

# **Gilston Area Charter Supplementary Planning Document**

## **Strategic Environmental Assessment Screening Statement**

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

- 1.1 This screening statement has been prepared to determine whether the proposed Gilston Area Charter 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 Gilston Area Charter SPD is to aid the implementation of the Gilston Area site allocation, Policy (GA1), and the Masterplanning Policy (DES1) in the East Herts District Plan, adopted October 2018.
- 1.3 Policy DES1: Masterplanning requires all 'significant' development proposals to prepare a masterplan. Policy GA1 allocates land for the development of 10,000 houses and associated infrastructure across several distinct villages based on Garden City Principles.
- 1.4 The Gilston Area Charter SPD provides additional guidance on the process to be followed when producing masterplans in the Gilston Area which will be required for each of the villages as well as the overarching green infrastructure that will knit the area together and integrate it into the wider context. The aim is to ensure the scope and content of the masterplans are consistent and that a comprehensive approach to bringing forward development is taken. It also aims to ensure that masterplans are developed collaboratively with the Council, key stakeholders and the community.
- 1.5 The SPD will be a material consideration in the determination of planning applications in the Gilston Area and will inform Development Management decisions.

### **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 Gilston Area Charter 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).

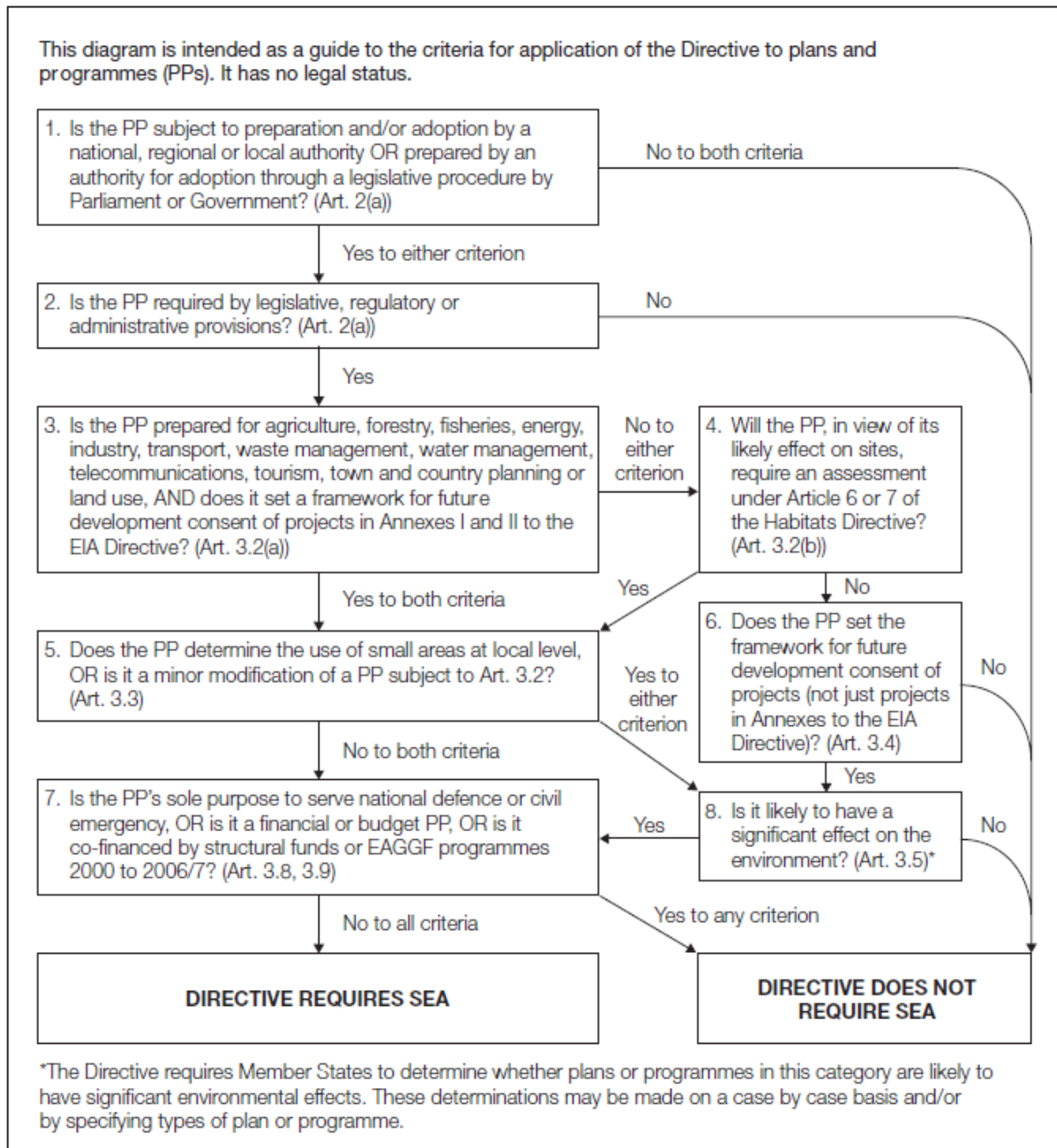
## **5. Conclusion**

- 5.1 On the basis of the screening process, it is the Council's opinion that the Gilston Area Charter 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 Gilston Area Charter 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 guidance on how masterplans should be produced for the Gilston Area. The SPD will form adopted guidance to support the implementation of District Plan Policy DES1 Masterplanning, in the context of helping deliver the policy aspirations for the area as set out in District Plan Policy GA1.
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 for development in the Gilston Area, supporting existing policies in the East Herts District Plan 2018.
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 the process for producing masterplans that will guide new development in the Gilston Area.  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 related to the site allocation for the Gilston Area and how it should be masterplanned. It does not determine the design/use of the masterplans or elements at local level, it instead serves to provide guidance on how masterplans should be produced.
8. Is it likely to have a significant effect on the environment? (Art. 3.5)	No	The principles of the masterplan approach and how development should come forward in the Gilston Area have both been established in the District Plan, which was subject to

comprehensive SA incorporating SEA. The purpose of the SPD is to provide guidance on the production process for masterplanning development within the Gilston Area.

**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 has been prepared by East Herts Council to provide 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 <u>process</u> for masterplanning development within the Gilston Area.
(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 sit below the District Plan in terms of the Development Plan hierarchy. It will influence the process for producing masterplans in the Gilston Area.
(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 process matters associated with how masterplans in the Gilston Area should be produced. It will promote sustainable development as a principle (building on the provisions of policies within the District Plan) how this is translated into the Gilston Area masterplans will be determined at the masterplanning stage.
(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 implementation of policies relating to the production of masterplans for the Gilston Area. 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 environmental effects of development in the Gilston Area have already been considered in the District Plan SA/ SEA. This SPD provides further guidance on the masterplan process and does not change District Plan strategy and policies.</p> <p>The masterplans will become a material consideration in decision making associated with future planning applications in the Gilston Area. Given that the SPD should improve the consistency and scope of the masterplans, it should have a positive effect on enhancing the sustainability of the proposed development and ensuring the community are engaged in the process.</p>
<p>(b) the cumulative nature of the effects;</p>	<p>By providing guidance which seeks to ensure the effective and consistent application of masterplanning across the Gilston Area, the SPD will have a cumulative effect on delivering high quality, sustainable design in the area.</p>
<p>(c) the trans-boundary nature of the effects;</p>	<p>The trans-boundary nature of development coming forward in the Gilston Area has been considered throughout the development of the District Plan.</p> <p>As a document providing guidance on process, the SPD is not expected to give rise to any significant transboundary environmental effects.</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 role of the SPD in aiding a consistent and comprehensive approach to masterplanning the Gilston Area will have positive benefits for East Herts residents in and around the Gilston Area, and also residents outside the district within Harlow.</p>
<p>(f) the value and vulnerability of the area likely to be affected due to— (i) special natural characteristics or</p>	<p>The SPD is not anticipated to adversely affect any special natural characteristic or cultural heritage. The SPD aims to enhance how</p>



cultural heritage;  
(ii) exceeded environmental quality standards or limit values; or  
(iii) intensive land-use;

development comes forward in the Gilston Area by promoting a consistent and comprehensive approach to masterplanning in collaboration with stakeholders and the wider community. The SPD will ensure issues are addressed early in the masterplan process, including a requirement to protect and conserve the natural environment and where appropriate, enhance heritage assets within the site.

The SPD is not expected to lead to the exceedance of environmental standards or promote intensive land use.

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

The SPD is expected to have positive effects on the national environmental designations (ancient woodlands) and heritage assets (conservation areas and listed buildings) in the Gilston Area by ensuring any issues are considered comprehensively and upfront at the masterplanning stage, therefore enhancing the conservation of these assets.