



Surrey Heath Borough Council Local Plan 2011 – 2028

**Thames Basin Heaths Special Protection Area Avoidance Strategy Supplementary  
Planning Document 2018**

**Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment  
determinations**

Screening Statement - Determination under Regulation 9 of the SEA Regulations 2004

November 2018

## Introduction

- 1.1. This statement sets 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 Thames Basin Heaths Special Protection Area Avoidance Strategy Supplementary Planning Document (SPD) 2018. It also sets out the Council's determination under The Conservation of Habitats and Species Regulations 2017 on whether or not an appropriate assessment is required.

## Background to the proposed SPD

- 1.2. Saved Policy NRM6 of the South East Plan and policies CP14A and B of the adopted Surrey Heath Core Strategy and Development Management Policies Development Plan Document (CSDMP DPD) require the SPA to be protected from new residential development which is likely to have a significant effect on the ecological integrity of the SPA.
- 1.3. The 2012 Thames Basin Heaths SPD took forward the agreed approach set out in the JSPB Delivery Framework and Policy CP14A & B of the Surrey Heath CSDMP DPD in relation to the Borough's mitigation strategy. Aspects of the existing Thames Basin Heaths Special Protection Area Avoidance Strategy are now out of date and therefore the SPD requires updating to ensure it is in accordance with current policy and guidance, and to reflect current mechanisms in place for collecting developer contributions. It will also help to ensure that SANGs are delivered appropriately in the Borough and are managed and maintained in perpetuity, in accordance with Natural England's guidance.
- 1.4. The SPD is intended to provide general guidance on the Council's approach to avoidance of likely significant effect on the Thames Basin Heaths SPA arising from new development.

<b>Responsible Authority</b>	Surrey Heath Borough Council
<b>Title of Plan or Programme</b>	Thames Basin Heaths Special Protection Avoidance Strategy SPD 2018
<b>Plan Purpose</b>	To support Policies CP14A & B of the Core Strategy & Development Management Policies DPD and South East Plan Policy NRM6.
<b>Plan Period</b>	Until superseded
<b>Plan Area</b>	Surrey Heath Borough Council.

## Strategic Environmental Assessment

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

### **The SEA Screening Process**

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

### **SEA Determination and Reasons for Determination**

- 1.11. Before making the final determination under Regulation 9, Surrey Heath will consult the three consultation bodies. The responses received are set out in the table below.

Consultation body	Comments
Historic England	In light of the Environmental Assessment of Plans and Programmes Regulations 2004, our view is that a SEA is not required in this instance for the reason set out in your letter of 8 October 2018 as the guidance document is unlikely to have significant effects on the historic environment.
Environment Agency	We agree with your conclusions that the Avoidance Strategy is unlikely to give rise to significant environmental effects.
Natural England	Natural England agrees that the Thames Basin Heaths SPD will not require a Strategic Environmental Assessment or a Habitats Regulations Assessment and has no further comments to make.

- 1.12. Appendix 1 sets out the process for determining if the strategy will have significant effects using the criteria set out in Annex II of the Directive and Schedule 1 of the Regulations.
- 1.13. On the basis of the screening process it is the Council's opinion that the Thames Basin Heaths Special Protection Area Avoidance Strategy SPD does not require an SEA under the SEA Directive and The Environmental Assessment of Plans and Programmes Regulations (2004). This is because there will be no significant environmental effects arising from its implementation and that it supplements adopted policy. In making this determination, the Borough Council has had regard to Schedule I of the Regulations and comments made by the Consultation Bodies.
- 1.14. This determination has been made 23<sup>rd</sup> November 2018.

### **Habitats Regulations Assessment**

- 1.15. The Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations) implement in Great Britain the requirements of the EU Directive on the Conservation of Natural Habitats and of Wild Flora and Fauna (the Habitats Directive) (Council Directive 92/43/EEC). They also protect areas classified under Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (codified version) (the Birds Directive). The Regulations aim to protect a network of sites that have rare or important habitats and species in order to safeguard biodiversity. Habitats Regulations Assessment is required to determine whether a plan or project would have significant adverse effects upon the integrity of internationally designated sites of nature conservation importance, or Natura 2000 sites.
- 1.16. The Thames Basin Heaths Special Protection Area Avoidance Strategy SPD elaborates on Policies CP14A & B of the Core Strategy & Development Management Policies DPD and South East Plan Policy NRM6 which have already undergone HRA. Further, the SPD only sets out guidance on the approach to avoiding impacts on the SPA and does not set out proposals for individual SANGs. Therefore, there is no pathway which gives rise to significant effect either alone or in combination. It is therefore considered that an Appropriate Assessment is not required.

**Appendix 1 – SEA Screening for the Thames Basin Heaths Special Protection Area Avoidance Strategy Supplementary Planning Document**

Criteria (from Annex II of SEA Directive and Schedule I of Regulations)	Surrey Heath Borough Council's Response
<b>Characteristics of the plan or programme</b>	
(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.	The framework is set by regional and local policy guidance on avoiding impacts to the Thames Basin Heaths SPA in the form of policies NRM 6 of the South East Plan and policies CP14A & B of the Surrey Heath CSDMP. The SPD will supplement this regional & local policy, or successive policies, on measures to avoid impacts to the SPA and will help to ensure successful implementation of SANGs at a local level. The SPD will not however set the framework for the allocation or levels of development within the Borough or set the framework for individual projects.
(b) The degree to which the plan or programme influences other plans and programmes including those in a hierarchy.	The SPD will provide detailed local guidance for SPA avoidance measures based on regional and local policies. It is influenced by other higher tier plans rather than influencing other plans itself.
(c) The relevance of the plan or programme for the integration of environmental considerations, in particular with a view to promoting sustainable development.	The SPD has some relevance to the integration of environmental considerations and the promotion of sustainable development in terms of securing measures to avoid harm to European Sites of Nature Conservation Importance (Natura 2000).
(d) Environmental problems relevant to the plan or programme.	Environmental problems within Surrey Heath are already highlighted within the Core Strategy & Development Management Policies DPD SA/SEA Report 2010 and the Local Plan Issues and Options/ Preferred Options SA/SEA interim report 2018. The Thames Basin Heaths SPA has already been highlighted as an environmental problem in these higher tier environmental reports and dealt with through regional and local policies. As such the SPD only issues guidance in relation to avoiding impacts set out in higher tier policies and as such is not the primary vehicle for delivering

	avoidance measures.
(e) The relevance of the plan or programme for the implementation of Community (EU) legislation on the environment (for example, plans and programmes linked to waste management or water protection).	The SPD is relevant to the Habitats Directive (92/43/EEC) and the Birds Directive (79/409/EEC). However the implementation of these Directives in terms of avoiding impacts is primarily through national, regional & local policy, not through this SPD.
<b>Characteristics of the effects and of the area likely to be affected</b>	
(a) The probability, duration, frequency and reversibility of the effects.	The proposed SPD will affect the entire Borough of Surrey Heath but will not in itself set out, guide or bring forward development plans or projects. It will purely set out the approach taken to avoid harm to the SPA based on existing and proposed policies. As such, no significant effects will arise as a result of the strategy.
b) The cumulative nature of the effects	The SPD is guidance only and as such is not considered to give rise to cumulative effects.
(c) The transboundary nature of the effects	None
(d) The risks to human health or the environment (for example, due to accidents)	None
(e) The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)	The strategy will form guidance for Surrey Heath Development Plan, and as such is a borough wide document. However, this is only in terms of the approach to implementing SPA avoidance measures which are delivered through higher tier policies.
(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.	Given the nature of the document: - i) None ii) None iii) None
g) The effects on areas or landscapes which have recognised national, Community or international protection status.	None. The purpose of the SPD is to set out further guidance on the implementation of regional and local policies which avoid significant effect to such areas.