

Guildford Borough Council Development Plan

The Town Centre Views 2019
Supplementary Planning Document

Strategic Environmental Assessment and Habitats Regulations
Assessment

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

Determination Statement

This notice fulfils the publicity requirements in accordance with Regulations 11(1) and 11(2) of the
Environmental Assessment of Plans and Programmes Regulations 2004

August 2019

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1. The Purpose of this document

- 1.1 This statement sets out the Council's determination under Regulation 9(1) of the Environmental Assessment of Plans and Programmes Regulations 2004¹ ("the SEA regulations") on whether or not a Strategic Environmental Assessment is required for the Town Centre Views 2019 Supplementary Planning Document (the SPD). It also sets out the Council's determination under the Conservation of Habitats and Species Regulations 2017 (as amended)² ("The Habitats Regulations") on whether or not an appropriate assessment is required.

2. Habitats Regulations Assessment

- 2.1 Habitats Regulations Assessment (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 EC Habitats Directive 1992 and Wild Birds Directive 2009 as transposed into UK law by the Conservation of Habitats and Species Regulations (2017) require a HRA of a plan or project to establish whether the plan, alone, or in combination with other plans or projects, is likely to have a significant effect on an international nature conservation sites (Special Protection Areas (SPA), Special Areas of Conservation (SAC) or Ramsar sites). If this is the case, then the impacts on the integrity of the site must be considered by an Appropriate Assessment.
- 2.2 The Directive states that any plan or project not connected or necessary for a site's management, but likely to have significant effects thereon shall be subject to appropriate assessment.

3. Strategic Environmental Assessment

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

The SEA Screening Process

¹ The Environmental Assessment of Plans and Programmes Regulations 2004, <http://www.legislation.gov.uk/uksi/2004/1633/regulation/9/made>

² The Conservation of Habitats and Species Regulations 2017, <http://www.legislation.gov.uk/uksi/2017/1012/contents/made>

- 3.5 Plans and programmes are screened for environmental effects in order to determine whether an environmental assessment is required. In order to screen, it is necessary to determine if a plan will have significant environmental effects using the criteria set out in Annex II of the Directive and Schedule I of the Regulations. A determination cannot be made until the three statutory consultation bodies have been consulted: The Environment Agency, Natural England and Historic England.
- 3.6 Within 28 days of making its determination, the authority must publish a statement, such as this one, setting out its decision. If it determines that an SEA is not required, the statement must include the reasons for making this determination.

Town Centre Views Supplementary Planning Document

- 3.7 The Town Centre Views SPD sets out a list of 15 viewpoints that help to reveal how Guildford developed and the importance of its relationship with the countryside beyond. The document provides guidance to planners, developers, designers and decision makers on how to manage change in key views with the aim to retain the character of Guildford and what makes it special, including the ability to appreciate key heritage assets, and to understand the relationship of Guildford with its landscape setting. This document is a material consideration in the assessment of planning applications and it may be used to support evidence in appeal cases.
- 3.8 The Guildford Town Centre SPD complements Local Plan policies D1- Place shaping and D3 – Historic environment and, in particular forms guidance for Policy S3 - Delivery of development and regeneration within Guildford Town Centre. Therefore, the document does not constitute new policy. Rather, it will be used to implement existing policies and guidance as set out in the Guildford borough Local Plan: strategy and sites.

SEA Determination

- 3.9 **Table 4.2 in Appendix 1** sets out the process in detail for determining whether the SPD will have significant environmental effects using the criteria set out in Annex II of the Directive and Schedule I of the Regulations. It concludes that the Town Centre Views SPD does not require a full SEA to be undertaken.
- 3.10 Policies S3, D1 and D3, that the Town Centre Views SPD supports, have themselves been subject to Strategic Environmental Assessment (SEA) and Sustainability Appraisal (SA). As the SPD only provides guidance to existing policies, it is not expected that it would alter the conclusions reached in the Local Plan SA/SEA.
- 3.11 The SPD does not set out new policy. It has been prepared to build upon the Local Plan policies and provide guidance to applicants on how to manage change in key views with the aim to retain the character of Guildford and what makes it special, including the ability to appreciate key heritage assets, and to understand the relationship of Guildford with its landscape setting.
- 3.12 Having regard to the considerations above and the responses from consultation bodies, the Council determines that the Town Centre Views SPD does not require a full SEA to be undertaken.

4. Habitat Regulations Assessment Screening Process

- 4.1 This part of the report seeks to determine whether the SPD will have any significant impacts on nearby Natura 2000 sites. Habitat Regulations Assessment follows a three-stage process as outlined in the DCLG guidance "Planning for the Protection of European Sites: Appropriate Assessment". These stages are described below:

HRA Task 1 – Screening

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.

HRA Task 2 – Appropriate Assessment

Task 2 is subsequent to the identification of likely significant effects upon a European site in Task 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.

HRA Task 3 – Mitigation and Alternatives

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.

- 4.2 Screening analysis of a Habitat Regulations Assessment (HRA) screening (stage 1) has been undertaken to assess the impact of the guidance in the Guildford Town Centre Views SPD. This is set out in **table 3.2 in Appendix 1**. The findings presented in table 3.2 in Appendix 1 of the Screening Report indicate that the SPD is not likely to have significant effects on the European sites and therefore it is deemed not to require an appropriate assessment at stages 2 and 3 of the HRA.

5. Consultation

- 5.1 Before making the final determination under Regulation 9 of the Environmental Assessment of Plans and Programmes Regulations 2004 and regulation 105 of the Conservation of Habitats and Species Regulations 2017 (as amended), we consulted the three statutory consultation bodies - Natural England, Historic England and the Environment Agency - on the findings of the screening report in July 2019 in accordance with the Regulations. All three bodies agreed with the conclusions. The responses received are set out in the table below.

Consultation body	Comments
Historic England	In light of the Environmental Assessment of Plans and Programmes Regulations 2004, Historic England's view is that a SEA is not required in this instance for the reasons set out in paragraph 4.4 of the screening statement.

Natural England	Natural England considers that there are unlikely to be significant environmental effects from the proposed SPD.
Environment Agency	Environment Agency has reviewed the SEA Screening Report with regards to their remit. The EA concludes that in this instance a SEA is not required for the proposed SPD.

6. Determination

- 6.1 The Council has determined that the SPD will not result in likely significant environmental effects under the SEA regulations and that the SPD will not result in likely significant effects on a European site under the Habitats regulations. The reasons for making these determinations are set out in the SEA and HRA screening reports (see Appendix 1). As a result, the Council concludes that neither an SEA environmental assessment nor an HRA Appropriate Assessment are required
- 6.2 These determinations were made on 27th August 2019.

Appendix 1:

Guildford Borough Council Development Plan Town Centre Views Supplementary Planning Document

Strategic Environmental Assessment Screening and Habitat Regulations Assessment Report

June 2019

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1. Introduction

1.1 The Purpose of this report

Guildford Borough Council (the Council) has prepared a draft Guildford Town Centre Views Supplementary Planning Document (SPD). The purpose of this report is to ascertain whether the draft SPD may have a significant effect on the environment and therefore requires a Strategic Environmental Assessment (SEA) under European Directive 2001/42/EC (the SEA Directive).

It also determines whether or not the contents of the Town centre Views 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, i.e. the 'Habitats Directive' and the associated Conservation of Habitats and Species Regulations 2017 (otherwise known as the 'Habitats Regulations').

To this end, a screening exercise is undertaken which looks at the proposals in the SPD to determine whether a significant effect is likely.

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 and HRA (Appropriate Assessment).

1.2 Habitat Regulation Assessment

Habitats Regulations Assessment is required to determine whether a plan or project would have significant adverse effects upon the integrity of internationally designated sites of nature conservation importance, or Natura 2000 sites. The need for HRA is set out within the EC Habitats Directive 92/43/EEC and transposed into British Law by Regulation 102 of the Conservation of Habitats and Species Regulations 2017.

1.3 Strategic Environmental Assessment

The purpose of the SEA is to provide a high level of protection of the environment and 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 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.

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 assessment. Where the Council determines that SEA is not required then under Regulation 9(3) the Council must prepare a statement setting out the reasons for this determination.

1.4 Guildford Town Centre Views Supplementary Planning Document

The SPD sets out a list of 15 viewpoints that help to reveal how Guildford developed and the importance of its relationship with the countryside beyond. Each view has been analysed and guidance provided for managing change within the view that will need to be assessed when considering new development proposals in the town.

The document provides guidance to planners, developers, designers and decision makers on how to manage change in key views with the aim to retain the character of Guildford and what makes it special, including the ability to appreciate key heritage assets, and to understand the relationship of Guildford with its landscape setting. It is the intention that this document will be used by both developers and the Council to consistently and fairly assess the impact of development proposals on the identified important views.

This document forms a Supplementary Planning Document to the Local Plan 2015 - 2034 and is a material consideration in the assessment of planning applications; it may be used to support evidence in appeal cases.

The Guildford Town Centre Views Supplementary Planning Document complements Local Plan policies D1- Place shaping and D3 – Historic environment and, in particular forms guidance for Policy S3 - Delivery of development and regeneration within Guildford Town Centre.

Therefore, the document does not constitute new policy. Rather, it will be used to implement an existing Policy S3 and guidance as set out in the Guildford borough Local Plan: strategy and sites.

2. Legislative background

2.1 Habitat Regulations Assessment

The Conservation of Habitats and Species Regulations 2017 transpose the Directive on Conservation of Natural Habitats and of Wild Fauna and Flora 92/43/EEC (the Habitats Directive) into UK law and require Habitat Regulations Assessment (HRA) to be undertaken for any plan or project likely to have a significant effect upon a European protected site.

The Conservation of Habitats and Species Regulations 2017 consolidate the Conservation of Habitats and Species Regulations 2010 with subsequent amendments. The 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.

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.

An 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).

In addition to SPAs and SACs, 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.

2.2 Strategic Environmental Assessment

Strategic Environmental Assessment (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.

There is no legal requirement for Supplementary Planning Documents to be accompanied by Sustainability Appraisal, and this is reinforced in Planning Practice Guidance (PPG ref: 11-008-20140306). However, "in exceptional circumstances" there may be a requirement for SPDs to undertake Strategic Environmental Assessment where it is felt they may have a likely significant effect on the environment that has not been assessed within the SEA/SA of the Local Plan.

To establish whether the SPD is thought to have significant environmental effects and therefore require SEA to be undertaken, a Screening Process has been followed and is presented in Section 4 of this report.

3. Habitat Regulations Assessment Screening

3.1 HRA Methodology

Habitat Regulations Assessment follows a three-stage process as outlined in the DCLG guidance "Planning for the Protection of European Sites: Appropriate Assessment". These stages are described below:

HRA Task 1 – Screening

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.

Following the recent 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.

If no likely significant effects are determined, the project or plan can proceed. If any likely significant effects are identified, Task 2 commences.

HRA Task 2 – Appropriate Assessment

Task 2 is subsequent to the identification of likely significant effects upon a European site in Task 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.

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. If an adverse impact is identified, task 3 is commenced.

HRA Task 3 – Mitigation and Alternatives

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.

However, in exceptional circumstances, if there is an 'imperative reason of overriding public interest' (IROPI) for the implementation of the project or plan, consideration can be given to proceeding in the absence of alternative solutions. In these cases, compensatory measures must be put in place to offset negative impacts.

3.2 HRA Task 1 Screening – methodology

Screening is undertaken to identify the likely impacts of the SPD upon European sites, and to determine whether these impacts are likely to be significant and whether an Appropriate Assessment, and mitigation and assessment of alternatives (HRA Task 2 and 3) are required.

Deciding whether effects are “significant”

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 which 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.

The first stage, screening for HRA, will determine whether the measures in the SPD are likely to have a significant effect (LSE) on the conservation objectives of the Natura 2000 sites. This will determine whether stages 2 and 3 of the HRA are required.

When considering the LSEs of a policy, 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 LSEs.

Table 3.1 summarizes the characteristics of policies that can usually be screened out.

Table 3.1: 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

The Precautionary Principle

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 Task 2).

HRA Screening Consultation

It is a requirement of the Habitat Regulations to consult the appropriate nature conservation statutory body. Consultation on the approach to this HRA screening and the information on European sites considered will be undertaken with Natural England as required by sending them this draft Screening report.

Limitations

No limitations were encountered.

3.3 HRA Screening Assessment

Screening analysis of a Habitat Regulations Assessment (HRA) screening (stage 1) has been undertaken to assess the impact of the guidance in the Guildford Town Centre Views SPD. This is set out below. The preparation of the SPD is considered likely to have no significant effect on the European sites therefore it is deemed to require no further HRA (stages 2 and 3) to be undertaken.

This section screens the Guildford Town Centre SPD policy guidance for impacts on Natura 2000 sites. Each guidance section within 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 3.2 below:

Table 3.2: Screening Analysis of the Town Centre Views SPD

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
<p>Section 2: Historic Development of Guildford and Landscape Setting</p>	<p>This section describes different drives that formed historic development of Guildford including: the aftermath of introducing the London and South Western Railway Company mid-way through the 19th century; emergence of the Garden village principle following the Second World War in response to poorly planned development; and a push in recent years in high density developments as well as large housing estates.</p>	<p>No</p>	<p>The policy will not itself lead to development (e.g. it relates to design or other qualitative criteria for development, or it is not a land use planning policy).</p>	<p>None</p>
<p>Section 3: Selection of Important Views</p>	<p>This document focuses on views that are deemed to be important in the context of Policy S3. They have all been assessed against the following list of selection criteria:</p> <p>Is the view of a legacy landmark and could therefore promote an understanding of Guildford and its historic development?</p> <p>Does the view promote an understanding of the relationship between Guildford and its landscape setting?</p> <p>Does the view reveal an architecturally or culturally significant heritage asset?</p>	<p>No</p>	<p>This is 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)</p> <p>The policy is intended to conserve or enhance the natural, built or historic environment, and enhancement measures will not be likely to have any effect on a European Site.</p>	<p>None</p>

Section 4: Requirements for planning applications that impact important views	<p>Is the view a designed view?</p> <p>Does the view reveal an unexpected view of any important building?</p> <p>Is the view publicly accessible and experienced by a large number of people?</p>			
	<p>This section sets out requirements for planning applications impacting important views: applicants will be expected to include an assessment of context, local and town wide, that identifies which views will be affected and an analysis of how the proposal has regard to the view management guidance as part of the design and access statement; and applicants will also be expected to include accurate illustrative material, including verified views, with any application to ensure that the applications impact on the surrounding area can be fully assessed.</p>	No	<p>This is 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)</p> <p>The policy is intended to conserve or enhance the natural, built or historic environment, and enhancement measures will not be likely to have any effect on a European Site.</p>	None
Section 5: Views Analysis	<p>This section outlines views analysis for a number of view points and includes tailored view management guidance.</p>	No	<p>The policy is intended to conserve or enhance the natural, built or historic environment, and enhancement measures will not be likely to have any effect on a European Site.</p>	None

3.4 HRA Screening Conclusions

None of the guidance outlined within the Town Centre Views SPD is likely to have any significant effects on European sites therefore stage 2 (appropriate assessment and ascertaining the effect on site integrity) and stage 3 (mitigation and alternative solutions) of the HRA process are not considered necessary.

4. SEA screening

4.1 SEA Screening Methodology

The screening process is based upon consideration of standard criteria to determine whether the plan or programme (in this case the three SPDs) is likely to have “significant environmental effects”.

The three consultation bodies (English Heritage, Environment Agency and Natural England) will be consulted to determine whether they agree with the conclusion of this report, in determining whether the three developer contributions SPDS have a “significant environmental effect” and therefore require SEA.

Should it be determined by the local authority and consultation bodies that SEA does need to be undertaken, the Borough Council will need to undertake the Scoping stage of SEA.

The methodology for the SEA screening assessment is set out in A Practical Guide to the Strategic Environmental Assessment Directive (ODPM, 2005).

To establish if an SPD requires SEA, a screening assessment is required against a series of criteria set out in the SEA Directive. **Figure 4.1** sets out the screening process and how a plan should be assessed against the SEA Directive criteria.

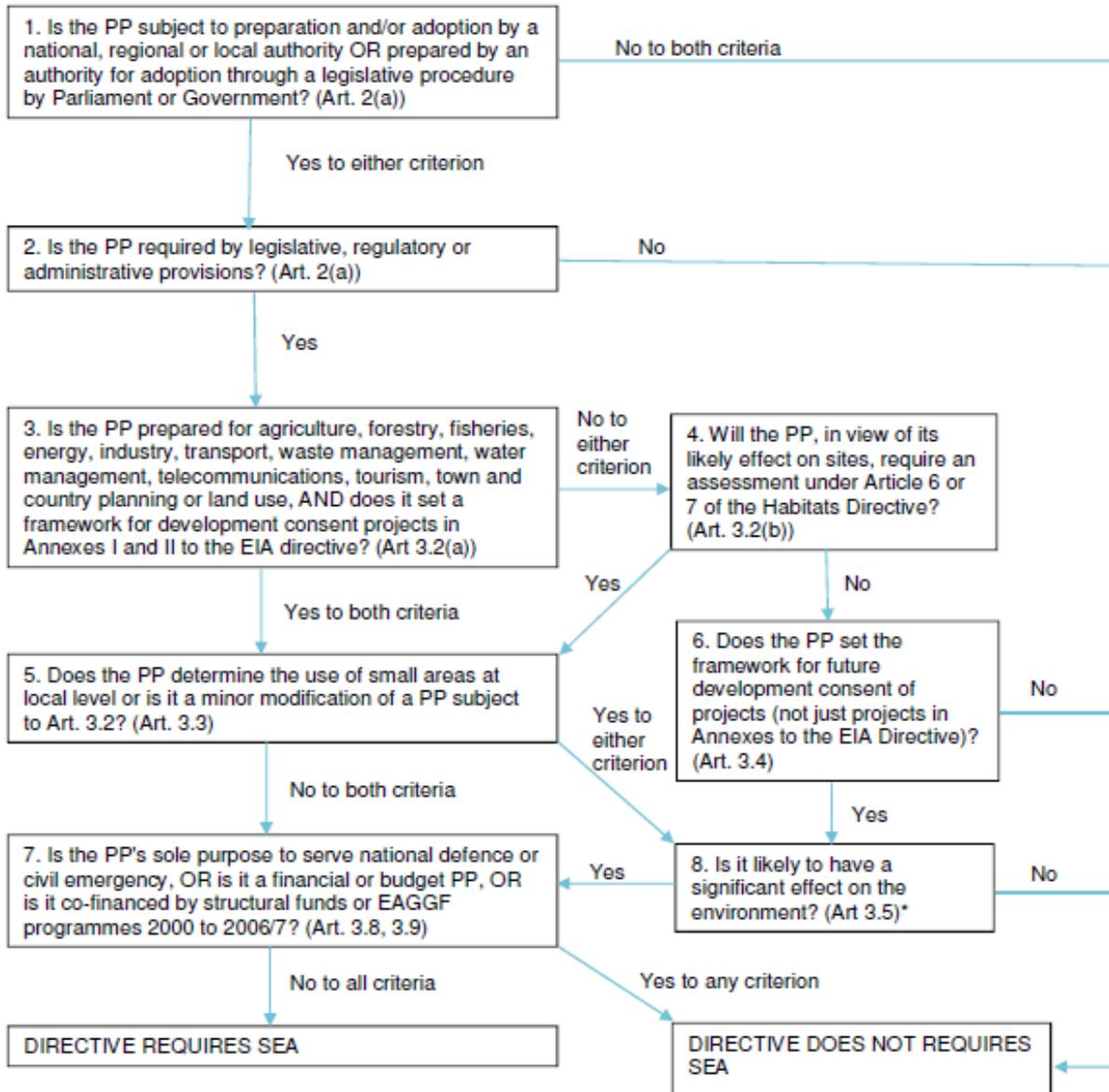


Figure 4.1: Application of the SEA Directive to plans and programmes (from “A Practical Guide to the Strategic Environmental Assessment Directive”, ODPM, 2005.

Assessing the significance of the environmental effects that this SPD will have depends on the policies 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 4.2:**

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 4.2: Criteria for assessing significance

The SEA screening assessment is therefore split into two parts. Part 1 runs the SPD through the questions outlined in the diagram above and includes commentary of whether the need for SEA is triggered. Part 2 further assesses stage 8, on whether there is a likely significant impact. 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 SPD against these criteria is set out in **Tables 4.1** and **4.2** of this report.

4.2 Part 1 – Application of the Directive to the Town Centre Views SPD

Table 4.1. Establishing the need for SEA by following the flowchart in Figure 4.1

	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 Town Centre Views Supplementary Planning Document 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 'made' so proceed to Q3)	Supplementary Planning Documents are optional, but it does supplement the statutory Development Plan for which there is a legislative or regulatory requirement. This particular SPD has been produced to supplement the statutory Local Plan: strategy and sites, 2019.
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 only and does not set out new policies. The policies that the SPD supplements have already been subject to SA/SEA in the Local Plan. The SPD themselves does not set a framework for future development consent of projects in Annexes I and II.
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. Habitats Regulations Screening has been carried out for the SPD (see Section 3) and an Appropriate Assessment is not necessary.
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)	N/A	Not applicable.
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 policies related to Local Plan Policy S3: Delivery of development and regeneration within Guildford Town Centre. There, the document does not constitute new policy. Rather, it will be used to implement an existing Policy S3, D1 and D3 and guidance as set out in the

Stage	Yes/No	Justification
		Guildford borough Local Plan: strategy and sites. Whilst not allocating land for any particular use, the SPDs provide a framework for future development.
7.	N/A	Not applicable.
8.	No	The purpose of the SPDs is to provide guidance to assist in the interpretation of adopted policies in the Local Plan. The policy S3, D1 and D3 to which the SPD relates 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.		

4.3 Part 2 – Likely significant effects on the environment

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 Town Centre Views SPD would trigger the need for a full assessment.

Table 4.2: Assessing Likely Significant Effects (LSE)

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 policies within the Local Plan that 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 which the SPD will supplement. The SPD will only be able to expand and provide more guidance on the policies within the Local Plan, and will not be able to introduce new policy. The SPD will be at

SEA Directive Criteria	Yes/No	Justification
<p>c) The relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development</p> <p>d) Environmental problems relevant to the plan or programme</p> <p>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)</p>		the bottom of the hierarchy and will have no influence on the documents above it.
	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.
	No	The policies within the Local Plan that the SPD supplements are not expected to have any significant effects on the environment.
No	The SPD is not relevant to the implementation of EC legislation such as 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	<p>The anticipated effects on the sustainability of the borough are expected to be positive by providing guidance to support policies on how to manage change in key views with the aim to retain the character of Guildford and what makes its special, including the ability to appreciate key heritage assets, and to understand the relationship of Guildford with its landscape setting.</p> <p>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.</p>
b) The cumulative nature of the effects	No	The Local Plan SA/SEA expects overall positive benefits to arise from the specific policies related to heritage assets and landscape.
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:	No	The anticipated effects on the sustainability of the borough are expected to be positive by providing guidance to support policies on how to manage change in key views with the aim to retain the character of Guildford and what

SEA Directive Criteria	Yes/No	Justification
(i) special natural characteristics or cultural heritage, (ii) exceeded environmental quality standards or limit values, (iii) intensive land-use, g) The effects on areas or landscapes which have a recognised national, Community or international protection status.		makes its special, including the ability to appreciate key heritage assets, and to understand the relationship of Guildford with its landscape setting.
	No	The anticipated effects on the sustainability of the borough are expected to be positive by providing guidance to support policies on how to manage change in key views with the aim to retain the character of Guildford and what makes its special, including the ability to appreciate key heritage assets, and to understand the relationship of Guildford with its landscape setting.
Part 2 Overall Conclusion The	<i>The Town Centre Views SPD is unlikely to have significant effects on the environment.</i>	

4.4 SEA screening conclusions

The policies S3, D1 and D3, that the Town Centre Views SPD supports, have themselves been subject to Strategic Environmental Assessment (SEA) and Sustainability Appraisal (SA). As the SPD only provides guidance to existing policies, it is not expected that it would alter the conclusions reached in the Local Plan SA/SEA.

The SPD does not set out new policy. It has been prepared to build upon the Local Plan policies and provide guidance to applicants on how to manage change in key views with the aim to retain the character of Guildford and what makes its special, including the ability to appreciate key heritage assets, and to understand the relationship of Guildford with its landscape setting.

Applying the guidance set out in “A Practical Guide to the Strategic Environmental Assessment Directive”: Assessment Part 1 (table 4.1) concludes that the SPD Does Not Require SEA, whilst assessment Part 2 (table 4.2) concludes that there are No Significant Environmental Effects.

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 Town Centre Views SPD does not require a full SEA to be undertaken.

Background Documents

- [Conservation of Habitats and Species Regulations 2017](#)
- Designated Sites Natural England, <https://designatedsites.naturalengland.org.uk/SiteSearch.aspx>
- The Environmental Assessment of Plans and Programmes Regulations 2004, <http://www.legislation.gov.uk/ukxi/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.