

East Herts Council Report

District Planning Executive Panel

Date of meeting: Tuesday 19 May 2026

Report by: Councillor Vicky Glover-Ward – Executive Member for Planning and Growth

Report title: Local Plan Sustainability Appraisal (SA) / Strategic Environmental Assessment (SEA) Scoping Report

Ward(s) affected: (All Wards);

Summary

- East Herts has a duty to produce the East Herts Local Plan. In preparing a local plan the local authority is required by the Town and Country Planning Regulations (Local Planning) (England) 2026 and The Environmental Assessment of Plans and Programmes Regulations 2004 (as amended) to prepare a Strategic Environmental Assessment (SEA). The SEA will identify, describe and evaluate the likely significant effects on the environment of implementing the local plan and any potential reasonable alternatives to the proposed plan.
- Additionally, as required by Section 19 of the Planning and Compulsory Purchase Act 2004 local planning authorities need to carry out an appraisal of the sustainability of the proposals in the Local Plan. This process is known as a Sustainability Appraisal (SA) and assesses the way in which the plan can contribute to achieving economic, social and environmental sustainability.
- As part of the SA/SEA process the Council has a duty to consult on the scope and level of detail that must be included in the report with the relevant consultation bodies. An SA/SEA Scoping document has been prepared and this report is seeking approval on the content of this document and approval to consult with the relevant consultation bodies.

RECOMMENDATIONS FOR THE DISTRICT PLANNING EXECUTIVE PANEL: that Council, via the Executive, be advised that:

- A) Subject to the publication of the 'Notice to Commence Local Plan Preparation and the Local Plan Timetable', the content of the SA/SEA Scoping document (Appendix A) is approved;**
- B) That the SA/SEA Scoping document be formally consulted upon with the Environment Agency (EA), Historic England (HE) and Natural England (NE) in accordance with statutory requirements;**
- C) Subject to the approval of the 'Local Plan Scoping Consultation', the SA/SEA Scoping document will be made available alongside the Local Plan Scoping Consultation, and will include a period of activity between June 11 and July 12 2026 through a range of different forums, including online on the Council's website; and**
- D) Any minor amendments required to the content of the SA/SEA Scoping document prior to the consultation period be delegated to the Director of Place in consultation with the Executive Member for Planning and Growth.**

1.0 Proposal(s)

- 1.1 This report seeks approval of the content of the SA/SEA Scoping document and approval to consult with relevant consultation bodies and the wider public.
- 1.2 Consultation on the SA/SEA Scoping document is sought alongside the Local Plan Scoping consultation, and therefore this report directly links to the approval of the 'Local Plan Timetable and Notice of Intention to Commence Plan-Making', as well as the 'Local Plan Scoping Consultation'.
- 1.3 This report will ensure that Members have a clear understanding of the statutory requirements for the SA/SEA process and the relationship to the Local Plan.
- 1.4 This report will be considered by the District Planning Executive Panel (DPEP) for scrutiny and comment prior to being referred to the Executive for consideration and recommendation. The Executive will then determine whether to recommend the reports to full Council for approval, in accordance with the Council's constitution and decision-making framework.

2.0 Background

- 2.1 An SA/SEA is part of an iterative process that is undertaken alongside the preparation of a local plan. It is broken up into key stages as follows:
 - Stage A (Scoping) – Setting the context and objectives, establishing the baseline, and deciding on the scope
 - Stage B – Developing and refining alternatives and assessing effects
 - Stage C – Prepare the SA/SEA report
 - Stage D – Seek representations on the SA/SEA report from consultation bodies and the public
 - Stage E – Post adoption reporting and monitoring
- 2.2 The SA/SEA Scoping document represents Stage A of this process and identifies relevant plans, policies and programmes that may have an impact on the Local Plan, the existing situation in East Herts in relation to various topics, key sustainability issues and future trends. This leads to the formation of an SA/SEA framework that will be used to test proposals and options in the local plan process as they emerge. It also ensures proposals are

assessed against key environmental criteria.

- 2.3 Schedule 2 of the SEA Regulations lists a number of issues that are likely to have significant effects on the environment. This includes biodiversity, population, human health, fauna, flora, soil, water, air, climatic factors, material assets, cultural heritage and landscape. The SA/SEA Scoping document assesses all of these issues individually, as well as the interrelationship and key drivers between them.

3.0 Reason(s)

- 3.1 An SEA is a requirement of The Environmental Assessment of Plans and Programmes Regulations 2004 (as amended) (commonly known as the SEA Regulations), this ensures that the likely significant effects of the Local Plan are considered from the outset. The SEA process also tests alternatives to the proposals within a local plan to ensure that the best outcome is achieved.
- 3.2 The requirement for an SA is set out in Section 19 of the Planning and Compulsory Purchase Act 2004, which requires local planning authorities to carry out an appraisal of the sustainability of the proposals in the Local Plan. The process is a way to test and assess the way in which the plan can contribute to achieving economic, social and environmental sustainability, as well as identifying and mitigating any potential adverse effects that the plan may have¹.
- 3.3 SA's assess environmental sustainability which is a requirement of an SEA. Therefore, this Scoping document encompasses the requirements for both an SA and SEA.
- 3.4 As prescribed in the SEA Regulations the Council has a duty to consult with Historic England, Natural England and the Environment Agency on the scope of the SEA for a minimum of five weeks.
- 3.5 Additionally, under the Town and Country Planning Regulations 2006 the Council must submit a self-assessment of readiness for local plan preparation (Gateway 1 assessment); this self-assessment necessitates any obligation required under the SEA

¹ [Planning Practice Guidance - Strategic environmental assessment and sustainability appraisal - 11-001-20190722](#)

Regulations. Completion of the Scoping document and consultation of that document with the consultation bodies would satisfy this requirement at this stage.

- 3.6 Subject to the approval of the 'Notice to Commence Local Plan Preparation and the Local Plan Timetable' and the 'Local Plan Scoping Consultation', it is recommended that the SA/SEA Scoping document is also consulted upon alongside the Local Plan Scoping Consultation.

4.0 Options

- 4.1 Undertaking the SA/SEA Scoping consultation is subject to publishing the 'Notice of Intention to Commence and the Local Plan Timetable' as this sets the programme for the Local Plan and work ahead, of which the SA/SEA process is part of.
- 4.2 The SA/SEA Scoping consultation is a separate process from the Local Plan Scoping Consultation, therefore it is not essential that they are undertaken at the same time. However, there are benefits of undertaking both exercises at the same time, such as saving officer time by consulting on both documents at once rather than through separate consultations. It may also be more beneficial to stakeholders to view and respond to both the Local Plan scoping and SA/SEA scoping at the same time, providing a more detailed response. It is likely that more responses will also be made on the SA/SEA if both consultations are conducted together.
- 4.3 An additional SA/SEA section has been added to the Local Plan Scoping Consultation document which summarises the purpose and requirement for an SA/SEA and the scoping process. It also proposes relevant questions on what is contained within the SA/SEA Scoping document and if further information should be included. This could, however, be treated separately to the Local Plan Scoping Consultation if the Council was minded to separate the SA/SEA Scoping from the Local Plan Scoping Consultation.
- 4.4 The SEA Regulations require consultation bodies to be given a minimum of five weeks to respond to consultation on the scope of the SEA, although this period may be extended. The proposed consultation would close before the start of the summer holidays, when consultation responses are typically lower. Proceeding with

the minimum statutory consultation period would both meet regulatory requirements and support the continuation of plan-making work during the summer holiday period.

- 4.5 Whilst it is recognised that the Council only has a legal requirement to consult with the listed consultation bodies (highlighted in paragraph 3.4), there is benefit of widening the consultation and allowing the general public and stakeholders to provide feedback on the SA/SEA Scoping document as well. Local groups and individuals will have a broad understanding of the issues faced within the district; it is therefore beneficial to allow responses from the wider public to strengthen the scope of the SA/SEA and ensure issues are addressed accurately. However, there is an option to narrow the consultation to those legally specified in the SEA Regulations, which would likely lead to less consultation responses.

5.0 Risks

- 5.1 Completion of an SEA Scoping consultation is required as part of the Gateway 1 self-assessment of readiness for local plan preparation. Any delay to the commencement of the SA/SEA Scoping consultation will have a knock-on impact to the overall local plan timetable and ensuring that key milestones are met.
- 5.2 Due to the breadth of the issues raised within the SA/SEA Scoping document there is a risk that responses will be received that react to concerns that are not covered by the SA/SEA Scoping consultation, which may generate additional work and administrative effort. Responses may be generated through means such as AI, which could increase the number of responses that are received. As well as adding further administrative time, this also risks responses that are poorly focused.

6.0 Implications/Consultations

- 6.1 The SA/SEA Scoping consultation forms a key part of the required 'getting ready' phase prior to Gateway 1, during which authorities must begin early engagement and initial assessment work.

Community Safety

Preparation of an SA/SEA framework will help to test policies and proposals within the emerging Local Plan which can influence community safety through design quality, public realm, lighting, and layout of developments to discourage crime and anti-social behaviour.

Data Protection

The SA/SEA Scoping consultation will involve the management and processing of personal data. This will be carried out within a bespoke, closed platform designed to manage this type of planning engagement and will contact people and organisations that are either defined as general or specific consultation bodies within the context of the Town and Country Planning Regulations 2026, or have specifically opted into notifications of such engagement via the bespoke platform. Advice will be taken from the Information Governance and Data Protection Manager and Data Protection Officer where required.

Equalities

The SA/SEA process helps to identify issues with inequality in the preparation of local plan policies, which will have a benefit to equality and be in keeping with the Public Sector Equality Duty. An Equalities Impact Assessment will accompany the Local Plan's development.

Environmental Sustainability

The purpose of the planning system is to contribute to sustainable development. An SA/SEA is legally required and will evaluate the positive and negative impacts of policy options throughout the plan-making process on a range of topics that have implications to the environment. This will have a positive impact to the final Local Plan in relation to seeking environmental sustainability.

Financial

The decision to undertake consultation on an SA/SEA Scoping document entails resource implications, including staff time in commencing the consultation, reviewing consultation responses and updating relevant documents. These costs are planned for within the Council's budget for Planning Policy work.

Health and Safety

There are no direct health and safety implications arising from this report.

Human Resources

There are no direct human resources implications arising from this report.

Human Rights

The decision to undertake consultation on an SA/SEA Scoping document does not infringe on the rights set out in the Human Rights Act 1998. The plan-making process includes statutory opportunities for public participation, supporting rights relating to consultation and fair process.

Legal

Issuing the SA/SEA Scoping consultation document formalises the Council's compliance with the SEA Regulations, Planning and Compulsory Purchase Act 2004, as well as meeting requirements within the new plan-making system.

Specific Wards

All

7.0 Background papers, appendices and other relevant material

7.1 Appendix A: Sustainability Appraisal (SA) / Strategic Environmental Assessment (SEA) Scoping Consultation

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