



# Old River Lane SPD SEA Screening Statement

November 2022



# Old River Lane Supplementary Planning Document

## Strategic Environmental Assessment (SEA)

### Screening Statement November 2022

#### 1. Introduction

- 1.1 This screening statement has been prepared to determine whether the proposed Old River Lane (ORL) 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 ORL SPD is to provide further guidance on the implementation of Policy BISH8 (Old River Lane) in the East Herts District Plan 2018. Policy BISH8 is set out in **Appendix A**.
- 1.3 Once adopted the ORL SPD will be a material consideration in planning decisions.

#### 2. The Screening Process

- 2.1 The SEA Directive requires plans and programmes to be in general conformity with the strategic policies of the adopted development plan for the local area.
- 2.2 Planning Practice Guidance (PPG) 'Strategic environmental assessment and sustainability appraisal' Paragraph 11-008 states that:

*'Supplementary planning documents do not require a 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 relevant strategic policies.'*

2.3 **Table 1** below establishes whether there is a need for SEA. The questions are taken from the Figure 2 the Application of the SEA Directive to plans and programmes set out in ODPM, 'The Practical Guide to Strategic Environmental Assessment' (2005).<sup>1</sup>

**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))	<b>Yes</b>	The ORL SPD has been prepared and will be adopted by East Herts Council to provide additional guidance on Policy BISH8 (Old River Lane) of the East Herts District Plan 2018.
2. Is the PP required by legislative, regulatory or administrative provisions? (Art. 2(a))	<b>Yes</b>	Once the ORL SPD is adopted it will become a material consideration in the determination of planning applications.
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	<b>Yes</b>	The ORL SPD is prepared for the purpose of town and country planning. It supplements policies within the East Herts District Plan 2018.  AND the SPD sets the framework for development which may require an Environmental Impact Assessment

<sup>1</sup> ODPM, (2005) 'The Practical Guide to Strategic Environmental Assessment'.

Stage	Yes/No	Assessment
projects in Annexes I and II to the EIA Directive? (Art 3.2(a))		under Schedule II of the EIA Directive such as 'urban development projects'. However, the SPD does not create new policy.
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))	<b>No</b>	The ORL SPD is not anticipated to have a likely significant effect on any European sites. The East Herts District Plan 2018 was subject to a comprehensive HRA.
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)	<b>Yes</b>	The SPD sets out guidance for the delivery of the Old River Lane site allocation (Policy BISH8).
6. Does the PP set the framework of future development consents of projects (not just projects in the Annexes to the EIA Directive)? (Art.3.5)*	<b>Yes</b>	The ORL SPD will become a material consideration in the determination of 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 of EAGGF programmes 2000 to 2006/7? (Art.308, 3.5)	<b>No</b>	The SPD serves other purposes.
8. Is it likely to have a significant effect on the environment? (Art. 3.5)	<b>No</b>	The principle of development on the site has already been established in the District Plan, which was subject to comprehensive SA incorporating SEA and Strategic Flood Risk Assessment (SFRA). The SPD focuses on providing detailed guidance to implement a sustainable development at Old River Lane, which delivers a sensitive redevelopment that enhances Bishop's Stortford's historic setting, and results in a place that is increasingly resilient to climate

Stage	Yes/No	Assessment
		change with environmental sustainability embedded throughout. The ORL SPD is therefore considered to have no significant effect on the environment. <b>Directive does not require SEA.</b>

\*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.

### 3. Relevance to the SEA Directive

3.1 Question 8 within the ODPM guidance (see Table 1) refers to whether the ORL SPD would have a significant effect on the environment. The criteria from Annex II of the SEA Directive and Schedule 1 of the Environmental Assessment of Plans and Programmes Regulations (2004) can be used to consider the relevance of the plan to the SEA Directive.

3.2 **Table 2** below assesses the ORL SPD against Schedule 1 of the SEA Directive

**Table 2: Assessment of the SPD against Schedule 1 of the SEA Directive**

SEA Directive Criteria (from Annex of SEA Directive and Schedule of Regulations)	Potential effects of the SPD
<b>Characteristic of plans and programmes</b>	
(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 ORL SPD sets a framework for projects by providing detail on relevant adopted policies in the East Herts District Plan 2018, which has been subject to comprehensive SA incorporating SEA. The SPD forms a material consideration for the determination of planning applications.

<b>SEA Directive Criteria (from Annex of SEA Directive and Schedule of Regulations)</b>	<b>Potential effects of the SPD</b>
(b) The degree to which the plan or programme influences other plans and programmes including those in a hierarchy	The ORL SPD provides detail to existing strategic planning policies set out in the East Herts District Plan 2018. It does not create new policies.
(c) The relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development	<p>The vision for the site set out in the SPD is that 'Old River Lane will be a high-quality, accessible and sustainable town centre destination that incorporates a mixture of uses that contribute to the vibrancy of Bishop's Stortford and complements the uniqueness of this historic market town.'</p> <p>The SPD focuses on providing detailed guidance to implement a sustainable development at Old River Lane, which delivers a sensitive redevelopment that enhances Bishop's Stortford's historic setting, and results in a place that is increasingly resilient to climate change with environmental sustainability embedded throughout.</p>
(d) environmental problems relevant to the plan or programme	A key objective of the ORL SPD is to create a place that is increasingly resilient to variable conditions resulting from climate change with environmental sustainability embedded throughout.
(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 relevant plans have already been considered in the development of the East Herts District Plan 2018, which was subject to a comprehensive SA, incorporating an SEA.
<b>Characteristics of the effects and area likely to be affected</b>	
(a) the probability, duration, frequency and reversibility of the effects	The ORL SPD is not expected to give rise to any significant negative environmental effects. The SPD includes design principles

<b>SEA Directive Criteria (from Annex of SEA Directive and Schedule of Regulations)</b>	<b>Potential effects of the SPD</b>
	which will ensure that the new development will have positive impacts on the historic and natural environment.
(b) the cumulative nature of the effects	The ORL SPD is not considered to have any significant negative cumulative effects in combination with other proposals set out in the East Herts District Plan 2018, which was subject to a comprehensive SA, incorporating an SEA.
(c) the trans-boundary nature of the effects	The ORL SPD is not expected to give rise to any significant trans-boundary 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 not expected to be any risks to human health from the ORL SPD.
(e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)	The redevelopment of the ORL site will deliver a mix of town centre uses, including arts and culture, to create a vibrant place that supports and complements the wider town centre. This will include new high quality public spaces and public realm that are accessible and inclusive for all. This will benefit the residents of Bishop's Stortford and surrounding area.
(f) the value and vulnerability of the area likely to be affected due to— (i) special natural characteristics or cultural heritage (ii) exceeded environmental quality standards or limit values (iii) intensive land-use	The ORL SPD explores the historic significance of Bishop's Stortford and sets out design principles and a framework for protecting and enhancing the natural characteristics and cultural heritage of the area.  Nor is the SPD expected to lead to the exceedance of environmental standards or promote intensive land use. Matters relating to environmental standards and land use are

<b>SEA Directive Criteria (from Annex of SEA Directive and Schedule of Regulations)</b>	<b>Potential effects of the SPD</b>
	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 ORL SPD is not expected to have any adverse effect on areas with national, community or international protection.

#### **4. Determination of significant effects**

4.1 The ORL SPD is a ‘daughter’ document of the ‘parent’ District Plan. The SPD adds further detail to the policies contained within the East Herts District Plan 2018, and is used to provide further guidance on existing higher level adopted policy. The policies of the East Herts District Plan 2018 have been subject to a full Sustainability Appraisal (see Section 5 below). Paragraph 9 of the SEA Directive states that:

*“This Directive is of a procedural nature, and its requirements should either be integrated into existing procedures in Member States or incorporated in specifically established procedures. With a view to avoiding duplication of the assessment, Member States should take account, where appropriate, of the fact that assessments will be carried out at different levels of a hierarchy of plans and programmes.”*

4.2 Therefore it is considered that the potential significant effects of the ORL SPD, either individually or in combination within other plans and projects, have already been assessed in the SA of the District Plan.



## **5. Other Regulatory Considerations**

### **Sustainability Appraisal**

- 5.1 Whilst there is no statutory requirement to undertake a Sustainability Appraisal (SA) of the Old River Lane 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 2018 (in particular Policy BISH8 Old River Lane), which has already been subject to a fully comprehensive SA process, incorporating SEA.
- 5.2 More information on the Sustainability Appraisal (SA) of the East Herts District Plan 2018 can be viewed on the Council's website at: [www.eastherts.gov.uk/districtplan](http://www.eastherts.gov.uk/districtplan).

### **Habitats Regulations Assessment**

- 5.3 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.
- 5.4 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.

- 5.5 More information on the Habitats Regulations Assessment of the East Herts District Plan 2018 can be viewed on the Council's website: [www.eastherts.gov.uk/submission](http://www.eastherts.gov.uk/submission).

## **6. Screening Outcome**

- 6.1 This screening report has explored the potential effects of the ORL SPD, with a view to determining whether an environmental assessment is required under the SEA Directive.
- 6.2 Proposals in the ORL SPD, including requirements for development, refer to policies set out in the District Plan (in particular Policy BISH8), but do not propose any policies themselves.
- 6.3 In accordance with topics cited in Annex 1(f) of the SEA directive, significant effects on the environment are not expected to occur as a result of the ORL SPD.
- 6.4 On the basis of the screening process, it is therefore the Council's opinion that the Old River Lane 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 on the effective and consistent implementation of District Plan policies.

## **7. Consultation**

- 7.1 The SEA Screening report has been subject to consultation with the statutory consultees; Environment Agency, Historic England and Natural England.

## Appendix A – Policy BISH8 (Old River Lane)

### Policy BISH8 Old River Lane

- I. The Bishop’s Stortford Town Centre Planning Framework will form the basis of a Supplementary Planning Document, which will be used to inform the masterplanning of this site.
- II. The site will provide for a mixed use development and around 100 homes between 2022 and 2027.
- III. The site will represent an extension of a historic market town. Therefore the masterplan will address the following:
  - a) the creation of a high quality mixed-use development of retail, leisure uses, along with a ‘civic hub’ of other commercial and community uses such as a GP surgery and B1 office floorspace;
  - b) the creation of new streets and public spaces;
  - c) connections between the site and the existing town centre, towards Castle Gardens and to parking areas off Link Road;
  - d) a reduction in traffic speed along Link Road, with new or enhanced crossing points;
  - e) a design and layout which respects the significance and relationship of the site with designated and un-designated heritage assets, within the Bishop’s Stortford Town Centre Conservation Area;
  - f) key frontages such as Coopers will be enhanced by new public realm and buildings that reflect locally distinctive materials and design;
  - g) on-site car parking will need to be sufficient to meet the needs of the uses proposed, without encouraging travel to the town centre in order to avoid worsening traffic congestion and further impact

on the Hockerill Air Quality Management Area. Parking will need to be provided to serve the town centre as well as commuters.

IV. In addition, the development is expected to address the following provisions and issues:

- a) a range of dwelling type and mix, in accordance with the provisions of Policy HOU1 (Type and Mix of Housing), including residential apartments on the upper floors of commercial uses;
- b) Affordable Housing in accordance with Policy HOU3 (Affordable Housing);
- c) new utilities infrastructure where necessary;
- d) planning obligations including on and off-site developer contributions where necessary and reasonable related to the development; and
- e) other policy provisions of the District Plan, Bishop's Stortford Town Council's Neighbourhood Plan for Silverleys and Meads Wards and relevant matters, as appropriate.