

Screening Statement of the need for Strategic Environmental Assessment (SEA) for the Witley Neighbourhood Development Plan

Waverley Borough Council

15th August 2018

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 (Para 81) states that it is the responsibility of the Local Planning Authority to ensure that all the (neighbourhood planning) regulations have been met in order for it to progress. The LPA must decide whether the proposed plan is compatible with EU obligations (including those under SEA and Habitats Regulations). If an SEA is required, the environment report must accompany the submission documents (Reg 15). If an SEA is not required, a statement detailing the screening process must be submitted.
3. For Neighbourhood Development Plans or Orders (NDP or NDO), the critical consideration is whether the plan or order '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 NDP or NDO 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 and 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. The extract from 'A Practical Guide to the Strategic Environmental Assessment Directive' in Appendix 1 provides a flow diagram to demonstrate the SEA screening process.
8. Table 1 in Appendix 1 sets out the criteria from the Practical Guide, along with an assessment of the Witley NDP against each criterion to ascertain whether an SEA is required.
9. The assessment of likely significant effects on the environment is found in table 2.
10. A third element of the screening process relates to the Habitats Directive, and associated Conservation of Habitats and Species Regulations (2010). One of the basic conditions of neighbourhood planning is whether the making of the plan is compatible with European obligations and therefore each NDP or NDO must be

screening for likely significant effects on sites designated under this legislation¹. This assessment can be found in table 3.

The Witley Neighbourhood Development Plan/Order

11. The Witley NDP is proposed to contain policies on design, heritage & landscape conservation, local amenities, transport and infrastructure delivery. There is also a proposal to allocate a site for a community use in the form of new medical centre but there is no intention to allocate land for any other use. Other development allocations will be undertaken through the Waverley Borough Local Plan Part 2. The vision of the NDP as of 30th May 2018 is as follows

In 15 years' time, Witley Parish will have retained its attractive rural character through the careful delivery of new development. New development in the main settlements of Milford, Witley and Wormley will be of a high quality design, well integrated and will support sustainable living. Services including education and healthcare will be enhanced to accommodate additional demand. Our important rural areas will remain protected from inappropriate development. Local businesses, including retailers, will continue to be a key feature of our area. Residents will be able to rely on the use of cars less through better integration of homes and amenities.

12. Witley Neighbourhood area comprises the parish of Witley. This includes the settlements of Witley and Milford. The parish is in a relatively constrained part of the Borough and both settlements are surrounded by the Green Belt (albeit a policy designation rather than an environmental one). Part of the parish lies within the Surrey Hills Area of Outstanding Natural Beauty (AONB). There are other designations. There are two Sites of Special Scientific Interest (Thursley, Hankley & Frensham SSSI and Brook Brick Pitt SSSI), Thursley National Nature Reserve, Ancient Woodland, Sites of Nature Conservation Importance, an Area of Great Landscape Value, Area of Strategic Visual Importance, Conservation Areas, Areas of High Archaeological Potential, and Historic Parks and Gardens. Some of the neighbourhood plan area is affected by Flood Zones 2 and 3.

13. Witley Parish is within 5 km of the Wealden Heaths Phase 1 (Thursley, Hankley and Frensham) and Phase II (Devils Punchbowl) Special Protection Area (SPA). It is outside of the 5 km buffer zone for the Thames Basin Heaths SPA. It is within 5 km of the Thursley and Ockley Bogs Ramsar site and Special Area of Conservation and the Ash, Pirbright and Chobham SAC.

Statutory Consultees

14. The screening opinion was sent to Natural England, Environment Agency and Historic England on 22nd June 2018 given a four weeks to respond.

15. The responses in full are attached as Appendix 2.

¹ In accordance with Schedule 2 of the Neighbourhood Planning (General) Regulations 2012, a NDP/NDO cannot be made if the likelihood of significant effects on any European Site, either alone (or in combination with other plans and projects) cannot be ruled out. Therefore, measures may need to be incorporated into the NDP/NDO to ensure that any likely significant effects are avoided in order to secure compliance with the Regulations.

Conclusions

16. As a result of the screening undertaken by the Council, the following determination has been reached.
17. The Witley NDP is unlikely to have significant effects on Natura 2000 sites.
18. Based on the assessment presented in Tables 1 & 2, the Witley NDP is not likely to have a significant effect on the environment.
19. The Witley NDP does not require a Strategic Environmental Assessment.

Appendix 1. Detailed assessment for SEA Screening

Figure 1. Application of the SEA Directive to NDP/NDOs.

Based on 'A Practical Guide to the Strategic Environmental Assessment Directive' (DCLG) (2005)

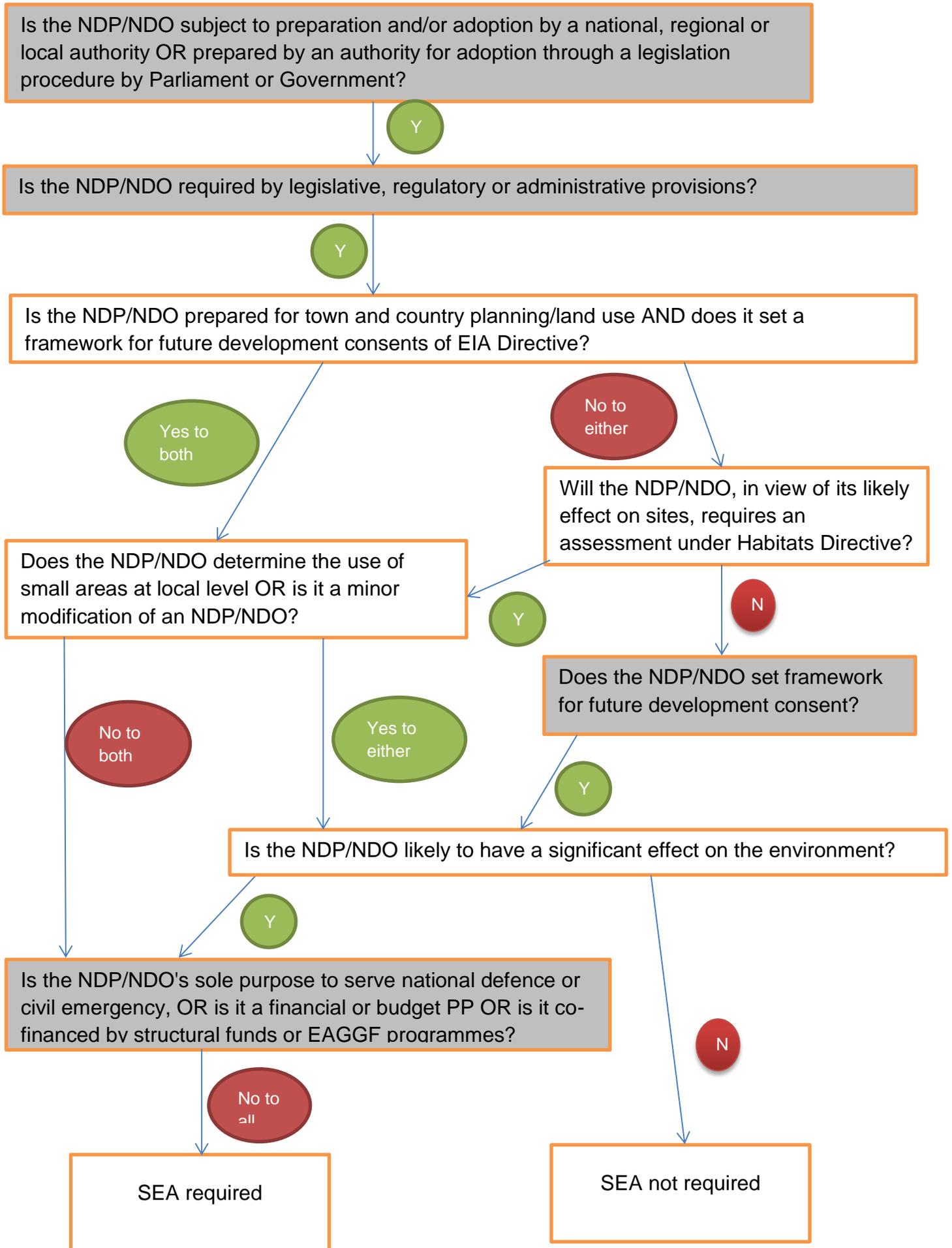


Table 1: Application of SEA Directive Screening Criteria to Witley NDP.

Stage	Y/N	Explanation
Is the NDP/NDO subject to preparation and/or adoption by a national, regional or local authority OR prepared by an authority for adoption through a legislation procedure by Parliament or Government?	Y	<p>The preparation of and adoption of a NDP or NDO is allowed under the Town and Country Planning Act 1990 as amended by the Localism Act 2011 and subject to the following regulations:</p> <ul style="list-style-type: none"> • The Neighbourhood Planning (General) Regulations 2012 • The Neighbourhood Planning (Referendums) Regulations 2012 • The Neighbourhood Planning (General) (Amendment) Regulation 2015. <p>NDPs/NDOs are prepared by a Parish Council or a Forum (as the 'relevant body') and will be 'made' by Waverley Borough Council as the local authority.</p>
Is the NDP/NDO required by legislative, regulatory or administrative provisions?	Y	<p>Whilst the NDP/NDO is not a requirement and is optional under the provisions of the Town and Country Planning Act 1990 as amended by the Localism Act 2011, it will, if 'made', form part of the Development Plan for the Borough. As such it will pass through the formal plan preparation procedures within the Council.</p>
Is the NDP/NDO prepared for town and country planning/land use AND does it set a framework for future development consents of EIA Directive?	N	<p>The Witley NDP is prepared for town and country planning and land use, and will set out a framework for future development in Witley. However, these projects are not of the scale referred to in Annex 4(2) of the EIA Directive – listed at Annex II of the Directive.</p>
Will the NDP/NDO, in view of its likely effect on sites, requires an assessment under Article 6 or 7 of the Habitats Directive?	N	<p>See Habitats Regulations Assessment (HRA) Screening Opinion for the Witley NDP in Table 3.</p>
Does the NDP/NDO determine the use of small areas at local level OR is it a minor modification of an NDP/NDO?	Y	<p>The Witley NDP will determine the use of small areas at a local level as it seeks to allocate a site for a new medical centre.</p>

Does the NDP/NDO set framework for future development consent?	Y	When made, the Witley NDP will include a series of policies to guide development within the settlement. These policies will inform the determination of planning applications providing a framework for future development consent of projects.
Is the NDP/NDO's sole purpose to serve national defence or civil emergency, OR is it a financial or budget PP OR is it co-financed by structural funds or EAGGF programmes?	N	These conditions are not applicable to neighbourhood planning.
Is the NDP/NDO likely to have a significant effect on the environment?	N	The Witley NDP is not likely to have significant effects on the environment. See the assessment in 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)

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;	The Witley NDP would, if adopted, form part of the statutory Development Plan and as such does contribute to the framework for future development consent of projects. The Witley NDP will sit within the wider framework set by the National Planning Policy Framework, the strategic policies of the Waverley Local Plan Part 1 (2032). It seeks to allocate a site for a new medical centre. This plan will therefore set a project at a local scale and will have limited resource implications.
(b) The degree to which the plan or programme influences other plans and programmes including those in a hierarchy;	The Witley NDP will have regard to national policy and must be in general conformity with the strategic policies of the Borough's Local Plan. It is unlikely to influence other plans or programmes within the Statutory Development Plan.
(c) the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development;	The Witley NDP will promote sustainable development of the parish; this is one of the basic conditions of neighbourhood planning. It is likely to contain policies relating to design, heritage & landscape conservation, local amenities, transport and infrastructure delivery and by being in conformity with the Local Plan Part 1, it continues the golden thread of the presumption in favour of sustainable development.
(d) environmental problems relevant to the plan or programme; and	The parish contains the following environmental designations: Surrey Hills Area of Outstanding Natural Beauty, Sites of Special Scientific Interest, Ancient Woodland, Sites of Nature Conservation Importance, Area of Great Landscape Value, Area of Strategic Visual Importance, Conservation Areas, Areas of High Archaeological Potential, and Historic Parks and Gardens. There are also areas which are within Flood Zones 2 and 3. While the intention will be for positive effects on the above, without due consideration, unforeseen negative impacts could occur. However, the allocation of a site for a new medical centre is likely to have a minimal impact on the environment.
(e) the relevance of the plan or programme for the	The Witley NDP is unlikely to have an impact on Community legislation concerning waste management or water protection.

implementation of Community legislation on the environment (for example, 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;	The Witley NDP is likely to have modest but enduring environmental effects. The effects are not likely to be reversible as they will emanate from physical developments, however they will be of a local scale. The plan seeks to ensure that effects are positive in nature.
(b) the cumulative nature of the effects;	The level of growth predicted at Witley has been assessed by the SA/SEA of the Local Plan Part 1 and no significant effects have been identified across the Borough.
(c) the transboundary nature of the effects;	Transboundary effects are defined in the SEA Regulations (Reg. 14) as those affecting another Member states. It is not expected that any effects should arise in other Member states from the Witley NDP.
(d) the risks to human health or the environment (for example, due to accidents);	There are no significant risks to human health or the environment from the Witley NDP.
(e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);	The Witley NDP relates to the parish of Witley. The magnitude and spatial extent of the effects are likely to be local in scale.
(f) 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 c. intensive land-use; 	The parish contains the following environmental designations: Surrey Hills Area of Outstanding Natural Beauty, Sites of Special Scientific Interest, Ancient Woodland, Sites of Nature Conservation Importance, Area of Great Landscape Value, Area of Strategic Visual Importance, Conservation Areas, Areas of High Archaeological Potential, and Historic Parks and Gardens. There are also areas which are within Flood Zones 2 and 3. While the intention will be for positive effects on the above, without due consideration, unforeseen negative impacts could occur.

(g) the effects on areas or landscapes which have a recognised national, Community or international protection status.

Some of Witley Parish is designated as an Area of Outstanding Natural Beauty and part is designated as an Area of Great Landscape Value afforded protection by LPP1 as a buffer to the AONB.

Table 3 – Habitats Regulations Assessment (HRA) of the Witley NDP

Introduction

1. The Local Authority is the ‘competent authority’ under the Conservation of Habitats and Species Regulations 2010, and as such, it needs to ensure that NDP/NDOs have been assessed through the correct process. The process requires an assessment of the potential for significant impacts on nature conservation sites that are of European importance², also referred to as Natura 2000 sites.
2. This assessment relates to an NDP/NDO that will be in general conformity with the strategic policies with the development plan³. Therefore, it is appropriate to use the HRA that has been undertaken for that plan, the Waverley Local Plan Part 1 2018. Using this as the basis for the HRA, the Local Authority will determine whether the Witley NDP is likely to result in significant impacts on Natura 2000 sites either alone or in combination with other plans and policies.
3. However, in accordance with Schedule 2 of the Neighbourhood Planning Regulations, a neighbourhood plan cannot be made if the likelihood of significant effects on any European site, either alone (or in combination with other plans and projects) cannot be ruled out. Therefore, measures may need to be incorporated into the neighbourhood plan to ensure that any likely significant effects are avoided.

Legislative Basis

4. Article 6(3) of the EU 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 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’.

Assessment

5. There are SACs/SPAs considered to be within an influencing distance.
6. The Habitats Regulations Assessment, including Appropriate Assessment, has concluded that the adopted Local Plan Part 1 2018 contains a sufficient policy framework to avoid adverse effect on the integrity of any European sites, within or beyond the borough boundary, either alone or in combination with other plans and projects.

² Special Protection Areas (SPAs) for birds and Special Areas of Conservation (SACs) for other species, and for habitats.

³ The Waverley Borough Local Plan Part 1 2013 - 2032.

7. Therefore, as the Witley NDP has to be in general conformity with the strategic policies of the Local Plan, and is not allocating any housing sites it is concluded that the Witley NDP is unlikely to have a significant effect on a European site and therefore does not require an Appropriate Assessment.

Appendix 2. Responses from the statutory consultees- Natural England

Date: 20 July 2018
Our ref: 250427
Your ref: Witley NDP – SEA Screening



Mr M Ellis
Principal Planning Officer (Policy)
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BY EMAIL ONLY
Planningpolicy@waverley.gov.uk

Dear Mr Ellis

Witley Neighbourhood Development Plan – SEA Screening

Thank you for your consultation on the above dated and received by Natural England on 22nd June 2018.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Screening Request: Strategic Environmental Assessment

It is our advice, on the basis of the material supplied with the consultation, that, in so far as our strategic environmental interests are concerned (including but not limited to statutory designated sites, landscapes and protected species, geology and soils) are concerned, that there are unlikely to be significant environmental effects from the proposed plan.

Neighbourhood Plan

Guidance on the assessment of Neighbourhood Plans in light of the SEA Directive is contained within the [National Planning Practice Guidance](#). The guidance highlights three triggers that may require the production of an SEA, for instance where:

- a neighbourhood plan allocates sites for development
- the neighbourhood area contains sensitive natural or heritage assets that may be affected by the proposals in the plan
- 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.

We have checked our records and based on the information provided, we can confirm that in our view the proposals contained within the plan will not have significant effects on sensitive sites that Natural England has a statutory duty to protect.

We are not aware of significant populations of protected species which are likely to be affected by the policies / proposals within the plan. It remains the case, however, that the responsible authority should provide information supporting this screening decision, sufficient to assess whether protected species are likely to be affected.

Notwithstanding this advice, Natural England does not routinely maintain locally specific data on all potential environmental assets.

As a result the responsible authority should raise environmental issues that we have not identified on local or national biodiversity action plan species and/or habitats, local wildlife sites or local landscape character, with its own ecological and/or landscape advisers, local record centre, recording society or wildlife body on the local landscape and biodiversity receptors that may be affected by this plan, before determining whether an SA/SEA is necessary.

Please note that Natural England reserves the right to provide further comments on the environmental assessment of the plan beyond this SEA/SA screening stage, should the responsible authority seek our views on the scoping or environmental report stages. This includes any third party appeal against any screening decision you may make.

For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours sincerely

Sharon Jenkins
Consultations Team

Appendix 2. Responses from the statutory consultees- Historic England

From: Byrne, Alan [<mailto:Alan.Byrne@HistoricEngland.org.uk>]
Sent: Monday 23 July 2018 10:20
To: Planning Policy
Subject: Witley Neighbourhood Development Plan - Strategic Environmental Assessment (SEA) Screening Opinion

Dear Sir / Madam

I apologise for the delay in responding to your email request of 22 June 2018, which is due to our current heavy workload.

In light of the Environmental Assessment of Plans and Programmes Regulations 2004, our view is that a SEA is not required in this instance for the reasons set out in Waverley Council's draft screening opinion at paragraphs 17 - 20.

Yours faithfully,

Alan Byrne BSc MSc IHBC
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Appendix 2. Responses from the statutory consultees- Environment Agency

From: Planning_THM <Planning_THM@environment-agency.gov.uk>
Sent: Monday 25 June 2018 13:28
To:
Subject: RE: Witley Neighbourhood Development Plan - Strategic Environmental Assessment (SEA) Screening Opinion

Dear Mr Ellis,

Thank you for consulting the Environment Agency on your SEA screening opinion for the Witley Neighbourhood Development Plan.

We regret that at present, the Thames Area Sustainable Places team is unable to review this consultation. This is due to resourcing issues within the team, a high development management workload and an increasing volume of neighbourhood planning consultations. We have had to prioritise our limited resource, and must focus on influencing plans where the environmental risks and opportunities are highest. For the purposes of neighbourhood planning, we have assessed those authorities who have "up to date" local plans (plans adopted since 2012, or which have been confirmed as being compliant with the National Planning Policy Framework) as being of lower risk. At this time, therefore, we are unable to make any detailed input on neighbourhood plans being prepared within this local authority area.

However, together with Natural England, English Heritage and Forestry Commission, we have published joint guidance on neighbourhood planning, which sets out sources of environmental information and ideas on incorporating the environment into plans. This is available at:
http://webarchive.nationalarchives.gov.uk/20140328084622/http://cdn.environment-agency.gov.uk/LIT_6524_7da381.pdf

Thames Sustainable Places Team
Environment Agency | Red Kite House, Wallingford, OX10 8BD

Planning_THM@environment-agency.gov.uk

Speak to us early about environmental issues and opportunities - We can provide a free pre-application advice note or for more detailed advice / meetings / reviews we can provide a project manager to coordinate specialist advice / meetings which costs £100 per hour plus 20% VAT. For more information email us at planning_THM@environment-agency.gov.uk



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