

**Guildford Borough Council Development Plan
Draft Thames Basin Heaths Special Protection Area Avoidance Strategy
Supplementary Planning Document**

**Strategic Environmental Assessment and Habitats Regulations
Assessment determination**

August 26 2016

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1. The Purpose of this document

- 1.1 This statement sets out the Council's determination under Regulation 9(1) of the Environmental Assessment of Plans and Programmes Regulations 2004 on whether or not a Strategic Environmental Assessment is required for the Thames Basin Heaths Special Protection Area Avoidance Strategy Supplementary Planning Document (the strategy). It also sets out the Council's determination under The Conservation of Habitats and Species Regulations 2010 on whether or not an appropriate assessment is required.

2. Habitats Regulations Assessment

- 2.1 Habitats Regulations Assessment is required to determine whether a plan or project would have significant adverse effects upon the integrity of internationally designated sites of nature conservation importance, or Natura 2000 sites. The need for HRA is set out within the EC Habitats Directive 92/43/EEC and transposed into British Law by Regulation 102 of the Conservation of Habitats and Species Regulations 2010.
- 2.2 The Directive states that any plan or project not connected or necessary for a site's management, but likely to have significant effects thereon shall be subject to appropriate assessment. The strategy elaborates saved South East Plan policy NRM6 which has already undergone HRA. Further, the strategy only sets out guidance on the approach to avoiding impacts on the SPA. In this way the strategy sets out guidance on avoiding impacts and as such there is no pathway which gives rise to significant effect either alone or in combination. It is therefore determined that an Appropriate Assessment is not required.

3. Strategic Environmental Assessment

- 3.1 Under the requirements of the European Union Directive 2001/42/EC (Strategic Environmental Assessment (SEA) Directive) and Environmental Assessment of Plans and Programmes Regulations (2004) specific types of plans that set the framework for the future development consent of projects must be subject to an environmental assessment.
- 3.2 There are exceptions to this requirement for plans that determine the use of a small area at a local level and for minor modifications if it has been determined that the plan is unlikely to have significant environmental effects.
- 3.3 In accordance with the provisions of the SEA Directive and the Environmental Assessment of Plans and Programmes Regulations (2004) (Regulation 9 (1)), the Council must determine if a plan requires an environmental assessment. Where the Borough Council determines that SEA is not required then under Regulation 9(3) the Council must prepare a statement setting out the reasons for this determination.
- 3.4 This statement is the Borough Council's Regulation 9(3) statement.

The SEA Screening Process

- 3.5 The process for determining whether or not an SEA is required is called screening. In order to screen, it is necessary to determine if a plan will have significant environmental effects using the criteria set out in Annex II of the Directive and

Schedule I of the Regulations. A determination cannot be made until the three statutory consultation bodies have been consulted: The Environment Agency, Natural England and Historic England.

- 3.6 Within 28 days of making its determination, the authority must publish a statement, such as this one, setting out its decision. If it determines that an SEA is not required, the statement must include the reasons for this.

The Strategy

- 3.7 The need to provide measures to ensure avoidance of the impacts of new development on the Thames Basin Heaths SPA is embedded within saved South East Plan Policy NRM6. The Appropriate Assessment of the South East Plan identified that such policies were necessary to avoid the environmental impacts of development. The emerging Guildford Local Plan will carry forward the approach of Policy NRM6 into local policy and the plan will be subject to the SEA process.
- 3.8 The strategy is produced in support of Policy NRM6 and Guildford Local Plan policy NE1 and will set out how those policies will be implemented to ensure that new development within Guildford borough avoids any significant adverse effect upon the Thames Basin Heaths Special Protection Area. The strategy is intended to provide general guidance on the Council’s approach to avoidance of likely significant effect on the Thames Basin Heaths SPA arising from new development.

SEA Determination and Reasons for Determination

- 3.9 Before making the final determination under Regulation 9, the three consultation bodies must be consulted. The responses received will be set out in the table below after the consultation.

Consultation body	Comments
Environment Agency	[Comment to be added]
Historic England	[Comment to be added]
Natural England	[Comment to be added]

- 3.10 Appendix 1 sets out the process for determining if the strategy will have significant environmental effects using the criteria set out in Annex II of the Directive and Schedule I of the Regulations.
- 3.11 On the basis of the screening process it is the Council's opinion that the Thames Basin Heaths Special Protection Area Avoidance Strategy SPD does not require an SEA under the SEA Directive and The Environmental Assessment of Plans and Programmes Regulations (2004). This is because there will be no significant environmental effects arising from its implementation and that it supplements adopted policy. In making this determination, the Borough Council has had regard to Schedule I of the Regulations and comments made by the Consultation Bodies.
- 3.12 This determination has been made on [Date final determination made, after statutory bodies have commented].

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**Appendix 1: SEA Screening for the Thames Basin Heaths Special Protection Area
Avoidance Strategy Supplementary Planning Document**

Criteria (from Annex II of SEA Directive and Schedule I of Regulations)	Guildford Borough Council's assessment
Characteristics of the plan or programme	
(a) The degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources.	The framework is set through adopted policy that deals with avoiding impacts to the Thames Basin Heaths SPA in the form of saved policy NRM6 of the South East Plan and policy NE1 of the Guildford Local Plan 2003. The strategy will supplement these policies and will help to ensure successful implementation of SANGs at a local level. It will not set the framework for the allocation or levels of development within the Borough or set the framework for individual projects.
(b) The degree to which the plan or programme influences other plans and programmes including those in a hierarchy.	The strategy will provide local guidance for SPA avoidance measures based on adopted policies. It is influenced by other higher tier plans rather than influencing other plans itself.
(c) The relevance of the plan or programme for the integration of environmental considerations, in particular with a view to promoting sustainable development.	The strategy has some relevance to the integration of environmental considerations and the promotion of sustainable development in terms of securing measures to avoid harm to European Sites of Nature Conservation Importance (Natura 2000).
(d) Environmental problems relevant to the plan or programme.	The SPA has been highlighted as an environmental problem in higher tier plans and policies (the South East Plan, the Guildford Local Plan 2003, and in the emerging new Guildford Local Plan). Environmental reports for these plans have addressed the SPA. The strategy only issues guidance in relation to avoiding identified impacts set out in higher tier policies and as such is not the primary vehicle for delivering avoidance measures.
(e) The relevance of the plan or programme for the implementation of Community (EU) legislation on the environment (for example, plans and programmes linked to waste management or water protection).	The strategy is relevant to the Habitats Directive (92/43/EEC) and the Birds Directive (79/409/EEC). However, the implementation of these Directives in terms of avoiding impacts is primarily through adopted policy and not the strategy.
Characteristics of the effects and of the area likely to be affected	

<p>(a) The probability, duration, frequency and reversibility of the effects.</p>	<p>The strategy will affect the entire borough of Guildford but will not in itself set out or bring forward development plans or projects. It will purely set out the approach taken to avoid harm to the SPA based on existing and proposed policies. As such, no significant effects will arise.</p>
<p>(b) The cumulative nature of the effects</p>	<p>The strategy is guidance only and as such is not considered to give rise to cumulative effects.</p>
<p>(c) The transboundary nature of the effects</p>	<p>None</p>
<p>(d) The risks to human health or the environment (for example, due to accidents)</p>	<p>None</p>
<p>(e) The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)</p>	<p>The strategy will form guidance for the Guildford Local Plan, and as such is a borough wide document. However, this is only in terms of the approach to implementing SPA avoidance measures which are delivered through higher tier policies.</p>
<p>(f) The value and vulnerability of the area likely to be affected due to:</p> <ul style="list-style-type: none"> i) Special natural characteristics or cultural heritage; ii) Exceeded environmental quality standards or limit values; iii) Intensive land-use. 	<p>None, given the nature of the document as guidance.</p>
<p>(g) The effects on areas or landscapes which have recognised national, Community or international protection status.</p>	<p>None. The purpose of the SPD is to set out further guidance on the implementation of regional and local policies which avoid significant effect to such areas.</p>