



# Ware Neighbourhood Plan 2021 – 2023

**Strategic Environmental Assessment /  
Habitats Regulations Assessment  
Draft Screening Opinion for consultation**



**1 December 2021**

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## **SUMMARY**

In this initial screening opinion, East Herts District Council determines that Ware Neighbourhood Plan does not require a Strategic Environmental Assessment (SEA).

This screening opinion is for consideration by the statutory consultees whose input will inform the final screening statement.

## **1. Introduction**

- 1.1. This report sets out a draft Screening Determination for the Ware Neighbourhood Plan (the 'Neighbourhood Plan') and has been prepared for Ware Town Council and the Ware Neighbourhood Plan Steering Group on behalf of East Herts District Council by Alison Eardley Consulting. It is based on the Pre-Submission Version of the Neighbourhood Plan.
- 1.2. The Neighbourhood Plan has been prepared for Ware Town Council as the accountable body. The Neighbourhood Plan area was designated on 11<sup>th</sup> September 2018, covering the entire Town Council's boundary, excluding those areas in the North and East of Ware Site Allocation. It will help to inform planning decisions within the neighbourhood area to 2033.
- 1.3. The purpose of the screening report is to determine whether the Neighbourhood Plan is likely to have any significant environment effects and so require a Strategic Environmental Assessment (SEA). It will also determine whether the plan is likely to have a significant impact on European sites and so require an Appropriate Assessment (Habitats Regulations Assessment).
- 1.4. More detail is given in the following sections on the Legislative Background (section 2), The Screening Process (section 3), and on the Ware Neighbourhood Area Plan specifically (section 4). The assessment of the Ware Neighbourhood Area Plan is included in sections 5, 6 and 7.

## **2. Legislative Background**

- 2.1. The (retained) 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 Environmental Assessment of Plans and Programmes Regulations 2004, 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 UK law. The Habitats Directive and 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 a European Site (European Sites, also referred to as 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). Under Regulation 9 of the Regulations 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.
- 2.6. Paragraph 182 of the National Planning Policy Framework (NPPF) 2021 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 the 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”*<sup>1</sup>.

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<sup>1</sup> Paragraph: 028 Reference ID: 11-028-20150209

- 3.2. The Guidance also states 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.”* In this case East Herts District Council (EHDC) as the responsible authority will provide assistance by seeking the opinions of the three statutory consultation bodies in undertaking the screening determination.
- 3.3. The Guidance notes that as a general rule, 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”<sup>2</sup>.*

## **4. About the Ware Neighbourhood Plan**

- 4.1. Ware is an ancient historic Hertfordshire market town of circa 20,000 people, located close to the county town of Hertford. The Prime Meridian passes to the east of Ware. The River Lea<sup>3</sup> runs through the centre of Ware, providing a ‘green lung’ for walkers and cyclists, and an inland navigational connection with neighbouring Hertford connecting the town with London and the national canal network and neighbouring Hertford. In the early 20<sup>th</sup> century, there were more than 70 public houses in the town, most of which have become private homes, leaving only 14 operating currently.
- 4.2. Archaeology has shown that Ware has been occupied since at least the Mesolithic period (which ended about 4000 BC). Thus, it has been said that Ware is one of the oldest continuously occupied sites within Europe.
- 4.3. As a result, Ware has numerous locally and nationally listed assets, including four Grade I, fifteen Grade II\* and 181 Grade II. The Grade I assets comprise the remains of the 14th century Friary, one of the few friary buildings to have survived the dissolution of the monasteries under Henry VIII. It became known as The Priory and is currently used as the Town Council’s offices. Place House Hall is a manor house dating to the 13th/ early 14th century and is one of the most important early medieval timber-framed structures in the county. Scott’s Grotto, built in the 1760’s by local poet John Scott, is Grade I listed complex of rooms and tunnels, clad in a variety of shells, fossils and other materials. The tunnels extend over 20 metres into the chalk hillside with the deepest chamber being some 10 metres below the hilltop. Finally, St. Mary’s Church is regarded as a fine example of 14th and 15th century architecture and contains many items of historic interest, including its stained-glass windows and organ.

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<sup>2</sup> Paragraph: 046 Reference ID: 11-046-20150209

<sup>3</sup> The river is known by the terms ‘Lea’ and ‘Lee’. This document refers to it as the River Lea.

4.4. Ware was considered the 'premier malting town in England'; with more than 100 malthouses in the early 20th century, sending most of its production to the London breweries via the River Lea.

4.5. The Ware Neighbourhood Plan will contain the following vision, objectives and policies:

**Vision for Ware to 2033:**

**Ware should be kept as an identifiable attractive town community, which enjoys the peace associated with being part of the countryside, while still contributing to the wider geographical community.**

**The character of Ware must be maintained, in order that it remains an attractive place in which to live, work and visit.**

4.6. The six objectives are as follows:

**Objective 1:** a thriving modern market town, underpinned by its heritage and promoting beauty ;

**Objective 2:** an attractive place to live, where the natural environment is valued and safeguarded;

**Objective 3:** a place where people can work in rewarding jobs supporting a vibrant economy;

**Objective 4:** a caring community, supporting residents of all ages and social groups through health, education, employment, and enjoyment of cultural and leisure facilities;

**Objective 5:** an attractive Town Centre which retains its human scale, and where people want to access services, meet and shop; and

**Objective 6:** a place that fosters mobility and healthy living, with a sustainable transport network for walkers, cyclists and those who depend on public transport.

4.7. The objectives will be delivered through twenty policies, which cover a range of topics:

- Policy W1: Meeting the housing needs of Ware's population
- Policy W2: Reflecting the character of Ware through high quality design
- Policy W3: Conserving heritage assets
- Policy W4: Design of shopfront design
- Policy W5: Meeting the highest environmental standards
- Policy W6: Retaining and enhancing the vitality and viability of Ware Town Centre
- Policy W7: A safe, attractive and welcoming public realm
- Policy W8: Small business and shared space support
- Policy W9: Supporting commercial premises and land
- Policy W10: Supporting SMEs, flexible start-ups and homeworking
- Policy W11: Ware as a sustainable visitor destination
- Policy W12: Green and blue infrastructure and delivering biodiversity net gain

- Policy W13: Local Green Spaces
- Policy W14: Managing the environmental impact of development
- Policy W15: Key walking and cycling routes
- Policy W16: Mitigating vehicular impacts at junctions
- Policy W17: Maximising the potential for children to walk safely to school
- Policy W18: Electric vehicle charging
- Policy W19: Improving provision of community facilities, including accessible toilet facilities, and promoting shared, flexible spaces
- Policy W20: Allotments and community growing spaces

- 4.8. The Ware Neighbourhood Plan policies seek to maintain a sensible balance in the neighbourhood area between housing, character and design, employment opportunities, green infrastructure open spaces, heritage assets, wildlife habitats, transport, health and wellbeing and community facilities.
- 4.9. The policies are wide-ranging and seek many benefits for existing and new residents in the neighbourhood area.
- 4.10. On housing, there is a strong emphasis in ensuring that new housing can meet the needs of the population as they get older, and their requirements evolve. Such design aspects will also be of benefit to younger people and families moving to the area.
- 4.11. Much effort has been made to support design principles that accord with Ware's market town character. Ware is rich in heritage assets with over 180 nationally listed assets and two Scheduled Monuments (Ware Friary and a Section of Ermine Street, North of Hertford Branch Railway). There are also numerous below-ground asset, and an Area of Archaeological Importance stretches across much of the town. The Neighbourhood Plan policies seek to protect these important and valued assets and also to add further definition to the Identity areas set out in the Conservation Area Appraisal, ensuring that development proposals are in-keeping and, where possible, enhance them. Equally, several heritage assets are identified that are not currently nationally listed, and detail on how to consider these within development proposals provided.
- 4.12. The Neighbourhood Plan places significant emphasis on preserving the natural assets of the area. Beyond the settlement boundary, the area sits within the Green Belt and the Lee Valley Regional Park bounds the south of the town, along with other woodland and other habitats. Whilst the Neighbourhood Plan Area does not contain any sensitive sites of European significant (Natura 2000), the Amwell Quarry Site of Special Scientific Interest (SSSI) within the Lee Valley Regional Park, is located just beyond the south-eastern boundary of the neighbourhood area. This SSSI forms part of the Lee Valley Special Protection Area and Ramsar site.
- 4.13. The Neighbourhood Plan maps out the local network of green infrastructure, drawing on the recommendations of the East Herts Green Infrastructure Plan, with a view to improving biodiversity opportunities, for instance by linking up green elements and enhancing identified habitats. The River Lee corridor is identified as a key resource for the area, that should be

preserved, enhanced and improved as a strategic green infrastructure link, extending to the Lee Valley Park. A number of Local Green Spaces are proposed, which would be afforded the same level of protection as Green Belt land.

- 4.14. Policies support the ongoing vitality and viability of the town centre, as well as seeking to retain important employment sites in the area. In addition, support is provided for new employment opportunities, with a focus on flexible working, remote working and shared use of spaces.
- 4.15. Policies are also strongly supportive of enhanced connectivity, in particular promoting sustainable modes of transport, for instance through the enhancement of cycle paths, and seeking to reduce the negative impacts of car-based traffic. There are general policies supporting the enhancement of community facilities and the protection of allotment space.
- 4.16. Overall, it is noted that the Neighbourhood Plan does not allocate any sites for housing development, or any other significant development. The Plan places great emphasis on conserving the natural and built elements of the area, which contribute to local character and appearance. Particular emphasis is placed on the heritage aspect of the town and the opportunities to improve biodiversity.

## **5. Screening Assessment**

- 5.1. Appendix A contains an extract from 'A Practical Guide to the Strategic Environmental Assessment Directive', providing a flow diagram to demonstrate the SEA screening process.
- 5.2. Table 1 (overleaf) applies this to Ware, assessing the Neighbourhood Plan against the criteria from the Practical Guide, to ascertain whether a SEA is required. Question 8 of the assessment asks whether the Neighbourhood Plan is likely to have a significant effect on the environment. Appendix B contains a more detailed assessment of this, the results of which are reflected in Table 1.
- 5.3. Also part of the screening process is the Habitats Regulations Assessment Screening, which can be found in Appendix C and the findings of this are reflected in Table 1.



**Table 1: Application of SEA Directive as shown in Appendix A**

*[Note to author – most of these boxes contain standard text –greyed out. Those where specific details need to be included are Qs 3,4,5 & 8]*

Stage	Y/N	Explanation
<p>1. Is the Neighbourhood Plan 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))</p>	Y	<p>The preparation of and adoption of the Neighbourhood Development Plan is allowed under the Town and Country Planning Act 1990 as amended by the Localism Act 2011. The Neighbourhood Plan is being prepared by the Ware Neighbourhood Plan Steering Group, a working group who report to the Ware Town Council (as the “relevant body”) and will be “made” by East Herts District Council as the local authority. The preparation of Neighbourhood Plans is subject to the following regulations:</p> <ul style="list-style-type: none"> <li>• The Neighbourhood Planning (General) Regulations 2012</li> <li>• The Neighbourhood Planning (referendums) Regulations 2012</li> <li>• The Neighbourhood Planning (General) (Amendment) Regulations 2015</li> <li>• The Neighbourhood Planning (Referendums) (Amendment) Regulations 2016</li> <li>• The Neighbourhood Planning (General) (Amendment) Regulations 2016</li> <li>• The Neighbourhood Planning (General) (Amendment) Regulations 2017</li> </ul>
<p>2. Is the Neighbourhood Plan required by legislative, regulatory or administrative provisions? (Art. 2(a))</p>	Y	<p>Whilst the Neighbourhood Development Plan is not a requirement and is optional under the provisions of the Town and Country Planning Act 1990 as amended by the Localism Act 2011, it will, if “made”, form part of the Development Plan for the District. It is therefore important that the screening process considers whether it is likely to have significant environmental effects and hence whether SEA is required under the Directive.</p>
<p>3. Is the Neighbourhood Plan 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</p>	N	<p>The Ware Neighbourhood Plan is prepared for town and country planning and land use and will not set out a framework for future development of projects that would require an EIA.</p>

in Annexes I and II (see Appendix 2) to the EIA Directive? (Art 3.2(a))		
4. Will the Neighbourhood Plan, 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  Go to 6	See Habitats Regulations Assessment (HRA) Screening Opinion for the Ware Neighbourhood Plan in Appendix C.  It is considered that the Ware Neighbourhood Plan is unlikely to have significant effects on Natura 2000 sites.
5. Does the Neighbourhood Plan 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)	Y	The Ware Neighbourhood Plan does not allocate sites for development. It will determine the use of sites/small areas at a local level; in particular it proposes Local Green Spaces.
6. Does the Neighbourhood Plan set the framework for future development consent of projects (not just projects in annexes to the EIA Directive)? (Art 3.4)	Y	When made, the Ware Neighbourhood Plan will include a series of policies to guide development within the neighbourhood area. This will inform the determination of planning applications providing a framework for future development consent of projects.
7. Is the Neighbourhood Plan'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	See assessment of the likely significance of effects on the environment in Appendix B.  It is considered that the Ware Neighbourhood Plan is <u>not likely</u> to have significant effects on the environment.

## **6. Conclusion from the initial screening**

- 6.1. The Ware Neighbourhood Plan does not allocate any development sites. It does not propose any more development within its area than the adopted East Herts District Plan 2018. It has been prepared in accordance with the policies contained in the East Herts District Plan 2018.
- 6.2. The Neighbourhood Plan Area does contain sensitive features, The historical environment comprises listed heritage assets, two Scheduled Monuments and an Area of Archaeological Importance. From the natural environment perspective, whilst the Neighbourhood Plan area does not contain any sensitive sites of European significant (Natura 2000), the Amwell Quarry Site of Special Scientific Interest (SSSI) within the Lee Valley Regional Park, is located just beyond the south-eastern boundary (240m) of the neighbourhood area. This SSSI forms part of the Lee Valley Special Protection Area and Ramsar site. There are other sensitive sites beyond the boundary, as described in Appendix C.
- 6.3. As demonstrated in the assessments, however, there are no proposals in the Neighbourhood Plan which are likely to have significant environmental effects on these features. In fact the Plan's policies are designed to encourage good management of these features and protect them from harmful development.
- 6.4. This initial screening opinion has therefore determined that the Ware Neighbourhood Plan is unlikely to have significant effects on the environment, including Natura 2000 sites, therefore, neither an SEA nor an Appropriate Assessment is required.

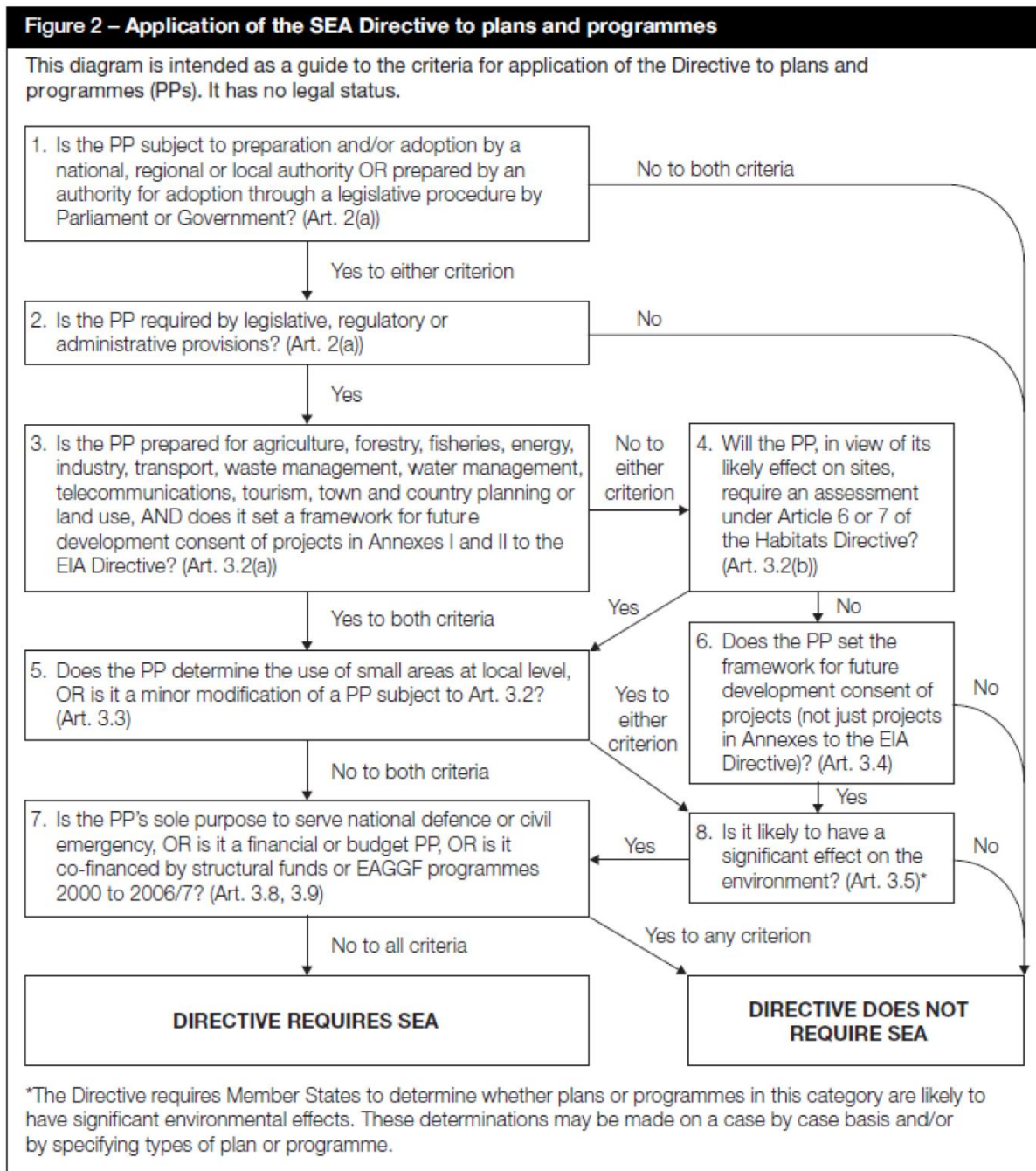
## **7. Responses**

- 6.5. The three statutory consultees – Historic England, the Environment Agency and Natural England – will be consulted on this screening opinion and the responses will be recorded here.

## **8. Screening Determination**

- 8.1. Once the statutory responses have been confirmed, the final conclusion will be recorded in this section.

## Appendix A: Extract from 'A Practical Guide to the Strategic Environmental Assessment Directive' (DCLG, 2005)



## Appendix B - Assessment of the likely significance of effects on the environment

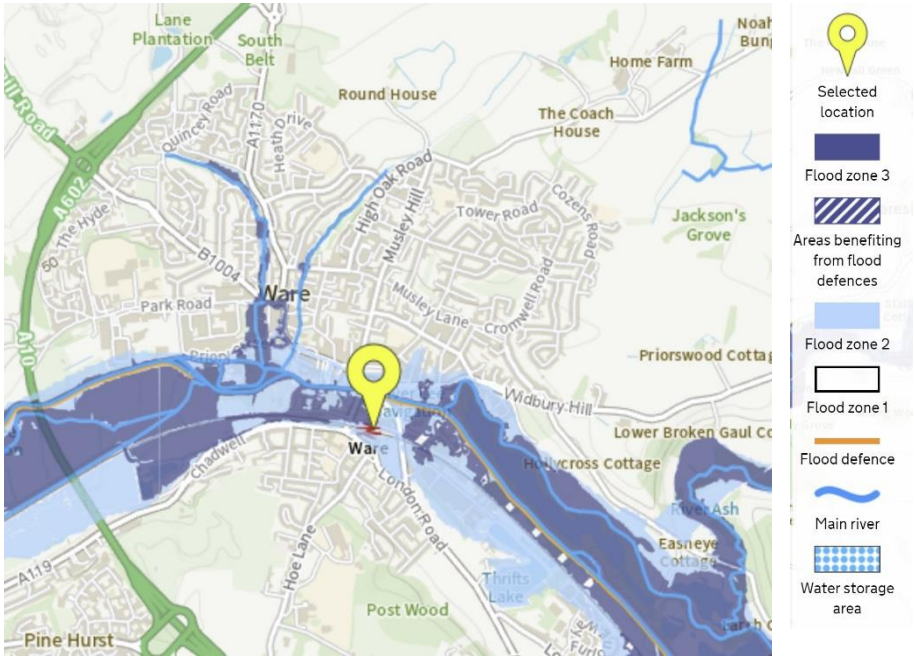
**[Note to author – most of these boxes contain standard text (greyed out). Those where specific details need to be included are Qs 1a,c,d, 2a,b,e,f and g]**

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 an SEA. The table below considers each of these criteria in turn, showing that if there are significant environmental effects arising from the policies or proposals of the Neighbourhood Plan, they will be positive effects.

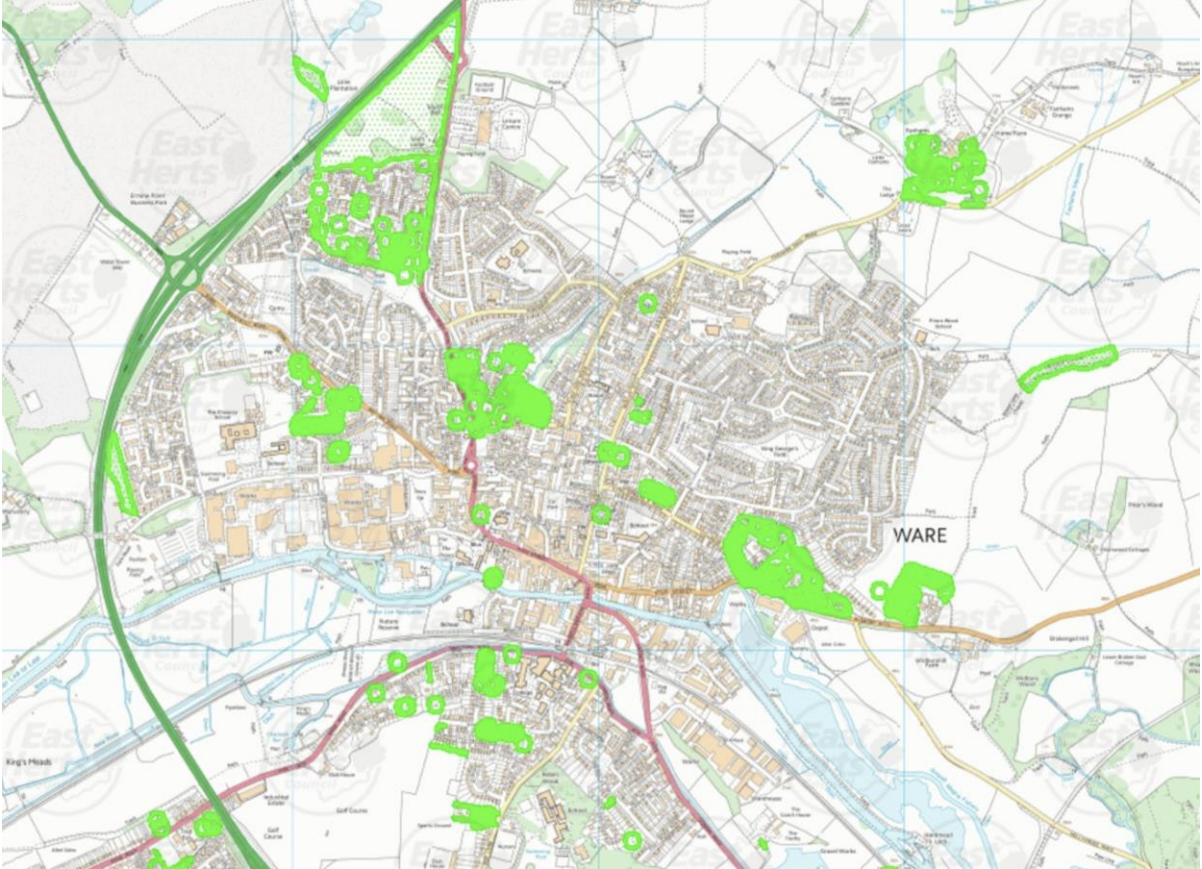
Criteria for determining the likely significance of effects	Likely to have significant effects?	Justification for assessment
1. Characteristics of the Plan, having regard to:  (a) the degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources;	<b>No</b>	The Ware NP will, once made, form part of the Statutory Development Plan and therefore would set a framework for future development projects in Ware.  However, the Plan will sit within the wider framework set by the National Planning Policy Framework and the strategic policies of the East Herts Council District Plan (2018). In addition, the projects to which the Neighbourhood Plan contributes in setting a planning framework are very local in nature.  The Ware Neighbourhood Plan does not include site allocations or put forward any other projects which are likely to have significant effects.
(b) the degree to which the plan or programme influences other plans and programmes including those in a hierarchy;	<b>No</b>	A Neighbourhood Development Plan must have regard to national policy and be in conformity with the strategic policies for the District. It does not influence other plans. The Ware Neighbourhood Plan is unlikely to influence other Plans or Programmes within the Statutory Development Plan.
(c) the relevance of the plan or programme for the integration	<b>No</b>	National policy requires a presumption in favour of sustainable development, which should be seen as a golden thread through plan-making, including the Ware Neighbourhood Plan. A basic condition of the Ware

Criteria for determining the likely significance of effects	Likely to have significant effects?	Justification for assessment
of environmental considerations in particular with a view to promoting sustainable development;		<p>Neighbourhood Plan is to contribute to the achievement of sustainable development. Within this wider context the Neighbourhood Plan will work to protect and enhance the character, natural environment and landscape of are. This includes supporting design that contributes to mitigating climate change, supporting and enhancing the network of green and blue infrastructure, designated local green spaces and promoting opportunities for walking and cycling. This will assist with integrating new housing as set out in the District Plan and other housing proposals through the life of the Neighbourhood Plan and balancing growth with infrastructure provision.</p> <p>Therefore, it is considered that the Neighbourhood Plan will have a positive impact on local environmental assets and therefore will promote sustainable development.</p>
(d) environmental problems relevant to the plan or programme; and	<b>No</b>	<p>The environmental impact of the proposals within the Ware Neighbourhood Plan is likely to be minimal as the Plan does not allocate any sites for development or support additional development beyond that which is allocated in the District Plan. Policies in the Neighbourhood Plan aim to support sustainable development in the neighbourhood area that will not adversely impact on the rural setting and underlying network green infrastructure. Retaining the distinctive character and appearance of the town is particularly important, as is the conservation and appreciation of the significant number of heritage assets, including those below ground.</p> <p>The policies also support sustainable development in the area that will help to mitigate climate change, through design and also through the promotion of sustainable modes of transport.</p> <p>The Neighbourhood area contains the following environmental designations:</p> <p><i>Local Wildlife Sites:</i></p> <ul style="list-style-type: none"> <li>• Ware Cemetery North</li> <li>• King’s Meads</li> <li>• Ware Lines Quarry</li> <li>• Wood Lane, Ware</li> </ul>

Criteria for determining the likely significance of effects	Likely to have significant effects?	Justification for assessment
		<ul style="list-style-type: none"> <li>• Tumbling Bay Gravel Pit</li> <li>• Post Wood</li> <li>• Meadow E. of New River, Ware</li> <li>• Ware Chalk Mine</li> <li>• Scott's Grotto (Ware)</li> <li>• Amwell Railway Fields</li> <li>• London Road Area</li> </ul> <p><i>Herts and Middlesex Wildlife Trust Nature Reserves – Kings Meads</i></p> <p><i>Flood Zones</i></p>

Criteria for determining the likely significance of effects	Likely to have significant effects?	Justification for assessment
		 <p data-bbox="1576 1038 1877 1066"><i>Tree Preservation Orders</i></p>



Criteria for determining the likely significance of effects	Likely to have significant effects?	Justification for assessment
		 <p>The map displays the town of Ware, Hertfordshire, with various geographical features and infrastructure. The town is situated along the River Great Ouse. Several areas are highlighted in green, indicating European sites. These sites are scattered throughout the town, with notable concentrations in the central and northern parts. The map also shows major roads, including the A10 and A1000, and the railway line. The word 'WARE' is printed in the center-right of the map.</p> <p><i>European sites</i></p>

Criteria for determining the likely significance of effects	Likely to have significant effects?	Justification for assessment
		<p>Part of the Lee Valley SPA and Ramsar site – the closest part is 240m from the neighbourhood area boundary.</p> <p>The Wormley-Hoddesdonpark Woods SAC is 4.1km from the neighbourhood area boundary.</p> <p>Epping Forest SAC is 14.1km from the neighbourhood area boundary</p> <p>There are also the following SSSI's located within the following distances of Ware neighbourhood area boundary:</p> <ul style="list-style-type: none"> <li>• Amwell Quarry SSSI (240m)</li> <li>• Hertford Heath SSSI (1.3km)</li> <li>• Rye Meads SSSI (3km)</li> <li>• Wormley-Hoddesdonpark Woods North SSSI (4km)</li> <li>• Hunsdon Mead SSSI (5km)</li> <li>• Plashes Wood SSSI (5.1km)</li> <li>• Tewinbury SSSI (7.6km)</li> <li>• Benington High Wood SSSI (10km)</li> <li>• Sherrardspark Wood SSSI (10.8km)</li> </ul> <p>Given the small amount of potential infill sites within the settlement boundary, its relationship to the other designations within the Plan area; and finally the conformity of the drawn settlement boundaries with the Development Plan, we are of the opinion the Neighbourhood Plan does not propose any development that is likely to harm these designations as the plan seeks to conserve the neighbourhood area, its character and setting. The policies in the Neighbourhood Plan will require these designations to be protected and therefore there would not be likely significant effects to the environment.</p>

Criteria for determining the likely significance of effects	Likely to have significant effects?	Justification for assessment
(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).	<b>No</b>	The proposed development in the Ware Neighbourhood Plan has been judged not to have an impact on Community legislation.
<p><b>Characteristics of the effects and of the area likely to be affected, having regard, in particular, to</b></p> <p>(a) the probability, duration, frequency and reversibility of the effects;</p>	<b>No</b>	<p>The Neighbourhood Plan is generally likely to influence development for a period of 11 years from its adoption, which is in line with national guidance. The Plan is likely to have modest but enduring positive environmental effects.</p> <p>The plan proposes to combat and mitigate against the effects of climate change, and deliver net gains in biodiversity, including enhancements to various forms of green infrastructure, through tree planting, enhancing the river corridor and designating green spaces. This will have positive cumulative benefits for the area.</p> <p>The plan is also likely to have positive social effects through the protection of local green space, recreational and community facilities and the safeguarding of allotment space.</p>
(b) the cumulative nature of the effects;	<b>No</b>	It is considered that there will be no adverse cumulative effects as a result of the policies and proposals contained in the Plan.

Criteria for determining the likely significance of effects	Likely to have significant effects?	Justification for assessment
(c) the transboundary nature of the effects;	<b>No</b>	The effects of the Plan are unlikely to have transboundary <sup>4</sup> impacts.
(d) the risks to human health or the environment (for example, due to accidents);	<b>No</b>	The policies in the Plan are unlikely to present risks to human health or the environment.
(e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);	<b>No</b>	<p>The Ware Neighbourhood Plan relates to the boundary of Ware Town Council, excluding those areas in the North and East of Ware Site Allocation.</p> <p>The Plan is not allocating any sites for development. Therefore, as it will not promote any development that is above and beyond what is already set out in the District Plan – which itself has prepared a HRA and SEA, the potential for environmental effects is also likely to be small and localised.</p>
<p>(f) the value and vulnerability of the area likely to be affected due to:</p> <p>(i) special natural characteristics or cultural heritage;</p> <p>(ii) exceeded environmental quality standards or limit values; or</p> <p>(iii) intensive land-use; and</p>	<b>No</b>	<p>The Neighbourhood Plan area contains the following special natural characteristics and cultural heritage elements:</p> <ul style="list-style-type: none"> <li>• Listed buildings</li> <li>• Scheduled monuments</li> <li>• Conservation Area</li> <li>• Local heritage assets, such as locally registered parks and gardens.</li> <li>• Areas of archaeological significance</li> <li>• Ancient woodland</li> <li>• TPOs</li> <li>• Canals and rivers</li> <li>• Local Wildlife Sites</li> <li>• Herts and Middlesex Wildlife Trust Nature Reserves</li> </ul>

<sup>4</sup> Transboundary effects are understood to be in other Member States.

Criteria for determining the likely significance of effects	Likely to have significant effects?	Justification for assessment
		<ul style="list-style-type: none"> <li>• Ramsar / SPA/ SAC – listed previously</li> <li>• SSSIs – listed previously</li> </ul> <p>The Ware Neighbourhood Plan offers an opportunity to enhance the natural environment and the cultural heritage of the area through the proposals being considered. The main aspects of the plan that are most likely to affect the special natural characteristics and cultural heritage is the impact of householder and small-scale developments within the settlement boundaries on the character and appearance of the Conservation Area, listed buildings, local heritage assets and archaeological sites. However it is considered there would not be likely significant effects to the environment due to:</p> <ul style="list-style-type: none"> <li>• the limited amount of potential infill and their relationship to the designated areas;</li> <li>• the Plan’s policies seeking to ensure that development conserves and enhances the Conservation Area (and its Identity Areas) through design and landscape policies;</li> <li>• the policies mapping out, safeguarding and enhancing the Green and Blue infrastructure network, including requiring a net gain in biodiversity.</li> </ul> <p>The Neighbourhood Plan is not proposing any site allocations and the Plan has strong objectives and policies to support the conservation and protection of the local landscape and environment. These include:</p> <ol style="list-style-type: none"> <li>1. <i>setting out design criteria to conserve (and enhance) local character</i></li> <li>2. <i>mapping and safeguarding the green and blue infrastructure and enhancing this, with a requirement for a net gain in biodiversity</i></li> <li>3. <i>protecting important natural features within the area</i></li> <li>4. <i>conserving and celebrating local heritage assets</i></li> <li>5. <i>encouraging proposals to mitigate impacts on climate change and employ energy efficient design</i></li> <li>6. <i>encouraging walking and cycling and seeking to combat the negative impacts of car use.</i></li> </ol>

Criteria for determining the likely significance of effects	Likely to have significant effects?	Justification for assessment
		<p>This is not considered to cause likely significant effects.</p> <p>The HRA Screening Assessment in Appendix B concluded that: The Ware Neighbourhood Plan is unlikely to have significant effects on Natura 2000 sites, either alone or in combination with other land and projects therefore, an Appropriate Assessment of the Ware Neighbourhood Plan is not required.</p> <p>There are sensitivities regarding cultural heritage within the Ware Neighbourhood Plan area, with a number of listed buildings, Scheduled Monuments and local heritage assets spread around the parish. The Neighbourhood Plan is not seeking to make any allocations which would impact on these assets, rather it contains policies to aid their conservation.</p> <p>Given the nature and scope of the Plan, environmental quality standards or limit values are not considered likely to be significantly affected.</p> <p>The Plan is not proposing any allocations, therefore the plan is not likely to cause significant effects in relation to intensive land use.</p>
(g) the effects on areas or landscapes which have a recognised national, Community or international protection status.	<b>No</b>	As the Plan is not proposing to allocate any development and in the context of the protective nature of many of the policies, any effects of the Plan on the landscape are not likely to be significant.

# Appendix C - Habitats Regulations Assessment (HRA)

## Screening Opinion for the Ware Neighbourhood Development Plan

### INTRODUCTION

1. East Herts District Council is the “competent authority” under the Conservation of Habitats and Species Regulations 2017 and needs to ensure that Neighbourhood Plans have been assessed through the Habitats Regulations process. This looks at the potential for significant impacts on nature conservation sites that are of European importance<sup>5</sup>, also referred to as Natura 2000.
2. This Screening Assessment relates to a Neighbourhood Development Plan that will be in general conformity with the strategic policies within the development plan<sup>6</sup> (the higher-level plan for town and country planning and land use). This Screening Assessment uses the information contained in the Habitats Regulations Assessment of East Herts District Council’s adopted District Plan as its basis for assessment. From this, the Local Authority will determine whether the Ware Neighbourhood Development Plan is likely to result in significant impacts on Natura 2000 sites either alone or in combination with other plans and policies and, therefore, whether an ‘Appropriate Assessment’ is required.

### LEGISLATIVE BASIS

3. Article 6(3) of the EU Habitats Directive provides that:

*“Any plan or project not directly connected with or necessary to the management of the [European] site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site’s conservation objectives. In the light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public.”*

4. Regulations 105-106 of the Conservation of Habitats and Species Regulations 2017 state:

*“105.—(1) Where a land use plan—*

*(a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and*

*(b) is not directly connected with or necessary to the management of the site, the plan-making authority for that plan must, before the plan is given effect, make an appropriate assessment of the implications for the site in view of that site’s conservation objectives.*

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<sup>5</sup> Special Protection Areas (SPAs) for birds and Special Areas of Conservation (SACs) for other species, and for habitats.

<sup>6</sup> The East Herts District Plan 2018

*(2) The plan-making authority must for the purposes of the assessment consult the appropriate nature conservation body and have regard to any representations made by that body within such reasonable time as the authority specifies.*

*(3) The plan-making authority must also, if it considers it appropriate, take the opinion of the general public, and if it does so, it must take such steps for that purpose as it considers appropriate.*

*(4) In the light of the conclusions of the assessment, and subject to regulation 107, the plan-making authority must give effect to the land use plan only after having ascertained that it will not adversely affect the integrity of the European site or the European offshore marine site (as the case may be).*

*(5) A plan-making authority must provide such information as the appropriate authority may reasonably require for the purposes of the discharge by the appropriate authority of its obligations under this Chapter.*

*(6) This regulation does not apply in relation to a site which is—*

*(a) a European site by reason of regulation 8(1)(c), or*

*(b) a European offshore marine site by reason of regulation 18(c) of the Offshore Marine Conservation Regulations (site protected in accordance with Article 5(4) of the Habitats Directive).*

*106.—(1) A qualifying body which submits a proposal for a neighbourhood development plan must provide such information as the competent authority may reasonably require for the purposes of the assessment under regulation 105 or to enable it to determine whether that assessment is required.*

*(2) In this regulation, “qualifying body” means a parish council, or an organisation or body designated as a neighbourhood forum, authorised for the purposes of a neighbourhood development plan to act in relation to a neighbourhood area as a result of section 61F of the TCPA 1990 (authorisation to act in relation to neighbourhood areas)(159), as applied by section 38C of the 2004 Planning Act (supplementary provisions)(160).*

*(3) Where the competent authority decides to revoke or modify a neighbourhood development plan after it has been made, it must for that purpose make an appropriate assessment of the implications for any European site likely to be significantly affected in view of that site’s conservation objectives; and regulation 105 and paragraph (1) apply with the appropriate modifications in relation to such a revocation or modification.*

*(4) This regulation applies in relation to England only.”*



## ASSESSMENT

5. The HRA for the East Herts District Plan 2018 set out that the following European sites should be included in the scope of the HRA assessment:

- All sites within the East Herts District boundary; and
- Other sites shown to be linked to development within the District boundary through a known 'pathway' (routes by which a change in activity provided within a District Plan document can lead to an effect upon an internationally designated site).

6. This approach has been subject to consultation with Natural England and such, has been applied in this HRA Screening.

7. The following sites are relevant to Ware and have been taken into consideration:

- Lee Valley Special Protection Area (SPA)
- Lee Valley Ramsar Site
- Wormley-Hoddesdonpark Woods Special Area of Conservation (SAC)

Outside the District, EHDC suggest that the following site also requires consideration because there is potential for impacts stemming from the District Plan to create significant effects even though the site lies outside the authority boundary:

- Epping Forest SAC

8. Eversden & Wimpole Woods SAC (located 16km to the north of East Herts) was given preliminary consideration as part of the East Herts HRA, since the barbastelle bat population at that site is known to forage well outside the site boundary. However, work undertaken for the South Cambridgeshire Biodiversity Strategy identifies the area of key importance for the barbastelle bats for which the SAC was designated. The southern-most part of this area of importance is situated approximately on a line with Whaddon and Meldreth and thus approximately 10km north of East Herts. Since the District Plan does not propose any development outside the district boundary this SAC is therefore not considered further.

9. The sites are shown in Figure 1 and further information about the significance of each site is provided below.

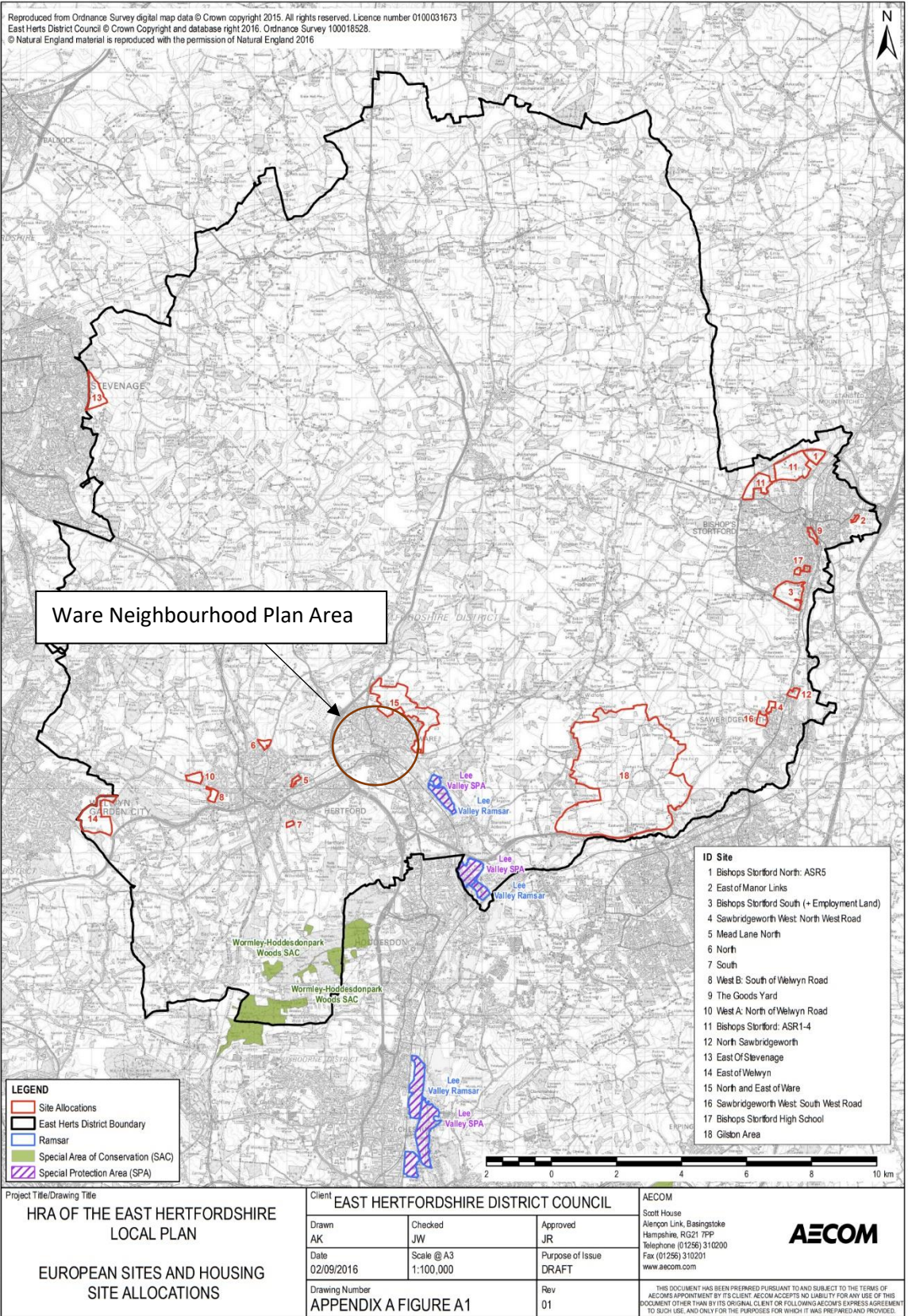


Figure 1: Map showing European Sites in and around East Herts district. The map also shows housing sites allocated in the East Herts District Plan, none of which fall within the Neighbourhood Area.

**Lee Valley SPA and Ramsar site – Amwell Quarry is 240m from the neighbourhood area boundary; Rye Meads is 3km from the neighbourhood area boundary**

10. The Lee Valley Park offers a natural resource of international, national, regional and local importance. There are eight Sites of Special Scientific Interest (SSSIs) in the Regional Park, four of these, Amwell Quarry, Rye Meads, Turnford and Cheshunt Pits and Walthamstow Reservoirs form the Lee Valley Special Protection Area and Ramsar site.
11. The Amwell Quarry Site of Special Scientific Interest (SSSI) within the Lee Valley Regional Park, is located just beyond the south-eastern boundary (240m) of the neighbourhood area. Rye Meads SSSI is located 3km from the neighbourhood area boundary.
12. The entire SPA/ Ramsar site comprises a series of embanked water supply reservoirs, sewage treatment lagoons, and former gravel pits extending along about 24km of the valley from near Ware southward to Finsbury Park in London. These water bodies support internationally important numbers of wintering Gadwall and Shoveler (Criterion 6) and nationally important numbers of several other bird species.
13. The site also contains a range of wetland and valley bottom habitats, both humanmade and semi-natural, which support a diverse array of wetland fauna and flora. Four SSSIs are included within the site. Virtually all parts of the site are subject to management plans in which nature conservation is a high or sole priority. Potential threats from eutrophic condition of the water, over-abstraction of surface water for public supply in periods of drought, and urban development pressures are felt to be addressed by several directives and regulations. Non-consumptive recreational activities are important and mostly well regulated.

**Wormley-Hoddesdonpark Woods SAC – 4.1km from the neighbourhood area boundary**

14. Wormley-Hoddesdonpark Woods is one of two outstanding examples in England of a type of oak-hornbeam forest mainly found in central Europe. Sessile and pedunculate oaks are key components of the canopy. Hornbeam is mixed with oaks and other trees in areas of high forest and is also present as almost pure stands of stored coppice, some of which are being brought back into a coppice cycle.
15. Over 95% of the site is ancient woodland. It includes areas of wood-pasture and many veteran pollards and coppice stools. Distinctive features of the ground flora include stands of great wood-rush and an unusual moss community more typical of continental Europe.

**Epping Forest SAC – 14.1km the neighbourhood area boundary**

16. Epping Forest lies to the east and north-east of London, just inside the M25. It has great significance for its:
  - Heritage - as a former Royal Forest
  - Recreation - as one of the largest open spaces around London, providing significant open space opportunities for residents from within several London Boroughs, Epping Forest District and attracting visitors from beyond these areas
  - Wildlife - two thirds (1728ha) of the Forest's 2400 hectares is designated as a Site of Special Scientific Interest (SSSI) with 1,605ha of that area also designated as a Special Area of Conservation (SAC). It is one of the largest remaining wood-pastures in the UK, a habitat of 'principal importance' (Section 41 of the Natural Environment and Rural

Communities Act 2006) and, as recorded in the SSSI citation, and is the only protected site to support all three types of lowland wood-pasture. Furthermore, the Forest's wood-pasture contains the largest population of ancient pollarded trees in the country.

## **POTENTIAL PATHWAYS TO IMPACTS**

17. EHDC sets out in their HRA, that the potential pathways to impacts on the European sites are likely to constitute the following:
  - Disturbance from additional recreational pressures at the site
  - Atmospheric pollution for instance as a result of additional transport in close proximity to the site
  - An increase in water abstraction, which could result in changes to groundwater quality and quantity below the site
  - Impact on the quality of the water that feeds the European sites, where poor water quality can have a range of environmental impacts.
  
18. These are considered in the context of the Ware Neighbourhood Plan:
19. Recreational pressures: The Neighbourhood Plan contains several policies relating to the retention of recreational space and the safeguarding of green spaces within the area. This is considered to have a positive effect, for instance in redirecting people away from the sensitive internationally designated sites for recreational purposes.
20. Atmospheric pollution: The Neighbourhood Plan does not seek to allocate sites. Rather it contains policies which seek to mitigate the impacts of climate change and improve air quality. In particular it promotes opportunities for walking and cycling provision for journeys within the neighbourhood area, as a way of reducing car reliance, in turn reducing emissions.
21. Water abstraction and water quality: Flood Zones 2 and 3 are present within the Neighbourhood Plan area, associated with the floodplain of the River Lee and its tributaries. The Neighbourhood Plan does not seek to allocate development sites and therefore it is not anticipated that there would be impacts on water abstraction or quality. The Plan contains policies to safeguard green space and the green and blue infrastructure network, including identifying areas for enhancement. The issue of groundwater is covered in District Plan Policy WAT2.

## **CONCLUSION**

Given that the Neighbourhood Plan does not propose any site allocations, and having regard to the commentary set out above, it is considered that the Ware Neighbourhood Plan is unlikely to have significant effects on Natura 2000 sites, either alone or in combination with other land and projects therefore, an Appropriate Assessment of the Ware Neighbourhood Plan is not required.