



## **Bishop's Stortford Town Council**

### **Neighbourhood Plan for Silverleys and Meads Wards 1<sup>st</sup> Revision**

### **Strategic Environmental Assessment and Appropriate Assessment Screening Report (2021)**

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## 2. Introduction

- 2.1 This screening report is designed to help determine whether or not the Neighbourhood Plan for Silverleys and Meads Wards 1<sup>st</sup> Revision requires a Strategic Environmental Assessment (SEA) in accordance with the European Environmental Assessment of Plans and Programmes Regulations 2004 as amended by the The Environmental Assessments and Miscellaneous Planning (Amendment) (EU Exit) Regulations 2018, the Conservation of Habitats and Species Regulations 2010 and the Neighbourhood Planning (General) Regulations 2012.
- 2.2 The purpose of the Neighbourhood Plan is to reflect the desires of the community to ensure that facilities and services are provided as part of any additional housing development and to provide a structure which meets the needs of a growing population, safeguards the environment and builds the local economy.
- 2.3 The Neighbourhood Plan has the following vision at its core:
- Suitable and sustainable development that demonstrates excellent design in order to ensure people's quality of life is enhanced now and in the future
  - Any development should complement and support the existing character and cultural heritage of the town and create a mix of well-maintained residential and green spaces
  - Development on the edge of the current built up area should be designed along the principles of a garden city
  - Within the town centre development should seek to enhance and complement existing provision through sensitive regeneration, renovation and conservation
  - Transport infrastructure should develop in a way which facilitates economic and social activities
  - Schooling and health infrastructure should meet the needs of the population and be accessible
  - The town centre should remain the primary location for retail and service provision
  - Businesses should be attracted to Bishop's Stortford
- 2.4 The Neighbourhood Plan specifically considers:
- Climate Change
  - Housing and Design
  - Green Infrastructure
  - Transport
  - Education
  - Health
  - Sport
  - Business and Employment
  - Town Centre

- 2.5 This Neighbourhood Plan does not allocate new land for housing or for any other significant development. These matters are reserved for the District Plan.
- 2.6 The vision, objectives and policies of the Neighbourhood Plan are based on the key issues raised by local people. They have been summarised and refined by the Neighbourhood Plan Team and form the basis of the Neighbourhood Plans.
- 2.7 The legislation set out below outlines the regulations that require the need for this screening exercise. Section 4 provides a screening assessment of the likely significant environmental effects of the NP and the need for a full SEA.

### **3. Legislative Background**

- 3.1 The basis for Strategic Environmental Assessments and Sustainability Appraisal legislation is the Environmental Assessment of Plans and Programmes Directive which was transposed into English law by the Environmental Assessment of Plans and Programmes Regulations 2004 "The SEA Regulations" as amended by the The Environmental Assessments and Miscellaneous Planning (Amendment) (EU Exit) Regulations 2018.
- 3.2 Detailed guidance of these regulations can be found in the Government publication "A Practical Guide to the Strategic Environmental Assessment Directive" ("the Practical Guide"). This guide sets out a flowchart and a series of numbered questions for assessment which is reproduced below.
- 3.3 The SEA regulations include a definition of 'plans or programmes' (to which the regulations apply) which include that such programmes must be "required by legislative, regulatory or administrative provisions".
- 3.4 A Neighbourhood Development Plan is not required by legislative, regulatory or administrative provisions. It is an optional process under the provisions of The Town and Country Planning Act 1990 (subsequently amended by the Localism Act 2011). However, once a Neighbourhood Plan is made, it becomes part of the statutory Development Plan for the area. It therefore forms part of a plan that is required by legislative provisions.
- 3.5 The Neighbourhood Planning (General) Regulations 2012, schedules 2 and 3, contain specific provisions in respect of Neighbourhood Development Plans.
- 3.6 Schedule 2 makes provision in relation to the Habitats Directive. The Directive requires that any Neighbourhood Development Plan likely to have a significant effect on a European site must be subject to an appropriate assessment. This confirms that question 4 in the Flowchart reproduced below and taken from the Practical Guide must be answered in respect of Neighbourhood Development Plans.
- 3.7 Schedule 3 makes provision in relation to the Environmental Assessment of Plans and Programmes Directive. However this schedule is applicable only to Neighbourhood Development Orders and not to Neighbourhood Development Plans.

### **4. Criteria for Assessment under Question 8 (Article 3(5))**

The Neighbourhood Plan triggers a requirement (under S9 of the SEA regulations) to determine whether the plan is likely to have a significant environmental effect. This requirement is to be discharged by the 'responsible authority' being 'the authority by

which or on whose behalf [the plan] is prepared' (S2 of the SEA regulations). S9 further sets out that "Before making a determination" ... "the responsible authority shall-"

(a) take into account the criteria specified in Schedule 1 to these Regulations;  
and

(b) consult the consultation bodies.

The 'consultation bodies' are defined in section 4 of the SEA regulations.

The answer to question 8 has been given on the basis of an assessment against the criteria specified in Schedule 1, which is reproduced as Appendix B to this document.

As the responsible authority, East Hertfordshire District Council will seek the opinions from the statutory consultation bodies (the Countryside Agency, the Historic Buildings and Monuments Commission for England (English Heritage), English Nature and the Environment Agency).

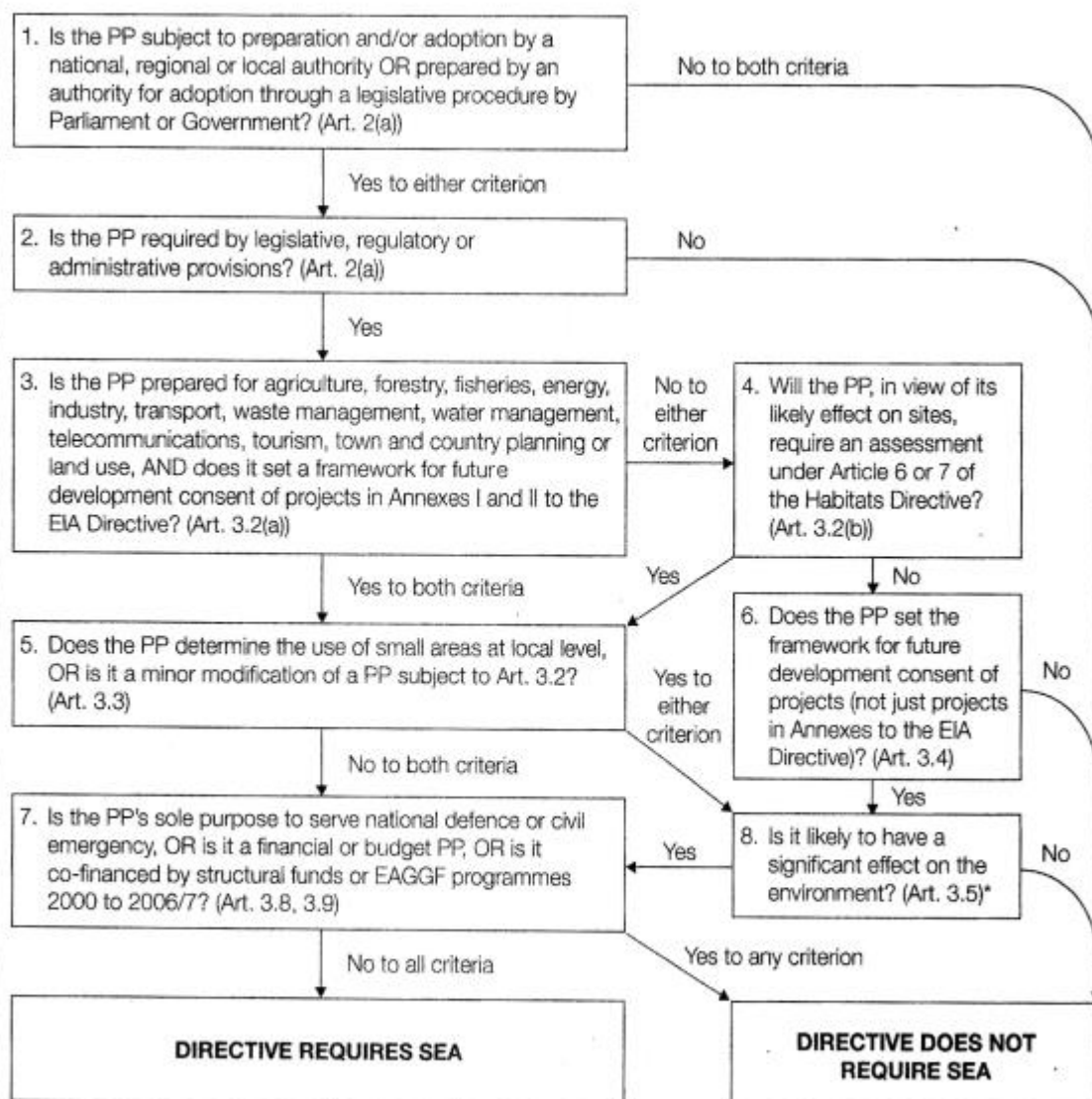
## **5. Assessment and outcome**

4.1 The flowchart for screening a planning document to ascertain whether a full SEA is required is set out below. Following discussion with East Herts District Council we believe an answer of 1. Yes and 2. No indicates no need for an SEA (although the final decision will be taken by EHDC). Appendix A sets out the answers to relevant questions and the rationale behind each conclusion.

4.2 As a result of the assessment, it is suggested that, subject to any comment which may be received from the Consultation Bodies (as defined in the SEA regulations) there is no requirement to conduct a Strategic Environment Assessment on the Neighbourhood Plan. The final decision will be made by East Herts District Council as part of the Screening process.

**Figure 2 – Application of the SEA Directive to plans and programmes**

This diagram is intended as a guide to the criteria for application of the Directive to plans and programmes (PPs). It has no legal status.



\*The Directive requires Member States to determine whether plans or programmes in this category are likely to have significant environmental effects. These determinations may be made on a case by case basis and/or by specifying types of plan or programme.

## 6. Appendix A - Responses to Questions in SEA Screening Flowchart

Stage	Response	Reason
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))	Y	The preparation of and adoption of the Neighbourhood Plan (NP) is allowed under The Town and Country Planning Act 1990 as amended by the Localism Act 2011. The NP will be prepared by Bishop's Stortford Town Council (as the 'relevant body') and will be 'made' by East Herts District Council as the local authority. The preparation of NPs is subject to the regulations set out in 'The Neighbourhood Planning (General) Regulations 2012' and 'The Neighbourhood Planning (Referendums) Regulations 2012.'
2. Is the PP required by legislative, regulatory or administrative provisions? (Art. 2(a))	N	<p>A neighbourhood plan is not required by legislative, regulatory or administrative provisions and is an optional process under the provisions of The Town and Country Planning Act 1990 (subsequently amended by the Localism Act 2011). However if a plan is proposed, submitted and meets certain conditions the Local Planning Authority are required by legislation to make it.</p> <p>The Neighbourhood Planning (General) Regulations 2012 explicitly set out the requirement to consider an EIA in the case where a Neighbourhood Development Order is proposed, but are silent when the proposal is for a Neighbourhood Development Plan.</p> <p>On the advice of East Herts District Council we have answered No to this question. However, in an abundance of caution, we have also answered questions below to also confirm an SEA would not be required.</p>
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))	N	Planning applications have been submitted for Annex 1 1 projects (urban development projects) to come forward in the Neighbourhood Plan area and the Neighbourhood Plan area specifies some local detail as to <i>how</i> such development should come forward. The Neighbourhood Plan itself however does not establish the framework for such development coming forward. This falls within the scope of the East Hertfordshire District Plan 2018.

Stage	Response	Reason
4. Will the PP, in view of its likely effect on sites, require an assessment for future development under Article 6 or 7 of the Habitats Directive? (Art. 3.2 (b))	N	The Habitat Regulations Assessment for East Hertfordshire District Plan Scenarios Screening Report notes three European Sites that concern East Herts (Epping Forest SAC, Lee Valley SPA and Ramsar and Wormley-Hoddesdonpark Woods SAC). Of these the closest to Bishop's Stortford is Lee Valley (around 7 miles from the closest edge of the town). Bishop's Stortford is away from the A414 corridor and as such does not affect the air quality of the site and is also not in the Rye Meads Wastewater Treatment Works catchment area and therefore does not affect the site's water quality. Bishop's Stortford is outside the 7km core catchment area that could increase recreational activity at Wormley-Hoddesdonpark Woods. The only site the town may affect is Epping forest, as Bishop's Stortford is within the M11 corridor. However the NP does not set housing or land allocations which matters are left to the District Plan. Any effect on this site was considered as part of the District Plan making process.
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)	N	N/A
6. Does the PP set the framework for future development consent of projects (not just projects in annexes to the EIA Directive)? (Art 3.4)	Y	The NP, once adopted will become part of the EHDC Development Plan and will be used for the determination of future planning applications.
7. Is the PP's sole purpose to serve the national defence or civil emergency, OR is it a financial or budget PP, OR is it co-financed by structural funds or EAGGF programmes 2000 to 2006/7? (Art 3.8, 3.9)	N	N/A
8. Is it likely to have a significant effect on the environment? (Art. 3.5)	N	<p>The NP does not identify housing or land allocations, these matters are for the District Plan 2018. The plan will become part of the Development Plan and any policies will be used to assess planning applications. The sites identified in the NP reflect site allocations contained in the District Plan. These sites were therefore subject to the Sustainability Appraisal through the District Plan Process. The policies contained in the NP therefore seek to influence the following areas:</p> <ul style="list-style-type: none"> <li>• Housing design</li> <li>• Lay-out of new roads coming forward but the principle of new development (and the roads) will be left to Local Plan to determine, and in its absence, the NPPF.</li> <li>• Ensuring protection and enhancement of open space as part of new development</li> </ul>



Stage	Response	Reason
		<ul style="list-style-type: none"> <li>• Ensuring protection and enhancement of pedestrian environment as part of new development</li> <li>• Ensuring access to the surrounding rural environment is protected and enhanced as appropriate when new developments come forward</li> </ul> <p>A key driver behind the plan is ensuring that any new development coming forward is designed sensitively with respect to existing character of the place and ensuring the continued integrity of the green belt boundary. It is also to ensure new development is supported by necessary transport and community infrastructure in order to sustain a high quality of life within the town.</p> <p>None of the policies in the plan materially alter the effect of the District Plan on any of the characteristics set out in section 2 of Schedule 1 of the EIA regulations and therefore any impact formed part of the assessment which was carried out as part of the District Plan.</p>

## 7. Appendix B – Assessment and Criteria for Determination of Significance of Environmental Effects

This appendix contains a reproduction of Schedule 1 of the EIA regulations.

The characteristics of plans and programmes, having regard, in particular, to

Criteria	Likely to have significant effects?	Justification for assessment
• 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	The NP does not identify housing or land allocations, these matters are for the District Plan 2018. The plan will become part of the Development Plan and any policies will be used to assess planning applications. The sites identified in the NP reflect site allocations contained in the District Plan. These sites were therefore subject to the Sustainability Appraisal through the District Plan Process.
• the degree to which the plan or programme influences other plans and programmes including those in a hierarchy,	No	The NP cannot act against the Strategic Policies of the District Plan 2018 or National Planning Policy Framework policies. As such the NP does not have a significant effect.
• the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development,	No	The NP works to protect and enhance open space as part of new developments, has a section on Climate Change and promotes biodiversity. These policies will apply to allocation already made by the District Plan 2018. It is therefore considered the NP will have a positive impact on local environmental considerations and will promote sustainable development.
• environmental problems relevant to the	No	As the NP does not identify/allocate

plan or programme,		land/housing environmental problems are a matter for the District Plan 2018. The section on climate change, and policies within Transport which promote sustainable transport methods, seek to help alleviate potential environmental problems.
<ul style="list-style-type: none"> <li>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).</li> </ul>	No	THE NP is in accordance with the East Herts District Plan which has taken account of existing legislation for environmental protection.

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

Criteria	Likely to have significant effects?	Justification for assessment
<ul style="list-style-type: none"> <li>the probability, duration, frequency and reversibility of the effects,</li> </ul>	No	None of the policies in the plan materially alter the effect of the District Plan on any of the characteristics set out in section 2 of Schedule 1 of the EIA regulations and therefore any impact formed part of the assessment which was carried out as part of the District Plan.
<ul style="list-style-type: none"> <li>the cumulative nature of the effects,</li> </ul>	No	
<ul style="list-style-type: none"> <li>the transboundary nature of the effects,</li> </ul>	No	
<ul style="list-style-type: none"> <li>the risks to human health or the environment (e.g. due to accidents),</li> </ul>	No	
<ul style="list-style-type: none"> <li>the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected),</li> </ul>	No	
<ul style="list-style-type: none"> <li>the value and vulnerability of the area likely to be affected due to: special natural characteristics or cultural heritage, exceeded environmental quality standards</li> </ul>	No	

or limit values, intensive land-use,		
<ul style="list-style-type: none"> <li>the effects on areas or landscapes which have a recognised national, Community or international protection status.</li> </ul>	No	