



SURREY HEATH BOROUGH COUNCIL

# **CHOBHAM NEIGHBOURHOOD PLAN 2019-38**

## **SCREENING DETERMINATION FOR STRATEGIC ENVIRONMENTAL ASSESSMENT (SEA) AND HABITATS REGULATIONS ASSESSMENT (HRA)**

September 2023



## 1. Introduction

Chobham Parish Council is currently preparing a Neighbourhood Plan for the parish of Chobham. As part of this process, the potential for likely significant environmental effects and/or for likely significant effects on European protected sites, which include the Thames Basin Heaths SPA, must be considered.

The purpose of this statement is to set out the Council's decisions on whether:

- the Neighbourhood Plan should undergo a Strategic Environmental Assessment (SEA) and
- the Neighbourhood Plan should undergo an Appropriate Assessment under the Habitat Regulations

These potential requirements are considered in turn below.

## 2. Strategic Environment Assessment

### Background on Strategic Environment Assessment Screening

SEA is a systematic process undertaken to evaluate the likely significant environmental effects of an emerging plan and reasonable alternatives. The requirement for SEA in England was introduced through the Environmental Assessment of Plans and Programmes ('SEA') Regulations (2004), which were prepared in order to transpose the EU SEA Directive (2001).

One of the 'Basic Conditions' that a neighbourhood plan is tested against is compatibility with European Union obligations, including obligations under the SEA Directive. Neighbourhood plans only require SEA where they are likely to lead to significant environmental effects. To decide whether a proposed Neighbourhood Plan is likely to lead to significant environmental effects, it should be screened having regard to the criteria set out in Annex 2 of the SEA Directive, which is transposed into the SEA Regulations as Schedule 1.



In essence, screening involves exploring potential cause-effect relationships between the plan and the environmental baseline.

Where it is determined that a neighbourhood plan is **likely to have a significant effect** on the environment, an SEA is required. Where it is determined that the neighbourhood plan does not require SEA, a statement of reasons should be prepared and submitted alongside the plan.

## Screening opinion by the council's consultant

A SEA Screening Opinion prepared by AECOM on behalf of Surrey Heath Borough Council concluded as follows:

### **5. Screening opinion**

*5.1 Whilst there are a range of environmental sensitivities locally, perhaps most notably in respect of biodiversity and the historic environment, **there is no potential for significant effects** because the neighbourhood plan will not allocate land for development.*

*5.2 Rather, the plan is focused on influencing development proposals that would come forward in any case, i.e. under the 'no plan' baseline scenario. For example, the plan will seek to influence the mix of housing at development sites and the design of developments, including with a focus on decarbonisation.*

*5.3 These policies will require careful consideration, including via consultation and independent examination. However, there would not be significant value to be added by work to define and assess reasonable alternatives, and work to assess the draft plan as a whole, as part of a formal SEA process.*

*5.4 A further consideration is that HRA Screening (Appendix 1) has found that appropriate assessment is not required, hence the need for SEA is not triggered on HRA/appropriate assessment related grounds.*

**5.5 For these reasons, it is considered that SEA is not required.**



*5.6 The comments of the SEA statutory consultees are sought on this opinion.*

## Statutory consultee responses

The relevant statutory bodies were consulted for five weeks. The responses received were as follows:

- Natural England agreed with the conclusion of the consultant's screening report, concurring that an SEA is not required.
- Historic England agreed with the conclusion of the consultant's screening report, concurring that an SEA is not required.
- Environment Agency did not respond before the end of the screening consultation period. They were prompted for response on 28 August 2023 but no response was received.

The responses of Natural England and Historic England are set out at Appendices 1 and 2 of this statement.

Informed by the screening report and the responses from the statutory consultees, Surrey Heath Borough Council, as the responsible authority, is satisfied that no SEA is required.

## 3. Habitat Regulations Assessment

### Background on Habitat Regulations Assessment Screening

Under the Conservation of Habitats and Species Regulations 2017 as amended (known as the Habitats Regulations) the Council must carry out a Habitats Regulations Assessment (HRA) to identify any likely significant effects arising from the Proposed Development on international sites (Special Areas of Conservation (SACs), Special Protection Areas (SPAs)) including, as a matter of Government



Policy, Ramsar sites, either in isolation, or in combination with other plans and projects, and to undertake appropriate assessment and advise on mitigation where necessary.

The Thames Basin Heaths SPA and the Thursley, Ash, Pirbright & Chobham SAC (specifically the area known as Chobham Common) lies within the Chobham Parish boundary and adjacent to Chobham village itself.

The first stage of any HRA is a Likely Significant Effect (LSE) test - essentially a risk assessment to decide whether the full subsequent stage known as 'appropriate assessment' is required. The essential question is: "Is the Plan, either alone or in combination with other relevant projects and plans, likely to result in a significant effect upon European sites?" and this decision must take into account other plans and projects.

The objective is to 'screen out' those plans and projects that can, without any detailed appraisal, be said to be unlikely to result in significant impacts upon European sites, usually because there is no mechanism for an interaction with European sites.

Appendix I of the Screening Opinion by AECOM presents a statement on Habitat Regulations Assessment (HRA) screening. It concludes that:

*"There are no policies within the Neighbourhood Plan that will result in likely significant (adverse) effects on European sites including Thames Basin Heaths SPA. This is because none of the policies in the Neighbourhood Plan promote or allocate housing or employment development and no site allocations are made within the Neighbourhood Plan. Since the Neighbourhood Plan presents no mechanism for impacts on Thames Basin Heaths SPA, or its overlapping SAC, it will not do so in combination with other projects and plans. Therefore, no appropriate assessment is required for this Neighbourhood Plan."*



The Council has considered and concurs with the opinions expressed in the report that no likely significant effects will arise on any European sites, either alone or in combination with other plans or projects.

## **Statutory consultee responses**

The relevant statutory bodies were consulted for five weeks. The responses received were as follows:

- Natural England agreed with the conclusion of the consultant's screening report, concurring that an appropriate assessment is not required.
- Historic England – no comment on appropriate assessment, as this is not within their jurisdiction.
- Environment Agency did not respond before the end of the screening consultation period. They were prompted for response on 28 August 2023 but no response was received.

The responses of Natural England and Historic England are set out at Appendices 1 and 2 of this statement.

## **Conclusion**

Informed by the screening report and the responses from the statutory consultees, Surrey Heath Borough Council, as the responsible authority, is satisfied that no appropriate assessment under the HRA is required.

## **4. Conclusion**

In summary, based on the screening report and the responses from statutory consultees, the Council determines that neither a Strategic Environmental Assessment, nor an Appropriate Assessment is required for the Chobham Neighbourhood Plan.



## Appendix I – Response from Natural England

Dear Katie,

Thank you for consulting Natural England on the SEA/HRA Screening relating to Chobham's Neighbourhood Plan. Natural England agree with the conclusions set out in the screening document from AECOM.

Kind Regards,

Paige

Paige Eke-Goodwin (She/Her)

Sustainable Development Lead Advisor

Natural England

[www.naturalengland.org.uk](http://www.naturalengland.org.uk)

<https://twitter.com/NEThamesSolent>

<https://www.facebook.com/NEThamesSolent/>



## Appendix 2 – Response from Historic England

By email only to: [Katie.Bailey@surreyheath.gov.uk](mailto:Katie.Bailey@surreyheath.gov.uk)

Our ref: PL00793649

Your ref: Chobham Neighbourhood Plan SEA

Date: 19/09/2023

Dear Sir or Madam

### **Chobham Neighbourhood Plan Review SEA Screening Opinion**

Thank you for inviting Historic England to comment on this consultation. As the Government's adviser on the historic environment Historic England is keen to ensure that the protection of the historic environment is fully taken into account at all stages and levels of the local planning process. For the purposes of this consultation, Historic England will confine its advice to the question, "Is it (the Chobham Neighbourhood Plan Review II) likely to have a significant effect on the historic environment?". Our comments are based on the information supplied.

There are a number of designated heritage assets within the area; the information supplied however indicates that the plan will not have any significant effects on the historic environment. We also note that the plan does not propose to allocate any sites for development.

On the basis of the information supplied, and in the context of the criteria set out in Schedule 1 of the Environmental Assessment Regulations [Annex II of 'SEA' Directive], Historic England concurs with the Council that the preparation of a Strategic Environmental Assessment is not required.

The views of the other two statutory consultation bodies should be taken into account before the overall decision on the need for an SEA is made.

I should be pleased if you can send a copy of the determination as required by REG 11 of the Environmental Assessment of Plans and Programmes Regulations 2004.

We should like to stress that this opinion is based on the information provided by you with your correspondence. To avoid any doubt, this does not reflect our obligation to provide further advice on later stages of the SEA process and, potentially, object to specific proposals which may subsequently arise (either as a result of this consultation or in later versions of the plan) where we consider that, despite the SEA, these would have an adverse effect upon the environment.





Historic England strongly advises that the conservation and archaeological staff of the relevant local authorities are closely involved throughout the preparation of the plan and its assessment. They are best placed to advise on; local historic environment issues and priorities, including access to data held in the Historic Environment Record (HER), how the allocation, policy or proposal can be tailored to minimise potential adverse impacts on the historic environment; the nature and design of any required mitigation measures; and opportunities for securing wider benefits for the future conservation and management of heritage assets.

Please do contact me, via email if you have any queries.

Yours sincerely

**Louise Dandy**  
Historic Places Adviser

