



**Harrogate**  
BOROUGH COUNCIL

## Providing Net Gain for Biodiversity Supplementary Planning Document (SPD)

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**Strategic Environmental Assessment Screening  
May 2021**

## Biodiversity SPD SEA screening

- 1.1** The purpose of this report is to determine whether the *Providing Net Gain in Biodiversity Supplementary Planning Document* (the SPD) requires a Strategic Environmental Assessment (SEA) in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004, as amended by The Environmental Assessments and Miscellaneous Planning (Amendment) (EU Exit) Regulations 2018 (the SEA Regs).

### Legislative Background

- 1.2** The Environmental Assessment of Plans and Programmes Regulations 2004 (as amended) have been followed to produce this screening statement and the paragraph numbers for relevant regulations are identified within the assessment.
- 1.3** In addition, Paragraph: 008 of the Planning Practice Guidance Reference ID: 11-008-20140306 has been considered. This states that supplementary planning documents 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. This screening statement considers impacts which are not already assessed within the Harrogate District Local Plan Sustainability Appraisal 2018 and Sustainability Appraisal Addendum 3 Main Modifications July 2019.

### Purpose and Content of the SPD

- 1.4** The purpose of the SPD is to provide more detailed guidance on how development schemes can provide a net gain in biodiversity value and specifically how major development schemes can ensure they meet criteria E of the Local Plan Policy NE3. The SPD includes:
- What is meant by biodiversity ‘no net loss’ and biodiversity accounting;
  - Guidance on how biodiversity value should be considered in the development of a scheme;
  - Clarification on what can be counted towards biodiversity value;
  - What evidence is required to support an application;
  - A ‘map of strategic significance’ which identifies areas which should be given a particular weighting in biodiversity value calculations;
  - Guidance on how to accommodate protected species; and
  - An overview of how no net loss will be secured by planning condition and legal agreement.

### Screening Process

- 1.5** The screening opinion assessment is undertaken in two parts: the first part will assess whether the SPD requires SEA and the second part of the assessment will consider whether the SPD is likely to have a significant effect on the environment, using criteria drawn from Schedule 1 of the SEA Regulations.

Environmental Regulations Paragraph	Comments
<p><b>Interpretation</b></p> <p>2.(1) In these Regulations—</p> <p>[...]</p> <p>“plans and programmes” means plans and programmes, including those co-financed by the European Community, as well as any modifications to them, which—</p>	<p>Yes. The SPD is subject to preparation and adoption at local level.</p> <p>Whilst the SPD is not a requirement and is optional under the provisions of the Town and Country Planning Act it will, if adopted, supplement the development plan and be a material consideration in the assessment of planning applications.</p>

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Environmental Regulations Paragraph	Comments
<p>(a) are subject to preparation or adoption by an authority at national, regional or local level; or</p> <p>(b) are prepared by an authority for adoption, through a legislative procedure by Parliament or Government; and, in either case,</p> <p>(c) are required by legislative, regulatory or administrative provisions;</p>	
<p><b>Environmental assessments for plans and programmes: first formal preparatory act on or after 21st July 2004</b></p> <p><b>5. (2)</b> The description is a plan or programme which—</p> <p>(a) is prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use, and</p> <p>(b) sets the framework for future development consent of projects listed in Annex I or II to Directive 2011/92/EU(4) of the European Parliament and of the Council on the assessment of the effects of certain public and private projects on the environment.</p>	<p>Yes. The SPD is prepared for town and country planning purposes. It supplements the planning policy framework of the Harrogate District Local Plan, by providing detailed guidance as to how these policies are interpreted for future consent of projects listed in Schedule II of Directive 2011/92/EU(4).</p>
<p>(3) The description is a plan or programme which, in view of the likely effect on sites, has been determined to require an assessment pursuant to any law that implemented Article 6 or 7 of the Habitats Directive.</p>	<p>No, a Habitat Regulations Assessment is not required. The Habitat Regulation Assessment for the Harrogate District Local Plan concluded that policy NE3 would not cause a negative effect alone or in combination with other plans. The SPD does not provide any guidance which alters the impact of NE3 on designated sites. The adopted Harrogate District Local Plan 2014-2035 has been subject to Habitat Regulation Assessment and other appropriate assessment, please see <a href="http://www.harrogate.gov.uk/localplan">www.harrogate.gov.uk/localplan</a></p>
<p>(6) An environmental assessment need not be carried out—</p> <p>(a) for a plan or programme of the description set out in paragraph (2) or (3) which determines the use of a small area at local level; or</p> <p>(b) for a minor modification to a plan or programme of the description set out in either of those paragraphs,</p>	<p>Yes. The SPD provides further detail on the implementation of one policy within the adopted Harrogate District Local Plan 2014-2035, specifically criteria E of the Policy NE3.</p>

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Environmental Regulations Paragraph	Comments
<p>unless it has been determined under regulation 9(1) that the plan, programme or modification, as the case may be, is likely to have significant environmental effects, or it is the subject of a direction under regulation 10(3)</p>	
<p><b>Determinations of the responsible authority</b></p> <p>9.—(1) The responsible authority shall determine whether or not a plan, programme or modification of a description referred to in—</p> <p>(a) paragraph (4)(a) and (b) of regulation 5;</p> <p>(b) paragraph (6)(a) of that regulation; or</p> <p>(c) paragraph (6)(b) of that regulation,</p> <p>is likely to have significant environmental effects.</p> <p>(2) Before making a determination under paragraph (1) the responsible authority shall—</p> <p>(a) take into account the criteria specified in Schedule 1 to these Regulations; and</p> <p>(b) consult the consultation bodies.</p>	<p>This SEA screening has been prepared using the criteria specified in Schedule 1 as presented in the following table.</p> <p>Natural England, Historic England and The Environment Agency were consulted on the conclusions of the draft SEA screening on the 30th March and asked to provide comment by the 5th May 2021. No issues were raised.</p>

Table 1.1 Assessing the Need for a SEA

SEA Requirement	Comments
<p><b>1. The characteristics of plans and programmes, having regard, in particular, to -</b></p>	
<p>(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;</p>	<p>The SPD has a minor role in setting the framework for projects. Through the detail of biodiversity assessment it may to a small degree influence the size, operating conditions and design of projects over and above the framework set by Local Plan Policy NE3 and the other policies within the Harrogate District Local Plan. It has no influence on the location or volume of projects nor does it allocate resources.</p>
<p>(b) the degree to which the plan or programme influences other plans and programmes including those in a hierarchy;</p>	<p>The SPD provides interim guidance for development projects until further clarity on aspects proposed within the Environment Bill are published. Other plans and programmes will likely outlive the SPD and during their preparation will be steered by national legislation and policy.</p>

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SEA Requirement	Comments
(c) the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development;	The purpose of the SPD is to protect biodiversity on development sites. The Local Plan SA/SEA concluded policy NE3 made only positive impacts on the natural environment. The purpose of the SPD is to ensure these beneficial impacts of that policy are delivered and maintained.
(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 retained EU law on the environment (for example, plans and programmes linked to waste management or water protection).	The SPD has no relevance to the implementation of retained EU law.
<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;	The SPD provides for beneficial impacts to be maintained for at least 30 years. However it is only interim guidance on how to deliver net gain and will likely be superceded by the requirements proposed in the Environment Bill and subsequent legislation. The volume of projects it will influence is limited to those coming forward in accordance with the Local Plan over the next one or two years.
(b) the cumulative nature of the effects;	The cumulative effect of this SPD and the Local Plan will result in greater protection for biodiversity, offsetting the loses caused by development and helping to deliver sustainable development.
(c) the transboundary nature of the effects;	There are no transboundary effects as this SPD relates to the Harrogate District 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 area and size of the population likely to be affected);	The SPD relates to Harrogate District only.
(f) the value and vulnerability of the area likely to be affected due to—  (i) special natural characteristics or cultural heritage;	The SPD relates to Harrogate District only; there are a number of nationally designated nature conservation sites, designated and non-designated heritage assets (listed buildings and conservation area etc.). As no development



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SEA Requirement	Comments
(ii)exceeded environmental quality standards or limit values; or  (iii)intensive land-use; and	is proposed via the SPD, none of these are likely to be affected by the SPD and this would be addressed through a planning application, specific to the proposal.
(g)the effects on areas or landscapes which have a recognised national, Community or international protection status.	The Harrogate District has areas of landscape recognised at national and international level but development schemes will be in accordance with the Local Plan which seeks to avoid impacts on these areas. The SPD requires that biodiversity compensation is not provided on areas with national or international protection. In addition the SPD requires that any enhancement or compensation is approved by the council ecologist to avoid negative impacts on the wider landscape.

Table 1.2 Assessment of likely effects using Schedule 1 of the SEA Regs

**Conclusion**

- 1.6** Table 2 identifies that the SPD will have a beneficial impact on the natural environment over a long period of 30 years, however the scale of the impact over and above the framework set out in the Local Plan is very limited. In addition, the SPD will provide interim guidance until the provisions of the Environment Bill, subsequent legislation and guidance is provided.
- 1.7** It is concluded that the SPD is not likely to have significant environmental effects.

