

Guildford Borough Council

Climate Change, Sustainable Design, Construction and Energy Supplementary Planning Document 2024

Strategic Environmental Assessment Screening and Habitat Regulations Assessment Statement of Determination

August 2024

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1. Introduction

The Purpose of this report

- 1.1 This statement sets out and explains the reasons for Guildford Borough Council's determination that the Planning Contributions for Open Space in New Developments Supplementary Planning Document ('SPD'):
- a. is not likely to lead to significant environmental effects under the Environmental Assessment of Plans and Programmes Regulations 2004 ('SEA Regulations') and accordingly does not require an environmental assessment, and
 - b. is not likely to lead to significant environmental effects on the Thames Basin Heaths Special Protection Area ('TBH SPA') under the Conservation of Habitats and Species Regulations (2017) ('HRA Regulations') and accordingly does not require Appropriate Assessment under those regulations.

2. Legislative background

Strategic Environmental Assessment

- 2.1 Under European Union Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment (the 'SEA Directive') and Regulation 9(1) of the SEA Regulations, the Council must determine whether a plan or programme would be likely to have significant environmental effects and therefore requires an 'environmental assessment'. Where the Council determines that this is not the case, then under Regulation 9(3) of the SEA Regulations the Council must prepare a statement setting out the reasons for that determination.

Habitats Regulations Assessment

- 2.2 Habitats Regulations Assessment (HRA) refers to the assessment required for any plan or project to assess the potential implications for European wildlife sites, also referred to as 'European sites', or 'Natura 2000' sites.
- 2.3 Under Article 6 of the European Union Habitats Directive 92/43/EEC ("The Habitats Directive") and Regulation 63(1) of the Conservation of Habitats and Species Regulations (2017) ("The 'Habitats Regulations'"), the Council is required to determine whether the policies in a neighbourhood plan will be likely to lead to a significant effect on a European site. Where it is determined that significant effects are likely, then the Council, under Regulation 63(1), 'must make an appropriate assessment of the implications of the plan or project for that site in view of that site's conservation objectives'.

SEA and HRA screening

- 2.4 The SPD was subject to SEA and HRA screening. The screening report can be seen at Appendix 1 of this determination statement. The SEA screening assessment concluded that the SPD is not likely to lead to significant environmental effects and, consequently, a full SEA is not required.
- 2.5 The HRA screening assessment concluded that the SPD is not likely to lead to significant effects upon European protected habitats and accordingly does not require an Appropriate Assessment.

3. Consultation

- 3.1 In accordance with the SEA regulations (regulations 4(1) and 9(2)), the Council contacted Natural England, Historic England and the Environment Agency (the statutory 'consultation bodies') on 05 July 2024 by email to consult them on the findings of the SEA screening assessment of the SPD. Under Regulation 63(3) of the Habitat Regulations, the Council also contacted Natural England (also in July 2024) to consult them on the HRA screening assessment. All three bodies were given until 09 August 2024 to respond to the consultation on the report's findings. The determination was formally made on 09 August 2024 .
- 3.2 None of the statutory bodies objected to the report's conclusion that there was no need for a full SEA or environmental report. Their responses are included as Appendix 2 of the screening report. Natural England's response also confirmed agreement with the findings of the HRA screening.
- 3.3 In accordance with Regulation 11(1) of the SEA Regulations, the Council emailed this determination statement to the statutory bodies following (within 28 days of making) the determination being made. In accordance with Regulation 11(2) of the SEA Regulations the Council also published the statement and report on its website, along with the address at which people could inspect or obtain printed copies of these documents.

4. Conclusion

- 4.1 The SEA/HRA screening assessment indicates, firstly that SEA is not required; and secondly that no likely significant environmental effects are likely to occur that would affect the integrity of the European sites within and around Guildford Borough due to implementation of the SPD. Making the plan is therefore compatible with European obligations. These conclusions are supported by the responses of the relevant statutory bodies for SEA and HRA.

5. Appendix 1: Strategic Environmental Assessment and Habitats Regulations Assessment Screening Report

Guildford Borough Council

Climate Change, Sustainable Design, Construction and Energy Supplementary Planning Document 2024

Strategic Environmental Assessment Screening and Habitat Regulations Assessment Screening Report

July 2024

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1. Introduction

The Purpose of this report

- 1.1 Guildford Borough Council has prepared a Climate Change, Sustainable Design, Construction and Energy Supplementary Planning Document (the 'SPD'). The SPD provides detailed guidance on the relevant Local Plan policies and then sets out the information that must be included to meet the energy requirements, sustainability requirements as well as guidance on applications for renewable and low carbon energy generation and storage developments. The purpose of this report is to ascertain whether the draft SPD may have a significant effect on the environment and therefore require a Strategic Environmental Assessment ('SEA') under European Directive 2001/42/EC (the 'SEA Directive').
- 1.2 It also determines whether the contents of the SPD require a Habitats Regulations Assessment ('HRA') in accordance with European Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (the 'Habitats Directive') and the associated Conservation of Habitats and Species Regulations 2017 (the 'Habitats Regulations').
- 1.3 The legislative background, set out in Section 2, outlines the regulations that stipulate the need for this screening exercise. Sections 3 and 4 provide screening assessments for the SPD which will be used to determine whether there are likely to be any significant environmental effects and a requirement for a full SEA (Environmental Report) and HRA (Appropriate Assessment).

2. Legislative background

Habitat Regulations Assessment

- 2.1 HRA 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 105 of the Conservation of Habitats and Species Regulations 2017.
- 2.2 The Habitats Regulations transpose Council Directive 92/43/EEC, on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive), into UK law. They also transpose elements of the EU Wild Birds Directive in England and Wales. They require HRA to be undertaken for any plan or project likely to have a significant effect upon a European protected site.
- 2.3 A HRA is required for a plan or project to assess the potential implications for European wildlife sites, i.e. 'European sites' or 'Natura 2000 sites'. It explores whether the implementation of a plan or project would harm the habitats or species for which the European sites are designated. The European sites are:
 - Special Protection Areas (SPAs) – designated by the Birds Directive (79/409/EEC as amended and 2009/147/EC), and:
 - Special Areas of Conservation (SACs) – designated by the Habitats Directive (92/43/EEC).
- 2.4 Ramsar sites are designated under the Ramsar convention. The Ramsar convention's mission is to conserve and sustainably utilise wetland habitats. Although Ramsar sites are not covered by the Habitats Regulations, as a matter of Government Policy, they should be treated in the same way as European wildlife sites (i.e. SPAs and SACs). European wildlife sites and Ramsar sites are collectively known as internationally designated wildlife sites. Sites of Community Importance (SCIs), which are sites that have been adopted by the European Commission but not yet formally designated by the government, must also be considered.
- 2.5 It is a requirement of Article 102 of the Conservation of Habitats and Species Regulations 2017 that "the plan-making authority for that plan must, before the plan is given effect, make an Appropriate Assessment of the implications for the site in view of that site's conservation objectives", where the plan is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and where it is not directly connected with or necessary to the management of the site.
- 2.6 Article 102 also requires that "in the light of the conclusions of the assessment, and subject to regulation 103 (considerations of overriding public interest), the plan-making authority

must give effect to the land use plan only after having ascertained that it will not adversely affect the integrity of the European site or the European offshore marine site (as the case may be)".

- 2.7 Spatial planning documents are required to undergo HRA if they are not directly connected with, or necessary to, the management of a European site, which is the case for the SPD.

Strategic Environmental Assessment

- 2.8 The purpose of SEA is to integrate considerations of the environment into the preparation and adoption of plans with a view to promoting sustainable development. Under the requirements of the European Union Directive 2001/42/EC (Strategic Environmental Assessment (SEA) Directive) and the 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.
- 2.9 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 whether a plan requires an environmental report. If the Council determines that an environmental report is not required, Regulation 9(3) requires the Council to prepare a statement setting out the reasons for this determination.
- 2.10 SEA involves evaluation of the environmental impacts of a plan or programme. The requirement for SEA is set out in the European Directive 2001/42/EC adopted into UK law as the Environmental Assessment of Plans or Programmes Regulations 2004. The SEA Directive sets out a legal assessment process that must be followed. Often within the planning context, the SEA requirements are met by incorporating it within a Sustainability Appraisal (SA), which is a requirement for Development Plan Documents (but not Supplementary Planning Documents).
- 2.11 The Planning Practice Guidance makes it clear that SEA may be of relevance for Supplementary Planning Documents where they could have significant effects on the environment that have not been assessed within the SEA/SA of the Local Plan. To establish whether the plan proposal is thought to have significant environmental effects and therefore require an SEA environmental report, a screening process is necessary.

3. Climate Change Sustainable Design, Construction and Energy Supplementary Planning Document

- 3.1 The purpose of the Climate Change, Sustainable Design, Construction and Energy SPD ('the SPD') is to update and supersede the Climate Change, Sustainable Design, Construction and Energy Supplementary Planning Document that was adopted in 2020.
- 3.2 The SPD draws together and outlines the Local Plan policies that are relevant for climate change and sustainable design, construction and energy. The relevant policies are listed below:
- LPSS Policy D2: Climate change, sustainable design, construction and energy (as amended by LPDMP Policy D16)
 - LPSS Policy D1: Place shaping,
 - LPSS Policy P4: Flooding, Flood Risk and Groundwater Protection Zones
 - LPDMP Policy D5: Protection of Amenity and Provision of Amenity Space
 - LPDMP Policy D14: Sustainable and Low Impact Development
 - LPDMP Policy D15: Climate Change Adaptation
 - LPDMP Policy D16: Carbon Emissions from Buildings
 - LPDMP Policy D17: Renewable and Low Carbon Energy Generation and Storage
 - LPDMP Policy P11: Sustainable Surface Water Management
- 3.3 The SPD complements the Local Plan policies by providing detailed guidance on the Local Plan policies and then sets out the information that must be included to meet the energy requirements, sustainability requirements as well as guidance on applications for renewable and low carbon energy generation and storage developments.
- 3.4 Therefore, the document does not constitute new policy. Rather, it will be used to set out the information that must be submitted with planning applications to meet the requirements of the relevant policies in the Local Plan. It is a material consideration when planning decisions are made across the whole Guildford Borough area.

4. Habitat Regulations Assessment Screening

HRA Methodology

4.1 HRA follows a three-stage process as outlined in the Department Environment, Food and Rural Affairs and Natural England guidance "Habitats regulations assessments: protecting a European site"¹. These stages are described below:

HRA Stage 1 – Screening

- 4.2 This process identifies the likely effects upon a European site of a project or plan, either alone or in combination with other projects or plans, and determines whether these effects are likely to be significant.
- 4.3 Following the ECJ judgement in the case of “people over wind” (Case C-323/17), measures that are necessary to avoid or reduce impacts on the European site, even when considered standard environmental best-practice, cannot be taken into account at this stage.
- 4.4 In order to complete the screening assessment, it is necessary to:
- Identify the European sites within and outside the plan area likely to be affected, the reasons for their designation and their conservation objectives.
 - Describe the plan and its aims and objectives and also those of other projects or plans that in combination have the potential to impact upon the European sites.
 - Identify the potential effects on the European sites.
 - Assess the significance of these potential effects on the European sites.
- 4.5 It is recognised that some policy ‘types’ cannot affect any European sites. Different guidance documents suggest various classification and referencing systems to help identify those policies that can be safely screened out to ensure the HRA focuses on the policies with any potential to result in likely significant effects.
- 4.6 Table 1 below summarizes the characteristics of policies that can usually be screened out.

Table 1 Policy “types” that can usually be screened out

Broad Policy Type	Notes
General statements of policy	The European Commission recognises that plans or plan components that are general statements of policy or political aspirations cannot have significant effects
General design/guidance criteria	A general “criteria based” policy expresses the tests or expectations of the plan-making body when it comes to consider particular proposals, or relate to design or other qualitative criteria which do not themselves lead to development (e.g. controls on building design)
External plans/projects	Plans or projects that are proposed by other plans and are referred to in the plan being assessed for completeness

¹ Available online at <https://www.gov.uk/guidance/habitats-regulations-assessments-protecting-a-european-site>

- 4.7 If no likely significant effects are determined, the project or plan can proceed. If any likely significant effects are identified, stage 2 commences.
- 4.8 European case law has ruled that the question of whether an effect would be “significant” is linked to the site’s conservation objectives. Under this test:
- A “significant effect” only includes effects that would undermine a European site’s conservation objectives, for example by reducing the area or quality of protected habitat for which the site was designated, or by the disturbance or displacement of species for which the site was designated.
 - A plan or project with effects that do not impact on a European site’s conservation objectives would not be considered to be “significant” for the purpose of this decision. For example, this might be the case for low-impact temporary effects, or effects such as the loss of a small area of land which is not an interest feature of the site and has no effect, or an insignificant effect, on the habitat or species which are an interest feature.
- 4.9 If there is uncertainty, and it is not possible, based on the information available, to confidently determine that there will be no significant effects on a site then the precautionary principle will be applied and the plan will be subject to an Appropriate Assessment (HRA stage 2).

HRA Stage 2 – Appropriate Assessment

- 4.10 Stage 2 is subsequent to the identification of likely significant effects upon a European site in stage 1. This assessment determines whether a project or plan would have an adverse impact on the integrity of a European site, either alone or in combination with other projects or plans.
- 4.11 This assessment is confined to the effects on the internationally important habitats and species for which the site is designated (i.e. the interest features of the site). If no adverse impact is determined, the project or plan can proceed.
- 4.12 Where a plan or project has been found to have adverse impacts on the integrity of a European site, potential avoidance/mitigation measures or alternative options should be identified. If suitable avoidance/mitigation or alternative options are identified, that result in there being no adverse impacts from the project or plan on European sites, the project or plan can proceed. If no suitable avoidance/mitigation or alternative options are identified, as a rule the project or plan should not proceed.
- 4.13 If an adverse impact is identified following consideration of avoidance/mitigation and alternatives, stage 3 is commenced.

HRA Stage 3 – Derogation

4.14 In certain circumstances a proposal which has failed the integrity test can go ahead. Three legal tests must be passed for a derogation to be granted.

1. There are no feasible alternative solutions that would be less damaging or avoid damage to the site.
2. The proposal needs to be carried out for imperative reasons of overriding public interest.
3. The necessary compensatory measures can be secured.

HRA Screening Assessment

Limitations

4.15 No limitations encountered.

European sites

4.16 All or part of the following European sites fall within the borough boundary (see map at Appendix 1).

- Thames Basin Heaths SPA.
- Thursley, Ash, Pirbright Chobham SAC.

4.17 All or part of the following European sites fall within 10 km of the borough boundary (see map at Appendix 1).

- Thursley, Hankley and Frensham Commons SPA.
- Wealden Heaths Phase II SPA.
- South West London Waterbodies SPA.
- Mole Gap to Reigate Escarpment SAC .

4.18 All these sites are relevant to the assessment.

Potential impacts and pathways of impact

4.19 SPDs can potentially have adverse impacts on the habitats and species for which European sites are designated by guiding the design of new developments and/or by guiding planning decisions towards permission or refusal. These impacts can be direct, such as habitat loss, fragmentation or degradation, or indirect, such as disturbance from recreational activities and water and air pollution from construction and transport.

4.20 It is established that when new homes are built within the vicinity of the Thames Basin Heaths SPA, the resulting increase in recreational pressure and the effects of urbanisation can have negative impacts on the populations of the three bird species for which the SPA is designated. As a result:

- Net new residential development is prohibited within 400m of the SPA.

- Within 5km, the recreational impact of all net new residential development must be mitigated through the use of Suitable Alternative Natural Greenspace (SANG) to attract visitors away from the SPA and funding for the Strategic Access Management and Monitoring programme (SAMM).
- Within the 5-7km zone, residential developments of over 50 net new dwellings only may be considered to have a recreational impact, established on a case-by-case basis.

4.21 The borough boundary contains land within all three zones.

4.22 More detail on this approach is provided in the SPA Strategy.²

4.23 The qualifying features and conservation objectives for the European sites are set out in Table 2.

4.24 Table 3 identifies the hazards to which the sites are potentially sensitive.

Table 2 Details of European Sites within 10km buffer around Guildford Borough (data sourced from Natural England)³

European Site	Qualifying Features and Conservation Objectives
Thames Basin Heaths SPA & Thursley, Hankley and Frensham Commons SPA & Wealden Heaths Phase II SPA	<p>Qualifying Features:</p> <ul style="list-style-type: none"> • A224 <i>Caprimulgus europaeus</i>; European nightjar (Breeding) • A246 <i>Lullula arborea</i>; Woodlark (Breeding) • A302 <i>Sylvia undata</i>; Dartford warbler (Breeding) <p>Conservation objectives:</p> <p>Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring:</p> <ul style="list-style-type: none"> • The extent and distribution of the habitats of the qualifying features, • The structure and function of the habitats of the qualifying features, • The supporting processes on which the habitats of the qualifying features rely, • The population of each of the qualifying features, and • The distribution of the qualifying features within the site.
Thursley, Ash, Pirbright & Chobham SAC	<p>Qualifying Features:</p> <ul style="list-style-type: none"> • H4010. Northern Atlantic wet heaths with <i>Erica tetralix</i>; Wet heathland with cross-leaved heath • H4030. European dry heaths • H7150: Depressions on peat substrates of the <i>Rhynchosporion</i> <p>Conservation objectives:</p> <p>Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring:</p> <ul style="list-style-type: none"> • The extent and distribution of qualifying natural habitats, • The structure and function (including typical species) of qualifying natural habitats, and

² Available at [Thames Basin Heaths Special Protection Area SPD - Guildford Borough Council](#)

³ Available at [Natural England Access to Evidence - Conservation objectives European Sites: London and South East](#)

<p>Mole Gap to Reigate Escarpment SAC</p>	<ul style="list-style-type: none"> • The supporting processes on which qualifying natural habitats rely. <p>Qualifying Features:</p> <ul style="list-style-type: none"> • H4030. European dry heaths • H5110. Stable xerothermophilous formations with <i>Buxus sempervirens</i> on rock slopes (<i>Berberidion</i> p.p.); Natural box scrub • H6210. Semi-natural dry grasslands and scrubland facies: on calcareous substrates (<i>FestucoBrometalia</i>) (important orchid sites); Dry grasslands and scrublands on chalk or limestone (important orchid sites) • H9130. <i>Asperulo-Fagetum</i> beech forests; Beech forests on neutral to rich soils • H91J0. <i>Taxus baccata</i> woods of the British Isles; Yew-dominated woodland* • S1166. <i>Triturus cristatus</i>; Great crested newt • S1323. <i>Myotis bechsteinii</i>; Bechstein`s bat <p>Conservation objectives:</p> <p>Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;</p> <ul style="list-style-type: none"> • The extent and distribution of qualifying natural habitats and habitats of qualifying species, • The structure and function (including typical species) of qualifying natural habitats, • The structure and function of the habitats of qualifying species, • The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely, • The populations of qualifying species, and • The distribution of qualifying species within the site.
<p>South West London Waterbodies SPA</p>	<p>Qualifying Features:</p> <ul style="list-style-type: none"> • A051 <i>Anas strepera</i>; Gadwall (Non-breeding) • A056 <i>Anas clypeata</i>; Northern shoveler (Non-breeding) <p>Conservation objectives:</p> <p>Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring;</p> <ul style="list-style-type: none"> • The extent and distribution of the habitats of the qualifying features, • The structure and function of the habitats of the qualifying features, • The supporting processes on which the habitats of the qualifying features rely, • The population of each of the qualifying features, and • The distribution of the qualifying features within the site.

Table 3 Threats and pressures for each European site identified as potentially being affected by the plan (data sourced from the Joint Nature Conservation Committee (JNCC)⁴)

Threats and pressures	Thames Basin Heaths SPA	Thursley, Ash, Pirbright & Chobham SAC	Thursley, Hankley and Frensham Commons SPA	Wealden Heaths Phase II SPA	Mole Gap to Reigate Escarpment SAC	South West London Waterbodies SPA
A02 Modification of cultivation practices				Yes	Yes	
A04 Grazing		Yes				
B02 Forest and Plantation management & use	Yes					
F01 Marine and Freshwater Aquaculture						Yes
G01 Outdoor sports and leisure activities, recreational activities	Yes		Yes	Yes		Yes
G05 Other human intrusions and disturbances	Yes	Yes	Yes			
H04 Air pollution, air-borne pollutants	Yes	Yes	Yes		Yes	
I01 Invasive non-native species				Yes		Yes
J02 Human induced changes in hydraulic conditions		Yes		Yes		
K01 Abiotic (slow) natural processes						Yes
K02 Biocenotic evolution, succession	Yes	Yes	Yes		Yes	
K04 Interspecific floral relations					Yes	
M02 Changes in biotic conditions						Yes
U Unknown threat or pressure				Yes		

Potential for in-combination effects

- 4.25 A description of the guidance is provided in Section 3. The SPD will become statutory guidance for the Development Plan for the borough of Guildford.
- 4.26 A series of individually modest effects may in-combination produce effects that are likely to adversely affect the integrity of one of more European sites. Article 6(3) of the Habitats Directive tries to address this by taking into account the combination of effects from other plans or projects. The Directive does not explicitly define which other plans and projects are within the scope of the in-combination provision. Guidance in section 4.4.3 of 'Managing Natura 2000 sites: The provisions of Article 6 of the 'Habitats' Directive 92/43/EEC', published by the European Commission, states: 'When determining likely significant effects, the combination of other plans or projects should also be considered to

⁴ SAC data sourced from <https://sac.jncc.gov.uk/>. SPA data sourced from <https://jncc.gov.uk/our-work/list-of-spas/>

take account of cumulative impacts. It would seem appropriate to restrict the combination provision to other plans or projects which have been actually proposed’.

4.27 Table 4 lists the relevant plans and projects that have been identified as having the potential to result in adverse effects on European sites in-combination with the SPD.

Table 4 Other Plans and Projects

Plan/ Projects	Potential in-combination effects
National Planning Policy Framework (NPPF)	<p>The NPPF sets out national planning policy to be taken into account when preparing new Development Plan Documents and making decisions on planning applications. In relation to conserving and enhancing the natural environment the NPPF states that the planning systems should contribute and enhance the natural and local environment through minimising impacts on biodiversity and providing net gains in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures (paragraph 180). It also requires local planning authorities to include policies against which proposals for any developments on, or affecting, protected habitats will be judged, with distinctions made between the hierarchy of international, national and locally designated sites, so that protection is commensurate with their status. The presumption in favour of sustainable development, enshrined within the NPPF, <i>“does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site”</i> (paragraph 188).</p> <p>The SPD will interact with the NPPF and influence planning decisions. However, it cannot override protections built into the NPPF, or into DPDs which must align with the protections in the NPPF. The SPD provides detail for mitigation necessary for the protection of European sites so will instead help to deliver the protections established through Development Plan policy, which in turn are aligned with the NPPF.</p>
Guildford Local Plan (comprising the Local Plan: Strategy and Sites (2019), Local Plan Development Management Policies (2023) and remaining policies of the Local Plan 2003)	<p>Once adopted, the SPD will form guidance for the Local Plan, specifically for policies D1, D2, P4, D5, D14, D15-17, and P11. The Local Plan contains a number of policies that protect the natural environment, including P5 which states that permission will not be granted for development proposals unless it can be demonstrated that doing so would not give rise to adverse effects on the ecological integrity of the Thames Basin Heaths SPA, whether alone or in-combination with other development. The SPD does not override protection of the Thames Basin Heaths SPA so will not lead to adverse effects on European sites.</p>
Thames Basin Heaths Special	<p>This document was adopted on 18th July 2017. Natural England has recognised that residential development across the South East region could have potentially</p>

<p>Protection Area Avoidance Strategy 2017 Supplementary Planning Document (Guildford Borough Council, 2017)</p>	<p>adverse impact on the Thames Basin Heaths SPA through increased recreational use creating disturbance impacts. Guildford Borough Council, along with other councils where development has the potential to impact upon the SPA, have therefore adopted avoidance strategies in conjunction with Natural England, to identify where adverse impacts may arise and the avoidance and/or mitigation measures required. The avoidance strategy should prevent a situation arising where Local Authorities will not be able to grant planning permission for further residential development within 5km of these designated heathlands (the area identified as the Zone of Influence for cumulative impacts). This strategy therefore provides an assessment framework to identify where policies of the plan may result in adverse impacts on the SPA and this is taken into account throughout this HRA. The strategy is silent on SAC sites. Negative in-combination effects on European sites are therefore unlikely.</p>
<p>The South East Plan</p>	<p>Although the Regional Spatial Strategy for the South East has now been partially revoked under the 2011 Localism Act, policy NRM6 relating to the Thames Basin Heaths SPA was retained and remains part of the development plan. Policy NRM6 relates to new residential development which is likely to have a significant effect on the ecological integrity of the Thames Basin Heaths SPA and requires mitigation measures to prevent the adverse impacts. Negative in-combination effects on European sites are therefore unlikely.</p>

Screening

- 4.28 Each part of the SPD has been primarily assessed against the criteria provided in the guidance prepared by Tydesley and Associates for Natural England titled, 'The Assessment of Regional Spatial Strategies and Sub Regional Strategies under the Provisions of the Habitats Regulations 2006.' The analysis details are presented in Table 5.

Table 5 Climate Change SPD screening

Guidance sections	Guidance summary	Likely impact?	Why guidance will have no impact on Natura 2000 sites	Essential recommendations to avoid potential negative effects on European sites
Introduction	Background to the SPD setting out the purpose and structure of the document.	No	The information explains how to read the document and does not govern the development or use of land so will not lead to development.	None
Section 2	Section 2 sets out the Local Plan policies the SPD provides additional guidance on.	No	The information lists the documents that constitute the Development Plan, and lists the relevant Local Plan policies.	None
Section 3	An overview of the information that should be submitted to support planning applications.	No	The section sets out the sort of information that should be submitted by applicants seeking planning permission. Whilst it does provide guidance on the content of planning applications, it is closely aligned with policy so does not add any new requirements.	None

Section 4	Guidance on the content that should be included to meet the policy requirements relating to energy.	No	<p>The section sets out guidance on what sort of information should be included to meet the local plan policy requirements relating to energy. It could have an impact on the way schemes are delivered by improving compliance with adopted policy.</p> <p>This general “criteria based” guidance expresses the tests or expectations of the plan-making body when it comes to consider particular proposals, or relates to design or other qualitative criteria which do not themselves lead to development.</p>	None
Section 5	Guidance on the content that should be included to meet the policy requirements relating to sustainability.	No	<p>The section sets out guidance on what sort of information should be included to meet the local plan policy requirements relating to sustainability. It could have an impact on the way schemes are delivered by improving compliance with adopted policy.</p> <p>This general “criteria based” guidance expresses the tests or expectations of the plan-making body when it comes to consider particular proposals, or relates to design or other qualitative criteria which do not themselves lead to development.</p>	None
Section 6	Guidance on the content that should be included by applications for renewable and low carbon energy generation and/or storage to meet the relevant policy requirements.	No	<p>This section provides guidance specifically to Local Plan policy D17, and details what information should be provided by applications for renewable and low carbon energy generation and/or storage. It could have an impact on the way schemes are delivered by improving compliance with adopted policy.</p> <p>This general “criteria based” guidance expresses the tests or expectations of the plan-making body when it comes to consider particular proposals, or relates to design or other qualitative criteria which do not themselves lead to development.</p>	None
Section 7	Section 7 is a glossary.	No	The section provides a brief explanation for key terminology and acronyms used throughout the guidance in the SPD.	None

Section 8	Section 8 sets out the appendices.	No	<p>Appendix 1 is a Map to support the guidance in the main document. Appendix 2 sets out guidance on what sort of information should be provided to support non-major developments. It could have an impact on the way schemes are delivered by improving compliance with adopted policy and by requiring non-major developments to consider the guidance included within sections 4 and 5.</p> <p>This general “criteria based” policy expresses the tests or expectations of the plan-making body when it comes to consider particular proposals, or relates to design or other qualitative criteria which do not themselves lead to development.</p>	None
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HRA Screening Conclusions

- 4.29 None of the guidance outlined within the SPD is likely to lead to significant effects on European sites. Therefore stage 2 (appropriate assessment and ascertaining adverse impacts on site integrity) and stage 3 (derogations) of the HRA process are not necessary.

5. SEA screening

SEA Screening Methodology

- 5.1 The screening process is based upon consideration of standard criteria to determine whether the plan or programme (in this case, the SPD) is likely to have “significant environmental effects” and therefore require a full SEA Environmental Report. Should it be determined by the local authority and consultation bodies that a full SEA does need to be undertaken, the Council will need to undertake the Scoping stage of SEA.
- 5.2 To establish whether a plan or programme requires SEA, a screening assessment is required against a series of criteria set out in the SEA Directive. Figure 1 **Error! Reference source not found.** sets out the screening process and how a plan should be assessed against the SEA Directive criteria.

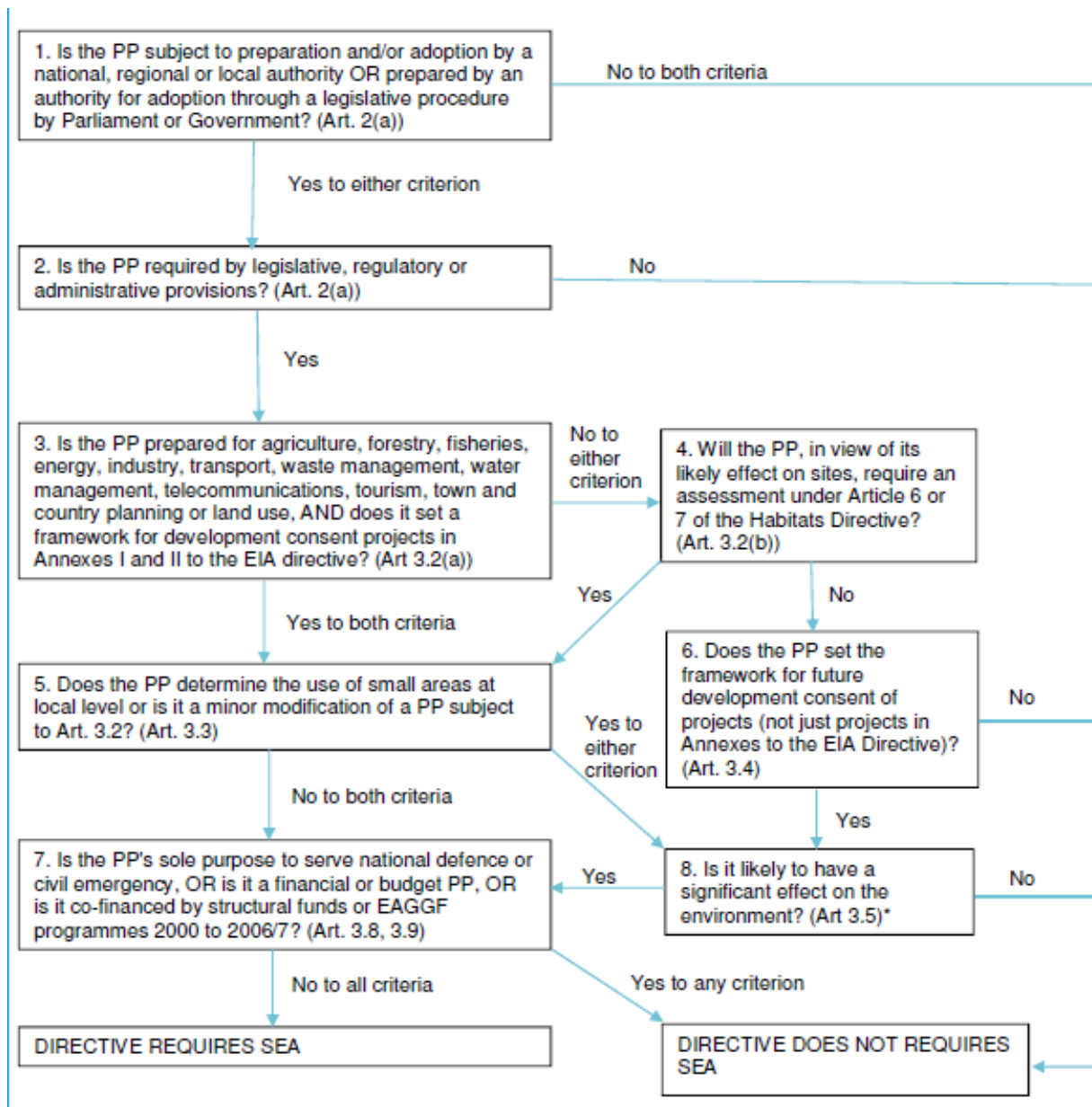


Figure 1 Application of the SEA Directive to plans and programmes (from "A Practical Guide to the Strategic Environmental Assessment Directive", ODPM, 2005).

5.3 Assessing the significance of the environmental effects that this proposal will have depends on the provisions within it. The criteria for assessing significance are referred to in Article 3.5 and set out within Annex II of the SEA Directive and is presented in Figure 2 .

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 regards to 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.

Figure 2 Criteria for assessing significance

5.4 The SEA screening assessment is therefore split into two parts. Part 1 runs the proposal through the questions outlined in Figure 1 **Error! Reference source not found.** and includes commentary of whether the need for SEA is triggered. Part 2 assess the proposal across 8 stages to establish whether there are likely significant effects. The screening opinion takes a 'precautionary approach' and when it is unclear as to how the Directive may be applied it is assumed that there are possible likely significant effects. An assessment of the characteristics of the proposal against these criteria is set out in Table 6 and Table 7 of this report.

Part 1 – Application of the Directive to the SPD

Table 6 Establishing the need for SEA by following the flowchart in Figure 1

	Stage	Yes/No	Justification
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))	Yes (proceed to Q2)	The SPD will be adopted by Guildford Borough Council and will be a material consideration in planning decisions.
2.	Is the PP required by legislative, regulatory or administrative provisions? (Art. 2(a))	Yes (Yes when adopted so proceed to Q3)	SPDs are optional; there is no legislative or regulatory requirement to prepare them. This particular SPD has been produced to supplement the statutory Local Plan.
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))	No Yes to both criteria (proceed to Q5)	Whilst the SPD has been prepared for town and country planning purposes, it does not set out new policy. The local policy that the SPD supplements has already been subject to SA/SEA in the development of the Local Plan. The SPD does not set a framework for future development consent of projects in Annexes I and II – this is set by the policy.
4.	Will the PP, in view of its likely effects on sites require an assessment under Article 6 or 7 of the Habitats Directive? (Art. 3.2(b))	No	The policies that the SPD supplements have themselves been subject to Habitats Regulations Assessment. An HRA screening is provided in this document which finds that the SPD will not lead to likely significant effects under the Habitats Regulations.
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)	No	The PP does not determine the use of small areas at local level and is not a minor modification of a PP subject,
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)	No	The SPD provides further guidance to supplement policy in the Local Plan and does not constitute new policy and does therefore not set a framework. Rather, it will be used to implement existing policy.
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	N/A	Not applicable.

	EAGGF programmes 2000 to 2006/7? (Art 3.8, 3.9)		
8.	Is it likely to have a significant effect on the environment? (Art. 3.5)	No	The purpose of the SPD is to provide guidance to assist in the interpretation of adopted policy in the Local Plan. The relevant policies were subject to SEA (incorporated within the Sustainability Appraisal) through the Local Plan process, and no significant effects were expected. Therefore, the SPD will not itself have any significant effects on the environment. SPD does not require SEA.

Part 2 – Likely significant effects on the environment

5.5 Criteria for determining the likely significance of effects referred to in Article 3(5) of Directive 2001/42/EC are set out below, together with a commentary on whether the SPD would trigger the need for a full assessment.

Table 7 Assessing Likely Significant Effects using the criteria in Figure 2 - The Characteristics of Plans and Programmes

SEA Directive Criteria	Yes/No	Justification
a) The degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources	No	The SPD will not set a framework for other projects or activities. It will provide additional guidance on existing policy and the strategy. Both have been subject to SEA (concluding no significant effects expected).
b) The degree to which the plan or programme influences other plans and programmes including those in a hierarchy	No	The Local Plan provides the adopted policies that the SPD will supplement. The SPD only expands and provides guidance on the policies and does not introduce new policy. The SPD will be at the bottom of the hierarchy and will have no influence on the documents above it.
c) The relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development	No	The SPD will contribute to sustainable development by providing more detail and guidance to support the policies within the Local Plan. The policies within the Local Plan are not expected to have any significant effects on the environment.
d) Environmental problems relevant to the plan or programme	No	The policies within the Local Plan that the SPD supplements are not expected to have any significant negative effects on the environment. The SPD will help to avoid such effects.

e) 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)	No	The SPD is not directly relevant to the implementation of EC legislation such as waste management or water protection, though it will have beneficial effects for the environment.
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Table 8 Assessing Likely Significant Effects using the criteria in Figure 2 – The characteristics of the effects and of the area likely to be affected

SEA Directive Criteria	Yes/No	Justification
a) The probability, duration, frequency and reversibility of the effects	No	The anticipated effects on the sustainability of the borough are expected to be positive by providing guidance to support policies on how to reduce the environmental impact from development. The duration of the effects is difficult to define; the effects will be linked to a planning permission which is (usually) permanent unless superseded by a subsequent permission on the same site.
b) The cumulative nature of the effects	No	No significant cumulative effects are expected.
c) The transboundary nature of the effects	No	No significant transboundary effects are expected.
d) The risks to human health or the environment (e.g. due to accidents)	No	The SPD does not create any significant risks to human health or the environment.
e) The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)	No	The SPD will not have significant environmental effects across or outside of this geographical area.
f) The value and vulnerability of the area likely to be affected due to: (i) special natural characteristics or cultural heritage, (ii) exceeded environmental quality standards or limit values, (iii) intensive land-use,	No	The SPD does not allocate any land for development and therefore significant effects on natural characteristics and cultural heritage are unlikely as are significant effects on air quality, water availability/quality and intensive land use. The anticipated effects on the sustainability of the borough are expected to be positive by providing guidance on sustainable development. The SPD provides guidance on improving properties to improve energy performance and on modern methods of construction. There is potential for these to harm the historic environment. However, the SPD also includes guidance on the retrofitting of heritage buildings in order to ensure that harm will not arise.

g) The effects on areas or landscapes which have a recognised national, Community or international protection status.	No	The anticipated effects on the sustainability of the borough are expected to be positive by providing guidance to support policies regarding sustainability and climate change.
Part 2 Overall Conclusion		The SPD is unlikely to have significant environmental effects.

SEA screening conclusions

- 5.6 The Local Plan policies D1, D2, P4, D5, D14, D15-17, and P11 that the SPD supports, have themselves been subject to Strategic Environmental Assessment (SEA) through the Sustainability Appraisal (SA) of the Local Plan. As the SPD only provides guidance for existing policies, it will not alter the conclusions reached in the Local Plan SAs/SEA. The SPD does not set out new policy.
- 5.7 Applying the guidance set out in “A Practical Guide to the Strategic Environmental Assessment Directive”, the assessment concluded that the proposal will not lead to likely significant effects on the environment and accordingly does not require a SEA environmental report.
- 5.8 On this basis, and taking account of the SA/SEA undertaken at a higher level through preparation of the Local Plan and the effects expected, Guildford Borough Council concludes that the SPD does not require a full SEA to be undertaken.

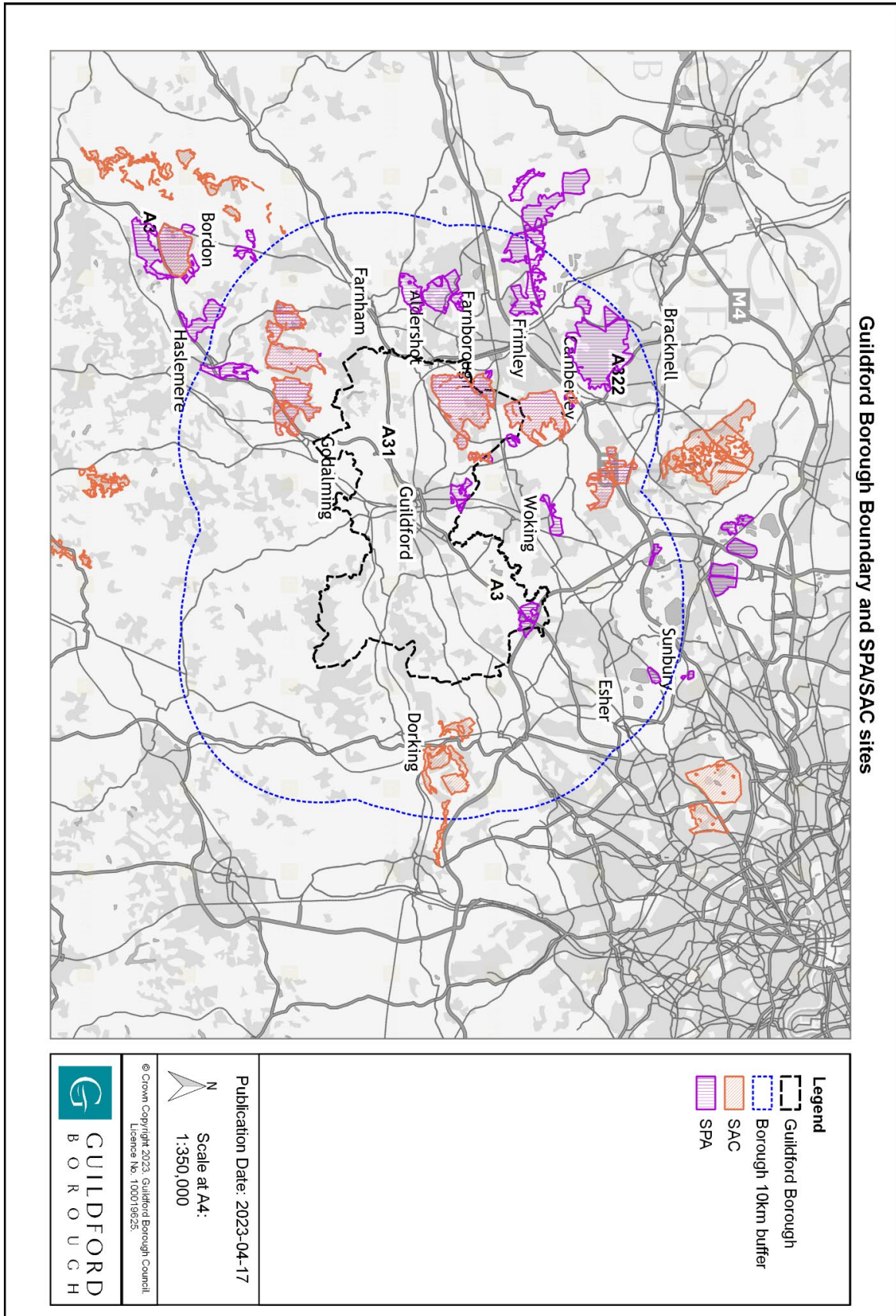
6. HRA and SEA Screening Consultation

- 6.1 Guildford Borough Council is required to consult with Historic England, the Environment Agency and Natural England on all SEA screening opinions, and with Natural England on all HRA screening opinions, before formally determining whether a strategic environmental assessment and/or HRA appropriate assessment is needed. The conclusions outlined in this document will be sent to the Environment Agency, Natural England and Historic England for consideration and their responses will be included in the final SEA and HRA screening report.
- 6.2 Once the consultation period is over, a determination will be made and a statement of reasons will be written and made available. A notice of the determination will be available for public access within 28 days of the date of the determination (in line with SEA Regulation 11). The determination statement will set 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 SPD. It will also set out the Council's determination under the Habitats Regulations on whether or not an appropriate assessment is required.

7. Background Documents

- The Conservation of Habitats and Species Regulations 2017. Available at: <http://www.legislation.gov.uk/uksi/2017/1012/contents/made>.
- Designated Sites Natural England. Available at: <https://designatedsites.naturalengland.org.uk/SiteSearch.aspx>
- The Environmental Assessment of Plans and Programmes Regulations 2004. Available at: <http://www.legislation.gov.uk/uksi/2004/1633/contents/made>
- Tyldesley and Associates - prepared for Natural England Guidance - The Assessment of Regional Spatial Strategies and Sub Regional Strategies under the Provisions of the Habitats Regulations 2006.
- Habitats regulations assessments: protecting a European site guidance. Available at: <https://www.gov.uk/guidance/habitats-regulations-assessments-protecting-a-european-site>

Appendix 1: Map of European Sites



Appendix 2: Responses from SEA/HRA consultation bodies



Historic England

Planning Policy
Guildford Borough Council
Millmead House, Millmead
Guildford GU2 4BB

Our ref: PL00796369

Your ref:

Telephone 020 7973 3700

Email e-seast@historicengland.org.uk

[By email only to planningpolicy@guildford.gov.uk](mailto:planningpolicy@guildford.gov.uk)

Date 5 July 2024

Dear Sir or Madam

Guildford Borough Council Draft Climate Change, Sustainable Design, Construction and Energy Supplementary Planning Document - Strategic Environmental Assessment Screening Opinion

Thank you for your email dated 5 July 2024 consulting Historic England on your intention of carrying out a SEA for the above document.

In light of the Environmental Assessment of Plans and Programmes Regulations 2004, our view is that a SEA is not required in this instance for the reason set out in paragraph 5.8 of the Screening Report (Guildford BC, July 2024).

Yours sincerely



Historic Environment Planning Adviser



Historic England, 4th Floor, The Atrium, Cannon Bridge House, 25 Dowgate Hill, London EC4R 2YA
Telephone 020 7973 3700 HistoricEngland.org.uk

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Correspondence or information which you send us may therefore become publicly available.



From: [Planning Enquiries](#)
To: [REDACTED]
Subject: FW: Consultation on Guildford's Climate Change SPD SEA/HRA screening report
Date: 07 August 2024 14:18:14
Attachments: [image001.png](#)

From: [REDACTED]@naturalengland.org.uk
Sent: Friday, July 26, 2024 11:19 AM
To: Planning Enquiries <PlanningEnquiries@guildford.gov.uk>
Subject: RE: Consultation on Guildford's Climate Change SPD SEA/HRA screening report

Dear Sir / Madam,

Thank you for contacting Natural England on the Climate Change, Sustainable Design, Construction and Energy Supplementary Planning Document (SPD) screening report. This has been logged under a Natural England reference of 481490. Natural England agree with the conclusions of the screening report that a SEA/HRA are not needed.

Best wishes,

[REDACTED]

[REDACTED]

Sustainable Development Higher Officer
Natural England

www.naturalengland.org.uk

<https://twitter.com/NEThamesSolent>

<https://www.facebook.com/NEThamesSolent/>



From: [REDACTED]@guildford.gov.uk
Sent: Friday, July 5, 2024 12:06 PM
To: SM-NE-Consultations (NE) <consultations@naturalengland.org.uk>
Subject: Consultation on Guildford's Climate Change SPD SEA/HRA screening report

You don't often get email from benjamin.moye@guildford.gov.uk. [Learn why this is important](#)

Dear Sir/Madam,

We are writing to you because you are a statutory consultee for Strategic Environmental Assessment (SEA) and/or Habitat Regulation Assessment (HRA). If you are not the correct

contact please either forward this to the correct person or let me know.

Guildford Borough Council has prepared a Draft Climate Change, Sustainable Design, Construction and Energy Supplementary Planning Document (SPD).

To ensure compliance with the requirements of the SEA and HRA regulations, a SEA/HRA Screening Report has been prepared and can be found attached to this email. The Draft SPD is also attached for your information.

We are seeking your views and consulting on the SEA/HRA Screening Report until **09 August 2024**. Please return your comments to this email address by that date, if we do not receive any comments we will presume you have no objections.

If you have any questions about the consultation or the SEA/HRA screening report, please contact me using the contact details below.

Kind regards,



Policy Officer
Planning Policy

01483 444671

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