

# Sustainability 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 Sustainability 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 this SPD is to support the implementation of District Plan policies by providing technical guidance on sustainable design and construction to improve the environmental sustainability of new development. It has been produced to expand particularly on the following District Plan polices:
  - DES4 Design of Development
  - TRA1 Sustainable Transport;
  - NE1 International, National and Locally Designated Nature Conservation Sites;
  - NE2 Sites or Features or Nature Conservation Interest (Non-Designated);
  - NE3 Species and Habitats
  - CC1 Climate Change Adaption;
  - CC2 Climate Change Mitigation;
  - Policy CC3 Renewable and Low Carbon Energy
  - WAT4 Efficient Use of Water Resource;
  - EQ2 Noise;
  - EQ3 Light Pollution;
  - EQ4 Air Quality
- 1.3 The key aims of the SPD are to provide transparent, holistic guidance for applicants, with more detail about District Plan policy requirements and expectations. By requiring submission of a sustainability checklist the SPD will ensure applicants consistently submit relevant information to demonstrate compliance with policy. It will also help officers and councillors assess the environmental credentials of developments and encourage developers to go further than current policy, to demonstrate excellence in sustainable development. Once adopted the SPD will be a material consideration in planning 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 Sustainability 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 environmental sustainability 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: [East Herts District Plan](#).

##### **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: [East Herts Council](#).

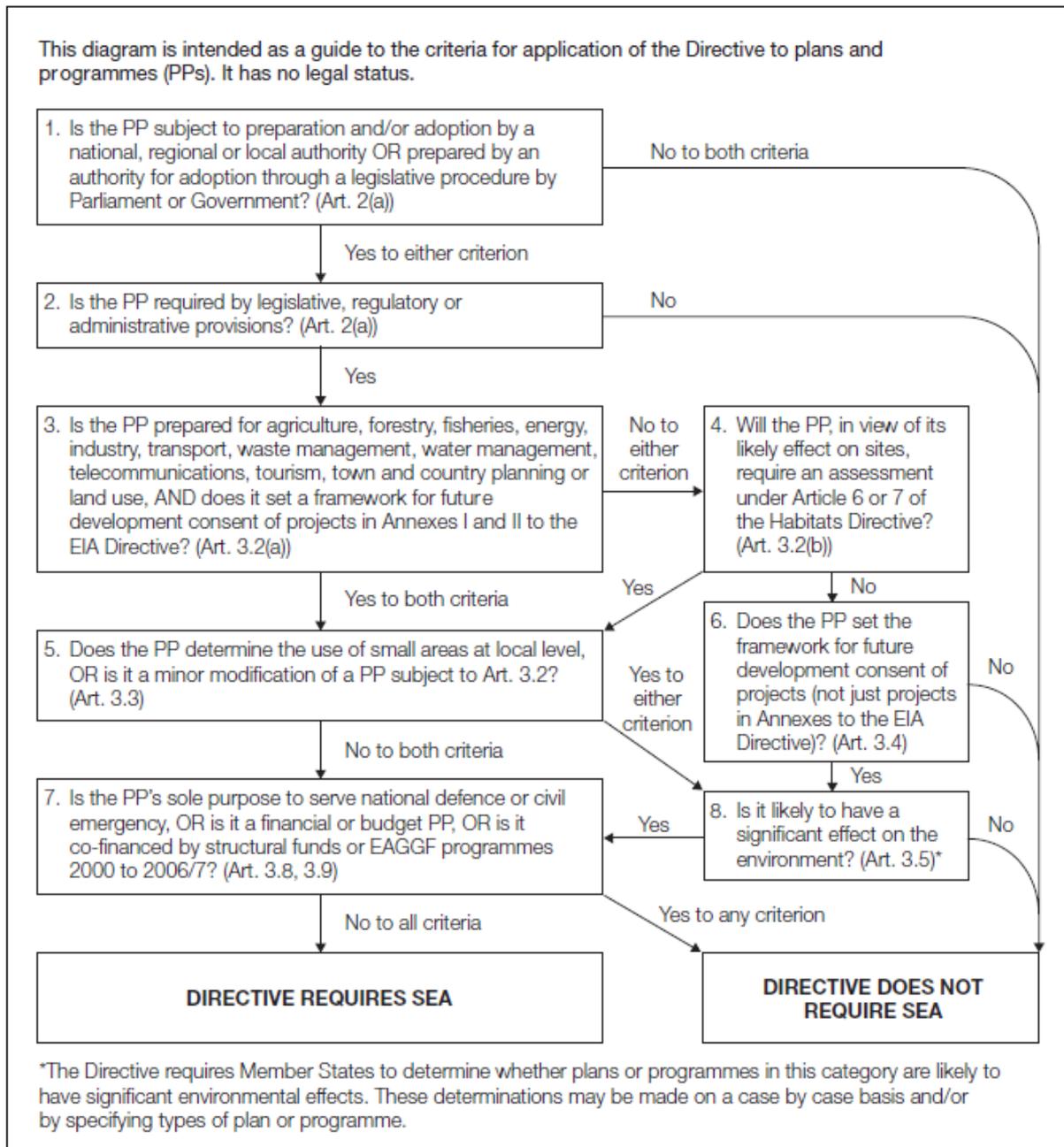
#### **5. Conclusion**

- 5.1 On the basis of the screening process, it is the Council's opinion that the Sustainability 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 Sustainability 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 the environmental sustainability 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 on sustainable design and construction good practice.  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 designing and constructing new development sustainably to ensure the policy principles are delivered consistently and effectively.
8. Is it likely to have a significant effect on the environment? (Art. 3.5)	No	The principle of improving the environmental design and construction of new development has already been established in the District Plan, which was subject to comprehensive SA incorporating SEA. The SPD focuses on providing additional technical guidance to support and implement the District Plan policies. The SPD is therefore considered to have no significant effect on the environment.  <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 planning policies seeking to improve the environmental performance of 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 or an increase in non-residential floorspace.
(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 providing guidance to support the District Plan policies in the delivery of sustainable development. It addresses a range of topics so will positively ensure development preserves or enhances nature conservation, mitigates the impacts of climate change, adapts to climate change, reduces the use of resources, promotes sustainable transport use and addresses pollution.
(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	The Sustainability SPD is to provide guidance on the effective and consistent use of the District Plan policies to secure environmentally sustainable design and construction. The relevant plans have been

SEA Directive Criteria (Schedule 1 of the Environmental Assessment of Plans and Programmes Regulations 2004)	Potential effects of the SPD
or water protection).	considered in the development of the relevant East Herts District Plan policies, which were subject to a comprehensive SA, incorporating an SEA.
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 environmental sustainability policies relating to the design and construction of new development. This should have positive effects by reducing the environmental impact of new buildings on the environment; improving biodiversity and enhancing health and well-being.
(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 sustainable design and construction of new development.
(c) the trans-boundary nature of the effects;	The SPD is not expected to give rise to any significant transboundary environmental effects beyond the District Plan policies, which were subject to a comprehensive SA, incorporating an SEA.
(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 sustainable design and construction 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	The SPD is not anticipated to adversely affect any special natural characteristic or cultural heritage. The SPD is not expected to lead to

SEA Directive Criteria (Schedule 1 of the Environmental Assessment of Plans and Programmes Regulations 2004)	Potential effects of the SPD
cultural heritage; (ii) exceeded environmental quality standards or limit values; or (iii) intensive land-use;	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.