

Open Space, Sport and Recreation Supplementary Planning Document (SPD)

Strategic Environmental Assessment Screening Statement

1. The Purpose of this Statement

- 1.1 This screening statement has been prepared to determine whether the proposed Open Space, Sport and Recreation Supplementary Planning Document (SPD) should be subject to a Strategic Environmental Assessment (SEA) in accordance with the European Union Directive 2001/42/EC (SEA Directive) and the Environmental Assessment of Plans and Programmes Regulations 2004 (SEA Regulations).
- 1.2 The purpose of the Open Space, Sport and Recreation Supplementary Planning Document (SPD) is to support the effective implementation of the Open Space, Leisure and Recreation and Planning Obligation policies (chapters 19 and 25 respectively) in the East Herts District Plan, adopted October 2018:
 - Policy CFLR1 Open Space, Sport and Recreation
 - Policy DEL1 Infrastructure and Service Delivery
 - Policy DEL2 Planning Obligations
- 1.3 It relates to funding and delivering a wide range of high quality open space, sport and recreation across the district that is fit for purpose, with an appropriate balance between the provision of new facilities and the enhancement of existing ones. The SPD will be a material consideration in the determination of planning applications and will inform Development Management decisions. The SPD will provide information and guidance to developers regarding the relevant types of infrastructure and/or amount of contributions needed to support the implementation of the District Plan policies.

2. Strategic Environmental Assessment – Regulatory Requirements

- 2.1 The basis for Strategic Environmental Assessment legislation is European Directive 2001/42/EC. This was transposed into English law by the Environmental Assessment of Plans and Programmes Regulations 2004 (SEA Regulations). Detailed guidance of these regulations can be found in the Government publication 'A Practical Guide to the Strategic Environmental Assessment Directive' (ODPM, 2005) and Paragraph 11-008 of the Planning Practice Guidance (PPG), which states that "supplementary planning documents do not require sustainability appraisal but may in exceptional circumstances require a strategic environmental assessment if they are likely to

have significant environmental effects that have not already been assessed during the preparation of the local plan.

- 2.2 Under the requirements of the European Union Directive 2001/42/EC and Environmental Assessment of Plans and Programmes Regulations (2004), certain types of plans that set the framework for the consent of future development projects, must be subject to an environmental assessment.
- 2.3 The objective of Strategic Environmental Assessment is to provide for a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes with a view to promoting sustainable development.
- 2.4 The 2001 Directive has been updated a number of times, with the most recent Directive issued in April 2014. While Article numbers cited in the 2005 guidance have been updated/removed, the principle of determining whether a Plan or Programme will have likely significant effects on the environment remain the same. Therefore, this screening statement uses the only Government guidance available.

3. The Strategic Environmental Appraisal Process

- 3.1 The first stage of the process is for the Council to determine whether or not the SPD is likely to have significant effects on the environment. This screening process includes assessing the SPD against a set of criteria (as set out in Schedule 1 of the SEA Regulations). The results of this are set out in Appendix 1 of this statement. The aim of this statement is therefore to provide sufficient information to demonstrate whether the SPD is likely to have significant environmental effects.
- 3.2 The Council also has to consult the Environment Agency, Historic England and Natural England on this screening statement. A final determination cannot be made until the three statutory consultation bodies have been consulted.
- 3.3 Where the Council determines that a SEA is not required, Regulation 9(3) of the SEA Regulations states that the Council must prepare a statement setting out the reasons for this determination. This statement is East Herts Council's Draft Regulation 9(3) statement.

4. Other Regulatory Considerations

Sustainability Appraisal

- 4.1 Whilst there is no statutory requirement to undertake a Sustainability Appraisal (SA) of the Planning Obligations for open space, sport and recreation SPD, the Council has considered whether an SA of this SPD is required. The Council has determined that the SPD is unlikely to have significant environmental, social or economic effects beyond those of the District Plan policies it supplements. This SPD does not create

new policies and only serves to provide useful guidance on how to effectively and consistently implement the open space and planning obligation policies in the East Herts District Plan, which has been subject to a fully comprehensive SA process, incorporating SEA.

- 4.2 More information on the Sustainability Appraisal of the East Herts District Plan can be viewed on the Council's website: www.eastherts.gov.uk/districtplan.

Habitats Regulations Assessment

- 4.3 In addition to SEA and SA, the Council is required to consider Habitats Regulations Assessment (HRA). HRA is the process used to determine whether a plan or project would have significant adverse effects on the integrity of internationally designated site of nature conservation importance, known as European sites. The need for a HRA is set out within the Conservation of Habitats and Species Regulations 2010, which transposed EC Habitats Directive 92/43/EEC into UK law.
- 4.4 As with the SA, the District Plan was also subject to a comprehensive HRA. The HRA screened out the housing policies at an early stage, concluding that they were unlikely to have a significant effect on the integrity of European Sites. As the purpose of this SPD is to expand upon these policies, the Council has determined that a HRA is not required.
- 4.5 More information on the Habitats Regulations Assessment of the East Herts District Plan can be viewed on the Council's website: www.eastherts.gov.uk/submission.

5. Conclusion

- 5.1 On the basis of the screening process, it is the Council's opinion that the Open Space, Sport and Recreation SPD does not require a Strategic Environmental Assessment or Sustainability Appraisal. This is because there will be no significant environmental, social or economic effects arising from its implementation, as it seeks only to expand upon and provide guidance for the effective and consistent implementation of District Plan policies.

Appendix 1

SEA Screening of the Retail Frontages, Design & Signage SPD:

Figure 1: Application of the SEA Directive to plans and programmes guide

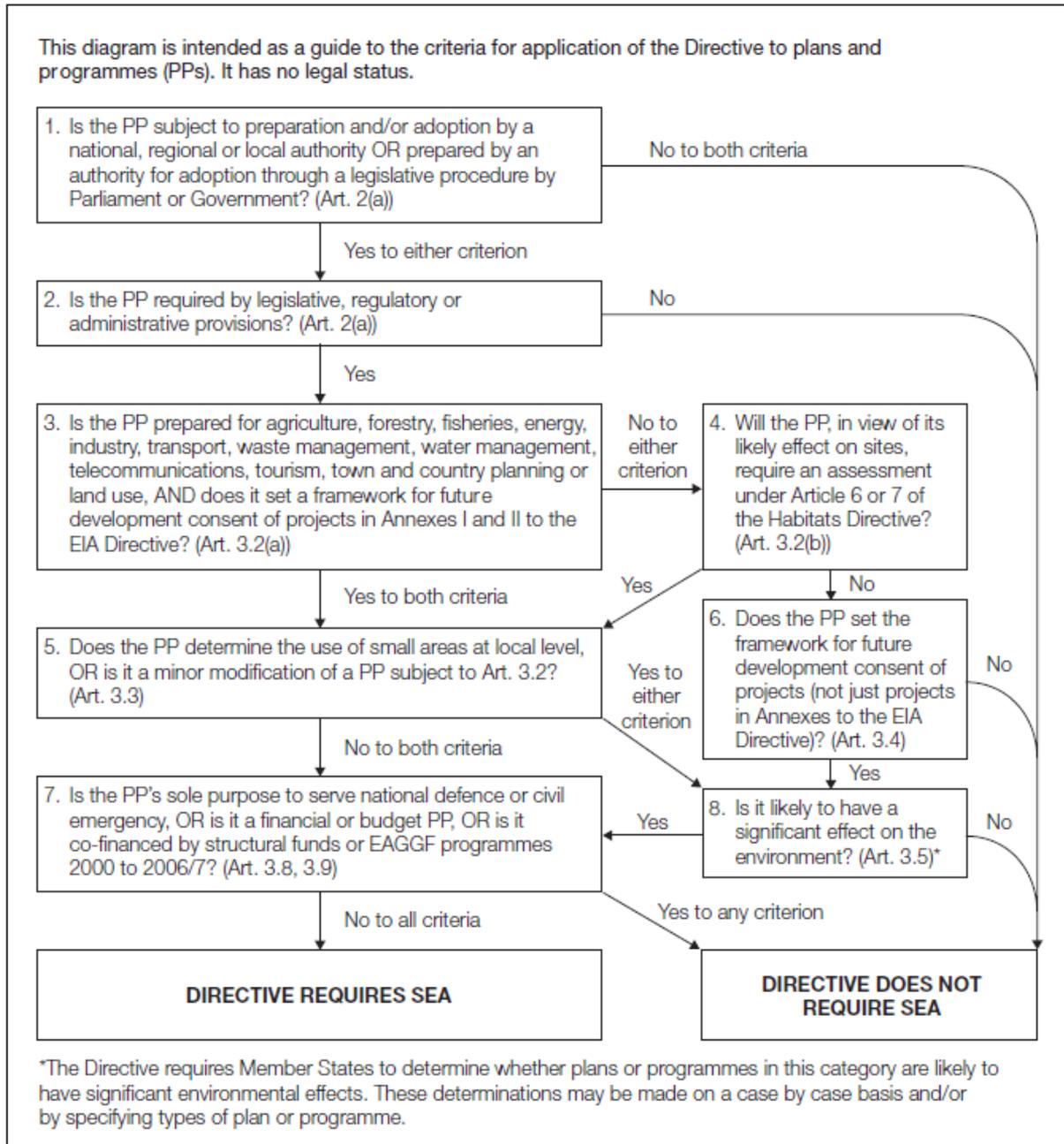


Table 1: Establishing whether there is a need for SEA

Stage	Yes/No	Assessment
1. Is the PP (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 to either criterion: proceed to question 2	The SPD has been prepared by East Herts Council to provide more detail to the policies contained in the East Herts District Plan, relating to securing planning obligations for the improvement and provision of open space, sport and recreation, to meet the needs of new development,
2. Is the PP required by legislative, regulatory or administrative provisions? (Art. 2(a))	Yes: proceed to question 3	Once the SPD is adopted it will become a material consideration as part of the development plan for East Herts.
3. Is the PP 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 a framework for future development consent of projects in Annexes I and II to the EIA Directive? (Art 3.2(a))	Yes to both criterion: proceed to question 5	The SPD is prepared for the purpose of town and country planning. It supplements policies within the East Herts District Plan 2018, by providing guidance relating to open space, sport and recreation and planning obligations. AND the SPD sets the framework for development which may require an Environmental Impact Assessment under Schedule II of the EIA Directive such as 'urban development projects'. However, the SPD does not create new policy.
5. Does the PP determine the use of small areas at local level, OR is it a minor modification of a PP subject to Art. 3.2? (Art. 3.3)	Yes to first criterion: proceed to question 8	The SPD supplements the District Plan policies on securing planning obligations to improve and enhance the provision of new or improved open space, sport and recreation.
8. Is it likely to have a significant effect on the environment? (Art. 3.5)	No	The principle of the use of planning obligations and the provision of open space, sport and recreation has already been established in the District Plan, which was subject to comprehensive SA incorporating SEA. The SPD focuses on the mechanisms and processes for securing financial contributions to deliver open space, sport and recreation through new development. Therefore this is considered to have no significant

effect on the environment.

Directive does not require SEA.

Table 2: Assessment of the SPD against Schedule 1 of the SEA Directive

SEA Directive Criteria (Schedule 1 of the Environmental Assessment of Plans and Programmes Regulations 2004)	Potential effects of the SPD
1. Characteristic of the SPD having particular regard 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 more detail on the policies and principles established in the East Herts District Plan 2018, which has been subject to comprehensive SA incorporating SEA. The purpose of the SPD is to provide guidance on the effective and consistent implementation of planning obligations to improve and enhance open space, sport and recreation provision through new development.
(b) the degree to which the plan or programme influences other plans and programmes including those in a hierarchy;	The purpose of the SPD is to supplement the District Plan policies and it sits below the District Plan in terms of the Development Plan hierarchy. It will influence the preparation of masterplans relating to strategic scale or significant developments and any application which proposes net residential gain.
(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 is focussed on securing planning obligations to deliver new and enhanced open space, sport and recreation provision. This approach will help to ensure that new development preserves or enhances nature conservation and contributes to community health and well-being by helping to deliver sport and recreation provision.
(d) environmental problems relevant to the plan or programme; and	There are no environmental problems relevant to the SPD. The SA of the East Herts District Plan identified a number of benefits arising from the relevant District Plan policies which this SPD supplements.
(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).	The purpose of the SPD is to provide guidance on the effective and consistent use of the planning contributions policy to secure planning obligations for the improvement and provision of open space, sport and recreation. The East Herts District Plan contains other policies relating to these objectives.

2. Characteristics of the effects and area likely to be affected having particular regard to:

(a) the probability, duration, frequency and reversibility of the effects;

The SPD is not expected to give rise to any significant environmental effects. The SPD seeks to ensure effective and consistent implementation of District Plan planning obligation and open space policies to secure the provision and enhancement of open space, sport and recreation, to support new development. This should have positive effects by increasing the amount and quality of a range open space typologies in the district enhancing health and well-being and improving biodiversity.

(b) the cumulative nature of the effects;

By providing guidance which seeks to ensure the effective and consistent application of policies, over time, the SPD will have a cumulative effect on the provision of open across the district.

(c) the trans-boundary nature of the effects;

The SPD is not expected to give rise to any significant transboundary environmental effects. However, where strategic sites are in close proximity to neighbouring settlements, the provision of open space, sport and recreation will assist in providing recreational opportunities for residents from a wider area as well as from communities within East Herts.

(d) the risks to human health or the environment (for example, due to accidents);

There are no anticipated effects of the SPD on human health.

(e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)

The effective and consistent implementation of planning obligation and open, space, sport and recreation policies will have positive benefits for all East Herts residents and those who wish to move to East Herts.

(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 is not anticipated to adversely affect any special natural characteristic or cultural heritage. The SPD is not expected to lead to the exceedance of environmental standards or promote intensive land use. Matters relating to environmental standards and land use are contained in the East Herts District Plan 2018.

(g) the effects on areas or landscapes which have a recognised national, Community or international protection status.

The SPD is not expected to have any adverse effects on areas with national, community or international protection.