

London Borough of Barking and Dagenham

Screening Statement on the determination of the need for Strategic Environmental Assessment and Sustainability Appraisal for the Biodiversity Supplementary Planning Document

Introduction

- 1 Section 19(5) of the Planning Act 2008 removes the requirement for a sustainability appraisal report to be prepared for all Supplementary Planning Documents (SPD). Regulations 2(5) and (6) of the Town and Country Planning (Local Development) (England) (Amendment) Regulations 2009 reflects this change. However the Government has made clear that Local Planning Authorities will still need to screen their SPDs to ensure that legal requirements for SA are met where there are impacts that have not been covered in the appraisal of the parent DPD or where an assessment is required by the SEA Directive. In accordance with the Strategic Environmental Assessment (SEA) Directive (2001/42/EC) and under the Environmental Assessment of Plans and Programmes Regulations 2004 (the Regulations), Councils must carry out a SEA of land-use and spatial plans. Clause (10) of the SEA Directive requires SEA for plans which “determine the use of small areas at a local level” or, which are “minor modifications” to plans, only when these are determined to be likely to cause significant environmental effects. This is transposed in the Regulations. Where the Council can demonstrate that any land-use or spatial plan is unlikely to have significant environmental effects (Regulation 9(3)), or where the proposed development is less than 0.5 hectares in area, a SEA will not be required. Therefore this document screens the Biodiversity SPD to establish if SEA or SA is required.
- 2 The first stage in the SEA process is for the Council to determine whether or not a plan is likely to have a significant effect on the environment. The regulations advise that this is determined by a screening process, which should use a specified set of criteria (set out in Schedule 1 of the Regulations). The results of this process must be summarised in an SEA screening statement, which must be publicly available.
- 3 The Council will consult with the specified environmental organisations (Natural England, English Heritage and the Environment Agency) on this Screening Statement for five weeks. The SEA Screening Statement should provide sufficient information to demonstrate whether the SPD is likely to have significant environmental affects. In the situation whereby it is concluded that there are not to be significant environmental effects and therefore no need for SEA this statement will clearly indicate the reasons for such a decision.

Biodiversity SPD

- 4 The purpose of this SPD is to set out the Council's guidance on protecting and enhancing biodiversity in the borough through the planning process. It supplements planning policy in the Local Development Framework including adopted Core Strategy policy CR2 Preserving and Enhancing the Natural Environment and emerging Borough Wide Development policy BR3 Greening the Urban Environment. It also provides guidance on the relevant legislation developers must follow in this area
- 5 The preparation of the SPD will involve the local community in line with the Requirements set out in the Town and Country Planning (Local Development) (England) Regulations 2004 and in line with the Council's adopted Statement of Community Involvement (SCI).

Requirement for Screening

- 6 The preliminary assessment of whether or not SEA is required led to the conclusion that screening is necessary for the following reasons.
 - The SPD is subject to preparation and adoption by a Local Authority
 - The SPD is required by legislative, regulatory or administrative provisions
 - The SPD is prepared for town planning
- 7 The screening process set out in Regulation 9 and Schedule 1 of the Regulations includes two sets of characteristics for determining the likely significance of effects on the environment. These relate firstly to the characteristics of the SPD and secondly to the characteristics of the effects and of the area likely to be affected. There are a number of criteria relating to each of these characteristics, the answers to which are set out below.

Characteristics of the Biodiversity SPD

1.	Criterion	Is there an effect?	Is there a significant environmental effect?	Justification
(a)	The degree to which the Biodiversity SPD sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources.	No	No	This SPD sits at the lowest tier of the development plan system. It does not set a framework for other plans and strategies. It supplements adopted Core Strategy policy CR2 Preserving and Enhancing the Natural Environment and emerging Borough Wide Development policy BR3 Greening the Urban Environment which have been subject to SA incorporating SEA.
(b)	The degree to which the Biodiversity SPD influences other plans and programmes including those in the hierarchy.	No	No	This SPD sits at the lowest tier of the development plan system. It does not set a framework for other plans and strategies. It supplements adopted Core Strategy policy CR2 Preserving and Enhancing the Natural Environment and emerging Borough Wide Development policy BR3 Greening the Urban Environment which have been subject to SA incorporating SEA.
(c)	The relevance of the Biodiversity SPD for the integration of environmental considerations in particular with a view to promoting sustainable development.	No	No	The Biodiversity SPD provides guidance on legislation and policy relevant to biodiversity rather than directly promoting sustainable development. It does not contain new environmental policy and therefore does not have a significant environmental effect on environmental considerations. It will supplement LDF policy.

(d)	Environmental problems relevant to the Biodiversity SPD.	No	No	The Biodiversity SPD focuses on protecting and enhancing biodiversity in the borough. In conjunction with the planning policy it supplements the SPD may have a significant positive effect, but not by itself.
(e)	The relevance of the Biodiversity SPD to the implementation of Community legislation on the environment (for example, plans and programmes linked to waste management or water protection).	Yes	No	The Biodiversity SPD focuses on protecting and enhancing biodiversity in the borough. In conjunction with the planning policy it supplements the SPD may have a significant positive effect, but not by itself.

Characteristics of the effects and of the area likely to be affected

2	Criterion	Is there a significant environmental effect?	Justification
(a)	The probability, duration, frequency and reversibility of the effects of the Biodiversity SPD	No	The Biodiversity SPD focuses on protecting and enhancing biodiversity in the borough. In conjunction with the planning policy it supplements the SPD may have a significant positive effect, but not by itself.
(b)	The cumulative nature of the effects of the Biodiversity SPD	No	The Biodiversity SPD focuses on protecting and enhancing biodiversity in the borough. In conjunction with the planning policy it supplements the SPD may have a significant positive effect, but not by itself.

(c)	The trans-boundary nature of the effects of the Biodiversity SPD	No	The Biodiversity SPD focuses on protecting and enhancing biodiversity in the borough. In conjunction with the planning policy it supplements the SPD may have a significant positive effect, but not by itself.
(d)	The risks to human health or the environment (e.g. due to accidents) of the Biodiversity SPD	No	The Biodiversity SPD focuses on protecting and enhancing biodiversity in the borough. In conjunction with the planning policy it supplements the SPD may have a significant positive effect, but not by itself.
(e)	The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected) by the Biodiversity SPD	No	The Biodiversity SPD focuses on protecting and enhancing biodiversity in the borough. However it supplements planning policy and therefore in itself it will not have a significant effect. This guidance applies across the borough.
(f)	The value and vulnerability of the area likely to be affected by the Biodiversity SPD due to: <ul style="list-style-type: none"> (i) special natural characteristics or cultural heritage (ii) exceeded environmental quality standards or limit values or (iii) intensive land use 	No	The Biodiversity SPD focuses on protecting and enhancing biodiversity in the borough. In conjunction with the planning policy it supplements the SPD may have a significant positive effect, but not by itself.
(g)	The effects of the Biodiversity SPD on areas or landscapes which have a recognised national, community or international protection status.	No	Not relevant

Guidance on the Requirement for Sustainability Appraisal

- 8 *Sustainability Appraisal of Regional Spatial Strategies and Local Development Documents* (ODPM 2005) states at page 79 that where the authority has made a determination that the plan is unlikely to have any significant environmental effects (and is therefore exempt from the SEA Directive) it must consider whether there are likely to be any significant social or economic effects.
- 9 The Council considers that the Biodiversity SPD is unlikely to have significant social or economic effects beyond those of the policy it supplements, and there is no statutory reason to undertake an SA of this document, or that any practical value could come from it.
- 10 In reviewing these criteria the Council has been mindful that the Biodiversity SPD does not present policies or proposals and serves only to expand on existing policy within the pre-submission Borough Wide Development Policies, which has already been subject to SA incorporating SEA.
- 11 On the basis of these characteristics the Council concludes that the Biodiversity SPD is unlikely to have significant social or economic effects (beyond those of the policy it supplements),

Conclusion

- 12 The Council considers that neither a Strategic Environmental Assessment or a Sustainability Appraisal is necessary for the Biodiversity SPD as it is not likely, by itself, to have any significant environmental, social or economic effects.