



# BENGO

NEIGHBOURHOOD AREA PLAN  
2019-2033

## Strategic Environmental Assessment Screening Report

PRE-SUBMISSION DRAFT (REGULATION 14)

# Strategic Environmental Assessment Screening Report – Bengeo Neighbourhood Area Plan

## 1. Introduction

This report sets out a draft Screening Determination for the Bengeo Neighbourhood Area Plan (referred to as the Neighbourhood Plan) and has been prepared for Bengeo Community Steering Group and Hertford Town Council (HTC) by Govresources Ltd. It is based on the Pre-submission version of the Neighbourhood Plan.

The Neighbourhood Plan has been prepared for Hertford Town Council as the accountable body. The Neighbourhood Plan Area was designated on 27<sup>th</sup> June 2017 for the Hertford Bengeo Ward. It will help inform planning decisions to 2033.

The purpose of the screening report is to determine whether the Neighbourhood Plan is likely to have any significant environment effects and so require a Strategic Environmental Assessment (SEA).

More detail is given in the following sections on the Legislative Background (section 2), Establishing A Need for an SEA (section 3), and on the Bengeo Neighbourhood Area Plan specifically (section 4). The assessment of the Bengeo Neighbourhood Area Plan is included in sections 5, 6 and 7.

## 2. Legislative Background

The European Union Directive 2001/42/EC requires an SEA to be carried out for certain types of plans and programmes that could have significant environmental effects. The Environmental Assessment of Plans and Programmes Regulations 2004 (the Regulations) transposed this Directive in law for England and Wales.

Neighbourhood Plans fall within the scope of this legislation. They are a plan as defined by Article 3(2) of the SEA Directive and Regulation 5 paragraph 2 of the Environmental Assessment of Plans and Programmes Regulations 2004.

Under Article 3(2) of the SEA Directive and Regulation 5 paragraph 6 of the Environmental Assessment of Plans and Programmes Regulations 2004, Strategic Environmental Assessment (SEA) is only required for documents that determine land use in small areas at the local level where it is considered that they are likely to have 'significant environmental effects'.

The Conservation of Habitats and Species Regulations 2010 (as amended in 2012) transpose the requirements of the European Habitats Directive 92/43/EEC into UK law. The Habitats Directive and Regulations afford protection to plants, animals and habitats that are rare and vulnerable in a European context.

Habitats Regulations Assessment (HRA) is a systematic process through which the performance of a plan or project can be assessed for its likely impact on the integrity of a European Site (European Sites, also referred to as Natura 2000 sites, consist of Special Protection Areas (SPA), Special Areas of Conservation (SAC); Potential Special Protection Areas and candidate Special Areas of Conservation (pSPA and cSAC); and listed or proposed Ramsar sites). Under Regulation 9 of the Regulations the responsible body (local parish or town council or neighbourhood forum) is required to determine whether a plan or programme is likely to have 'significant environmental effects'. This assessment is carried out through a screening determination, using a specified set of criteria (set out in Schedule 1 of the Regulations). In accordance with the Regulations, the results of the screening process are set out in this SEA Screening Determination report, which must be publicly available, submitted with the Neighbourhood Plan proposal and made available to the independent examiner.

Paragraph 177 of the National Planning Policy Framework (NPPF) 2019 states that "The presumption in favour of sustainable development does not apply where 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), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site". According to the NPPF, a Habitats site is "Any site which would be included within the definition at regulation 8 of the Conservation of Habitats and Species Regulations 2017 for the purpose of those regulations, including candidate Special Areas of Conservation, Sites of Community Importance, Special Areas of Conservation, Special Protection Areas and any relevant Marine Sites" (p.67).

### 3. Establishing a Need for an SEA

Planning Practice Guidance states that *"to decide whether a draft Neighbourhood Plan might have significant environmental effects, it must be assessed (screened) at an early stage of the plan's preparation according to the requirements set out in regulation 9 of the Environmental Assessment of Plans and Programmes Regulations 2004"*<sup>1</sup>.

The Guidance also suggests that *"The local planning authority, as part of its duty to advise or assist, should consider putting in place processes to determine whether the proposed Neighbourhood Plan will require a strategic environmental assessment."*<sup>2</sup> In this case East Herts District Council (EHDC) as the responsible authority will provide

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<sup>1</sup>Paragraph: 028 Reference ID: 11-028-20150209

assistance by seeking the opinions of the three statutory consultation bodies in undertaking the screening determination.

The Guidance notes that as a general rule, an SEA is more likely to be necessary if:

- *“a Neighbourhood Plan allocates sites for development*
- *the neighbourhood area contains sensitive natural or heritage assets that may be affected by the proposals in the plan*
- *the Neighbourhood Plan is likely to have significant environmental effects that have not already been considered and dealt with through a sustainability appraisal of the Local Plan”.*

Bengeo Neighbourhood Area Plan has been assessed in accordance with the criteria outlined in Schedule 1 of the SEA Regulations taking account of the Planning Practice Guidance in reaching its conclusions.

The three statutory environmental bodies designated in the regulations (Historic England, the Environment Agency & Natural England) have been consulted at the pre-submission consultation stage of the Neighbourhood Plan’s preparation. Their replies can be found in section 6.

#### 4. Bengeo Neighbourhood Area Plan

Bengeo ward is one of four wards in the Hertford Town Council Area, in the District of East Hertfordshire. It lies on the north side of the town, covering an area of about 680 hectares and bounded to north, east and west by Green Belt. In 2011, there were 7,456 usual residents in the Bengeo ward and 3,347 household spaces in the Ward (Source: nomisweb.co.uk, Census 2011).

The rivers Beane and Rib weave through significant parts of the Ward, with the Beane merging with the Lea in Hartham and the Rib joining it by St. Leonard’s Meadows. There are more than 100 hectares of woodland, and two woods have Ancient Woodland status; St. John’s Wood and Great Mole Wood. Waterford Heath and Marsh and St. John’s Wood are Local Wildlife Sites and Waterford Heath is also designated as a Local Nature Reserve. There are over one hundred and fifty listed buildings and structures in the Plan area including the former Hertford Library, St. Andrew’s Church, and the 15th century Old Verger’s House (the oldest surviving domestic building in Hertford). All these matters have been carefully considered through the preparation of the Neighbourhood Plan and the Neighbourhood Plan policies have been written specifically to take into account these assets.

The Neighbourhood Plan does not allocate any sites for housing development, or any other significant development. The Neighbourhood Plan Area does not contain or border any sensitive sites of European significance (Natura 2000) or any of the sensitive

areas identified in the Environment Impact Assessment (EIA) Regulations i.e. Sites of Special Scientific Interest (SSSI), Areas of Outstanding National Beauty (AONB), World Heritage Sites or Scheduled Monuments.

The Neighbourhood Plan seeks to protect the environment through policies addressing heritage assets, landscape views, nature conservation and the issues raised by the significant pressures on local roads and serious peak-time traffic congestion (See Table 1). The Neighbourhood Plan's overall approach is to support appropriate development which protects the character and environment of the area.

The vision of the Neighbourhood Plan is as follows:

**Hertford Bengeo Ward is a vibrant community with easy access to beautiful countryside and historic buildings. Our vision is to create a place for people to walk and cycle safely, with well-connected routes. Development will be to high environmental standards and natural areas and biodiversity will be enhanced and protected. The aim is for facilities to be accessible and designed to offer a diverse range of activities. With a strong business economy, a thriving cultural centre, and valued local heritage, it will be a place people will want to live, work and visit.**

The Neighbourhood Plan contains a number of sustainable objectives (**A-M**):

### **Green Spaces, Views, Nature Conservation and Air Quality**

**Objective A:** Protect precious green spaces through 'Local Green Space' designation and preserve important views.

**Objective B:** Maintain, protect and increase natural habitats, wildlife and local biodiversity.

**Objective C:** Reduce traffic emissions and preserve and increase green lungs and corridors.

### **Community, Heritage and Culture**

**Objective D:** Retain, protect and enhance community facilities.

**Objective E:** Encourage the development of cultural facilities and protect valuable heritage assets.

### **Sustainable Travel**

**Objective F:** Improve travel conditions and road safety and mitigate the impact of development on local roads.

**Objective G:** Improve and extend footpath routes to increase levels of walking.

**Objective H:** Improve and extend the cycle network to increase levels of cycling.

**Objective I:** Increase the use of local public transport as a preferred option over cars.

**Objective J:** Increase the availability of cycle parking and improve local car parking conditions.

## Homes and Development

**Objective K:** Achieve high-quality sustainable development with good access to natural areas and foot and cycle routes.

**Objective L:** Achieve brownfield development that meets residential, community or commercial need.

## Sustainable commercial Growth

**Objective M:** Ensure commercial development supports local businesses in continuing to thrive.

## 5. Screening Assessment

As mentioned above, the Regulations specify a set of criteria against which the likely environmental effects of any plan covered by the Regulations must be assessed to determine whether it requires an SEA. The table below considers each of these criteria in turn, showing that if there are any significant environmental effects arising from policies or proposals in the Neighbourhood Plan, they will be positive effects.

Table 1: Assessment of likelihood of significant effects on the environment

Criteria for determining the likely significance of effects	Likely to have significant effects?	Justification for assessment
1 (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	No	<p>The Bengeo Neighbourhood Area Plan will form part of the Statutory Development Plan and therefore would set a framework for future development projects in Bengeo.</p> <p>However, the Neighbourhood Plan sits within a wider framework set out by the NPPF and the adopted East Herts District Plan 2018. In addition, the projects for which the neighbourhood plan contributes to setting a planning framework are very local in nature, with the exception of the Sustainable Travel Town initiative which will be relevant to the town as a whole.</p> <p>The Bengeo Neighbourhood Area Plan does not include site</p>

		allocations or put forward for any other projects which are likely to have significant effects.
1 (b) the degree to which the plan or programme influences other plans or programmes including those in a hierarchy.	No	The Neighbourhood Plan will sit alongside the statutory development plan and provide a greater degree of detail to illuminate the Development Plan policies, as they relate to the Bengeo Ward. Therefore, the Neighbourhood Plan will respond to, rather than influence other plans or programmes.
1 (c) the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development	No	The Neighbourhood Plan will work to protect and enhance the character, natural environment and landscape of Bengeo, including statutory environmental designations and Local Green Space designations. A number of policies in the Neighbourhood Plan will contribute to the social sustainability of Bengeo and provide socially sustainable development as defined in the NPPF. These will assist with integrating new housing as set out in the District Plan and other housing proposals through the life of the Neighbourhood Plan and balancing growth with infrastructure provision. Therefore, it is considered that the Neighbourhood Plan will have a positive impact on local environmental assets and therefore will promote sustainable development.
1(d) environmental problems relevant to the plan	No	None have been identified. There will be an increase in the number of houses in the ward as a result of new development. However, the Neighbourhood Plan will help to address wider environmental problems as highlighted in the NPPF at a local level, such as improving air

		quality, easing traffic congestion, compensating for any loss of biodiversity and actions to change encourage more walking and cycling, without any negative effects.
1 (e) the relevance of the plan or programme for the implementation of community legislation on the environment (e.g. plans and programmes linked to waste management or water protection)	No	The Neighbourhood Plan is in accordance with the East Herts District Plan which, has taken account of existing legislation for environmental protection.
2 (a) the probability, duration, frequency and reversibility of the effects	No	<p>No significant effects have been identified</p> <p>The Neighbourhood Plan will result in positive environmental effects through policies that seek to protect designated and non-designated heritage assets. The Neighbourhood Plan will result in positive social effects through policies that seek to change behaviours to reduce vehicular travel, support improved arts and recreational opportunities and ensure that new development is safe and attractive. Positive economic effects will be achieved through policies which seek to support local business development.</p> <p>These positive effects are small and low frequency but are likely to be long term.</p>
2 (b) the cumulative nature of the effects	No	<p>No significant effects have been identified</p> <p>A combination of the Neighbourhood Plan, which seeks to protect and enhance the character, environment and heritage of Bengeo and wider environmental policy in the adopted East Herts District Plan 2018 is likely to have cumulative positive environmental effects and benefits for Bengeo. Notwithstanding the above, the</p>

		effects of the Neighbourhood Plan will be small scale.
2 (c) the trans-boundary nature of the effects	No	All effects will be very local There will be no impacts on neighbouring areas.
2 (d) the risks to human health or the environment (e.g. due to accidents)	No	No significant effects have been identified
2 (e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)	No	No significant effects have been identified. The Neighbourhood Plan aims to enhance the environment and to support provision of the infrastructure required to meet the social needs of Bengeo's residents and other residents of the wider town.
2 (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 (iii) intensive land-use	No	<p>The Neighbourhood Plan Area contains sensitive features including the Grade I listed St Leonards Church as well as the Rivers Beane and Rib, ancient woodland and a Local Nature Reserve.</p> <p>However, there are no proposals in the Neighbourhood Plan which are likely to have significant environmental effects on these features. In fact, key Neighbourhood Plan policies provide for the protection of the natural and historic environment from detrimental new development.</p> <p>The following specific policies protect sensitive features: HBN1, HBN3, HBN4, HBC3 and HBC4.</p> <p>The Neighbourhood Plan also contains a policy to try to improve air quality, as part of the area is in an Air Quality Management Area (AQMA), policy HBN5.</p> <p>East Herts planning policies and the NPPF will also protect natural assets and designated and non-designated heritage</p>

		assets identified in this Neighbourhood Plan.
2 (g) the effects on areas or landscapes which have a recognised national, community or international protection status	No	The Neighbourhood Plan contains policies aimed at protecting the character of designated Local Green Spaces, character and setting of listed buildings and non-designated heritage assets, the rural views that sweep across the area and the Local Nature Reserve. There are no RAMSAR sites or NATURA 2000 sites in or adjacent to the Neighbourhood Plan Area.

## 6. Consultation Responses

Historic England’s response, dated 10 September 2019, advised that they did not wish to make any detailed comments at that time. They attached guidance on successfully incorporating historic environment considerations into a neighbourhood plan, which have been taken into account during the preparation of the Neighbourhood Plan.

In their consultation response, dated 25 July 2019, Natural England advised that it does not have any specific comments on the draft neighbourhood plan. However, they have provided general guidance that has been taken into consideration in the making of this Neighbourhood Plan

The Environment Agency did not respond to the Regulation 14 Consultation.

## 7. Screening Determination

In conclusion the Bengeo Neighbourhood Area Plan is not likely to have significant environmental effects and therefore an SEA is not required. The principal reasons for this conclusion are:

The Bengeo Neighbourhood Plan does not allocate any development sites, does not propose any more development within its area than the adopted East Herts District Plan 2018 and therefore, accords with the policies contained in the East Herts District Plan 2018.

The Neighbourhood Plan Area does contain sensitive features, particularly listed heritage features and a Local Nature Reserve as noted above but there are no proposals in the Neighbourhood Plan which are likely to have significant environmental effects on these features. In fact, as previously mentioned, key plan policies are designed to encourage good management of these features and protect them from harmful development.