

# **Byfleet Neighbourhood Plan**

## **Strategic Environmental Assessment & Habitat Regulations Assessment**

### **Screening Report**

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# Screening Report for Draft Byfleet Neighbourhood Plan

## Introduction

On 18 September, Byfleet Residents' Neighbourhood Forum (hereafter known as 'BRNF') sent a copy of their current draft plan to Woking Borough Council to request a Screening Opinion for the need to carry out a Strategic Environmental Assessment (SEA) and Habitat Regulations Assessment (HRA) on their emerging neighbourhood plan. This screening report is designed to determine whether or not the contents of the emerging Byfleet Neighbourhood Plan (hereafter known as 'BNP') requires these series of assessments.

The BRNF was formally approved by Woking Borough Council in February 2014, and re-designated in December 2021. Over that period the BRNF has carried out various community engagement exercises to inform the preparation of the draft Neighbourhood Plan.

This screening opinion is based upon the draft Neighbourhood Plan provided to the Council 18 September 2023.

This report is split into four sections. Section 1 provides a screening assessment of both the likely significant environmental effects of the BNP and the need for a full SEA. Section 2 provides a screening assessment of both the likely significant effects of the implementation of the BNP and the need for HRA. Section 3 sets out the Council's final determinations, and a statement of its reasons for the determinations.

In forming its determinations, the Council consulted the three statutory consultation bodies designated in the Regulations (English Heritage, Environment Agency and Natural England) on whether environmental assessment is required. Comments made by the consultation bodies are set out in Appendix A.

## **Section 1: SEA Screening**

A neighbourhood plan must be compatible with UK law, including those laws originating from the European Union that have been retained as UK law, in order to be legally compliant. The first to be considered are Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment (known as the 'SEA Directive'), and the regulations which originally transposed that directive into UK law, the Environmental Assessment of Plans and Programmes Regulations 2004 (S.I.2004/1633, referred to as the 'SEA Regulations').

In some limited circumstances, where a neighbourhood plan could have significant environmental effects, it may fall within the scope of the SEA Regulations and the SEA Directive. National Planning Practice Guidance<sup>1</sup> sets out how an SEA may be required, for example, where:

- **a neighbourhood plan allocates sites for development** – the draft BNP does not allocate sites for development;
- **the neighbourhood area contains sensitive natural or heritage assets that may be affected by the proposals in the plan** – the Byfleet neighbourhood area does feature sensitive natural and heritage assets including three Sites of Nature Conservation Importance, three Conservation Areas, five Areas of High Archaeological Potential and listed buildings;
- **the neighbourhood plan may have significant environmental effects that have not already been considered and dealt with through a sustainability appraisal of the Local Plan** (Woking Core Strategy) – this is assessed in more detail below.

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<sup>1</sup> National Planning Practice Guidance is available here: <http://planningguidance.planningportal.gov.uk/blog/guidance/> (accessed September 2023)

It is for the Council to determine whether an SEA is required, through a screening process. To decide whether a draft neighbourhood plan might have significant effects, SEA Regulations require that its potential scope should be assessed at an early stage against the criteria set out in Schedule 1 to the SEA Regulations, reproduced below:

**SCHEDULE 1**  
**CRITERIA FOR DETERMINING THE LIKELY SIGNIFICANCE OF**  
**EFFECTS ON THE ENVIRONMENT**

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;
  - b) the degree to which the plan or programme influences other plans and programmes including those in a hierarchy;
  - c) the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development;
  - d) environmental problems relevant to the plan or programme; and
  - 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).
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;
  - b) the cumulative nature of the effects;
  - c) the transboundary nature of the effects;
  - d) the risks to human health or the environment (e.g. due to accidents);
  - e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);
  - 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; or
    - (iii) intensive land-use; and
  - g) the effects on areas or landscapes which have a recognised national, Community or international protection status.

Source: The Environmental Assessment of Plans and Programmes Regulations 2004, accessed at: <https://www.legislation.gov.uk/uksi/2004/1633/schedule/1/made>

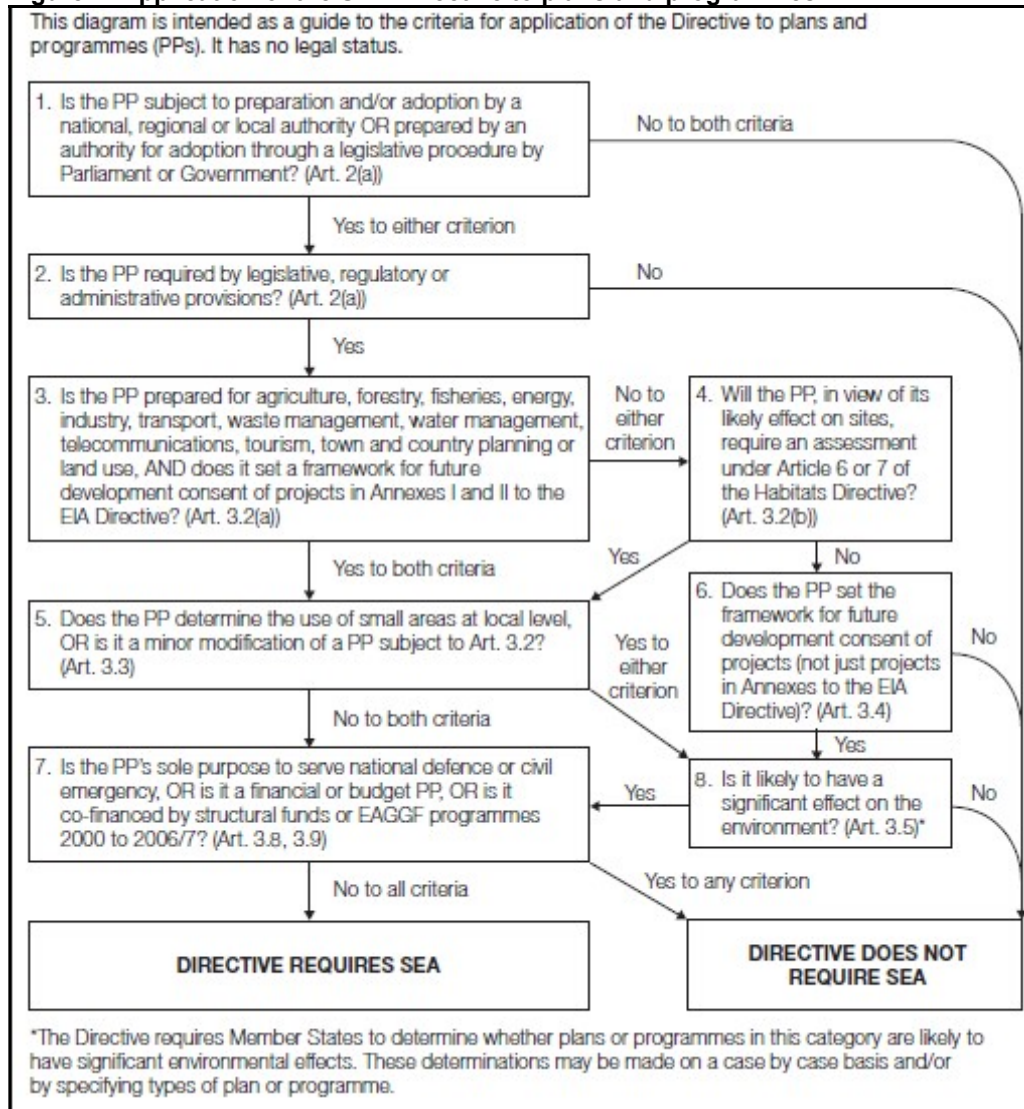
It is required by the Localism Act that neighbourhood plans must be in general conformity with the strategic policies of the Local Plan. Woking Borough Council has a Core Strategy which was adopted in October 2012, and reviewed in 2018 and 2023. Therefore the BNP must be in general conformity with this document. The Core Strategy was subject to a full Sustainability Appraisal which included a SEA assessment<sup>2</sup>. This ensured that there were no likely significant effects which would be produced from the implementation of the Core Strategy and if so ensured mitigation measures were in place. The Council has provided BRNF with advice on how to ensure the BNP's conformity with the Core Strategy during the plan making process and will continue to do so as necessary. If the draft BNP is not in general conformity with the strategic policies in the Core Strategy, it will not be legally compliant and will not be able to continue to community referendum stage. Assuming, therefore, that the draft BNP meets this condition and there is general conformity between the Core Strategy and the BNP, and there are no significant changes introduced by the BNP, it can be concluded that the implementation of the BNP would not result in any likely significant effects upon the environment. Nevertheless, a more detailed assessment has been carried out below.

<sup>2</sup> The Woking Core Strategy Sustainability Appraisal (July 2011) is available here: <http://www.woking.gov.uk/planning/policy/ldf/cores/woking2027/saofcorestrpd>

## SEA Screening Assessment

Practical guidance to the SEA directive, published by the Department of Environment in 2005 but still relevant, provides a useful diagram of the criteria for application of the process to plans and programmes (PPs), shown in Figure 1. Since it was intended for use across the UK, the guidance referred mainly to the SEA Directive. However, the guidance fully took the SEA Regulations into account. Each nation of the UK has its own set of SEA Regulations, which reproduce the SEA Directive with some adaptations. The SEA Directive has now also been transposed directly into British law by the European Union (Withdrawal) Act 2018. Following the UK's departure from the EU, the [English] SEA Regulations have been amended to clarify that references to the SEA Directive relate to the version of that directive 'as it had effect immediately before exit day'.

**Figure 1: Application of the SEA Directive to plans and programmes**



The process in Figure 1 has been undertaken and the findings can be viewed in Table 1. Table 1 shows the assessment of whether the BNP will require a full SEA. The questions in Table 1 are drawn from the diagram above which sets out how the SEA Directive should be applied.

**Table 1: Establishing the need for SEA**

Stage	Y/N	Reasoning
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	Y (go to no. 2)	The BNP is not a Development Plan Document (DPD), however if the document received 50% or more 'yes' votes through a referendum it will be adopted by Woking

legislative procedure by Parliament or Government? (Art. 2(a))		Borough Council. The adoption process is prescribed by legislation.
2. Is the PP required by legislative, regulatory or administrative provisions? (Art. 2(a))	N (Y) (go to no. 3)	Communities have a right to be able to produce a neighbourhood plan, however communities are not required by legislative, regulatory or administrative purposes to produce a neighbourhood plan. This plan however if adopted would form part of the statutory development plan, therefore it is considered necessary to answer the following questions to determine further if an SEA is required.
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)) <sup>3</sup>	Y (go to no. 5)	The BNP is prepared for town and country planning and land use and does set out a framework for future development in the Byfleet Neighbourhood Area, including Infrastructure development which may fall under no.10 of Annex II of the EIA directive (for example, for potential social/community infrastructure, flood relief works or employment development).
4. Will the PP, in view of its likely effect on sites, require an assessment for future development under Article 6 or 7 of the Habitats Directive? (Art. 3.2 (b))	N (go to no. 6)	See screening assessment for HRA in following section of this report.
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)	Y (go to no. 8)	The BNP does not determine the use of an area of land, other than by designating Local Green Spaces which will prevent most types of development on those sites; but for the purposes of the SEA Regulations, the plan does effectively make minor modifications to Woking's Local Plan by building on the planning policies contained within Woking Core Strategy.
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)	Y (go to no. 8)	The BNP sets policies which planning applications within the Byfleet Neighbourhood Area must take account of.
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	None of these apply.
8. Is it likely to have a significant effect on the environment? (Art. 3.5)	N	The BNP is unlikely to have any significant effect on the environment – see Table 2 for the detailed assessment.

## Likely Significant Effects

The table above explains why SEA is not required, supported by the following table which assesses the answer to question 8 of the flowchart. A range of criteria as depicted in Figure 1 has been considered, which leads to the box in the flowchart stating "Directive Does Not Require SEA". The following table supports this outcome and shows how the Council has systematically reached its conclusion.

To decide whether a draft neighbourhood plan might have significant environmental effects, its potential scope should be assessed against the criteria set out in Schedule 1 to the Environmental Assessment of Plans and Programmes Regulations 2004. Using the information supplied by BRNF at the current stage of preparation, the assessment in Table 2 has been made (on the following page).

<sup>3</sup> The amended Environmental Impact Assessment (EIA) Directive (2014/52/EU) entered into force on 15 May 2014, and like the SEA Directive, has been retained in UK law in accordance with the European Union (Withdrawal) Act 2018. Annex I and Annex II of this Directive has been referred to in this assessment.

**Table 2: Assessment of likely significant effects against Schedule 1 criteria**

Schedule 1 Criteria	Likely to have significant environmental effects?	Comments
<b>1. The characteristics of plans and programmes, having regard, in particular, to -</b>		
1a) 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 draft BNP sets out strategic aims and objectives for the designated Byfleet Neighbourhood Area and its policies would provide a framework for proposals for development in that area regarding building design, energy generation facilities, heritage, village centre development, employment development, flooding issues, transport infrastructure, trees and hedges, protecting leisure and community facilities, and the protection and enhancement of valued open spaces. The draft BNP contains policies of general encouragement for various categories of development, and specifies a small number of potential new community facilities as community aspirations, but does not allocate any sites for development (as opposed to designating various sites for the application of protective and restrictive policies). The Plan, therefore, has limited framework for future projects. Each development would also need a site specific planning application.
1b) the degree to which the plan or programme influences other plans and programmes including those in a hierarchy;	No	The BNP will sit in a hierarchy of Local Development Documents (LDDs), and must be in conformity with strategic policies in the Woking Core Strategy. The policies of the draft BNP do not, however, add significantly to the policies in existing LDDs. In preparing future LDDs, the Council should take account of the BNP, but the degree of influence is such that it would not lead to significant environmental effects.
1c) the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development;	No	<p>The draft strategic objectives and policies set out in the current draft BNP reflect a mixture of environmental, social and economic aspects of sustainable development. It is considered that the BNP will mostly have a <b>positive</b> impact on local environment assets and places valued by local people in the Byfleet Neighbourhood Area. This will be achieved primarily through the protection and enhancement of open spaces, trees and hedgerows. Development is required to respect heritage assets and the existing townscape. In addition, the draft BNP supports development that seeks to improve connectivity by sustainable transport.</p> <p>The one potential negative environmental impact relates the policy on renewable energy generation, which, as currently drafted, would be more restrictive than the equivalent Boroughwide policies. However, it is not considered that the impact of this is likely to be significant, in particular if the policy is improved in the final draft.</p> <p>The environmental effects expected to result from the BNP are not considered to be</p>

		'significant' as per Article 3.5 of the SEA Directive, and a 'No' response is therefore included in column 2.
1d) environmental problems relevant to the plan or programme;	No	As described above, the draft BNP seeks to minimise existing environmental problems in the area such as tree loss, flood risk and lack of walking and cycling accessibility, by supporting development proposals which improve local infrastructure and adding protections for existing assets. The Plan does not allocate sites or propose development that would give rise to environmental problems. There are no other existing identified environmental problems in the area, such as Air Quality Management Areas.
1e) the relevance of the plan or programme for the implementation of Community legislation on the environment (for example, plans and programmes linked to waste management or water protection);	No	<p>The draft BNP will have no relevance to the implementation of Community legislation – it does not allocate potentially polluting development.</p> <p>The overarching Woking Core Strategy takes account of the relevant legislative framework for environmental protection. Surrey County Council is the relevant authority for waste and minerals.</p>
<b>2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to -</b>		
2a) the probability, duration, frequency and reversibility of the effects;	No	It is highly unlikely that there will be any irreversible damaging environmental impacts associated with the BNP. The policies in the BNP seek to ensure that any new development is built to preserve and enhance the environment. The Built Environment policies would ensure that new development retains and enhances the character of the area and avoids traffic impacts; the Open Space policies are designed to protect and enhance amenity, wildlife and recreational value of open spaces; and Local Infrastructure policies support development proposals that contribute to infrastructure improvements to reduce levels of on-street parking and increase pedestrian safety. Essentially there would be no detrimental effects.
2b) the cumulative nature of the effects;	No	The cumulative effect of this plan and Woking's Core Strategy will likely lead to sustainable development in the Borough. It is not considered that the policies cumulatively will result in negative effects; but rather result in moderate positive effects. It is considered that all effects will be local in impact.
2c) the transboundary nature of the effects;	No	Effects will be local, but the effects of policies on neighbouring communities (both in Woking Borough- West Byfleet- and Brooklands, New Haw and Wisley in neighbouring boroughs) have been considered. It is expected that the draft policies would lead to minor positive effects on the environment of these communities, for example, by supporting development to improve pedestrian and cycle connectivity with adjacent areas, and protecting trees and hedges. It is not considered that the BNP would have any impact on key environmental designations of international, national, regional or local



		significance within and beyond the boundary of the BNP area beyond that which has already been assessed as part of the Sustainability Appraisal and Habitats Regulation Assessment of the existing Development Plan Documents for the Borough.
2d) the risks to human health or the environment (e.g. due to accidents);	No	The BNP will pose no risk to human health. Draft policy objectives of the BNP seek to enhance and protect the environment, and increase service provision locally. By addressing traffic issues and pedestrian and cycle connectivity, for example, the BNP could help to reduce pollution and increase fitness respectively, and thus improve human health.
2e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);	No	The BNP relates to a small area (just under three square kilometres). The resident population of the Neighbourhood Area was approximately 8,000 in 2021 (source: 2021 Census). It is expected that the BNP policies will have a very local impact, focused within the urban area of Byfleet and in particular the Byfleet local centre, where the policies contain some general encouragements for development. The area of the local centre is just under 9ha, while about 1,000 people (2021 census) live in the vicinity of the local centre, including adjacent streets; the number living in the centre itself will be much lower. Outside the village centre, the proposed policies are largely restrictive of development, so their environmental effects are expected to be minimal. Both inside and outside the centre, the policies are in line with the Core Strategy or will become so before they are adopted. There is therefore no significant impact expected.
2f) 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; or iii) intensive land-use;	No	The BNP is unlikely to adversely affect the value and vulnerability of the built, natural or historic environment of the area. If anything it will provide greater support to enhance the setting of heritage, heritage assets and green spaces, including Conservation Areas, nationally and locally listed buildings, Sites of Nature Conservation Importance, and Green Belt. The draft policies include one on the Byfleet Village Conservation Area, which is expect to have a mild positive impact on the cultural heritage of that area; and one on trees, woodland and hedgerows, which is expected to have a mild positive impact on protection of trees and hedgerows. Otherwise the policies are not expected to have any impact on the value and vulnerability of any of the listed factors.
2g) the effects on areas or landscapes which have a recognised national, Community or international protection status.	No	It is considered that the BNP will not adversely affect areas or landscapes which have a recognised national, community or international protection status. Parts of the BNP area are designated as Green Belt, but all BNP policies will (at adoption if not before) be in compliance with Green Belt policy in the Woking Core Strategy and the National Planning Policy Framework, which protects this area from harmful development, and provide strict control

		over inappropriate development. The BNP will therefore have a positive effect in terms of reinforcing these policy aims. For more detail on the potential for impacts on internationally designated sites, see the HRA screening section below.
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## Screening Outcome

Having reviewed the criteria, the Council has concluded that the draft BNP (September 2014) is not likely to have a significant environmental effect and accordingly will not require a Strategic Environmental Assessment.

## **Section 2: HRA Screening**

To reiterate, a neighbourhood plan must be compatible with UK law, including retained European Union law transposed into UK law, in order to be legally compliant. This section of the report has been prepared to determine whether an appropriate assessment of the BNP is required under Directive 92/43/EEC on the conservation of natural habitats and wild fauna and flora (known as the 'Habitats Directive') and Directive 2009/147/EC on the conservation of wild birds (known as the 'Birds Directive'). These aim to protect and improve sites which are of European importance for particular species and habitats. These Directives are transposed into UK law both directly (by the European Union (Withdrawal) Act 2018) and, earlier, by the Conservation of Habitats and Species Regulations 2010 (as amended), which require Habitats Regulations Assessments (HRA) to be undertaken for plans and programmes in order to identify any significant effects that the plan might have on Environmental criteria or Habitats in the implementation of the plan.

Article 6 (paragraph 3) of the Habitats Directive provides that:

*"Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to an appropriate assessment of its implications for the site in view of the site's conservation objectives. In the light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public".*

As set out in Section 1, the BNP is a document that is intended to form part of the Statutory Planning Framework for the Woking Borough, following the process set out in the 2011 Localism Bill and the 2004 Town and Country Planning Act (as amended) and associated Regulations. These state that a Neighbourhood Development Plan must be in 'general conformity' with the 'strategic policies' of the planning framework, which are currently contained in the Woking Core Strategy Development Plan Document (DPD), Development Management Policies DPD (DMPDPD) and Site Allocations DPD (SADPD). The adoption of the Core Strategy document has been subject to both a Strategic Environmental Appraisal and a Habitat Regulations Screening Report, which have been accepted as an appropriate assessment of the plan. The DMPDPD and SADPD were also subject to SEA and Habitat Regulations Assessment.

In line with the Court judgement (CJEU People over Wind v Coillte Teoranta C-323/17) mitigation measures cannot be taken into account when carrying out a screening assessment to decide whether a plan or project is likely to result in significant effects on a European Site.

Although the draft BNP does not allocate sites (rather it provides general policies that clarify and provide detail to the policies within the Woking Core Strategy), a high level screening assessment has been undertaken to build upon the HRA Screening Report for the Woking Core Strategy. Therefore, this section

of the report should be read in conjunction with the Woking Core Strategy HRA Screening Report<sup>4</sup> (December 2011), DMPDP HRA<sup>5</sup> (January 2015) and SADPD HRA<sup>6</sup> (June 2018) and further assesses the degree to which there will be any significant impacts upon European sites.

## European Designated Habitats

European sites (also known as Natura 2000 sites) recognised under the Habitats Directive consist of Special Areas of Conservation (SAC), Special Protection Areas (SPA) and Offshore Marine Sites (OMS). Ramsar sites in England are also protected as European sites, as set out in The Conservation of Habitats and Species Regulations 2010. The vast majority are also classified as SPAs and all terrestrial Ramsar sites in England are also notified as Sites of Special Scientific Interest (SSSIs). From hereon in, all SAC, SPA and Ramsar sites will be referred to as 'European sites'.

The two main European sites within the Borough boundary, and in close proximity to the Borough are:

- **Thames Basin Heaths Special Protection Area (SPA)** – designated for its lowland heathland, supporting significant populations of three specialist ground-nesting birds (Nightjar, Woodlark and Dartford warbler). The regulations covering this designation require that any plan or proposal should have regard to whether it would have a significant effect on these rare birds<sup>7</sup>;
- **Thursley, Ash, Pirbright and Chobham Special Area of Conservation (SAC)** – designated for its North Atlantic wet heaths and European dry heaths and bog, with extremely important assemblages of rare reptiles, dragonflies, invertebrates and plants.

The Core Strategy HRA Screening Report also screened for potential impacts on European sites located within 20km of Woking Town Centre. Appendix A of the HRA Screening Report sets out maps and citations for all of the designated sites within the 20km study area<sup>8</sup>. At the time of writing, there are no 'candidate SACs' or 'possible SPAs' within this 20km study area. By extending the study area to consider European sites within neighbouring boroughs, the HRA screening covered the potential trans-boundary and cumulative impacts on sites in adjacent boroughs arising from developments in Woking Borough.

The Thames Basin Heaths SPA and Thursley, Ash, Pirbright and Chobham SAC are illustrated on the Proposals Map accompanying Woking Core Strategy. Neither site falls within the boundary of the Byfleet Neighbourhood Area. However, all land in the Borough is within 5km of a component of the Thames Basin Heaths SPA, and new residential development in the Byfleet Neighbourhood Area is therefore considered to have the potential to affect features within them, through, for example, potential additional recreational impacts.

Any development that comes forward in the Byfleet Neighbourhood Area will be subject to policy CS7 of the Core Strategy, on 'Biodiversity and nature conservation', which states that any development with potential impact on the SPA or the SAC will be subject to a Habitats Regulations Assessment to determine the need for Appropriate Assessment. It will also be subject to policy CS8 on 'Thames Basin Heaths Special Protection Areas', which requires any new residential development likely to have a significant effect on the purpose and integrity of the SPA to demonstrate that adequate mitigation measures are put in place to avoid any potential adverse effects. New residential development within the Byfleet Neighbourhood Area area will also be required to make an appropriate contribution towards the provision of Suitable Alternative Natural Greenspace (SANG) and the Strategic Access Management and Monitoring (SAMM), as per guidance in the Council's Thames Basin Heaths Special Protection Area Avoidance Strategy 2022<sup>9</sup>.

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<sup>4</sup> The Core Strategy HRA Report can be accessed here: <http://www.woking.gov.uk/planning/policy/ldfresearch/hra>

<sup>5</sup> The DMPDP HRA Report can be accessed here

<https://www.woking2027.info/developmentplan/management/dmpdpreg19/hradmddpd19.pdf>

<sup>6</sup> The SADPD HRA Report can be accessed here <https://www.woking2027.info/ldfresearch/hra/sadpdhra.pdf>

<sup>7</sup> These birds are listed to be protected in European Directive 2009/147/EC, on the conservation of wild birds, available here: [http://ec.europa.eu/environment/nature/legislation/birdsdirective/index\\_en.htm](http://ec.europa.eu/environment/nature/legislation/birdsdirective/index_en.htm)

<sup>8</sup> The Appendices to the HRA Screening Report can be found here:

<http://www.woking.gov.uk/planning/policy/ldfresearch/hra/habregassapp>

<sup>9</sup> Woking Borough Council's Thames Basin Heaths Special Protection Area Avoidance Strategy is available here:

<https://www.woking2027.info/supplementary/tbhspaspd/strategy2022>

## HRA Screening Assessment

This screening assessment is carried out with regard to a series of conservation objectives and ecological indicators to help determine whether proposed BNP issues and policies will be consistent with the protection and enhancement of the conservation features of importance to European sites, and whether any significant effect is likely. These objectives and indicators were identified by the Core Strategy HRA Screening Report. However, in May 2012, Natural England published an updated set of SAC and SPA Conservation Objectives. The UK Post-2010 Biodiversity Framework, delivered via the Government's Biodiversity 2020 Strategy (August 2011)<sup>10</sup>, has also now replaced the UK Biodiversity Action Plan. The list of objectives and indicators from the Core Strategy HRA Screening Report has therefore been updated, and is produced in Appendix C. This includes objectives and indicators for the two main European sites within a reasonable travel distance from the BNP area boundary, which is at a much smaller scale than that of the Borough.

Only if a significant effect is likely is there a need for an appropriate assessment of the plan to be undertaken. The essential question is:

*"is the BNP (or any part of the plan), either alone or in combination with other relevant projects and plans, likely to result in a significant effect upon European sites?"*

The draft BNP issues and policies could potentially have the following effects on European sites:

- recreational pressures, including people pressure, trampling, eutrophication, and pet predation;
- fly tipping, release of non-native species;
- fire-raising;
- hydrology/hydrogeological effects (including water abstraction);
- direct pollution (e.g. proposed Part A and Part B Processes, landfill extensions, construction impacts);
- increasing traffic levels causing airborne nitrogen enrichment of the soil;
- transboundary and cumulative impacts.

Taking the conservation objectives, indicators and potential effects into account, the table below presents a Habitats Regulations Assessment Screening for the Draft BNP:

BNP Draft Policy / Issue	Detail of policy/issue to be screened	Comment	Significant effect likely?
1: High Quality Design	Good quality design to make a positive contribution to local character. Propose to limit development to 3 storeys.	This policy itself will not lead to development – it sets criteria for appropriate design, including by a proposed height limit	No significant effect
2: Renewable Energy and Sustainability	Policy intended to regulate the impacts of new renewable/ low carbon energy infrastructure on amenity, heritage, community facilities and pollution.	This policy itself will not lead to development – it sets potentially stringent criteria for assessing the impacts of new development.	No significant effect

<sup>10</sup> The Government's Biodiversity 2020 Strategy is available here: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/69446/pb13583-biodiversity-strategy-2020-111111.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/69446/pb13583-biodiversity-strategy-2020-111111.pdf)

3: Byfleet Village Conservation Area	Encourages development with a positive impact on the Conservation Area, including sensitive densification.	This policy is intended to preserve and enhance the built environment. No additional development is expected to arise from it compared with the baseline scenario.	No significant effect
4: Village Centre Regeneration	Encourages sensitive development in the village centre.	The policy is in line with the Core Strategy and is not expected to lead to additional development compared to the baseline scenario.	No significant effect
5. Safeguarding Business and Employment Sites	Protects employment sites from loss, supports new Class B2 development.	The policy is more encouraging of B2 development than the Core Strategy, which instead seeks to increase the development in the old B1a and B8 use classes. Potentially could lead to slightly increased B2 development compared to the baseline. This will have no impact on recreational disturbance of the SPA but could in theory slightly increase traffic movements. However, the Core Strategy includes policy CS15 which safeguards the Byfleet Industrial Estate for B uses (including B2). It is not expected that significant B2 development would take place outside the industrial estate, since other areas are either residential or in the Green Belt, or have existing industrial/ commercial use. Development of B2 uses within the industrial estate will also be at the expense of alternative industrial or commercial uses, including traffic-heavy warehousing uses, so no net impact on traffic flows can be predicted. Therefore the effect of the policy above the baseline will not be significant.	No significant effect
6. Surface Water and Flood Management	Supports new development that does not increase flood risk, and sets requirements for new development on this issue.	Policy not expected to lead to additional development compared to the baseline scenario.	No significant effect
7. Village	Requires sustainable	Policy is not expected	No significant effect

Infrastructure	transport infrastructure improvements from new development.	to lead to additional impact-generating development. It may help to limit the increase in vehicular traffic arising from new development, which would have a slight positive effect.	
8. Local Green Spaces	Designates Local Green Spaces to be protected in accordance with national policy. Encourages the speedy delivery of the Byfleet SANG.	Will not lead to any additional development, other than encouraging development of the SANG, which would have a positive effect on the recreational pressures on the SPA. However, this is already set out in Council policy.	No significant effect
9. Trees, Hedges and Woodland	Supports protection of valuable trees and native hedges.	Expected to conserve and enhance the natural environment. Any potential positive impact on key SPA bird populations is likely to be very slight, given distance from the SPA. More potential for a positive impact on wildlife more generally.	No significant effect
10. Recreational & Leisure Facilities	Protects existing recreation facilities and requires their replacement if lost.	The policy is in line with the Core Strategy and is not expected to lead to additional development compared to the baseline scenario.	No significant effect
11: Community Facilities	Protects existing community facilities and requires their replacement if lost.	The policy is, or will be, in line with the Core Strategy and is therefore not expected to lead to additional development compared to the baseline scenario.	No significant effect

### In-Combination Effects

Existing plans and proposals must be considered when assessing new plans or programmes for likely significant effects as they may create 'in combination' effects.

For reference, the relevant plans or programmes which should be considered when reviewing in combination effects are listed below:

- Woking Core Strategy DPD
- Woking Development Management Policies DPD
- Woking Site Allocations DPD

The Core Strategy HRA Screening Report identified possible in-combination effects with regards to development in the South-East region. The report concluded that there would be no impacts on European sites as a result of potential hydrological changes, hydrogeology, direct pollution or transport-related nitrogen deposition caused by implementing policies in the Core Strategy. It also concluded that *"there are unlikely to be any significant recreational effects arising from WBC's Core Strategy on European sites in the boroughs around Woking"*. In addition, the report highlighted that sufficient Avoidance Strategies have been put in place by all Borough members of the Thames Basin Heaths Joint Strategy Partnership Board to prevent any impact upon the qualifying features of the European sites due to the proposed increase in urban development.

The Development Management Policies DPD Screening Report concluded that the DPD policies would not lead to likely significant effects on European sites either alone or in combination. The provision of sufficient SANG would protect both the SPA and SAC from excessive recreational pressure. Recommendations were made for participation in a collaborative monitoring and response partnership on traffic related air quality. The Site Allocations DPD HRA concluded that each allocated site would have sufficient SANG to serve the increased population that would occupy the development; and continued the recommendation for a monitoring framework on air quality. A site specific HRA was recommended for a transport allocation adjacent to the SPA, and this was included in the adopted document as a requirement.

As the Draft Byfleet Neighbourhood Plan a) will not allocate sites; b) does not contain policies intended to lead to new development, other than to a limited extent as set out in the table above; and c) will be in general conformity with existing plans – including Woking Core Strategy policies - which have been assessed at a higher level; it is concluded that no significant in-combination likely effects will occur due to its implementation.

## **Screening Outcome**

The screening assessment which has been undertaken concludes that no likely significant effects will occur with regards to the European sites within and around Woking Borough, due to the implementation of the Draft BNP. As such, the BNP does not require a full HRA to be undertaken.

Nevertheless, any residential development that will take place within the neighbourhood area on the back of the Core Strategy, or the BNP, will have to comply with policies CS7 and CS8 of the Core Strategy, which set out criteria for 'Biodiversity and nature conservation' and 'Thames Basin Heaths Special Protection Areas' respectively.

## **Section 4: Determinations, and Statement of Reasons for Determinations**

It should be noted that the following determinations are made in respect of the Draft Byfleet Neighbourhood Plan (September 2023). Should the final draft alter substantially from the current draft, the Council may need to conduct a fresh screening exercise, which may lead to different determinations.

### **SEA**

A screening assessment to determine the need for a SEA in line with the Regulations and guidance was undertaken and can be found in Section 1 of this report. The assessment finds no negative significant effects will occur as a result of the draft BNP. The assessment also expects that all the BNP policies will be in conformity with the local plan policies which have a full SA/SEA which identified no significant effects will occur as a result of the implementation of policies. Where conflicts occur, appropriate mitigation measures have been incorporated into the local plan policies.

Each of the three statutory consultation bodies were consulted on the initial screening report. The responses received from the consultation bodies were as follows:

Natural England: no SEA required; wish to be reconsulted if the plan changes, particularly if it proposes to allocate land for development.

Historic England: no SEA required

Environment Agency: no comments submitted

It is determined that as a result of the screening undertaken by the Council in Section 1 of this report, along with the responses received from the statutory consultation bodies, a Strategic Environmental Assessment is not required.

### **HRA**

A screening assessment to determine the need for a HRA in line with the Regulations and guidance was undertaken and can be found in Section 2 of this report. The Council has concluded that the draft BNP is unlikely to have an adverse effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2010), alone or in combination with other plans and projects. The assessment also expects that all the BNP policies will be in conformity with the local plan policies which have undergone

HRA screening, which identified no likely significant effects will occur as a result of the implementation of policies. Where conflicts are likely to occur, appropriate mitigation measures have been incorporated into the local plan policies.

Each of the three statutory consultation bodies were consulted on the initial screening report. The responses received from the consultation bodies were as follows:

Natural England: no HRA required; wish to be reconsulted if the plan changes, particularly if it proposes to allocate land for development.

Historic England: no comment on HRA

Environment Agency: no comments submitted

It is determined that as a result of the screening undertaken by the Council in Section 2 of this report, along with the responses received from the statutory consultation bodies, a Habitats Regulation Assessment is not required.



## **APPENDIX A: Consultation Responses**

<b>Consultee</b>	<b>Comment</b>
<b>Natural England</b>	Natural England agree with the conclusions of the screening report that a SEA/HRA are not required for the Byfleet Neighbourhood Plan. If the NP changes, particularly if it proposes to allocate land for development, please contact Natural England again.
<b>Historic England</b>	<p>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 Byfleet Neighbourhood Plan) likely to have a significant effect on the historic environment?". Our comments are based on the information supplied.</p> <p>The information supplied 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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p>
<b>Environment Agency</b>	No comments received

## **APPENDIX B: Conservation Objectives, Qualifying Features and Ecological Indicators**

<b>Site</b>	<b>Conservation Objectives</b>	<b>Qualifying Features</b>	<b>Indicators</b>
Thursley, Ash, Pirbright and Chobham SAC – comprised of 4 SSSIs	<p>Avoid the deterioration of the qualifying natural habitats and the habitats of qualifying species, and the significant disturbance of those qualifying species, ensuring the integrity of the site is maintained and the site makes a full contribution to achieving 'Favourable Conservation Status' of each of the qualifying features.</p> <p>Subject to natural change, to maintain or restore:</p> <ul style="list-style-type: none"> <li>• The extent and distribution of qualifying natural habitats and habitats of qualifying species;</li> <li>• The structure and function (including typical species) of qualifying natural habitats and habitats of qualifying species;</li> <li>• The supporting processes on which qualifying natural habitats and habitats of qualifying species rely;</li> <li>• The populations of qualifying species;</li> <li>• The distribution of qualifying species within the site.</li> </ul> <p>Biodiversity 2020 Strategy:</p> <ul style="list-style-type: none"> <li>• Meet or support Biodiversity 2020 actions for SAC habitats and species present on SAC areas that were part of the reason for its designation as an internationally important site.</li> </ul>	<p>H4010. Northern Atlantic wet heaths with <i>Erica tetralix</i>; Wet heathland with cross-leaved heath</p> <p>H4030. European dry heaths</p> <p>H7150. Depressions on peat substrates of the <i>Rhynchosporion</i></p>	<ul style="list-style-type: none"> <li>• Reported levels of damage to designated sites</li> <li>• Conclusions of relevant specialist assessments</li> <li>• Reported condition of SAC sites and their constituent SSSI units</li> <li>• Published reports from relevant lead partner/agencies delivering Biodiversity 2020 Strategy</li> <li>• Available information regarding species population/habitat extent and condition from Natural England, local Wildlife Trusts, RSPB etc.</li> </ul>
Thames Basin Heaths SPA – comprised of 13 SSSIs	<p>Avoid the deterioration of the habitats of the qualifying features, and the significant disturbance of the qualifying features, ensuring the integrity of the site is maintained and the site makes a full contribution to achieving the aims of the Birds Directive.</p>	<p>A224 <i>Caprimulgus europaeus</i>; European nightjar (Breeding)</p> <p>A246 <i>Lullula arborea</i>;</p>	<ul style="list-style-type: none"> <li>• Reported levels of damage to designated sites</li> <li>• Conclusions of relevant specialist assessments</li> <li>• Reported condition of SPA sites</li> </ul>

	<p>Subject to natural change, to maintain or restore:</p> <ul style="list-style-type: none"> <li>• The extent and distribution of the habitats of the qualifying features;</li> <li>• The structure and function of the habitats of the qualifying features;</li> <li>• The supporting processes on which the habitats of the qualifying features rely;</li> <li>• The populations of the qualifying features;</li> <li>• The distribution of the qualifying features within the site.</li> </ul> <p>Biodiversity 2020 Strategy:</p> <ul style="list-style-type: none"> <li>• Meet or support Biodiversity 2020 actions for SPA habitats and species present on SPA areas that were part of the reason for its designation as an internationally important site.</li> </ul>	<p>Woodlark (Breeding)</p> <p>A302 <i>Sylvia undata</i>; Dartford warbler (Breeding)</p>	<ul style="list-style-type: none"> <li>• Published reports from relevant lead partner/agencies delivering Biodiversity 2020 Strategy</li> <li>• Available information regarding species population/habitat extent and condition from Natural England, local Wildlife Trusts, RSPB etc.</li> </ul>
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