

Screening Opinion of the Need for Strategic Environmental Assessment (SEA) for the Affordable Housing Supplementary Planning Document (SPD)

21 September 2022

Introduction

1. Any land use plan or programme must be screened against a set of criteria in Article 3 of the European Directive 2011/42/EC (the Directive) and Regulation 5 of the associated Environmental Assessment of Plans and Programmes Regulations 2004 (the Regulations).
2. The National Planning Practice Guidance states that in exceptional cases a Strategic Environmental Assessment may be required when producing a SPD¹. The LPA must decide whether the proposed SPD is compatible with EU obligations (including those under SEA and Habitats Regulations).
3. For a SPD, the critical consideration is whether the SPD 'is likely to have a significant effect on the environment' according to a set of criteria from Annex II of the Directive and Schedule 1 of the Regulations.
4. If the SPD is unlikely to have a significant effect on the environment, an SEA is not required.
5. This screening opinion must be subject to consultation with Historic England, the Environment Agency and Natural England. The results of the screening process must be detailed in a Screening Statement, made available to the public.

The Screening Process

6. Using the criteria set out in Annex II of the Directive and Schedule 1 of the Regulations, a Screening Opinion determines whether a plan or programme is likely to have significant effects.
7. Table 1 in Appendix 1 sets out the criteria from the Practical Guide, along with an assessment of the Affordable Housing SPD against each criterion to ascertain whether an SEA is required.
8. The assessment of likely significant effects on the environment is found in Table 2.
9. A third element of the screening process relates to the Habitats Directive, and associated Conservation of Habitats and Species Regulations (2010). It is necessary to consider whether the adoption of the SPD is compatible with European obligations and therefore each SPD must be screened for likely significant effects on sites designated under this legislation.

The Affordable Housing Supplementary Planning Document

10. The Affordable Housing SPD does not contain policies or site allocations but provides more detailed guidance on how Policies AHN1 and AHN2 of the adopted Waverley

¹ Paragraph 008 Reference ID: 61-008-20190315

Borough Local Plan Part 1 will be implemented. The SPD also includes details of the Council's approach towards the provision of First Homes on development sites.

11. There are several environmental features within the borough including 15 Sites of Special Scientific Interest (SSSI), three Special Protection Areas (SPAs) comprising Thursley, Hankley and Frensham Commons (Phase I of the Wealden Heaths SPA), the Hindhead Commons (which form part of Phase II of the Wealden Heaths SPA) and part of the Thames Basin Heaths SPA. There are also 171 Nature Reserves, areas of Ancient Woodland, and eight Biodiversity Opportunity Areas in addition to a Ramsar site, a Special Areas of Conservation and Thursley, Ash and Pirbright and Chobham. There are also areas of AONB, AGLV, Ancient Woodland, land within Flood Zone 3, Sites of Nature Conservation Interest, Conservation Areas and Listed Buildings.

HRA Screening Opinion

12. On the basis that a SEA is not required, the Affordable Housing SPD would not give rise to significant effects on European Sites either alone or in-combination with other plans and/or projects.

Conclusions

13. As a result of the screening undertaken by the Council, the following determination has been reached.
 - a) The Affordable Housing SPD is unlikely to have significant effects on Natura 2000 sites.
 - b) Based on the assessment presented in Tables 1 & 2, the Affordable Housing SPD is unlikely to have a significant effect on the environment.
 - c) The Affordable Housing SPD does not require a Strategic Environmental Assessment.
 - d) The Affordable Housing SPD does not require an Appropriate Assessment.

APPENDIX 1: DETAILED ASSESSMENT FOR SEA SCREENING

Table 1: Application of SEA Directive Screening Criteria to the Affordable Housing SPD

Stage	Y/N	Explanation
1	Y	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 legislative procedure by Parliament or Government? (Art. 2(a)) The SPD is being produced to support the policies in the adopted Waverley Borough Local Plan Part 1 (adopted February 2018) under the Town and Country Planning (Local Planning) (England) Regulations 2012.
2	N	Is the PP required by legislative, regulatory or administrative provisions? (Art. 2(a)) The PP is not required by legislation it is an optional plan. The SPD has been produced to support the Waverley Borough Local Plan Part 1. Once adopted the SPD will be a material consideration in the determination of planning applications.
3	Y and N	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)) The SPD is being prepared for town and country planning and land use, but it does not set a framework for future development consent of projects in Annexes I and II to the EIA Directive.
4	N	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)) A separate HRA Screening Assessment has been undertaken of the Affordable Housing SPD and can be found at Appendix 2. It concludes the Affordable Housing SPD will not result in likely significant effects on any European site, either alone or in combination with any other plans or programmes.
5	Y	Does the PP set the framework for future development consent of projects (not just projects in Annexes to the EIA Directive)? (Art 3.4) The SPD does not include any site allocations for development but includes guidance that will be a material consideration when determining planning applications.
6	N	Is it likely to have a significant effect on the environment? (Art. 3.5) The SPD is not considered to have a significant effect on the environment (please see Table 2).

Table 2. Assessment criteria for determining the likely significance of effects on the environment

Based on Schedule 1 of the SEA Regulations (2004)

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1 - The characteristics of plans and programmes, having regard, in particular, to -		
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;	The Affordable Housing SPD will support the Waverley Borough Local Plan Part 1. This sets out the strategic policies surrounding the use of land and development proposals including strategic site allocations. The SPD will be a material consideration in the determination of planning applications and provides guidance on the implementation of First Homes. Specifically the SPD provides guidance on Policies AHN1 and AHN2 of Local Plan Part 1. The SPD does not include any site allocations or policies.
1B	The degree to which the plan or programme influences other plans and programmes including those in a hierarchy;	The SPD has to be in conformity with Local Plan Part 1 and national planning policy set out in the National Planning Policy Framework and National Planning Practice Guidance. The SPD will not have any influence over plans and will be a material consideration in the determination of planning applications.
1C	The relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development;	The aim of the SPD is to provide further guidance to developers and stakeholders regarding the implementation of Policies AHN1 and AHN2 of Local Plan Part 1 specifically about the approach to calculating financial contributions, the type and size of affordable housing required, the mechanism to be applied where viability is an issue and other matters regarding the interpretation of the policies together with information about the First Homes scheme and how it will work in Waverley.
1D	Environmental problems relevant to the plan or programme; and	A high proportion of the Borough's countryside falls within an AONB. Waverley Borough contains three Special Protected Areas (SPAs), a Ramsar Site, a Special Area of Conservation (SAC), Sites of Special Scientific Interest (SSSIs), Local Nature Reserves, Ancient Woodland and Biodiversity Opportunity Areas. There are

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		also designated heritage features and areas of high quality agricultural land within the Borough.
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).	The SPD does not cover environmental matters. It focuses on the delivery of affordable homes within the Borough.
2 - Characteristics of the effects and of the area likely to be affected, having regard, in particular to:		
2A	The probability, duration, frequency and reversibility of the effects;	The Affordable Housing SPD does not allocate sites for built development. The SPD covers the period up to 2032. Effects of the Affordable Housing SPD are expected to be indirect (due to not allocating sites) but long-term and permanent.
2B	The cumulative nature of the effects;	N/A
2C	The transboundary nature of the effects;	The SPD covers Waverley Borough only. The guidance in the SPD is not considered to result in any transboundary effects.
2D	The risks to human health or the environment (for example, due to accidents);	There are no expected risks to human health or the environment arising from the SPD.
2E	The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);	The SPD covers all of Waverley Borough Council. Waverley Borough has a population of 121,272.
2F	The value and vulnerability of the area likely to be affected due to: <ul style="list-style-type: none"> a) special natural characteristics or cultural heritage b) exceeded environmental quality standards or limit values; or 	The majority of the borough's countryside is designated as the Surrey Hills Area of Outstanding Natural Beauty (AONB) and/or Surrey Hills Area of Great Landscape Value (AGLV). Waverley Borough contains all or part of 15 Sites of Special Scientific Interest (SSSIs); three Special Protected Areas; 171 Local Nature Reserves, Ancient Woodland; eight Biodiversity Opportunity Areas; one Ramsar site and one Special Area of Conservation (SAC). The Borough contains mainly Grade 3 agricultural land with some small

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	c) intensive land-use;	areas of Grade 2. Waverley has 43 Conservation Areas, 1,800 listed buildings, 590 Buildings of Local Merit, 23 Scheduled Ancient Monuments, 11 County defined Sites of Archaeological Importance and eight Historic Gardens.
2G	The effects on areas or landscapes which have a recognised national, Community or international protection status.	The majority of the borough's countryside is designated as Surrey Hills Area of Outstanding Natural Beauty (AONB).

Screening Opinion: Habitats Regulations Assessment (HRA)

19 July 2022

Introduction

1. The requirement for a HRA is set out in the Habitats Regulations published for England and Wales in 2007². The current version of the Habitats Regulations were published in 2017³. When preparing development plan documents such as the SPD, WBC is required to consider whether the document has potential to result in likely significant effects on any European site (the SPD is considered to be a 'plan' for the purposes of HRA). The Planning Practice Guidance requires local planning authorities to comply with the Habitats Regulations when preparing local plans and Supplementary Planning Documents⁴.
2. The HRA refers to the assessment of the potential effects of a plan on one or more sites including on Special Protection Areas (SPAs), Special Areas of Conservation (SACs), Natura 2000 sites and Ramsar Sites. Consideration is given to both existing and new SACs and SPAs.
3. The aim of the HRA Screening Assessment is to establish whether or not a proposal, policy or development plan would adversely affect any protected sites.

Introduction

4. The HRA Screening Assessment includes all European sites within Waverley Borough and sites which lie wholly or partially within 15km of the Borough boundary
5. The following sites lie within or partially within the Borough:
 - a. Thames Basin Heaths SPA.
 - b. Thursley, Ash, Pirbright and Chobham SAC.
 - c. Thursley, Hankley and Frensham Commons SPA (Wealden Heaths Phase I).
 - d. Thursley and Ockley Bog Ramsar.
 - e. Wealden Heaths Phase II SPA.
6. The following sites lie within 15km of the Borough:
 - a. Arun Valley SPA and Ramsar.
 - b. East Hampshire Hangers SAC.
 - c. Ebernoe Common SAC.

² The Conservation (Natural Habitats, &c.) (Amendment) Regulations 2007 (2007)

³ The Conservation of Habitats and Species Regulations 2017 (2017)

⁴ Paragraph 001 Reference ID: 65-001-20190722

- d. Mole Gap to Reigate Escarpment SAC.
 - e. Shortheath Common SAC.
 - f. Singleton and Cocking Tunnels SAC.
 - g. The Mens SAC.
 - h. Woolmer Forest SAC.
7. The HRA of the Local Plan Part 1 also included Rook Clift SAC and Duncton to Bignor Escarpment SAC, which lie just further than 15km from the Borough, and Buster Hill SAC, which lies around 19km from the Borough. According to the HRA of the Local Plan Part 1 (2016), European sites were identified primarily because they lie within the distance over which visitors from Waverley Borough are likely to make recreational day visits. The SPD is not expected to result in any increase in population or visits to these sites. Therefore, while Rook Clift SAC has not been included, the following sites have been included in this HRA because they are directly linked to Waverley Borough via the strategic road network:
- Duncton to Bignor Escarpment SAC.
 - Buster Hill SAC.

Conservation Objectives

8. The conservation objectives SACs tend to be as follows:
- a. Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;
 - b. Ensuring the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;
 - i. The extent and distribution of the qualifying natural habitats
 - ii. The structure and function of the qualifying natural habitats
 - iii. The supporting processes on which the qualifying natural habitats rely.
9. Conservation objectives are not set out for Ramsar sites, but as Thursley and Ockley Bog Ramsar site partly overlies Thursley, Hankley and Frensham Commons SPA, the conservation objectives set out above are likely to be relevant.

Potential likely significant effects of the SPD alone

10. This HRA Screening considers the types of effects that could significantly affect European sites, which could arise from development plan documents in general. It then considers whether such effects are likely to arise as a result of the Affordable Housing SPD. The potential types of effects considered are set out below:
 - a. Physical damage / loss of habitat (including habitat fragmentation).
 - b. Non-physical disturbance (noise, vibration, visual disturbance and light).
 - c. Air pollution.
 - d. Recreational disturbance.
 - e. Predation of qualifying species by pet cats.
 - f. Changes to water quantity, quality and hydrology.
 - g. Non-toxic contamination (dust).
 - h. Toxic contamination.
 - i. Biological disturbance (such as that caused by invasive species).

11. The SPD will not directly result in development; rather it adds guidance and clarity to development that is allocated (or will otherwise be permitted, such as windfall development) through the Local Plan. The SPD highlights existing guidance, provides further guidance, and sets out how Policies AHN1 and AHN2 of Local Plan Part 1 (LPP1) (adopted 2018) will be implemented. The SPD provides guidance to applicants on the following matters:
 - a. The approach to calculating financial contributions
 - b. Up to date information on the type and size of affordable housing required
 - c. The cascade mechanism to be applied to cases where viability is an issue
 - d. Other matters of detailed interpretation/ application of the policies

12. Applicants will also be expected to ensure proposals are in accordance with the other policies in LPP1, Saved Policies from the Local Plan 2002 and made Neighbourhood Plans which include the following policy areas:
 - a. Biodiversity and Geological Conservation
 - b. Green and Blue Infrastructure
 - c. Thames Basin Heaths SPA
 - d. Climate Change
 - e. Flood Risk Management
 - f. Trees and Hedgerows
 - g. Landscape Enhancement

Potential likely significant effects of the SPD in-combination with other plans and programmes

13. As no pathway has been identified in which the SPD could result in likely significant effects on any European site, there is no pathway by which in-combination effects could occur. As such, the SPD is not expected to result in likely significant effects on any European site in combination with any other plans or programmes.

Conclusion

14. This HRA Screening has concluded that the Waverley Affordable Housing SPD will not result in likely significant effects on any European site, either alone or in combination with any other plans or programmes. This is because the SPD will not result in development and instead provides guidance about how Policies AHN1 and AHN2 of Local Plan Part 1 and the Government's First Homes policy will be implemented.

Appendix 3: Responses from the Statutory Bodies

The Environment Agency, Natural England and Historic England were only consulted on the draft SEA/HRA Screening Opinion. An email asking for their views was sent on 19 July 2022. The Council received a response from Natural England and a copy can be found below. Responses were not received from the Environment Agency and Historic England.

RE: Waverley Borough Council - Affordable Housing SPD - SEA and HRA Screening Opinion



Turner, Marc

To: Katherine Dove

Cc: Alice Lean; Esther Lyons; Baribeau, Jack



Reply



Reply All



Forward



Fri 22/07/2022 09:10

[** This email originates from an external source **]

Hi Katherine,

I can confirm that SEA and HRA is not required from our perspective on these documents.

Kind Regards

Marc

Marc Turner – Senior Planning Adviser

www.naturalengland.org.uk

We are here to secure a healthy natural environment for people to enjoy, where wildlife is protected and England's traditional landscapes are safeguarded for future generations.

In an effort to reduce Natural England's carbon footprint, I will, wherever possible, avoid travelling to meetings and attend via audio, video or web conferencing

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These services help applicants take appropriate account of environmental considerations at an early stage of project development, reduce uncertainty, reduce the risk of delay and added cost at a later stage, whilst securing good results for the