

Harpenden Neighbourhood Plan

**Strategic Environmental Assessment
Screening Report**



19th January 2018

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1. Introduction

- 1.1 This screening report is designed to determine whether or not the contents of the Harpenden Neighbourhood Development Plan require Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plans and Programmes Regulations 2004.
- 1.2 The purpose of the Harpenden Neighbourhood Development Plan is to provide planning policies to guide development in the designated Harpenden Neighbourhood Plan area.
- 1.3 Following review of the Planning Practice Guidance (PPG) and best practice it is the view of St Albans City and District Council (SADC) that it is the responsibility of the qualifying body, in this case Harpenden Town and Harpenden Rural Parish Councils, to carry out the SEA screening assessment.
- 1.4 SADC however recognises that it is also, ultimately, the responsibility of the Local Planning Authority (LPA) to ensure that SEA requirements have been met. It has to do this when it considers whether the plan preparation process and content meets the requirements of relevant legislation. It does this before passing the Plan to independent examination and, potentially, again when it receives the Neighbourhood Plan Examiner's Report on whether the Neighbourhood Plan basic conditions are met ([paragraph 8\(2\) of Schedule 4B to the Town and Country Planning Act 1990](#)) and when deciding if the Plan should be passed to referendum. It is therefore advantageous for the qualifying body and the LPA to work together on this issue from an early stage to provide clarity and an efficient approach.
- 1.5 SADC has therefore agreed to provide Harpenden Town and Harpenden Rural Parish Councils with a SEA screening assessment.
- 1.6 There are numerous examples of Neighbourhood Plan SEA screening assessments from across the country. Best practice research suggests that the approach taken by Cornwall Council provides a useful model. Cornwall Council uses a simple and clear assessment and report template. Several other Hertfordshire LPAs have used this approach as a basis for their Neighbourhood Plan screening work.
- 1.7 Section 2 outlines the legislation that necessitates this screening exercise. Section 3 sets out the statutory criteria against which the screening assessment is made. Section 4 provides the specific screening assessment of the likely significant environmental effects of the Neighbourhood Plan and draws a conclusion on whether there is a need to undertake SEA.

2. Legislative Background

- 2.1 The basis for SEA legislation is European Directive [2001/42/EC](#). This was transposed into English law by the Environmental Assessment of Plans and Programmes Regulations 2004, or SEA Regulations. Detailed Guidance on these regulations can be found in the Government publication 'A Practical Guide to the Strategic Environmental Assessment Directive' (ODPM 2005). There are related EU requirements to consider environmental impacts of plans and programmes under the Habitats Directive (ref. Council Directive [92/43/EEC](#)).
- 2.2 The Planning and Compulsory Purchase Act 2004 required Local Authorities to produce Sustainability Appraisals (SA) for all Development Plans (Local Development Documents - LDDs). This was to provide a method of meeting the legal requirement of

the EU Directive on SEA alongside a wider socio – economic appraisal of Development Plans.

- 2.3 Neighbourhood Plans are not LDDs and are not therefore legally required to be subject to SA. It is however advisable to carry out some form of sustainability (economic, social and environmental) assessment as part of the overall Neighbourhood Plan preparation process. Various forms of best practice guidance are available. SADC recommends guidance by CABE/Levett-Therivel and URS Scott Wilson - 'DIY SA': Sustainability Appraisal (including strategic environmental assessment) of Neighbourhood Plans (<https://levetttherivel.files.wordpress.com/2015/09/diysa.pdf>) and CPRE - How to shape where you live: a guide to neighbourhood planning (<http://www.cpre.org.uk/resources/housing-and-planning/planning/item/download/3038>).
- 2.4 Neighbourhood Plans are produced under the Localism Act 2011. The Localism Act requires Neighbourhood Plans to be compatible with EU and human rights legislation. Depending on their content, Neighbourhood Plans may therefore trigger the Strategic Environmental Assessment Directive and Habitats Directive. They therefore need to be screened to decide whether SEA is required. Where SEA is required, if the Qualifying body prepares it Neighbourhood Plan on the basis of an SA approach in a form similar to that required for DPDs, this will meet SEA requirements.
- 2.5 If the qualifying body prepares their Plan using a comprehensive SA approach from the outset, this will obviate the need for a separate SEA process. It follows that there will then be no need to undertake an SEA screening assessment.
- 2.6 This screening assessment reported here is made in a case where the Neighbourhood Plan does not feature a comprehensive SA approach/report. The assessment screens for potential significant environmental effects that may arise taking account of the statutory SEA criteria. This determines whether SEA should be undertaken.

3. Criteria for Assessing the Effects of the Neighbourhood Plan

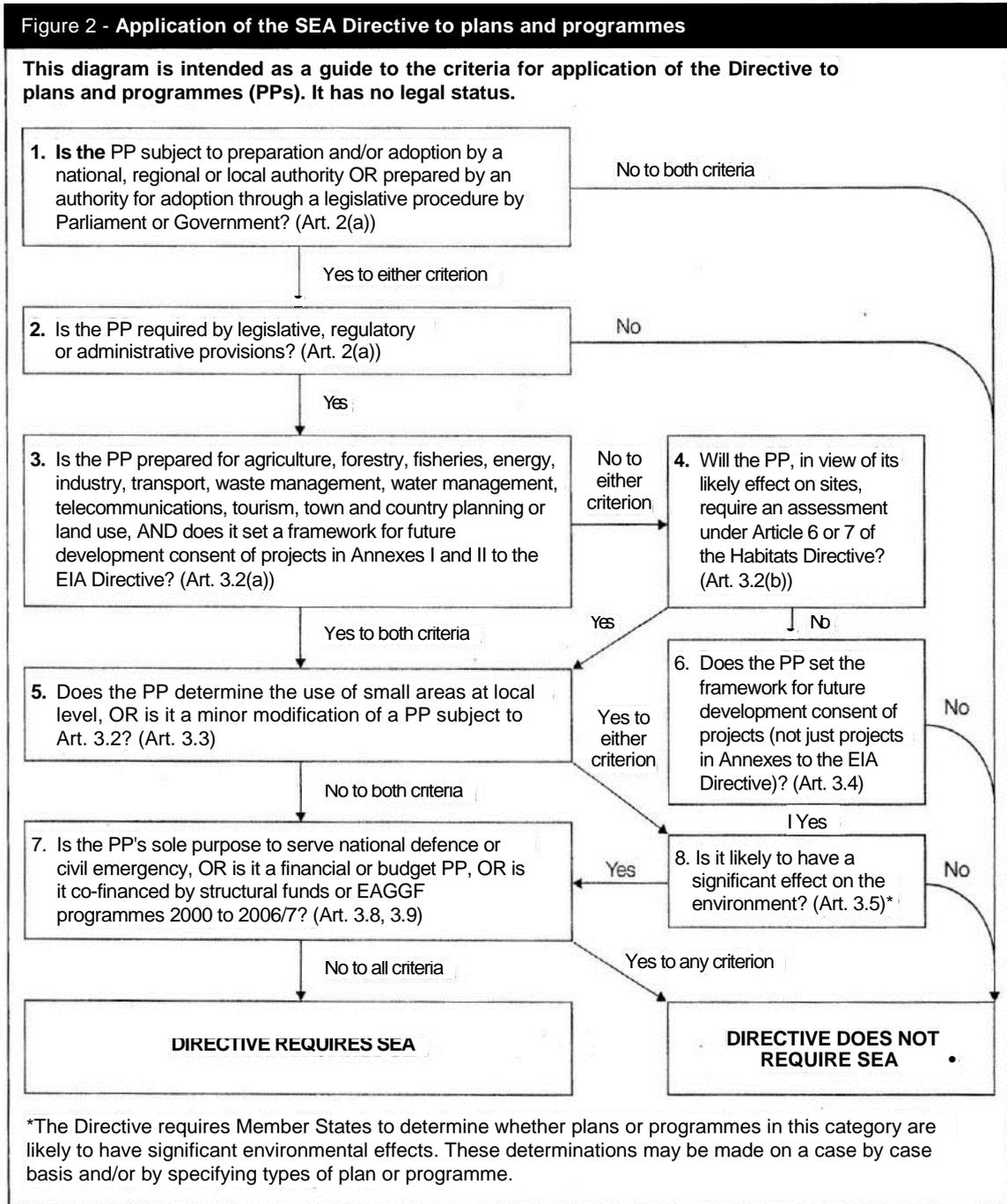
3.1 Criteria for determining the likely significance of effects referred to in Article 3(5) of Directive 2001/42/EC are set out below:

1. The characteristics of plans and programmes, having regard, in particular, to
 - 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 degree to which the plan or programme influences other plans and programmes including those in a hierarchy,
 - the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development,
 - environmental problems relevant to the plan or programme,
 - 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).
2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to
 - the probability, duration, frequency and reversibility of the effects,
 - the cumulative nature of the effects,
 - the transboundary nature of the effects,
 - the risks to human health or the environment (e.g. due to accidents),
 - the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected),
 - the value and vulnerability of the area likely to be affected due to:
 - special natural characteristics or cultural heritage,
 - exceeded environmental quality standards or limit values,
 - intensive land-use,
 - the effects on areas or landscapes which have a recognised national, Community or international protection status.

Source: Annex II of SEA Directive 2001/42/EC

4. Assessment

4.1 The extract below from government guidance 'A Practical Guide to the Strategic Environmental Assessment Directive' sets out the process for determining whether SEA is required.



4.2 Table 1 below shows the assessment of whether the neighbourhood plan will require full SEA. The questions below are drawn from the diagram above which sets out how the SEA Directive should be applied.

Table 1: Establishing the need for SEA

Stage	Yes/No	Reason
1. Is the PP (plan or programme) subject to preparation and/or adoption by a national, regional or local authority OR prepared by an authority for adoption through a legislative procedure by Parliament or Government? (Art. 2(a))	Yes	The PP will be prepared by Harpenden Town and Harpenden Rural Parish Councils and will be 'brought into force' by St Albans District Council. Go to Stage 2
2. Is the PP required by legislative, regulatory or administrative provisions? (Art. 2(a))	Yes	A Neighbourhood Plan is not required by legislation but is optional under the provisions of the Town and Country Planning Act 1990 as amended by the Localism Act 2011. If a Neighbourhood Plan is however 'brought into force' it will form part of the Development Plan for the District. There should therefore be a screening process to consider whether the PP is likely to have significant environmental effects, and therefore whether SEA is required. Go to Stage 3
3. Is the PP prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use, AND does it set a framework for future development consent of projects in Annexes I and II to the EIA Directive? (Art 3.2(a))	Yes AND No	Prepared for town and country planning. AND The PP will sit within a wider framework (NPPF and Local Plan) and although the PP will set out a framework for future development, such projects are not on the scale referred to in Article 4(2) of the EIA Directive. Go to Stage 4
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))	No	There are no Natura 2000 sites in the District or adjacent the PP area, therefore an assessment is not required. Go to Stage 6
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)	Yes	The PP will determine the use of small areas at a local level.
6. Does the PP set the framework for future development consent of projects (not just projects in annexes to the EIA Directive)? (Art 3.4)	Yes	The PP will be used, together with national planning policy and Local Plan policy, to assess and determine planning applications.

		Go to Stage 8
7. Is the PP's sole purpose to serve the national defence or civil emergency, OR is it a financial or budget PP, OR is it co-financed by structural funds or EAGGF programmes 2000 to 2006/7? (Art 3.8, 3.9)		Not applicable
8. Is it likely to have a significant effect on the environment? (Art. 3.5)	No	<p>The Harpenden Neighbourhood Plan allocates sites for development, however, these are all contained within the existing urban area, which is constrained by the Green Belt.</p> <p>The scale of development expected is small. The plan includes policies which seek to protect and enhance biodiversity landscape and heritage assets and generally mitigate adverse environment effects.</p> <p>The Plan will not therefore have a significant effect on the environment (see assessment in Table 2).</p> <p>SEA not required</p>

Table 2: Potential significant effects	
SEA requirement	Comments
The characteristics of the plan or programmes having regard, in particular, 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,	<p>The Plan will set a framework for projects and other activities as it will form part of the Development Plan.</p> <p>The Plan will however sit within the wider planning policies in the National Planning Policy Framework (NPPF) and the adopted Development Plan (primarily the St Albans District Local Plan Review - DLPR). The Plan adds local detail to these policies. It does not promote or propose new development contrary to existing Development Plan policies (e.g. urban areas available for development and areas that are constrained for development, such as Green Belt / Landscape Conservation Areas).</p> <p>All specific development proposals fall within the scope of the DLPR. In particular the plan does not seek to allocate development sites outside of the existing urban areas.</p>
b) the degree to which the plan or programme influences other plans and programmes including those in a hierarchy,	<p>The plan sits below the DLPR in the hierarchy of plans.</p> <p>A Neighbourhood Plan can however seek to influence the preparation of a new St Albans District Local Plan in a way that might have significant environmental effects.</p> <p>In this case, as noted above, the plan does not seek such influence. It primarily works within the policies of the DLPR.</p>
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 NPPF requires a presumption in favour of sustainable development which should be seen as 'a golden thread running through both plan-making and decision-taking' (paragraph 14, NPPF). To meet the basic conditions, the Plan must contribute to the achievement of sustainable development.</p> <p>The Plan is therefore relevant in this respect.</p>

<p>d) environmental problems relevant to the plan or programme,</p>	<p>All development site allocations are located within the urban area (see above). HA5 is located within the Harpenden Conservation Area but is an existing/previously developed site. The conservation area designation does not prevent new development in principle. The plan does not seek to add further additional levels of constraint to national or local Plan policies.</p> <p>The Plan has a policy to manage flood risk. Development in ancient woodland is discouraged, although not specifically referenced, relying on strategic policy in the NPPF.</p> <p>The Plan will not have a significant effect on the environmental issues and related designations.</p>
<p>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).</p>	<p>The plan is not directly relevant to the implementation of Community legislation on the environment.</p>
<p>Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:</p>	
<p>a) the probability, duration, frequency and reversibility of the effects,</p>	<p>Decisions made using the policies of the plan will lead to some permanent changes in the local environment that can be readily predicted (high probability). The changes can be of long duration, but are generally, potentially, reversible.</p> <p>These changes are, however, low in frequency and of small scale. They are contained within an existing urban area. They will therefore have very limited effects, particularly on fundamental environmental systems.</p>
<p>b) the cumulative nature of the effects,</p>	<p>The plan anticipates very limited development. New housing within the plan period will be developed at a low rate (approximately 9 dwellings per annum) within the existing urban area.</p> <p>There will be some cumulative impact on local infrastructure (e.g. roads and water treatment), but environmental effects would not be significant.</p>

<p>c) the transboundary nature of the effects,</p>	<p>The plan covers the areas administered by the Harpenden Town and Harpenden Rural Parish Councils only.</p> <p>Because of the hierarchy of Neighbourhood Plan, national policy (NPPF) and Local Plan, policy decisions taken in respect of the plan area will not have transboundary impacts.</p>
<p>d) the risks to human health or the environment (e.g. due to accidents),</p>	<p>The policies and allocations proposed by the plan do not present significant or direct risks to human health or the environment.</p>
<p>e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected),</p>	<p>The plan area covers approximately 2200 hectares and has a population of approximately 30,000 (2011 census). Development of the scale proposed (see above) will not have significant environmental effects on surrounding areas.</p>

<p>f) the value and vulnerability of the area likely to be affected due to:</p> <ul style="list-style-type: none"> i) special natural characteristics or cultural heritage, ii) exceeded environmental quality standards or limit values, iii) intensive land-use, 	<p>Potential value and vulnerability issues are only evident in:</p> <ul style="list-style-type: none"> • <u>Built environment qualities</u>: The impact of small scale developments on the character and appearance of the Conservation Area or the Green Belt. The plan aims to ensure development preserves and enhances these designations through detailed policies. • <u>Natural / semi natural environment and Biodiversity</u>: The area contains two Local Nature Reserves (LNRs) (Batford Springs and Marshalls Heath) and small areas of Ancient woodland and other Local Wildlife Sites. The plan has been formulated around the need to avoid impacts on these designations. • <u>Landscape quality</u>: Development can damage valued landscapes. The area contains DLPR Landscape conservation areas. The scale of development proposed is small in relation to the current position and is located in the urban area. It will not have a significant effect • <u>Air pollution</u>: Traffic levels can increase air pollution effects. There are no AQMAs in the Neighbourhood Plan area. The scale of development proposed is small in relation to the current position. It will not have a significant effect. • <u>Water resources</u>: Development levels increase effects on water resources and water quality. The scale of development proposed is small in relation to the current position. It will not have a significant effect.
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g) the effects on areas or landscapes which have a recognised national, Community or international protection status.	There are no Ramsar sites in the District and no SSSIs in the Neighbourhood Plan area. There are no recognised national landscape designations.
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5. Screening Outcome

- 5.1 As a result of the assessment in section 4, SADC has concluded that there are no significant environmental effects arising from the Harpenden Neighbourhood Development Plan in terms of statutory SEA requirements. SADC's screening decision is therefore that SEA of the plan is not required.
- 5.2 The draft report was sent to the environmental assessment consultation bodies, Historic England, the Environment Agency and Natural England 17 November 2017. Natural England (Appendix 1) and Historic England (Appendix 2) concurred with SADC's conclusions. No response was received from the Environment Agency.
- 5.3 Based on the assessment in section 4 and the responses from the environmental assessment consultation bodies it is therefore concluded that the Harpenden Neighbourhood Development Plan would not have a significant effect on the environment and that SEA of the Harpenden Neighbourhood Development Plan is not required.

Appendix 1

Date: 22 November 2017
Our ref: 231809
Your ref: Harpenden Neighbourhood Plan



Joanna Woof
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BY EMAIL ONLY

Dear Joanna Woof

Harpenden Neighbourhood Plan - Request for SEA Screening Opinion

Thank you for your consultation on the above dated 17 November 2017

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Screening Request: Strategic Environmental Assessment

It is our advice, on the basis of the material supplied with the consultation, that, in so far as our strategic environmental interests are concerned (including but not limited to statutory designated sites, landscapes and protected species, geology and soils) are concerned, that there are unlikely to be significant environmental effects from the proposed plan.

Neighbourhood Plan

Guidance on the assessment of Neighbourhood Plans in light of the SEA Directive is contained within the National Planning Practice Guidance¹. The guidance highlights three triggers that may require the production of an SEA, for instance where:

- 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 may have significant environmental effects that have not already been considered and dealt with through a sustainability appraisal of the Local Plan.

We have checked our records and based on the information provided, we can confirm that in our view the proposals contained within the plan will not have significant effects on sensitive sites that Natural England has a statutory duty to protect.

We are not aware of significant populations of protected species which are likely to be affected by the policies / proposals within the plan. It remains the case, however, that the responsible authority should provide information supporting this screening decision, sufficient to assess whether protected species are likely to be affected.

Notwithstanding this advice, Natural England does not routinely maintain locally specific data on all potential environmental assets. As a result the responsible authority should raise environmental issues that we have not identified on local or national biodiversity action plan species and/or habitats, local wildlife sites or local landscape character, with its own ecological and/or landscape advisers, local record centre, recording society or wildlife body on the local landscape and biodiversity receptors that may be affected by this plan, before determining whether an SA/SEA is necessary.

Please note that Natural England reserves the right to provide further comments on the environmental assessment of the plan beyond this SEA/SA screening stage, should the responsible authority seek our views on the scoping or environmental report stages. This includes any third party appeal against any screening decision you may make.

For any queries relating to the specific advice in this letter, for any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

We really value your feedback to help us improve the service we offer.

We have attached a feedback form to this letter and welcome any comments you might have about our service.

Yours sincerely

Hannah Bottomley
Consultations Team

Appendix 2



EAST OF ENGLAND OFFICE

Ms Joanna Woof
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Direct Dial: 01223 582746

Our ref: PL00228723

20 December 2017

Dear Ms Woof

Thank you for your email of 20 November 2017 regarding the above consultation. As the Government's adviser on the historic environment Historic England is keen to ensure that the protection of the historic environment is fully taken into account at all stages and levels of the local planning process. Therefore we welcome this opportunity to review the Harpenden Neighbourhood Plan SEA Screening Report. For the purposes of this consultation, Historic England will confine its advice to the question, "Is it (the Neighbourhood Plan and any Site Allocations therein) likely to have a significant effect on the historic environment?". Our comments are based on the information supplied with the Screening Opinion.

The Screening Report indicates that the St Albans District Council considers that there are "no significant environmental effects arising from the Harpenden Neighbourhood Development plan in terms of statutory SEA requirements", and that SEA is not, therefore, required.

On the basis of the information supplied, and in the context of the criteria set out in Schedule 1 of the Environmental Assessment Regulations [Annex II of 'SEA' Directive], Historic England concurs with the Council that the preparation of a Strategic Environmental Assessment is not required.

However, in reviewing the relevant documentation for this response we noted that the separate Proposals Map supplied with the Harpenden NDP pre-submission (Regulation 14) draft erroneously locates site allocation HA5 on Harpenden Hall (listed at grade II*), and this initially caused some concern until the error was identified. The correct site is shown in the NDP itself (p50). This map be corrected to avoid future confusion.

The views of the other three statutory consultation bodies should be taken into account before the overall decision on the need for an SEA is made.

I should be pleased if you can send a copy of the determination as required by REG 11 of the Environmental Assessment of Plans and Programmes Regulations 2004.



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Historic England is subject to the Freedom of Information Act, 2000 (FOIA) and Environmental Information Regulations 2004 (EIR). All information held by the organisation will be accessible in response to an information request, unless one of the exemptions in the FOIA or EIR applies.



Historic England

EAST OF ENGLAND OFFICE

We should like to stress that this opinion is based on the information provided by you with your letter dated 20 November 2017, and the accompanying Screening Report. To avoid any doubt, this does not reflect our obligation to provide further advice on later stages of the SA/SEA process and, potentially, object to specific proposals which may subsequently arise (either as a result of this consultation or later versions of the plan/guidance) where we consider that, despite the SA/SEA, these would have an adverse effect upon the environment.

Yours sincerely,

Edward James
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cc:



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