



**Thames Basin Heaths SPA
Avoidance and Mitigation
Supplementary Planning
Document**

**Strategic Environmental
Assessment Screening
Determination**

November 2017

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1.0 Introduction

- 1.1 This statement sets out the Council's determination under Regulation 9(1) of the Environmental Assessment of Plans and Programmes Regulations 2004 on whether or not a Strategic Environmental Assessment is required for the updated Thames Basin Heaths Special Protection Area (SPA) Avoidance and Mitigation Supplementary Planning Document (SPD).

Strategic Environmental Assessment

- 1.2 Under the requirements of the European Union Directive 2001/42/EC (Strategic Environmental Assessment (SEA) Directive)) and Environmental Assessment of Plans and Programmes Regulations (2004) specific types of plans that set out the framework for future development consent of projects must be subject to an environmental assessment.
- 1.3 There are exceptions to this requirement for plans that determine the use of a small area at a local level and for minor modifications if it has been determined that the plan is unlikely to have significant environmental effects.
- 1.4 In accordance with the provisions of the SEA Directive and the Environmental Assessment of Plans and Programmes Regulations (2004) (Regulation 9(1)), 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.

2.0 Thames Basin Heaths SPA Avoidance and Mitigation SPD

- 2.1 The new Thames Basin Heaths SPA Avoidance and Mitigation SPD will be an update of the existing Thames Basin Heaths SPA Avoidance and Mitigation SPD (March 2012)¹. It will also replace section 5.12 and Appendix 1 section 5 of the Planning Obligations SPD (February 2015)². The Thames Basin Heaths SPA Avoidance and Mitigation SPD is an Avoidance and Mitigation strategy to show how the effects of new development on the integrity of the Thames Basin Heaths SPA should be avoided and mitigated in accordance with the Development Plan. It elaborates on the following plans and policies:
- National Planning Policy Framework Chapter 11 (Conserving and enhancing the natural environment)
 - South East Plan (2009) Policy NRM6 (Thames Basin Heaths SPA)
 - Core Strategy (2008) Policy CS14 (Thames Basin Heaths SPA)
 - Bracknell Forest Borough Local Plan (1991-2006) Policy EN3 (Nature Conservation)
 - Emerging Comprehensive Local Plan (to 2036) (Thames Basin Heaths SPA policy) and (Designated Nature Conservation and Geological Sites policy).
- 2.2 The plans and policies above require that development proposals protect European Sites (including the Thames Basin Heaths SPA) through avoidance and mitigation measures.

¹ <https://files.bracknell-forest.gov.uk/sites/bracknell/documents/thames-basin-heaths-spa-avoidance-and-mitigation-spd.pdf>

² <https://files.bracknell-forest.gov.uk/sites/bracknell/documents/planning-obligations-supplementary-planning-document.pdf>

2.3 The Thames Basin Heaths SPA Avoidance and Mitigation SPD focuses on avoidance and mitigation measures for a net increase in residential development located between 400m to 7km of the SPA. It also sets out the issues which may need to be considered for non-residential development.

2.4 The SPD includes information on:

- The potential effects of development proposals on the integrity of the SPA
- Types of development proposals likely to require SPA avoidance and mitigation measures
- SPA buffer zones
- Suitable Alternative Natural Greenspaces (SANGs)
- Strategic Access Management Monitoring (SAMM)
- Bespoke mitigation solutions
- Developer contributions

2.5 The Council intends to adopt the Thames Basin Heaths SPA Avoidance and Mitigation SPD following a thorough public consultation process. Once adopted, it will form part of the Council's policy context and will be a material consideration when applications are being considered.

3.0 Strategic Environmental Assessment (SEA) Screening

The SEA Screening Process

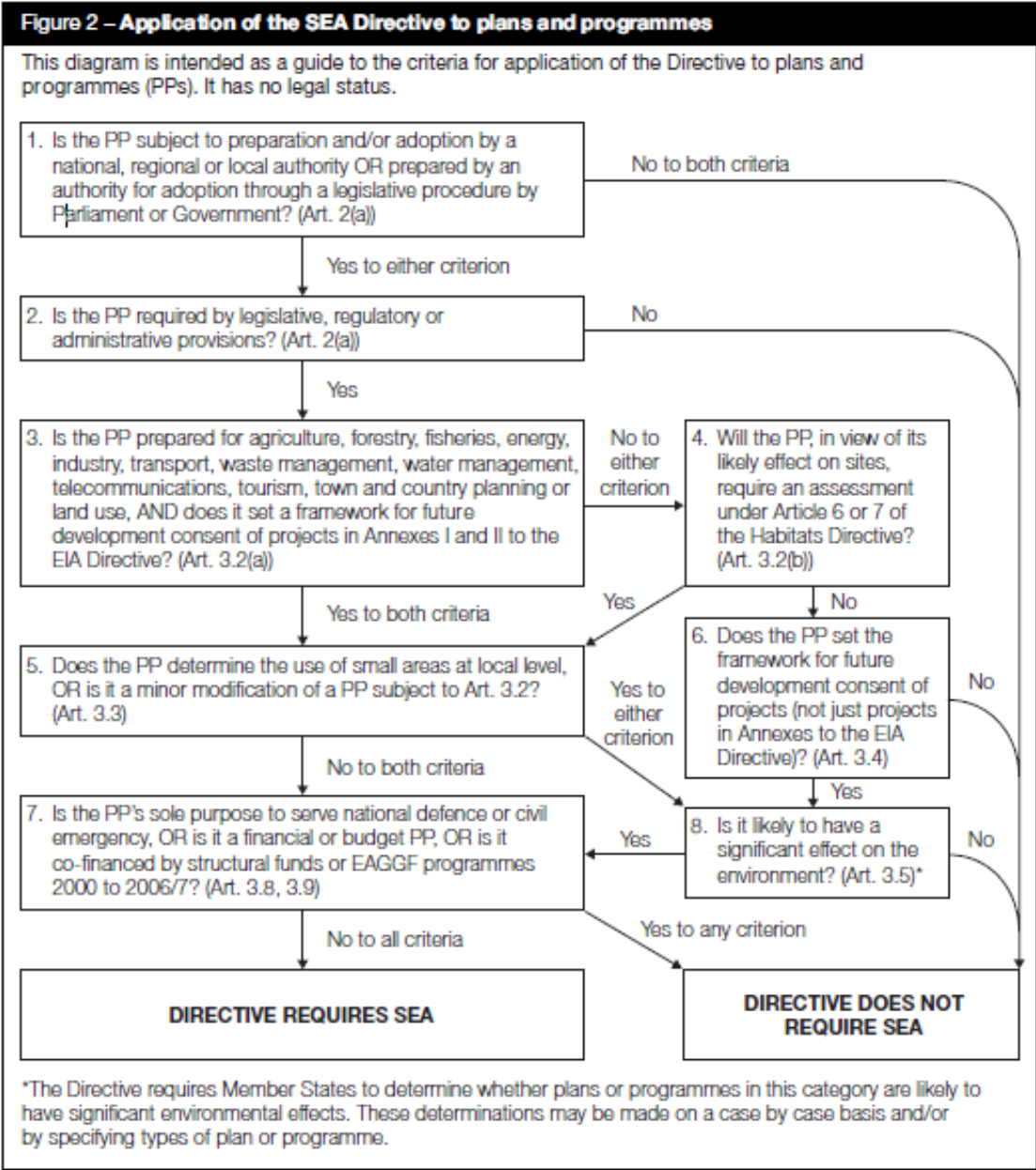
3.1 The process for determining whether or not a SEA is required is called screening. In order to screen, it is necessary to determine if a plan will have significant environmental effects using the criteria set out in Annex II of the Directive and Schedule I of the Regulations. A determination cannot be made until the three statutory consultation bodies have been consulted.

3.2 Within 28 days of making its determination the authority must publish a statement setting out its decision. If it determines that an SEA is not required, the statement must include the reasons for this.

3.3 The draft SEA Screening was subject to consultation from **28 September 2017 to 9 November 2017** with the relevant bodies. Comments were received from Natural England, Historic England and the Environment Agency and are included in Appendices A, B and C.

3.4 Practical guidance to the SEA Directive, published by the Department of Environment in 2005 but still relevant, provides a useful diagram of the criteria for application of the Directive to plans and programmes (PPs) shown in Figure 1.

Figure 1: Application of the SEA Directive to plans and programmes



3.5 The process in Figure 1 has been undertaken and the findings can be viewed in Table 1. This shows the assessment of whether the Thames Basin Heaths SPA Avoidance and Mitigation SPD will require a SEA. The questions in Table 1 are drawn from Figure 1 above which sets out how the SEA Directive should be applied.

Table 1: Assessment of Characteristics of the Thames Basin Heaths SPA Avoidance and Mitigation SPD

Stage	Y/N	Reasoning
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))	Y	The SPD is prepared by, and will be adopted by, the local authority.
2. Is the PP required by legislative, regulatory or administrative provisions? ((Art. 2 (a))	Y	The SPD is prepared under the Town and Country Planning Regulations 2012. The process is prescribed by legislation. Once adopted, it will provide detailed guidance for the implementation of Core Strategy Policy CS14 and the emerging Comprehensive Local Plan Policies and be used when making decisions on planning applications in the Borough.
3. Is the PP prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, telecommunications, tourism, town and country planning or land use AND does it set a framework for future development consent of projects in Annexes 1 and II to the EIA Directive? (Art. 3.2 (a))	Y	A SPD is primarily prepared for the purposes of town and country planning and land use. It influences the framework for development, including infrastructure development which may fall under no. 10 of Annex II of the EIA Directive as 'urban development' (for example, housing, community infrastructure or employment).
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))	N	The Thames Basin Heaths SPA Avoidance and Mitigation SPD elaborates on the principles set out in both the National Planning Policy Framework (NPPF) and Core Strategy Policy CS14 (Thames Basin Heaths SPA) and sets out how development proposals can achieve them. It does not present any policies, and serves only to provide greater clarity about the council expectations in relation to existing policies within the Core Strategy. The Core Strategy has already been subject to a Habitats Regulations Assessment which has been agreed with Natural England.
5. Does the PP determine the use of small areas at a local level, OR is it a minor modification of a PP subject to Art.3.2? (Art. 3.3)	Y	The SPD may help determine the use of small areas at a local level, for example the layout of a site.
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)	Y	Once adopted a SPD provides detailed guidance for the implementation of Development Plan policies and will be a material consideration in the decision making process on planning applications.

Stage	Y/N	Reasoning
7. Is the PP's sole purpose to serve the national defence or civil emergency, OR is it a financial or budget PP, OR is it co-financed by structural funds or EAGGF programmes 2000 to 2006/7? (Art. 3.8. 3.9)	N	The SPD does not deal with these issues.
8. Is it likely to have a significant effect on the environment? (Art.3.5)	N	This SPD serves to avoid significant effects on the environment. Its purpose is to avoid significant adverse effects on European Sites.

3.6 The conclusion of the assessment in Table 1 is that the Thames Basin Heaths SPA Avoidance and Mitigation SPD does not require a SEA. To be certain a specific assessment of the Thames Basin Heaths SPA Avoidance and Mitigation SPD has been undertaken to determine the likely significant effects.

Likely Significant Effects

3.7 To decide whether the Thames Basin Heaths SPA Avoidance and Mitigation 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. Using the information available at the current stage of preparation (see Section 2 for the broad scope of the Thames Basin Heaths SPA Avoidance and Mitigation SPD), the assessment in Table 2 has been made:

Table 2: Assessment of likely significant effects against Schedule 1 criteria

Schedule 1 Criteria	Likely to have significant environmental effects?	Comments
1. The characteristics of plans and programmes, having regard, in particular to:		
1a) 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.	No	The Thames Basin Heaths SPA Avoidance and Mitigation SPD elaborates on the principles set out in both the National Planning Policy Framework (NPPF) and Core Strategy Policy CS14 (Thames Basin Heaths SPA) and sets out how development proposals can achieve them. It does not present any policies, and serves only to provide greater clarity about the council expectations in relation to existing policies within the Core Strategy. The Core Strategy has already been subject to full Sustainability Appraisal (including SEA).
1b) the degree to which the plan or programme influences other plans and programmes including	No	The Thames Basin Heaths SPA Avoidance and Mitigation SPD elaborates on the policies and

Schedule 1 Criteria	Likely to have significant environmental effects?	Comments
those in a hierarchy.		principles set out in both the National Planning Policy Framework (NPPF) and Core Strategy Policy CS14 (Thames Basin Heaths SPA) and sets out how development proposals can achieve them. It does not present any policies, and serves only to provide greater clarity about the council expectations in relation to existing policies within the Core Strategy. The Core Strategy has already been subject to full Sustainability Appraisal (including SEA).
1c) the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development.	No	Principles set out in the Thames Basin Heaths SPA Avoidance and Mitigation SPD are planned to have a positive impact on the integration of environmental considerations (e.g. biodiversity and air quality).
1d) environmental problems relevant to the plan or programme:	No	<p>Providing further detailed guidance to the existing development framework is not likely to exacerbate environmental problems, indeed it is likely to reduce environmental problems (such as the condition of European sites).</p> <p>The Thames Basin Heaths SPA Avoidance and Mitigation SPD elaborates on the principles set out in both the National Planning Policy Framework (NPPF) and Core Strategy Policy CS14 (Thames Basin Heaths SPA) and sets out how development proposals can achieve them. It does not present any policies, and serves only to provide greater clarity about the council expectations in relation to existing policies within the Core Strategy. The Core Strategy has already been subject to full Sustainability Appraisal (including SEA).</p>
1e) the relevance of the plan or programme for the implementation of Community legislation on the environment	No	The Thames Basin Heaths SPA Avoidance and Mitigation SPD is relevant to the implementation of the EU Habitats and Wild Birds

Schedule 1 Criteria	Likely to have significant environmental effects?	Comments
(for example, plans and programmes linked to waste management or water protection).		Directives. It serves however to have a positive effect on the integrity of European sites and is unlikely to lead to significant adverse environmental effects.
2. Characteristics of the effects and of the area likely to be affected, having regard in particular to:		
2a) the probability, duration, frequency and reversibility of the effects.	No	The Thames Basin Heaths SPA Avoidance and Mitigation SPD elaborates on the principles set out in both the National Planning Policy Framework (NPPF) and Core Strategy Policy CS14 (Thames Basin Heaths SPA) and sets out how development proposals can achieve them. It does not present any policies, and serves only to provide greater clarity about the council expectations in relation to existing policies within the Core Strategy. The Core Strategy has already been subject to full Sustainability Appraisal (including SEA).
2b) the cumulative nature of the effects	No	The Thames Basin Heaths SPA Avoidance and Mitigation SPD elaborates on the principles set out in both the National Planning Policy Framework (NPPF) and Core Strategy Policy CS14 (Thames Basin Heaths SPA) and sets out how development proposals can achieve them. It does not present any policies, and serves only to provide greater clarity about the council expectations in relation to existing policies within the Core Strategy. The Core Strategy has already been subject to full Sustainability Appraisal (including SEA).
2c) the transboundary nature of the effects	No	The extent of any effects will be within the borough boundary. The Thames Basin Heaths SPA Avoidance and Mitigation SPD elaborates on the principles set out in both the National Planning Policy Framework (NPPF) and Core Strategy Policy CS14 (Thames Basin Heaths SPA) and sets out how development proposals can achieve

Schedule 1 Criteria	Likely to have significant environmental effects?	Comments
		<p>them. It does not present any policies, and serves only to provide greater clarity about the council expectations in relation to existing policies within the Core Strategy. The Core Strategy has already been subject to full Sustainability Appraisal (including SEA).</p>
<p>2d) the risks to human health or the environment (e.g. due to accidents)</p>	<p>No</p>	<p>No risks to human health or the environment have been identified as a result of guidance in the Thames Basin Heaths SPA Avoidance and Mitigation SPD.</p> <p>The Thames Basin Heaths SPA Avoidance and Mitigation SPD elaborates on the principles set out in both the National Planning Policy Framework (NPPF) and Core Strategy Policy CS14 (Thames Basin Heaths SPA) and sets out how development proposals can achieve them. It does not present any policies, and serves only to provide greater clarity about the council expectations in relation to existing policies within the Core Strategy. The Core Strategy has already been subject to full Sustainability Appraisal (including SEA).</p>
<p>2e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)</p>	<p>No</p>	<p>The Thames Basin Heaths SPA Avoidance and Mitigation SPD is only concerned with development within Bracknell Forest borough.</p> <p>The Thames Basin Heaths SPA Avoidance and Mitigation SPD elaborates on the principles set out in both the National Planning Policy Framework (NPPF) and Core Strategy Policy CS14 (Thames Basin Heaths SPA) and sets out how development proposals can achieve them. It does not present any policies, and serves only to provide greater clarity about the council expectations in relation to existing policies within the Core Strategy. The Core Strategy has already been subject to full Sustainability Appraisal</p>

Schedule 1 Criteria	Likely to have significant environmental effects?	Comments
<p>2f) the value and vulnerability of the area likely to be affected due to –</p> <ul style="list-style-type: none"> i) special natural characteristics or cultural heritage ii) exceeded environmental quality standards of limit values; or iii) intensive land-use. 	No	<p>(including SEA).</p> <p>The Thames Basin Heaths SPA Avoidance and Mitigation SPD is applicable to development in Bracknell Forest borough which lies within 7km of the Thames Basin Heaths SPA. It is likely to have a positive environmental effect on the value and vulnerability of the SPA.</p> <p>The Thames Basin Heaths SPA Avoidance and Mitigation SPD elaborates on the principles set out in both the National Planning Policy Framework (NPPF) and Core Strategy Policy CS14 (Thames Basin Heaths SPA) and sets out how development proposals can achieve them. It does not present any policies, and serves only to provide greater clarity about the council expectations in relation to existing policies within the Core Strategy. The Core Strategy has already been subject to full Sustainability Appraisal (including SEA).</p>
<p>2g) the effects on areas of landscapes which have a recognised national, community or international protection status.</p>	No	<p>The Thames Basin Heaths SPA Avoidance and Mitigation SPD elaborates on the principles set out in both the National Planning Policy Framework (NPPF) and Core Strategy Policy CS14 (Thames Basin Heaths SPA) and sets out how development proposals can achieve them. It does not present any policies, and serves only to provide greater clarity about the council expectations in relation to existing policies within the Core Strategy. The Core Strategy has already been subject to full Sustainability Appraisal (including SEA) including effects on areas of landscape.</p>

4.0 Conclusions

4.1 Having reviewed the criteria, the Council has concluded that the emerging Thames Basin Heaths SPA Avoidance and Mitigation SPD is not likely to have a significant

environmental effect and accordingly will not require a Strategic Environmental Assessment. The main reasons for this conclusion are:

- The Thames Basin Heaths SPA Avoidance and Mitigation SPD elaborates on the policies and principles set out in the National Planning Policy Framework (NPPF), the South East Plan Policy NRM6, Core Strategy Policy CS14 Thames Basin Heaths SPA and the Bracknell Forest Local Plan (2001 – 2006) and sets out how development proposals can achieve them. It does not present any policies, and serves only to provide greater clarity about the council expectations in relation to existing policies within the Development Plan. The South East Plan and the Core Strategy has already been subject to full Sustainability Appraisal (including SEA) and assessed as having no significant environmental effect.

Consultation Responses

- 4.2 From **28 September 2017 to 9 November 2017** a consultation was undertaken on this screening report with Natural England, the Environment Agency and Historic England. Consultation responses were received from all three organisations and these are shown in Appendices A, B and C.

APPENDIX A

Consultation Response from Natural England

Date: 09 November 2017
Our ref: 227413



Julie Gil
Bracknell Forest Council
Julie.Gil@bracknell-forest.gov.uk

BY EMAIL ONLY

Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

Dear Julie,

SEA Screening Consultation: Thames Basin Heaths Special Protection Area Avoidance and Mitigation SPD

Thank you for your consultation on the above dated 28 September 2017 which was received by Natural England on the same day.

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

Natural England's Comments

Natural England agrees with the conclusions reached, that is, the Thames Basin Heaths SPA Avoidance and Mitigation SPD is not likely to have a significant environmental effect and thus will not require a Strategic Environmental Assessment.

For any further consultations on your plan, please contact consultations@naturalengland.org.uk.
For any queries relating to the specific advice in this letter only please contact Rebecca Ingram on 02080267712 or rebecca.ingram@naturalengland.org.uk.

Yours sincerely

Rebecca Ingram
Thames Team
Sustainable Development

APPENDIX B

Consultation Response from Historic England



Julie Gil
Senior Environmental Policy Officer
Planning, Transport and Countryside
Environment, Culture & Communities
Bracknell Forest Council
Time Square, Market Street
Bracknell
Berkshire, RG12 1JD.

Our ref: HD/P6030/
Your ref:
Telephone 01483 252040
Fax

3rd November 2017

Dear Ms Gil,

**SEA Screening Consultation:
Thames Basin Heaths Special Protection Area Avoidance and Mitigation SPD**

Thank you for your e-mail of 28th September seeking the opinion of Historic England on your Council's opinion as to whether or not the Thames Basin Heaths Special Protection Area Avoidance and Mitigation SPD should be subject to Strategic Environmental Assessment.

The intention of the various policies on which the SPD is intended to elaborate, and thus of the SPD itself, is to avoid and mitigate adverse impacts on the Thames Basin Heaths SPA. As such, the policies and the SPD could be considered to have beneficial impacts on the SPA ("significant environmental effects" may be negative or positive). However, more properly, those impacts are likely to be neutral.

We therefore agree with the Council that the emerging Thames Basin Heaths SPA Avoidance and Mitigation SPD is not likely to have a significant environmental effect and accordingly does not require a Strategic Environmental Assessment. :

We hope these comments are helpful. Please contact me if you have any queries.

Thank you again for consulting Historic England.

Yours sincerely,

A handwritten signature in black ink that reads "Martin Small".

Martin Small
Principal Adviser, Historic Environment Planning
(Bucks, Oxon, Berks, Hampshire, IoW, South Downs National Park and Chichester)
E-mail: martin.small@historicengland.org.uk



Historic England, Eastgate Court, 199-203 High Street, Guildford GU1 3EH
Telephone 01483 252000 HistoricEngland.org.uk
Please note that Historic England operates an access to information policy.
Correspondence or information which you send us may therefore become publicly available.



Appendix C

Consultation Response from the Environment Agency

From: Planning_THM <Planning_THM@environment-agency.gov.uk> Sent: Tue 14/11/2017 13:08
To: Julie Gil
Cc:
Subject: RE: SEA Screening Consultation: Thames Basin Heaths Special Protection Area Avoidance and Mitigation SPD

Dear Gill,

Thank you for consulting us with the SEA screening consultation. I apologise for the delay in responding to you.

We agree with your conclusion that the emerging Thames Basin Heaths SPA Avoidance and Mitigation SPD is not likely to have a significant environmental effect and accordingly will not require a Strategic Environmental Assessment.

If you have any further queries, please do not hesitate to contact us.

Kind regards,

Clark Gordon
Planning Specialist, Sustainable Places (Thames)
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