

# **Affordable Housing Supplementary Planning Document**

## **Strategic Environmental Assessment Screening Statement**

### **1. The Purpose of this Report**

- 1.1 This screening statement has been prepared to determine whether the proposed Affordable Housing 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 Purpose of the Affordable Housing SPD is to aid the effective implementation of the Council's strategic housing objectives and the affordable housing policies in the East Herts District Plan 2018, adopted October 2018. It also seeks to provide further information and guidance on district plan policies relating to affordable housing. In particular, the relevant policies are:
- Policy HOU1 – Type and Mix of Housing
  - Policy HOU3 – Affordable Housing
  - Policy HOU4 – Rural Exception Affordable Housing Sites
  - Policy HOU7 – Accessible and Adaptable Homes
- 1.3 The SPD will be a material consideration in the determination of planning applications and will inform Development Management decisions. The SPD will provide practical advice to all parties seeking to comply with the District Plan policies and will therefore be of particular use to developers, architects and agents looking to bring forward development.

### **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.

### **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 Affordable Housing 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 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](http://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](http://www.eastherts.gov.uk/submission).

## **5. Conclusion**

- 5.1 On the basis of the screening process, it is the Council's opinion that the Affordable Housing 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.



**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 relating to affordable housing policies contained in the East Herts District Plan.
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 town and country planning and land use AND it sets the framework for future development which may require an Environmental Impact Assessment.
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 affordable housing which define the type and mix of dwellings on development sites, which may in turn determine the other types of land uses provided.
8. Is it likely to have a significant effect on the environment? (Art. 3.5)	No	<b>Directive does not require SEA.</b>

**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 the relevant housing policies.
(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 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.
(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 highly relevant in terms of promoting sustainable development as it seeks to ensure the effective and consistent implementation of housing policies, the aim of which is to provide a range of housing options to meet the needs of the different communities in East Herts.
(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 issues relating to housing affordability, which the housing policies seek to address. This SPD will therefore result in social and economic benefits through the effective and consistent implementation of affordable housing policies.
(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 implementation of affordable housing policies. 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:

<p>(a) the probability, duration, frequency and reversibility of the effects;</p>	<p>The SPD is not expected to give rise to any significant environmental effects. The SPD seeks to ensure the effective and consistent implementation of affordable housing policies, which in themselves should ensure positive effects relating to affordability within the housing market and access to home ownership for current and future generations.</p>
<p>(b) the cumulative nature of the effects;</p>	<p>The SPD is not considered to have any significant cumulative effects.</p>
<p>(c) the trans-boundary nature of the effects;</p>	<p>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 affordable housing will assist in providing housing choices for residents from a wider area as well as from within East Herts communities.</p>
<p>(d) the risks to human health or the environment (for example, due to accidents);</p>	<p>There are no anticipated effects of the SPD on human health.</p>
<p>(e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)</p>	<p>The effective and consistent implementation of affordable housing policies will have positive benefits for all East Herts residents and those who wish to move to East Herts.</p>
<p>(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;</p>	<p>The SPD is not anticipated to adversely affect any special natural characteristic or cultural heritage. Nor would the SPD be 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.</p>
<p>(g) the effects on areas or landscapes which have a recognised national, Community or international protection status.</p>	<p>The SPD is not expected to have any adverse effect on areas with national, community or international protection.</p>