



ST HELENS
BOROUGH COUNCIL

Nature

Conservation
Supplementary Planning Document

Strategic Environmental
Assessment

and

Habitat Regulations
Assessment

Screening Determination Statement

May 2024

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1. Introduction

The aim of this statement is to determine if a Strategic Environmental Assessment (SEA) is required for the St Helens Council Nature Conservation Supplementary Planning Document (SPD), which is being prepared by St Helens Council. The statement will also consider whether the SPD requires a Habitat Regulations Assessment (HRA).

More detail is given in the following sections on SEAs and HRAs (Section 2), SPDs and SEA guidance (Section 3) and the Nature Conservation SPD specifically (Section 4).

The screening assessment and determination of the Nature Conservation SPD are included in Sections 5 and 6.

2. Strategic Environmental Assessment and Habitat Regulation Assessment Context

Strategic Environmental Assessment (SEA)

The requirement for a Strategic Environmental Assessment arises from the European Directive 2001/42/EC “*on the assessment of the effects of certain plans and programmes on the environment*” (known as SEA Directive). This Directive was transposed into law for England and Wales in the Environmental Assessment of Plans and Programmes Regulations 2004, referred to as SEA Regulations. The purpose of a SEA is to promote sustainable development through assessing the extent to which the plan or programme will help to achieve relevant environmental, economic and social objectives.

Under Regulation 9 of the SEA Regulations, the responsible authority (including a local authority, parish or town council or neighbourhood forum) is required to determine whether a plan or programme is likely to have significant environmental effects, and therefore whether a SEA is required. This process is called screening. It is undertaken using a specified set of criteria (set out in Schedule 1 of the SEA Regulations). If likely significant environmental effects are identified during the SEA screening, then an environmental report must be prepared in accordance with regulation 12(2) and 12(3) of the SEA Regulations. Where the local authority can demonstrate that a plan and/or programme is unlikely to have significant environmental effects, a full SEA will not be required. In these situations, the local authority has a duty to prepare a Screening Determination Statement (this document) of its reasons for the determination, which must be publicly available.

Habitat Regulation Assessment (HRA)

HRA identifies whether a plan or project is likely to have a significant effect on a European site. A HRA should be undertaken as early as possible alongside other assessment processes. An initial HRA screening determines whether significant effects of a plan or project on a European site are likely, and therefore a full HRA is required.

The requirement for a Habitats Regulation Assessment arises from the European Directive 92/43/EEC of the Conservation of Natural Habitats and Wild Flora, often referred to as the Habitats Directive. This Directive was transposed into English law by Regulation 63 of the Conservation of Habitats and Species Regulations 2017. Under Articles 6(3) and 6(4) of the Habitats Directive, an assessment referred to as an 'Appropriate Assessment' must be undertaken if a plan or project is likely to have a significant effect on the conservation objectives of one or more European sites either individually, or in combination with other plans and/or projects. Paragraph 187 of the National Planning Policy Framework (2023) requires that Ramsar sites are to be given the same protection as fully designated European sites, such as Special Areas of Conservation (SACs) and Special Protection Areas (SPAs), that all form part of the national site network.

3. Supplementary Planning Documents and Strategic Environmental Assessment

Planning Practice Guidance states that:

'Supplementary planning documents do not require a 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 have been assessed during the preparation of the relevant strategic policies.'

A strategic environmental assessment is unlikely to be required where a supplementary planning document deals only with a small area at a local level (see regulation 5(6) of the Environmental Assessment of Plans and Programmes Regulations 2004), unless it is considered that there are likely to be significant environmental effects.

Before deciding whether significant environment effects are likely, the local planning authority will need to take into account the criteria specified in schedule 1 to the Environmental Assessment of Plans and Programmes Regulations 2004 and consult the consultation bodies'.¹

¹ Paragraph: 008 Reference ID: 11-008-20140306 of Planning Policy Guidance – Strategic environmental assessment and sustainability appraisal

The SEA Directive requires an SEA for plans which (i) '*determine the use of small areas at a local level*' or (ii) '*are minor modifications to plans*', only when these are likely to cause significant environment effects. The criteria for determining the significance of effects are taken from Schedule 1 of the Environmental Assessment of Plans and Programmes Regulations 2004. These can be split into criteria related to:

- (i) the scope and influence of the document; and
- (ii) the type of impact and area likely to be affected.

This Screening Determination Statement has taken account of the criteria as set out at Schedule 1 of the Regulations in reaching its conclusions.

4. Nature Conservation SPD

The overarching aim of the updated Nature Conservation SPD will be to support the implementation of policies found within the St Helens Borough Local Plan up to 2037 (2022) (Local Plan), including Policies LPC06: Biodiversity and Geological Conservation, LPC08: Ecological Network, and LPC10: Trees and Woodland, which seek to assist planning applicants and developers understand the importance of nature and how development can help deliver biodiversity improvements and net gains.

The NPPF defines SPDs as documents which add further detail to the policies in the Development Plan. As SPDs do not have the same status as policies contained within the Development Plan (in the case of St Helens Council it is the St Helens Borough Local Plan up to 2037 (2022) (Local Plan), the Bold Forest Park Area Action Plan 2017, and the Joint Merseyside and Halton Waste Local Plan 2013) they are not subject to an independent Examination. However, SPDs must undergo public consultation and are considered as material considerations when determining planning applications.

The SPD will provide detailed guidance aimed at ensuring that new development is designed sustainably so that it can meet the needs of our natural environment whilst complying with local, national and international policies and laws around planning, development and nature, ensuring new developments conserve and enhance existing biodiversity and achieve biodiversity net gains.

In addition, the Nature Conservation SPD will provide step by step guidance and illustrations of best practice for how to integrate biodiversity into development, set out the various stages of the development and planning process including requirements relating to the mitigation hierarchy and net gain principles, and clarify the supporting information required to be submitted as part of a planning application.

The Nature Conservation SPD will be aimed at helping developers of all types of sites meet policy requirements and make successful planning applications, as well as support local authority planning officers to determine applications.

5. Screening Assessment

Before the responsible authority makes a formal determination, there is a requirement to consult three statutory consultation bodies designated in the Regulations (the Environment Agency, Historic England, and Natural England) on whether an environmental assessment is required. This consultation is taking place alongside consultation on the scope of the SPD.

Where the responsible authority determines that a plan or programme is unlikely to have a significant effect and therefore does not need to be subject to a full SEA; the responsible authority must prepare a statement showing the reason for this determination. The Regulations specify a set of criteria which must be used to assess whether any plan covered by the Regulations is likely to have a significant environmental effect and therefore require a SEA.

The table below considers each of these criteria in turn and the results of the screening process for the Nature Conservation SPD.

Criteria for determining the likely significance of effects		
SEA Directive Criteria Schedule 1 Environmental Assessment of Plans and Programmes Regulation 2004	Assessment Justification	Likely to have significant effects?
1. Characteristics of the SPD		
(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 will provide greater detail and support the implementation of Policies LPC06: Biodiversity and Geological Conservation, LPC08: Ecological Network, and LPC10: Trees and Woodland in the St Helens Borough Local Plan. The SPD will not allocate land or identify sites for development. The Local Plan has been subject to a comprehensive Sustainability Appraisal (SA) incorporating SEA and HRA.	No

	The SPD will not present any new policies, as its purpose is to provide clarity on how new developments can meet the requirements of the adopted Local Plan policies.	
(b) the degree to which the plan or programme influences other plans or programmes including those in a hierarchy.	<p>The SPD is intended to supplement Local Plan policies, providing clarity and detail about biodiversity and has less material weight than the Local Plan. The SPD must be in conformity with the strategic policies of the Local Plan and national policy.</p> <p>Therefore, the SPD will not influence other plans or programmes as it forms a lower tier of the existing planning hierarchy, and consequently will not likely cause any significant environmental effects. As it does not introduce new policy.</p>	No
(c) the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development	<p>The SPD will promote sustainable development through the conservation of existing biodiversity and geology, and provision of biodiversity net gains, therefore contributing towards the ecosystem services and protecting species and habitats. This will in turn support the health and wellbeing of local communities who can benefit from strong and healthy ecosystems.</p>	No
(d) environmental problems relevant to the plan	<p>The Local Plan SEA and HRA both identified environmental constraints within the Borough. However, these were assessed and addressed by policies within the Local Plan. The SPD is unlikely to introduce or</p>	No

	exacerbate environmental problems and could indeed support improvements to several issues, particularly in relation to biodiversity. Such improvements to biodiversity would support the health of fauna and flora, which in turn would support ecosystem services including soil, water, and air. Strong and healthy ecosystems are important for human health as well as addressing climate change.	
(e) 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 Local Plan SEA assessed the impact policies contained within the Local Plan would have in relation to flood risk and water management within the Borough. The proposed SPD will not set standards deemed to meet environmental legislation and any guidance provision will remain within the parameters of the adopted policy approach as set out in the Local Plan.	No
2. Characteristics of the effects and area likely to be affected having particular regard to:		
(a) the probability, duration, frequency and reversibility of the effects	The anticipated effects on the sustainability of St Helens are expected to be positive by providing guidance to support policies as described under 1d above. The effects of the SPD are considered probable; however, the effects are considered to be positive overall. The SPD does not itself lead to new development, as it will supplement and support the implementation of the adopted St Helens Borough Local Plan up to 2037 policies which have already	No

	<p>been subject to a full combined SA/SEA. Therefore, the SPD will not give rise to any significant effects on the environment in addition to those considered as part of the Local Plan process.</p>	
<p>(b) the cumulative nature of the effects</p>	<p>The Local Plan SA/SEA expects overall positive benefits to arise from the specific policies related to biodiversity and nature conservation that the SPD relates to.</p> <p>There are no likely negative cumulative effects on the environment in addition to those already assessed and considered as part of the adopted Local Plan that would result from the SPD. The protection and enhancement of biodiversity and green infrastructure could in fact have a positive cumulative effect through strengthened local ecosystems and natural capital.</p>	<p>No</p>
<p>(c) the trans-boundary nature of the effects</p>	<p>There are no likely negative transboundary effects that would result from the SPD. The protection and enhancement of biodiversity and green infrastructure could in fact have a positive effect on neighbouring authorities, such as the Sankey Valley, the Mersey Estuary, the Ribble Marshes and the Manchester Mosses.</p>	<p>No</p>
<p>(d) the risks to human health or the environment (e.g. due to accidents)</p>	<p>No significant effects or risks have been identified.</p>	<p>No</p>
<p>(e) the magnitude and spatial extent of the effects (geographical</p>	<p>The SPD will be applied to all relevant planning applications in the Borough, although the effects</p>	<p>No</p>

<p>area and size of the population likely to be affected)</p>	<p>of the SPD will be more likely felt at a more local scale (i.e. specific site or neighbourhood). Any effects will be positive.</p>	
<p>(f) the value and vulnerability of the area likely to be affected due to:</p> <p>(i) special natural characteristics or cultural heritage</p> <p>(ii) exceeded environmental quality standards</p> <p>(iii) intensive land-use</p>	<p>The SPD will not lead to significant negative effects on the value or vulnerability of the area.</p> <p>The SPD will not be able to set policy related to specific land uses, it will only affect the way in which biodiversity is protected and enhanced.</p> <p>As the SPD is nature conservation focused, it could have significant positive effects on the special natural characteristics found in the Borough, including Highfield Moss SSSI, Stanley Bank Meadows SSSI; the 7 Local Nature Reserves; and the 116 Local Wildlife Sites.</p> <p>The SPD could have a positive effect on environmental quality standards or limit values, including several Air Quality Management Areas (AQMAs) found in the Borough, as the protection and enhancement of biodiversity and green infrastructure can support improvements to local air quality.</p>	<p>No</p>
<p>(g) the effects on areas or landscapes which have a recognised national, community or international protection status</p>	<p>None identified as these have already been assessed and addressed as part of the Local Plan process. The SPD does not itself lead to new development or influence its location, so will unlikely cause negative effects on protected landscape sites.</p> <p>Any applications for development will be required to satisfy the</p>	<p>No</p>

	relevant policies for protection of the character of the area before permission is granted.	
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The Local Plan was subject to a HRA², which assessed all policies contained in the adopted Local Plan. The HRA concluded in respect of Local Plan Policies LPC06 (Biodiversity and Geological Conservation), LPC08 (Ecological Network) and LPC10 (Trees and Woodland) that they would not have a likely significant effect on a European site.

The HRA concluded that the Local Plan contains a sufficient policy framework to ensure that no adverse effects on the integrity of any European sites arise, either from the Local Plan alone, or from the Local Plan in combination with other plans and projects.

Therefore, it is considered that the Nature Conservation SPD either alone or in combination with other plans and programmes, is also not likely to have a significant effect on any European site as it does not introduce new policy or allocate sites.

6. Screening Determination

This section sets out St Helens Council's formal determination in the regard to the potential requirement for a HRA and SEA of the SPD, made in accordance with Regulation 9 of the Environmental Assessment of Plans and Programmes Regulations 2004, Articles 6(3) and 6(4) of the EU Habitats Directive and Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended). It sets out the reasons for the determination.

Following the screening process, St Helens Council has determined that the Nature Conservation SPD would not be likely to have '*significant environmental effects*' in itself, and therefore **a SEA is not required**.

As the purpose of the SPD is to expand on existing policies of the Local Plan, in accordance with the conclusions of the Local Plan HRA, it is considered that the Nature Conservation SPD would not have a significant effect upon the integrity of a European site (Special Area of Conservation or Special Protection Area) or a Ramsar Site and therefore **a HRA is not required**.

The principal reasons for this conclusion are that:

² St Helens Borough Local Plan 2020-2035 – Submission Draft – Habitat Regulations Assessment (December 2018), St Helens Borough Local Plan 2020-2035 – Submission Draft – Habitat Regulations Assessment Addendum (September 2020), and St Helens Borough Local Plan 2020-2035 – Main Modifications – Habitat Regulations Assessment (November 2021).

- The Development Plan policies, as set out in St Helens Borough Local Plan up to 2035 and supplemented by this SPD, have themselves been subject to HRA, SA and SEA. The Sustainability Appraisal³ conclusion on Policy LPC06 states that the policy “*outlines various requirements for development and its impact on biodiversity. The policy is likely to have a positive effect as there is a requirement that development encourages opportunities to enhance habitats within development sites, including within public open space or sustainable drainage schemes. There is also a need to consider effects upon designated habitats, with a hierarchy of mitigation and compensation. Though this is beneficial, such measures would be likely to be implemented under the existing policy framework, and so the effects are not considered significant*”
- Similarly, the SA concluded that Policy LPC08 “*should result in a positive effect as it seeks to “ensure greater resilience of the natural environment and secure a net gain in biodiversity”. This will improve the links between networks in the longer term which would constitute a significant positive effect.*”
- The SPD will provide guidance on the implementation of existing Local Plan policies, therefore, it is not expected that it would alter the conclusions reached in the St Helens Borough Local Plan HRA and SA/SEA. The SPD cannot set new policy. It has been prepared to build upon the Local Plan policies and provide guidance to applicants regarding nature conservation (in accordance with the NPPF).

On the basis of the above, and considering the HRA and SA/SEA undertaken for the St Helens Borough Local Plan up to 2037, and the identified likely effects, St Helens Borough Council concludes that the Nature Conservation SPD will not have significant environmental effects beyond those considered by the Local Plan HRA and SEA, and therefore does not trigger the need for either a HRA or SEA.

³ St Helens Borough Local Plan 2020-2035 – Submission Draft – Sustainability Appraisal: SA Report (January 2019)