Habitats Directive? (Art 3.2(b))	N	A separate HRA screening assessment has been undertaken and can be found in Section 6 of this report.
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 will be a material consideration in determining planning applications within the area covered by the SPD, supporting the SLP through the provision of more detailed guidance.
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	The framework for future developments is provided through the SLP (or as reviewed through the LPR), not the SPD.
7. Is the PP's sole purpose to serve the 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	The SPD does not deal with these issues.
8. Is it likely to have a significant effect on the environment? (Art 3.5)	N	The assessment of likely significant effects are considered in more detail in Table 2

5.3. Criteria for determining the likely significance of effects referred to in Article 3(5) of Directive 2001/42/EC are set out below.

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1. The characteristics of plans and programmes, having regard, in particular, to
 - the degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources,
 - the degree to which the plan or programme influences other plans and programmes including those in a hierarchy,
 - the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development,
 - environmental problems relevant to the plan or programme,
 - the relevance of the plan or programme for the implementation of Community legislation on the environment (e.g. plans and programmes linked to waste-management or water protection).
2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to
 - the probability, duration, frequency and reversibility of the effects,
 - the cumulative nature of the effects,
 - the transboundary nature of the effects,
 - the risks to human health or the environment (e.g. due to accidents),
 - the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected),
 - the value and vulnerability of the area likely to be affected due to:
 - special natural characteristics or cultural heritage,
 - exceeded environmental quality standards or limit values, - intensive land-use,
 - the effects on areas or landscapes which have a recognised national, Community or international protection status
 - intensive land-use,
 - the effects on areas or landscapes which have a recognised national, Community or international protection status.

Source: Annex II of SEA Directive 2001/42/EC

5.4. Table 2 below looks at the likelihood for the SPD to have significant effects on the environment.

1. Characteristics of the plans and programmes, having regard, in particular to:		Is there a significant environmental impact? Y/N	Justification
1a	The degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources	N	The SPD will help implement Policy ST5 of the SLP, which provides the overarching framework for development in Swale through the provision of additional guidance. The SDP does not itself allocate resources, but it will help secure resources for the delivery of development and enhancement proposals within Sittingbourne Town Centre. The SLP has been subject to SEA as a matter of course.
1b	The degree to which the plan or programme influences other plans and programmes including those in a hierarchy	N	An SPD is the lowest tier of local development documents, which does not influence other plans and programmes. Rather it supports the implementation of policies of the higher tier plan, the SLP. It is not, therefore, considered that the Sittingbourne Town Centre SPD will influence other plans and programmes.

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1. Characteristics of the plans and programmes, having regard, in particular to:		Is there a significant environmental impact? Y/N	Justification
1c	The relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development	N	The SPD is designed to have a positive effect by providing more detail and guidance to support policies within the SLP. The SPD identifies the opportunities for environmental enhancement with the Town Centre and provides guidance on improving the public realm, greening public spaces and provision of new green spaces and encouraging active travel within the Town Centre The SEA of the SLP identified positive effects on the environment in relation to the SPD 'parent' Policy ST5.
1d	Environmental problems relevant to the plan or programme	N	The SPD will not introduce or exacerbate any environmental problems. It has the potential to have a positive impact through enabling well designed development and identifying opportunities for environmental enhancements.
1e	The relevance of the plan or programme for the implementation of [European] Community legislation on the environment (for example, plans and programmes linked to waste management or water protection)	N	The SPD is not directly relevant to the implementation of European Community legislation on the environment. It does, however, support the implementation of a higher plan at a local level and the SLP has had regard to such legislation.

2. Characteristics of the effects and of the area likely to be affected, having regard, in particular to:		Is there a likely significant environmental impact? Y/N	Justification
2a	The probability, duration, frequency and reversibility of the effects	N	The SPD is anticipated to have positive long term effects by providing additional design guidance to supplement the policies of the SLP.
2b	The cumulative nature of the effects	N	As the SLP SEA expects overall positive impacts to arise from Policy ST5 to which the SPD relates, cumulative effects within the SPD area are anticipated to be beneficial.
2c	The trans-boundary nature of the effects	N	As the SPD is related to a specific boundary within the borough, it is not expected that any cross-boundary impacts will arise.

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	2. Characteristics of the effects and of the area likely to be affected, having regard, in particular to:	Is there a likely significant environmental impact? Y/N	Justification
2d	The risk to human health or the environment (for example, due to accidents)	N	It is not envisaged that there will be any risks to human health or the environment arising from the implementation of this SPD, rather it seeks to lead to improvements in these areas, for example through the provision of guidance on greening of public spaces and measures to support active travel.
2e	The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)	N	As the SPD is applicable only to the defined area the effects will be felt at a local scale. The SPD will directly benefit residents, businesses and visitors to the Town Centre through supporting town centre and improvements in environmental quality.
2f	The value and vulnerability of the area likely to be affected due to: i) Special natural characteristics or cultural heritage; ii) Exceeded environmental quality standards or limit values; iii) Intensive land use	N	<p>There are a number of heritage assets within Sittingbourne Town Centre. The SPD supports the implementation of SLP Policy ST5 and will not be able to set policy related to specific land uses. The SLP SEA noted that the implementation of Policy ST5 was not expected to result in adverse effects.</p> <p>In terms of biodiversity, the SLP HRA noted that Policy ST5 did not have direct HRA implications, other than the possible general contribution to recreational activity in the North Kent European sites applicable to all new housing within 6km.</p> <p>In common with all new residential development within 6km of the SPA, any housing development within the area covered by the SPD would be required to make a SAMMS contribution (Policy CP7 of the SLP).</p> <p>The HRA of the emerging LPR noted that Policy Regen 2 had no HRA implications as no linking impact pathways were present.</p>
2g	The effects on areas or landscapes which have a recognised national, community or international protection status	N	None identified. Any applications for development will be required to satisfy the relevant policies for protection of the character of the area before permission is granted.

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Screening Outcome

- 5.5. The policy that the SPD will supplement in the SLP has been subject to SEA/SA, which concluded that there will be no significant environmental effects. The SEA/SA concluded that positive impacts could be expected for social and economic objectives and that neutral or positive impacts could be expected for environmental objectives: the exception was biodiversity where the effects were unclear. As the SPD is not setting new policy or allocating sites but only supplementing and providing further guidance to support the implementation of existing policies, it is considered that the conclusions of the SLP SEA/SA remain relevant.
- 5.6. On the basis of the assessments set out in Table 1 and Table 2 and taking into account the SEA/SA undertaken at a higher level, it is concluded that the Sittingbourne Town Centre SPD is unlikely to have any significant effects on the environment and a full SEA is not required.

6. HRA Screening

- 6.1. The SLP has been subject to HRA, assessing all the policies in the Plan. The HRA assessed a variety of impact pathways linking the SLP to internationally designated sites. The HRA found that in respect of ST5 (Sittingbourne Area Strategy) there was the potential for residential development to contribute to recreational activity in the North Kent European sites and have a significant effect on the sites as a result of increased recreational disturbance.
- 6.2. In accordance with the Bird Wise North Kent Mitigation Strategy⁸ residential development within 6km of the North Kent Bird sites, which includes the Swale SPA, could result in an adverse effect on the integrity of the site as a result of increased recreational pressure. As such, to ensure no adverse effects on the integrity of the designated site occurs, all residential development (where there is a net increase in dwellings) within 6km of the SPA will be required to make a financial contribution to the Strategic Access Management and Monitoring Strategy (SAMMS). The requirement for SAMMS contributions is set out in Policy CP7 of the SLP. In the event a financial contribution to SAMMS is not made or it is demonstrated how different bespoke mitigation can adequately reduce any likely significant effects, then any planning applications would be refused.

Screening Outcome

- 6.3. The SPD has been prepared to provide additional guidance to support the implementation of existing SLP policies within Sittingbourne Town Centre setting out design and other qualitative criteria; it does not present new policies or development allocations. As the 'parent' policy has already been assessed in the SLP HRA and having regard to the scope of the SPD, it is considered that the guidance contained in the Sittingbourne Town Centre SPD is not likely to have any significant effects on European Sites and, therefore, appropriate assessment is not required.

7. Determination

- 7.1. Before the Council made a formal determination, there is a requirement to consult the three statutory consultation bodies designated in the regulations: Historic England, Environment Agency and Natural England.
- 7.2. Consultation on the Screening Report was carried out with the three bodies in November 2021. The three consultation bodies agreed with the conclusions of the Screening Report. The consultation responses received are provided in Appendix 3.

⁸ <https://birdwise.org.uk/wp-content/uploads/2018/02/Mitigation-Strategy.pdf>

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- 7.3. Swale Borough Council are of the opinion, therefore, that an environmental assessment of the Sittingbourne Town Centre SPD is not required as it is unlikely to have significant environmental effects.
- 7.4. It is also the Council's opinion that a full Habitats Regulations Appropriate Assessment is not required, as the Sittingbourne Town Centre SPD is unlikely to have a significant effect on any designated sites.
- 7.5. **This determination is made on the 16th December 2021.**

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Appendix 1: Policy ST5 of the adopted Swale Local Plan (2017)

Policy ST 5

The Sittingbourne area strategy

Within the Sittingbourne area, the town is the principal urban centre and focus for the main concentration of developments in and adjacent to the town. Development proposals will, as appropriate:

1. Increase the supply and quality of employment provision at 'Existing Strategic Employment Sites' or at allocations, or within the town centre regeneration area, where the need for office floorspace can be additionally met. Unanticipated needs that cannot be met at these or other existing employment sites, will be permitted at locations close to the A249 in accordance with Local Plan policies;
 2. Ensure the vitality of Sittingbourne town centre, as appropriate, by:
 - a. enhancing its retail offer and attractiveness to secure local spending and jobs, whilst providing improved spaces, better north-south links and buildings of architectural excellence;
 - b. providing a wider range of services, including transport, education, health, leisure and cultural facilities;
 - c. enhancing secondary areas of the town within West Street, Dover Street, Cockleshell Walk and East Street;
 - d. enhancing local character, heritage and the built environment by either working with the grain and focus of the A2 or aiding the rediscovery of Milton Creek;
 - e. safeguarding and expanding the network of urban green space and street trees within and beyond the centre; and
 - f. adding to the mix of uses within the town centre to increase its vitality and viability.
 3. Support, as required, improved connections to the A249 and M2 from west Sittingbourne and, in the longer term, the completion of the Sittingbourne Northern Relief Road to the A2;
 4. Provide housing/mixed uses within the Sittingbourne town centre regeneration or at other sites within urban and village confines, or as extensions to settlements, where indicated by proposed allocations;
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5. Create, where appropriate, mixed use and healthy communities and address disparities and housing market variances between communities north and south of the A2 through high quality design, new facilities and new jobs as appropriate;
 6. Maintain the individual character and separation of important local countryside gaps around Sittingbourne in accordance with Policy DM 25 and within the A2 corridor to the west of the town through to Rainham;
 7. Reduce levels of deprivation in the most deprived wards and facilitate as required, increased capacity in infrastructure and services;
 8. Where possible, achieve net gains in biodiversity and natural/semi-natural greenspace at development sites, especially within allocations to the north-west, south-west and east of the town and at Milton Creek and Iwade;
 9. In accordance with Policy CP 7, minimise and mitigate impacts on internationally designated sites for biodiversity, including, from developments within 6 km of an SPA, contributions toward the North Kent Strategic Access Management and Monitoring Strategy (SAMMS);
 10. Improve the condition and quality of landscapes in the area, especially those in poor condition and ensure that development is appropriate to landscape character and quality, especially within landscape designations and areas with low or moderate capacity to accommodate change;
 11. Unless allocated by the Local Plan, avoid the loss of high quality agricultural land in accordance with Policy DM 31;
 12. Are consistent with local air quality action plans for Newington High Street, Teynham Greenstreet, St. Paul's and East Street and bring forward innovative proposals for mitigation of adverse impacts;
 13. Conserve and enhance the historic and special interests of the town, coast, its rural area and landscapes; and
 14. Are appropriate to the level of risk from climate change, flooding and coastal change, especially where subject to Policy DM 23 on coastal change management.

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Appendix 2: SPD Area



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Appendix 3: Statutory Body Responses

Consultation Body	Consultation Response
Natural England (dated 08/12/21)	<p>Summary of Natural England’s Advice NO OBJECTION</p> <p>Based on the plans submitted, Natural England considers that the proposed supplementary planning document (SPD) will not have significant adverse impacts on designated sites and has no objection.</p> <p>Natural England’s further advice on designated sites/landscapes and advice on other natural environment issues is set out below.</p> <p>Additional Information Strategic Environmental Appraisal</p> <p>Planning Practice Guidance sets out that supplementary planning documents do not require a sustainability appraisal. But may in exceptional circumstances require a strategic environmental assessment if they are likely to have significant environmental effects that have not already been assessed during the preparation of the relevant strategic policies.</p> <p>Natural England note that the SPD provides further guidance relating to adopted Swale Local Plan Policy ST5. It is explained in Swale Borough Council’s assessment that, as the SPD is not setting new policy or allocating sites but only supplementing and providing further guidance to support the implementation of existing policies, it can be screened from further assessment. Natural England concurs with this view that the Sittingbourne Town Centre SPD is unlikely to have any significant effects on the environment and a full SEA is not required.</p> <p>Habitat Regulations Assessment</p> <p>Natural England notes that Swale Borough Council, as competent authority under the provision of the Habitats Regulations, have through this draft Screening Report, screened whether the SPD requires a Habitat Regulations Assessment (HRA). A HRA is required if it is deemed that likely adverse significant effects may occur on protected European Sites as a result of the implementation of a plan or project.</p> <p>The draft Screening Report sets out that the adopted Swale Local Plan was subject to a Habitats Regulation Assessment which assessed all the policies in the adopted Plan.</p> <p>Natural England notes that the SPD does not allocate sites or set policies, but instead provides additional advice and guidance on the implementation of Policy ST5 (The Sittingbourne area strategy) of the adopted Swale Local Plan (Bearing Fruits 2031) adopted on 26 July 2017.</p> <p>Your authorities assessment concludes that the SPD can be screened out from further stages of assessment because significant effects are unlikely to occur, either alone or in combination. On the basis of the information provided, Natural England concur with Swale Borough Council’s assessment that the guidance contained in the SPD is not</p>

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	<p>likely to have any significant effects on European Sites and that, therefore, an appropriate assessment is not required.</p> <p>Final Comments Should the proposal change, please consult us again.</p>
Historic England (dated 14/12/21)	In light of the Environmental Assessment of Plans and Programme Regulations 2004, our view is that a SEA <u>is not</u> required in this instance for the reason set out in paragraph 5.6 of the Screening Report.
Environment Agency (dated 16/12/21)	We concur with the conclusions of the Screening Report.