

Sustainability Supplementary Planning Document

**Strategic Environmental Assessment (SEA) Screening
Report**

**Habitat Regulations Assessment (HRA) Screening
Report**

September 2024



**WELWYN
HATFIELD**

1. Introduction

- 1.1 This report has been prepared by Welwyn Hatfield Borough Council in its duty to determine whether the proposed Sustainability Supplementary Planning Document (SPD) requires a Strategic Environmental Assessment (SEA).
- 1.2 A Strategic Environmental Assessment (SEA) is a procedure set out in the Environmental Assessment of Plans and Programmes Regulations 2004 which requires the formal environmental assessment of certain plans and programmes which are likely to have significant effects on the environment.
- 1.3 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 Report (this document), which must be publicly available.
- 1.4 The SEA screening process includes a five-week consultation with the SEA bodies (Environment Agency, Historic England and Natural England) on whether an environmental assessment is required before the responsible body can make a formal determination. This consultation will run alongside the Draft Sustainability SPD consultation.
- 1.5 This report also includes a Habitat Regulations Assessment (HRA) Screening for likely significant effects on a European site. In the context of Welwyn Hatfield, Wormley-Hoddesdonpark Woods SAC, Lea Valley SPA, Lea Valley Ramsar site and Epping Forest SAC are within 10km of the Borough.
- 1.6 A Habitat Regulations Assessment (HRA) is a requirement set out within Regulation 63 the Conservation of Habitats and Species Regulations 2017(as amended)² and Articles 6(3) and 6(4) of the Habitats Directive. This regulation requires that, where the potential for likely significant effects cannot be excluded, an appropriate assessment of any plan or project must be undertaken to identify the implications for internationally designated sites. To ascertain whether an appropriate assessment is required, a screening should be undertaken.
- 1.7 The HRA Screening process includes a consultation with the nature conservation body (Natural England for England) to ascertain whether the plan or project will adversely affect any internationally designated sites. If the HRA Screening establishes that an appropriate assessment is needed, the requirement for an SEA is triggered.
- 1.8 This report contains the SEA Screening Assessment in Section 3 and the HRA Screening Assessment in Section 4.

2. Sustainability SPD and Local Plan Context

- 2.1 The Draft Sustainability Supplementary Planning Document sets out further guidance and standards for both residential and non-residential development. The SPD refers to topics which relate to aspects of sustainability that affects new and existing built form and development, including Passive Design, Energy Efficiency, Water Efficiency, Drainage and Flood Risk, Active Travel, EV Charging and Climate Change Adaptation. Whilst the SPD does not introduce any new requirements above existing Local Plan policy and legislation, it seeks to promote a higher level of sustainability within development proposals.
- 2.2 The Draft Sustainability SPD will be consulted upon for a period of six weeks commencing in Q4 2024. Following this consultation and consideration of responses, it is anticipated that the Sustainability SPD will progress to adoption as supplementary support to the Welwyn Hatfield Local Plan.
- 2.3 The purpose of SPDs is to add further advice or guidance on policies in an adopted local plan. As they do not form part of the development plan, they cannot introduce new planning policies, however they are a material consideration in decision-making. The Draft Sustainability SPD seeks to expand on the following Local Plan policies:
- SADM3 Sustainable Travel for All
 - SP4 Transport and Travel
 - SP9 Place Making and High Quality Design
 - SP10 Sustainable Design and Construction
 - SADM11 Amenity and Layout
 - SADM12 Parking Servicing and Refuse
 - SADM 13 Sustainability Requirements
 - SADM14 Flood Risk and Surface Water Management
- 2.4 The Welwyn Hatfield Local Plan (adopted October 2023) has been subject to a full Sustainability Appraisal (incorporating SEA) and a HRA, which considered the impact of all Local Plan policies at multiple points during the progression to adoption, including the Submission version and Main Modifications/Further Main Modifications stage.

3. SEA Screening Assessment

- 3.1 Guidance on plan-making states that whilst SPDs do not require an Environmental Assessment, they may require an SEA in exceptional circumstances if they are likely to have significant environmental effects that have not already been assessed during the preparation of strategic plan policies. As the responsible authority, the Council is required to undertake an SEA Screening to assess whether the Draft Sustainability SPD is likely to have significant environmental effects.
- 3.2 Schedule 1 of the Environmental Assessment of Plans and Programmes Regulations 2004 provides criteria for determining the likely significance of effects on the environment. Under

Regulation 9 of the same Regulations, the responsible authority shall take into account this criteria and consult the consultation bodies. The table below considers this criteria in turn.

Criteria for determining the likely significance of effects	Likely to have significant effects?	Justification for assessment
1a) 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 Welwyn Hatfield Local Plan. The Plan has been subject to a comprehensive Sustainability Appraisal (incorporating SEA) and a HRA. The purpose of the SPD is to provide guidance on the effective and constant implementation of the relevant requirements and policies related to the topics within the SPD, which have all been subject to SA/SEA/HRA.
1b) the degree to which the plan or programme influences other plans and programmes including those in a hierarchy;	No	The SPD is intended to supplement Local Plan policies and therefore must be in general conformity. It does not form part of the development plan, therefore it sits below the Local Plan in terms of planning hierarchy.
1c) the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development;	No	Due to its topic, the SPD is highly relevant in terms of the integration of environmental considerations and promoting sustainable development. It will seek to better implement applicable Local Plan policies, including sustainable development and climate change adaptation. The SPD looks to achieve higher sustainability standards in development, whilst not increasing the level of development compared to the adopted Local Plan.
1d) environmental problems relevant to the plan or programme; and	No	The SPD seeks to have a positive effect on the environment by promoting higher sustainability in development, and there are no environmental problems relevant to the SPD.
1e) 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).	No	The SPD is not intended to have any relevant impact on EC legislation.

Criteria for determining the likely significance of effects	Likely to have significant effects?	Justification for assessment
2a) the probability, duration, frequency and reversibility of the effects	No	The SPD will not in itself bring forward development plans or projects. The anticipated effects are expected to be positive by providing guidance to already existing policies designed to create sustainable development. The probability, duration, frequency and reversibility of the effects are likely to be unaffected by this SPD compared to the effects already existing by the adopted Local Plan.
2b) the cumulative nature of the effects	No	The SPD is not intended to have cumulative effects other than potentially new developments having a higher level of regard to sustainability principles, which is wholly positive. The cumulative effects of the policies the SPD relates to were considered and assessed during the Local Plan process.
2c) the trans-boundary nature of the effects	No	The SPD will only apply to development proposals within the borough of Welwyn Hatfield.
2d) the risks to human health or the environment (e.g. due to accidents)	No	No significant effects have been identified. In the long term, indirect benefits to human health or the environment may be achieved through higher levels of sustainability in development (e.g. promoting active travel over private car use)
2e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)	No	The SPD will apply to development proposals within the borough of Welwyn Hatfield.
2f) 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 cannot set policy related to specific land uses. The SPD provides guidance on existing Local Plan policy, which has already been assessed. The SPD seeks to encourage development to achieve higher levels of sustainability, however it cannot and will not impose unreasonable financial burden on development.
2g) the effects on areas or	No	The SPD cannot override existing Local

Criteria for determining the likely significance of effects	Likely to have significant effects?	Justification for assessment
landscapes which have a recognised national, community or international protection status		Plan policy or national legislation/policy, which all have requirements to protect these areas/landscapes.

3.3 Upon assessing the criteria, the Draft Sustainability SPD is considered not likely to have significant environmental effects. This is because:

- It is unlikely to produce significant environmental effects as it does not set new policy, and whilst the SPD encourages developers to aim for higher standards than those set by policy and legislative requirements, attaining these standards is voluntary
- It does not result in additional development above that allocated in the adopted Local Plan
- It expands on and provides guidance on existing Local Plan policies which have already been subject to SA (incorporating SEA) and HRA

3.4 On the basis of the above criteria and conclusions reached, the Council's Screening Opinion is that the Draft Sustainability SPD does not require an SEA under the Environmental Assessment of Plans and Programmes Regulations 2004. Before a formal determination can be reached, the Council must consult the three statutory consultation bodies (Historic England, Environment Agency and Natural England) on whether they agree with the Council's opinion that an SEA is not required.

3.5 A consultation period of five weeks will run alongside the Draft Sustainability SPD consultation, which is anticipated to begin in Q4 2024. A SEA Determination Statement will be written following this consultation period based on the responses received.

4. HRA Screening Assessment

4.1 Under the Conservation of Habitats and Species Regulations 2017, there are 4 distinct steps in the HRA process which should be followed in order to consider whether the Sustainability SPD will have significant effects on a European site and, if so, to address the implications:

Step 1 – Screening: identification of likely impacts on European sites, either alone or in combination with other plans and projects, and a consideration of whether the impact is significant.

Step 2 – Appropriate Assessment: – consideration of the impact on the integrity of European sites with regard to the site's structure, function and conservation objectives. Where effects are significant, mitigation measures should be considered. If step 2 cannot rule out significant effects with mitigation, then the process moved onto the consideration of alternative solutions at step 3.

Step 3 – Assessment of Alternative Solutions: consideration of other methods of achieving the aims of the plan or project whilst avoiding impacts.

Step 4 – Assessment of Compensatory Measures: If impact cannot be avoided, no alternative solutions exist and there is overriding public interest for implementing the plan or project, consideration should be given to compensatory measures.

- 4.2 The Welwyn Hatfield Local Plan the adopted plan for the borough, which has already been subject to a HRA in June 2016 and was revised in February 2020, November 2022 and July 2023 respectively. The Local Plan HRA considered the potential effects on Wormley-Hoddesdonpark Woods SAC, Lea Valley SPA, Lea Valley Ramsar site and Epping Forest SAC.
- 4.3 The SPD supplements the policies listed in paragraph 2.2 of this report. These policies relate to the need to address the topics listed in the Sustainability SPD.
- 4.4 The Appropriate Assessment in the HRA concluded that there would be no adverse effects on the integrity of European sites in combination with other plans. The HRA dated June 2016 *“recommended additional wording to be included in the Welwyn Hatfield Local Plan to provide additional safeguards in support of Policy SP13: Infrastructure Delivery. This recommendation was accepted by Welwyn Hatfield Borough Council at the time, and suitable wording was inserted into the Proposed Submission Local Plan, and remains in the Local Plan as proposed to be modified. As a result, there are no outstanding recommendations arising from the HRA.”* These conclusion is also followed in the subsequent revisions of the HRA.
- 4.5 The SPD does not introduce new policy or new requirements, and it does not affect the location or quantum of new development proposed in the Welwyn Hatfield Local Plan.
- 4.6 It is intended that the SPD will be used as a material consideration to inform development management decisions for sites already allocated through the Welwyn Hatfield Local Plan and through the planning application process.
- 4.7 On the basis of the above, the Council’s Screening Opinion is that the Draft Sustainability SPD does not require an ‘appropriate assessment’ under the Conservation of Habitats and Species Regulations 2017. Before a formal determination can be reached, the Council must consult the nature conservation body (Natural England) on whether they agree with the Council’s opinion that an ‘appropriate assessment’ is not required.
- 4.8 A consultation period of five weeks will run alongside the Draft Sustainability SPD consultation, which is anticipated to begin in Q4 2024. A HRA Determination Statement will be written following this consultation period based on the responses received.