



**Woking Borough Council  
Local Development Framework**

**Thames Basin Heaths Special Protection Area Supplementary  
Planning Document**

**Strategic Environmental Assessment  
DRAFT SCREENING STATEMENT**

**Determination under Regulation 9 of the Environmental Assessment of Plans  
and Programmes Regulations 2004**



May 2012

## **Consultation procedure**

Responses to this Draft Screening Statement should be sent to:

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If you have any enquiries please ring 01483 743267

Responses should be received by the Council by 4<sup>th</sup> July 2012

This Draft Screening Statement has been issued to:

- The Environment Agency
- Natural England
- English Heritage

## **1. 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 (TBH) Special Protection Area (SPA) Supplementary Planning Document (SPD).

### **Strategic Environmental Assessment**

1.2. Under the requirements of European Union Directive 2001/42/EC (Strategic Environmental Assessment (SEA) Directive)) and the Environmental Assessment of Plans and Programmes Regulations (2004), specific types of plans that set the framework for the future development consent of projects must be subject to an environmental assessment.

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 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. This statement is the Borough Council's Draft Regulation 9(3) statement.

### **Sustainability Appraisal**

1.5. 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.

1.6. In accordance with current Regulations (Town & Country Planning (Local Planning) (England) Regulations 2012) SA is not required to be carried out for SPD. However, despite this, it is still necessary to determine the need for SEA.

### **Habitats Regulations Assessment**

1.7. Habitats Regulations Assessment (HRA) is required to determine whether a plan or project would have significant adverse effects upon the integrity of internationally designated sites of nature conservation importance, or Natura 2000 sites. The need for HRA is set out within the EC Habitats Directive 92/43/EEC and transposed into British Law by Regulation 102 of the Conservation of Habitats and Species Regulations 2010.

1.8. The Directive states that any plan or project not connected or necessary for a sites management, but likely to have significant effects thereon shall be subject to appropriate assessment. As the TBH SPA SPD will not set the framework for future plans or projects there is no pathway (either direct or indirect) for significant effects to arise. As such, it is considered that Appropriate Assessment of the SPD is not required. Moreover, it is for individual planning applications or plans that set the framework for those applications to undergo HRA.

## **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:

- The Environment Agency
- Natural England
- English Heritage

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.

## **Background to the proposed SPD**

1.11 Core Strategy policy CS8: TBH SPA and Special Areas of Conservation sets out that any new residential units built within 5 kilometres of the SPA could have a likely significant effect on the SPA either alone or with other plans or projects. The SPD sets out the mitigation measures that apply for new dwellings. Land known as Suitable Alternative Natural Greenspace (SANG) is created to encourage people to use this rather than the SPA, a tariff is paid to create and maintain SANG land. The SPD will replace the Thames Basin Heaths Special Protection Area Avoidance Strategy 2010-15. It will provide detailed information regarding how the policy will be implemented in order to provide a clear framework for Council Officers, Elected Members, developers and the public to understand how SPA mitigation is to take place. Importantly, policies CS7 and CS8 has been subject to a comprehensive Sustainability Appraisal and HRA and any potential effects on the social, environmental and economic indicators have been addressed through the Core Strategy. The SPD will not introduce any additional requirements, but will set out the detail of how CS8 will apply in practice.

1.12. Specifically, the SPD will set out:

- Identification of SANG sites
- A schedule of improvements to the identified sites is set out through a detailed timetable of works with costs. This enables a developer to demonstrate that they will clearly avoid harm to the SPA by linking their development to specific work to improve the sites. A financial contribution will then be sought from the developer, through the completion of a section 106 agreement, to ensure the improvements are undertaken.
- The improvements will be provided at eight hectares of open space per 1000 additional residents between 400 metres and 5 kilometres of the SPA.
- A developer can provide alternative open space, rather than make a financial contribution. The proposed open space will be assessed against Natural England's standards.
- Information on the Strategic Access Management and Monitoring Project

- Explanation of the landowner payment
- The revised SANG tariff
- New SANG sites that are proposed
- Core Strategy Policy CS8 Thames Basin Heaths Special Protection Area and Special Areas of Conservation.

1.13. The SPD will not in itself set the level of development for the Borough or allocate land.

### **Draft SEA Screening**

1.14. This Draft Screening Statement for consultation 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 SEA is required for the TBH SPA SPD.

1.15. Appendix 1 sets out the process for determining if the SPD will have significant environmental effects using the criteria set out in Annex II of the Directive and Schedule I of the Regulations.

1.16. On the basis of the Screening process **it is the Council's opinion that the Thames Basin Heaths Special Protection Area SPD does not require an SEA** under the SEA Directive and 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 Core Strategy policy CS8.

## Appendix 1 – Draft SEA Screening for the Thames Basin Heaths Special Protection Area SPD

Criteria (Annex II of SEA Directive and Schedule I of Regulations)	Woking Borough Council response
<b><i>Characteristics of the plan or programme</i></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 guided by national policy and determined locally through Core Strategy policy CS8: TBH SPA. The SPD will supplement CS8 to ensure successful implementation at a local level. The SPD will not set the framework for the allocation or levels of development within the Borough over the plan period.
(b) The degree to which the plan or programme influences other plans and programmes including those in a hierarchy.	The SPD will provide detailed information on the practical implementation of Core Strategy policy CS8, which has been prepared in accordance with national planning policy. It has implications for biodiversity and nature conservation, in particular the hierarchy set out in policy CS7.
(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 relevance to the integration of environmental considerations, as SANGs are protected in perpetuity. The SPD seeks to provide the framework to protect the SPAs in Woking Borough. However, this is part of a network of SPAs cutting across 13 Local Authorities; a strategic approach to management is taken in partnership with the other Authorities.
(d) Environmental problems relevant to the plan or programme.	None.
(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).	SPA comes under the European Directive 79/409/EEC. Policy CS8, which the SPD seeks to amplify, complies with the requirements of the Directive.
<b><i>Characteristics of the effects and of the area likely to be affected</i></b>	
(a) The probability, duration, frequency and reversibility of the effects.	The proposed SPD will not in itself set out or bring forward commercial or residential development. It will purely set out the mechanisms for interpreting Core Strategy policy CS8 in practice.
(b) The cumulative nature of the effects	Given the nature of the SPD, it is considered that no cumulative effects will arise.
(c) The transboundary nature of the effects	Given the nature of the SPD, it is considered that no transboundary effects will arise. However, it should be noted

Criteria (Annex II of SEA Directive and Schedule I of Regulations)	Woking Borough Council response
	that a common strategic approach has been adopted by the 13 Local Authorities affected by SPA, to manage the impact of developments on the SPA.
(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 SPD will form part of Woking's Local Development Framework. As such the SPD is a borough-wide document that will affect all planning applications for net new residential development, in accordance with policy CS8.
(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.	The Suitable Alternative Natural Greenspace (SANG) set out in policy CS8 and that will be included in the SPD, will have a neutral effect on areas or landscapes. In some cases the protection afforded by SANG may enhance the site, as it will be maintained in perpetuity.