

Send Neighbourhood Plan 2019 – 2034

Strategic Environmental Assessment Screening and Habitat Regulations Assessment Report

January 2020

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1. Introduction

1.1 Background

This Strategic Environmental Assessment Screening and Habitat Regulations Assessment updates the earlier version of the document published in April 2019 prior to the submission of the Send Neighbourhood Plan 2019 – 2034 to Guildford Borough Council (hereafter referred to as 'The Council').

The Localism Act (2011) introduced new powers to enable local communities to guide and shape development through the production of Neighbourhood Plans, with further accompanying detail on how to do this set out in The Neighbourhood Planning (General) Regulations 2012 (as amended).

The purpose of the Send Neighbourhood Plan (SNP), which has been prepared by Send Parish Council in accordance with the above regulations, is to provide locally derived and agreed planning policy which will be used when making planning decisions within the designated Send Neighbourhood Area.

Strategic Environmental Assessment (SEA) is required under European Directive 2001/42/EC (the SEA Directive) for all plans which may have a significant effect on the environment. For neighbourhood plans, this particularly relates to plans and programmes which designate sites for development. 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.

To ascertain if SEA is required for the SNP, the Council undertook a screening exercise which considered the plan's draft policies and proposals to determine whether any of them would be likely to lead to a significant effect on the environment. The criteria for determining likely significance of an effect in this regard are set out in Annex 2 of the SEA Directive and in Schedule 1 of the SEA Regulations, which transpose the SEA Directive into UK law¹.

The SNP has also been subject to 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 Conservation of Habitats and Species Regulations 2017 ('the Habitats Regulations'), which transpose the Habitats Directive into UK law.

The HRA screening of the SNP is in Section 2 of this report and the SEA screening is in Section 4. These assessments were used to determine if there are likely to be any significant environmental effects arising from adoption of the SNP and, potentially therefore, a requirement for a full SEA and/or Stage 2 HRA (Appropriate Assessment). Stage 2 of the HRA has also been completed and an Appropriate Assessment of the plan is included in section 2.7.

1.2 The aims of this report

This report's primary aims are to:

1. Identify whether the SNP requires a Strategic Environmental Assessment (SEA) by appraising the potential high-level environmental impacts that may arise from the Neighbourhood Plan and concluding whether there is a need to conduct a full SEA.

¹ European Directive 2001/42/EC (the SEA Directive) and the Environmental Assessment of Plans and Programmes Regulations 2004 (the SEA Regulations).

2. As part of the HRA, identify, describe and assess the likely significant effects of implementing the Plan on European designated sites (i.e. Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) and also Ramsar sites) within and around the neighbourhood area of Send as part of a Habitats Regulations Assessment (HRA).

These two aims are closely interlinked, with the HRA providing supporting evidence for the conclusions reached within the SEA. For clarity and ease of reference this report contains the assessments and conclusions required for both the SEA and the HRA. Given that the HRA feeds into the conclusions of the SEA, the HRA is first provided in Section 2, with the SEA detailed in Section 3.

The Council is required to consult on all SEA screening opinions with Historic England, the Environment Agency and Natural England, and with Natural England on all HRA screening opinions, before formally determining whether a SEA and/or HRA Appropriate Assessment is needed. Once the consultation period with these consultation bodies is over, a formal determination will be made. A notice of this determination and accompanying statement of reasons will be available for public access within 28 days of the date of the determination (in line with SEA Regulation 11).

This report has been sent to the three statutory consultees (Historic England, the Environment Agency and Natural England) to seek their views on its contents. Their responses are included at Appendix 1.

1.3 The Send Neighbourhood Plan

The Vision and objectives of the Send Neighbourhood Plan are outlined below:

Vision:

“By 2034, Send Parish will be vibrant and sustainable with a distinct character, good facilities, a strong sense of community and retain a rural village feel. Send will have an enhanced local centre and provide a mix of housing types for all, whilst retaining the character, environmental and heritage assets of the parish and separate identities of the various settlements, which have not merged into surrounding towns and villages.”

Objectives of the Plan

1. **Design and Development**

a. support the provision of a mix of dwelling types including in particular smaller dwellings for young families or those downsizing, and encourage a proportion of development which enables people to live independently within their home.

b. encourage and support sensitive design standards that reflect the rural character of the Parish.

2. **Transport and Travel**

a. Support improvements to transport links and create measures to promote and improve access for pedestrians and cyclists.

b. Provide more parking facilities (preferably on-drive/off road) within all new developments and reduce traffic speed and congestion on our roads.

3. **Local Economy**

a. Support and promote the growth of our local centre and encourage new business start-up premises and facilities within the centre.

4. **Environment**

a. Protect and enhance the natural and built environment in particular our blue and green corridors.

b. Support the conservation objectives of the designated habitats affected by development and activities within the Parish.

5. **Facilities**

a. Retain and improve existing facilities and support initiatives that meet the changing needs of the Parish.

Plan boundary

The Civil Parish of Send comprises the three settlements of Send, Send Marsh and Burnt Common together with surrounding countryside. It is located in the north west corner of Guildford Borough in the centre of Surrey. Primarily a rural area, the settlements are bordered by both green belt and sections of the River Wey which separate it from adjacent settlements. It has a long history and was first recorded in the Domesday Book of 1086 as Sande.

The Parish is adjacent to the main A3 road which runs north east to south west and forms its entire southern border. This road provides connectivity to Portsmouth via Petersfield and Guildford (located approximately 5 miles to the south west) and to the M25 London Circular located approximately 5 miles to the north east. In addition, there are A and B road links to nearby villages and the towns of Guildford and Woking.

Heritage

Send Neighbourhood Area contains six areas of high archaeological potential and is partially within the corridor of the River Wey.

It contains a part of the River Wey and Godalming Navigation Conservation Area. The southwestern most corner of the parish is adjacent to the Sutton Park Conservation Area in Woking borough. There are 21 Grade II and two Grade II* listed buildings.

Natural Environment

Send Neighbourhood Area is approximately:

- 1.9 km from the Thames Basin Heaths SPA site at Whitmoor Common
- 3.5 km from the SPA site at Wisley and Ockham commons, and
- 3.6 km from the SPA site at Horsell Common.

The neighbourhood area falls entirely within the SPA 5km zone of influence, within which net new dwellings are likely to have significant effects on the SPA by increasing recreational pressure².

The neighbourhood area contains two parts of the Papercourt SSSI and is adjacent to two other parts of the same SSSI.

The neighbourhood area contains the Send Ponds SNCI and Broadmead Cut and Wey Navigation SNCI. It is adjacent to the Oldlands Copse SNCI in Ripley parish and Roundbridge Farm and River Wey – Woking SNCIs in Woking borough. There are no Local Nature Reserves or Special Areas of Conservation. The River Wey and the River Wey Navigation pass through the neighbourhood area. Between the river and the navigation, in the far north of the parish, are the Papercourt and Broad Mead SSSIs.

² See Policy NRM6 of the South East Plan and the Guildford Thames Basin Heaths Special Protection Area Avoidance Strategy 2017 SPD for more information

2. Habitats Regulations Assessment

2.1 Legislative background

The Conservation of Habitats and Species Regulations 2017³ (“the Habitats Regulations”), which transpose the Directive on Conservation of Natural Habitats and of Wild Fauna and Flora 92/43/EEC (“the Habitats Directive”) into UK law, require Habitats Regulations Assessment (HRA) to be undertaken for any plan or project likely to have a significant effect upon a European protected site (also referred to as ‘European sites’ or ‘Natura 2000’ sites’). The HRA assesses whether the implementation of a plan or project would harm the habitats or species for which these sites are designated. The European sites are:

- Special Protection Areas (SPAs) – designated by the EC 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, Ramsar⁴ sites (internationally important wetlands) must also be considered. Although Ramsar sites are not covered by the Habitats Regulations, they are treated in the same way as European wildlife sites (i.e. SPAs and SACs) as a matter of Government policy. European wildlife sites and Ramsar sites are collectively known as internationally designated wildlife sites. The provisions of the Habitats Regulations also apply to Sites of Community Importance (SCIs), which are European sites that have been adopted by the European Commission but not yet formally designated by the Government.

It is a requirement of regulation 63(1) of the Habitat Regulations that *"a competent authority, before deciding to undertake, or give consent, permission or authorisation for, a plan or project which (a) 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 (b) is not directly connected with or necessary to the management of that site, must make an Appropriate Assessment of the implications of the plan or project for that site in view of that site's conservation objectives"*.

Regulation 63(5) also requires that *"in the light of the conclusions of the assessment, and subject to regulation 64 [(considerations of overriding public interest)], the competent authority may agree to the plan or project 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)"*.

Spatial planning documents, such as Neighbourhood Plans, are required to undergo HRA if they are not directly connected with, or necessary to, the management of a European site. As the SNP is not connected with, or necessary to, the management of European designated sites, it is necessary to undertake a HRA.

Deciding whether effects are “significant”

European case law has ruled that the question of whether an effect would be “significant” under regulation 63 (1) 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

³ These Regulations consolidate the Conservation of Habitats and Species Regulations 2010 with subsequent amendments. They also transpose elements of the EU Wild Birds Directive in England and Wales.

⁴ Designated by the Ramsar Convention on Wetlands of International Importance especially as Waterfowl 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.

2.1 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. If no adverse impact is determined, the project or plan can proceed. If an adverse impact is identified, Task 2 (see below) is commenced.

Following the ECJ judgement in the case of 'People Over Wind' (Case C-323/17)⁵, mitigation 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 and must be considered at the second stage of HRA.

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 considers the implications of a project or plan in view of the site's conservation objectives (generally to restore or maintain the features which led to the site's designation) and determines whether the project or plan would have an adverse impact on the integrity of the 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

⁵ People Over Wind & Sweetman v. Coillte Teoranta (C-323/17))

proceeding in the absence of alternative solutions. In these cases, compensatory measures must be put in place to offset negative impacts.

2.2 HRA Task 1: Screening

Screening is undertaken to identify the likely impacts of the SNP 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.

Screening methodology

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.

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 has been undertaken with Natural England as required by sending them a draft version of this report.

Limitations

No limitations were encountered.

2.3 European sites

Each site of European importance has its own intrinsic qualities, besides the habitats or species for which it has been designated, that enables the site to support the ecosystems that it does. An important aspect of this is that the ecological integrity of each site can be vulnerable to change from natural and human induced activities in the surrounding environment (pressures and threats). For example, sites can be affected by land use plans in a number of different ways, including the direct land take of new development, the type of use the land will be put to (for example, an extractive or noise-emitting use), the pollution a development generates and the resources used (during construction and operation, for instance).

An intrinsic quality of any European site is its functionality at the landscape ecology scale. This refers to how the site interacts with the zone of influence of its immediate surroundings, as well as the wider area. This is particularly the case where there is potential for developments resulting from the plan to generate water or air-borne pollutants, use water resources or otherwise affect water levels. Adverse effects to protected mobile species which are qualifying features of the site may also occur outside of a designated site. For example, there may be effects on protected birds that use land outside the designated site for foraging, feeding, roosting or other activities.

European sites in and around Send Neighbourhood Area

Best practice guidance suggests that sites occurring within a wider area of approximately 10km to 15km from the boundary of the area directly affected by a plan should be identified and assessed as part of the HRA screening process, in addition to those sites located within the plan area. However, it is important to consider the possibility of impacts for any European site which might be affected, whatever their location, given the activities included in the plan and their range of influence. This may extend some distance from the area within the immediate influence of a plan. For the SNP a buffer of 10km has been applied given the relatively small size of the neighbourhood area and it is considered that no pathways, including hydrological connections, exist that would impact upon any European sites beyond this extent.

There are no SPAs, SACs or Ramsar sites located within the boundary of the neighbourhood area, however Send Parish is within 5km of the Thames Basin Heaths SPA.

Within the 10km buffer zone, there is the Thames Basin Heaths SPA, Thursley, Ash, Pirbright & Chobham SAC and a number of SSSI sites, as shown in **Table 2.1**.

Table 2.1: European Sites within and adjacent to the Send Neighbourhood Area

Designation	Site	Distance at closest point
SPA	Thames Basin Heaths SPA site at Whitmoor Common	2 km
SPA	Thames Basin Heaths SPA site at Ockham and Wisley Commons	3.5 km
SPA	Thames Basin Heaths SPA site at Horsell Common	3.6 km
SAC/SPA	Thursley, Ash, Pirbright & Chobham at Ash to Brookwood Heaths	5.2 km
SAC/SPA	Colony Bog and Bagshot Heath	7.5 km
SAC/SPA	Chobham Common	6.8 km

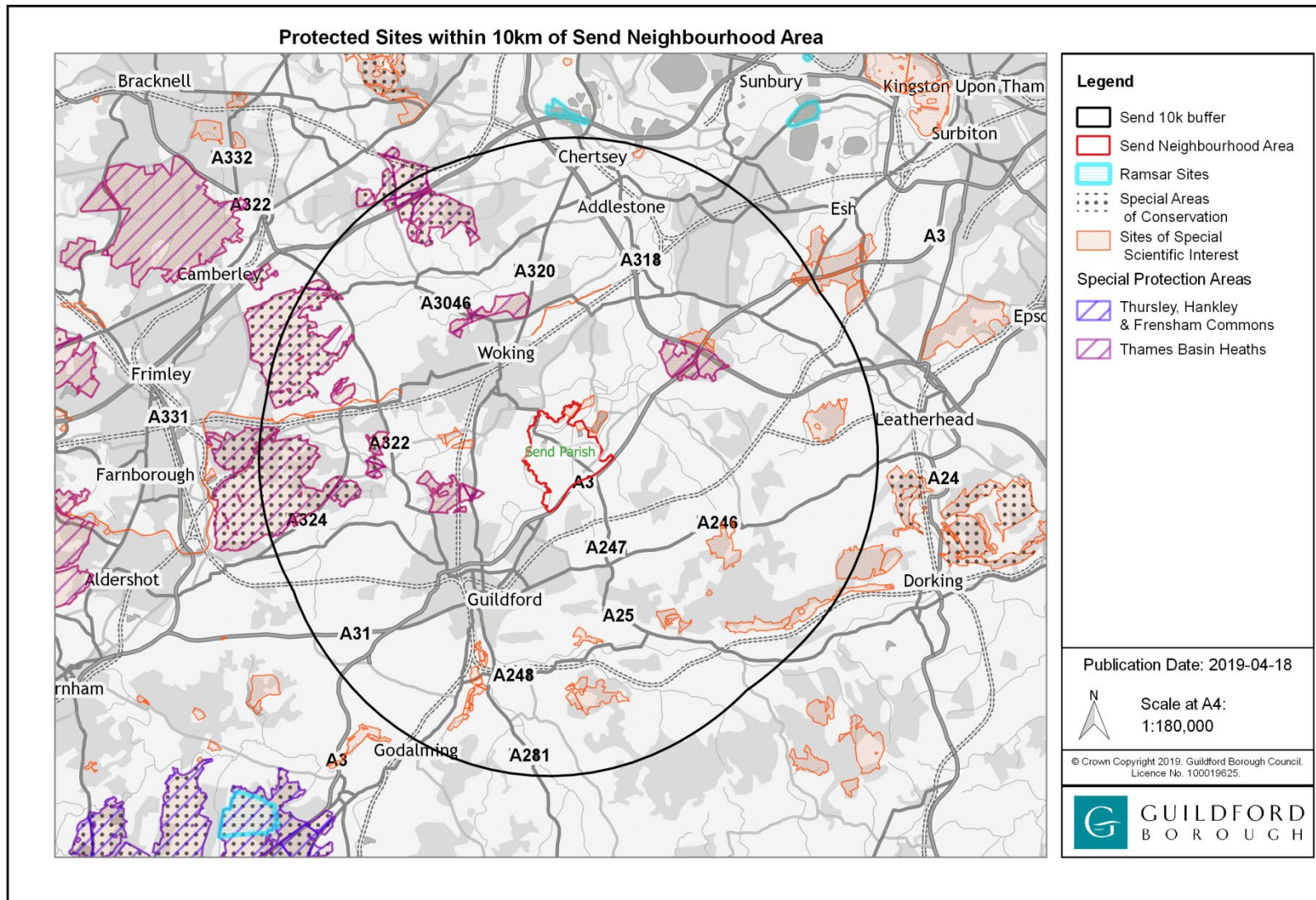
Details of European Sites within 10km buffer around the neighbourhood area are presented in **Table 2.2**.

Table 2.2: Details of European Sites within 10km buffer around Send Neighbourhood Area (Information from JNCC, 2018; Natural England, 2018)

European Site	Qualifying Features and Conservation Objectives
Thames Basin Heaths SPA	<p>Qualifying Features:</p> <p>During the breeding season:</p> <ul style="list-style-type: none"> Dartford Warbler <i>Sylvia undata</i>, 445 pairs representing at least 27.8% of the breeding population in Great Britain (Counts as at 1999) Nightjar <i>Caprimulgus europaeus</i>, 264 pairs representing at least 7.8% of the breeding population in Great Britain (Count mean (1998-99))

European Site	Qualifying Features and Conservation Objectives
	<ul style="list-style-type: none"> • Woodlark <i>Lullula arborea</i>, 149 pairs representing at least 9.9% of the breeding population in Great Britain (Count as at 1997) <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.
<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:</p> <p>Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring:</p> <ul style="list-style-type: none"> • The extent and distribution of qualifying natural habitats • The structure and function (including typical species) of qualifying natural habitats, and • The supporting processes on which qualifying natural habitats rely.

Figure 2.1: Location of European Sites within Send Neighbourhood Area and a 10km buffer



Potential impacts on the European Sites

Neighbourhood Plans, with the spatial planning policies they contain, can potentially have adverse impacts on the habitats and species for which European sites are designated. These impacts can be direct such as habitat loss, fragmentation or degradation, or indirect such as disturbance from recreational activities or pollution from construction and transportation.

This section identifies the potential hazards to European sites within the 10km buffer around the neighbourhood area which may arise as a result of the implementation of the Neighbourhood Plan, and then goes on to identify the types of hazards to which the qualifying features present within the sites are particularly sensitive.

Qualifying Features and Sensitivity to Hazards

Table 2.3 below, shows the qualifying features of the European sites within the 10km buffer around the neighbourhood area and identifies the hazards to which they are potentially sensitive.

It must be noted that during the assessment of the potential impacts of the Neighbourhood Plan on a European site, all of the potential hazards will be considered.

Table 2.3: Threats and pressures for each European site identified as potentially being affected by Send NP

Threats and pressures	Thames Basin Heaths SPA	Thursley, Hankley and Frensham Commons SPA
Air pollution	√ab All qualifying features	√ab All qualifying features
Biocenotic evolution, succession	√a	√a
Forestry and woodland/plantation management	√ab* All qualifying features	√b All qualifying features
Public access and sports/recreational activities	√ab All qualifying features	√ab All qualifying features
Hydrological changes	√b All qualifying features	√b All qualifying features
Grazing regime	√b All qualifying features	√b All qualifying features
Wildlife/arson	√b All qualifying features	√b All qualifying features
Habitat fragmentation	√b All qualifying features	√b All qualifying features
Military activities	√b	√b

All qualifying features

All qualifying features

a - Indicates that this is highlighted as a threat / pressure in the relevant Natura 2000 Data Form

b - Indicates that this is highlighted as a threat in the relevant Site Improvement Plan

*- Indicates that this threat / pressure is also identified as a potentially positive impact on the relevant Natura 2000 Data Form

2.4 Other Relevant Plan and Projects that might act in-combination

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'*.

Table 2.4 below 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 Send Neighbourhood Plan.

Table 2.4: Other Plans and Projects

Plan/ Projects	Potential in-combination effects
National Planning Policy Framework (NPPF) (February, 2019)	The NPPF sets out national planning policy to be taken into account by councils when preparing new local plans and making decisions on planning applications. In relation to conserving and enhancing the natural environment the NPPF states that the planning systems should contribute and enhance the natural and local environment through minimising impacts on biodiversity and providing net gains in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures (paragraph 170). It also requires local planning authorities to set criteria based policies against which proposals for any developments on, or affecting, protected wildlife will be judged, with distinctions made between the hierarchy of international, national and locally designated sites, so that protection is commensurate with their status (paragraph 171). The presumption in favour of sustainable development, enshrined within the NPPF, <i>"does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site"</i> (paragraph 177).
Guildford Local Plan (2003) and Guildford Local Plan: Strategy and Sites (2019)	The Guildford Local Plan (2003) contains a number of policies relating to housing, infrastructure, cultural heritage, recreation and the environment. Once the SNP has been adopted or 'made' it will form part of the Development Plan alongside the Local Plan for Guildford. The SNP must conform with the Local Plan's strategic policies in order to be adopted. The Guildford Local Plan: Strategy and Sites (2019) does not allocate a housing target for the village of Send, therefore no in-combination effects are likely to occur. The Guildford Local Plan has undergone a Habitats Regulations Assessment (AECOM, 2018). Additionally, the Plan contains a policy (P5) specifically related to the Thames Basin Heath SPA that states permission will not be granted for development proposals unless it can be demonstrated that doing so would not give rise to adverse effects on the ecological integrity of the Thames Basin Heaths SPA, whether alone or in-combination with other development (Guildford Borough Council, 2019).

Plan/ Projects	Potential in-combination effects
Thames Basin Heaths Special Protection Area Avoidance Strategy 2017 Supplementary Planning Document (Guildford Borough Council, 2017)	<p>This document was adopted on 18th July 2017 and replaces the earlier Thames Basin Heaths SPA Avoidance Strategy 2009-2016. 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 SNP may result in adverse impacts on the SPA and this is taken into account throughout this HRA.</p> <p>Although the Regional Spatial Strategy for the South East has now been partially revoked under the 2013 Localism Bill, policy NRM6 relating to the Thames Basin Heaths SPA was retained and remains a material consideration as part of development planning. This policy is linked to the Avoidance Strategy detailed above. Policy NRM6 relates to new residential development which is likely to have a significant effect on the ecological integrity of the Thames Basin Heaths SPA. The SNP will have to ensure that its policies are consistent with the requirements of policy NRM6.</p>

2.5 HRA Task 1: Screening assessment

This section considers the policies in the Send Neighbourhood Plan (Draft Submission Version, Autumn 2019) and whether they are likely to have an impact on any European sites, taking into account the location of these sites in relation to the neighbourhood area and the identified potential hazards associated with the plan's objectives and policies. It then identifies whether or not they are likely to have significant effects on site integrity, either alone or in-combination with other plans and/or projects. The screening assessment is detailed in **Table 2.5** below.

Send Neighbourhood Plan HRA screening assessment

Table 2.5: Screening assessment of the Send Neighbourhood Plan policies on European Sites

Policies	Policy Summary	Assessment of likelihood of significant effects	Significant effects
Policy Send 1 – Design	The policy sets out requirements for specific areas to demonstrate how developments promote and reinforce the local distinctiveness and high quality built and natural environment of Send with reference to the Send Neighbourhood Development Plan Character Assessment, with reference to specific areas.	This policy would not be likely to create any pathways of impact onto European sites. It is unlikely to lead to likely significant effects on the SPA through increased recreational pressure. This policy is unlikely to have HRA implications.	None
Policy Send 2 – Housing Development	Housing development in Send Parish will be supported provided that: a) It is on an allocated site which complies with the development guidelines or briefs adopted by Guildford Borough Council; or b) It is limited infill development within the settlements of Send, Send Marsh or Burnt Common; and c) At least 85% of the dwellings are a mixture of 1-3 bedroom units	Although the SNP does not allocate further development but rather seeks to influence the type, style, tenure and design of these allocated developments, the policy supports any other future windfall developments and therefore is likely to lead to significant effects on the SPA through increased recreational pressure due to the parish falling within the 5km zone of influence of the Thames Basin Heath SPA. Therefore, this policy is likely to require appropriate assessment to assess avoidance and mitigation measures. There is an established approach to mitigation and avoidance, which the appropriate assessment will be able to draw upon and it will very likely conclude that the policy will not lead to adverse effects on the integrity of the SPA and thus is compatible with European obligations. ⁶	Yes
Policy Send 3 – Supporting the local economy	Proposals for new business or retail development within the settlements of Send, Send Marsh or Burnt Common will be supported provided that: a) the site is suitably located in terms of its impact on the environment, levels of traffic movement, its accessibility to public transport and its link with the infrastructure, its impact on the amenity of the area or adjoining occupiers; and	This policy would not be likely to create any pathways of impact onto European sites. It is unlikely to lead to likely significant effects on the SPA through increased recreational pressure. This policy is unlikely to have HRA implications.	None

⁶ The Council's view is that this approach is compatible with the judgement from the European Court of Justice (People Over Wind & Sweetman v. Coillte Teoranta (C-323/17)), which stated that likely significant effects can only be taken into account at Stage 2 (Appropriate Assessment) of a Habitats Regulations Assessment and mitigation can no longer be considered at the screening stage. This is notwithstanding paragraph 32 of the Neighbourhood Planning (General) Regulations 2012 (as amended).

	<p>b) if the site is within or adjacent to Send Local Centre, as defined on the Policies Map, it supports the existing uses within that Centre and its role as a community hub.</p>		
<p>Policy Send 4 – Green and Blue Infrastructure</p>	<p>Proposals for development within Send Parish that comply with other Development Plan policies will be supported provided that:</p> <p>a) they protect the countryside setting of the settlements of Send, Send Marsh and Burnt Common and retain the gaps in between these settlements and Woking and Guildford;</p> <p>b) they include the provision and enhancement of green and blue infrastructure within Send Parish; and</p> <p>c) they seek to achieve net biodiversity gain proportionate to the scale of development and, where appropriate, they contribute to meeting the objectives of the River Wey Biodiversity Opportunity Area. Proposals to promote greater use of the River Wey or Wey Navigation as a leisure and recreational resource will only be supported if they do not harm local biodiversity or water quality.</p>	<p>This policy would not be likely to create any pathways of impact onto European sites.</p> <p>It is unlikely to lead to likely significant effects on the SPA through increased recreational pressure. This policy is unlikely to have HRA implications.</p>	<p>None</p>
<p>Policy Send 5 – Local Green Space</p>	<p>The policy allocates seven specific allocations for Local Green Spaces in accordance with the Policies Map (on pages 43-47 of the plan) and stipulates that proposals for any development on these Local Green Spaces will only be permitted in very special circumstances, for example, where it is essential to meet specific necessary utility infrastructure needs and no alternative feasible site is available.</p>	<p>This policy would not be likely to create any pathways of impact onto European sites.</p> <p>It is unlikely to lead to likely significant effects on the SPA through increased recreational pressure. This policy is unlikely to have HRA implications.</p>	<p>None</p>
<p>Policy Send 6 – Supporting Community Facilities</p>	<p>The policy identifies 18 community facilities that are of particular importance to Send and provides support for the proposed provision of new community facilities that provide for everyday needs within Send Parish. Proposals that would result in the loss of existing community facilities will only be acceptable if evidence is provided that the facility is no longer needed by the community, is unviable, or that it would be replaced by equivalent or</p>	<p>This policy would not be likely to create any pathways of impact onto European sites.</p> <p>It is unlikely to lead to likely significant effects on the SPA through increased recreational pressure. This policy is unlikely to have HRA implications.</p>	<p>None</p>

	better provision in terms of quantity and quality in a suitable location.		
Policy Send 7 – Supporting sustainable transport	<p>Proposals that enhance sustainable and accessible transport opportunities and help address the transport issues within Send Parish will be supported. Examples of these could include:</p> <ul style="list-style-type: none"> • The provision or improvement of public transport facilities; • The provision or improvement of public footpaths and cycleways; • The provision of electric charging points at publicly accessible locations or within developments; and • The provision of park and ride facilities for local stations. 	<p>This policy would not be likely to create any pathways of impact onto European sites. It is unlikely to lead to likely significant effects on the SPA through increased recreational pressure. This policy is unlikely to have HRA implications.</p>	None
Policy Send 8 – Car parking provision	<p>Proposals will only be supported where they provide off-street vehicle parking such that the level of any resulting parking on the public highway does not adversely impact road safety or the movement of other road users. This provision will apply the standards set out in the Surrey County Council 'Vehicular and Cycle Parking Guidance' as a minimum.</p>	<p>This policy would not be likely to create any pathways of impact onto European sites. It is unlikely to lead to likely significant effects on the SPA through increased recreational pressure. This policy is unlikely to have HRA implications.</p>	None

2.6 HRA screening conclusions

This HRA Screening Assessment has examined the Send Neighbourhood Plan (SNP) policies for any impacts on the European sites within the neighbourhood area or within 10km of the neighbourhood area.

There are no European sites within the Send neighbourhood area. However, the Send Neighbourhood Area is approximately 2 km from the Thames Basin Heaths SPA site at Whitmoor Common. The entirety of the neighbourhood area falls within the SPA 5km zone of influence, within which net new dwellings are likely to have significant effects on the SPA by increasing recreational pressure. Likely significant effects are identified for “Policy Send 2 – Housing Development”.

The SNP does not allocate further development but rather seeks to influence the type, style, tenure and design of these allocated developments. However, the Housing Development policy supports any other future windfall developments and therefore is likely to lead to significant effects on the SPA through increased recreational pressure due to the parish falling within the 5km zone of influence of the Thames Basin Heath SPA and will require appropriate assessment to assess avoidance and mitigation measures.

To this end, an appropriate assessment of these policies will be carried out and presented in the next section of this report. There is an established approach to mitigation and avoidance, which the appropriate assessment will be able to draw upon and it will very likely conclude that these policies will not lead to adverse effects on the integrity of the SPA and thus is compatible with European obligations.

2.7 HRA Task 2: Appropriate Assessment of “Policy Send 2 – Housing Development”

This appropriate assessment should be read in conjunction with the Send Neighbourhood Plan Screening Assessment, which sets out additional background information relating to HRA, the SPA and approaches to avoidance and mitigation.

The SNP’s Housing Development policy (Policy Send 2), if implemented without avoidance and/or mitigation measures, could lead to likely significant effects on the SPA through increased recreational pressure brought by new dwellings between 400m and 5km from the SPA. This matter is considered in the section below.

Potential for adverse effects on the integrity of the SPA

The SPA has been designated because it supports three species of birds that are protected under the Wild Birds Directive; Nightjar, Woodlark and Dartford Warbler. The conservation objectives for the site are to 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:

- The extent and distribution of the habitats of the three species
- The structure and function of the habitats of the three species
- The supporting processes on which the habitats of the three species rely
- The population of each of the three species, and,
- The distribution of the three species within the site.

The Send Neighbourhood Area is approximately 2 km from the Thames Basin Heaths SPA site at Whitmoor Common. The entirety of the neighbourhood area falls within the SPA 5km zone of

influence, within which any other future windfall developments that this policy supports are likely to have significant effects on the SPA by increasing recreational pressure.

The SPA is currently subject to high levels of recreational use that can lead to disturbance in the behavioural patterns of the three species, and consequently can reduce breeding success. Therefore, by supporting residential development in this zone, and without any appropriate avoidance and mitigation strategy in place, Policy Send 2 – Housing Development could potentially lead to adverse effects on the integrity of the SPA through negative impacts on conservation objectives 1, 4 and 5 (see Table 3.2).

Avoidance and mitigation measures

Policy NRM6 of the South East Plan and the Guildford Borough Council Thames Basin Heaths Special Protection Area Avoidance Strategy 2017 Supplementary Planning Document (the SPA strategy) set out an approach to avoidance and mitigation of the effects of increased recreational pressure. This is achieved through the provision of SANG to attract people away from the SPA and through the funding of the SAMM program which monitors the SPA and provides mitigation measures for the impact of visitors (including wardening, access management and education measures for SPA users).

SANGs provide an attractive natural or semi-natural environment and visitor experience equivalent to the SPA and in doing so prevent new dwellings bringing an increase in recreational pressure on the SPA by “soaking up” potential SPA visitors. In this way, adverse impacts on the integrity of the SPA from new residential developments within the 400m to 5 km zone are avoided.

The Council currently has a large amount of available SANG capacity across the borough. Under the terms of policy NRM6 and the SPA strategy developments of fewer than 10 dwellings, the size of development very likely to be covered by “Policy Send 2 – Housing Development”, do not need to be within the catchment of any specific SANG⁷.

Therefore, it can be concluded that any development that goes ahead as a result of proposed “Policy Send 2 – Housing Development” will be supported by appropriate SANG and that adverse effects on the integrity of the SPA will be avoided.

2.8 Conclusion

On the basis of the above appropriate assessment, and taking account of the earlier screening exercise, the Council has determined that there will be no adverse effects on the integrity of the SPA as a result of the making of the Send Neighbourhood Plan. Making the plan is therefore compatible with European obligations.

⁷ The basis for this approach is that individually developments of less than 10 dwellings will not have a significant impact on the SPA and that this justifies a more flexible approach in terms of SANG location, but the cumulative impact should still be addressed. See the Thames Basin Heaths Special Protection Area Delivery Framework (TBH Joint Strategic Partnership Board, 2009).

3. Strategic Environmental Assessment

3.1 Legislative background

The Environmental Assessment of Plans and Programmes Regulations 2004 (“The SEA Regulations”) transpose European Directive 2001/42/EC (“the SEA Directive”) into English Law. This Directive and the Regulations require a Strategic Environmental Assessment (SEA) to be undertaken for certain types of plans or programmes that could have a significant environmental effect.

The objective of the SEA Directive (2001/42/EC) is set out in Article 1 therein, which states:

‘The objective of this Directive is to provide for a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes with a view to promoting sustainable development, by ensuring that, in accordance with this Directive, an environmental assessment is carried out of certain plans and programmes which are likely to have significant effects on the environment.’

Whether a neighbourhood plan requires SEA, and (if so) the level of detail needed, will depend on what is proposed in the draft neighbourhood plan. SEA may be required, for example where:

- a neighbourhood plan allocates sites for development;
- the neighbourhood plan area contains sensitive natural or heritage assets that may be affected by the proposals in the plan; and
- the neighbourhood plan may have significant environmental effects that have not already been considered and dealt with through a sustainability appraisal of the Local Plan for the area.

If significant environmental impacts are triggered by the implementation of a Neighbourhood Plan, it is considered prudent to advise that a SEA is required. As such, it is important to determine whether there would be significant environmental impacts as per the SEA Directive.

3.1 Methodology

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

To establish if a neighbourhood plan requires SEA, the plan must be assessed, or screened, against a series of criteria set out in the SEA Directive. **Figure 3.1** below sets out the screening process and how a plan should be assessed against the SEA Directive criteria.

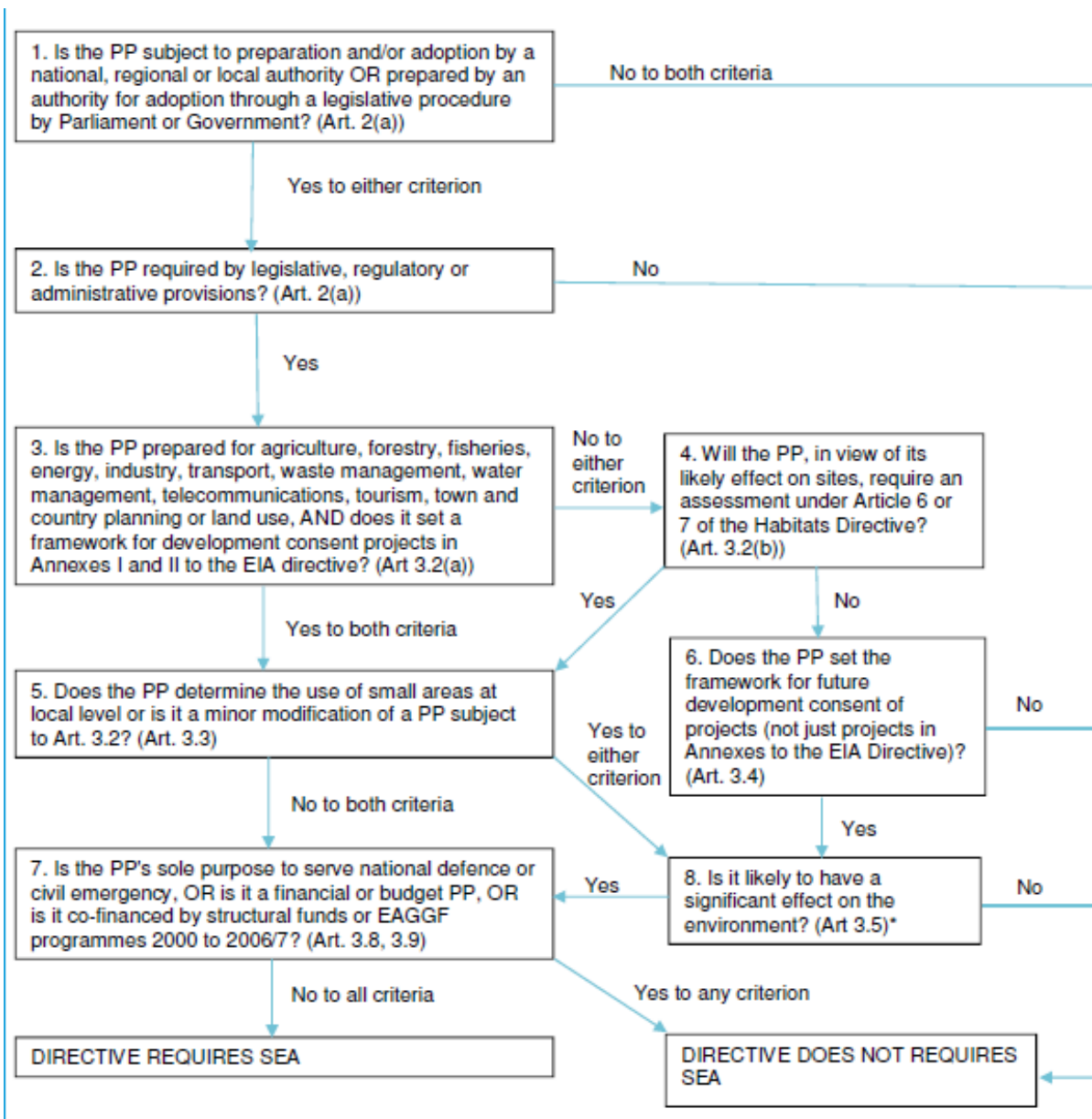


Figure 3.1: Application of the SEA Directive to plans and programmes (from “A Practical Guide to the Strategic Environmental Assessment Directive”, ODPM, 2005).

The significance of effects on the environment that a Neighbourhood Plan may have will depend 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 are presented in **Figure 3.2** below:

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 3.2: Criteria for assessing significance

The SEA screening assessment is therefore split into two parts. Part 1 runs the draft plan 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 Send Neighbourhood Plan against these criteria is set out in **Tables 3.1** and **3.2** of this report.

3.2 Part 1 – Application of the Directive to the draft Send Neighbourhood Plan

Table 3.1. Establishing the need for Strategic Environmental Assessment (SEA)⁸

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 Send Neighbourhood Plan is prepared by the parish council under the provision of the Town and Country Planning Act 1990 as amended by the Localism act 2011.
2. Is the PP required by legislative, regulatory or administrative provisions? (Art. 2(a))	No (Yes when 'made' so proceed to Q3)	It is not a requirement for a parish to produce a Neighbourhood Plan. However, once "made" the plan forms part of the statutory Development Plan and will be used when making decision on planning applications.
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))	Yes Yes to both criteria (proceed to Q5)	The Send Neighbourhood Plan is being prepared for town and country planning and land use. The Send Neighbourhood Plan does not allocate further development but rather seeks to influence the type, style, tenure and design of these allocated developments, the policy supports any other future windfall developments. The Plan does contain a general framework for future development consent and thus projects which could be listed in Annex II of the EIA Directive.
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))	N/A	Not applicable as both criterion to Q3 answered "Yes". However, potential significant impacts on the European sites are addressed further below (see question 8 and Table 2).
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)	Yes (proceed to Q8)	The Neighbourhood Plan does show preference for the type and form of development at local level.
6. Does the PP set the framework for future development consent of projects (not just projects in annexes to the EIA Directive)? (Art 3.4)	N/A	Not applicable as both criterion to Q5 answered "No". However, the Neighbourhood Plan does direct a small-scale development to general locations such as in-fill plots and previously developed land within the three settlements which alongside the inclusion of policies to protect green spaces, village character and the environment will not cause rise to significant environmental effects.
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	N/A	The Neighbourhood Plan is not prepared for any of the purposes opposite.

⁸ Table adapted from Figure 2 of *A Practical Guide to the Strategic Environmental Assessment Directive* (ODPM, 2005)

	Stage	Yes/No	Justification
8.	programmes 2000 to 2006/7? (Art 3.8, 3.9)		
	Is it likely to have a significant effect on the environment? (Art. 3.5)	No	The Send Neighbourhood Plan is unlikely to have any significant effects on the environment. The Send Neighbourhood Plan does not allocate further development but rather seeks to influence the type, style, tenure and design of these allocated developments. The Plan sets out a framework for the consideration of a range of matters at the local level that due to their small size, nature and location will not cause rise to significant environmental effects. See Table 4.2 below for further justification.

3.3 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 draft Neighbourhood Plan would trigger the need for a full SEA.

Table 3.2: Criteria for assessing the likely significance of effects

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 Send Neighbourhood Plan sets out a vision for the parish which can be used to influence the outcome of future planning applications, consistent with the needs and expressed opinions of residents. The Plan does not allocate specific land for small-scale development.
b) The degree to which the plan or programme influences other plans and programmes including those in a hierarchy	No	The Send Neighbourhood Plan covers a small, defined parish within the context of the Guildford Local Plan area. The Neighbourhood Plan will be in general conformity with the strategic policies of the Guildford Local Plan and the NPPF (2019). Once adopted/'made' the Neighbourhood Plan will form part of the Development Plan for Guildford borough. If the Send Neighbourhood Plan is not delivered, the Guildford Local Plan is not affected. The Guildford Local Plan was subject to SA/SEA process.
c) The relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development	No	Throughout the Send Neighbourhood Plan, integration of environmental considerations and promotion of sustainable development is central to the specific objectives and policies. The Plan seeks to promote sustainable development overall and does not seek any relaxations to sustainable development principles set out in higher-level plans. The Send Neighbourhood Plan

SEA Directive Criteria	Yes/No	Justification
<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>		<p>includes specific policies relating to the protection of the natural environment – green and blue infrastructure. The Send Neighbourhood Plan does not seek to address any significant environmental problems in the area.</p>
	No	<p>There are no SPAs, SACs or Ramsar sites located within the neighbourhood area, however Send Parish is within 5km of the Thames Basin Heaths Special Protection Area (SPA). Within the 10km buffer zone, there is Thames Basin Heaths SPA, Thursley, Ash, Pirbright & Chobham SAC and a number of SSSI sites. The Send Neighbourhood Plan falls within the SPA 5km zone of influence and thus will be carried out in conformity with GBC's Thames Basin Heaths Special Protection Area Avoidance Strategy (2017). The Appropriate Assessment for policy "Send 2 – Housing Development" concluded that there will be no adverse effects on the integrity of the SPA as a result of the making of the Send Neighbourhood Plan (see Sections 3.5-3.6). At this stage it is considered that the Send Neighbourhood Plan will not introduce any environmental problems, rather it will seek to encourage sensitive development in relation to the environment through integration of environmental protection measures within a number of the policies of the Plan. Consequently, it is not considered that it will have significant environmental effects.</p>
	No	<p>The Send Neighbourhood Plan will not affect implementation of European Community environmental legislation. The Water Framework Directive will need to be taken into account. The Send Neighbourhood Plan supports the implementation of higher-level policies at the Neighbourhood Area level. It is therefore not considered to have significant influence on other plans and programmes or their effects on the environment.</p>
<p>2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:</p>		
<p>a) The probability, duration, frequency and reversibility of the effects</p>	No	<p>The Send Neighbourhood Plan does not allocate further development but rather seeks to influence the type, style, tenure and design of these allocated developments; the policy, however, it supports any other future windfall developments. The Plan is supportive of sustainable development within the overall protective policy context of the Guildford Local Plan in terms of the built and natural environment. The significant effects are considered to be unlikely.</p>
<p>b) The cumulative nature of the effects</p>	No	<p>The Send Neighbourhood Plan does not allocate further development but rather seeks to influence the type, style, tenure and design of these allocated developments. The Plan supports any other future windfall developments and therefore is likely to lead to significant effects on the SPA through increased recreational pressure due to the parish falling within the 5km zone of influence of the Thames Basin Heath SPA. This has been assessed further as part of a Habitats Regulations Screening Assessment and the subsequent</p>

SEA Directive Criteria	Yes/No	Justification
<p>c) The transboundary nature of the effects</p> <p>d) The risks to human health or the environment (e.g. due to accidents)</p> <p>e) The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)</p> <p>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,</p> <p>g) The effects on areas or landscapes which have a recognised national, Community or international protection status.</p>		Appropriate Assessment (see Chapter 3), which concludes that the Plan policies will not lead to adverse effects on the integrity of the SPA and thus is compatible with European obligations.
	No	No significant transboundary effects of the policies contained within the Send Neighbourhood Plan are anticipated given that they focus on small-scale areas within the neighbourhood area itself. Furthermore, Neighbourhood Plans are required to relate to discrete administrative areas. By definition, “transboundary” issues are “strategic” matters; therefore beyond the scope of a Neighbourhood Plan.
	No	The Send Neighbourhood Plan does not create any significant risks to human health or the environment.
	No	The Send Neighbourhood Plan covers the parish of Send. The magnitude and spatial extent of the Neighbourhood Plan is limited and will not have significant environmental effects across or outside of this geographical area.
	No	The Send Neighbourhood Area contains six areas of high archaeological potential and is partially within the corridor of the River Wey. It contains a part of the River Wey and Godalming Navigation Conservation Area. The southwestern most corner of the parish is adjacent to the Sutton Park Conservation Area in Woking borough. There are 21 Grade II and two Grade II* listed buildings. The Plan does not allocate further development but rather seeks to influence the type, style, tenure and design of these allocated developments. It supports any other future windfall developments which are likely to prevent impact upon the wider landscape but could potentially affect Conservation Area or the setting of listed buildings. However, the Plan seeks to prevent these impacts and uphold other policy at Borough and National level to ensure no significant environmental issues are created.
No	It is not anticipated that the Send Neighbourhood Plan will adversely impact on the Thames Basin Heaths SPA and Thursley, Ash, Pirbright & Chobham SAC, as well as SSSIs and/or other areas/ landscapes of community importance, as detailed above. Furthermore, the policies include the protection of green space, biodiversity, landscape, community assets and it is likely that the Plan will be positive by maximising the positive environmental effects of development and minimising or avoiding negative impacts. The Send Neighbourhood Plan does not allocate further development but rather seeks to influence the type, style, tenure and design of these allocated developments only so risks to the protected sites are deemed minimal.	
Part 2 Overall Conclusion	<i>The Send Neighbourhood Plan is unlikely to have significant effects on the environment.</i>	

3.4 SEA screening assessment conclusion

This section of the report has determined whether or not the Send Neighbourhood Plan requires a SEA by assessing (screening) the potential high-level environmental impacts that may arise from implementation of the plan.

The assessment concluded that the Send Neighbourhood Plan does not require a SEA. This is primarily because the plan does not allocate locations for further development but rather seeks to influence the type, style, tenure and design of these allocated developments, therefore, the policies within the plan are not likely to adversely impact on any of the sensitive environmental receptors within or around Send Neighbourhood Area.

This conclusion and report were sent to the Environment Agency, Natural England and Historic England for consideration in accordance with regulation 9(2) of the SEA Regulations and their responses are included in Appendix 1.

4. Background documents

- [The Conservation of Habitats and Species Regulations 2017](#)
- [The Environmental Assessment of Plans and Programmes Regulations 2004](#)
- [The Neighbourhood Planning \(General\) Regulations 2012 \(as amended\)](#)
- [Guildford Borough Council Thames Basin Heaths Special Protection Area Avoidance Strategy 2017 SPD](#)
- [The South East Plan, Policy NRM6](#)
- Designated Sites Natural England,
<https://designatedsites.naturalengland.org.uk/SiteSearch.aspx>

5. Appendix 1: Emails sent to statutory consultation bodies⁹ (Natural England, Historic England and the Environment Agency) and their responses

⁹ Under regulations 4(1) and 9(2) of the Environmental Assessment of Plans and Programmes Regulations 2004 and regulations 5(1) and 63(3) of The Conservation of Habitats and Species Regulations 2017.

From: [REDACTED]
To: [REDACTED]
Subject: NE consultation response 304648 - SEND Neighbourhood Plan SEA and HRA consultation
Date: 22 January 2020 09:36:12

Dear [REDACTED]

Many thanks for sending through the Send Neighbourhood Plan SEA and HRA consultation.

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.

Natural England is a statutory consultee in neighbourhood planning and must be consulted on draft neighbourhood development plans by the Parish/Town Councils or Neighbourhood Forums where our interests would be affected by the proposals made.

SEA

In our review of the Send Neighbourhood Plan SEA screening we note that; there are designated sites within the boundary and impact zone of the parish, but there are no sites allocated for development. As a result we agree with the assessment that the Neighbourhood Plan does not require an SEA.

HRA

Natural England are in agreement with the conclusions reached within the Appropriate Assessment. In regards to the Thames Basin Heaths Special Protection, Natural England has no objection to small-scale windfall development, as long as applicants comply with the requirements of Guildford's Avoidance and Mitigation Strategy for Thames Basin Heaths SPA (through a legal agreement securing contributions to Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM)).

If you have any questions, please don't hesitate to contact me by return email.

Kind Regards,

[REDACTED] | Lead Adviser
Sustainable Development | Thames Solent Team
Natural England

<https://www.gov.uk/natural-england>

Working pattern: full-time; home-based in Wiltshire

We are here to secure a healthy natural environment for people to enjoy, where wildlife is protected and England's traditional landscapes are safeguarded for future generations.

Natural England offers two chargeable services – The Discretionary Advice Service ([DAS](#)) provides pre-application, pre-determination and post-consent advice on proposals to developers and consultants as well as pre-licensing species advice and pre-assent and consent

advice. The Pre-submission Screening Service ([PSS](#)) provides advice for protected species mitigation licence applications.

These services help applicants take appropriate account of environmental considerations at an early stage of project development, reduce uncertainty, reduce the risk of delay and added cost at a later stage, whilst securing good results for the natural environment.

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From: [REDACTED]
To: consultations@naturalengland.org.uk
Subject: FW: Send Neighbourhood Plan SEA and HRA consultation
Date: 20 January 2020 11:49:00
Attachments: [Send NP SEA HRA screening January 2020 draft version.pdf](#)
[Send NDP Submission Plan Autumn 30 Oct 2019 FINAL.pdf](#)

Dear Sir/Madam,

Further to my email below, I have attached, for your information, an updated version of the Council's Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) screening report for the Send Neighbourhood Plan, which now also includes the Appropriate Assessment. This is the most up-to-date draft of this report, following submission of the neighbourhood plan to the Council in October 2019 and will be the version that we publish and supply to the neighbourhood plan examiner, subject to any comments that you may wish to make.

It includes some additional detail in the summary of the neighbourhood plan's policies in the screening assessment (in Table 1) and a map to show the location of the European sites (at Figure 3.1). However there were no changes to the overall HRA and SEA screening outcomes from the previous version of the report.

If you feel you need any more time to review this then please let me know.

I look forward to hearing your response soon.

Kind regards

[REDACTED]
Senior Policy Planner

Telephone: [REDACTED]

Planning Services
Guildford Borough Council
Millmead House
Guildford
Surrey GU2 4BB
www.guildford.gov.uk

From: [REDACTED]
Sent: 03 January 2020 14:16
To: 'consultations@naturalengland.org.uk' <consultations@naturalengland.org.uk>
Subject: Send Neighbourhood Plan SEA and HRA consultation

Dear Sir/Madam,

I am contacting you regarding the Send Neighbourhood Plan. Send Parish Council and Guildford Borough Council are in the process of developing the Neighbourhood Plan for Send Parish.

In order to determine whether or not the Plan requires a Strategic Environmental Assessment (SEA) the Council has undertaken a screening assessment. The Council considers that the Send Neighbourhood Plan does not require a Strategic Environmental Assessment.

A Habitats Regulations Assessment screening and Stage 2 Appropriate Assessment has also been undertaken. **On the basis of these two assessments**, the Council considers that the plan is unlikely to lead to significant environmental effects on the Thames Basin Heaths SPA and **there will be no adverse effects on the integrity of the SPA as a result of the plan being made (adopted)**.

Please find attached a SEA and Habitats Regulations Assessment (HRA) screening report, and the Appropriate Assessment, along with a copy of the draft plan for your consideration.

I would be grateful if you would reply in writing to confirm if you agree with our conclusions. If you disagree with either determination, you are invited to make representations in writing, to

████████████████████ by **Friday 24th January 2020**.

Kind regards

████████████████████
Senior Policy Planner

Telephone: ██████████

Planning Services
Guildford Borough Council
Millmead House
Guildford
Surrey GU2 4BB
www.guildford.gov.uk

From: [REDACTED]
To: [REDACTED]
Subject: Re: Send Neighbourhood Plan SEA screening consultation
Date: 23 January 2020 15:16:46

Dear [REDACTED]

I'm happy to confirm that Historic England are in agreement with the Council's Draft Opinion that the Send Neighbourhood Plan does not merit Strategic Environmental Assessment because of any potential likely significant environmental effects within areas that fall within our interest.

We reserve the right to request a review of this opinion should the plan change in scope or likely effects at a later stage of planning process.

Yours sincerely

[REDACTED]

[REDACTED] | South East England | Historic England
Cannon Bridge House | 25 Dowgate Hill | London | EC4R 2YA

[REDACTED]

From: [REDACTED]
Sent: 20 January 2020 12:01
To: South East ePlanning
Subject: FW: Send Neighbourhood Plan SEA screening consultation

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Dear Sir/Madam,

Further to my email below, I have attached, for your information, an updated version of the Council's Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) screening report for the Send Neighbourhood Plan. This is the most up-to-date draft of this report, following submission of the neighbourhood plan to the Council in October 2019.

It now includes the Appropriate Assessment (HRA stage 2), and a map to show the location of the European sites in the vicinity of the Send Neighbourhood Area (at Figure 3.1). It also includes more detailed summaries of the neighbourhood plan's policies in the screening assessment (in Table 1). However, the overall HRA and SEA screening outcomes are unchanged from the previous version of the report.

If you feel you need any more time to review this then please let me know.

I look forward to hearing your response soon.

Kind regards

Senior Policy Planner

Telephone: [REDACTED]

Planning Services
Guildford Borough Council
Millmead House
Guildford
Surrey GU2 4BB
www.guildford.gov.uk

From: [REDACTED]

Sent: 03 January 2020 14:14

To: e-seast@historicengland.org.uk; planning_THM@environment-agency.gov.uk

Subject: Send Neighbourhood Plan SEA screening consultation

Dear Sir/Madam,

I am contacting you regarding the Send Neighbourhood Plan. Send Parish Council and Guildford Borough Council are in the process of developing the Neighbourhood Plan for Send Parish.

In order to determine whether or not the Plan requires a Strategic Environmental Assessment (SEA) a screening assessment has been undertaken. The Council considers that the Send Neighbourhood Plan does not require a Strategic Environmental Assessment. Please find attached a SEA and Habitats Regulations Assessment (HRA) screening report which supports this conclusion for your consideration, with the HRA Appropriate Assessment attached as well for information. I have also attached a copy of the draft neighbourhood plan.

I would be grateful if you would reply in writing to confirm if you agree with our determination that the Send Neighbourhood Plan will have no significant environmental effects and does not therefore require a SEA. If you disagree with this determination, you are invited to make representations in writing, to [REDACTED] by **Friday 24th January 2020**.

Kind regards

Senior Policy Planner

Telephone: [REDACTED]

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Guildford Borough Council
Millmead House
Guildford
Surrey GU2 4BB
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From: [Planning_THM](#)
To: [REDACTED]
Subject: RE: Send Neighbourhood Plan SEA screening consultation
Date: 17 January 2020 09:47:28
Attachments: [image006.png](#)

Thank you for consulting the Environment Agency on your SEA screening opinion for the Send Neighbourhood Plan.

We regret that at present, the Thames Area Sustainable Places team is unable to review this consultation. This is due to resourcing issues within the team, a high development management workload and an increasing volume of neighbourhood planning consultations. We have had to prioritise our limited resource, and must focus on influencing plans where the environmental risks and opportunities are highest. For the purposes of neighbourhood planning, we have assessed those authorities who have “up to date” local plans (plans adopted since 2012, or which have been confirmed as being compliant with the National Planning Policy Framework) as being of lower risk. At this time, therefore, we are unable to make any detailed input on neighbourhood plans being prepared within this local authority area.

However, together with Natural England, English Heritage and Forestry Commission, we have published joint guidance on neighbourhood planning, which sets out sources of environmental information and ideas on incorporating the environment into plans. This is available at: http://webarchive.nationalarchives.gov.uk/20140328084622/http://cdn.environment-agency.gov.uk/LIT_6524_7da381.pdf

Thames Sustainable Places Team
Environment Agency | Red Kite House, Wallingford, OX10 8BD

Planning_THM@environment-agency.gov.uk

Speak to us early about environmental issues and opportunities - We can provide a free pre-application advice note or for more detailed advice / meetings / reviews we can provide a project manager to coordinate specialist advice / meetings which costs £100 per hour plus 20% VAT. For more information email us at planning_THM@environment-agency.gov.uk



From: [REDACTED]
Sent: 03 January 2020 14:14
To: e-seast@historicengland.org.uk; Planning_THM <Planning_THM@environment-

agency.gov.uk>

Subject: Send Neighbourhood Plan SEA screening consultation

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Kind regards

[REDACTED]
Senior Policy Planner

Telephone: [REDACTED]

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