

Screening Statement of the need for Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) for the Climate Change and Sustainability Supplementary Planning Document (SPD)

21 September 2022

Introduction

This statement sets out Waverley Borough Council's determination:

1. Under Regulation 9 (1) of the Environmental Assessment of Plans and Programmes Regulations 2004 on whether or not Strategic Environmental Assessment is required for the Climate Change and Sustainability Supplementary Planning Document (SPD); and
2. As to whether Appropriate Assessment is required under the Conservation of Habitats & Species Regulations 2017.

Strategic Environmental Assessment (SEA)

Under the requirements of the European Union Directive 2001/42/EC (Strategic Environmental Assessment (SEA) Directive) transposed into UK law by the Environmental Assessment of Plans and Programmes Regulations (2004) (as amended by The Environmental Assessments and Miscellaneous Planning (Amendment) (EU Exit) Regulations 2018 (SI 2018/1232) and The Environmental Assessment of Plans and Programmes (Amendment) Regulations 2020 (SI 2020/1531)) specific types of plans that set out the framework for future development consents on projects must be subject to an environmental assessment.

SPDs may in exceptional circumstances require an SEA if they are likely to have significant environmental effects that have not already been assessed during the preparation of the relevant strategic policies.

In accordance with the provisions of the Direction and Regulations set out above, the Council must determine if a plan requires an environmental assessment. Where the 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. The need for SEA of the Climate Change and Sustainability SPD is considered in Section 3 of this statement.

Habitats Regulations Assessment (HRA)

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/EC (transposed into UK law). Section 4 of this statement considers the need for HRA.

HRA refers to the assessment of the potential effects of a plan on one or more sites afforded the highest level of protection in the UK: SPAs and SACs. These were classified under European Union (EU) legislation but, since 1st January 2021, are protected in the UK by the Habitats Regulations 2017 (as amended).

Sustainability Appraisal (SA)

Under separate legislation (the Planning and Compulsory Purchase Act 2004 and associated Regulations), the Authority 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. However, in accordance with the Town & Country Planning (Local Development) (England) (Amendment) Regulations 2012, an SA is not required to be carried out for an SPD.

Scope of the Climate Change and Sustainability SPD

The SPD provides further guidance on the implementation of the Waverley Borough Local Plan Part 1 (LPP1) Policies ST1 (Sustainable Transport), CC1 (Climate Change), CC2 (Sustainable Construction and Design), CC3 (Renewable Energy Development), CC4 (Flood Risk Management), NE1 (Biodiversity and Geological Conservation) and NE2 (Green and Blue Infrastructure). It is structured around six key topics:

- Minimising energy use in new developments
- Sustainable site layout, landscaping and layout and orientation of buildings
- Climate change resilience and adaptation
- Use of sustainable resources and materials and sustainable management of waste
- Water efficiency
- Design to encourage use of sustainable forms of transport.

The purpose of the SPD is to:

- Provide guidance on how to apply the above LPP1 policies and what applicants are required to deliver;
- Clarify what information should be provided with planning applications;
- Demonstrate what is possible and appropriate for developments in Waverley;
- Provide best practice/exemplar developments; and
- Provide links to the latest guidance and codes of practice.

The SPD introduces a requirement for the above LPP1 policies to be considered at the earliest stage of the development process. Applicants are required to demonstrate how these policies have been considered and to submit a Climate Change and Sustainability Checklist as part of planning applications.

The SPD is part of the Council's response to the climate emergency and is being prepared in line with Waverley Borough Council's Climate Change and Sustainability Strategy. The SPD is not directly connected with or necessary to the management of any European sites.

Strategic Environmental Assessment (SEA)

SEA Screening of the Climate Change and Sustainability SPD was undertaken by Land Use Consultants (LUC) on behalf of Waverley Borough Council. This SEA Screening Opinion is set out in Appendix 1.

Before making a determination on whether or not SEA is required, the three statutory consultation bodies are consulted. This was undertaken alongside consultation on the draft Climate Change and Sustainability SPD. The responses were as follows:

Consultation body	Comments
Environment Agency	No specific comments on SEA received.
Historic England	No specific comments on SEA received.
Natural England	No response received.

SEA Conclusion

Having regard to the SEA Screening Opinion set out in Appendix 1 and the consultation with the three statutory bodies, the Council concludes that **the Climate Change and Sustainability SPD is unlikely to have significant environmental effects and that full SEA is therefore not required.** This is because the SPD does not directly impact on land use through the allocation of sites for built development, but instead supports the implementation of strategic policies in the adopted LPP1.

Habitats Regulations Assessment (HRA)

HRA Screening of the Climate Change and Sustainability SPD was undertaken by Land Use Consultants (LUC) on behalf of Waverley Borough Council. The HRA Screening Opinion is set out in Appendix 2.

Before making a determination on whether or not an Appropriate Assessment is required, Natural England are consulted. This consultation was undertaken alongside consultation on the draft Climate Change and Sustainability SPD. No response was received from Natural England.

HRA Conclusion

Having regard to the HRA Screening Opinion set out in Appendix 2 and the consultation with Natural England, the Council concludes that **the Climate Change and Sustainability SPD will not result in likely significant effects on any European site, either along or in combination with any other plans or programmes and there for an Appropriate Assessment is not required**. This is because the SPD will not result in development and instead seeks to minimise potential negative environmental impacts of development and to maximise positive environmental impacts.

Appendices

Appendix 1 – Climate Change and Sustainability SPD SEA Screening Opinion
produced by LUC

Appendix 2 - Climate Change and Sustainability SPD HRA Screening Opinion
produced by LUC



Waverley Climate Change and Sustainability SPD

SEA Screening Opinion

Waverley Borough Council

Final report

Prepared by LUC

March 2022

Version	Status	Prepared	Checked	Approved	Date
1	Draft for client comment	H Ennis	K Nicholls	K Nicholls	09.03.22
2	Final Version	H. Ennis	K Nicholls	K Nicholls	10.03.22



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Waverley Climate Change and Sustainability SPD

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Chapter 1

Introduction

1.1 Waverley Borough Council is in the process of preparing a Climate Change and Sustainability Supplementary Planning Document (SPD). Waverley Borough is situated in the south west of Surrey in south east England. LUC has been appointed by Waverley Borough Council to consider whether there is a need for Strategic Environmental Assessment (SEA) to be undertaken for the SPD. SEA may be required for an SPD if it is likely to have significant environmental effects. Sustainability Appraisal (SA) is similar to SEA but includes assessment of the likely significant effects of a plan or programme on economic and social factors, as well as environmental factors. Planning Practice Guidance (PPG) **[See reference 1]** clarifies that there is no legal requirement for an SPD to be subject to SA, but that SEA may be required in exceptional circumstances.

1.2 Waverley Borough Council has commissioned LUC to carry out SEA Screening of the Climate Change and Sustainability SPD in order to determine whether an assessment is required under European Directive 2001/42/EC (the SEA Directive), transposed into UK law through the SEA Regulations **[See reference 2]**.

Chapter 2

SEA Screening

Scope of the Climate Change Sustainability SPD

1.3 Waverley Borough Council is in the process of preparing a Climate Change and Sustainability SPD, which relates to the entire Borough of Waverley. The Draft SPD (February 2022) includes the following aims:

- Implement Waverley's Carbon Neutrality Action Plan 2020-2030.
- Promote reduction and re-use as well as recycling to achieve Borough's targets on household waste and recycling.
- Promote pedestrian-friendly and cycle-friendly transport network.
- Take action on air quality issues, especially those caused by vehicle emissions, and encourage zero-carbon buses and taxis.
- Work with partners to ensure the environmental stewardship of open spaces are of the highest quality including the promotion of biodiversity, rewilding, and the phasing out of pesticide use other than in exceptional and defined circumstances.
- Making WBC a zero-carbon organisation, including the offices and other assets, by working with staff and partners to implement carbon reduction schemes and other projects.

1.4 The SPD is part of the Council's response to the climate emergency. It supports the adopted Waverley Borough Local Plan Part 1, which sets out strategic policies relating to land use and development proposals for strategic allocated sites.

1.5 The SPD is a material consideration in the determination of planning applications. However, it also provides useful guidance for development

permitted under a General Permitted Development Order, such as residential extensions.

1.6 The SPD provides guidance on the implementation of policies ST1, CC1, CC2, CC3, CC4, NE1 and NE2 from the adopted Local Plan Part 1. It is structured around six key topics which are as follows:

- Minimising energy use in new developments
- Sustainable site layout, landscaping, layout, and orientation of buildings
- Climate change resilience and adaptation
- Use of sustainable resources and materials and sustainable management of waste
- Water efficiency
- Design to encourage use of sustainable forms of transport

1.7 The purposes of the Climate Change and Sustainability SPD are to:

- Provide guidance on how to apply policies and what the applicants are required to deliver.
- Clarify what information should be provided with planning applications.
- Demonstrate what is possible and appropriate for developments in Waverley.
- Provide best practice/exemplar developments.
- Provide links to latest guidance and codes of practice.

Baseline Information

1.8 This section summarises the baseline information for Waverley Borough, drawing from the information set out in the Sustainability Appraisal (SA) reports for the Waverley Borough Local Plan: Parts 1 **[See reference 3]** and 2 **[See reference 4]**.

Context

1.9 Waverley Borough is situated in the south west of Surrey.

1.10 The Borough contains four principal urban settlements of varying size, with about 72% of the population living in one of these centres, plus a large number of villages of varying size and character. Altogether, there are 21 separate town or parish councils.

Biodiversity, Flora and Fauna

1.11 Waverley Borough contains all or part of 15 Sites of Special Scientific Interest (SSSIs) and there are three Special Protected Areas (SPAs) designated under the European Birds Directive as being of importance for their populations of the woodlark, nightjar, and Dartford warbler. These include Thursley, Hankley and Frensham Commons (also known as Phase I of the Wealden Heaths SPA), the Hindhead Commons (which form part of Phase II of the Wealden Heaths SPA) and a small part of the Thames Basin Heaths SPA. Other designated sites include 171 Local Nature Reserves, Ancient Woodland and eight Biodiversity Opportunity Areas. There is also one Ramsar site and one Special Area of Conservation (SAC), Thursley, Ash, Pirbright and Chobham.

1.12 Waverley Borough has a distinctive wooded character, representing 31% of its total area. 11.5% of this woodland is classified as Ancient Woodland. Canals and river corridors are also of particular biodiversity value in Waverley.

Population

1.13 Waverley Borough has a population of 121,272. In 2011, 19.5% of Waverley's population was over 65. In-line with national forecasts, a significant percentage increase is forecast in the number of people aged over 65 and over

85. This could mean that potentially by 2032, 27% of Waverley's population will be over 65, and 6% over 85.

Human Health

1.14 Health is favourable in Waverley Borough when compared with Surrey as a whole. However, life expectancy is 8.2 years lower for men and 10.6 years lower for women for those living in the most deprived areas of Waverley when compared to those living in the least deprived areas. Waverley is generally a healthy borough, with 86% of the population reporting their health was 'very good or good' in the 2011 Census.

Soil

1.15 Much of Waverley's agricultural land is shown by the 'Agricultural Land Classification - Provisional' dataset to be Grade 3, with smaller areas of lower quality Grade 4 land and just three small patches of higher quality Grade 2 land. It is not known if the Grade 3 land is Grade 3a (considered to be high quality) or Grade 3b.

Water

1.16 Rivers flowing through the borough include the River Wey and Cranleigh Water. Lying within the River Wey catchment, although parts of the borough are within Flood Zone 1 and therefore have a lower probability of flooding, most of the borough is within Flood Zones 2, 3a and 3b.

Air

1.17 There are two Air Quality Management Areas in Waverley – one in Farnham and one in Godalming. A further AQMA declared in Hindhead in 2004, has since been rescinded (2015) after the opening of the Hindhead Tunnel.

Climatic Factors

1.18 The total CO₂ emissions from Waverley have decreased from 753 kt in 2005 to 502.5 kt in 2019. Climate change has the potential to increase the occurrence of extreme weather events, including in Waverley borough, with increases in mean summer and winter temperatures and mean precipitation in winter and decreases in mean precipitation in summer. As highlighted by UKCP09 research, the effects of climate change for the South East by 2050 for a medium emissions scenario are likely to include a winter mean temperature increase of 2.2oC and a summer mean temperature of +2.8oC.

Material Assets

1.19 Waverley's towns tend to compete with those outside the borough rather than with each other, due to the dispersed geography of the borough. Waverley Borough has a buoyant economy, with low unemployment. Its business base is dominated by small and medium enterprises.

1.20 Waverley has some 41 primary schools and each of the four main settlements has at least one secondary school.

1.21 Recreation facilities include the Council's own sports centres in each of the four main settlements. The countryside has an extensive network of public rights of way.

1.22 In terms of transport, there are no motorways within the borough and the only national trunk road is the section of the A3 between Grayshott and Milford. In terms of rail links, Farnham is on the London to Alton line; with Farncombe, Godalming, Milford, Witley and Haslemere all on the London to Portsmouth line. Bus services are relatively frequent within the main urban areas.

1.23 The Index of Multiple Deprivation (2019) shows that Waverley is one of the least deprived in relation to Income; Education, skills & training; living environment; IDACI (income deprivation affecting children index) and IDAOPI (income deprivation affecting older people index). This is reflected in the national rankings, in which it is 313 out of 317 local authorities nationally.

Landscape

1.24 The distinctive natural environment in Waverley is generally of a very high quality. Approximately 61% of the borough lies within the Metropolitan Green Belt and 31% is designated as Rural Areas Beyond the Green Belt. 78% 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).

Cultural Heritage

1.25 Waverley has a rich historic heritage, with 43 Conservation Areas, some 1,800 listed buildings and 590 Buildings of Local Merit. In addition, there are 23 Scheduled Ancient Monuments, together with 11 County defined Sites of Archaeological Importance. There are also eight Historic Gardens, including Farnham Park.

SEA Screening

1.26 An assessment has been undertaken to determine whether the Climate Change and Sustainability SPD requires SEA in accordance with the SEA Regulations.

1.27 Figure 2.1 overleaf presents the flow diagram entitled ‘Application of the SEA Directive to plans and programmes’ which is taken from the Practical Guide to the Strategic Environmental Assessment Directive, published in September 2005. This is a useful guide when considering whether a plan should be subject to SEA (The Practical Guide has been superseded by the National Planning Practice Guidance; however, it still provides a useful and relevant guide to the process to use in making SEA screening decisions).

Figure 2.1: Application of the SEA Directive to plans and programmes

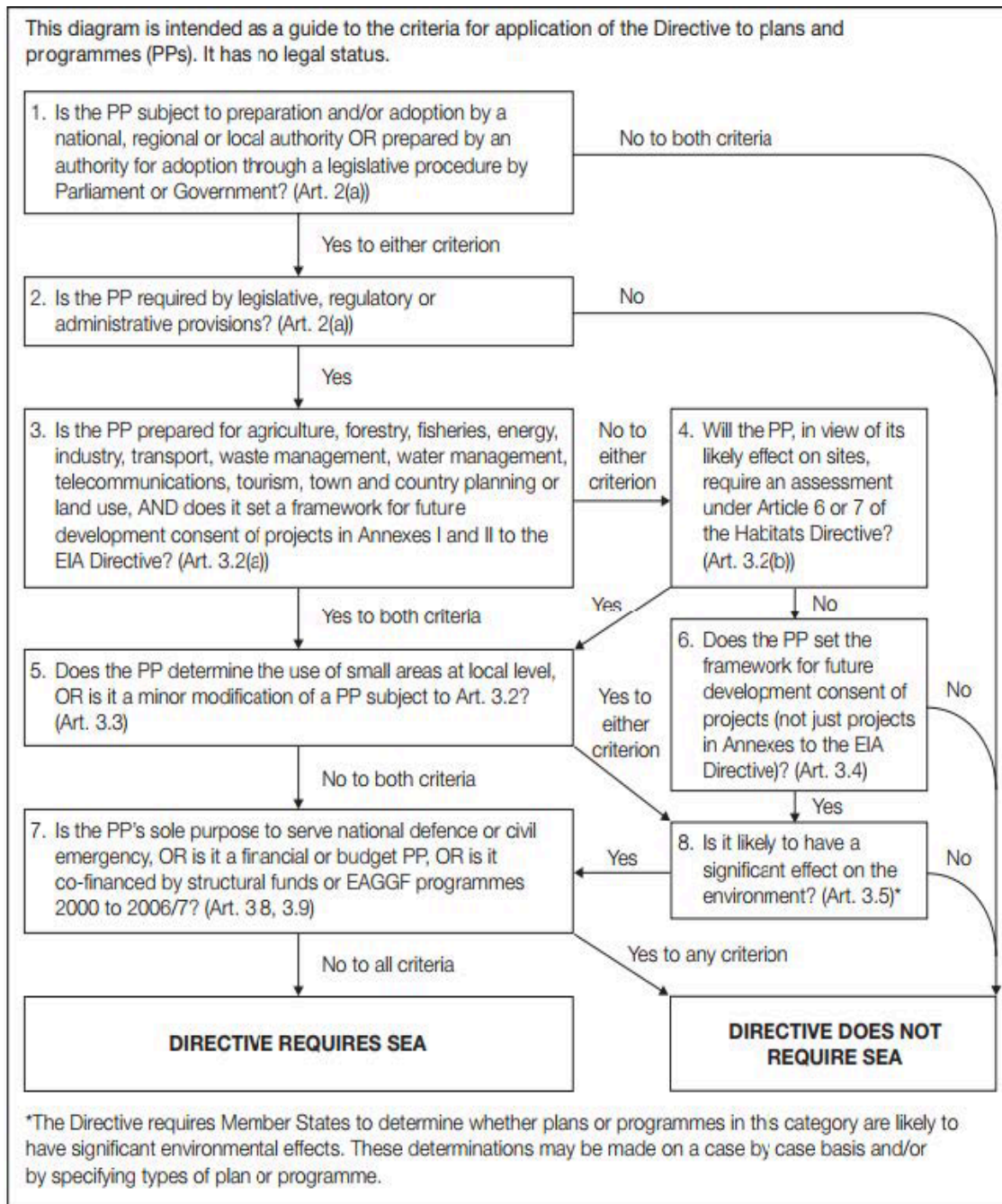


Table 2.1: Application of SEA Directive to the Climate Change and Sustainability SPD

Stage	Yes/No	Reason
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 legislative procedure by Parliament or Government? (Art. 2(a))	Yes	The SPD is being prepared by Waverley Borough Council to support the adopted Local Plan Part 1 under the Town and Country Planning (Local Planning) (England) Regulations 2012. Move to Q2.
2. Is the PP required by legislative, regulatory or administrative provisions? (Art. 2(a))	No	The SPD is being prepared to support the Waverley Borough Local Plan Part 1. However, there is no requirement to produce Climate Change and Sustainability SPD; it is an optional plan. Once made it will become a material consideration when determining planning applications. Therefore, it should continue to be screened Move to Q3.
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))	Yes and No	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. Move to Q4.
4. Will the PP, in view of its likely effect on sites, require an assessment for future development under Article 6 or	No	HRA screening (March 2022) of the SPD has been undertaken separately on behalf of WBC by LUC and has concluded that no likely significant effects are

Stage	Yes/No	Reason
7 of the Habitats Directive? (Art. 3.2 (b))		expected on any European site, either alone or in combination with any other plans or programmes. Move to Q6.
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)	Yes	The SPD does not allocate any sites for development although it sets out planning guidance that will be a material consideration for relevant planning applications. Move to Q8.
8.Is it likely to have a significant effect on the environment? (Art. 3.5)	No	See Table 2.2 SEA IS NOT REQUIRED

1.28 Schedule 1 of the SEA Regulations sets out the criteria for determining the likely significance of effects. These are listed in **Table 2.2** below along with comments on the extent to which the Climate Change and Sustainability SPD meets these criteria.

Table 2.2: Likely Significant Effects

SEA Requirement	Comments
The characteristics of the plans and programmes, having regard, in particular, to:	
1. 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.	Once made, the Climate Change and Sustainability SPD will support the Waverley Borough Local Plan Part 1, which sets out the strategic policies relating to land use and development proposals for strategic allocated sites. The SPD will be a material consideration in the determination of planning applications. It also provides useful guidance for development permitted under a General Permitted Development order, such as

SEA Requirement	Comments
	<p>residential extensions. The SPD will provide guidance on the implementation of policies ST1 (Sustainable Transport), CC1 (Climate Change), CC2 (Sustainable Construction and Design) CC3 (Renewable Energy Development), CC4 (Flood Risk Management), NE1 (Biodiversity and Geological Conservation) and NE2 (Green and Blue Infrastructure) which are most relevant to climate change and sustainability.</p> <p>The SPD introduces a requirement for policy ST1, CC1, CC2, CC3, CC4, NE1 and NE2 and the SPD itself to be considered at the earliest stage of the development process.</p> <p>The SPD does not allocate sites for built development.</p>
<p>2. The degree to which the plan or programme influences other plans and programmes including those in a hierarchy</p>	<p>The SPD has to be in conformity with Waverley Borough Local Plan Part 1. The SPD must also have regard to the National Planning Policy Framework. The SPD does not have influence over other plans. Once made, the SPD will be a material consideration in the determination of planning applications.</p>
<p>3. The relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development.</p>	<p>The overall purpose of the SPD is to promote more sustainable development within Waverley Borough. The SPD supports Local Plan Part 1 Policies ST1, CC1, CC2, CC3, CC4, NE1 and NE2 to move to a low carbon future, encourages climate change resilience and adaptation and the use of sustainable resources. In line with the SPD, development should contribute to sustainable development.</p>
<p>4. Environmental problems relevant to the plan or programme.</p>	<p>Baseline information relating to Waverley Borough was described earlier in this chapter. 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</p>

SEA Requirement	Comments
	of Special Scientific Interest (SSSIs), Local Nature Reserves, Ancient Woodland and Biodiversity Opportunity Areas. There are also designated heritage features and areas of high quality agricultural land within the Borough.
5. 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).	The SPD sets out requirements for a Site Waste Management Plan to design waste out from the lifecycle of the building or minimise it. The SPD promotes the use of renewable energy such as hydropower and the sustainable use of water resources.
Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:	
6. The probability, duration, frequency and reversibility of the effects.	The Climate Change and Sustainability SPD does not allocate sites for built development. The SPD covers the period up to 2032. Effects of the Climate Change and Sustainability SPD are expected to be indirect (due to not allocating sites) but long-term and permanent.
7. The cumulative nature of the effects.	N/A
8. The transboundary nature of the effects	The SPD focuses on Waverley Borough only. Transboundary effects under the SEA Regulations refers to transboundary effects on other EU Member States; therefore they are not relevant to the SPD.
9. The risks to human health or the environment (e.g. due to accidents).	There are no anticipated risks to human health or the environment from the SPD.
10. 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.

SEA Requirement	Comments
<p>11. The value and vulnerability of the area likely to be affected due to:</p> <ul style="list-style-type: none"> ■ Special natural characteristics or cultural heritage; ■ Exceeded environmental quality standards or limit values; and ■ Intensive land-use. 	<p>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 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.</p>
<p>12. The effects on areas or landscapes which have a recognised national, Community or international protection status.</p>	<p>The majority of the borough’s countryside is designated as Surrey Hills Area of Outstanding Natural Beauty (AONB)</p>

SEA Screening Conclusion

1.29 A screening assessment has been undertaken by applying the criteria from the SEA Directive and Schedule 1 of the SEA Regulations to determine whether or not the Climate Change and Sustainability SPD is likely to have significant environmental effects when assessed against the topics listed in the SEA Regulations.

1.30 The Climate Change and Sustainability SPD supports the adopted Waverley Borough Local Plan Part 1, which sets out strategic policies relating to land use and development proposals for strategic allocated sites. The SPD will be a material consideration in the determination of planning applications and it

also provides useful guidance for development permitted under a General Permitted Development Order, such as residential extensions.

1.31 The SPD does not directly impact on land use through the allocation of sites for built development. In addition, the separate March 2022 HRA Screening Report prepared on behalf of Waverly Borough Council by LUC has concluded that no likely significant effects are expected on any European site, either alone or in combination with any other plans or programmes. **On this basis, it is considered that the Climate Change and Sustainability SPD is unlikely to have significant environmental effects and that full SEA is therefore not required.**

Next Steps

1.32 This SEA screening report will be sent to the three statutory consultees (Natural England, Historic England and the Environment Agency) and will be reviewed as appropriate in light of any comments received.

LUC

March 2022

References

- 1 <https://www.gov.uk/government/collections/planning-practice-guidance>
- 2 The Environmental Assessment of Plans and Programmes Regulations 2004 (SI 2004/1633) as amended by The Environmental Assessments and Miscellaneous Planning (Amendment) (EU Exit) Regulations 2018 (SI 2018/1232) and The Environmental Assessment of Plans and Programmes (Amendment) Regulations 2020 (SI 2020/1531). It should be noted that the purpose of the amendments to the SEA Regulations is to ensure that the law functions correctly after the UK has left the European Union. No substantive changes are made to the way the SEA regime operates.
- 3 https://www.waverley.gov.uk/Portals/0/Documents/services/planning-and-building/planning-strategies-and-policies/local-plan/Waverley_Local_Plan___SA_Report_160819.pdf?ver=FlEcb8EPMggLvbNGSktVw%3d%3d
- 4 <https://www.waverley.gov.uk/Portals/0/Documents/services/planning-and-building/planning-strategies-and-policies/local-plan/Local%20Plan%20Part%202%20Examination/LPP2%20CD1%2006%20Sustainability%20Appraisal%20of%20Waverley%20Borough%20Local%20Plan%20Part%202.pdf?ver=jF-x--7SSQOeWNnQL6ywbA%3d%3d>

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Waverley Climate Change and Sustainability SPD

Habitats Regulations Assessment Screening

Waverley Borough Council

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Waverley Climate Change and Sustainability SPD

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Chapter 1

Introduction

1.1 Waverley Borough Council (WBC) is in the process of preparing a Climate Change and Sustainability Supplementary Planning Document (SPD). LUC has been commissioned by the Council to carry out Habitats Regulations Assessment (HRA) Screening of the SPD on its behalf. The purpose of this screening report is to determine whether the SPD has potential to result in likely significant effects on any European sites (see Chapter 2 for an explanation of which sites are considered).

1.2 A Draft SPD has been prepared by LUC on behalf of the Council, which will be subject to consultation with relevant stakeholders and the public. This report presents a screening assessment of the Draft SPD and should be read in conjunction with that document. If the SPD is subsequently updated, this HRA should be reviewed to determine whether any updates are required in the light of such changes.

Overview of the Climate Change and Sustainability SPD

1.3 The SPD provides further guidance on Local Plan policies relating to sustainable transport, sustainable construction and design, climate change and renewable energy. The purposes of the SPD are as follows:

- Provide guidance on how to apply relevant Local Plan policies and what the applicants are required to deliver.
- Clarify what information should be provided with planning applications.
- Demonstrate what is possible and appropriate for developments in Waverley.

- Provide best practice / exemplar developments.
- Provide links to latest guidance and codes of practice.

1.4 The SPD is part of WBC's response to the climate emergency and is being prepared in line with WBC's Climate Change and Sustainability Strategy [See reference 1], which sets out that WBC will use legislation, Local Plans and Supplementary Planning Documents to ensure developments are sustainable, energy efficient and use renewable energy and Passivhaus standards where possible.

1.5 The SPD supports the adopted Waverley Borough Local Plan Part 1, which sets out strategic policies relating to land use and development proposals for strategic allocated sites. It provides further guidance on the implementation of the following Local Plan policies:

- ST1: Sustainable Transport, which sets out a number of criteria including requirements to ensure that opportunities for sustainable transport modes are exploited and that the necessary transport infrastructure is delivered.
- CC1: Climate Change, which sets out requirements for development in order to move to a low carbon future and promotes development that seeks to mitigate and adapt to climate change through renewable and low carbon energy supply, ensuring flood storage capacity, ensuring resilience to climate risks, provides green infrastructure, SUDs and habitat networks.
- CC2: Sustainable Construction and Design, which sets out requirements for development to contribute to reducing GHG emissions by ensuring minimising energy, waste, and water use, taking advantage of natural lighting and ventilation, encouraging active transport, providing higher density, and enhancing biodiversity.
- CC3: Renewable Energy Development, which sets out requirements for new renewable energy developments to ensure that they avoid any potential negative impacts on landscape, wildlife, heritage assets and amenity.
- CC4: Flood Risk Management, which sets out requirements for development to ensure development is at minimal risk from flooding, does

not increase the risk of flooding elsewhere, and ensures that residual flood risk is safely managed, including through the use of sustainable drainage systems (SuDS).

- NE1: Biodiversity and Geological Conservation, which sets out the need for development to conserve and enhance biodiversity and geological interest, including protection of designated sites and avoidance and mitigation of adverse effects.
- NE2: Green and Blue Infrastructure, which sets out requirements for development to contribute to the protection and enhancement of the river corridor and canal network, habitat creation and connectivity, and trees, woodland and hedgerows.

1.6 The SPD introduces a requirement for the above policies to be considered at the earliest stage of the development process. Applicants are required to demonstrate how these policies have been considered and to submit a Climate Change and Sustainability checklist as part of planning applications. The SPD is not directly connected with or necessary to the management of any European sites.

The requirement to undertake Habitats Regulations Assessment

1.7 The requirement for HRA is set out in the Habitats Regulations published for England and Wales in 2007 [See reference 2]; the currently applicable version is the Habitats Regulations 2017, as amended [See reference 3]. 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). WBC can commission consultants to undertake HRA work on its behalf and this (the work documented in this report) is then reported to and considered by WBC as the 'competent authority'. WBC will consider this work and would usually [See reference 4] only progress a plan if it considers that the plan will not adversely affect the integrity [See reference 5] of any 'European site', as

defined below. The requirement for authorities to comply with the Habitats Regulations when preparing a Plan is also noted in the Government's online Planning Practice Guidance [\[See reference 6\]](#) (PPG).

1.8 HRA refers to the assessment of the potential effects of a plan on one or more sites afforded the highest level of protection in the UK: SPAs and SACs. These were classified under European Union (EU) legislation but, since 1st January 2021, are protected in the UK by the Habitats Regulations 2017 (as amended). Although the EU Directives from which the UK's Habitats Regulations originally derived are no longer binding, the Regulations still make reference to the lists of habitats and species that the sites were designated for, which are listed in annexes to the EU Directives:

- SACs are designated for particular habitat types (specified in Annex 1 of the EU Habitats Directive [\[See reference 7\]](#)) and species (Annex II).
- SPAs are classified for rare and vulnerable birds (Annex I of the EU Birds Directive [\[See reference 8\]](#)), and for regularly occurring migratory species not listed in Annex I.

1.9 The term 'European sites' was previously commonly used in HRA to refer to 'Natura 2000' sites [\[See reference 9\]](#) and Ramsar sites (international designated under the Ramsar Convention). However, a Government Policy Paper [\[See reference 10\]](#) on changes to the Habitats Regulations 2017 post-Brexit states that:

- Any references to Natura 2000 in the 2017 Regulations and in guidance now refers to the new 'national site network'.
- The national site network includes existing SACs and SPAs; and new SACs and SPAs designated under these Regulations.
- Designated Wetlands of International Importance (known as Ramsar sites) do not form part of the national site network. Many Ramsar sites overlap with SACs and SPAs and may be designated for the same or different species and habitats.

1.10 Although Ramsar sites do not form part of the new national site network, the Government Policy Paper [\[See reference 11\]](#) confirms that all Ramsar sites remain protected in the same way as SACs and SPAs. In LUC's view, and unless the Government provides any guidance to the contrary, potential effects on Ramsar sites should continue to form part of the HRA of plans and projects since the requirement for HRA of plans and projects that might adversely affect Ramsar sites forms an essential part of the protection confirmed by the Government Policy Paper. Furthermore, the NPPF [\[See reference 12\]](#) and practice guidance [\[See reference 13\]](#) currently still state that competent authorities responsible for carrying out HRA should treat Ramsar sites in the same way as SACs and SPAs.

1.11 The requirement for HRA does not apply to other nationally designated wildlife sites such as Sites of Special Scientific Interest or National Nature Reserves; therefore, for clarity, this report uses the term 'European sites' rather than 'national site network'.

1.12 The overall purpose of the HRA is to conclude whether or not a proposal or policy, or whole development plan would adversely affect the integrity of the site in question. This is judged in terms of the implications of the plan for a site's 'qualifying features' (i.e. those Annex I habitats, Annex II species, and Annex I bird populations for which it has been designated). Significantly, HRA is based on the precautionary principle. Where uncertainty or doubt remains, an adverse effect should be assumed.

Stages of HRA

1.13 The stages of HRA are presented below, based on various guidance documents [\[See reference 14\]](#) [\[See reference 15\]](#). This document presents the findings of Stage 1: Screening.

- Stage 1: Screening (the 'Significance Test'), which includes:

- Description of the development plan and confirmation that it is not directly connected with or necessary to the management of European sites.
- Identification of potentially affected European sites and their conservation objectives **[See reference 16]**.
- Review of other plans and projects.
- Assessment of likely significant effects of the development plan alone or in combination with other plans and projects, prior to consideration of avoidance or reduction ('mitigation') measures **[See reference 17]**.
- Where effects are unlikely, prepare a 'finding of no significant effect report'. Where effects judged likely, or lack of information to prove otherwise, proceed to Stage 2.
- Stage 2: Appropriate Assessment (the 'Integrity Test'), which includes:
 - Information gathering (development plan and data on European sites **[See reference 18]**).
 - Impact prediction.
 - Evaluation of development plan impacts in view of conservation objectives of European sites.
 - Where impacts are considered to directly or indirectly affect qualifying features of European sites, identify how these effects will be avoided or reduced ('mitigation').
 - Preparation of an Appropriate Assessment report describing the plan, European site baseline conditions, the adverse effects of the plan on the European site, how these effects will be avoided through, firstly, avoidance, and secondly, mitigation including the mechanisms and timescale for these mitigation measures. If effects remain after all alternatives and mitigation measures have been considered proceed to Stage 3.
- Stage 3: Assessment where no alternatives exist and adverse impacts remain taking into account mitigation, which includes:

- Identify and demonstrate ‘imperative reasons of overriding public interest’ (IROPI).
- Demonstrate no alternatives exist.
- Identify potential compensatory measures.
- This stage should be avoided if at all possible. The test of IROPI and the requirements for compensation are extremely onerous.

1.14 In assessing the effects of the SPD in accordance with Regulation 105 of the Habitats Regulations (as amended), there are potentially two tests to be applied by the competent authority: a ‘Significance Test’, followed, if necessary, by an Appropriate Assessment which will inform the ‘Integrity Test’. The relevant sequence of questions is as follows:

- Step 1: Under Reg. 105(1)(b), consider whether the plan is directly connected with or necessary to the management of the sites. If not –
- Step 2: Under Reg. 105(1)(a) consider whether the plan is likely to have a significant effect on the site, either alone or in combination with other plans or projects (the ‘Significance Test’). [These two steps are undertaken as part of Stage 1: Screening shown in Table 1.1 above.] If Yes –
- Step 3: Under Reg. 105(1), make an Appropriate Assessment of the implications for the site in view of its current conservation objectives (the ‘Integrity Test’). In so doing, it is mandatory under Reg. 105(2) to consult Natural England, and optional under Reg. 105(3) to take the opinion of the general public. [This step is undertaken during Stage 2: Appropriate Assessment]
- Step 4: In accordance with Reg.105(4), but subject to Reg.107, give effect to the land use plan only after having ascertained that the plan will not adversely affect the integrity of the European site.

1.15 It is normally anticipated that an emphasis on Stages 1 and 2 of this process will, through a series of iterations, help ensure that potential adverse effects are identified and eliminated through the avoidance of likely significant effects at Stage 1, and through Appropriate Assessment at Stage 2 by the inclusion of mitigation measures designed to avoid, reduce or abate effects. The

need to consider alternatives could imply more onerous changes to a plan document. It is generally understood that so called 'imperative reasons of overriding public interest' (IROPI) are likely to be justified only very occasionally and would involve engagement with the Government.

1.16 The HRA should be undertaken by the 'competent authority' - in this case WBC, and LUC has been commissioned to do this on its behalf. HRA also requires close working with Natural England as the statutory nature conservation body in order to obtain the necessary information and agree the process, outcomes and any mitigation proposals.

Relevant case law

1.17 This HRA screening report has been prepared in accordance with relevant case law findings, including most notably the 'People over Wind' and 'Holohan' rulings from the Court of Justice for the European Union (CJEU).

1.18 The People over Wind, Peter Sweetman v Coillte Teoranta (April 2018) judgment ruled that Article 6(3) of the Habitats Directive should be interpreted as meaning that mitigation measures should be assessed as part of an Appropriate Assessment and should not be taken into account at the screening stage. The precise wording of the ruling is as follows:

"Article 6(3)must be interpreted as meaning that, in order to determine whether it is necessary to carry out, subsequently, an appropriate assessment of the implications, for a site concerned, of a plan or project, it is not appropriate, at the screening stage, to take account of measures intended to avoid or reduce the harmful effects of the plan or project on that site."

1.19 In light of the above, this HRA screening report does not rely upon avoidance or mitigation measures to draw conclusions as to whether the SPD could result in likely significant effects on European sites, with any such measures being considered at the Appropriate Assessment stage as relevant.

1.20 This HRA screening report also fully considers the *Holohan v An Bord Pleanala* (November 2018) judgement which stated that:

Article 6(3) of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora must be interpreted as meaning that an ‘appropriate assessment’ must, on the one hand, catalogue the entirety of habitat types and species for which a site is protected, and, on the other, identify and examine both the implications of the proposed project for the species present on that site, and for which that site has not been listed, and the implications for habitat types and species to be found outside the boundaries of that site, provided that those implications are liable to affect the conservation objectives of the site.

Article 6(3) of Directive 92/43 must be interpreted as meaning that the competent authority is permitted to grant to a plan or project consent which leaves the developer free to determine subsequently certain parameters relating to the construction phase, such as the location of the construction compound and haul routes, only if that authority is certain that the development consent granted establishes conditions that are strict enough to guarantee that those parameters will not adversely affect the integrity of the site.

Article 6(3) of Directive 92/43 must be interpreted as meaning that, where the competent authority rejects the findings in a scientific expert opinion recommending that additional information be obtained, the ‘appropriate assessment’ must include an explicit and detailed statement of reasons

capable of dispelling all reasonable scientific doubt concerning the effects of the work envisaged on the site concerned.

1.21 This HRA screening report has therefore involved considering the potential for effects on species and habitats, including those not listed as qualifying features, to result in secondary effects upon the qualifying features of European sites, including the potential for complex interactions and dependencies. In addition, the potential for offsite impacts, such as through impacts to functionally linked land, and or species and habitats located beyond the boundaries of European site, but which may be important in supporting the ecological processes of the qualifying features, has also been fully considered in this report.

1.22 The approach to the HRA screening also takes into consideration the 'Wealden' judgement and the 'Dutch Nitrogen Case' judgements from the Court of Justice for the European Union.

1.23 Wealden District Council v Secretary of State for Communities and Local Government, Lewes District Council and South Downs National Park Authority (2017) ruled that it was not appropriate to scope out the need for a detailed assessment for an individual plan or project based on the annual average daily traffic (AADT) figures detailed in the Design Manual for Roads and Bridges or the critical loads used by Defra or Environmental Agency without considering the in-combination impacts with other plans and projects.

1.24 In light of this judgement, the HRA should therefore consider traffic growth based on the effects of development from the SPD in combination with other drivers of growth such as development proposed in neighbouring districts and demographic change.

1.25 The 2018 'Coöperatie Mobilisation for the Environment and Vereniging Leefmilieu (Dutch Nitrogen)' judgement stated that:

“...the positive effects of the autonomous decrease in the nitrogen deposition...be taken into account in the appropriate assessment..., it is important that the autonomous decrease in the nitrogen deposition be monitored and, if it transpires that the decrease is less favourable than had been assumed in the appropriate assessment, that adjustments, if required, be made.”

1.26 The Dutch Nitrogen judgement also states that according to previous case law:

“...it is only when it is sufficiently certain that a measure will make an effective contribution to avoiding harm to the integrity of the site concerned, by guaranteeing beyond all reasonable doubt that the plan or project at issue will not adversely affect the integrity of that site, that such a measure may be taken into consideration in the ‘appropriate assessment’ within the meaning of Article 6(3) of the Habitats Directive.”

1.27 HRA screening of the SPD therefore only considers the existence of conservation and/or preventative measures if the expected benefits of those measures are certain at the time of the assessment.

Chapter 2

HRA Screening

2.1 This chapter sets out the findings of the screening stage of the HRA.

Identification of European sites

2.2 In order to initiate the search of European sites that could potentially be affected by a plan, it is established practice in HRAs to consider European sites within the local planning authority area covered by the plan, and other sites that may be affected beyond this area.

2.3 All European sites lying wholly or partly within 15km of Waverley Borough were included to reflect the fact that development resulting from a plan may affect European sites which are located outside the administrative boundary of Waverley. This distance has generally been considered reasonable by Natural England in other Local and Neighbourhood Plan HRAs to ensure that all designated sites that could potentially be affected by development are identified and included in the assessment. Consideration was given to other pathways by which the SPD could affect sites further than 15k from the Borough, but none were identified.

2.4 There are five European sites that lie wholly or partly within the Borough:

- Thames Basin Heaths SPA.
- Thursley, Ash, Pirbright and Chobham SAC.
- Thursley, Hankley and Frensham Commons SPA (Wealden Heaths Phase I).
- Thursley and Ockley Bog Ramsar.
- Wealden Heaths Phase II SPA.

2.5 The following European sites lie within 15km of the Borough:

- Arun Valley SPA and Ramsar.
- East Hampshire Hangers SAC.
- Ebernoe Common SAC.
- Mole Gap to Reigate Escarpment SAC.
- Shortheath Common SAC.
- Singleton and Cocking Tunnels SAC.
- The Mens SAC.
- Woolmer Forest SAC.

2.6 The HRA of the Local Plan Part 1 [See reference 19] also included Rook Cliff 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 Cliff 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

2.7 The conservation objectives for all SACs and SPAs are similar. Conservation objectives for SACs tend to reflect the following:

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;

- The extent and distribution of the qualifying natural habitats
- The structure and function (including typical species) of the qualifying natural habitats, and,
- The supporting processes on which the qualifying natural habitats rely.

2.8 Conservation objectives for SPAs tend to reflect the following:

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring;

- The extent and distribution of the habitats of the qualifying features
- The structure and function of the habitats of the qualifying features
- The supporting processes on which the habitats of the qualifying features rely
- The population of each of the qualifying features, and,
- The distribution of the qualifying features within the site.

2.9 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

2.10 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 Climate Change and Sustainability SPD. The potential types of effects considered are set out below, which are drawn from LUC's extensive HRA experience:

- Physical damage / loss of habitat (including habitat fragmentation).
- Non-physical disturbance (noise, vibration, visual disturbance and light).
- Air pollution.
- Recreational disturbance.
- Predation of qualifying species by pet cats.
- Changes to water quantity, quality and hydrology.
- Non-toxic contamination (dust).
- Toxic contamination.
- Biological disturbance (such as that caused by invasive species).

2.11 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 applicants must demonstrate they have incorporated considerations such as:

- Minimising energy use and carbon emissions.
- Optimising development orientation and density.
- Incorporating green and blue infrastructure and sustainable drainage systems (SuDS).

- Ensuring development is resilient to climate change, particularly minimising risk of flooding.
- Sustainable use of resources and materials.
- Sustainable management of waste.
- Maximising water efficiency and re-use.
- Encourage use of sustainable forms of transport and reducing the need to travel by car.

2.12 In addition, applicants are encouraged to achieve at least 10% biodiversity net gain and to demonstrate how they will achieve this.

2.13 These measures are expected to benefit the natural environment generally and are not expected to result in likely significant effects on any European sites. Furthermore, the SPD adds further detail and guidance to policies ST1: Sustainable Transport; CC1: Climate Change; CC2: Sustainable Construction and Design; CC3: Renewable Energy Development; CC4: Flood Risk Management; NE1: Biodiversity and Geological Conservation; and NE2: Green and Blue Infrastructure of the Local Plan Part 1, all of which were concluded in the HRA of the Local Plan Part 1 (2016) to have no HRA implications.

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

2.14 Given that no pathway has been identified by 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.

Chapter 3

Conclusions

3.1 This HRA Screening has determined that the Waverley Climate Change and Sustainability 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 seeks to minimise the potential negative environmental impacts of development and to maximise positive environmental impacts.

Next steps

3.2 This HRA Screening Report will be subject to consultation with Natural England. Once any consultation responses are received, this document will be revised and updated if necessary.

LUC

March 2022

References

- 1 Waverley Borough Council (2020) Climate Change and Sustainability Strategy. Available at:
<https://www.waverley.gov.uk/Portals/0/Documents/services/environmental-concerns/climate%20change/Waverley%20Climate%20Change%20and%20Sustainability%20Strategy%202020-2030.pdf?ver=p5MtCQyQ4W0Ve0WDKPdZEA%3d%3d>
- 2 The Conservation (Natural Habitats, &c.) (Amendment) Regulations 2007 (2007) SI No. 2007/1843. TSO (The Stationery Office), London
- 3 The Conservation of Habitats and Species Regulations 2017 (2017) SI No. 2017/1012, as amended by The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 (SI 2019/579)
- 4 The exception to this would be where 'imperative reasons of overriding public interest' can be demonstrated
- 5 The integrity of a site is the coherence of its ecological structure and function, across its whole area, that enables it to sustain the habitat, complex of habitats and/or the levels of populations of the species for which it was designated. (Source: UK Government Planning Practice Guidance)
- 6 <https://www.gov.uk/guidance/appropriate-assessment>
- 7 Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (the 'Habitats Directive')
- 8 Directive 2009/147/EC of 30 November 2009 on the conservation of wild birds (the 'Birds Directive')
- 9 The network of protected areas identified by the EU:
https://ec.europa.eu/environment/nature/natura2000/index_en.htm
- 10 <https://www.gov.uk/government/publications/changes-to-the-habitats-regulations-2017/changes-to-the-habitats-regulations-2017>
- 11 <https://www.gov.uk/government/publications/changes-to-the-habitats-regulations-2017/changes-to-the-habitats-regulations-2017>

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- 12 NPPF para 176, available from <https://www.gov.uk/guidance/national-planning-policy-framework>
- 13 The HRA Handbook, Section A3. David Tyldesley & Associates, a subscription based online guidance document: <https://www.dtapublications.co.uk/handbook/European>
- 14 UK Government Planning Practice Guidance, available from <https://www.gov.uk/guidance/appropriate-assessment>
- 15 The HRA Handbook. David Tyldesley & Associates, a subscription based online guidance document: <https://www.dtapublications.co.uk/handbook/>
- 16 Conservation objectives are published by Natural England for SACs and SPAs
- 17 In line with the CJEU judgment in Case C-323/17 People Over Wind v Coillte Teoranta, mitigation must only be taken into consideration at this stage and not during Stage 1: HRA Screening
- 18 In addition to SAC and SPA citations and conservation objectives, key information sources for understanding factors contributing to the integrity of the sites include (where available) conservation objectives supplementary advice and Site Improvement Plans prepared by Natural England: <http://publications.naturalengland.org.uk/category/5458594975711232>
- 19 AECOM (2016) Waverley Borough Council Local Plan Part 1: Strategic Policies and Sites. Pre-Submission Draft (July 2016) Habitats Regulations Assessment. Available at: https://www.waverley.gov.uk/Portals/0/Documents/services/planning-and-building/planning-strategies-and-policies/local-plan/Local%20Plan%20Part%201%20examination/CD1_22_Local_Plan_HRA_August_2016_for_consultation_180816_update_CLEAN.pdf?ver=Jx1VH3tCN3gdhpnuB-TheQ%3d%3d

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