

Send Neighbourhood Plan

Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) statement of determination

February 2020

1. Introduction

- 1.1 This statement has been prepared to set out the reasons for Guildford Borough Council's determination that the Send Neighbourhood Plan 2019 – 2034:
- a. is not likely to lead to significant environmental effects under the Environmental Assessment of Plans and Programmes Regulations (2004) (SEA regulations) and accordingly does not require an environmental report, and
 - b. is likely to lead to significant environmental effects on the Thames Basin Heaths Special Protection Area (TBH SPA) under the Conservation of Habitats and Species Regulations (2017) (HRA regulations) and accordingly requires an 'appropriate assessment' under those regulations, and that an appropriate assessment has been carried out that demonstrates that as a result of mitigation there will not be any adverse effects on the integrity of European protected sites.

2. Background

Strategic Environmental Assessment

- 2.1 Under European Union Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment (the 'SEA Directive') and Regulation 9(1) of the The Environmental Assessment of Plans and Programmes Regulations 2004 ('the SEA Regulations'), the Council must determine whether a neighbourhood plan would be likely to have significant environmental effects and therefore requires an 'environmental report', or 'environmental assessment'. Where the Council determines that environmental assessment is not required then under Regulation 9(3) of the SEA Regulations the Council must prepare a statement setting out the reasons for that determination.

Habitats Regulations Assessment

- 2.2 Habitats Regulations Assessment (HRA) refers to the assessment required for any plan or project to assess the potential implications for European wildlife sites, also referred to as 'European sites', or 'Natura 2000' sites. Under Article 6 of the European Union Habitats

Directive 92/43/EEC (“The Habitats Directive”) and Regulation 63(1) of the Conservation of Habitats and Species Regulations (2017) (“The ‘Habitats Regulations’”), the Council is required to determine whether the policies in a neighbourhood plan will be likely to lead to a significant effect on a European site. If this screening process indicates that significant effects are likely, then the Council must, under Regulation 63(1), undertake an “appropriate assessment of the implications of the plan or project for that site in view of that site’s conservation objectives”. This assessment can consider whether mitigation measures would be sufficient to avoid significant adverse effects on the integrity of the protected site(s).

Basic conditions

- 2.3 Neighbourhood plans must meet the ‘basic conditions’ set out in the Town and Country Planning Act 1990 (as amended). Compliance with these basic conditions is tested through examination. The basic conditions require that making the plan must not breach, and otherwise be compatible with, EU obligations, such as those in the SEA and Habitats Directives.

SEA and HRA screening of the Send Neighbourhood Plan

- 2.4 The Send Neighbourhood Plan (“SNP”) is a proposed Neighbourhood Development Plan for the Send Neighbourhood Area. The Send Neighbourhood Area comprises the whole of the parish of Send, which follows the same boundary as Send ward. This boundary can be seen on the map on page 9 of the SNP. Once adopted, the Plan will form part of the Development Plan for Guildford Borough.
- 2.5 The neighbourhood area lies within a 10km radius of several European sites protected for their environmental value under the Habitats Regulations. These include three TBH SPA sites within 5 km of the neighbourhood area. More information about these protected sites can be found in the *Send Neighbourhood Plan 2019 – 2034 Strategic Environmental Assessment Screening and Habitat Regulations Assessment Report* (January 2020), which is available to view at <https://www.guildford.gov.uk/article/16998/Send>.
- 2.6 The plan contains a number of policies covering a range of matters but does not allocate any sites for development. The Council undertook separate screening exercises for SEA and HRA which assessed the SNP’s draft policies and proposals to ascertain whether any of them would be likely to result in a significant effect on a European site. The HRA screening assessment and conclusion are included in section 2 of the *Send Neighbourhood Plan 2019 – 2034 Strategic Environmental Assessment Screening and Habitat Regulations Assessment Report* and the appropriate assessment and its conclusion are included in section 3.7 of that report (see website link to the report at paragraph 2.5 above).
- 2.7 The SEA screening assessment concluded that the policies of the SNP are not likely to lead to significant environmental effects and, consequently, a full SEA is not required.
- 2.8 The HRA screening assessment concluded that one of the policies in the SNP (Policy Send 2 – Housing Development) could have significant effects upon the TBHSPA if implemented without avoidance and/or mitigation measures through increased recreational pressure brought by new dwellings between 400m and 5km from the SPA. The Council therefore

prepared an appropriate assessment (included at section 2.7 of the report) which considered available mitigation measures and concluded that they would be sufficient to avoid an adverse effect on the integrity of the TBH SPA.

3. Consultation

- 3.1 In accordance with the SEA regulations (regulations 4(1) and 9(2)), the Council contacted Natural England, Historic England and the Environment Agency (the statutory 'consultation bodies' under in January 2020 by email to consult them on the findings of the SEA screening assessment of the SNP. Under Regulation 63(3) of the Habitat Regulations, the Council also contacted Natural England (also in January 2020) to consult them on the HRA screening assessment and appropriate assessment.
- 3.2 Natural England and Historic England responded to state that they agreed with the report's conclusion that there was no need for a full SEA or environmental report. The response from Natural England also confirmed agreement with the findings of the HRA screening and appropriate assessment. The Environment Agency responded to state that they were unable to review the consultation or provide specific comments due to resourcing issues. A copy of the emails sent to the consultation bodies and their responses are included at Appendix 1 of the *Send Neighbourhood Plan 2019 – 2034 Strategic Environmental Assessment Screening and Habitat Regulations Assessment Report* (see website link to the report at paragraph 2.5).
- 3.2 The SEA screening/HRA report and its conclusions reflect the draft (Regulation 15) Submission Version of the Send Neighbourhood Plan, submitted to the Council by Send Parish Council on 5 November 2019. The statutory consultation bodies were given until 24 January 2020 to respond to the consultation on the report's findings, after which the determination was formally made. In accordance with Regulation 11(1) of the SEA Regulations, the Council emailed this determination statement to the statutory bodies following (within 28 days of making) the determination being made. In accordance with Regulation 11(2) of the SEA Regulations the Council also published both the statement and report on its website, along with the address at which people could inspect or obtain printed copies of these documents.

4. Conclusion

- 4.1 The SEA screening/HRA report (see website link at paragraph 2.5) indicates, firstly that SEA is not required; and secondly that no likely significant environmental effects are likely to occur with regard to the integrity of the European sites within and around Guildford Borough due to implementation of the SNP. Making the plan is therefore compatible with European obligations. These conclusions are supported by the responses of the relevant statutory bodies for SEA and HRA.