



Biodiversity  
Supplementary Planning Document (SPD)

Strategic Environmental Assessment (SEA) and  
Habitats Regulations Assessment (HRA) Screening  
Determination

April 2023

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## 1. Introduction

This Screening Report is an assessment of whether or not the Biodiversity Supplementary Planning Document (SPD) requires a Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plans and Programmes Regulations and whether or not it requires a Habitats Regulations Assessment (HRA) in accordance with Article 6(3) and (4) of the EU Habitats Directive and with Regulation 61 of the Conservation of Habitats and Species Regulations 2017.

Supplementary Planning Documents (SPDs) build upon and provide more detailed advice or guidance on policies in an adopted local plan. As they do not form part of the development plan, they cannot introduce new planning policies.

A SEA is required if a SPD is deemed to have a likely significant effect on the environment. The Planning Practice Guidance recognises that SEA may be required when preparing an SPD in exceptional circumstances. (Paragraph: 008 Reference ID: 61-008-20190315)

A HRA is required when it is deemed that likely significant effects may occur on protected habitats sites (also known as European sites and Natura 2000 sites) as a result of the implementation of a plan or project. Please note that this screening report takes account of the legal ruling *People over Wind, Peter Sweetman v Coillte Teoranta*.

This SPD sets out the protection that should be afforded to biodiversity features and the principles the Council expects to ensure that development proposals enhance biodiversity by creating space for nature. The SPD is intended to be concise and includes references and links to numerous other documents.

## 2. Background

### *Strategic Environmental Assessment (SEA)*

The Strategic Environmental Assessment (SEA) Directive (2001/42/EC) on the assessment of the effects of certain plans and programmes requires an environmental assessment to be made of certain plans or programmes. The objective of SEA, as defined in government's guidance on strategic environmental assessment, 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 plans....with a view to promoting sustainable development'* (Article 1). The SEA Directive has been transposed into UK law through the [Environmental Assessment of Plans and Programmes Regulations 2004](#).

### *Habitats Regulations Assessment (HRA)*

Under the provisions of the EU Habitats Directive and translated into English law by the Habitats Regulations ([The Conservation of Habitats and Species \(Amendment\) Regulations 2017](#)), a competent authority must carry out an appropriate assessment of whether a plan or project will significantly affect the integrity of any habitats site, in terms of impacting the site's conservation objectives, if the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), and is not directly connected with or necessary to the management of that site.

HRA screening considers whether a plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects).

### 3. SEA Screening

SEA is a tool used at the plan-making stage to assess the likely effects of the plan when judged against reasonable alternatives. For Local Plans, it forms part of the Sustainability Appraisal. Whilst an SEA will only be required when preparing an SPD in exceptional circumstances, it is necessary to prepare a screening opinion to be satisfied that SEA is not required. This document sets out that screening opinion based on the scope of, and detail contained within the draft SPD.

*Table 1: Establishing the Need for SEA*

SEA Requirement	Comments
<p>Is the plan:</p> <p>(a) subject to preparation or adoption by an authority at national, regional or local level; or</p> <p>(b) prepared by an authority for adoption, through a legislative procedure by Parliament or Government; and, in either case,</p> <p>(c) required by legislative, regulatory or administrative provisions?</p>	<p>Yes, the SPD is subject to preparation and adoption at local level. There are legislative and regulatory provisions in place for SPDs. SPDs would be considered as falling within the category of 'administrative provision'.</p>
<p>Is the plan (a) prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use, and does it (b) sets the framework for future development consent of projects listed in Annex I or II to Council Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment, as amended by Council Directive 97/11/EC(9)?</p>	<p>Yes, the SPD is prepared for town and country planning purposes and contributes to wider frameworks for future development consent of projects listed in Annex I or II to Council Directive 85/337/EEC (urban development projects).</p>
<p>Does the plan (a) determine the use of a small area at local level; or (b) is a minor modification to a plan or programme of the description set out in either of those paragraphs?</p>	<p>Neither - The SPD builds upon the Colchester Adopted Local Plan.</p>

<p>Has it been determined that the plan requires an assessment pursuant to Article 6 or 7 of the Habitats Directive?</p>	<p>No, HRA is not required. The SPD does not include any allocations for development of any kind, there will therefore be no likely significant effects alone or in combination on habitats sites. See HRA section.</p>
<p>Is the plan or programme likely to have significant environmental effects?</p>	<p>No, the SPD is not considered to have likely significant environmental effects and any environmental effects will be positive – see the next section.</p>

#### 4. Significance of effects on the environment

To decide whether a 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, or Annex II of the SEA Directive 2001/42/EC.

When deciding on whether the proposals are likely to have significant environmental effects, the local planning authority should consult the statutory consultation bodies. Where the local planning authority determines that the plan is unlikely to have significant environmental effects (and, accordingly, does not require an environmental assessment), it should prepare a statement of its reasons for the determination.

The following table explores the potential scope of the SPD against the criteria set out in Schedule 1 to the Environmental Assessment of Plans and Programmes Regulations 2004.

*Table 2: Schedule 1 Criteria for Determining the Likely Significance of Effects on the Environment*

SEA Requirement	Comments
1. The characteristics of plans and programmes, having regard, in particular, to -	
(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 provides guidance for development proposals within the city of Colchester. SPDs must be in conformity with the development plan and cannot introduce new policy. The SPD provides further guidance around the application of policies within the adopted Local Plan and will build upon existing policies. The SPD is relevant to the entire administrative area of Colchester City Council. The degree to which the plan or programme sets a framework for projects and other activities is low.
(b) the degree to which the plan or programme influences other plans and programmes including those in a hierarchy;	The SPD will not form part of the development plan. It builds upon the adopted Local Plan and will influence planning applications. The degree to

	which it influences other plans and programme is moderate.
(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 will promote sustainable development by providing a summary of guidance and legislation related to biodiversity protection and by establishing creating space for nature design principles, which will enhance biodiversity throughout the city.
(d) environmental problems relevant to the plan or programme; and	There are no environmental problems relevant to this SPD.
(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).	This plan has no relevance to the implementation of Community legislation.
<b>2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to -</b>	
(a) the probability, duration, frequency and reversibility of the effects;	As the SPD is not allocating any sites for development and is building upon the application of policies in the adopted Local Plan the probability, duration, frequency, and reversibility of the effects to development proposals has already been assessed through the Local Plan.
(b) the cumulative nature of the effects;	There are no cumulative effects.
(c) the transboundary nature of the effects;	There are no transboundary effects; this plan applies to Colchester Borough only.
(d) the risks to human health or the environment (for example, due to accidents);	The SPD poses no risk to human health.
(e) the magnitude and spatial extent of the effects (geographical	The SPD applies to Colchester city only.



<p>area and size of the population likely to be affected);</p>	
<p>(f) the value and vulnerability of the area likely to be affected due to -</p> <ul style="list-style-type: none"> <li>(i) special natural characteristics or cultural heritage;</li> <li>(ii) exceeded environmental quality standards or limit values; or</li> <li>(iii) intensive land-use; and</li> </ul>	<p>The SPD covers the administrative area of Colchester city. There are multiple nationally designated nature conservation sites and listed buildings of architectural merit. As no development is proposed via the SPD, none of these are likely to be affected by the SPD.</p>
<p>(g) the effects on areas or landscapes which have a recognised national, Community or international protection status.</p>	<p>The SPD covers the administrative area of Colchester city. Parts of Colchester's landscape is recognised at national level (Dedham Vale Area of Outstanding Natural Beauty). As no development is proposed via the SPD, the landscape is not likely to be affected by the SPD.</p>

## 5. SEA Screening Outcome

The Biodiversity SPD provides further guidance around the application of policies within the adopted Colchester Local Plan, particularly Policy ENV1 (Environment). The SPD will result in positive, long-term effects in relation to biodiversity protection and enhancement. However, none of these effects will be significant. Therefore, Colchester City Council has concluded that the Biodiversity SPD will not require an assessment of the significant environmental effects of the plan under the SEA Directive and Environmental Assessment Regulations.

## 6. HRA Screening

Under the provisions of the EU Habitats Directive and translated into English law by the Habitats Regulations (The Conservation of Habitats and Species (Amendment) Regulations 2017), a competent authority must carry out an appropriate assessment of whether a plan or project will significantly affect the integrity of any habitats site, in terms of impacting the site's conservation objectives, if the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), and is not directly connected with or necessary to the management of that site. Regulation 63 of The Conservation of Habitats and Species Regulations 2017 is relevant, it states that:

*63.—(1) 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.*

In HRA screening it is necessary to establish whether likely significant effects would arise. In other words, would the plan or proposal (either alone or in combination with other proposals) lead to adverse effects on the integrity of habitats sites (also known as European sites and Natura 2000 sites). If the SPD is likely to have a significant effect on a habitats site, an appropriate assessment is required. If there are no likely significant effects, it can be screened out.

The following habitats sites are within Colchester city, or in the case of the Stour and Orwell Estuaries, adjacent to the city:

### ***Sites Designated under the Birds Directive:***

- The Colne Estuary Special Protection Area (SPA) (Mid Essex Coast Phase 2);
- Abberton Reservoir SPA;
- Blackwater Estuary SPA (Mid Essex Coast Phase 4);
- Dengie Estuary SPA (Mid Essex Coast Phase 1); and
- Stour and Orwell Estuaries SPA.

### ***Sites designated under the Habitats Directive:***

- Essex Estuaries Special Area of Conservation (SAC).

***Sites designated under the Ramsar Convention:***

- Colne Estuary;
- Abberton Reservoir;
- Blackwater Estuary;
- Dengie Estuary and
- Stour and Orwell Estuaries.

The pathways of impact and likely significant effects identified in the HRA of Colchester's Local Plan include:

- Physical site disturbance (actual damage or degradation of habitat from direct human activities);
- Disturbance to birds (related to an increase in the number of visitors to habitats sites due to increases in housing);
- Loss of offsite functional habitat (loss of fields close to habitats site that are used by SPA birds);
- Air quality (increased vehicular traffic);
- Water quality and water resources (an increase in housing will result in increased demands on the wastewater treatment system and public water supply); and
- Urbanisation (fly tipping and predation).

This SPD does not allocate land for development and there are no likely significant effects (alone or in combination) on habitats sites.

## 7. Consultation

In accordance with the Environmental Assessment of Plans and Programme Regulations, Natural England, Historic England, and the Environment Agency were consulted on the SEA and HRA screening report.

Natural England commented as follows:

Strategic Environmental Assessment / Habitat Regulations Assessment It is our advice, on the basis of the material supplied with the consultation, that, in so far as our strategic environmental interests (including but not limited to statutory designated sites, landscapes and protected species, geology and soils) are concerned, that there are unlikely to be significant environmental effects from the proposed plan.

Historic England commented as follows:

I can confirm that while we do not have any specific comments to make at this stage, we will be interested in receiving subsequent consultations on this and related projects.

## 8. Conclusions

The Biodiversity SPD is focussed on the protection and enhancement of biodiversity and expanding upon Policy ENV1 of the Local Plan. No development is proposed in the SPD and the SPD is unlikely to have significant environmental effects that have not already been assessed in the SA/SEA of the adopted Local Plan.

The SPD can be **screened out** for its requirement of Strategic Environmental Assessment in line with the requirements of Directive 2001/42/EC.

The requirement for the SPD to undertake further assessment under the Habitats Regulations 2017 is not considered necessary and as a result can be **screened out**.