



**Biodiversity Supplementary Planning Document**

**Strategic Environmental Assessment (SEA)  
and Habitats Regulations Assessment (HRA)  
Screening Determination Statement**

**December 2023**



## Introduction

- 1.1 This statement sets out the Council's determination on whether the Biodiversity Supplementary Planning Document (SPD) requires:
- A Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plans and Programmes Regulations 2004; and
  - An assessment to establish whether there would be any significant effects on European site(s) in accordance with Regulation 61 of the Conservation of Habitats and Species Regulations 2017 (as amended)
- 1.2 The purpose of the Biodiversity Net Gain SPD is:
- the effective implementation of Policy NE1: Thames Basin Heaths Special Protection Area in the [Rushmoor Local Plan 2019](#)<sup>1</sup>
  - the effective implementation of Policy NE4: Biodiversity in the [Rushmoor Local Plan 2019](#)
  - to provide guidance on meeting mandatory BNG requirements, in accordance with the [Environment Act 2021](#)<sup>2</sup>.
  - to set out the core concepts of BNG, explaining what steps developers need to take to submit the correct net gain information
- 1.3 The SPD contains:
- Policy context based upon the [Rushmoor Local Plan 2019](#)
  - Details on DEFRA's Biodiversity Metric Calculation Tool
  - Biodiversity Gain Plan requirements
  - Approaches and advice in relation to major and minor development
- 1.4 The SPD provides guidance on how Biodiversity Net Gain can be achieved on site, or off site where necessary, and how Biodiversity Net Gain management and maintenance should be considered.

## Strategic Environmental Assessment – Regulatory Requirements

- 1.5 The basis for Strategic Environmental Assessment legislation is the [Environmental Assessment of Plans and Programmes Regulations 2004 \(SEA Regulations\)](#)<sup>3</sup> which was transposed from European Directive 2001/42/EC. Detailed guidance of these regulations can be found in the Government publication '[A Practical Guide to the Strategic Environmental Assessment Directive](#)'<sup>4</sup> and Paragraph 11-008 (Strategic Environmental Assessment and Sustainability Appraisal) of the [Planning Practice Guidance \(PPG\)](#)<sup>5</sup>. This states that:

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<sup>1</sup> <https://www.rushmoor.gov.uk/planning-and-building-control/planning-policies/the-rushmoor-local-plan/>

<sup>2</sup> <https://www.legislation.gov.uk/ukpga/2021/30/contents/enacted>

<sup>3</sup> <https://www.legislation.gov.uk/uksi/2004/1633/contents/made>

<sup>4</sup>

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/7657/practicalguidesea.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/7657/practicalguidesea.pdf)

<sup>5</sup> <https://www.gov.uk/guidance/strategic-environmental-assessment-and-sustainability-appraisal>

*“supplementary planning documents do not require sustainability appraisal but may in exceptional circumstances require a strategic environmental assessment if they are likely to have significant environmental effects that have not already been assessed during the preparation of the local plan”.*

- 1.6 Under the requirements of the [Environmental Assessment of Plans and Programmes Regulations \(2004\)](#)<sup>6</sup>, certain types of plans that set the framework for the consent of future development projects, must be subject to an environmental assessment.
- 1.7 The objective of a Strategic Environmental Assessment is to provide for a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes with a view to promoting sustainable development.

### **The Strategic Environmental Appraisal Process**

- 1.8 The first stage of the process is for the Council to determine whether the SPD is likely to have significant effects on the environment. This screening process includes assessing the SPD against a set of criteria (as set out in [Schedule 1 of the SEA Regulations](#))<sup>7</sup>. The results of this are set out in Table 3 of Appendix 1 of this statement.
- 1.9 The Council prepared a Screening Statement, which provided sufficient information to ascertain whether the SPD is likely to have significant environmental effects. The Council consulted the Environment Agency, Historic England and Natural England on this screening statement. The responses received are set out in Table 1 below.
- 1.10 Where the Council determines that a SEA is not required, Regulation 9(3) of the SEA Regulations states that the Council must prepare a statement within 28 days of making its determination. If it determines that an SEA is not required, the statement must include the reasons for this.

### **Strategic Environmental Assessment Determination**

- 1.11 Before making a determination under Regulation 9, the three statutory bodies were consulted between 29<sup>th</sup> August 2023 and 10<sup>th</sup> October 2023. The responses received are as set out in Table 1 below.

**Table 1: Comments received by Statutory Consultation Bodies**

<b>Statutory Consultation Body</b>	<b>Comments</b>
Natural England	It is our advice, on the basis of the material supplied with the consultation, that, in so far as our strategic environmental interests (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.
Environment Agency	No response received.

<sup>6</sup> <https://www.legislation.gov.uk/uksi/2004/1633/contents/made>

<sup>7</sup> <https://www.legislation.gov.uk/uksi/2004/1633/schedule/1/made>

Statutory Consultation Body	Comments
Historic England	<p>In terms of our area of interest, given the nature of the SPD, we concur with your assessment that the document is unlikely to result in significant environmental effects and will simply provide additional guidance on existing policies contained within an adopted Development Plan Document which has already been subject to a Sustainability Appraisal/SEA. As a result, we endorse the Authority's conclusions that it is not necessary to undertake SEA of this particular SPD.</p> <p>The views of the other statutory consultation bodies should be taken into account before the overall decision on the need for an SEA is made.</p>

1.12 Having regard to the considerations above, the Council considers that the Biodiversity SPD is unlikely to have any significant environmental effects and therefore does not require a Strategic Environmental Assessment. This determination was made on 14<sup>th</sup> December 2023.

## Habitats Regulations Assessment

1.13 In addition to the SEA, the Council is required to consider a Habitats Regulations Assessment (HRA). HRA is the process used to determine whether the plan or project would have significant adverse effects on the integrity of any internationally designated sites of nature conservation importance, known as European sites. The need for an HRA is set out within the [Conservation of Habitats and Species Regulations 2017 \(as amended\)](#)<sup>8</sup>, which transposed EC Habitats Directive 92/43/EEC into UK law. The Rushmoor Local Plan 2019 was subject to a [comprehensive HRA](#).<sup>9</sup>

1.14 The [HRA \(Appendix 1\)](#)<sup>10</sup> screened out the Local Plan Policy NE1 and NE4 at an early stage, based on the following conclusions:

**Table 2: Summary of Rushmoor Local Plan HRA Screening Decisions**

Policy	Rushmoor Local Plan HRA Screening Decision
NE1: Thames Basin Heaths Special Protection Area	This policy is a positive as the purpose of the policy is to protect the Thames Basin Heaths SPA from recreational pressure by providing avoiding or mitigating any adverse impacts on the TBH SPA.
NE4: Biodiversity	This policy is a positive as the purpose of the policy is to protect, maintain and enhance the Borough's biodiversity. It makes specific reference to protecting, enhancing, and managing the nature conservation value of Special Areas of Conservation (SACs), Special Protection Areas (SPAs) and Sites of Special Scientific Interest (SSSIs).

1.15 On the basis of the above and having regard to the scope of the SPD, the Council considers that the Biodiversity SPD will not have a significant adverse effect on any Natura 2000 sites and that a full appropriate assessment is therefore not required. The SPD will support the delivery of Rushmoor Local Plan (specifically Policy NE1: Thames Basin Heaths Special

<sup>8</sup> <https://www.legislation.gov.uk/uksi/2010/490/contents>

<sup>9</sup> [https://www.rushmoor.gov.uk/media/wrznaddk/habitats\\_reg\\_assessment\\_2017\\_-\\_final.pdf](https://www.rushmoor.gov.uk/media/wrznaddk/habitats_reg_assessment_2017_-_final.pdf)

<sup>10</sup> [https://www.rushmoor.gov.uk/media/wrznaddk/habitats\\_reg\\_assessment\\_2017\\_-\\_final.pdf](https://www.rushmoor.gov.uk/media/wrznaddk/habitats_reg_assessment_2017_-_final.pdf)

Protection Area and Policy NE4: Biodiversity), which have been subject to a full Assessment, including any in-combination effects with other plans.

## **Conclusion**

- 1.16 Based on the screening process, it is the Council's opinion that the Biodiversity SPD does not require a Strategic Environmental Assessment under the SEA regulations or an appropriate assessment under the Habitats Regulations. This is because there will be no negative significant environmental, social or economic effects arising from its implementation, as it seeks only to expand upon and provide guidance for the effective and consistent implementation of Local Plan policies.

## Appendix 1

**Table 3: Establishing Whether There Is a Need for an SEA**

Based on Figure 2 – Application of the SEA Directive to plans and programmes from '[A Practical Guide to the Strategic Environmental Assessment Directive](#)'<sup>11</sup>

Assessment Criteria	Yes/No	Assessment
1. Is the PP 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. Proceed to Q2	Supplementary Planning Documents are prepared by local planning authorities under the provisions of Regulations 11 to 16 of the Town and Country Planning (Local Planning) (England) Regulations 2012.
2. Is the PP required by legislative, regulatory or administrative provisions? (Art. 2 (a))	Yes. Proceed to Q3	The SPD is consistent with and expands upon the Rushmoor Local Plan 2019. It is therefore necessary to answer the following questions to determine further if an SEA is required.
3. Is the PP prepared for agriculture, forestry, fisheries, energy, industry, transport, water 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 Environmental Impact Assessment Directive? (Art 3.2 (a))	No. Proceed to Q4	Although the SPD is prepared for biodiversity in relation to town and country planning purposes it does not set a framework for future development consent for projects that are required to undergo an Environmental Impact Assessment.
4. Will the PP, in view of its likely effect on sites, require an assessment for future development under Article 6 or 7 of the Habitats Directive? (Art. 3.2 (b)).	No. Proceed to Q6	The SPD will provide further guidance on policies in the adopted Local Plan. These policies have been subject to Habitats Regulations Assessment. See paragraph 1.11 and table 2 in this document.

<sup>11</sup>

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/7657/practicalguidesea.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/7657/practicalguidesea.pdf)

Assessment Criteria	Yes/No	Assessment
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. Proceed to Q8	The SPD provides further guidance to supplement policies related to biodiversity. The SPD does not allocate land and it does not set policy or a framework for future development, but it does provide guidance in relation to policies in the Rushmoor Local Plan.
8. Is it likely to have a significant effect on the environment? (Art. 3.5)	No	Directive does not require SEA.

**Table 4: Assessment of the Likelihood of the Biodiversity SPD Having Significant Effects on the Environment**

Significant Effect Criteria	Potential Effects of the SPD	Is There a Likely Significant Effect?
The characteristics of the plan having regard 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 SPD provides more detail on the policies and principles established in the Rushmoor Local Plan 2019, which has been subject to comprehensive <a href="#">SA incorporating SEA</a> <sup>12</sup> . The purpose of the SPD is to provide guidance on the effective and consistent implementation of the relevant policies in paragraph 1.2 above. The guidance in the SPD must not and does not conflict with the policies in the Local Plan and as such are subservient and supplement the Local Plan.	No
b) The degree to which the plan or programme influences other plans and programmes including those in a hierarchy;	The purpose of the SPD is to supplement the Local Plan policies and sits below the Local Plan in terms of the Development Plan hierarchy.	No
c) The relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development;	The adopted Local Plan and other higher-level policies set the context for achieving sustainable development in the borough. The SPD will not change the higher-level policy requirements which have, in themselves, been subject to SA (inc. SEA). The SPD will assist with meeting the SA (inc. SEA) objectives.	No
d) Environmental problems relevant to the plan or programme;	The Local Plan SA (inc. SEA) identified that policies NE1 and NE4 were likely to have long-term positive effects in relation to the Biodiversity objective/topic as they seek to protect and enhance biodiversity and ensure that any new developments provide suitable mitigation to avoid adverse effects. The SPD will provide further guidance and reinforce relevant parts of the policies.	No

<sup>12</sup> [https://www.rushmoor.gov.uk/media/rt5pdvto/sa\\_reg\\_19\\_final\\_report.pdf](https://www.rushmoor.gov.uk/media/rt5pdvto/sa_reg_19_final_report.pdf)



Significant Effect Criteria	Potential Effects of the SPD	Is There a Likely Significant Effect?
e) The relevance of the plan or programme for implementation of Community legislation on the environment (e.g. plans and programmes linked to waste management or water protection)	The purpose of the SPD is to provide guidance on the effective and consistent implementation of biodiversity policies. The Rushmoor Local Plan contains other policies relating to these objectives.	No

**Table 5**

SEA Directive Criteria	Response	Is There a Likely Significant Environmental Effect?
Characteristics of the effects likely having regard, in particular, to:		
a) The probability, duration, frequency and reversibility of the effects	The SPD is not expected to give rise to any significant environmental effects. The SPD seeks to ensure the effective and consistent implementation of biodiversity policies, which in themselves should ensure positive effects relating environmental impact.	No
b) The cumulative nature of the effects;	The SPD is not considered to have any significant cumulative effects. The SPD seeks to ensure the effective and consistent implementation of biodiversity policies, which in themselves should ensure positive effects relating environmental impact.	No
c) The transboundary nature if the effects;	The SPD is not expected to give rise to any significant transboundary environmental effects.	No
d) The risks to human health or the environment (e.g. due to accidents);	There are no anticipated effects of the SPD on human health or the environment. The SPD seeks to ensure the effective and consistent implementation of biodiversity policies, which in themselves should ensure positive effects.	No
e) The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);	The effective and consistent implementation of biodiversity policies will have positive benefits for all Rushmoor residents and those who wish to move to Rushmoor.	No

<p>f) The value and vulnerability of the area likely to be affected due to</p> <ul style="list-style-type: none"> <li>(i) Special natural characteristics or cultural heritage;</li> <li>(ii) Exceeded environmental quality standards or limit values; or</li> <li>(iii) Intensive land use;</li> </ul>	<p>The SPD is not anticipated to adversely affect any special natural characteristic or cultural heritage. Nor would the SPD be expected to lead to the exceedance of environmental standards or promote intensive land use. Matters relating to environmental standards and land use are contained in the Rushmoor Local Plan.</p>	<p>No</p>
<p>g) The effects on areas or landscapes which have a recognised national, Community or international protection status.</p>	<p>The SPD is not expected to have any adverse effect on areas with national, community or international protection.</p>	<p>No</p>
<p><b>Part 2 Overall Conclusion</b></p>	<p><b>No Likely Significant Environmental Effect</b></p>	