



**Strategic Environmental Assessment
Screening Determination Statement
for
North Hertfordshire District Council
Draft Sustainability
Supplementary Planning Document**

1. Introduction

- 1.1 This report sets out a Screening Determination for the North Hertfordshire District Draft Sustainability Supplementary Planning Document (Sustainability SPD) and has been prepared by North Hertfordshire District Council. The purpose of the screening is to assess if the Sustainability SPD will require a Strategic Environmental Assessment (SEA). More detail is given in the following sections on SEA (section 2), Supplementary Planning Documents (section 3) and the Sustainability SPD specifically (section 4).
- 1.2 The assessment of the draft Sustainability SPD and the Determination is included in sections 5, 6 and 7.

2. Strategic Environmental Assessment Context

- 2.1. European Union Directive 2001/42/EC requires SEA to be undertaken for certain types of plans or programmes that could have significant environmental effects. The Directive has been transposed into law for England and Wales in the Environmental Assessment of Plans and Programmes Regulations 2004 (the Regulations). The purpose of Strategic Environmental Assessment is to promote sustainable development through assessing the extent to which the plan will help to achieve relevant environmental, economic and social objectives.
- 2.2. Under Regulation 9 of the Regulations, the responsible body (the Local Planning Authority) is required to determine whether a plan or programme is likely to have significant environmental effects, and therefore whether SEA is required. This process is called screening. It is undertaken using a specified set of criteria (set out in Schedule 1 of the Regulations). The Regulations require that the results of this process are set out in a Screening Determination (this document), which must be publicly available.
- 2.3. Before the responsible body makes a formal determination, there is a requirement to consult three statutory consultation bodies designated in the Regulations (Historic England, the Environment Agency & Natural England) on whether an environmental assessment is required. This consultation will take place alongside consultation on the draft SPD.

3. Supplementary Planning Documents and Strategic Environmental Assessment

- 3.1. Planning Practice Guidance states that:
 - i. 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 have been assessed during the preparation of the Local Plan.

- ii. A strategic environmental assessment is unlikely to be required where a supplementary planning document deals only with a small area at a local level (see regulation 5(6) of the Environmental Assessment of Plans and Programmes Regulations 2004), unless it is considered that there are likely to be significant environmental effects.
- iii. Before deciding whether significant environment effects are likely, the local planning authority should take into account the criteria specified in schedule 1 to the Environmental Assessment of Plans and Programmes Regulations 2004 and consult the consultation bodies¹.

3.2. This Screening Determination has taken account of this Guidance in reaching its conclusions.

4. Draft Sustainability SPD

- 4.1. North Herts adopted Local Plan has been subject to a full Sustainability Appraisal incorporating SEA. The National Planning Policy Guidance (PPG) states: *“Strategic environmental assessment alone can be required in some limited situations where sustainability appraisal is not needed. This is usually only where either neighbourhood plans or supplementary planning documents could have significant environmental effects.”*
- 4.2. The SEA Directive requires SEA for plans which (i) ‘determine the use of small areas at a local level’ or (ii) ‘minor modification’ is to plans, only when these are likely to cause significant environment effects. The criteria for determining the significance of effects are taken from schedule 19(2) (a) and 10(4) (a) of the Environmental Assessment of Plans and programmes Regulations 2004. These can be split into criteria related to:
 - i. the scope and influence of the document
 - ii. the type of impact and area likely to be affected
- 4.3. The National Planning Policy Framework (NPPF)² defines Supplementary Planning Documents (SPDs) as documents which add further detail to the policies in the development plan. SPDs are capable of being a material consideration in planning decisions but are not part of the statutory Development Plan.
- 4.4. SPDs do not have the same status as the policies within the Development Plan (in North Hertfordshire’s case, the Local Plan) and are not subject to an independent Examination. However, SPDs must undergo public consultation and are considered as material considerations when determining planning applications.
- 4.5. A review of the Council’s current planning guidance was undertaken in 2017 following submission of the proposed new Local Plan for examination. This identified that a Sustainability Supplementary Planning Document (SPD) should be produced in support of the Local Plan. This review of current Council planning guidance, and the identification

¹ Planning Practice Guidance: Strategic Environmental Assessment and Sustainability Appraisal, Paragraph: 008 Reference ID: 11-008-20140306, <https://www.gov.uk/guidance/strategic-environmental-assessment-and-sustainability-appraisal>

² Annex 2: Glossary

of documents to be produced in the future, was considered and approved by Cabinet on 25th July 2017.

- 4.6. In March 2021, a Cabinet decision was made to commence work on a revised and updated suite of Supplementary Planning Documents including a Sustainability SPD.
- 4.7. This draft Sustainability SPD will be consulted upon for a period of six weeks commencing early January 2024 between Jan 2023 and January 2024 with a view to adoption at a later date to support the Council's adopted Local Plan

5. Screening Assessment

- 5.1. As noted above, the Regulations specify a set of criteria which must be used to assess whether any plan covered by the Regulation is likely to have a significant environmental effect and therefore require a SEA. The table below considers each of these criteria in turn.

Table 1: Assessment of likelihood of significant effects on the environment

Criteria for determining the likely significance of effects	Likely to have significant effects?	Justification for assessment
1 (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	No	The SPD provides greater detail on the policy and principles established in the adopted North Hertfordshire Local Plan. The Plan has been subject to a comprehensive Sustainability Appraisal (SA) incorporating Strategic Environmental Assessment (SEA). The purpose of the SPD is to provide guidance on the effective and constant implementation of the relevant requirements and sustainability related policies (principally Policy SP9 which has been subject to SA / SEA through the process above).
1 (b) the degree to which the plan or programme influences other plans or programmes including those in a hierarchy.	No	The SPD is intended to supplement Local Plan policies and sits below the Local Plan in terms of the planning hierarchy. The SPD must be in general conformity with the strategic policies of the Local Plan.

1 (c) the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development	No	The SPD is highly relevant in terms of promoting sustainable development as it seeks to ensure the effective and consistent implementation of development policies particularly those pertaining to biodiversity, sustainable development and climate change mitigation and adaptation. The aim of this policy is to ensure that development proposals achieve higher sustainability standards.
1(d) environmental problems relevant to the plan	No	There are no environmental problems relevant to the SPD. The policies within the North Hertfordshire Local Plan that the SPD supplement are not expected to have any significant effects on the environment.
1 (e) 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)	No	The SPD is not relevant to the implementation of EC legislation such as waste management or water protection.
2 (a) the probability, duration, frequency and reversibility of the effects	No	<p>The anticipated effects on the sustainability of North Hertfordshire are expected to be positive by providing guidance to support policies designed to create sustainable development.</p> <p>The SPD will require developers to demonstrate how their proposals incorporate measures that achieve required (or voluntarily higher) standards of sustainability across a range of issues.</p> <p>The duration of the effects is difficult to define; the effects will be linked to a planning permission which is (usually) permanent unless superseded by a subsequent permission on the same site.</p>

2 (b) the cumulative nature of the effects	No	The Local Plan SA/SEA expects overall positive benefits to arise from the specific policies related to infrastructure provision that the SPD relates to.
2 (c) the trans-boundary nature of the effects	No	The effects of the SPD will be local to North Hertfordshire district and only indirect effects are expected cross-boundary, for example, where the development would contribute to county-wide nature recover networks or biodiversity net gain schemes in an adjoining authority.
2 (d) the risks to human health or the environment (e.g. due to accidents)	No	No significant effects have been identified.
2 (e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)	No	The SPD will be applied to all relevant planning applications in the district, although the effects of the SPD will be more likely felt at a more local scale (i.e. site or neighbourhood).
2 (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 (iii) intensive land-use	No	The SPD is not be able to set policy related to specific land uses. It will only influence the way in which development is designed/ implemented encouraging developers to aim for higher standards of sustainability. However, the SPD cannot impose additional unreasonable financial burden on development.
2 (g) the effects on areas or landscapes which have a recognised national, community or international protection status	No	None identified. Any applications for development will be required to satisfy the relevant policies for protection of the character of the area before permission is granted.

6. Consultation Responses

- 6.1. This screening determination has been produced alongside the consultation on the draft Sustainability Supplementary Planning Document. The Council will consult the three statutory consultation bodies designated in the Regulations (Historic England, the Environment Agency & Natural England) on whether an environmental assessment

is required. An updated version of this statement will be produced prior to any future adoption of the SPD. This will report any responses received from the three statutory consultees.

7. Screening Determination

7.1. In summary, it is concluded that at this time the Sustainability SPD is not likely to have significant environmental effects and therefore a SEA is not required. The principal reasons for this conclusion are that:

- The development plan policies supplemented by this SPD have themselves been subjected to SA and SEA. The SA conclusion on Policy SP9 found that it positively contributes to a large number of the Sustainability Appraisal objectives including the importance of good design and climate change mitigation issues.
- The SPD can only provide guidance to existing policies, it is not expected that it would alter the conclusions reached in the Local Plan SA/SEA. The SPD cannot set new policy (in accordance with the NPPF). It has been prepared to build upon the Local Plan policies and provide guidance to applicants regarding how to achieve the required standards of sustainability within development. Whilst the SPD encourages developers to aim for higher standards than the policy requirements, attaining these higher standards is voluntary.

7.2. On the basis of the above, North Herts District Council has determined that the Sustainability SPD would not be 'likely' to have 'significant environmental effects' in itself. In coming to this conclusion, the council has had regard to the fact that the SPD will not have effects beyond North Herts Local Plan policies, which have all been subject to a Sustainability Appraisal and SEA; the finding of which have been considered in this assessment.