

**Strategic Environmental Assessment of the Biodiversity Net
Gain Supplementary Planning Document**

Coventry City Council

**Strategic Environmental Assessment Screening Opinion for
consultation**

March 2022

1. Introduction

- 1.1 This screening report has been produced to consider whether the Biodiversity Net Gain Supplementary Planning Document (SPD) prepared by Coventry City Council should be subject to 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.
- 1.2 Paragraph: 008 of the Planning Guidance ¹ states that supplementary planning documents may in exceptional circumstances require SEA if they are likely to have significant environmental effects that have not already been assessed during the preparation of the relevant strategic policies. This screening statement considers whether there are any impacts which have not already been assessed within the Coventry Local Plan which was adopted on 6th December 2017², and determines whether or not SEA is needed for this SPD.

2. The Biodiversity Net Gain SPD: Context

- 2.1 The Draft Biodiversity Net Gain SPD sets out further detail on existing policies contained within the adopted Coventry City Council Local Plan, in particular Policy GE1 (Green Infrastructure), Policy GE3 (Biodiversity, Geological, Landscape and Archaeological Conservation) and Policy DS4 (Part A: General Masterplan principles) The Local Plan is the City Council's statutory planning framework which sets out how and where new homes, jobs, services and infrastructure will be delivered and the type of places and environments that will be created, enhanced and protected.
- 2.2 Requiring developers to provide open space as part of their proposals is a key requirement of Policies GE1, GE3 and DS4 of the adopted Coventry Local Plan as set out above.
- 2.3 The SPD is designed to assist prospective developers and applicants by providing guidance on how proposals can demonstrate they have met the requirements of planning policy related to biodiversity net gain in Coventry. By providing this information upfront Coventry City Council intends to provide additional clarity in the development process and ensure that negotiating obligations is based on a clear and consistent approach.

3. The Screening Process

- 3.1 The screening assessment is undertaken in two parts: the first will assess whether the SPD requires screening for SEA and the second part of the assessment will consider

¹ Reference ID: 11-008-20140306

² <https://www.coventry.gov.uk/localplan>

whether the SPD is likely to have a significant effect on the environment, using criteria drawn from Schedule 1 of the SEA Regulations.

Table 1: Is SEA screening required?

Environmental Regulations Paragraph detail	Comments
<p>2.(1) In these Regulations- [...] "plans and programmes" means plans and programmes, including those co-financed by the European Community, as well as any modifications to them, which— (a) are subject to preparation and adoption by an authority at national, regional or local level; (b) are prepared by an authority for adoption, through a legislative procedure by Parliament or Government; and, in either case, (c) are required by legislative, regulatory or administrative provisions</p>	<p>Yes, this applies.</p> <p>The SPD is subject to preparation and adoption at local level. 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>
<p><u>Environmental assessment for plans and programmes; first formal preparatory act on or after 21st July 2004</u> 5.(2) The description is a plan or programme which— (a) is prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use, and (b) sets the framework for future development consent of projects listed in Annex I or II 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, this applies.</p> <p>The SPD is prepared for town and country planning purposes. It supplements the planning policy framework of the Coventry City 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</p>	<p>No this does not apply.</p>

<p>effect on sites, has been determined to require an assessment pursuant to Article 6 or 7 of the Habitats Directive.</p>	<p>The SPD is not likely to affect sites and has been determined not to require an assessment pursuant to any law that implemented Article 6 or 7 of the Habitats Directive.</p> <p>Habitat Regulations Assessment is not required. The Habitat Regulation Assessment undertaken in 2016 for the Coventry City Local Plan concluded that the plan 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 the policy on designated sites.</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, this applies.</p> <p>The SPD provides further detail on the implementation of biodiversity net gain within the adopted Local Plan. This applies to the whole administrative area of Coventry City Council.</p>
<p><u>Determinations of the responsible authority³</u></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, 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 screening opinion has been prepared using the criteria specified in Schedule 1 as presented in Table 2.</p> <p>The statutory bodies (Natural England, Historic England and the Environment Agency) are to be consulted as required.</p>

³ “Responsible authority”, in relation to a plan or programme, means the authority by which or on whose behalf it is prepared (Regulation 2(1)(a))

Table 2: will the SPD have a significant effect on the environment⁴

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 has a minor role in setting the framework for projects. While the SPD forms a material consideration in decisions on planning applications, it has no influence on the location or volume of projects nor does it in itself allocate resources.
(b) the degree to which the plan or programme influences other plans and programmes including those in a hierarchy;	The SPD does not create new policies but will support the policies in the adopted Local Plan. Other plans and programmes may outlive the SPD and during their preparation will be steered by national legislation and policy.
(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 provide guidance to support the biodiversity policies of the adopted Local Plan. The Local Plan SA/SEA assessed this. The purpose of the SPD is to ensure these beneficial impacts of that policy are delivered and maintained which contributes to promoting sustainable development.
(d) environmental problems relevant to the plan or programme; and	There are no environmental problems relevant to this SPD: it elaborates adopted Local Plan policy.
(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.
2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to—	

⁴ As set out in Schedule 1 of the Environmental Assessment of Plans and Programmes Regulations 2004

(a) the probability, duration, frequency and reversibility of the effects;	The SPD is not allocating sites for development. The SPD is to provide guidance for the application and implementation of the policies in the adopted Local Plan and is not expected to give rise to any significant environmental effects.
(b) the cumulative nature of the effects;	The SPD is not considered to have any significant cumulative effects. As the document provides further guidance to adopted local plan policies, but does not set policies itself, it cannot contribute to cumulative impacts in combination with the Local Plan.
(c) the transboundary nature of the effects;	There are no negative transboundary effect as this SPD relates to delivery of Biodiversity and Ecology sites and mitigation in Coventry City Council area. Any negative transboundary effects have already been assessed as part of the Local Plan's sustainability appraisal, the Habitat Regulations Assessment and the Plan's examination process. The City Council will continue to work with neighbouring authorities to seek positive cross boundary solutions to relevant biodiversity opportunities.
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 Coventry City Council's administrative area only.
(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 SPD relates to the Coventry City Council area only; as no development is proposed via the SPD, which elaborates on existing policy, none of these are likely to be affected by the SPD. Any site-specific matters would be addressed through a planning application specific to an individual proposal.
(g)the effects on areas or landscapes which have a recognised national, Community or international protection status.	The SPD relates to the Coventry City Council area only; as no development is proposed via the SPD, which elaborates on existing policy, none of these matters are likely to be affected by the SPD. Any site-specific matters would be addressed through a planning application specific to an individual proposal.

4. Conclusion and Screening Recommendation

- 4.1 This screening opinion identifies that the SPD will provide guidance to support the biodiversity policies of the Coventry City Council adopted Local Plan. It is concluded that the SPD is unlikely to have significant environmental effects and therefore that Strategic Environmental Assessment is not required.