



Castle Point Borough Council

Biodiversity Net Gain (BNG)

Supplementary Planning Document (SPD)

**Strategic Environmental Assessment (SEA) and
Habitats Regulations Assessment (HRA)**

Screening Report

December 2023

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1. Introduction

This Screening Report is an assessment of whether or not the Biodiversity Net Gain (BNG) 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 and whether or not it requires a Habitats Regulations Assessment (HRA) in accordance with Article 6(3) and (4) of the EU Habitats Directive and with Regulation 61 of the Conservation of Habitats and Species Regulations 2017.

Supplementary Planning Documents (SPDs) build upon and provide more detailed advice or guidance on policies in an adopted local plan. As they do not form part of the development plan, they cannot introduce new planning policies. This SPD sets out how BNG is expected to be implemented and managed.

A SEA is required if an SPD is deemed to have a likely significant effect on the environment. The Planning Practice Guidance recognises that SEA may be required when preparing an SPD in exceptional circumstances. (Paragraph: [008 Reference ID: 61-008-20190315](#))

A HRA is required when it is deemed that likely significant effects may occur on protected habitats sites (also known as European sites and Natura 2000 sites) as a result of the implementation of a plan or project. This document provides screening to see whether an appropriate assessment is required.

In accordance with the Environmental Assessment of Plans and Programme Regulations, Natural England, Historic England, and the Environment Agency will be consulted on this SEA and HRA screening report.

2. Background

2.1. Strategic Environmental Assessment (SEA)

The Strategic Environmental Assessment (SEA) Directive (2001/42/EC) on the assessment of the effects of certain plans and programmes requires an environmental assessment to be made of certain plans or programmes. The objective of SEA, as defined in government's guidance on strategic environmental assessment, is 'to provide for a high level of protection of the environment and contribute to the integration of environmental considerations into the preparation and adoption of plans....with a view to promoting sustainable development' (Article 1). The SEA Directive has been transposed into UK law through the [Environmental Assessment of Plans and Programmes Regulations 2004](#).

2.2. Habitats Regulations Assessment (HRA)

Under the provisions of the EU Habitats Directive and translated into English law by the Habitats Regulations ([The Conservation of Habitats and Species \(Amendment\) Regulations 2017](#)), a competent authority must carry out an appropriate assessment of whether a plan or project will significantly affect the integrity of any habitats site, in terms of impacting the site's conservation objectives, if the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), and is not directly connected with or necessary to the management of that site.

HRA screening considers whether a plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects).

3. SEA Screening

SEA is a tool used at the plan-making stage to assess the likely effects of the plan when judged against reasonable alternatives. A SEA will only be required when preparing an SPD in exceptional circumstances, it is necessary to prepare a screening opinion to be satisfied that a SEA is not required. This document sets out that screening opinion based on the scope of, and detail contained within the SPD.

Table 1: Establishing the need for a SEA

SEA Requirement	Comments
Is the plan: (a) subject to preparation or adoption by an authority at national, regional or local level; or (b) prepared by an authority for adoption, through a legislative procedure by Parliament or Government; and, in either case, (c) required by legislative, regulatory or administrative provisions?	Yes, the SPD is subject to preparation and adoption at local level. There are legislative and regulatory provisions in place for SPDs. SPDs would be considered as falling within the category of 'administrative provision'
Is the plan (a) prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use, and does it (b) sets the framework for future development consent of projects listed in Annex I or II to Council Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment, as amended by Council Directive 97/11/EC(9)?	Yes, the SPD is prepared for town and country planning purposes and contributes to wider frameworks for future development consent of projects listed in Annex I or II to Council Directive 85/337/EEC (urban development projects).
Does the plan (a) determine the use of a small area at local level; or (b) is a minor modification to a plan or programme of the description set out in either of those paragraphs?	Neither - The SPD builds upon and provides further guidance on the implementation of the Environment Act 2021.
Has it been determined that the plan requires an assessment pursuant to Article 6 or 7 of the Habitats Directive?	No, HRA is not required. The SPD does not include any allocations for development of any kind, there will therefore be no likely significant effects alone or in combination on habitats sites. See HRA section.
Is the plan or programme likely to have significant environmental effects?	No, the SPD is not considered to have likely significant environmental effects and any environmental effects will be positive – see the next section.

4. Significance of effects on the environment

To decide whether a SPD might have significant environmental effects, its potential scope should be assessed against the criteria set out in Schedule 1 to the Environmental Assessment of Plans and Programmes Regulations 2004, or Annex II of the SEA Directive 2001/42/EC.

When deciding on whether the proposals are likely to have significant environmental effects, the local planning authority should consult the statutory consultation bodies. Where the local planning authority determines that the plan is unlikely to have significant environmental effects (and, accordingly, does not require an environmental assessment), it should prepare a statement of its reasons for the determination.

The following table explores the potential scope of the SPD against the criteria set out in Schedule 1 to the Environmental Assessment of Plans and Programmes Regulations 2004.

Table 2: Schedule 1 Criteria for Determining the Likely Significance of Effects on the Environment

SEA Requirement	Comments
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 SPD provides guidance for development proposals within the borough of Castle Point. SPDs cannot introduce new policy. The SPD provides further guidance around the application of the Environment Act 2021. The SPD is relevant to the entire administrative area of Castle Point Borough Council. The degree to which the plan or programme sets a framework for projects and other activities is low.
(b) the degree to which the plan or programme influences other plans and programmes including those in a hierarchy;	The SPD will not form part of the development plan. It builds upon the adopted Local Plan and will influence planning applications. The degree to which it influences other plans and programme is moderate.
(c) the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development;	The SPD will promote sustainable development by providing a summary of guidance and legislation related to BNG implementation and management, which will enhance biodiversity throughout the local area.
(d) environmental problems relevant to the plan or programme; and	The SPD will help prevent biodiversity decline and enhance habitats. There are no environmental problems relevant to this SPD.
(e) the relevance of the plan or programme for the implementation of Community legislation on the environment (for example, plans and programmes linked to waste management or water protection).	The content of the SPD is not in conflict with those relevant planning documents within the wider district and county area related 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 SPD is not allocating any sites for development and is providing guidance for the application of the Environment Act 2021. Through this legislation planning applications

	will be required to provide BNG and the probability, duration, frequency and reversibility of the effects to development proposals will be assessed in detail at that stage. The SPD provides more information for applicants on how to do this effectively.
(b) the cumulative nature of the effects;	There are no cumulative effects.
(c) the transboundary nature of the effects;	There are no transboundary effects; this plan applies to the administrative area of the Castle Point borough only.
(d) the risks to human health or the environment (for example, due to accidents);	The SPD poses no risk to human health.
(e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);	The SPD applies to the administrative area of the Castle Point borough only.
(f) the value and vulnerability of the area likely to be affected due to – (i) special natural characteristics or cultural heritage; (ii) exceeded environmental quality standards or limit values; or (iii) intensive land-use; and	The SPD covers the administrative area of Castle Point borough. There are multiple nationally designated nature conservation sites and listed buildings of architectural merit. As no development is proposed through the SPD, none of these are likely to be affected by the SPD.
(g) the effects on areas or landscapes which have a recognised national, Community or international protection status.	The SPD covers the administrative area of the Castle Point borough only which has no nationally recognised landscapes. The Benfleet and Southend Marshes SPA and Ramsar site is nationally designated and falls within the borough. As no development is proposed through the SPD, the landscape is not likely to be affected by the SPD.

5. HRA Screening

Under the provisions of the EU Habitats Directive and translated into English law by the Habitats Regulations (The Conservation of Habitats and Species (Amendment) Regulations 2017), a competent authority must carry out an assessment of whether a plan or project will significantly affect the integrity of any European Site, in terms of impacting the site's conservation objectives. Habitats Regulations Assessment (HRA) as required by Regulation 63 of The Conservation of Habitats and Species Regulations 2017. Regulation 63 states that,

63.—(1) A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which—

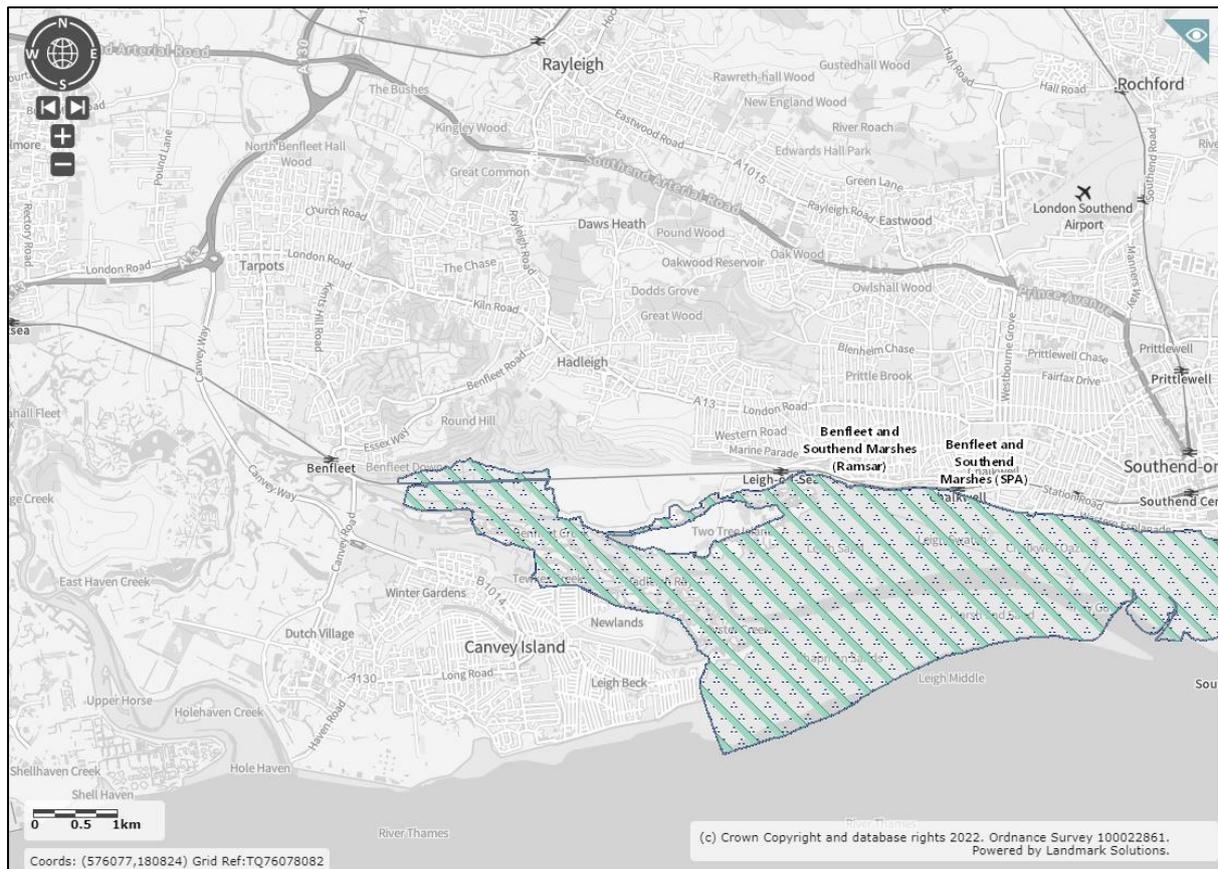
(a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and

(b) is not directly connected with or necessary to the management of that site, must make an appropriate assessment of the implications of the plan or project for that site in view of that site's conservation objectives.

HRA is the first stage of the process and involves a screening assessment of the impacts of a land use proposal against the conservation objectives of Habitats (European) sites to establish whether likely significant effects would arise. Specifically, it is to ascertain whether or not a proposal (either alone or in combination with other proposals) could have an adverse effect on the integrity of the Habitat site.

Habitats (European) sites are also known as Natura 2000 sites and are made up of Special Protection Areas (SPAs), Special Areas of Conservation (SACs) and Ramsar sites, definitions of these sites are found below. Within the Castle Point borough, the Benfleet and Southend Marshes is a Special Protection Area (SPA) and a Ramsar site, which can be seen in the map below.

Map 1: Benfleet and Southend Marshes SPA and Ramsar site



Source (Natural England Magic Map - <https://magic.defra.gov.uk/MagicMap.aspx>)

5.1. Special Protection Areas (SPAs)

SPAs are areas which have been identified as being of international importance for the breeding, feeding, wintering or the migration of rare and vulnerable species of birds found within EU countries. SPAs are sites that are designated under the Birds Directive.

5.2. Special Areas of Conservation (SACs)

SACs are areas designated to protect habitat types that are in danger of disappearance, have a small natural range, or are highly characteristic of the region; and to protect species that are endangered, vulnerable, rare, or endemic. SACs are sites that are designated under the Habitats Directive.

5.3. Ramsar Sites (Wetlands of International Importance)

Ramsar Sites are designated to protect the biological and physical features of wetlands, especially for waterfowl habitats. Ramsar sites often overlap with SACs and SPAs and UK planning policy determines that they should be accorded the same importance when developments are proposed.

6. Conclusions

6.1. SEA Screening Outcome

The BNG SPD provides further guidance around the application of the Environment Act 2021 and mandatory BNG. The SPD will result in positive, long-term effects in relation to biodiversity protection and enhancement. However, none of these effects will be significant. Therefore, Castle Point Borough Council has concluded that the BNG SPD will not require an assessment of the significant environmental effects of the plan under the SEA Directive and Environmental Assessment Regulations.

The SPD can therefore be screened out for its requirement of Strategic Environmental Assessment in line with the requirements of Directive 2001/42/EC.

6.2. HRA Screening Outcome

The BNG SPD provides further guidance around the application of BNG and does not allocate land for development. The SPD will result in positive, long-term effects in relation to biodiversity protection and enhancement. It is considered that the BNG SPD would not cause significant effects that could cause an adverse effect on the integrity of Habitat Sites, either alone or combination with other plans or projects. Therefore it is not considered that a full HRA is required for the BNG SPD.

It is also important to acknowledge that the BNG SPD will not take the place of the duties of the Council under the Habitats Regulations and Habitats Directive. In particular, it will not replace screening or appropriate assessment which will still be required where relevant.

The requirement for the SPD to undertake further assessment under the Habitats Regulations 2017 is therefore not considered necessary and as a result can be screened out.