

Kingsmead Neighbourhood Plan SEA Screening Report

December 2021

Prepared by Govresources Ltd
for
Hertford Town Council

1. SEA in Kingsmead Neighbourhood Plan Area

- 1.1 This report sets out a draft Screening Determination for the Kingsmead Neighbourhood Plan Area and has been prepared for the Hertford Town Council by Govresources Ltd.
- 1.2 The Kingsmead Neighbourhood Plan (KNP) has been prepared for Hertford Town Council (as the accountable body) for the Kingsmead Neighbourhood Plan Area (agreed by East Herts Council on 11th February 2020), which encompasses the entire Hertford Kingsmead Ward (see Figure 1). It will guide the future sustainable growth of this area of Hertford and help inform planning decisions to 2033.

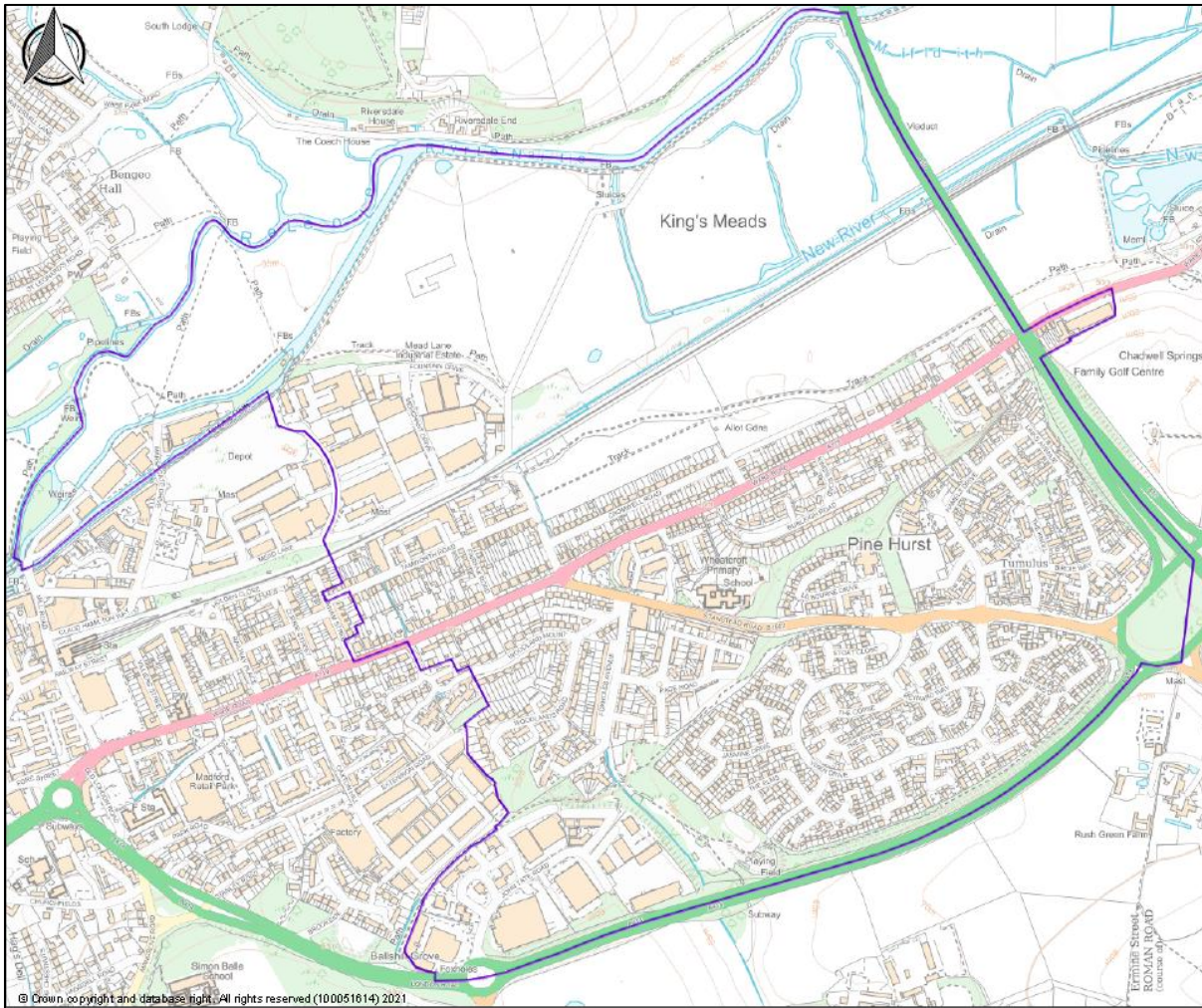


Figure 1 Kingsmead Neighbourhood Plan Designated Area

- 1.3 The purpose of the screening report is to determine whether the KNP is likely to have any significant environmental effects and so require a Strategic Environmental Assessment (SEA). More detail is given in the following sections on Legislative Background (section 2), Establishing a Need for an SEA (section 3), and Kingsmead Neighbourhood Plan (section 4).
- 1.4 National and Local Policy are reviewed in sections 5 and 6.
- 1.5 A Screening Assessment table can be found in section 7 followed by a draft Screening Determination in section 8.

- 1.6 The Pre-submission draft of the KNP can be viewed on the [Hertford Town Council website](#).
- 1.7 A considerable amount of research was carried out into the historical features of the area including consultation with Hertfordshire County Council's Historic Environment Records office. In addition, resources on wildlife sites and other local and national environmental designations have been gathered in the process of preparing the KNP, including a comprehensive set of maps and descriptions kindly provided by the Herts Environmental Records Centre.

2. Legislative Background

- 2.1 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.
- 2.2 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.
- 2.3 Under Article 3(2) of the SEA Directive and Regulation 5 paragraph 6 of the Regulations, 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.
- 2.4 The Conservation of Habitats and Species Regulations 2010 (as amended in 2012) transpose the requirements of the European Habitats Directive 92/43/EEC into English law. The Habitats Directive and Conservation of Habitats and Species Regulations afford protection to plants, animals and habitats that are rare and vulnerable in a European context.
- 2.5 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 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).
- 2.6 Under Regulation 9 of the Regulations (2004), 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.
- 2.7 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

- 3.1 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"¹. For the avoidance of doubt, 'early stage' is clarified in the Environmental Assessment of Plans and Programmes Regulations 2004 reg 5(4) which requires the responsible authority to "carry out, or secure the carrying out of an environmental assessment, in accordance with Part 3 of these Regulations, during the preparation of that plan or programme and before its adoption or submission to the legislative procedure." The draft KNP is currently being consulted upon at Regulation 14 by Hertford Town Council.
- 3.2 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."² In this case East Herts District Council (EHDC) as the responsible authority will help by seeking the opinions of the three statutory consultation bodies in undertaking the screening determination.
- 3.3 The Guidance notes that generally, 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.
- 3.4 The KNP 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.
- 3.5 The three statutory environmental bodies designated in the regulations (Historic England, the Environment Agency and Natural England) are to be consulted on the draft Neighbourhood Plan to determine whether an environmental assessment is required. This draft screening report has been produced to facilitate that consultation.

¹Paragraph: 028 Reference ID: 11-028-20150209

² ibid

4. Kingsmead Neighbourhood Plan

- 4.1 Hertford Kingsmead Ward, one of four Hertford Wards, spans around 197 hectares bounded by the River Lee Navigation to the north west, the A10 elevated section to the north east, the A414 to the south east and a variable line following modern streets to the south west. Kingsmead is surrounded on three sides: north east, north west and south east by the Green Belt, and by modern streets to the south west.
- 4.2 The Ward has expanded over the years from the Victorian and Edwardian housing on the roads at the bottom of Gallows Hill, to the 1930s housing on Woodlands Road and surrounds to the 1970s housing on Pinehurst and most recently the 1990s housing on Foxholes. There are around 15 permanently moored narrow boat dwellings on the Lea between Dicker Mill. Industrial areas lie to the north of the railway line on the Mead Lane estate, at Dicker Mill and on Foxholes Business Park.
- 4.3 Hertford Kingsmead Ward had 5,453 usual residents and a total of 2167 household spaces in the 2011 census. The age demographic of Hertford Kingsmead is skewed towards younger people with a mean age of 34.6 and median age of 36 compared to 39.5 and 40 for East Herts. Urban density is high at 27.7 people per hectare and this has become denser since the 2011 census as there has been several infill developments and conversion of industrial space to housing.
- 4.4 The source of the New River from the River Lea is in Kingsmead and runs through the meads from the Lea towards Ware and beyond. There is a confluence of three rivers, the Rib, the Beane and the Lea, on Hartham Common. The meads are part of the River Lea flood plain, collecting rainwater from Hertford and surrounding areas making them vital for preventing flooding of surrounding homes and businesses. This green space also acts as a carbon sink, helping to prevent climate change and of course helps to keep the air clean and fresh for everyone living nearby helping to prevent respiratory diseases caused by air pollution.
- 4.5 The meads are part of an extensive area of common land on the old flood plain of the River Lea, consisting of old hay meadows and grazing pasture crossed by a network of drainage ditches. The meads are the largest, remaining, grazed riverside flood meadows in Hertfordshire, are home to a plethora of flora, bird and wildlife and are designated as a Local Nature Reserve.
- 4.6 **The Neighbourhood Plan does not allocate housing sites.**
- 4.7 Both the natural and historic heritage of the Neighbourhood Area have been carefully considered through the preparation of the KNP and the policies have been written specifically to take these assets into account.
- 4.8 The KNP Area does not contain or border any sensitive sites of European significance (Natura 2000) or Sites of Special Scientific Interest (SSSI). It is within the outer reaches of the SSSI Impact Risk Zones of Hertford Heath SSSI and Amwell Quarry SSSI. The Meads are noted as Priority Habitat as Flood Plain Grazing Marsh and Good quality semi-improved grassland.
- 4.9 There is one Scheduled Monument within the KNP Area, which comprises two bowl barrows dating from the Late Neolithic period to the Late Bronze Age. It is described as 'Bowl barrow near Gallows Plain'. These monuments are located within the built-up area of Pinehurst, adjacent to the Community Centre and shop.

- 4.10 Hertford Conservation Area extends across a small part of the western built-up area of Kingsmead ward, including the south side of Tamworth Road, north side of Ware Road, and all of Fairfax Road. A very small section of Hartham Common is also in the conservation area. Listed buildings and structures in the plan area are mainly associated with the New River and include the New River intake gauge built in 1856 at the junction of the Lea and the cut to the New River, bridges over the New River improved Hertford cut and New River markers.
- 4.11 Hertfordshire County Council provided advice on other monuments on their records that might be suitable to add to the list of Non-designated Heritage Assets. These were considered along with other interesting buildings and structures noted by the NP Steering Group and buildings identified in the Hertford Conservation Area Appraisal and Management Plan 2017 as worthy of protection from demolition.
- 4.12 The Neighbourhood Plan's overall approach is to support appropriate development which protects the character of the built and natural environment of this urban and rural corner of Hertford.
- 4.13 The vision of the Neighbourhood Plan is:

To develop a sustainable, safe and prosperous neighbourhood by promoting a range of good quality, sustainable developments, including residential, small business, local shops and local services that meet the needs of Kingsmead residents & organisations, whilst protecting and enhancing biodiversity, and enhancing the green spaces of Kingsmead.

To provide new and diverse leisure /recreational activities enabling safe, healthy and crime-free lifestyles, for all generations.

To promote alternative methods to vehicular transport within and across Kingsmead coupled with local services to reduce car journeys thereby reducing traffic intensity, improving air quality and promoting a healthy lifestyle for residents.

- 4.14 The Neighbourhood Plan contains the following objectives:
- A. Provide a Biodiversity Net Gain for all new build and refurbishment projects in Kingsmead.
 - B. Include energy and water efficiency standards for new build and refurbishment projects that are enhanced compared to existing legislative norms to meet or exceed the LETI Climate Emergency Design Guide.
 - C. Provide services, employment and housing in navigable clusters for new developments in line with the principles of the 20 minute neighbourhood.
 - D. Increase the provision of 3 bed houses and 2 bed bungalows on brownfield sites.
 - E. Retain / attract small business ventures wherever practicably possible to promote a mixture of use and reduce commuting.
 - F. Design in crime prevention measures to reduce anti-social behaviour, petty crime and illegal drug littering.
 - G. Ensure the community is enabled to access primary healthcare.

- H. Develop community facilities to meet the current and future needs of all demographics of the community.
- I. Protect and enhance current green spaces, increase biodiversity and ecosystem services and provide new green space to improve climate impact adaptation and mitigation.
- J. Enable Kingsmead Residents to live more sustainable lifestyles.
- K. Improve travel conditions, road safety and mitigate the impact of development on local roads.
- L. Enhance commuter, shopping, school and other walking routes via pavements and/or off-road footpaths to attract more pedestrians for short journeys within and across the borough.
- M. Provide commuter, shopping, school and other cross borough cycle routes including cycle parking to improve connectivity to transport hubs; extending and connecting the existing cycle network to join up routes and thereby increase levels of cycling to reduce vehicle traffic; particularly the school run.
- N. Provide realistic improvements to affordable, local, public transport to make it a preferred option over cars to encourage use of same.
- O. Implement a borough wide residential and business car parking scheme together with communal car charging points to free up road space, reduce inappropriate parking on pavements and optimise travel.
- P. Ensure that development in the area is catered for by appropriate, local, educational provision.

5. National Policy

- 5.1 The following paragraphs consider national environmental policy in relation to the KNP.

Historic Environment

- 5.2 Two paragraphs in the National Planning Policy Framework address the historic environment and heritage assets in local plans and proposals, namely paragraph 185 and paragraph 190. For the purposes of this SEA Screening Report, the Neighbourhood Plan is treated as a local plan.
- 5.3 Paragraph 185 advises that local planning authorities should set out in their local plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance. In developing this strategy, local planning authorities should take into account:
- a) the desirability of sustaining and enhancing the significance of heritage assets and assets, and putting them to viable uses consistent with their conservation;
 - b) the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;
 - c) the desirability of new development making a positive contribution to local

character and distinctiveness; and

d) opportunities to draw on the contribution made by the historic environment to the character of a place.

5.4 Paragraph 190 states that "Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal."

5.5 Historic England provides guidance on the prediction and identification of significant effects and mitigation measures. In the context of the KNP Area these can be summarised as:

- Loss of or damage to a heritage asset or its setting
- Conservation and enhancement of a heritage asset
- Loss or erosion of the historic character of the area
- Impact on the 'at risk' status of assets or risk to the historic environment
- Cumulative, secondary or synergistic impacts on heritage assets or the area

The guidance goes on to say that mitigation measures may include historic environment policy guidance and detailed historic characterisation studies. The Conservation Area Appraisal and Management Plan for Hertford is current but covers only a small part of the area, so heritage has featured significantly in the preparation of the Neighbourhood Plan, from consideration of impact on the Scheduled Monument to the identification of Non-designated Heritage Assets.

Natural Environment

5.6 The NPPF also addresses the conservation and enhancement of the natural environment in plan making. Paragraph 170 of the NPPF refers to the enhancement of the natural and local environment and paragraph 174 refers to the protection and enhancement of biodiversity and geodiversity.

5.7 Paragraph 170 refers to providing net gains for biodiversity, including establishing coherent ecological networks that make an area more resilient to current and future pressures.

5.8 Of relevance to the Neighbourhood Plan, paragraph 174 says that plans should identify, map and safeguard wildlife-rich habitats and promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.

5.9 The Neighbourhood Plan has used the information provided by Herts and Middlesex Wildlife Trust (Herts Environmental Records Centre) to identify non-statutory habitats within the Neighbourhood Plan Area.

6. Local Policy

6.1 The East Herts District Plan was adopted on 23 October 2018. The policies relevant to the protection of heritage assets and the natural environment in the KNP Area are listed as follows:

- GBR1 Green Belt
- VILL1 Group 1 Villages
- HA1 Designated Heritage Assets
- HA2 Non-Designated Heritage Assets
- HA3 Archaeology
- HA4 Conservation Areas
- HA7 Listed Buildings
- NE1 International, National and Locally Designated Nature Conservation Sites
- NE2 Sites or Features of Nature Conservation Interest (Non-Designated)
- NE3 Species and Habitats
- NE4 Green Infrastructure
- WAT3 Water Quality & the Water Environment

6.2 All of the above policies were taken into account throughout the preparation of the Neighbourhood Plan. This Neighbourhood Plan is in accordance with the strategic policies in East Herts District Plan and this will be further tested at the Examination of the Plan.

6.3 The Sustainability Appraisal for the East Herts District Plan was published in 2016, by AECOM. The development strategy was to concentrate development in or around the larger settlements in the district, where possible. However, there were no large housing sites allocated in Kingsmead ward. The sustainability of this approach in terms of the natural and historic environment and the water environment were fully considered in the Sustainability Appraisal. There are no housing sites proposed in this Neighbourhood Plan and so a Sustainability Appraisal was not necessary.

Kingsmead Neighbourhood Plan

6.4 Natural and historic environment policies in the Neighbourhood Plan include:

- Policy HKGE1- Local Green Space (LGS) Designation
- Policy HKGE2 - Important Views
- Policy HKGE3 - Nature Conservation and Biodiversity
- Policy HKGE4 – Green Corridors
- Policy HKGE5 – Green Infrastructure and Sustainable Urban Drainage Schemes
- Policy HKGE7 – Air Quality Improvement and Reduction in Carbon Emissions to Net Zero by 2050
- Policy HKBE1 - Designated Heritage Assets
- Policy HKBE2 – Non-designated Heritage Assets

7. Screening assessment

7.1 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 a SEA. The table below considers each of these criteria in turn, showing that if there are any significant environmental effects of 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 Neighbourhood Plan will form part of the Statutory Development Plan and therefore would set a framework for future development projects in Kingsmead. However, the Neighbourhood Plan sits within a wider framework set out by the National Planning Policy Framework (NPPF), and East Herts District Plan. In addition, the projects for which the neighbourhood plan contributes to setting a planning framework are very local in nature.</p> <p>The KNP does not contain housing site allocations.</p>
1 (b) the degree to which the plan or programme influences other plans or programmes including those in a hierarchy.	No	<p>The Neighbourhood Plan will sit alongside the statutory development plan and provide a greater degree of detail to complement East Herts District Plan policies, as they relate to the KNP Area. However, the Neighbourhood Plan will respond to and align with rather than influence other plans or programmes.</p>

Criteria for determining the likely significance of effects	Likely to have significant effects?	Justification for assessment
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 the KNP Area, including statutory environmental designations and Local Green Space designations. A number of policies in the Neighbourhood Plan will contribute to the social sustainability of Kingsmead and provide socially sustainable development as defined in the NPPF, for the benefit of the local community. Improving the opportunity to transfer to sustainable modes of travel is also a big feature of this Neighbourhood Plan. Therefore, it is considered that the Neighbourhood Plan will have a positive impact on local environmental assets.
1 (d) environmental problems relevant to the plan	No	None have been identified. The Neighbourhood Plan will help to address wider environmental problems as highlighted in the NPPF at a local level, such as climate change, air pollution, traffic congestion and loss of biodiversity; 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 complies with the East Herts planning documents and the NPPF which have taken account of existing legislation for environmental protection.

Criteria for determining the likely significance of effects	Likely to have significant effects?	Justification for assessment
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, important heritage assets including views; and have positive social and economic effects by ensuring ongoing support for leisure and business facilities and promoting walking and cycling. 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 historic and natural environment of Kingsmead and wider environmental policy in the East Herts District Plan is likely to have cumulative positive environmental effects and benefits for the area.</p> <p>Notwithstanding the above, the effects of the Neighbourhood Plan will be small scale.</p>
2 (c) the trans-boundary nature of the effects	No	<p>Efforts have been made to consider how improvements in Kingsmead could be followed through over the boundary into other wards in Hertford, Hertford Heath Parish and the adjoining town of Ware.</p>
2 (d) the risks to human health or the environment (e.g. due to accidents)	No	<p>No significant effects have been identified</p>

Criteria for determining the likely significance of effects	Likely to have significant effects?	Justification for assessment
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 provide the infrastructure required to meet the social needs of Kingsmead's residents.
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	The Neighbourhood Plan area does contain sensitive features. However, there are no proposals in the Neighbourhood Plan which are likely to have significant environmental effects. In addition, design policies, and heritage and environmental policies will protect and enhance the natural and historic environment. The following specific policies protect sensitive features: HKGE1-5; and HKBE1 & 2. East Herts planning policies and the NPPF will also protect natural assets, listed and unlisted heritage assets and designated assets contained within the boundary of the KNP.
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 local Green Spaces and Local Wildlife Sites and in addition the following specific policies protect sensitive features of community interest: HKGE6 (Protected Recreational Open Space).

8. Screening determination

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

The KNP Area contains sensitive features, particularly listed and scheduled heritage features, but these are protected by the Neighbourhood Plan policies and not impacted greatly by the development proposals in the Neighbourhood Plan.

The KNP makes adequate provision within its policies to prevent or mitigate any harm that might result from new development.