

Reptile Strategy SPD Strategic Environmental Assessment

Ipswich Borough council

Strategic Environmental Assessment Screening Report (under Regulation 9 of the Environmental Assessment of Plans and Programmes Regulations 2004) for the Ipswich Borough Council Draft Reptile Strategy Supplementary Planning Document (SPD) 2020.

Introduction

Ipswich Borough Council is preparing a draft Reptile Strategy Supplementary Planning Document (SPD) to implement the following policies, set out in the Ipswich Local Plan (2017):

- CS4 Protecting Our Assets – this strategic policy states that:
The Council will also seek to conserve and enhance local biodiversity in accordance with the National Planning Policy Framework and national legislation by:
 - a. *Applying an appropriate level of protection to international and nationally designated sites and protected and priority species;*
 - b. *Requiring new development to incorporate provision for conserving and enhancing local biodiversity, canopy cover and geodiversity interests;*
 - d. *Designating additional Local Nature Reserves where appropriate;*
 - e. *Preparing and implementing management plans for Council owned wildlife sites; and*
 - f. *Identifying an ecological network across Ipswich and linking into adjacent areas and protecting and enhancing it in accordance with policy DM31 to maximise the benefits of ecosystem services.*
- DM31 The Natural Environment – this detailed policy states that:
All development is expected to incorporate measures to enhance conditions for biodiversity within and around the development.....Proposals which would result in significant harm or net loss to biodiversity, having appropriate regard to the ‘mitigation hierarchy’, will not normally be permitted. Enhancements for protected sites and protected and priority species will be expected where possible.
- Those site allocations made through the Site Allocations and Policies (incorporating IP-One Area Action Plan) development plan document, which are accompanied by site sheets in Appendix 3A of the plan that identify the requirement for reptile surveys to be undertaken before planning applications are submitted, and mitigation where appropriate.

Specifically, this SPD seeks to:

- Set out a strategic approach to identifying, managing and monitoring receptor sites for reptile translocation;
- Provide guidance on the criteria for identifying suitable receptor sites and the actions required to prepare sites for translocation;
- Explain how sites will be secured through the planning process and outline ongoing monitoring and management requirements;
- Ensure that through the successful management of existing habitats and species populations, Ipswich has an enhanced biodiversity heritage for future generations to enjoy.

What is the mitigation hierarchy and why is this SPD necessary?

When the sites come forward for development, the mitigation hierarchy applies:

Table 1: The Mitigation Hierarchy¹

Hierarchy	Examples
Avoidance	Can significant harm to wildlife species and habitats be avoided for example through changing scheme layout to avoid area occupied by reptiles or changing the timing of work?
Minimise	If not, can harm be minimised by design or by the use of effective mitigation measures that can be secured by, for example, conditions or planning obligations (including translocation)?
Compensate	If not, can this be properly compensated for by measures to provide for an equivalent value of biodiversity e.g. through creating links to other habitats, habitat creation or improvement of existing habitat?



If reptile populations cannot be retained on site, they need to be translocated to sites nearby. However, there is currently little capacity for suitable receptor sites in the locality. These sites are required for developments to comply with legislation, and ensure Ipswich has an enhanced biodiversity heritage for future generations to enjoy².

What is the purpose of this statement?

The purpose of this statement is to assess the need for a Strategic Environmental Assessment (SEA) in relation to the Reptile Strategy Supplementary Planning Document (SPD).

The SPD does not create new policy but provides detail in respect of the implementation of the policies identified above. The primary purpose of the SPD is to ensure that there are sufficient receptor sites ahead of major developments and thereby ensure compliance with nature conservation legislation, the Biodiversity Duty and the National Planning Policy Framework (NPPF).

In this respect the SPD will set out a co-ordinated, strategic approach specifically to identifying, managing and monitoring receptor sites for reptiles, so that development can proceed in a timely, appropriate, legally and policy compliant manner in Ipswich.

What is the legislative background?

This screening report is designed to test whether or not the Reptile Strategy Supplementary Planning Document (SPD) requires a Strategic Environmental Assessment (SEA). Following amendments to the 2004 Planning and Compulsory Purchase Act via the 2008 Planning Act³, Sustainability Appraisal (SA) is no longer required for Supplementary Planning Documents. However the adopted policies to which the Supplementary Planning Document relates have been subject to both SA and SEA as part of their production.

¹ Planning Practice guidance

² All Suffolk's reptiles have partial protection under the Wildlife and Countryside Act 1981, which means that they are protected against intentional killing and injuring and against sale or transporting for sale. All reptiles are UK Biodiversity Action Plan species, which means that they are a priority for conservation.

³ Part 9, Chapter 2, paragraph 180 of the 2008 Planning Act amended section 19, subsection 5 of the 2004 Planning and Compulsory Purchase Act

The requirement for SEA is established through the European Directive 2001/42/EC on 'the assessment of the effects of certain plans and programmes on the environment.' It is known as the 'SEA Directive'. The SEA Directive was transposed into English law by the Environment Assessment of Plans and Programmes Regulations 2004, or the 'SEA Regulations'. Detailed guidance on these regulations can be found in the Government publication 'A Practical Guide to the Strategic Environmental Assessment Directive' published in September 2005.

The requirement to undertake SEA applies to plans and programmes which are subject to preparation or adoption by an authority at a national, regional or local level. In order to establish whether SEA is required the fundamental consideration is whether the document is likely to have 'significant environmental effects'. The best way to determine this is to carry out a screening assessment. If the screening assessment indicates that there could be significant effects, an SEA is needed. Therefore, this report focuses on screening for SEA and the criteria for establishing whether a full assessment is needed.

A separate statement has been produced which assesses the need for assessment under the Habitats Regulations.

What are the criteria for assessing the effects of Supplementary Planning Documents?

Criteria for determining the likely significant effects referred to in Article 3(5) of Directive 2001/42/EC⁴ are set out below:

- (a) the degree to which the plan sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources;
- (b) the degree to which the plan influences other plans and programmes including those in a hierarchy;
- (c) the relevance of the plan for the integration of environmental considerations in particular with a view to promoting sustainable development;
- (d) environmental problems relevant to the plan or programme;
- (e) the relevance of the plan for the implementation of Community legislation on the environment (for example, plans linked to waste management or water protection).

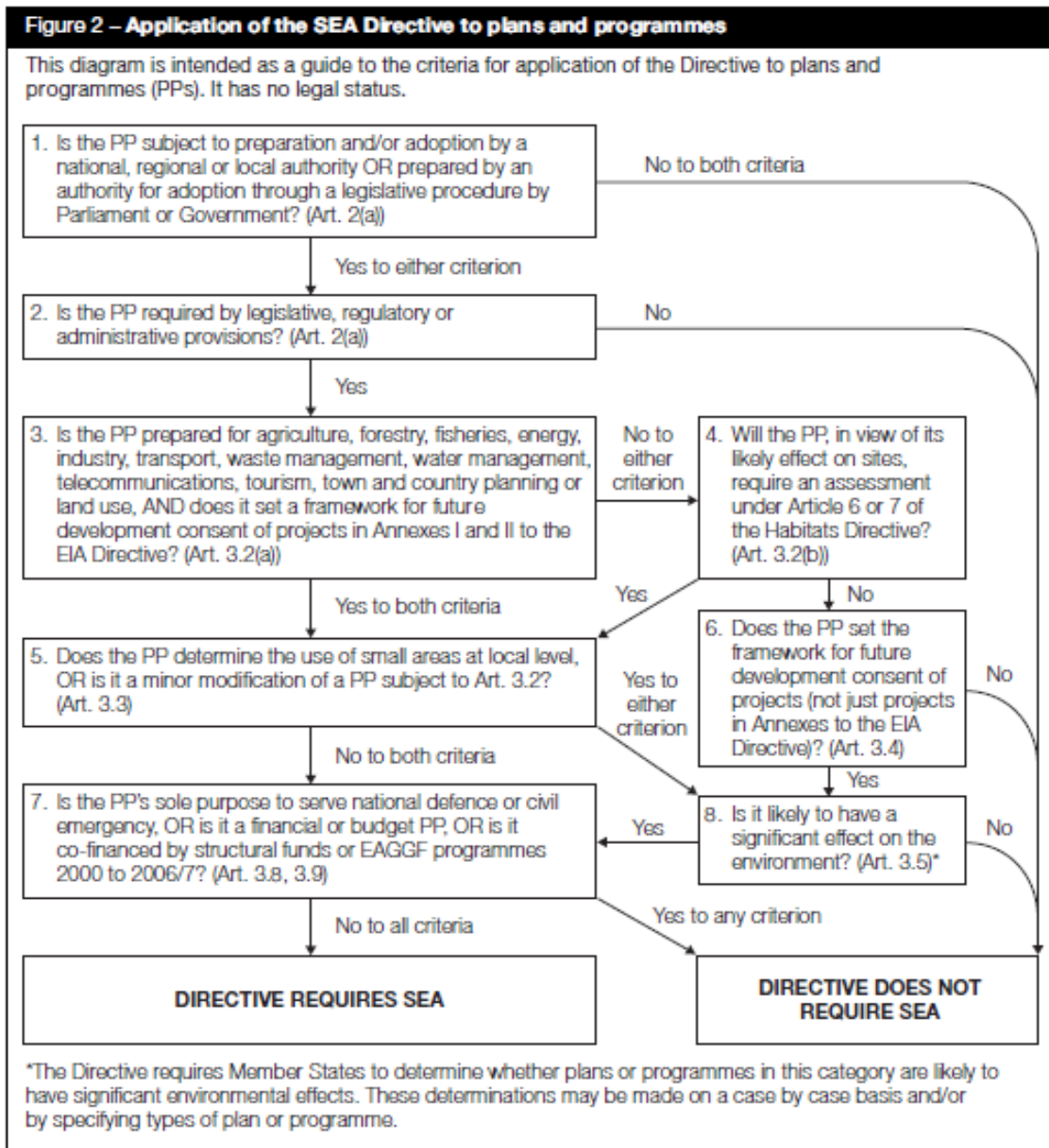
Also to be considered are the characteristics of the effects and of the area likely to be affected, having regard, in particular, to:

- (a) the probability, duration, frequency and reversibility of the effects;
- (b) the cumulative nature of the effects;
- (c) the transboundary nature of the effects;
- (d) the risks to human health or the environment (for example, due to accidents);
- (e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);
- (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
- (g) the effects on areas or landscapes which have a recognised national, Community or international protection status.

⁴ As set out in Annex II of the Directive

How is the SPD assessed?

The following diagram illustrates the process for screening a planning document to ascertain whether a full SEA is needed, based upon the considerations set out in the sections above.



Source: A Practical Guide to the Strategic Environmental Assessment Directive, ODPM, 2005

The questions from the diagram above, which illustrates how the SEA Directive should be applied, have been put in Table 2 below together with the screening assessment for the Reptile Strategy Supplementary Planning Document (SPD).

Table 2: Screening of the draft Reptile Strategy Supplementary Planning Document (SPD)

SEA Screening Questions	Screening assessment of the draft Reptile Strategy SPD
1. Is the plan or programme subject to preparation and/or adoption by a national, regional or local authority OR prepared by an authority for adoption through a legislative procedure by Parliament or Government (Art. 2(a))?	Yes – the SPD is prepared and adopted by a local planning authority, Ipswich Borough Council. (Yes to either criterion, go to question 2)
2. Is the plan or programme required by legislative, regulatory or administrative provisions (Art. 2(a))?	Yes – the SPD is produced as part of the delivery of the statutory Development Plan and the process for preparing SPDs is set out in the Town and Country Planning (Local Development) (England) Regulations 2012 (Yes – go to question 3)
3. Is the plan or programme prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use AND does it set the framework for future development consent for projects listed in Annexes I and II to the EIA Directive (Art 3.2(a))?	Yes – the SPD is prepared for town and country planning and land use and it provides detail to the Core Strategy policy framework for the future consent of projects listed in Annexes I and II of the EIA Directive (which includes for example ‘urban development projects’). (Yes to both criteria, go to question 5)
5. Does the plan or programme determine the use of small areas at local level, OR is it a minor modification of a plan or programme subject to Ar. 3.2 (Art. 3.3)?	Yes – the SPD proposes the use of identified sites at a local level as habitat for reptile translocation. This will require the enhancement or creation of areas of reptile habitat at these sites. (Yes to either criterion, go to question 8)
8. Is it likely to have a significant effect on the environment (Art. 3.5)?	No. The purpose of the SPD is to provide supporting information to the Local Plan. The policies to which the SPD relates were themselves subject to SEA (incorporated within the SA) through the Local Plan preparation process. UK reptiles are protected by law and existing policy sets out the Council's duty to protect existing biodiversity in the Borough. The SPD outlines the standard mitigation procedure to be followed when reptiles are present on development sites and how this will be secured through the planning process. It advises applicants of their responsibilities at different application and development stages and where to find information and advice.

	<p>The SPD identifies a number of sites across the Borough which provide the potential for accommodating reptile populations from development sites. In some cases, existing reptile habitat will be enhanced further to allow accommodation of additional populations. If further suitable reptile habitat is required, this will only be created on areas which are currently not already in use for other nature conservation purposes or home to existing priority species e.g. existing agricultural land. Therefore, the creation of reptile habitat will not compromise existing conservation land uses.</p> <p>Therefore, the SPD will not itself have any significant effects on the environment, and may assist in addressing potential negative effects identified in the SEA of the relevant adopted policies, e.g. by ensuring that clear guidance is available for the protection of priority species from potential harm caused by development and creating or enhancing reptile habitat across the Borough.</p> <p>In coming to this view, due regard has been had to Annex II of the SEA Directive (2001/42/EC). The considerations of Annex II (2) were fully examined as part of the SA report for the adopted Core Strategy and Policies DPD (see Appendix 1).</p> <p>(No - Directive does not require SEA).</p>
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Based on the assessment contained in the table above, it is expected that the SPD itself will have no significant environmental effects. The effect of the SPD will be to ensure that the Council will meet its duty to comply with legislation when delivering the Ipswich Local Plan.

Conclusion

SEA is not required in relation to the production of the Reptile Strategy Supplementary Planning Document (SPD).

In accordance with Regulation 9(2) of the Environmental Assessment of Plans and Programmes Regulations 2004 the three statutory consultees, the Environment Agency, Historic England (formerly English Heritage) and Natural England, have been consulted on the Screening Assessment and agree that a SEA is not required.

This conclusion represents the Council's determination under Regulation 9(1) of the 2004 Regulations.

Date of determination: 10th March 2020

Appendix 1: Consideration of the characteristics of the effects and of the area likely to be affected (see question 8 in Table 1 above)

Characteristics of the Effects	Relationship to the Reptile Strategy SPD
<p>- the probability, duration, frequency and reversibility of the effects,</p>	<p>The purpose of the SPD is to provide guidance to assist in the interpretation of adopted Local Plan Policies (which have been subject to SEA). The SPD is predicted to reinforce the positive effects identified through the SA of the Local Plan such as the incorporation of benefits for wildlife. It should be acknowledged that whilst the SPD provides guidance on topics in relation to reptile conservation, they are addressed through policies CS4 and DM31. It is considered that these additional positive effects would not amount to a significant effect in SEA terms, because the SPD simply introduces a more strategic, planned and managed approach to reptile translocation in place of the case by case approach currently in operation.</p>
<p>- the cumulative nature of the effects,</p>	<p>By identifying a list of receptor sites and developing clear planning procedures, the SPD provides a more co-ordinated approach to reptile translocation from development sites over the Local Plan period. By identifying specific sites and preparing them for reptile translocation, the SPD should reduce the need for developers to find additional parcels of land across the Borough. The SPD also streamlines the procedure for developers to transfer responsibility to the Council through Section 106 agreements and as such it is expected that reptiles will first and foremost be translocated to the receptor sites as listed in the SPD. This should reduce the numbers of small, disconnected receptor sites being brought forward across the Borough, therefore reducing any cumulative effects.</p>
<p>- the transboundary nature of the effects,</p>	<p>Potential receptor sites that have been identified within the SPD are predominantly located within the Borough. Thorington Hall Farm is located immediately adjacent to the IBC boundary and is under IBC ownership. If further land needs to be identified outside of the Borough, this will only be accepted on land which meets the criteria identified through the SPD e.g. existing low value agricultural land. Therefore, the creation of reptile habitat will not compromise existing conservation land uses and will in fact help</p>

	to improve biodiversity. Any transboundary effects then, are likely to be positive and localised to receptor sites.
- the risks to human health or the environment (e.g. due to accidents),	There would be no risks to human health or the environment.
- the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected),	Any effects are likely to be positive, as outlined above. The magnitude and extent of such effects is likely to be localised to mitigate the effects of development in Ipswich Borough or its immediate surroundings.
- the value and vulnerability of the area likely to be affected due to: <ul style="list-style-type: none"> - special natural characteristics or cultural heritage, - exceeded environmental quality standards or limit values, - intensive land-use, 	Any effects are likely to be positive in terms of biodiversity management through the development process and receptor site maintenance in the long term.
- the effects on areas or landscapes which have a recognised national, Community or international protection status.	<p>Part of the Stour and Orwell Estuaries Special Protection Area, Ramsar and SSSI (Site of Special Scientific Interest) and the Suffolk Coast and Heaths Area of Outstanding Natural Beauty are within Ipswich Borough in addition to a further two SSSIs.</p> <p>The SPD will identify reptile receptor sites where currently there are no populations. It will identify mechanisms to ensure the sites are properly prepared for reptile translocation, and afterwards are suitably managed and maintained in the long term as reptile habitat. It is likely that the effect of the SPD will be to enhance biodiversity as receptor sites will be areas currently unsuitable for extensive reptile populations e.g. because they are agricultural land.</p> <p>The principle and location of housing development is guided by other policies in the Core Strategy and Policies DPD and there would therefore be no effects on these areas resulting from the SPD itself.</p>