



Draft Nature Recovery Supplementary Planning Document

Strategic Environmental Assessment and Habitats Regulations Assessment

Statement of Reasons and Statement of Determination

The Environmental Assessment of Plans and Programmes
Regulations 2004

The Conservation of Habitats and Species Regulations 2017

September 2025

Table of Contents

Introduction	1
Legal background	1
Statement of Reasons	2
Statement of Determination	3

Appendix 1: Screening Report issued for consultation

Appendix 2: Emailed responses from SEA/HRA consultation bodies

1. Introduction

- 1.1. Cheltenham Borough Council is preparing a Nature Recovery Supplementary Planning Document (SPD). In accordance with legislation, we needed to assess if the SPD could have potential significant effects on the environment and European protected sites, thus requiring a Strategic Environmental Assessment (SEA) and/or a Habitats Regulation Assessment (HRA).
- 1.2. To assess these, during July 2025 we developed our opinion through a Screening Report, which was based on the draft SPD contents. During August 2025, we consulted the three consultation bodies: Natural England, Historic England and the Environment Agency on the screening opinion to obtain their views. The Screening Report can be found in Appendix 1.
- 1.3. During consultation, the three statutory bodies concur with our Screening Report, meaning that the SPD will not have potential significant effects on the environment nor European sites, thus not requiring further assessment. Their answers can be found in Appendix 2.
- 1.4. Therefore, this document contains our Statement of Reasons and Statement of Determination produced by Cheltenham Borough Council concluding the process and explaining how we reached this decision.

2. Legal background

- 2.1. Under the requirements of the [European Union Directive 2001/42/EC \(Strategic Environmental Assessment \(SEA\) Directive\)](#) and [The Environmental Assessment of Plans and Programmes Regulations \(2004\) \(as amended\)](#), plans or programmes that are prepared for certain uses, including town and country planning or land use may be subject to an environmental assessment.
- 2.2. The need for HRA is set out within the [EC Habitats Directive 92/43/EEC](#) and transposed into British Law by the [Conservation of Habitats and Species Regulations 2017 \(as amended\)](#), to determine whether a plan or programme would have significant adverse effects upon the integrity of internationally designated sites of nature conservation importance, or Natura 2000 sites. These are Special Areas of

Conservation (SACs), Special Protection Areas (SPAs), proposed SACs, potential SPAs and Ramsar convention sites.

3. Statement of Reasons

- 3.1. The contents of the Nature Recovery SPD were assessed in relation to the criteria set out in these legal requirements. According to legislation, if the three consultation bodies determine that an SEA and a HRA are not required, the statement must include the reasons for this.
- 3.2. **Habitats Regulations Assessment (HRA):** The screening concluded that the Nature Recovery SPD is unlikely to have significant effects on any Natura 2000 sites, either alone or in combination with other plans or programmes. The SPD promotes biodiversity net gain, and the mitigation hierarchy aims to prevent physical damage to habitats. It includes provision for managing non-physical disturbances (e.g. noise, light, vibration), air pollution, recreational pressures, and hydrological changes through planning conditions and Construction Environment Management Plans (CEMPs). For developments near Natura 2000 sites, site-specific HRAs will be required to assess and mitigate any potential impacts.
- 3.3. **Strategic Environmental Assessment (SEA):** The SEA screening determined that the SPD does not set a new framework for development or allocate resources but instead provides technical guidance to support existing policies in the Development Plan. It does not influence other plans in a hierarchical way, nor does it introduce new environmental risks. The SPD is designed to enhance biodiversity, green infrastructure, and sustainable drainage, aligning with the local and strategic nature priorities such as the Gloucestershire Local Nature Recovery Strategy. Its effects are expected to be positive and limited to Cheltenham Borough, with no transboundary or cumulative impacts. Since the SPD does not trigger significant environmental effects under the SEA Directive criteria, and the Development Plan has already undergone SEA, a new SEA is not required.
- 3.4. The three consulted bodies agreed with our Screening Report, as the SPD does not directly propose development but rather provides guidance within the context of existing policy, no significant adverse effects are anticipated, and therefore, an Appropriate Assessment is not required. This report can be found in Appendix 1.

4. Statement of Determination

- 4.1. Due to reasons stated above, the contents of the draft SPD will not have a significant effect on the environment and/or habitats conservation, therefore not triggering the requirement for a Strategic Environmental Assessment (SEA) nor a Habitats Regulations Assessment (HRA) respectively. Hence, the Nature Recovery will now be taken into public consultation.

Appendix 1: Screening Report issued for consultation

Cheltenham Borough Council
Nature Recovery Supplementary Planning Document

Strategic Environmental Assessment and Habitats Regulation Assessment

Screening Report

July 2025

Contents

1. Background	1
2. Habitats Regulations Assessment (HRA).....	2
3. Strategic Environmental Assessment (SEA)	6

Tables

Table 1: Habitats Regulations Assessment screening.....	4
Table 2 : Strategic Environmental Assessment screening	7

Figures

Figure 1: Cheltenham (outlined in red) in relation to Natura 2000 sites.	3
---	---

1. Background

Purpose of this report

- 1.1. Cheltenham Borough Council has prepared a draft Nature Recovery Supplementary Planning Document (SPD). The purpose of this report is to determine whether the contents of the draft SPD may have a significant effect on the environment and/or habitats conservation, therefore triggering the requirement for a Strategic Environmental Assessment (SEA) or a Habitats Regulations Assessment (HRA) respectively.
- 1.2. Section 2 explains the legislative background, Section 3 delves deeper into the HRA component, Section 4 on the SEA component, whereas Section 5 summarises the conclusions.
- 1.3. This report was produced by the planning policy and development management teams and after assessing the different criteria, concludes the emerging SPD does not require a SEA nor an HRA.

Cheltenham Nature Recovery Strategy Supplementary Planning Document

- 1.4. An SPD is a document which provides additional guidance to those policies already in the Development Plan. Although the SPD is not part of the Development Plan, it is a material consideration for schemes linked to the topics of its contents, which will include biodiversity, biodiversity net gain, ecology, nature recovery, trees, sustainable drainage, and green infrastructure.
- 1.5. The current Development Plan¹ for Cheltenham Borough comprises of the Joint Core Strategy (adopted in 2017) and the Cheltenham Plan (adopted 2020), and they were produced in the context of the National Planning Policy Framework (NPPF) at the appropriate time. Both documents were subject to Sustainability Appraisals incorporating Strategic Environmental Assessment.
- 1.6. There have been relevant changes to nature legislation since 2020, such as the strengthening of the biodiversity duty, the introduction of the Biodiversity Net Gain (BNG) framework, and the production of Local Nature Recovery Strategies (LNRS) as set out by the Environment Act 2021. To address this, [Key Priority 2 of the Cheltenham Borough Council Corporate Plan 2023-2027](#) sets out that an Ecology and Biodiversity SPD would be developed in response to the biodiversity crisis, the environmental objectives of the NPPF, the Environment Act 2021 and the

¹ The Development Plan also comprises of the 'saved policies' (including Policy GE1 Public Green Space) in the Cheltenham Borough Local Plan Second Review (adopted in July 2006) produced by Cheltenham Borough Council, as well as Mineral and Waste Plans produced by Gloucestershire County Council.

emerging Gloucestershire LNRS. This Ecology and Biodiversity SPD has been renamed Nature Recovery SPD.

- 1.7. The SPD's main purpose is to provide guidance to amplify policies SD7 The Cotswolds Area of Outstanding Natural Beauty, SD9 Biodiversity and Geodiversity, INF2 Flood Risk Management and INF3 Green Infrastructure of the Joint Core Strategy, and policies GI2 Protection and replacement of trees and GI3 Trees and Development within the Cheltenham Plan.

2. Habitats Regulations Assessment (HRA)

Background

- 2.1. An HRA is a three-stage process 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. These are Special Areas of Conservation (SACs), Special Protection Areas (SPAs), proposed SACs, potential SPAs and Ramsar convention sites.
- 2.2. The first stage is screening, the stage which determines if the proposed plan or project is likely to have significant effects, either on its own or in combination with other proposals on the conservation objectives of a European site.
- 2.3. If the proposed plan or project is likely to have significant effects on the conservation objectives of a European site, the HRA proceeds to the second stage. This is the Appropriate Assessment, which involves a detailed analysis of the potential impacts on the site, including assessing the magnitude and duration of effects and any cumulative impacts from other plans or projects. It also explores ways to avoid or minimise any adverse effects.
- 2.4. If the plan or project is found to have an adverse effect on the European site, the HRA proceeds to the final stage which is Derogation. This stage considers whether the project qualifies for an exemption under specific conditions. This includes assessing if alternative solutions exist and if there are imperative reasons of public interest that override the potential harm to the site.

Legislation

- 2.5. The need for HRA is set out within the [EC Habitats Directive 92/43/EEC](#) and transposed into British Law by the [Conservation of Habitats and Species Regulations 2017 \(as amended\)](#).

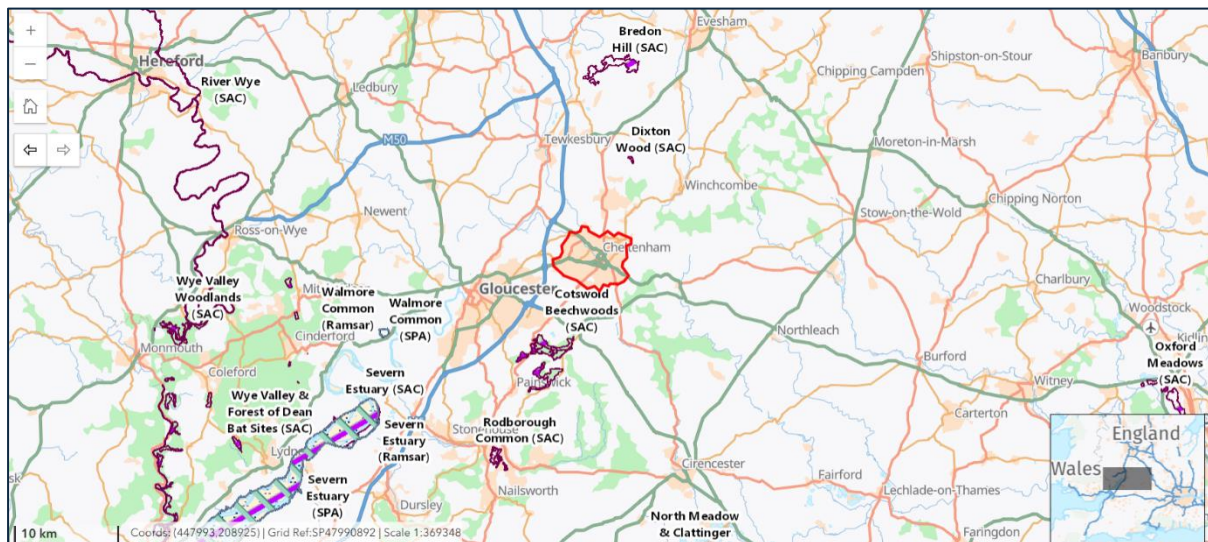
Natura 2000 sites

2.6. Natura 2000 sites with potential impact pathways between the site and Cheltenham are:

- The Severn Estuary RAMSAR/SAC/SPA;
- Cotswolds Beechwoods SAC;
- Rodborough Common SAC;
- Dixon Wood SAC;
- Bredon Hill SAC, and
- Walmore Common RAMSAR/SPA.

Figure 1: Cheltenham (outlined in red) in relation to Natura 2000 sites.

(Source: MAGIC Map, DEFRA, 2025)



HRA screening

2.7. The following criteria are assessed (within Table 1) for this SPD with their potential to cause significant adverse effects on Natura 2000 sites:

- Physical loss or damage to habitat;
- Non-physical disturbance e.g. noise, vibration or light pollution;
- Air pollution;
- Increased recreational pressures;
- Changes to hydrology, such as water quantity and water quality, and
- In-combination effects.

Table 1: Habitats Regulations Assessment screening

Criteria	Assessment	Are the potential effects significant?
Physical loss or damage to habitat	The Nature Recovery SPD advocates for providing a net gain in biodiversity and habitats on development sites both through regulatory and voluntary routes. It sets out how these can be secured via legal agreements or planning conditions. It also emphasises the use of the mitigation hierarchy in all development proposals so that physical loss or damage to habitats is reduced and/or prevented. Physical loss or damage to habitats in or linked to Natura 2000 sites is therefore not anticipated, as a result of the Cheltenham Borough Council Nature Recovery SPD.	No
Non-physical disturbance e.g. noise, vibration or light pollution	The Nature Recovery SPD outlines the impacts that non-physical disturbances like noise, vibration and light pollution can have on wildlife, and how these must be reduced as far as is possible for a development in the interest of local wildlife. It also sets out how mitigation measures will be secured via conditions for Construction Environment Management Plans (CEMPs). For development sites near Natura 2000 sites, an assessment of whether non-physical disturbances will have a potentially significant effect on these sites will be provided in a development-specific Habitat Regulations Assessment (HRA) and any mitigation or compensation measures will be secured via planning condition. Based on the principles set out in the Nature Recovery SPD and the regulatory measures in place for developments in close proximity to Natura 2000 sites, non-physical disturbances to Natura 2000 sites are not anticipated as a result of the Nature Recovery SPD.	No
Air pollution	The Nature Recovery SPD outlines the impacts air pollution can have on wildlife, and how this must be reduced as far as is possible for a development in the interest of local wildlife. It also sets out how mitigation measures will be secured via conditions	No

	for Construction Environment Management Plans (CEMPs). For development sites near Natura 2000 sites, an assessment of whether air pollution will have a potentially significant effect on these sites will be provided in a development-specific Habitat Regulations Assessment (HRA) and any mitigation or compensation measures will be secured via planning condition. Based on the principles set out in the Nature Recovery SPD and the regulatory measures in place for developments near Natura 2000 sites, air pollution to Natura 2000 sites is not anticipated as a result of the Nature Recovery SPD.	
Increased recreational pressures	The Cheltenham Borough Council Nature Recovery SPD neither endorses the use of Natura 2000 sites as recreation sites, nor discourages the use of existing recreational sites in Cheltenham Borough within the context of nature recovery. Increased recreational pressures on Natura 2000 sites are not anticipated because of the Nature Recovery SPD.	No
Changes to hydrology, such as water quantity and water quality	<p>The Nature Recovery SPD advocates for providing a net gain in biodiversity and habitats on development sites, including any with watercourses on or adjacent to them, both through regulatory and voluntary routes. It sets out how these can be secured via legal agreements or planning conditions. It also emphasises the use of the mitigation hierarchy in all development proposals so that watercourses with hydrological links to Natura 2000 sites are not impacted.</p> <p>For development sites with hydrological links to Natura 2000 sites, an assessment of whether the development will have a potentially significant effect on these sites will be provided in a development-specific Habitat Regulations Assessment (HRA) and any mitigation or compensation measures secured via planning condition. Based on the principles set out in the Nature Recovery SPD and the regulatory measures in place for developments in close proximity to Natura 2000 sites, changes to water quantity and quality are therefore not anticipated as a result of the Nature Recovery SPD.</p>	No

In-combination effects	The Nature Recovery SPD is unlikely to have any potentially significant effects on Natura 2000 sites with regards to the above criteria. It will therefore have no in-combination effects with any other proposed plans or projects.	No
-------------------------------	--	----

- 2.8. In conclusion, it is considered that the Nature Recovery SPD is unlikely to have significant effects on European (Natura 2000) sites, either alone or in combination with other plans or projects. Therefore, an Appropriate Assessment for the Cheltenham Borough Council Nature Recovery SPD is not required.

3. Strategic Environmental Assessment (SEA)

Legislation

- 3.1. Under the requirements of the [European Union Directive 2001/42/EC \(Strategic Environmental Assessment \(SEA\) Directive\)](#) and [The Environmental Assessment of Plans and Programmes Regulations \(2004\)](#) (as amended), specific types of plans that set out the framework for future development consent of projects must be subject to an environmental assessment.
- 3.2. 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: The Environment Agency, Natural England and Historic England. 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.

Screening

- 3.3. Table 2 presents a review of the criteria to determine if the emerging SPD could have significant environmental effects.

Table 2 : Strategic Environmental Assessment screening

Criteria	Assessment	Are the potential effects significant?
Characteristics of the plan or programme		
a) the degree to which the plan or programme sets a framework for projects and other activities, either with regards to the location, nature, size and operating conditions or by allocating resources	<p>The framework is set by higher level policies in the Joint Core Strategy and Cheltenham Plan.</p> <p>The SPD will provide further guidance to support the implementation of these biodiversity policies already in the Development Plan. This SPD will not set a framework for the allocation or levels of development within the borough over the Development Plan period, nor does it allocate resources.</p>	No
b) the degree to which the plan or programme influences other plans and programmes including those in a hierarchy	The SPD amplifies policies, which already exist in the Development Plan. It does not create new policy, just technical guidance.	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 SPD purpose is to guide the biodiversity criteria of developments. It is an implementation tool for the policies contained in Development Plan.	No
d) Environmental problems relevant to the plan or programme.	The SPD provides guidance on biodiversity provision, tree planting, green infrastructure and sustainable drainage of developments. Moreover, it draws from the priorities set out in the emerging Gloucestershire Local Nature Recovery Strategy.	No
e) the relevance of the plan or programme for the implementation of Community legislation on the environment	The SPD has no direct impact on Community legislation. The principle of development is considered through the	No

(e.g. plans and programmes linked to waste-management or water protection).	Development Plan which has already been subject to an HRA/SEA	
Characteristics of the effects and of the area likely to be affected		
a) the probability, duration, frequency and reversibility of the effects	The SPD will not bring projects forward. It will set out guidance that trigger the requirement for biodiversity.	No
b) the cumulative nature of the effects	The SPD provides case by case guidance. The cumulative effects of developments are assessed through the Development Plan policies.	No
c) the transboundary nature of the effects	The SPD applies within the administrative boundaries of Cheltenham Borough only. It is not expected to have any negative effects outside of this area.	No
d) the risks to human health or the environment (for example, due to accidents)	The SPD will not increase any risks to human health or the environment. On the contrary, it will strive to guide beneficial nature recovery and open space provision.	No
e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)	The SPD will cover the entire Cheltenham Borough, but it will be mostly triggered for new developments subject to mandatory BNG, thus covering a smaller part of the Borough.	No
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.	The anticipated effects on the sustainability of the borough are expected to be positive by providing guidance to support nature recovery policies on the Development Plan and the environmental quality of local spaces, therefore not exceeding ecosystemic limits. Regarding land-use, it is focused on conserving and enhancing nature	No

	and not maximising production from it.	
g) The effects on areas or landscapes which have recognised national, community or international protection status.	Development Plan policies restrict development in the Cotswold National Landscape and the Cotswold Beechwoods SAC. The SPD will not lead to new development within such areas. As the SPD focuses on the enhancement of nature, it could have a positive effect on the protected landscape in those areas.	No

- 3.4. In conclusion, it is considered that the emerging SPD will not have significant effects on the environment, either alone or in combination with other plans or projects. Therefore, an SEA for the Cheltenham Borough Council Nature Recovery SPD is not required.

Appendix 2: Emailed responses from SEA/HRA consultation bodies

Historic England:

From: Torkildsen, Rohan <Rohan.Torkildsen@HistoricEngland.org.uk>
Sent: 12 August 2025 10:22
To: Javier Guerrero
Subject: RE: Requests Historic England's SEA opinion for draft Nature Recovery SPD

Hi Javier. Thank you for consulting Historic England.

We have no reason to dispute the conclusion of your SEA Screening.

However, might I also take the opportunity to raise the issue of the relevance of the historic environment and Nature Recovery Plans in the preparation of your SPD, mindful of the recent guidance [Nature recovery and the historic environment, Natural England, 2023](#) where protecting and enhancing the historic environment is considered a defined outcome of nature recovery. Might your SPD reflect this?

Many ecologically important sites are heritage assets and may include for example, ancient and veteran trees within historic parks and gardens which serve as important natural resources for foraging opportunities and associated habitats, supporting impressive amounts of wildlife. Historic moats, lakes and other defensive or ornamental water bodies as well as ditches, leats and other modified watercourses provide a range of aquatic habitats; and historic ornamental and functional structures can provide shelter and breeding opportunities for protected species.

It may therefore be appropriate for you to acknowledge links between nature recovery sites and heritage assets esp where projects are being considered; indicating how those assets including their setting and character may be affected, both positively and negatively.

Finally, we sometimes find that particular care needs to be taken when planning significant tree planting in historic environments due to the potential impact on designed views, or below ground archaeology; our guidance may therefore be a useful [Planting Trees for the Future Whilst Protecting the Past](#)

Sincere regards

Rohan Torkildsen
Partnerships Team Leader South West.
Historic Environment Planning Advisor South West.
Regions Group
Historic England, 1st Floor, Fermentation North, Finzels Reach, Hawkins Lane, Bristol BS1 6LQ
0117 975 0679 x 2279 / 0791 705 0513



Ensuring our heritage lives on and is loved for longer.
historicengland.org.uk

Natural England:

From: Celia Fallon <Celia.Fallon@naturalengland.org.uk>
Sent: 15 August 2025 13:44
To: Javier Guerrero; SM-NE-Enquiries (NE)
Cc: John Spurling; Fern Kenyon-Hamp
Subject: RE: Requests Natural England's SEA/HRA opinion for draft Nature Recovery SPD

Dear Javier,

Thank you for your email and sharing the Nature Recovery Supplementary Planning Document.

I have read through both documents. Could I just check where the SANG map is mentioned on pg 11, is this currently in preparation?

My only other comment would be that as part of the LNRS they have a measure that covers 'all new development and green and blue infrastructure' which may be worth mentioning.

I do not think that there would be any potential significant effects to the environment and the European protected habitats based on the SPD received.

Kind regards,

Celia Fallon
Senior Officer – West Midlands

www.natural-england



Environment Agency:

From: Ruth Clare <ruth.clare@environment-agency.gov.uk>
Sent: 18 August 2025 17:46
To: Javier Guerrero
Cc: Fern Kenyon-Hamp; John Spurling
Subject: RE: Requests Environment Agency's SEA opinion for draft Nature Recovery SPD

Dear Javier

Thank you for your email relating to SEA Screening of the Nature Recovery Supplementary Planning Document (SPD). We have reviewed the information and, noting that the SPD does not allocate sites for development, and seeks to bolster existing policies aimed at enhancing nature recovery, we concur with your opinion that SEA (and HRA) are not required in this case.

Kind regards,
Ruth.

Ruth Clare BA (Hons), MSc, MRTPI, PIEMA

She/Her - ([Why is this here?](#))

Planning Specialist – Sustainable Places

Environment Agency - West Midlands Area (Gloucestershire)

Incident Role: Area Engagement Officer

Direct contact: 07500 608427 ruth.clare@environment-agency.gov.uk Team email:

westmidsplanning@environment-agency.gov.uk

Environment Agency, Riversmeet House, Northway Lane, Tewkesbury, Gloucestershire, GL20 8JG.

[Environment Agency: Meeting net zero by 2030](#)

**Creating a better place
for people and wildlife**

