



Surrey Heath Borough Council Local Plan 2011-2028

**Infrastructure Delivery Supplementary Planning Document (SPD)**

**Strategic Environmental Assessment (SEA)**

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

**Habitats Regulations Assessment (HRA)**

Screening Statement – Determination under Regulation 102 of the Conservation of Habitats and Species Regulations 2010

July 2013

## 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 an Infrastructure Delivery Supplementary Planning Document (SPD). This statement also sets out the Borough Councils determination as to whether Appropriate Assessment is required under Regulation 102 of the Conservation of Habitats & Species Regulations 2010.
- 1.2. 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 or which require Appropriate Assessment must be subject to an environmental assessment.
- 1.3. 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.
- 1.4. In accordance with the provisions of the SEA Directive and the Environmental Assessment of Plans and Programmes Regulations (2004) (Regulation 9 (1)), the Borough Council must determine if a plan requires an environmental assessment. In accordance with Article 6 of the Habitats Directive (92/43/EEC) and Regulation 102 of the Conservation of Habitats & Species Regulations 2010 the Borough Council must determine if a plan requires Appropriate Assessment.

## Background to the Infrastructure Delivery SPD

- 1.5. The ability of Local Authority's to raise financial contributions from development towards infrastructure in their areas is currently through legal agreements according with Section 106 of the Town & Country Planning Act 1990. This will, in the majority of cases, be replaced by a Community Infrastructure Levy (CIL) by April 2014.
- 1.6. Section 106 (S106) planning obligations form part of legal agreements where developers agree to pay certain contributions towards the provision of infrastructure which are required to support their development. S106 obligations are usually specific both to the amount of contribution agreed and on what infrastructure the contribution will fund. The obligations are negotiable prior to being included in the legal agreement and legally binding thereafter (subject to appeal).
- 1.7. Contributions raised through CIL however are non-negotiable and are not specific to certain items of infrastructure. As such, CIL funds are placed into a single fund which then pays for different infrastructure projects identified by the Borough Council. The Borough Council is proposing to implement a CIL charging schedule in 2014 and from that point onwards (or April 2014 whichever is the sooner) restrictions on the use of planning obligations will come into force.
- 1.8. The whole of the Borough of Surrey Heath lies within 5km of the Thames Basin Heaths Special Protection Area (SPA), an area of heathland designated for its international nature conservation importance. Since 2005 advice from Natural England is that all net additional dwellings within 5km of the SPA will, in-combination with other net residential development, lead to adverse impact through an increase in recreational activity and urbanisation.

- 1.9 Working in partnership with Natural England and other affected local authorities the Borough Council has agreed to the Thames Basin Heaths Joint Delivery Framework which includes measures to avoid adverse impacts in the form of Suitable Alternative Natural Greenspace (SANG) as well as access management and monitoring. SANG are alternative areas of publicly accessible land which can be used for general recreation instead of the SPA. The current method of securing avoidance measures is for developers to fund SANG through the use of S106 obligations. As such, this approach ensures that any funds raised through a S106 obligation toward SANG are spent by the Borough Council on SANG i.e. delivery of avoidance is certain.
- 1.10 To meet its obligations under the Conservation of Habitats & Species Regulations 2010, the Borough Council needs to ensure that funding toward SANG will be secured from development when applying CIL. Under CIL, the S106 planning obligation mechanism can no longer be applied (subject to a few exceptions) and therefore the Borough Council has to ensure that another mechanism is in place by the time CIL is implemented to allow continual delivery of new housing. Therefore the Borough Council has determined that the most appropriate mechanism to secure SANG funding from CIL is through a Supplementary Planning Document.
- 1.11 The Infrastructure Delivery SPD will therefore set out how the Borough Council intends to prioritise infrastructure funding secured through CIL as well as other funding sources taking into account the requirement to deliver SANG as SPA avoidance. The SPD will consider the Borough Council's priorities to a range of infrastructure including SPA avoidance (SANG) as well as local (education, local highways, equipped playspace, etc...) and strategic infrastructure (Motorway junctions, flood defences). The SPD will be an adopted Borough Council policy and is a material consideration in determining planning applications. The geographic scope of the SPD covers the whole of the Borough of Surrey Heath which is some 9,507ha.
- 1.12 The Infrastructure Delivery SPD should be in conformity and be guided by the spatial strategy and strategic policies of the adopted Core Strategy & Development Management Policies DPD. Several Core Strategy & Development Management Policies are relevant to the Infrastructure Delivery SPD namely Policy CP3, CP12, CP13 and CP14B.

### **Sustainability Appraisal**

- 1.13 Under separate legislation (the Planning and Compulsory Purchase Act 2004 and associated Regulations), the Council is required to carry out a Sustainability Appraisal (SA) for all Development Plan Documents. This considers the social and economic impacts of a plan as well as the environmental impacts.
- 1.14 In accordance with current Regulations (Town & Country Planning (Local Development)(England) Regulations 2012) SA is required for Development Plan Documents (DPD) but not other lower level documents. Therefore Sustainability Appraisal is not required for Supplementary Planning Documents (SPD).

### **Habitats Regulations Assessment (HRA) – Screening**

- 1.15 The need to undertake an Appropriate Assessment as part of an HRA is set out within the EC Habitats Directive 92/43/EEC and transposed into British Law by Regulation 102 of the Conservation of Habitats and Species Regulations 2010. The

Appropriate Assessment stage of HRA is only required should the preliminary screening assessment not be able to rule out likely significant effect.

- 1.16 The Directive states that any plan or project not connected to or necessary for a sites management, but likely to have significant effects thereon shall be subject to appropriate assessment. There are four distinct stages in HRA namely: -
- Step 1:** Screening – Identification of likely impacts on a European site either alone or in combination with other plans/projects and consideration of whether these are significant. This can include the consideration of avoidance measures.
- Step 2:** Appropriate Assessment – consideration of the impact on the integrity of the European Site whether alone or in combination with other plans or projects with respect to the sites structure, function and conservation objectives. Where there are significant effects, step 2 should consider potential mitigation measures.
- Step 3:** Assessment of Alternative Solutions – Assessing alternative ways of achieving the objectives of the plan/project which avoid impacts; and
- Step 4:** Assessment of Compensatory Measures – Identification of compensatory measures should impact not be avoided and no alternative solutions exist and an assessment of imperative reasons of overriding public interest (IROPI) deems that a project should proceed.

- 1.17 Should screening reveal that significant effects are likely or effect cannot be discounted because of uncertainty, then it is necessary to move onto step 2: Appropriate Assessment. If step 2 cannot rule out significant effect even with mitigation, then the process moves onto step 3 and finally step 4 if no alternative solutions arise.

### **Step 1 - Screening**

- 1.18 There are four stages to consider in a screening exercise: -

Stage 1: Determining whether the plan/project is directly connected with or necessary to the management of the site;

Stage 2: Describing the plan/project and description of other plan/projects that have the potential for in-combination impacts;

Stage 3: Identifying potential effects on the European site(s); and

Stage 4: Assessing the significance of any effects

#### **Stage 1**

- 1.19 It can be determined that the Infrastructure Delivery SPD is not directly connected with or necessary to the management of the site.

#### **Stage 2**

- 1.20 Information about the SPD can be found in paragraphs 1.5 – 1.12. Table 1-1 lists those other plans and projects, which may have in-combination impacts.

**Table 1-1: Other Plans/Projects**

<p><b>Plan/Project</b></p>	<p><b>National Planning Policy Framework (2012):</b> High level national planning policy covering topics such as housing, economy, employment, retail as well as biodiversity, flood risk and heritage.</p> <p><b>South East Plan 2009:</b> Saved Policy NRM6 sets out protection for the Thames Basin Heaths SPA.</p> <p><b>Surrey Heath Core Strategy &amp; Development Management Policies DPD 2012:</b> Sets housing target for the Borough to 2028 of 3,240 net additional dwellings and policies for the protection of European sites.</p> <p><b>Other Local Authority Local Plans within 5km or adjoining Thames Basin Heaths SPA and/or Thursley, Ash, Pirbright &amp; Chobham Common SAC.</b> Housing target for areas around SPA and SAC set at 132,560 in the revoked South East Plan. Whilst these figures are revoked, they serve as guide until Local Plans have been fully established post revocation.</p> <p><b>Large Scale Projects within 7km or adjoining the Thames Basin Heaths SPA or Thursley, Ash, Pirbright &amp; Chobham Common SAC:</b> Large scale projects within 7km are listed in Table 1-2 however housing numbers associated with these are subsumed in the consideration of Other Local Authority Local Plans.</p> <p><b>Surrey Heath, Thames Basin Heaths Special Protection Area SPD 2012:</b> Sets out general guidance on the Borough Council's approach to avoiding likely significant effect on the Thames Basin Heaths SPD.</p> <p><b>Thames Basin Heaths Joint Delivery Framework 2009:</b> Sets out the agreed Framework regarding the approach and standards for avoiding significant effects on the Thames Basin Heaths SPA.</p> <p><b>Environment Agency, Thames River Basin Management Plan (2009):</b> Sets out actions to improve water quality within the Thames Catchment and its tributaries. RBMP identifies Addlestone Bourne &amp; Hale/Mill Bourne, both of which run through the east of the Borough as in moderate status to improve to good ecological and chemical status by 2027. The Blackwater in the west of the Borough identified in moderate status with aim to improve to 'good' status by 2027.</p> <p><b>Environment Agency, Thames Catchment Flood Management Plan (2009):</b> Aim is to promote more sustainable approaches to managing flood risk. Will be delivered through a combination of different approaches.</p> <p><b>Environment Agency, River Wey Catchment Abstraction Management Strategy (2008):</b> Shown as no water available for abstraction (unit 6) with groundwater shown as over licensed.</p> <p><b>Environment Agency, River Loddon Catchment Abstraction Management Strategy (2008):</b> identifies the west of Surrey Heath classified as having 'water available', but groundwater 'over licensed and over abstracted'.</p> <p><b>Environment Agency, Water Resources Strategy: Regional Action Plan for Thames Region (2009):</b> Key priorities</p>
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	<p>for Thames region include ensuring sufficient water resources are available, making water available in over abstracted catchments and reducing demand.</p> <p><b>South East Water, Water Resource Management Plan (2010):</b> Identifies the west of Surrey Heath within resource zone 4, which is expected to remain in surplus up to 2035 albeit by transferring water from resource zone 5 and planning for additional supply.</p> <p><b>Veola Water Central, Water Resource Management Plan (2010):</b> Sets out that sufficient water resource remains in the central area to accommodate demand to 2035.</p>
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**Table 1-2: Proposed/Committed Major Schemes within 7km of SPA and/or SAC**

<b>Project</b>	<b>Location</b>	<b>No. Dwellings</b>
Princess Royal Barracks	Deepcut, Surrey	1,200
Aldershot Urban Extension	Aldershot, Hants	4,500
Bracknell Town Centre	Bracknell, Berks	1,000
Land at Amen Corner	Binfield, Berks	725
Land North of Whitegrove	Warfield, Berks	2,200
DERA Site	Longcross, Surrey	2,500
Arborfield Garrison	Aborfield, Berks	3,500
South of Wokingham	Wokingham, Berks	2,000
North of Wokingham	Wokingham, Berks	2,000
South of M4	Shinfield/Spencers Wood, Berks	3,500
Queen Elizabeth Barracks	Church Crookham, Hants	1,000
<b>Total</b>		24,125

### Stage 3

- 1.21 Information regarding the European sites screened and the likely effects that may arise due to implementation of the SPD can be found in Tables 1-3 and 1-4. All other European Sites were screened out of this assessment at an early stage as it was considered that their distance from Surrey Heath coupled with the nature and content of the proposed SPD meant that there is no pathway or mechanism which would give rise to significant effect.

**Table 1-3: Details of Thames Basin Heaths SPA and Potential Effects Thereon**

International site:	Thames Basin Heaths Special Protection Area (SPA).
Site description:	The Thames Basin Heaths SPA was proposed in October 2000, and full SPA status was approved on 9 March 2005. It covers an area of some 8274 ha, consisting of 13 Sites of Special Scientific Interest (SSSI) scattered from Surrey, to Berkshire in the north, through to Hampshire in the west. The habitat consists of both dry and wet heathland, mire, oak, birch acid woodland, gorse scrub and acid grassland with areas of rotational conifer plantation.
Relevant international nature conservation features:	The SPA is of international importance for its heathland birds: nightjar ( <i>Caprimulgus europaeus</i> ), woodlark ( <i>Lullula arborea</i> ) and Dartford warbler ( <i>Sylvia undata</i> ). It is of European importance because the site qualifies under Article 4.1 of the Birds Directive (79/409/EEC) as it is used by 1% or more of the Great Britain population of a species listed in Annex I.
Environmental Conditions which Support the Site	<ul style="list-style-type: none"> <li>• Appropriate management</li> <li>• Management of disturbance during breeding season (March to July)</li> <li>• Minimal air pollution</li> <li>• Absence or control of urbanisation effects, such as fires and introduction of invasive non-native species</li> <li>• Maintenance of appropriate water levels</li> <li>• Maintenance of water quality</li> </ul>
Potential Effects Arising from the SPD	<ul style="list-style-type: none"> <li>• Effect on provision of SANG and therefore indirect effect from recreational disturbance on the SPA and SAC.</li> </ul>

**Table 1-4: Details of Thursley, Ash, Pirbright & Cobham Common SAC and Potential Effects Thereon**

International site:	Thursley, Ash, Pirbright & Cobham Common Special Area of Conservation (SAC).
Site description:	The Thursley, Ash, Pirbright & Chobham Common SAC was proposed in January 1996 and designated in April 2005. It covers an area of some 5,138 ha and comprises 4 SSSI units and habitat containing predominantly dry and wet heaths with coniferous woodland, bogs, marshes and inland water bodies.
Relevant international	The SAC is of international importance for Northern Atlantic wet heaths with <i>Erica tetralix</i> for which it is considered to be one of

nature conservation features:	<p>the best areas in the United Kingdom; and</p> <p>European dry heaths for which it is considered to be one of the best areas in the United Kingdom; and</p> <p>Depressions on peat substrates of the <i>Rhynchosporion</i> for which it is considered to be one of the best areas in the United Kingdom.</p>
Environmental Conditions which Support the Site	<ul style="list-style-type: none"> <li>• Appropriate management;</li> <li>• Managed recreational pressure;</li> <li>• Minimal air pollution;</li> <li>• Absence or control of urbanisation effects such as fires and introduction of invasive non-native species;</li> <li>• Maintenance of appropriate water levels;</li> <li>• Maintenance of water quality.</li> </ul>
Potential Effects Arising from the SPD	<ul style="list-style-type: none"> <li>• Effect on provision of SANG and therefore indirect effect from recreational disturbance on the SPA and SAC.</li> </ul>

#### Stage 4

1.22 The consideration of potential effects are set out in Table 1-5.

**Table 1-5: Assessment of Potential Effects**

Effect on provision of SANG and therefore indirect effect from recreational disturbance on the SPA and SAC.	<p>The likely effects of recreational disturbance have been summarised in Underhill-Day study for Natural England and RSPB (2005); this provides a review of the urban effects on lowland heaths and their wildlife. The main issues relating to the conservation objectives and the integrity of the SPA as a whole are: fragmentation, disturbance, fires, cats, dogs (as a result of nest disturbance and enrichment), prevention of management, off-roading, vandalism and trampling.</p> <p>Natural England has advised that recreational pressure, as a result of increased residential development within 5km of the SPA, is having a significant adverse impact on the Annex I bird species. Woodlark and nightjar are ground nesting and Dartford warblers nest close to the ground. They are therefore sensitive to disturbance, particularly from dogs, but also from walkers, and cyclists etc. They are, in addition, vulnerable to other effects of urbanisation, in particular predation by cats.</p> <p>However, through joint working with Natural England and other local authorities, the Borough Council has in place a mechanism to avoid impacts to the SPA from recreational activities in the form of SANG. The SPD seeks to prioritise funding arising from a Community Infrastructure Levy (CIL) and other funding sources as</p>
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	<p>appropriate toward SANG provision and therefore the delivery of SANG will sit at the top of a hierarchy of infrastructure funding.</p> <p>As such, in-combination with Surrey Heath Core Strategy policies which state that development will only be permitted where it can demonstrate no likely significant effect as well as the Thames Basin Heaths Joint Delivery Framework, it is considered, at the time of undertaking this assessment, that the Infrastructure Delivery SPD will not give rise to likely significant effects on the Thames Basin Heaths SPA or Thursley, Ash, Pirbright &amp; Chobham Common SAC either alone or in-combination.</p>
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- 1.23 It is the conclusion of this HRA that following a screening assessment it can be ascertained, in light of the information available at the time of assessment that the Infrastructure Delivery SPD **will not** give rise to significant effects on the Thames Basin Heaths SPA or Thursley, Ash, Pirbright & Cobham Common SAC either alone or in-combination with other plans and/or projects. Given the findings of the screening assessment it is considered that a full appropriate assessment is not required.

#### **The SEA Screening Process**

- 1.24 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: The Environment Agency, Natural England and English Heritage.
- 1.25 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 Screening**

- 1.26 Before making a determination under Regulation 9 the three consultation bodies were consulted between 7<sup>th</sup> December 2012 and 18<sup>th</sup> January 2013. The responses received are set out in Table 1-2.

**Table 1-2 Comments Received by Consultation Bodies**

Consultation Body	Comments
English Heritage	No comments received
Environment Agency	<p>The proposed scheme looks to address areas that we would be interested in. We are pleased that the Thames River Basin Management Plan will be consulted with regards to actions in Surrey Heath.</p> <p>One of the major schemes listed within 'Arborfield Garrison' is in close proximity to a fish bypass scheme that was finished last year, there may be scope to add to the habitat management of this when it comes through.</p> <p>The Environment Agency will be seeking to work in partnership with Surrey Heath Borough Council in order to enhance priority habitats and species that come through the 'Biodiversity 2020' targets.</p>
Natural England	Natural England has reviewed the draft screening determination document and concurs with your conclusion that neither SEA nor HRA is required.

- 1.27 This Screening Report sets out the Council's determination under Regulation 9(1) of the Environmental Assessment of Plans and Programmes Regulations 2004 on whether or not SEA is required for an Infrastructure Delivery SPD.
- 1.28 Appendix 1 sets out the procedure for determining if an Infrastructure Delivery SPD will have significant environmental effects using the criteria set out in Annex II of the Directive and Schedule I of the Regulations.
- 1.29 On the basis of the Screening process it is the Council's determination that an Infrastructure Delivery SPD does not require an SEA under the SEA Directive and Environmental Assessment of Plans and Programmes Regulations (2004). This is because: -
- The SPD does not set the framework for future consents under the EIA Directive;
  - An appropriate assessment under the Habitats Directive is not required;
  - There is no pathway or mechanism for significant environmental effects to arise as the SPD is in effect a financial tool and does not allocate development or set development targets.
- 1.30 This determination was made on the 5<sup>th</sup> July 2013.

## Appendix 1 – SEA screening for an Infrastructure Delivery SPD

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 SPD sets out how the Borough Council will prioritise developer contributions or other funding sources towards infrastructure in the Borough and does not set targets for or allocate any future development projects or other activities. The allocation of financial resources are not covered by the SEA Directive.
(b) The degree to which the plan or programme influences other plans and programmes including those in a hierarchy.	The SPD will be an adopted Borough Council policy but will not form part of the development plan. The SPD is influenced by higher level plans and is, in the main, a tool by which the Borough Council will prioritise infrastructure funding. As such the SPD influences how the Borough Council will fund certain infrastructure projects rather than influencing other plans/programmes.
(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 is only relevant to the integration of environmental considerations in so far as how infrastructure funding is prioritised.
(d) Environmental problems relevant to the plan or programme.	Environmental problems within Surrey Heath are already highlighted within the LDF SA/SEA Scoping Report 2005 and the Core Strategy & Development Management Policies DPD SA/SEA Report 2010. However, the SPD is a tool which sets out how the Borough Council will prioritise contributions from individual development projects and monies raised can be spent on alleviating environmental problems if considered to be infrastructure.
(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 will aid in the implementation of the Habitats Directive by ensuring that qualifying development contributes towards avoiding adverse impacts to European sites. However the SPD does not set development targets or allocate development which would effect European sites.
<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 SPD will not in itself set out, guide or bring forward development plans or projects. It will purely prioritise how the Borough Council will spend infrastructure funding. As such there is no mechanism for effects to arise from the SPD itself, although individual infrastructure projects on which funding will be spent may. However, such infrastructure projects are likely to be subject to environmental appraisal either as part of the plan making process or within individual consents.

(b) The cumulative nature of the effects	The SPD will prioritise infrastructure funding but does not in itself give consent for such projects. As such, no cumulative effects arise from the SPD itself, but as in (a) above, individual infrastructure projects on which SPD prioritisation funds will be spent may.
(c) The transboundary nature of the effects	Given the geographic scope of the SPD, it is considered that no transboundary effects will arise.
(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)	SPD will cover the whole of the geographic area of Surrey Heath which is 9,507ha and population of 86,500. However as the SPD is only concerned with prioritising infrastructure funding it is considered that effects will only be limited in magnitude.
(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 SPD: -  i) None ii) None iii) None
(g) The effects on areas or landscapes which have recognised national, Community or international protection status.	Avoidance of impacts to the Thames Basin Heaths SPA is dealt with in other guidance documents produced by the Borough Council and the Joint Delivery Framework. The SPD will be used to avoid impacts to Natura 2000 sites by prioritising funding towards infrastructure which off-sets recreational impacts in the form of SANG. However, the SPD does not set the policy framework for individual project consents or the framework for allocating infrastructure projects. As such, no significant effects are considered to arise on adoption of the SPD.