

Planning Contributions for Open Space Supplementary Planning Document

Strategic Environmental Assessment and Habitats Regulations Assessment – Statement of Determination

The Environmental Assessment of Plans and Programmes Regulations 2004 The Conservation
of Habitats and Species Regulations 2017

May 2024

A copy of this document can be obtained from:
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1. Introduction

- 1.1 This statement sets out and explains the reasons for Guildford Borough Council's determination that the Planning Contributions for Open Space 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. Background

Strategic Environmental Assessment

- 1.2 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

- 1.3 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.
- 1.4 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

- 1.5 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.
- 1.6 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 22 May 2023 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 May 2023) to consult them on the HRA screening assessment. All three bodies were given until 22 June 2023 to respond to the consultation on the report's findings. The determination was formally made on 2 May 2024¹.
- 3.2 Natural England and Historic England both responded to state their agreement with the report's conclusion that there was no need for a full SEA or environmental report. Natural England's response also confirmed agreement with the findings of the HRA screening. The Environment Agency indicated that they would be unable to respond to the consultation due to internal resourcing issues. The responses from Natural England and Historic England are included as Appendix 2 of the screening report.
- 3.2 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 screening/HRA report 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.

¹ In accordance with Regulation 12 of The Town and Country Planning (Local Planning) (England) Regulations 2012 (As amended)

**Appendix 1: Strategic Environmental Assessment and Habitats Regulations
Assessment Screening Report**



GUILDFORD
BOROUGH

Planning Contributions for Open Space in New Developments Supplementary Planning Document

**Strategic Environmental Assessment and Habitat Regulations
Assessment Screening Report**

June 2023

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1. Introduction

The purpose of this report

- 1.1 Guildford Borough Council has prepared a Planning for Open Space in New Developments Supplementary Planning Document (the 'SPD'). 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 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.
- 2.2 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).
- 2.3 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.
- 2.4 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.
- 2.5 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)".
- 2.6 Supplementary 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

- 2.7 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 (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.

- 2.8 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.
- 2.9 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).
- 2.10 The Planning Practice Guidance makes it clear that SEA may be of relevance for Supplementary Planning Documents where they could have significant environmental effects on the environment that has 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. Planning for Open Space in New Developments Supplementary Planning Document

- 3.1 The purpose of the SPD is to support the implementation of the requirements of policy ID6 of the Local Plan: Development Management Policies (“the LPDMP”) for the provision of open space in new residential developments. The policy sets quantitative and qualitative standards for the provision of open space, which is required in developments that propose a net population increase arising from 11 or more dwellings. Therefore, the document does not constitute new policy. Rather, it will be used to deliver the measures required by LPDMP Policy ID6. 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 component 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 |
| Environmental protection policies | Policies designed to protect the natural or built environment will not usually have significant or adverse effects |

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 can have negative impacts on the breeding success 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 Guildford Thames Basin Heaths Special Protection Area Avoidance Strategy SPD.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 |
|--|---|
| <p>Thames Basin Heaths SPA</p> <p>Thursley, Hankley and Frensham Commons SPA</p> <p>Wealden Heaths Phase II SPA</p> | <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: 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. |
| <p>Thursley, Ash, Pirbright & Chobham SAC</p> | <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: 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 • The supporting processes on which qualifying natural habitats rely. |
| <p>Mole Gap to Reigate Escarpment SAC</p> | <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> |

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](#)

| European Site | Qualifying Features and Conservation Objectives |
|--|---|
| | <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. |
| South West London Waterbodies SPA | <p>Qualifying Features:</p> <ul style="list-style-type: none"> • A051 Anas strepera; Gadwall (Non-breeding) • A056 Anas clypeata; 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 | |

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

| | | | | | | |
|--|-----|-----|-----|-----|-----|-----|
| 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 The SPD will become statutory guidance for the statutory Development Plan for the borough of Guildford. A description of the guidance is provided in Section 3.
- 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 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 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 provision of open space in new developments, paragraph 98 of the NPPF states: <i>'Access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities, and can deliver wider benefits for nature and support efforts to address climate change..'</i> The NPPF also states that the planning system should <i>"contribute and enhance the natural and local environment through minimising impacts on biodiversity and providing net gains in biodiversity"</i>, including <i>"by establishing coherent ecological networks that are more resilient to current and future pressures"</i> (paragraph 174).</p> <p>The provision of alternative recreational space, including SANG but also other types of open space, in addition to the increased scope for quality and access improvements to existing open space on a greater number of sites that may occur via the adopted LPDMP Policy ID6, on which the SPD provides guidance, can help to attract recreational users away from sensitive European sites, and reduce additional pressure on them. The SPD is not considered likely to have negative in-combination effects with the NPPF on European Sites. The HRA screening assessment for the LPDMP considered that the plan's approach to open space would have no implications for habitats.</p> |
| Guildford Local Plan | Once adopted, the SPD will form guidance for the implementation of Local Plan, primarily LPDMP Policy ID6 which is specifically related to the provision of open space in new |

| Plan/ Projects | Potential in-combination effects |
|--|--|
| (comprising the Local Plan: Strategy and Sites (2019), Local Plan Development Management Policies (2023) and remaining saved policies of the Local Plan 2003) | residential developments. It states that development proposals that would result in a net increase in number of residential units are required to provide or fund open space, based on the expected occupancy of the new development and the policy's quantitative standards for open space provision. In addition to this policy, the two Local Plans contain a number of policies that protect the natural environment and open space. The SPD does not override, and rather reinforces protection of the Thames Basin Heaths SPA so will not lead to adverse effects on European sites. |
| Thames Basin Heaths Special Protection Area Avoidance Strategy 2017 Supplementary Planning Document (Guildford Borough Council, 2017) | This document was adopted on 18th July 2017. Natural England has recognised that residential development across the South East region could have potentially 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 arising from the SPD are unlikely. |

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 Planning Contributions for Open Space In New Developments SPD screening

| Guidance sections | Guidance summary | Likely to have an 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 outlines the national and local policy context for the SPD. | No | The information simply explains how the SPD relates to the NPPF and the Council's Open Space, Sports and Recreation Assessment, which informed the open space standards in Policy ID6. | None |
| Sections 3 | Section 3 sets out the tariffs for financial contributions for open space in lieu of on-site provision and explains the methods of calculation for on-site and off-site open space provision in new developments. | No | Section 3 provides guidance for developers as to how the standards in LPDMP Policy ID6, which will deliver appropriate mitigation for the impact of residential developments in terms of the need that they generate for open space, will be calculated and implemented on an on- and off-site basis. The section does not add any new policy requirements or alter guidance in any way that could result in impacts on the SPA. | None |
| Section 4 | Section 4 provides cross-reference to the access and quality standards for open space in the Council's published strategies. | No | The information does not add new policy requirements or alter guidance in any way that could result in impacts on the SPA. | None |

| | | | | |
|-----------|---|-----------|--|-------------|
| Section 5 | Section 5 explains the typologies of open space for which Policy ID6 requires provision in new developments. | No | The information does not add new policy requirements or alter guidance in any way that could result in impacts on the SPA. | None |
| Section 6 | Section 6 explains how the requirement for maintenance and/or funding for maintenance of open space provided by developers will be calculated, specified, and obtained. | No | The information does not add new policy requirements or alter guidance in any way that could result in impacts on the SPA. | None |
| Section 7 | Section 7 explains which types of residential developments are not liable to provide open space contributions. | No | The information does not add new policy requirements or alter guidance in any way that could result in impacts on the SPA. | None |

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 considered 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 sets out the screening process and how a plan should be assessed against the SEA Directive criteria.

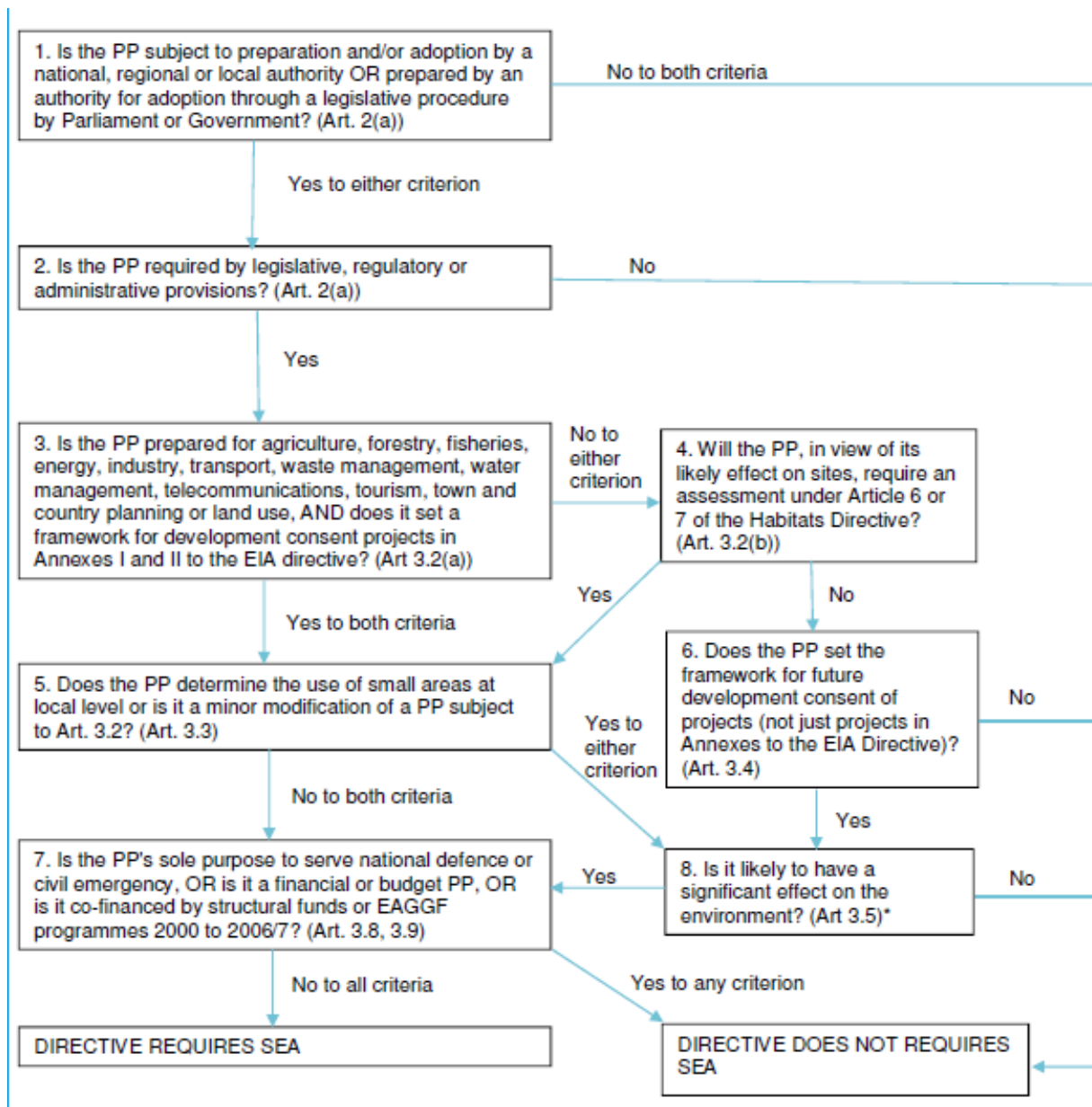


Figure 1 Application of the SEA Directive to plans and programmes (from "A Practical Guide to the Strategic Environmental Assessment Directive", ODPM, 2005).

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 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 | Yes (proceed to Q2) | The SPD will be adopted by Guildford Borough Council and will be a material consideration in planning decisions. |

| | Stage | Yes/No | Justification |
|----|---|---|---|
| | prepared by an authority for adoption through a legislative procedure by Parliament or Government? (Art. 2(a)) | | |
| 2. | Is the PP required by legislative, regulatory or administrative provisions? (Art. 2(a)) | Yes (Yes when 'made' 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 Policy ID6 of the LPDMP. |
| 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 is a guidance document for adopted policy does not set out new policy. LPDMP Policy ID6, which 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 policy that the SPD supplements (LPDMP Policy ID6) has itself been subject to Habitats Regulations Assessment. A 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) | Yes | The SPD provides further guidance to supplement adopted policy in the Local Plan. It does not constitute new policy and therefore does 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 EAGGF programmes 2000 to 2006/7? (Art 3.8, 3.9) | N/A | Not applicable. |
| 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 |

| Stage | Yes/No | Justification |
|-------|--------|--|
| | | respective Local Plan processes, 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

| SEA Directive Criteria | Yes/No | Justification |
|---|--------|---|
| 1. The Characteristics of Plans and Programmes, having regard, in particular, to: | | |
| a) The degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources | No | The SPD 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. By enabling the delivery of open space in new residential developments in line with their expected occupancy, potential environmental impacts from these developments will be avoided. This promotes sustainable development. |
| 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) | 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. |

| SEA Directive Criteria | Yes/No | Justification |
|--|--------|--|
| 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: | | |
| 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. The SPD ensures funding for the provision and management of new open space and improvements and maintenance of existing open space, which is expected to provide long term positive effects. |
| 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. |
| g) The effects on areas or landscapes which have a recognised national, Community or international protection status. | No | The SPD will not have significant environmental effects on areas or landscapes which have a recognised national, Community or international protection status. |
| Part 2 Overall Conclusion The | | <i>The SPD is unlikely to have significant environmental effects.</i> |

SEA screening conclusions

- 5.6 LPDMP Policy ID6, which the SPD supports, has itself been subject to Strategic Environmental Assessment (SEA) and Sustainability Appraisal (SA). As the SPD only provides guidance for this policy, and does not itself set out new policy, it will not alter the conclusions reached in the Local Plan SA/SEA.

- 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 required⁵ 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 were sent to the Environment Agency, Natural England and Historic England in May 2023 for consideration. The responses from Natural England and Historic England are included in Appendix 2. The Environment Agency was unable to respond to the request for comments due to resourcing issues.
- 6.2 Prior to Council's adoption of the SPD, a determination will be made and a statement of reasons will be written and made available. A notice of this 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.

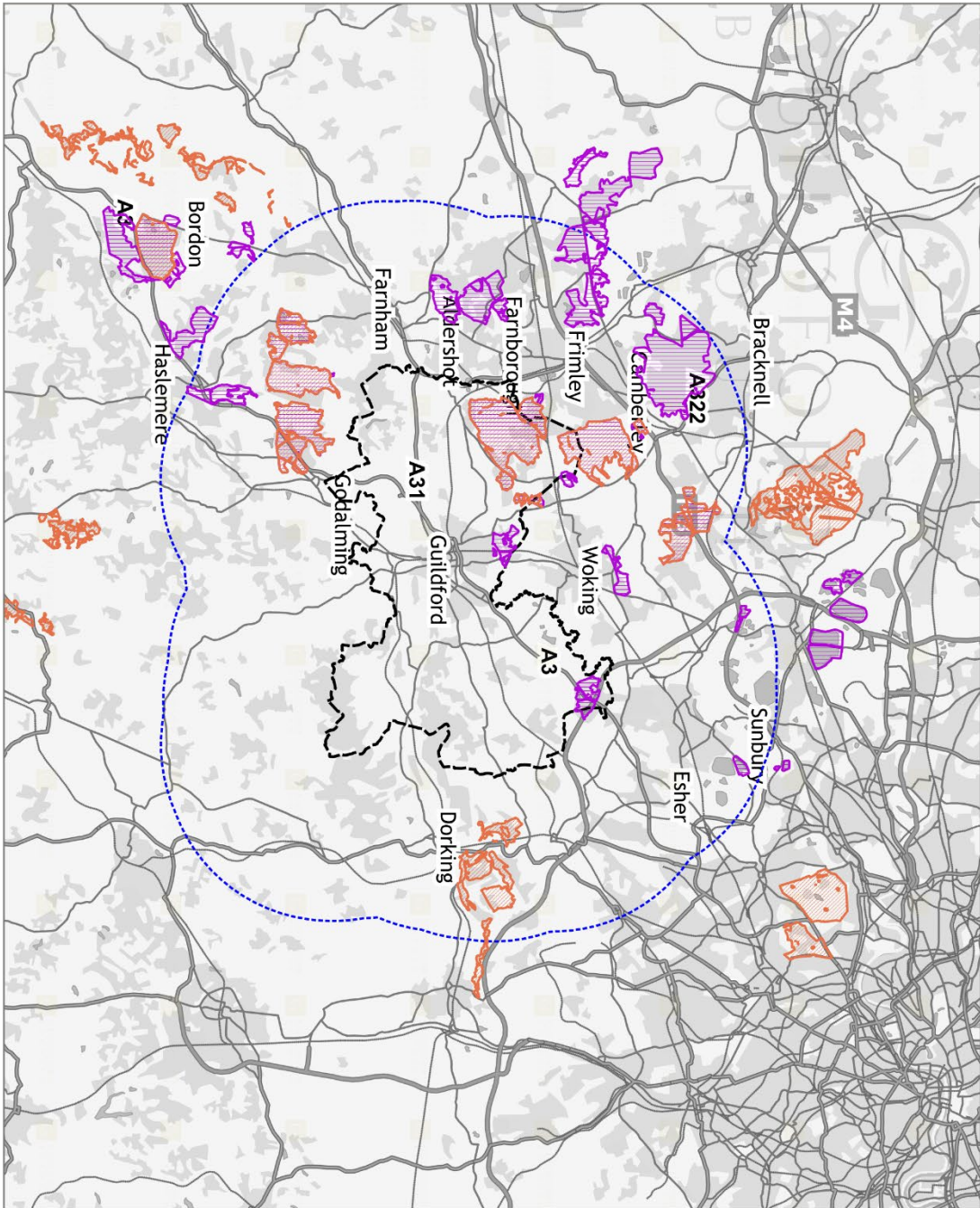
⁵ In accordance with (regulations 4(1) and 9(2)) of the SEA Regulations, and Regulation 63(3) of the Habitat Regulations.

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: European Sites

Guildford Borough Boundary and SPA/SAC sites



| | | |
|---|--|---|
| <p>Legend</p> <ul style="list-style-type: none">  Guildford Borough  Borough 10km buffer  SAC  SPA | <p>Publication Date: 2023-04-17</p> <p>Scale at A4: 1:350,000</p> <p> N</p> <p>© Crown Copyright 2023, Guildford Borough Council. License No. 100015625</p> |  <p>GUILDFORD B O R O U G H</p> |
|---|--|---|

Appendix 2: Emailed responses from SEA/HRA consultation bodies⁶

Date: 20 June 2023
Our ref: 435952
Your ref: Planning Contributions for Open Space in New Developments SPD –
SEA / HRA Screening



Guildford Borough Council

BY EMAIL ONLY

Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

Dear Sir / Madam,

Planning Contributions for Open Space in New Developments SPD – SEA / HRA Screening
Thank you for your consultation request on the above dated and received by Natural England on 22nd May 2023.

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

Screening Request: Strategic Environmental Assessment / Habitats Regulations Assessment

It is our advice, on the basis of the material supplied with the consultation, that, in so far as our strategic environmental interests (including but not limited to statutory designated sites, landscapes and protected species, geology and soils) are concerned, that there are unlikely to be significant environmental effects from the proposed plan.

We have checked our records and based on the information provided, we can confirm that in our view the proposals contained within the plan will not have significant effects on sensitive sites that Natural England has a statutory duty to protect.

We are not aware of significant populations of protected species which are likely to be affected by the policies / proposals within the plan. It remains the case, however, that the responsible authority should provide information supporting this screening decision, sufficient to assess whether protected species are likely to be affected.

Notwithstanding this advice, Natural England does not routinely maintain locally specific data on all potential environmental assets. As a result the responsible authority should raise environmental issues that we have not identified on local or national biodiversity action plan species and/or habitats, local wildlife sites or local landscape character, with its own ecological and/or landscape advisers, local record centre, recording society or wildlife body on the local landscape and biodiversity receptors that may be affected by this plan, before determining whether an SEA/HRA is necessary.

Please note that Natural England reserves the right to provide further comments on the environmental assessment of the plan beyond this SEA/HRA screening stage, should the responsible authority seek our views on the scoping or environmental report stages. This includes any third party appeal against any screening decision you may make.

For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk

Yours sincerely,

Paige Eke-Goodwin - Sustainable Development Lead Advisor (Thames Solent Area Team)

⁶ See Section 6.



Historic England

Gavin Stonham MRTPI
Senior Planning Officer
Planning Policy, Guildford Borough Council
Millmead House, Millmead
Guildford GU2 4BB

Our ref: PL00793234
Your ref:
Telephone 020 7973 3700
Email e-seast@historicengland.org.uk

By email only to [REDACTED] Date 19 June 2023

Dear Mr Stonham

Guildford Borough Council Planning for Open Space in New Developments SPD Strategic Environmental Appraisal Screening Opinion

Thank you for your email dated 22 May 2023 consulting Historic England on your intention of carrying out a SEA for the above plan.

In light of the Environmental Assessment of Plans and Programmes Regulations 2004, our view is that a SEA is not required in this instance for the reason set out in paragraph 5.8 of the Screening Statement (GBC, May 2023).

Yours sincerely

Alan Byrne
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

Please note that Historic England operates an access to information policy.
Correspondence or information which you send us may therefore become publicly available.

