

Guildford Borough Council

Special Protection Area Tariffs

Supplementary Planning Document 2024

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

May 2024

Contents

1. Introduction.....	3
The Purpose of this report	3
2. Legislative background	4
Habitat Regulations Assessment	4
Strategic Environmental Assessment	5
3. SANG and SAMM Tariffs Supplementary Planning Document	6
4. Habitat Regulations Assessment Screening	7
HRA Methodology.....	7
HRA Stage 1 – Screening	7
HRA Stage 2 – Appropriate Assessment	8
HRA Stage 3 – Derogation	9
HRA Screening Assessment.....	9
Limitations.....	9
European sites.....	9
Potential impacts and pathways of impact.....	9
Potential for in–combination effects	12
Screening.....	14
HRA Screening Conclusions	16
5. SEA screening.....	17
SEA Screening Methodology.....	17
Part 1 – Application of the Directive to the SPD.....	20
Part 2 – Likely significant effects on the environment	21
SEA screening conclusions	23
6. HRA and SEA Screening Consultation	24
7. Background Documents	25
Appendix 1: Map of European Sites	26

1. Introduction

The Purpose of this report

- 1.1 Guildford Borough Council has prepared a Special Protection Area Tariffs Supplementary Planning Document (the 'SPD'). It sets out the tariffs that need to be paid to fund Suitable Alternative Natural Greenspace ('SANG') and the Strategic Access Monitoring and Management ('SAMM') project, measures necessary to prevent adverse impacts on the Thames Basin Heaths Special Protection Area ('Thames Basin Heaths SPA'). The purpose of this report is to ascertain whether the draft SPD may have a significant effect on the environment and therefore require a Strategic Environmental Assessment ('SEA') under European Directive 2001/42/EC (the 'SEA Directive').
- 1.2 It also determines whether the contents of the SPD require a Habitats Regulations Assessment ('HRA') in accordance with European Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (the 'Habitats Directive') and the associated Conservation of Habitats and Species Regulations 2017 (the 'Habitats Regulations').
- 1.3 The legislative background, set out in Section 2, outlines the regulations that stipulate the need for this screening exercise. Sections 3 and 4 provide screening assessments for the SPD which will be used to determine whether there are likely to be any significant environmental effects and a requirement for a full SEA (Environmental Report) and HRA (Appropriate Assessment).

2. Legislative background

Habitat Regulations Assessment

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

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

- 2.7 Spatial planning documents are required to undergo HRA if they are not directly connected with, or necessary to, the management of a European site. While the SPD addresses the approach for protecting the SPA, it is only supplementary, it deals with measures that take place away from the SPA sites and has the potential to impact on the management approach. Therefore, in view of the precautionary principle, it is subject to HRA.

Strategic Environmental Assessment

- 2.8 The purpose of SEA is to integrate considerations of the environment into the preparation and adoption of plans with a view to promoting sustainable development. Under the requirements of the European Union Directive 2001/42/EC (Strategic Environmental Assessment (SEA) Directive) and the Environmental Assessment of Plans and Programmes Regulations (2004), specific types of plans that set the framework for the future development consent of projects must be subject to an environmental assessment.
- 2.9 In accordance with the provisions of the SEA Directive and the Environmental Assessment of Plans and Programmes Regulations (2004) (Regulation 9 (1)), the Council must determine whether a plan requires an environmental report. If the Council determines that an environmental report is not required, Regulation 9(3) requires the Council to prepare a statement setting out the reasons for this determination.
- 2.10 SEA involves evaluation of the environmental impacts of a plan or programme. The requirement for SEA is set out in the European Directive 2001/42/EC adopted into UK law as the Environmental Assessment of Plans or Programmes Regulations 2004. The SEA Directive sets out a legal assessment process that must be followed. Often within the planning context, the SEA requirements are met by incorporating it within a Sustainability Appraisal (SA), which is a requirement for Development Plan Documents (but not Supplementary Planning Documents).
- 2.11 The Planning Practice Guidance makes it clear that SEA may be of relevance for Supplementary Planning Documents where they could have significant effects on the environment that have not been assessed within the SEA/SA of the Local Plan. To establish whether the plan proposal is thought to have significant environmental effects and therefore require an SEA environmental report, a screening process is necessary.

3. SANG and SAMM Tariffs Supplementary Planning Document

3.1 The purpose of the SPD is to update the Guildford Thames Basin Heaths Special Protection Area Avoidance Strategy (the 'SPA Strategy') where it sets out the tariffs for SANG and SAMM. The tariffs fund SANG and SAMM measures which prevent negative impacts on the SPA arising from the construction of net new residential developments in accordance with Guildford Local Plan: Strategy and Sites 2015-2034 (the 'LPSS') Policy P5: Thames Basin Heaths Special Protection Area and Policy NRM6 of the South East Plan. Therefore, the document does not constitute new policy. Rather, it will be used to deliver the measures required by Policy P5. It is a material consideration when planning decisions are made across the whole Guildford Borough area.

3.2 The SPD performs the following functions.

- It updated the tariffs for SANG and SAMM to align them with new data on occupancy rates. This is to ensure that SANG funding is adequate to fund the measures that ensure the SPA is not affected by increased recreational pressure.
- It provides supplementary guidance for special types of accommodation, to ensure that the amount of funding sought will adequately cover the mitigation measures needed based on the expected occupancy.

4. Habitat Regulations Assessment Screening

HRA Methodology

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

HRA Stage 1 – Screening

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

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

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

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

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

HRA Stage 2 – Appropriate Assessment

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

HRA Stage 3 – Derogation

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

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

HRA Screening Assessment

Limitations

4.15 No limitations encountered.

European sites

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

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

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

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

4.18 All these sites are relevant to the assessment.

Potential impacts and pathways of impact

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

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

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

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

4.21 The borough boundary contains land within all three zones.

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

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

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

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

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

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

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

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

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

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

Potential for in-combination effects

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

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

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

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

Table 4 Other Plans and Projects

Plan/ Projects	Potential in-combination effects
National Planning Policy Framework (NPPF)	<p>The NPPF sets out national planning policy to be taken into account when preparing new Development Plan Documents and making decisions on planning applications. In relation to conserving and enhancing the natural environment the NPPF states that the planning systems should contribute and enhance the natural and local environment through minimising impacts on biodiversity and providing net gains in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures (paragraph 174). It also requires local planning authorities to include policies against which proposals for any developments on, or affecting, protected habitats will be judged, with distinctions made between the hierarchy of international, national and locally designated sites, so that protection is commensurate with their status. The presumption in favour of sustainable development, enshrined within the NPPF, <i>“does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site”</i> (paragraph 182).</p> <p>The SPD will interact with the NPPF and influence planning decisions. However, it cannot override protections built into the NPPF, or into DPDs which must align with the protections in the NPPF. The SPD provides detail for mitigation necessary for the protection of European sites so will instead help to deliver the protections established through Development Plan policy, which in turn are aligned with the NPPF.</p>
Guildford Local Plan (comprising the Local Plan: Strategy and Sites (2019), Local Plan Development Management Policies (2023) and remaining policies of the Local Plan 2003)	<p>Once adopted, the SPD will form guidance for the Local Plan, primarily policy P5 which is specifically related to the protection of the Thames Basin Heath SPA. It states 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. The Local Plan contains a number of policies that protect the natural environment. The SPD does not override, and rather reinforces protection of the Thames Basin Heaths SPA so will not lead to adverse effects on European sites.</p>
Thames Basin Heaths Special	<p>This document was adopted on 18th July 2017. Natural England has recognised that residential development across the South East region could have potentially</p>

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

Screening

- 4.28 Each part of the SPD has been primarily assessed against the criteria provided in the guidance prepared by Tydesley and Associates for Natural England titled, 'The Assessment of Regional Spatial Strategies and Sub Regional Strategies under the Provisions of the Habitats Regulations 2006.' The analysis details are presented in Table 5 **Error! Reference source not found..**

Table 5 SANG and SAMM Tariffs SPD screening

Guidance sections	Guidance summary	Likely to have an impact	Why guidance will have no impact on Natura 2000 sites	Essential recommendations to avoid potential negative effects on European sites
Background	Background to the SPD setting out the purpose and structure of the document.	No	The information explains how to read the document and does not govern the development or use of land so will not lead to development.	None
Section 2	Section 2 contains a summary of the tariffs and how they will be applied to different types of residential development.	No	It does not introduce new policy but sets out how the tariffs will be calculated. This is guidance which allows policy and the SPA Strategy to be achieved, which in turn improves the protection of the SPA.	None
Sections 3 and 4	Section 3 sets out the calculations for the SANG tariffs and section 4 sets out the calculations for the SAMM tariff.	No	The sections provide evidence to demonstrate that the tariffs are appropriate and adequate to deliver SANG and SAMM mitigation, alongside information in the SPA strategy. They do not add any new policy requirements or alter the guidance in any way that could result in impacts on the SPA.	None

HRA Screening Conclusions

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

5. SEA screening

SEA Screening Methodology

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

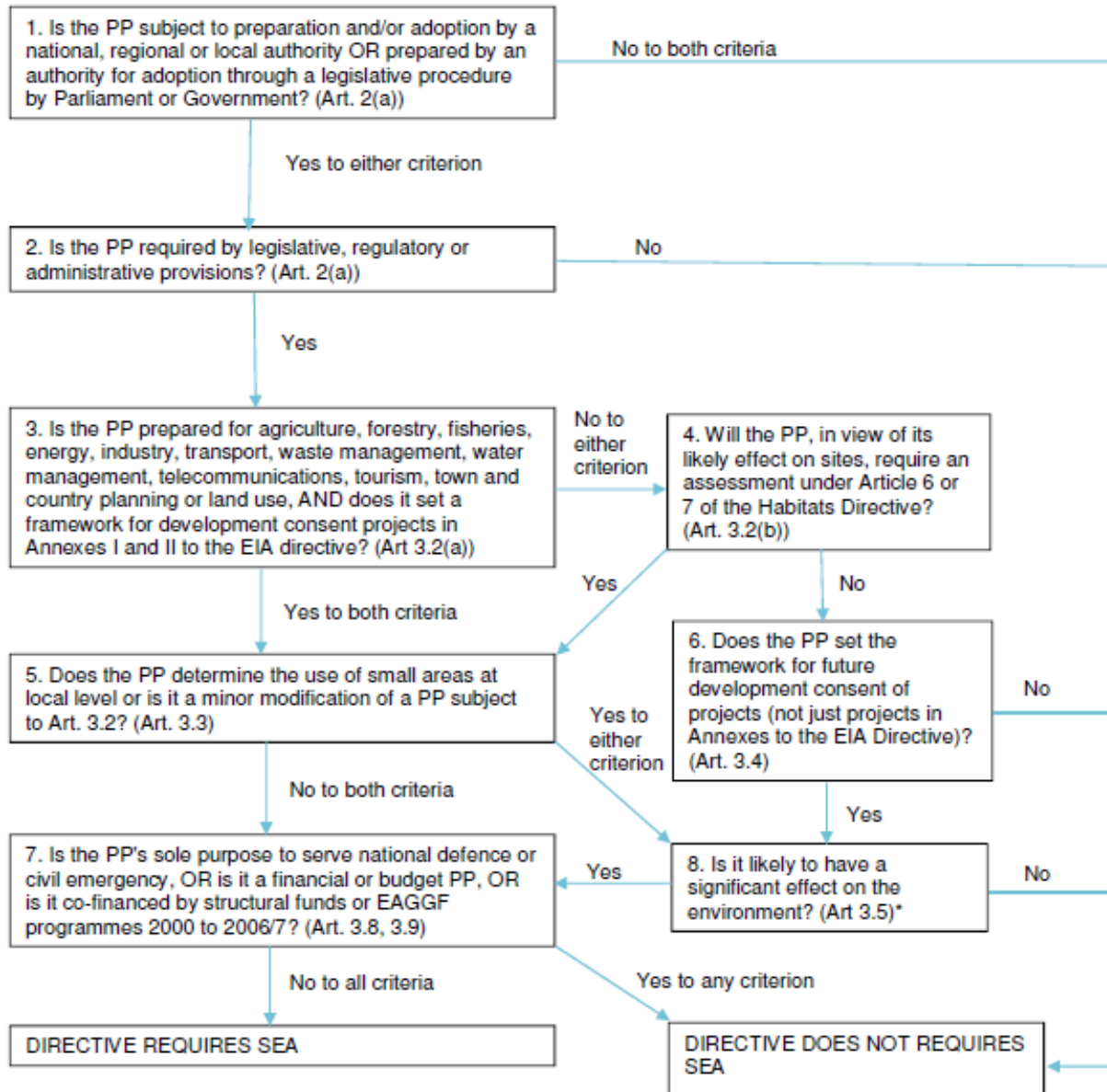


Figure 1 Application of the SEA Directive to plans and programmes (from "A Practical Guide to the Strategic Environmental Assessment Directive", ODPM, 2005).

5.3 Assessing the significance of the environmental effects that this proposal will have depends on the provisions within it. The criteria for assessing significance are referred to in Article 3.5 and set out within Annex II of the SEA Directive and is presented in **Error! Reference source not found.**

1. The characteristics of plans and programmes, having regard, in particular, to

- The degree to which the plan or programme sets a framework for projects and other activities, either with regards to location, nature, size and operating conditions or by allocating resources;
- The degree to which the plan or programme influences other plans and programmes including those in a hierarchy;
- The relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development;
- Environmental problems relevant to the plan or programme;
- The relevance of the plan or programme for the implementation of Community legislation on the environment (e.g. Plans and programmes linked to waste-management or water protection)

2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to

- The probability, duration, frequency and reversibility of the effects;
- The cumulative nature of the effects;
- The transboundary nature of the effects;
- The risks to human health or the environment (e.g. due to accidents);
- The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);
- The value and vulnerability of the area likely to be affected due to:
 - Special natural characteristics or cultural heritage;
 - Exceeded environmental quality standards or limit values;
 - Intensive land-use;
- The effects on areas or landscapes which have a recognised national, Community or international protection status.

Figure 2 Criteria for assessing significance

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

Part 1 – Application of the Directive to the SPD

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

	Stage	Yes/No	Justification
1.	Is the PP (plan or programme) subject to preparation and/or adoption by a national, regional or local authority OR prepared by an authority for adoption through a legislative procedure by Parliament or Government? (Art. 2(a))	Yes (proceed to Q2)	The SPD will be adopted by Guildford Borough Council and will be a material consideration in planning decisions.
2.	Is the PP required by legislative, regulatory or administrative provisions? (Art. 2(a))	Yes (Yes when adopted so proceed to Q3)	SPDs are optional; there is no legislative or regulatory requirement to prepare them. This particular SPD has been produced to supplement Policy P5 of the LPSS and update the detail of the Strategy.
3.	Is the PP prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use, AND does it set a framework for future development consent of projects in Annexes I and II to the EIA Directive? (Art 3.2(a))	No Yes to both criteria (proceed to Q5)	Whilst the SPD has been prepared for town and country planning purposes, it does not set out new policy. The local policy that the SPD supplements has already been subject to SA/SEA in the development of the Local Plan. The SPD does not set a framework for future development consent of projects in Annexes I and II – this is set by the policy.
4.	Will the PP, in view of its likely effects on sites require an assessment under Article 6 or 7 of the Habitats Directive? (Art. 3.2(b))	No	The policies that the SPD supplements have themselves been subject to Habitats Regulations Assessment. An HRA screening is provided in this document which finds that the SPD will not lead to likely significant effects under the Habitats Regulations.
5.	Does the PP determine the use of small areas at local level, OR is it a minor modification of a PP subject to Art. 3.2? (Art. 3.3)	No	The PP does not determine the use of small areas at local level and is not a minor modification of a PP subject,
6.	Does the PP set the framework for future development consent of projects (not just projects in annexes to the EIA Directive)? (Art 3.4)	No	The SPD provides further guidance to supplement policy in the Local Plan and does not constitute new policy and does therefore not set a

Stage	Yes/No	Justification
		framework. Rather, it will be used to implement existing policy.
7. Is the PP's sole purpose to serve the national defence or civil emergency, OR is it a financial or budget PP, OR is it co-financed by structural funds or EAGGF programmes 2000 to 2006/7? (Art 3.8, 3.9)	N/A	Not applicable.
8. Is it likely to have a significant effect on the environment? (Art. 3.5)	No	The purpose of the SPD is to provide guidance to assist in the interpretation of adopted policy in the Local Plan and existing guidance in the Strategy. The relevant policies were subject to SEA (incorporated within the Sustainability Appraisal) through the Local Plan process, and no significant effects were expected. Therefore, the SPD will not itself have any significant effects on the environment. SPD does not require SEA.

Part 2 – Likely significant effects on the environment

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

Table 7 Assessing Likely Significant Effects using the criteria in Figure 2

SEA Directive Criteria	Yes/No	Justification
1. The Characteristics of Plans and Programmes, having regard, in particular, to:		
a) The degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources	No	The SPD will not set a framework for other projects or activities. It will provide additional guidance on existing policy and the strategy. Both have been subject to SEA (concluding no significant effects expected).
b) The degree to which the plan or programme	No	The Local Plan and South East Plan provides the adopted policies that the SPD will supplement. The

SEA Directive Criteria	Yes/No	Justification
influences other plans and programmes including those in a hierarchy		SPD only expands and provides guidance on the policies and does not introduce new policy. The SPD will be at the bottom of the hierarchy and will have no influence on the documents above it.
c) The relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development	No	The SPD will contribute to sustainable development by providing more detail and guidance to support the policies within the Local Plan. The policies within the Local Plan are not expected to have any significant effects on the environment. By enabling the delivery of SANG and SAMM measures, potential environmental impacts from new developments will be avoided. This promotes sustainable development.
d) Environmental problems relevant to the plan or programme	No	The policies within the Local Plan that the SPD supplements are not expected to have any significant negative effects on the environment. The SPD will help to avoid such effects.
e) The relevance of the plan or programme for the implementation of Community legislation on the environment (e.g. plans and programmes linked to waste management or water protection)	No	The SPD is not directly relevant to the implementation of EC legislation such as waste management or water protection, though it will have beneficial effects for the environment.
2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:		
a) The probability, duration, frequency and reversibility of the effects	No	The anticipated effects on the sustainability of the borough are expected to be positive. The SPD ensures funding for new SANGs and the SAMM project, which are expected to provide positive effects in perpetuity.
b) The cumulative nature of the effects	No	No significant cumulative effects are expected.
c) The transboundary nature of the effects	No	No significant transboundary effects are expected.
d) The risks to human health or the environment (e.g. due to accidents)	No	The SPD does not create any significant risks to human health or the environment.
e) The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)	No	The SPD will not have significant environmental effects across or outside of this geographical area.

SEA Directive Criteria	Yes/No	Justification
f) The value and vulnerability of the area likely to be affected due to: (i) special natural characteristics or cultural heritage, (ii) exceeded environmental quality standards or limit values, (iii) intensive land-use,	No	The SPD does not allocate any land for development and therefore significant effects on natural characteristics and cultural heritage are unlikely as are significant effects on air quality, water availability/quality and intensive land use.
g) The effects on areas or landscapes which have a recognised national, Community or international protection status.	No	The anticipated effects on the sustainability of the borough are expected to be positive by providing funding for SANGs which if maintained in accordance with Natural England guidelines will support landscape character including within protected landscapes.
Part 2 Overall Conclusion		The SPD is unlikely to have significant environmental effects.

SEA screening conclusions

- 5.6 LPSS Policy P5 and South East Plan policy NRM6 that the SPD supports have themselves been subject to Strategic Environmental Assessment (SEA) and Sustainability Appraisal (SA). As the SPD only provides guidance for these policies, it will not alter the conclusions reached in the Local Plan and South East Plan SA/SEA. Additionally, the SPD updates the detail of the Strategy, which has also been subject to SEA screening with no negative effects identified. The SPD does not set out new policy.
- 5.7 Applying the guidance set out in “A Practical Guide to the Strategic Environmental Assessment Directive”, the assessment concluded that the proposal will not lead to likely significant effects on the environment and accordingly does not require a SEA environmental report.
- 5.8 On this basis, and taking account of the SA/SEA undertaken at a higher level through preparation of the Local Plan and South East Plan and the effects expected, Guildford Borough Council concludes that the SPD does not require a full SEA to be undertaken.

6. HRA and SEA Screening Consultation

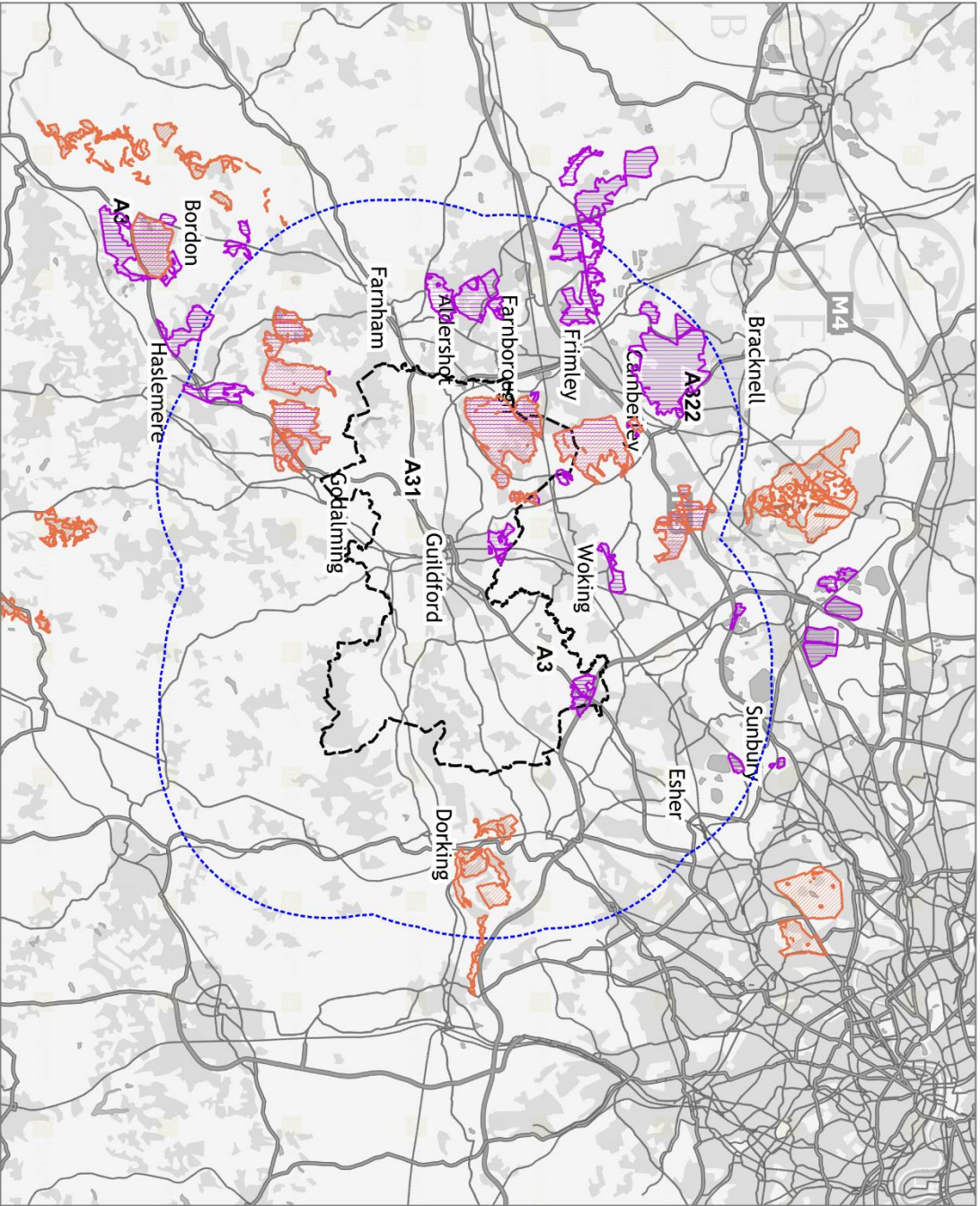
- 6.1 Guildford Borough Council is required to consult with Historic England, the Environment Agency and Natural England on all SEA screening opinions, and with Natural England on all HRA screening opinions, before formally determining whether a strategic environmental assessment and/or HRA appropriate assessment is needed. The conclusions outlined in this document will be sent to the Environment Agency, Natural England and Historic England for consideration and their responses will be included in the final SEA and HRA screening report.
- 6.2 Once the consultation period is over, a determination will be made and a statement of reasons will be written and made available. A notice of the determination will be available for public access within 28 days of the date of the determination (in line with SEA Regulation 11). The determination statement will set out the Council's determination under Regulation 9(1) of the Environmental Assessment of Plans and Programmes Regulations 2004 on whether or not a Strategic Environmental Assessment is required for the SPD. It will also set out the Council's determination under the Habitats Regulations on whether or not an appropriate assessment is required.






7. Background Documents

- The Conservation of Habitats and Species Regulations 2017. Available at: <http://www.legislation.gov.uk/ukxi/2017/1012/contents/made>.
- Designated Sites Natural England. Available at: <https://designatedsites.naturalengland.org.uk/SiteSearch.aspx>
- The Environmental Assessment of Plans and Programmes Regulations 2004. Available at: <http://www.legislation.gov.uk/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.
- Habitats regulations assessments: protecting a European site guidance. Available at: <https://www.gov.uk/guidance/habitats-regulations-assessments-protecting-a-european-site>

Appendix 1: Map of European Sites

Guildford Borough Boundary and SPAs/SAC sites



<p>Legend</p> <ul style="list-style-type: none">  Guildford Borough  Borough 10km buffer  SAC  SPA 	<p>Publication Date: 2023-04-17</p> <p>Scale at A4: 1:350,000</p> <p>© Crown Copyright 2023, Guildford Borough Council. Licence No. 100019623.</p>	 <p>GUILDFORD B O R O U G H</p>
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