

Puttenham Neighbourhood Plan

Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) statement of determination

May 2020

1. Introduction

- 1.1 This statement has been prepared to set out the reasons for Guildford Borough Council's determination that the Puttenham Neighbourhood Plan 2016 – 2033 ('PNP'):
- a. is not likely to lead to significant environmental effects under the Environmental Assessment of Plans and Programmes Regulations (2004) ('SEA regulations') and accordingly does not require an environmental report, and
 - b. is likely to lead to significant environmental effects on the Thames Basin Heaths Special Protection Area ('TBH SPA') under the Conservation of Habitats and Species Regulations (2017) ('Habitats regulations') and accordingly requires an 'appropriate assessment' under those regulations, and
 - c. following appropriate assessment and consideration of mitigation measures, will not lead to adverse effects on the integrity of European protected sites.

2. Background

Strategic Environmental Assessment

- 2.1 Under European Union Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment (the 'SEA Directive') and Regulation 9(1) of the SEA Regulations, the Council must determine whether a neighbourhood plan would be likely to have significant environmental effects and therefore requires an 'environmental report', or 'environmental assessment'. Where the Council determines that environmental assessment is not required then under Regulation 9(3) of the SEA Regulations, the Council must prepare a statement setting out the reasons for that determination.

Habitats Regulations Assessment

- 2.2 Habitats Regulations Assessment ('HRA') refers to the assessment required for any plan or project to assess the potential implications for European wildlife sites, also referred to as 'European sites', or 'Natura 2000' sites. Under Article 6 of the European Union Habitats Directive 92/43/EEC ("The Habitats Directive") and Regulation 63(1) of the Habitats Regulations, the Council is required to determine whether the policies in a neighbourhood plan will be likely to lead to a significant effect on a European site. If this screening process indicates that significant effects are likely, then the Council must, under Regulation 63(1), undertake an "appropriate assessment of the implications of the plan or project for that site in view of that

site's conservation objectives". This assessment can consider whether mitigation measures would be sufficient to avoid significant adverse effects on the integrity of the protected site(s).

Basic conditions

- 2.3 Neighbourhood plans must meet the 'basic conditions' set out in the Town and Country Planning Act 1990 (as amended). Compliance with these basic conditions is tested through an independent examination. The basic conditions require that 'making' (adopting) the plan must not breach, and otherwise be compatible with, EU obligations, such as those in the SEA and Habitats Directives.

SEA and HRA screening of the Send Neighbourhood Plan

- 2.4 The Puttenham Neighbourhood Plan is a proposed Neighbourhood Development Plan for the Puttenham Neighbourhood Area. The Puttenham Neighbourhood Area comprises the whole of the parish of Puttenham. This boundary can be seen on the map on page 4 of the PNP. Once adopted, the Plan will form part of the Development Plan for Guildford Borough.
- 2.5 The neighbourhood area lies within a 10km radius of several European sites protected for their environmental value under the Habitats Regulations. These include TBH SPA sites within 5 km of the neighbourhood area. More information about these protected sites can be found in the *Puttenham Neighbourhood Plan 2016 – 2033 Strategic Environmental Assessment Screening and Habitat Regulations Assessment Report* (April 2020), which is available to view at: <https://www.guildford.gov.uk/puttenham>.
- 2.6 The plan contains a number of policies covering a range of matters and allocates two sites for development. The Council undertook separate screening exercises for SEA and HRA, which assessed the PNP's draft policies and proposals to ascertain whether any of them would be likely to result in a significant effect on a European site. The HRA screening assessment and conclusion are included in section 3 of the *Puttenham Neighbourhood Plan 2016 – 2033 Strategic Environmental Assessment Screening and Habitat Regulations Assessment Report* and the appropriate assessment and its conclusion are included in sections 3.7 to 3.8 of that report (see website link to the report at paragraph 2.5 above).
- 2.7 The SEA screening assessment concluded that the policies of the PNP are not likely to lead to significant environmental effects and, consequently, a full SEA is not required.
- 2.8 The HRA screening assessment concluded that PNP Policies P-HP1, P-HA1 and P- HA2 could have significant effects upon the TBH SPA if implemented without avoidance and/or mitigation measures, through an increased recreational pressure brought by new dwellings within 400m – 5km of the SPA. The Council therefore prepared an appropriate assessment (included at section 3.7 of the report), which considered available mitigation measures and concluded that they would be sufficient to avoid an adverse effect on the integrity of the TBH SPA.

3. Consultation

- 3.1 In accordance with the SEA regulations (regulations 4(1) and 9(2)), the Council contacted Natural England, Historic England and the Environment Agency (the statutory 'consultation bodies' under in April 2020 by email to consult them on the findings of the SEA screening assessment of the SNP. Under Regulation 63(3) of the Habitat Regulations, the Council also

contacted Natural England (also in April 2020) to consult it on the HRA screening assessment and appropriate assessment.

- 3.2 Natural England and Historic England responded to state that they agreed with the report's conclusion that there was no need for a full SEA or environmental report. The response from Natural England also confirmed agreement with the conclusions of the HRA screening and appropriate assessment. The Environment Agency did not respond to the consultation. The responses received from the statutory stakeholders are included at Appendix 1 of the *Puttenham Neighbourhood Plan 2016 – 2033 Strategic Environmental Assessment Screening and Habitat Regulations Assessment Report* (see website link to the report at paragraph 2.5).
- 3.2 The SEA screening/HRA report and its conclusions reflect the draft (Regulation 15) Submission Version of the Puttenham Neighbourhood Plan, submitted to the Council by Puttenham Parish Council on 19 February 2020. The statutory consultation bodies were given until 6 May 2020 to respond to the consultation on the report's findings, after which the determination was formally made. In accordance with Regulation 11(1) of the SEA Regulations, the Council emailed this determination statement to the statutory bodies following (within 28 days of making) the determination being made. In accordance with Regulation 11(2) of the SEA Regulations the Council also published both the statement and report on its website, along with the address at which people could inspect or obtain printed copies of these documents.

4. Conclusion

- 4.1 The Council has determined that the PNP will not lead to significant environmental effects under the SEA regulations and accordingly an SEA Environmental report is not required. The Council has also determined that the PNP will not lead to adverse effects on the integrity of European sites under the Habitats regulations. The reasons for making these determinations are set out in the SEA screening/HRA report (see website link at paragraph 2.5). Making the plan is therefore compatible with European obligations.