

# **Biodiversity Net Gain Guidance Note (draft)**

## **Strategic Environmental Assessment and Habitat Regulations Assessment Screening Report**

**November 2023**

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# Biodiversity Net Gain Guidance Note (draft)

## SEA/HRA Screening Report

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# 1. Introduction, Context and Summary

- 1.1 The Environment Act 2021 achieved Royal Assent in November 2021. The intention of the legislation is to help improve the environment, and furthermore leaving it in a better state than we found it. Part 6 of the act refers to biodiversity gain in planning. The most notable schedule of this significant Act is Schedule 14, which makes provision for 10% biodiversity gain to be a deemed condition of planning permission in England. Demonstrating this numerically is done by using the national Biodiversity Metric (at the time of writing, version 4.0) which has been produced by Natural England, and is then followed by the subsequent approval of a Biodiversity Gain Plan. Biodiversity Net Gain must be maintained for a minimum of 30 years post development completion. The way Biodiversity can be delivered is on-site, off-site on sites registered on the national Biodiversity Gain Site Register, or as a last resort through purchasing of national Biodiversity Credits.
- 1.2 As a matter of perspective and understanding, Biodiversity Net Gain (from here on in referred to as BNG) is an approach to development, and/or land management, that aims to leave the natural environment in a measurably better state than it was beforehand. It is intended to deliver measurable improvements for biodiversity by creating or enhancing habitats in association with development.
- 1.3 Changes were made to the Natural Environment and Rural Communities Act 2006 (NERC 2006) because of The Environment Act. The results of these changes a strengthening of the duty on local authorities to conserve and enhance biodiversity as well as instilling a fundamental requirement to establish what actions need to be taken by local authorities to comply with this duty. To assist complying with this duty local authorities will be required to monitor and report on what actions have been taken and the specific expected gains in relation to approved Biodiversity Gain Plans.
- 1.4 Secondary legislation is required to make the necessities in Schedule 14 a statutory requirement and to make provisions on several matters, which at the time of writing has not yet been published. It is the Government's intention to outline secondary legislation prior to the implementation of mandatory BNG in November 2023. Once published, it is anticipated that secondary legislation will outline details including definition of irreplaceable habitat, exemptions, the processes to be adhered to, establishing the Biodiversity Sites Register, details of what a typical Biodiversity Gain Plan must include and the procedural information for outline and phased development applications, in addition to transition arrangements. Comments received during the consultation on the Biodiversity Net Gain Guidance Note (draft) (referred to from now on as the

BNGGN (draft)) and this statement will be reflected in future versions to this document.

- 1.5 The National Planning Policy Framework (2023, NPPF) outlines the expectations in relation to local planning policy and the determination of planning applications. Paragraph 180(a) defines the requirement for development to follow the mitigation hierarchy (1. avoid, 2. mitigate unavoidable impacts, 3. As a last resort, compensate for impacts). Paragraph 179(b) states that Local Plans should “*promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity*”.
- 1.6 Through the 25 Year Environment Plan (published in 2018) the Government set out policy which in part aspires to develop a Nature Recovery Network (NRN) to protect and restore wildlife, and provide opportunities to re-introduce species that have historically been lost from our countryside’s; establish a new Environmental Land Management system (ELMs) of paying farmers public money for public goods, with the principal public good to invest in being the achievement of producing environmental enhancement; and finally in this context, to entrench a net environmental gain principle for most development types. The national legislative implementation of BNG in November 2023 is seen as the first step in fulfilling Government policy ambition.
- 1.7 Another Government Mechanism which shall ensure the implementation of new agricultural and rural payment policy as mentioned above is the Environmental Land Management System (ELMs). The intention of the schemes is to pay land managers and farmers for providing food production alongside new agricultural and rural payments policy. These ELMs are still being strategised and there will need to be a transitional period between the former rural payment schemes and the new schemes.
- 1.8 The Environment Act 2021 sets out that a network of Local Nature Recovery Strategies will be produced to cover the whole of England. The ‘responsible authority’ will need to publish a Local Nature Recovery Strategy (LNRS), which in this context has been confirmed to be Somerset Council. Regulations and national guidance have now been published, outlining what is expected to be included and it is currently anticipated that the Somerset LNRS will be published in September 2024.
- 1.9 Natural England have introduced the [National Habitat Networks Mapping](#). The map provides habitat data on a national level and will form an important part of BNG’s focus in ensuring habitat is put in the right locations prior to the Local Nature Recovery Strategy being in place.

- 1.10 With relevance to the Environment Act 2021, other local strategies including the council plan Somerset Council Plan 2023-2027; The Somerset Tree Strategy; The Somerset Nutrient Strategy; Nature Recovery Projects; Landscape Recovery Projects; and Super National Nature Reserved have been produced or are under development.
- 1.11 There are a large number of adopted Local Plans, none of which specifically outline the requirement for 10% net gain. This is because previously there were four separate district local planning authorities as well as the County Councils minerals and waste planning authority functions. In March 2023 a [Planning Policy Statement](#) was published, setting out all of the plans of relevance to the Somerset Local Planning Authority Area. A new Local Plan will be produced to represent the unitary authority, which is expect the supersede existing Local plans – this is required to be in place by 2028. The new Local Plan will provide Somerset Council with the opportunity to instil new local policies, objective and strategic approaches that are relevant to various topics, including BNG
- 1.12 As a result of the above, the Council has been working on the BNGGN (draft) to help applicants, Somerset Council staff and any respective associates understand this evolving piece of legislation. The BNGGN (draft) is intended to provide a simplified resource on what needs to be considered if a proposal is required to demonstrate a minimum of 10% Biodiversity Net Gain in accordance with Schedule 14 of the Environment Act 2021. The BNGGN (draft) is the document subject to the SEA & HRA Screening. The BNGGN (draft) does not introduce new policy or allocate sites for development.
- 1.13 The purpose of this Report is to determine whether the BNGGN (draft) should be subject to:
- a Strategic Environmental Assessment (SEA) in accordance with European Directive 2001/42/EC (SEA Directive) and associated Environmental Assessment of Plans and Programmes Regulations 2004 (SEA Regulations); or
  - a Habitat Regulations Assessment (HRA) in accordance with Article 6(3) of the EU Habitats Directive and with Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended).
- 1.14 Under the above pieces of legislation, a SEA is required for all plans which may have a significant effect on the environment; and a HRA is required when it is deemed that the implementation of the plan is likely to cause significant negative effects upon protected European Sites.
- 1.15 **The conclusion of the Screening assessment is that the BNGGN (draft) does not require a full SEA or HRA to be conducted.**

1.16 This draft Screening Report will be sent to the three statutory consultees designated in the regulations (Historic England, Environment Agency and Natural England) for their views. This final report will take their views into account once comments have been received, and amendments to the final report will be made if necessary.

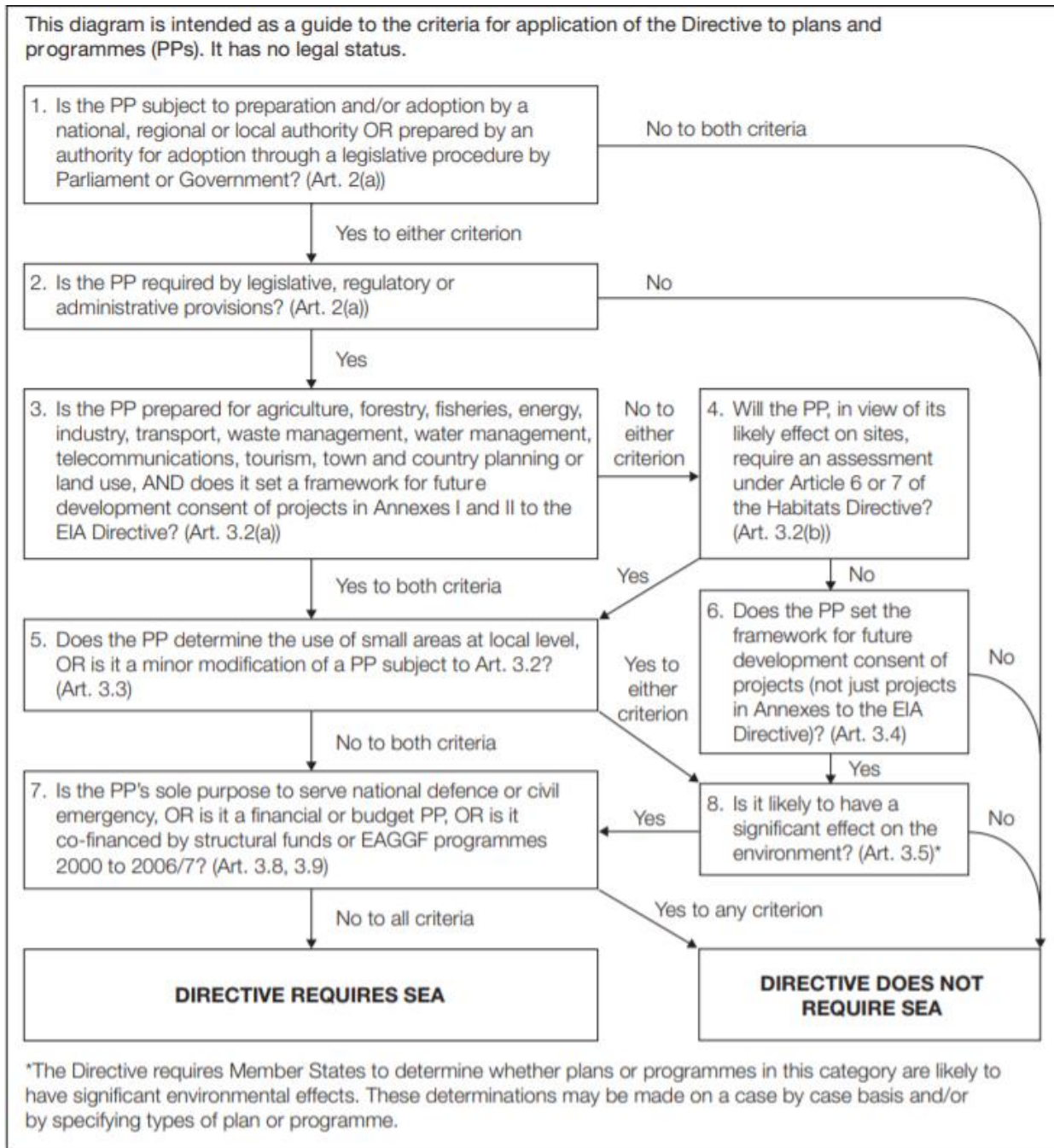
<b>Natural England Comments:</b>	
<b>Environment Agency Comments:</b>	
<b>Historic England Comments:</b>	

## 2. SEA Screening

- 2.1 The basis for Strategic Environmental Assessments and Sustainability Appraisal legislation is European Directive 2001/42/EC (SEA Directive), transposed into English law by the Environmental Assessment of Plans and Programmes Regulations 2004 (SEA Regulations). Detailed Guidance of these regulations can be found in the Government publication 'A Practical Guide to the Strategic Environmental Assessment Directive' (ODPM 2005).
- 2.2 The objective of SEA 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 development plans... with a view to promoting sustainable development"* EU Directive 2001/42/EC (Article 1).
- 2.3 Under Article 2(a) of the SEA Directive, a plan or programme requires an SEA to be conducted where they are:
- *"subject to preparation and/or adoption by an authority at national, regional or local level or which are prepared by an authority for adoption, through a legislative procedure by Parliament or Government, and*
  - *required by legislative, regulatory, or administrative provisions."*
- According to the ODPM guidance, "administrative provisions" are *"likely to be that they are publicly available, prepared in a formal way, probably involving consultation with interested parties. The administrative provision must have sufficient formality such that it counts as a "provision" and it must also use language that plainly requires rather than just encourages a plan or programme to be prepared"*.
- 2.4 There is no guidance definitively stating that a Guidance Note such as the BNGGN (draft) should require SEA. However, the Council is legally obliged to advise on whether it is their opinion that an SEA is required or not.
- 2.5 In order to determine whether or not an SEA is required, a "screening" exercise has been undertaken by the Council. The screening evaluates the contents of the BNGGN (draft) against the criteria set out in the SEA Directive. These criteria are presented over the page in Figure 1.
- 2.6 Should the screening conclude that the BNGGN (draft) is applicable and will have a "significant impact on the environment", then a full SEA will be required. Should the conclusion be that an SEA is not required, then any future significant variations or additions to the Plan will need to be subject to further screening.



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



**Biodiversity Net Gain Guidance Note (draft)**

2.7 The purpose of the BNGGN (draft) is to provide further guidance on the implementation of Biodiversity Net Gain, which will become legally mandatory for major applications from November 2023, and Small Site’s from April 2024.

- 2.8 The BNGGN (draft)'s is intended to assist developers, conservation bodies, agents, landowners & promoters of habitat banks, planning applicants, ecological consultants when they need to consider BNG in relation to their planning proposals. The BNGGN also sets out the approach in how BNG is going to be aligned with other important plans and objectives in Somerset.
- 2.9 The BNGGN (draft) does not set policy or requirements in itself, but as a guidance supplement for mandatory BNG, it will be a corporately adopted document, designed to influence and guide corporate work planning, planning guidance and decision making as well as convene national and local objectives in Somerset Council
- 2.10 In terms of town and country planning, Schedule 14 of the Environment Act 2021 will require proposals to incorporate a minimum of 10% Biodiversity Net Gain, making it a material consideration in the determination of planning applications, and will directly influence development of the new Local Plan which needs to be implemented by 2028. This is a Guidance Note, and thus will not become a formal Supplementary Planning Document (SPD), or Development Plan Document (DPD). The BNGGM (draft) does not allocate any land for development.

**The SEA Screening Assessment**

2.11 Table 1 below contains the criteria from Figure 1, above. It identifies whether the Council considers the answer to each criterion to be Yes or No (Y or N), and gives the reason for this conclusion.

Stage	Y/N	Reason
1. Is the Plan or Programme (PP) subject to preparation and/or adoption by a national, regional or local authority <b>OR</b> prepared by an authority for adoption through a legislative procedure by Parliament or Government? (Art. 2(a))	Y	The BNGGN (draft) will be prepared and adopted by Somerset Council.
2. Is the PP required by legislative, regulatory or administrative provisions? (Art. 2(a))	N	The guidance note is not formally <i>required</i> by any legislative, regulatory or administrative provisions. The Council decided to develop BNGGN (draft) to assist the planning process when BNG needs to be considered. The guidance will be publicly available, has been prepared in a reasonably formal way and shall involve consultation with interested parties. This has ultimately

		been produced to help provide clarity on BNG and its relationship with the planning process and therefore, should not be considered as a formal requirement.
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2.12 As a result of the above, the conclusion of the SEA Screening is that the SEA Directive does not require the BNGGN (draft) to be subject to full SEA.

2.13 However, taking a more critical view of criterion 2, based on a more rigorous interpretation of the term of “administrative provisions” further criteria have been considered to show the outcome of the assessment should the answer to criterion 2 be considered by some to be “yes”.

Stage	Y/N	Reason
3. Is the BNGGN (draft) prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use, <b>AND</b> does it set a framework for future development consent of projects in Annexes I and II to the EIA Directive? (Art 3.2(a))	N	Although the BNGGN (draft) 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 including potentially in relation to some of the projects referred to in Annex I and II of the EIA Directive.
4. Will the BNGGN (draft), in view of its likely effect on sites, require an assessment under Article 6 or 7 of the Habitats Directive? (Art. 3.2(b))	N	See section 3 of this Screening Report in relation to HRA Screening.
5. Does the BNGGN (draft) determine the use of small areas at local level, OR is it a minor modification of a PP subject to Art. 3.2? (Art 3.3)	N	The BNGGN (draft) will not determine the use of small areas at a local level. The BNGGN (draft) provides guidance on the how applicants should demonstrate the delivery of biodiversity net gain, but it does not specifically determine the use of small areas at a local level. The BNGGN (draft) will form guidance for BNG, which will become a material consideration in decision taking from November 2023.
6. Does the BNGGN (draft) set the framework for future development consent of	N	The BNGGN (draft) elaborates upon approved and emerging national legislation and does not introduce new

projects (not just projects in Annexes to the EIA Directive)? (Art. 3.4)		policy or allocate sites for development. The BNGGN (draft) will likely inform the new Local Plan which comes into effect in 2028, and any new policies will be subject to an SA/SEA as a matter of course in the development of that Plan.
7. Is the BNGGN (draft)'s sole purpose to serve national defence or civil emergency, or is it a financial or budget Plan, or is it co financed by structural funds or European Agricultural Guidance and Guarantee Fund (EAGGF) programmes 2000 to 2006/7?	N	The BNGGN (draft) does not serve a purpose related to national defence or civil emergency, a financial or budget Plan, not is the BNGGN (draft) co-financed by structural funds or EAGGF programmes 2000 to 2006/7.
8. Is it likely to have a significant effect on the environment? (Art. 3.5)	N	See screening assessment for environmental effects in Table 2 of this report, below.

2.14 The BNGGN (draft) is not considered to have significant effect on the environment and therefore Somerset Council has determined that a SEA is not required. However, for thorough observation, please refer to Table 2 which assesses whether the BNGGN (draft) will have any significant environmental effects using the criteria set out in Annex II of SEA Directive 2001/42/EC<sup>1</sup> and Schedule 1 of the Environmental Assessment of Plans and Programmes Regulations 2004<sup>2</sup>.

Table 2 – Environmental impact screening assessment

Criteria for determining the likely significance of effects (Schedule 1 of SEA regulations)	Is the strategy likely to have a significant environmental effect?	Justification for Screening Assessment
The characteristics of plans and programmes:		
a) the degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature,	N	The BNGGN (draft) provides further clarity and understanding on BNG and other related strategies, and further informs what to include in planning submissions and more specific information on determination of planning applications,

<sup>1</sup> [eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32001L0042&from=EN](http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32001L0042&from=EN)

<sup>2</sup> [Microsoft Word - 040630SEA final draft.doc \(legislation.gov.uk\)](http://www.legislation.gov.uk)

<p>size and operating conditions or by allocating resources;</p>		<p>consistent with National Legislation as outlined in the Environment Act 2021.</p> <p>Final decisions will be determined through the planning process. No resources in relation to the BNGGN (draft) are allocated.</p>
<p>b) the degree to which the plan or programme influences other plans and programmes including those in a hierarchy;</p>	<p>N</p>	<p>The purpose of the BNGGN (draft) is to provide additional guidance in the planning process concerning mandatory BNG in accordance with the Environment Act 2021. The BNGGN (draft) also identifies the Council's role in a number of related actions in supporting, enabling and delivering BNG in a locally strategic way. Many of the identified actions crosslink to new planning policy which will be created in the new Local Plan and will influence the production of other plans and programmes, as well as the Council's corporate process. It will sit below the developing Local Plan in terms of the Development Plan hierarchy.</p> <p>The Environment Act 2021 sets out that a network of Local Nature Recovery Strategies (LNRS) will be produced to cover the England. The purpose of this strategy is to help ensure that BNG contributes to wider nature recovery plans in addition to local objectives. The BNGGN (draft) will provide guidance on the considerations of the LNRS, and how to achieve BNG in the best locations where the most positive impacts are anticipated by way of how it is calculated on the metric in terms of the strategic significance score). The LNRS is expected to be released in September 2024. The BNGGN (draft) discusses and uses existing Local Plans and objectives to influence the direction of BNG during the interim until the Somerset LNRS gets published.</p>
<p>c) the relevance of the plan or programme for the integration of environmental considerations in</p>	<p>N</p>	<p>The BNGGN (draft) promotes sustainable development, in accordance with the NPPF (2023) and the Environment Act 2021. The BNGGN (draft) is pertinent in guiding the integration of environmental</p>



particular with a view to promoting sustainable development;		considerations and by that very notion is promoting sustainable development through the exercise of providing guidance on the delivery of Biodiversity Net Gain for Somerset Council.
d) environmental problems relevant to the plan or programme;	N	Due to the nature and purpose of the BNGGN (draft), it has been determined that there are no significant environmental problems relevant to the BNGGN (draft).
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).	N	The BNGGN (draft) will not have an impact on the implementation of community legislation on the environment. It is envisaged that BNGGN (draft) will help achieve many council objectives including access to nature; recreational opportunities; indirect and direct improvements to protected sites; flood management through natural processes such as by incorporated Sustainable Drainage Systems (SuDs); avoiding losses of productive agricultural land and make less productive parcels more biodiverse; providing more renewable energy; enabling placemaking; and carbon sequestration. Additionally, it will help assist with water quality and furthermore be a complimentary document to the separate Somerset Nutrient Strategy which provides guidance and information on what Somerset are doing to reduce the amount of phosphorus flowing into the Somerset Levels and Moors Ramsar Site.
<b>Characteristics of the effects and of the area likely to be affected:</b>		
a) the probability, duration, frequency and reversibility of the effects;	N	The BNGGN (draft) is not anticipated to result significant environmental effects. The BNGGN (draft) seeks to ensure the effective and consistent implementation of 10% biodiversity net gain when it becomes mandated in November 2023, which in itself should ensure positive effects relating to environmental impact.
b) the cumulative nature of the effects;	N	The BNGGN (draft) is not considered to have any significant cumulative effects. The BNGGN (draft) seeks to ensure the effective and consistent implementation of 10% biodiversity net gain when it becomes mandated in November 2023, which in itself should ensure positive effects relating to environmental impact.

c) the transboundary nature of the effects;	N	The BNGGN (draft) is not anticipated to increase pressures concerning significant transboundary environmental effects.
d) the risks to human health or the environment (for example, due to accidents);	N	There are no anticipated effects of the BNGGN (draft) in relation to human health or the environment. The BNGGN (draft) seeks to ensure the effective and consistent implementation of 10% biodiversity net gain when it becomes mandated in November 2023, which in itself should ensure positive effects.
e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);	N	The BNGGN (draft) will cover the Somerset Council area. It will assist and guide those making planning applications in this area.
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	N	The BNGGN (draft) will not lead to significant effects on the value or vulnerability of the area. It is primarily providing guidance regarding the implementation of mandatory 10% biodiversity net gain on certain proposal types, and does not, in itself, influence or have any implication on the location of development.
g) the effects on areas or landscapes which have a recognised national, Community or international protection status.	N	The BNGGN (draft) will not have significant effects on areas or landscapes which have a recognised national, community or international protection status.

### ***SEA Screening Conclusion***

**2.15 It has been concluded that the BNGGN (draft) does not require Strategic Environmental Assessment.**

### 3. HRA Screening

- 3.1 The basis for Habitat Regulations Assessment legislation is the European Habitats Directive 92/43/EEC (Habitats Directive), transposed into English law by the Conservation of Habitats and Species Regulations 2017 (as amended)).
- 3.2 The Habitats Directive and Regulations afford protection to plants, animals and habitats that are rare and vulnerable in a European context. Habitats Regulations Assessment (HRA) is a systematic process through which plans or projects are assessed for likely impact on the integrity of European Sites. European Sites, (also referred to as Natura 2000 sites), consist of Special Protection Areas (SPA), Special Areas of Conservation (SAC); Potential Special Protection Areas and candidate Special Areas of Conservation (pSPA and cSAC); and listed or proposed Ramsar sites.
- 3.3 There are 12 European sites within the Somerset Council, as set out in Table 3 below:

Table 3 – European Sites within Somerset Council

European Sites
Exmoor and Quantock Oak Woodlands SAC
Hestercombe House SAC
Holme and Clean Moor SAC
Quants SAC
Severn Estuary SPA/SAC/Ramsar
Somerset Levels and Moors SPA/Ramsar
Exmoor Heaths SAC
North Somerset and Mendip Bats SAC
Mells Valley SAC
Exmoor and Quantock Oakwood’s SAC
Mendip Woodlands SAC
Mendip Limestone Grasslands SAC

- 3.4 Article 6(3) of the Habitats Directive states that:

*“Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans and projects, shall be subject to appropriate assessment of its implications for the site in view of the site’s conservation objectives”.*



3.5 Under the Habitat Regulations, the Council is considered to be a “competent authority”. Regulation 63(1) of the Habitat Regulations states that:

*“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.”*

3.6 The first stage of the HRA process is to establish whether a “*significant effect*” is likely. This is referred to as screening. If the screening assessment concludes that a significant effect is not likely, then no further action is required. If the screening assessment identifies potential effects and deems them to be significant, then further “*Appropriate Assessment*” is required.

3.7 In order to establish whether the BNGGN (draft) is likely to have any significant effects upon the European Sites, this Screening assessment considers the BNGGN (draft) in relation to four steps based around the Screening methodology set out in the Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC (European Commission 2001) as set out in Table 4, below:

Table 4 – Screening steps and responses

Question	Y/N	Reason
1. Is the BNGGN (draft) directly connected with, or necessary to the management of a European site for nature conservation?	N	The BNGGN (draft) does not directly influence or set policy necessary to the management of any European Site. Therefore, it can be concluded that this guidance note is not connected with, or necessary to, the management of European sites
2. Are there any other PPs that could in combination with this BNGGN (draft) have potential to have significant effects upon a European Site?	N	The BNGGN (draft) identifies the Council’s role in relation to many actions as deliver, enable, support or push forward. A number of the actions cross reference to other plans, including identifying actions to develop new planning policy in relation to specific issues through the new Local Plan which will come into force in 2028. The BNGGN (draft) will no doubt influence the production of other plans and programmes. The BNGGN (draft) sets out a consistent guidance approach on what to consider

		<p>when implementing 10% biodiversity net gain to a proposal. The BNGGN (draft) will result in positive action and, cumulatively, along with other local, regional, national plans, result in positive impacts and effects upon the environment.</p> <p>The new Local Plan which will come into effect in 2028, (which will be a means to implement a number of the actions identified within the BNGGN (draft)) that may have potential to have significant effects upon a European Site). The Local Plan process will be subject to Appropriate Assessment as a matter of course.</p> <p>The BNGGN (draft) will also providing guidance in improving the water quality around Somerset, and furthermore as a byproduct improve the Ramsar Site (Somerset Level's and Moors Ramsar) to a more favourable state.</p>
<p>3. Are there likely to be any potential effects upon the identified European Site(s)?</p>	<p>Y</p>	<p>The BNGGN (draft) is designed to result in positive environmental impacts, by assisting and guiding concerned individuals in the planning process in implementing 10% BNG successfully. This includes in relation to the management of land, creation of new habitats, recovery of nature, enhancing irreplaceable habitats and retaining onsite habitats when possible. Many of the European Sites in question have species of bat as qualifying features. Many projects that will be guided by the BNGGN (draft) will ultimately target multi-benefit habitat projects which will lead potential to directly enhance foraging and commuting landscapes for bats. Simply focusing on planting certain habitat types could have negative effects upon European Sites if inappropriate habitats were planted near them. For both above reasons, there are measures built into relevant potential actions within the plan to align with the Local Nature Recovery Strategy and our own Green Blue Infrastructure Strategy so that a more holistic approach is taken building on potential co-benefits. The BNGGN (draft) will also make reference to several Technical Guidance documents concerning Special Areas of Conservation that are designated for their bat populations, and where necessary mitigation for those site's will be seen to work a long side the principles of Biodiversity Net Gain, rather than</p>

		<p>morphing them together. All of the above is not possible to assess at this high-level stage and will need to be assessed as more detail becomes clearer such as part of the HRA for the new Local Plan which will come into effect in 2028 and/or at the project level. Finally, you will be able to sell biodiversity units and nutrient credits from the same pieces of land by stacking them, meaning improving the water quality around Somerset, and furthermore as a byproduct improve the Ramsar Site (Somerset Level's and Moors Ramsar) to a more favourable state – the BNGGN (draft) connects to this and makes reference to the separate Somerset Nutrient Strategy.</p>
<p>4. What is the significance of the effects upon the identified European Site(s)?</p>	<p>N/A</p>	<p>The BNGGN (draft) is designed to result in positive environmental impacts, by informing the planning process and instil consistent guidance on ways to consider successfully implementing 10% BNG. Overall positive impacts associated with potential actions around the improvement of habitat distinctiveness, habitat creation and habitat retention will likely have significant positive effects upon the European Sites and qualifying features, but it is impossible to tell exactly how significant these effects might be at this stage as project detail (including location and relationship with European Sites) is not yet known. Potential negative effects of, for instance, removing important specific bat habitat that is in abundance, and replacing it with diverse but inappropriate habitats that do not attract the same invertebrate's bats rely on may have a negative impact on such European Sites. However, one potential action that the BNGGN (draft) will outline is to ensure where such habitats exist, a Species Habitat Evaluation Procedure calculation is provided alongside the requirement for 10% - this can potentially be outlined in the New Local Plan. This will require evidence accounting for biodiversity impact and effects upon European Sites. The HRA for the Local Plan will assess any proposals within it.</p>

***HRA Screening Conclusion***

**3.8 It has been concluded that the BNGGN (draft) does not require Appropriate Assessment under HRA legislation.**