



Marshmoor Policy Area SPD

**Strategic Environmental Assessment (SEA)
& Habitat Regulations Assessment (HRA)
Initial screening report**

December 2024

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Acronyms & Abbreviations

AAS	Area of Archaeological Significance
AONB	Area of Outstanding Natural Beauty
BC	Borough Council
EIA	Environmental Impact Assessment
EPS	European Protected Species
EU	European Union
HRA	Habitat Regulations Assessment
LCA	Landscape Character Area
LWS	Local Wildlife Site
LNR	Local Nature Reserve
NNR	National Nature Reserve
SA	Sustainability Appraisal
SAC	Special Area of Conservation
SEA	Strategic Environmental Assessment
SPA	Special Protection Area
SPD	Supplementary Planning Document
SNCI	Site of Nature Conservation Importance
SSSI	Site of Special Scientific Interest

Part 1: Introduction & Legal Context

- 1.1 The Environmental Assessment of Plans & Programmes Regulations 2004 (the SEA Regulations) implement the requirements of EU Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment. Under the terms of the Regulations certain types of plans and programmes, which as defined in Regulation 2 includes those prepared and adopted by any authority at national, regional, or local level, and required by legislative, regulatory, or administrative provisions, must be subject to an assessment of their likely implications for the environment. The environmental assessment must be undertaken during the preparation of the plan or programme in order to inform its development and must be completed and reported on prior to the adoption of the plan or programme.
- 1.2 The SEA Regulations make provision under Regulation 9 (determinations of the responsible authority) for public authorities to decide whether a particular plan or programme requires environmental assessment. Where implementation of the plan or programme would not result in significant impacts on the environment SEA is not required. When making a determination under Regulation 9 the responsible authority must establish whether the plan or programme is one:
- For which the first formal preparatory act was carried out after 21 July 2004 (Regulation 5(1)(a) and (4)(a)).
 - Concerned with activities in one of the following sectors – agriculture; forestry; fisheries; energy; industry; transport; waste management; water management; telecommunications; tourism; or town and country planning or land use (Regulation 5(2)(a)).
 - That sets the framework for future development consent of projects¹ listed in Annex I or II to Council Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment (the Environmental Impact Assessment (EIA) Directive), as amended by Council Directive 97/11/EC (Regulation 5(2)(b) and (4)(b)).
 - That requires assessment under Article 6 or 7 of the Habitats Directive (Directive 91/43/EC) in that it would give rise to adverse impacts on the integrity of sites of European importance for nature conservation (Regulation 5(3)).

¹ Article 1(2) of the EIA Directive defines ‘projects’ as “the execution of construction works or of other installations or schemes,” or as “other interventions in the natural surroundings and landscape including those involving the extraction of minerals”.

1.3 Regulation 5(6) sets out the circumstances in which an environmental assessment may not be required for a plan or programme that otherwise falls within the scope of the Regulations, so long as there would be no significant environmental effects. Exceptions can be made for a plan or programme that determines the use of a small area at the local level, or for minor modifications to a plan or programme.

1.4 When making a determination under Regulation 9 the responsible authority must take account of the criteria (see below) set out in Schedule 1 to the SEA Regulations (Regulation 9(2)(a)). They must also consult Natural England, the Environment Agency and Historic England – the ‘consultation bodies’ specified in Regulation 4(1) of the SEA Regulations.

Paragraph 1: The characteristics of the plan or programme, 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 & operating conditions or by allocating resources;
- (b) The degree to which the plan or programme influences other plans & programmes including those in a hierarchy;
- (c) The relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development;
- (d) Environmental problems relevant to the plan or programme; and
- (e) The relevance of the plan or programme for the implementation of Community legislation on the environment (for example, plans or programmes linked to waste management or water protection).

Paragraph 2: Characteristics of the effects and of the area likely to be affected having regard, in particular, to –

- (a) The probability, duration, frequency & reversibility of the effects;
- (b) The cumulative nature of the effects;
- (c) The transboundary nature of the effects;
- (d) The risks to human health or the environment (for example, due to accidents);
- (e) The magnitude & spatial extent of the effects (geographical area and size of the population likely to be affected);
- (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; or
 - (iii) Intensive land-use; and
- (g) The effects on areas or landscapes which have recognised national, Community or international protection status.

- 1.5 A statement of reasons must be prepared, and published, where the responsible authority, having taken account of the available evidence and the views of the consultation bodies, determines that a plan or programme does not require environmental assessment (i.e., that it is unlikely to have significant environmental effects) (Regulation 9(3) and Regulation 11).
- 1.6 The responsible authority's determination on the need for environmental assessment of a given plan or programme, and the statement of their reasons for that decision, must be published within 28 days of the determination having been made. Regulation 11 of the SEA Regulations sets out the following requirements with respect to the publication of determinations made under Regulation 9.
- A copy of the determination (and statement of reasons where environmental assessment is not required) must be sent to each of the consultation bodies (Natural England, the Environment Agency, and Historic England) (Regulation 11(1)(a) and 1(b)).
 - The determination (and statement of reasons where environmental assessment is not required) must be available for inspection by the public at the responsible authority's principal office, at all reasonable times and free of charge (Regulation 11(2)(a)).
 - The responsible authority must take appropriate steps to bring to the attention of the public the title of the plan to which the determination relates, the fact that it has been determined that environmental assessment is not required, and the address (including websites) at which the determination and any accompanying statement of reasons may be inspected or from which a copy may be obtained (Regulation 11(2)(b)).

Part 2: The proposed Marshmoor Policy Area Supplementary Planning Document

2.A Context for the Marshmoor Policy Area Supplementary Planning Document (SPD)

- 2.1 The Welwyn Hatfield Local Plan was adopted by Welwyn Hatfield Borough Council in October 2023. The Local Plan sets out the spatial strategy for the development of the borough for the period up to 2036. The Plan addresses the borough’s objectively assessed need for additional housing and employment space and supporting infrastructure including accessible greenspace. The Plan allocates five strategic sites for development: four residential-led mixed use sites, and one Class E(g) employment and residential site, which is Marshmoor in Welham Green (site SDS7).
- 2.2 Policy SP 2 (Targets for Growth) mentions Marshmoor as a strategic development site for the delivery of employment floorspace. The development of the Marshmoor site (SDS7) is provided for in policy SADM 30 (Welham Green). Site SDS7 is allocated for a mixed use development comprising approx. 40,500sqm of Class E(g) employment space and around 100 (Class C3) dwellings.
- 2.3 Policy SP 23 (Marshmoor Policy Area – SDS7 and wider area) provides further policy guidance for the site. The Marshmoor Policy Area primarily covers SDS7 but also takes in a wider area beyond the allocation which has been released from the Green Belt (para 20.10, Welwyn Hatfield Local Plan (2016)). It is a requirement of policy SP 23 that an SPD is produced to guide development of site SDS7 and other land within the Marshmoor Policy Area, both of which are defined on the Local Plan Policies Map.
- 2.4 Once completed, all new Class E(g) development on SDS7 will be afforded the same policy protection as that provided by policy SADM 10 Employment Development. The dwellings are to provide affordable accommodation for those employed on the site, which will be secured through a planning condition or legal agreement (policy SP 23). Policy SP 23 also sets out requirements for access and movement; heritage, landscape, ecology and design; and flood risk and drainage.
- 2.5 The polices and allocations set out in the adopted Local Plan were subject to Sustainability Appraisal (including SEA) and to HRA during the preparation of the

Plan. For the Marshmoor Policy Area, the Local Plan Inspector concluded that, “I have not been referred to any other site in the Borough that in my view could better its advantages as a location for a strategic employment site. I therefore conclude that there are exceptional circumstances to remove site SDS 7 Marshmoor from the Green Belt.” (paragraph 311, p.77, Report on the Examination of the Welwyn Hatfield Local Plan (2016), 25 September 2023)

- 2.6 The Marshmoor Policy Area (including site SDS7 or WeG4b) was originally allocated for 4.1ha of Class B1 employment floor space and around 80 new homes in the Welwyn Hatfield Proposed Submission Local Plan 2016 (submission document SUB/6). The site and related policy SP 23, were assessed in the Sustainability Appraisal 2016 (submission document SUB/3).
- 2.7 During the course of the examination, there were some amendments to policy SP 23 and the Marshmoor Policy Area. These amendments included clarification of the employment floor space as 40,500sqm in Class E(g) use, and an increase of the residential capacity of the site to 100 (Class C3) dwellings. This was reflected in main modification MM50 and further main modification FMM20.
- 2.8 The amendments, main modifications and further main modifications were considered under addendums to the 2016 Sustainability Appraisal (examination documents EX200, EX297 and EX303B²). It was concluded that overall, the cumulative effects of the Welwyn Hatfield Local Plan remain unchanged and the overall sustainability of the Local Plan is not considered to be changed by the modifications (paragraphs 5.2 and 5.3, page 11, Sustainability Appraisal Report Local Plan Addendum Main Modifications, November 2022; and paragraph 1.8, page 2, Sustainability Appraisal Report Local Plan Addendum Further Main Modifications, June 2023).
- 2.9 Subject to these modifications, policy SP 23 (Marshmoor Policy Area - SDS7 and wider area) was considered “justified, effective and consistent with national policy” (paragraph 312, p.78, Report on the Examination of the Welwyn Hatfield Local Plan (2016), 25 September 2023), and was confirmed in the Plan adopted in October 2023.
- 2.10 As mentioned above, Policy SP 23 requires that a Supplementary Planning Document (SPD) for the Marshmoor Policy Area, is prepared to guide development of SDS7 and

² The Sustainability Appraisal and subsequent addendums are available at: <https://www.welhat.gov.uk/homepage/36/local-plan>, and relevant extracts included in Appendix B of this report

other land within the wider Marshmoor Policy Area. The SPD is to be informed by the Strategy Diagram in Figure 15 of the Local Plan, and the final quantum and phasing of development within SDS7 will be set out within the SPD. Development proposals within site SDS7 and the Marshmoor Policy Area will be expected to be consistent with the SPD, and as a minimum will also be required to comply with the provisions and guidelines set out in policy SP 23.

- 2.11 A masterplan SPD for the development of the Marshmoor Policy Area is in the process of being produced by the landowner and is the subject of this initial screening.

2.B Structure and content of the Marshmoor Policy Area SPD

- 2.12 The Marshmoor Policy Area SPD will set out a masterplan framework for the development of the Marshmoor Policy Area. The SPD will incorporate the provisions set out in Policy SP 23 and will be informed by Figure 15 of the Local Plan.

- 2.13 The proposed SPD is likely to be composed of the following key parts:

- Introduction: setting out the purpose of the document, the planning policy context and status of the SPD
- Vision: an overarching vision, development objectives and design principles for the future development of the site with illustrative views
- Context: an overview of the key features and constraints of the site and wider area summarised in a Combined Constraints Plan
- Engagement: a summary of the engagement undertaken to date in preparation of the SPD, including feedback from the Marshmoor Liaison Group and Hertfordshire Design Review Panel
- Spatial Framework: setting out development constraints, a spatial framework, an illustrative masterplan and design principles
- Implementation and Delivery: an indicative phasing plan for delivery of development on site

Part 3: Determining the need for Environmental Assessment of the proposed Marshmoor Policy Area SPD

3.A Establishing the need for Environmental Assessment

Does the plan or programme fall within the scope of the definition given in Regulation 2 (Interpretation)?

3.1 Yes. The proposed SPD will be a material planning consideration in planning decisions once adopted. The SPD will be prepared by the landowner in conjunction with Welwyn Hatfield Borough Council. It will be adopted by Welwyn Hatfield Borough Council, an organisation that is a local level government body in England acting in its capacity as the Local Planning Authority for the borough of Welwyn Hatfield. The SPD will be prepared and adopted in accordance with the relevant provisions of the Planning & Compulsory Purchase Act 2004 as amended by the Planning Act 2008 and of the Town & Country Planning (Local Planning) (England) Regulations 2012 (as amended).

Was the first formal preparatory act for the plan or programme carried out after 21 July 2004? Regulation 5(1)(a) and 5(4)(a)

3.2 Yes. Preparation of the proposed Marshmoor Policy Area SPD commenced in 2023.

Is the plan or programme concerned with activities in one of the following sectors – agriculture; forestry; fisheries; energy; industry; transport; waste management; water management; telecommunications; tourism; or town and country planning or land use? Regulation 5 (2)(a)

3.3 Yes. The proposed SPD is concerned with activities that fall within the scope of the ‘town and country planning or land use’ sector.

3.4 The proposed SPD will provide additional guidance to that already set out in Policies SADM 30 and SP 23 (as well as policies SADM 10 and SP 2) of the adopted Welwyn Hatfield Local Plan (October 2023) and provide for the development of the Marshmoor Policy Area to create a new mixed use development comprising approx. 40,500sqm of Class E(g) employment space and 100 (Class C3) dwellings.

3.5 The main parameters for the development and key issues that would need to be addressed are set out in Policy SP 23 (Marshmoor Policy Area – SDS7 and wider area) of the adopted Local Plan.

3.6 The proposed SPD sets out a vision, development objectives and design principles for the

site. It will comprise a spatial framework for the site which provides further detail on the development of the site whilst respecting the limitations on the amount of additional employment floorspace and number of new homes as set out in the adopted Plan.

Does the plan or programme set the framework for future development consent of projects³ listed in Annex I or II to Council Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment, as amended by Council Directive 97/11/EC? Regulation 5(2)(b) and 5(4)(b)

- 3.7 Yes. The development to be covered by the SPD includes land-uses that fall within project categories listed in Annex II of the Environmental Impact Assessment (EIA) Directive (Schedule 2 of the EIA Regulations 2017 (as amended)). The development of the Marshmoor Policy Area would involve works that fall within the scope of paragraphs 10(a) (industrial estate development projects) and 10(b) (urban development projects) of Schedule 2 of the EIA Regulations.
- 3.8 The proposed SPD would not alter the type, mix or quantum of development to be delivered at the Marshmoor Policy Area from that defined by policies in the adopted Welwyn Hatfield Local Plan. The Local Plan was subject to Sustainability Appraisal (including SEA), and to HRA, during its preparation and no allocation would have been made if the examining Inspector were not convinced that the evidence supported the conclusion that the Plan would not give rise to significant environmental effects.
- 3.9 The quantum of development for the Marshmoor Policy Area in the SPD is consistent with that in the adopted Local Plan. Other uses are indicated in the SPD, but these would be ancillary to the employment and residential uses on the site.
- 3.10 The development appears to fall below the thresholds requiring an EIA as set out in 10(a) (industrial estate development projects), 10(b) (urban development projects) of Schedule 2 of the EIA Regulations. To confirm this, an EIA screening opinion may be requested at planning application stage to determine whether EIA is required, a fact that would not be materially altered by the proposed SPD.

Does the plan or programme require assessment pursuant to Article 6 or 7 of the Habitats Directive (Directive 91/43/EC)? Regulation 5(3)

- 3.11 The proposed SPD will be a material planning consideration for projects of a type that could give rise to impacts on the integrity of European designated sites.

³ Article 1, paragraph 2 of the EIA Directive defines ‘projects’ as “the execution of construction works or of other installations or schemes,” or as “other interventions in the natural surroundings and landscape including those involving the extraction of minerals”.

- 3.12 There are four European sites identified as being within 10km of Welwyn Hatfield Borough. Their location is shown in Appendix C:
- Epping Forest SAC
 - The Lee Valley SPA
 - The Lee Valley Ramsar
 - Wormley Hoddesdonpark Woods SAC
- 3.13 The Welwyn Hatfield Local Plan was subject to Habitat Regulations Assessment (HRA) as part of the plan preparation process. The HRA (and subsequent addendums at main modifications and further main modifications stages) considered the potential effects of the Plan, including the allocation of the Marshmoor Policy Area for development of 40,500sqm employment space and 100 new dwellings, on European sites within a 10km radius of Welwyn Hatfield borough. The HRA concluded that the Welwyn Hatfield Local Plan would not have any significant environmental effects on any of these sites.
- 3.14 The proposed SPD will not alter the amount of development that could be brought forward at the Marshmoor Policy Area from that allowed for under Policy SADM 30 and Policy SP 23 of the adopted Local Plan. There would be no material change to the type or amount of development on the site and the conclusions of the earlier HRA for the Plan would remain valid. Further consideration of HRA screening is included below (see section 4 of this report).

Does the plan or programme determine the use of a small area at local level?

Regulation 5(6)(a)

- 3.15 Yes. The proposed SPD will focus solely on development of the allocated site at the Marshmoor Policy Area and would not apply beyond that area.

3.B Determining whether significant environmental effects are likely

- 3.16 The proposed Marshmoor Policy Area SPD is a plan or programme of a type that falls within the scope of the SEA Regulations but relates to the use of a small area at local level. To determine whether SEA is required consideration must be given to the extent that the proposed SPD could result in significant environmental effects. As the allocation of the site for development was subject to SEA during the preparation of the adopted Local Plan further assessment of the SPD would only be warranted if impacts different or additional to those considered in the earlier SEA work would result from the adoption of the SPD.
- 3.17 In line with the requirements of Regulation 9(2)(a) the proposed SPD has been considered against the criteria listed in Schedule 1 of the SEA Regulations. The findings of that work with respect to Schedule 1(1) are set out in Table 3-1. The findings of that work with respect to Schedule 1(2) are set out in Table 3-2.

Table 3-1: Consideration of the SPD against Schedule 1(1) of the SEA Regulations – Characteristics of plans and programmes

Schedule 1 Criteria	Discussion
<p>The degree to which the plan ... sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources</p> <p><i>Schedule 1(1)(a)</i></p>	<p>The proposed SPD would expand on the design guidance set out in Policy SP 23 of the adopted Welwyn Hatfield Local Plan in respect of the development of the Marshmoor Policy Area.</p> <p>The site to be addressed by the proposed SPD is allocated for future development under Policies SADM 30 and SP 23 of the adopted Welwyn Hatfield Local Plan, and the quantum and mix of development to be included in that settlement is also defined in those policies with further design guidance and principles set out in policy SP 23.</p> <p>The proposed SPD would not alter those pre-determined parameters but would provide further detailed guidance on the design, form and character of the development of the site.</p> <p>The environmental effects associated with the development of the allocated site as previously assessed in the SEA and SA for the Local Plan would not be significantly altered or added to as a result of the adoption of the SPD. No further assessment is required.</p>
<p>The degree to which the plan ... influences other plans ... including those in a hierarchy</p> <p><i>Schedule 1(1)(b)</i></p>	<p>The proposed SPD would support the objectives of the adopted Welwyn Hatfield Local Plan with respect to the design, form, and character of the new development of the Marshmoor Policy Area, but would not influence (as in change) the aims and objectives of any other plans or programmes in the land use sector that apply in the borough.</p> <p>No previously assessed environmental effects would be altered or added to as a result of the adoption of the SPD. No further assessment</p>

	is required.
Schedule 1 Criteria Discussion	
<p>The relevance of the plan ... for the integration of environmental considerations in particular with a view to promoting sustainable development <i>Schedule 1(1)(c)</i></p>	<p>The proposed SPD would provide guidance on the development of SDS7 and other land within the wider Marshmoor Policy Area. The site has been allocated for development in the adopted Welwyn Hatfield Local Plan which seeks to enable the sustainable development of the borough by, inter alia, identifying land that can be appropriately developed to meet the projected housing and employment needs of the borough and the wider area over the Plan period.</p> <p>Regarding the allocation of the site, the examining Inspector commented that, <i>“Being adjacent to a railway station and the large village of Welham Green, as well as close to Hatfield, this is an opportunity to provide a sustainable employment campus whose workforce is less reliant upon the use of the private car, to travel to work, than is the norm in Welwyn Hatfield...I have not been referred to any other site in the Borough that in my view could better its advantages as a location for a strategic employment site. I therefore conclude that there are exceptional circumstances to remove site SDS 7 Marshmoor from the Green Belt.”</i> (paragraph 311, p.77, Report on the Examination of the Welwyn Hatfield Local Plan (2016), 25 September 2023).</p> <p>The sustainability of the development of the allocated site as previously assessed in the SEA and SA for the Local Plan would not be significantly altered as a result of the adoption of the SPD. No further assessment is required.</p>

<p>Environmental problems relevant to the plan ... <i>Schedule 1(1)(d)</i></p>	<p>The Marshmoor Policy Area is not subject to any environmental problems that are relevant to the adopted Local Plan or the proposed SPD.</p> <p>The need for suitable access, sustainable transport measures, consideration of nearby heritage and environmental assets, a landscaped approach, siting and design, noise and air pollution mitigation, sustainable drainage and flood risk mitigation are included in policy SP 23 and have been considered as part of the SEA and SA process.</p> <p>The SPD makes reference to the above factors and notes that these are issues which will need to be resolved at the planning application stage.</p> <p>The environmental effects associated with the development of the allocated site as previously assessed in the SEA and SA for the Local Plan would not be significantly altered or added to as a result of the adoption of the SPD. No further assessment is required.</p>
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Schedule 1 Criteria	Discussion
<p>The relevance of the plan... for the implementation of European legislation on the environment (for example, plans ... linked to waste management or water protection)</p> <p><i>Schedule 1(1)(e)</i></p>	<p>The proposed SPD would form part of the Welwyn Hatfield Local Plan with respect to the development of the Marshmoor Policy Area.</p> <p>Strategies relating to waste disposal or water protection are mostly dealt with by Hertfordshire County Council.</p> <p>The adopted Local Plan includes a number of policies that contribute to the implementation of EU environmental law and Welwyn Hatfield Borough Council has a number of strategies in place, relating to waste management and environmental protection.</p> <p>The environmental protections provided by other policies in the adopted Local Plan would not be altered or disapplied by the proposed SPD and no previously assessed environmental effects would be altered. No further assessment is required.</p>

Table 3-2: Consideration of the SPD against Schedule 1(2) of the SEA Regulations – characteristics of the effects and the area to be affected

Schedule 1 Criteria	Discussion
<p>The probability, duration, frequency & reversibility of the effects</p> <p><i>Schedule 1(2)(a)</i></p>	<p>The development of the Marshmoor Policy Area will give rise to both temporary and permanent effects.</p> <p>In the case of temporary effects these would arise during the construction phase and would be more likely to be adverse in character – e.g. emissions of noise and dust, additional HGVs on the local highway network, etc. Such effects would be subject to control through conditions attached to any planning permission granted. Such conditions would be formulated in the context of relevant policies in the adopted Local Plan. Such effects are not matters that would be appropriately addressed within the context of a site masterplan and would be unaffected by the proposed SPD.</p> <p>In the case of the permanent effects on the land associated with the construction and occupation of the site, the vision set out in the adopted Local Plan policy for the site (SP 23) is largely positive and would contribute to the sustainable development of the borough over the Plan period. The SPD would build on the design principles already set out for the site in the adopted Local Plan policies to ensure that development delivers a high quality mixed-use area with a distinct local character.</p> <p>The sustainability of the development of the allocated site as previously assessed in the SEA and SA for the Local Plan would not be significantly altered as a result of the adoption of the SPD. No further assessment is required.</p>

Schedule 1 Criteria	Discussion
<p>The cumulative nature of the effects <i>Schedule 1(2)(b)</i></p>	<p>The Marshmoor Policy Area is located adjacent to existing development in Welham Green. The cumulative effects of the proposed development in the Local Plan have been considered in the Sustainability Appraisal (SUB/3, 2016) and all of the subsequent addendums. The proposed SPD would not alter the quantum of development to be delivered at the site, which is set by policies SADM 30 and SP 23 of the adopted Local Plan. No further assessment is required.</p>
<p>The trans-boundary nature of the effects <i>Schedule 1(2)(c)</i></p>	<p>None of the guidance set out in the proposed SPD would impact upon land within the jurisdictions of any EU Member States.</p> <p>None of the guidance set out in the proposed SPD would significantly impact upon land within the jurisdictions of any neighbouring Local Authority. Cross boundary matters have been discussed and agreed as part of the Duty to Cooperate under the Local Plan Making process.</p> <p>No further assessment is required.</p>
<p>The risks to human health or the environment (for example, due to accidents) <i>Schedule 1(2)(d)</i></p>	<p>The proposed development of the Marshmoor Policy Area does not include any forms of development that would give rise to novel or particularly hazardous risks to the environment or human health.</p> <p>Policy SP 23 includes consideration of the need for mitigation of noise and air pollution from the A1000 and railway line, and protection for the amenity of residents near to employment uses.</p> <p>The adopted Local Plan includes policies that provide for the protection of the environment and human health that apply across all applications for planning permission. The proposed SPD would not alter or disapply any of those policies in the context of the development of the Marshmoor Policy Area and no previously assessed environmental effects would be altered.</p> <p>No further assessment is required.</p>
<p>The magnitude & spatial extent of the effects (geographical area & size of the population likely to be affected) <i>Schedule 1(2)(e)</i></p>	<p>The proposed SPD will focus solely on development of the allocated site at the Marshmoor Policy Area and would not apply beyond that area. The likely impacts of the development of the site were subject to SEA and SA during the preparation of the Welwyn Hatfield Local Plan, which includes the policies (SADM 30 and SP 23) that allocated the site for development and defined the type and quantum of development to be provided for on the site. The SPD would not alter the boundary of the Marshmoor Policy Area.</p> <p>The environmental effects associated with the development of the allocated site as previously assessed in the SEA and SA for the Local Plan would not be significantly altered or added to as a result of the adoption of the SPD. No further assessment is required.</p>

Schedule 1 Criteria	Discussion
<p>The value & vulnerability of the area likely to be affected due to: special natural characteristics or cultural heritage <i>Schedule 1(2)(f)(i)</i></p>	<p>The site is located near to designated heritage assets, including Grade I Listed Hatfield House and Hatfield Historic Park and Garden. There are a couple of non-designated heritage assets located within the wider policy area or near the site (Marshmoor Farm, and South Lodge to Millward's Park).</p> <p>There are also several identified wildlife sites and environmental assets nearby including Millward's Park, the Marshmoor Lane Grassland Strip Wildlife Sites and Water End SSSI.</p> <p>Policy SP 23 of the adopted Local Plan makes explicit reference to heritage assets and their settings, and environmental assets, requiring impact assessments, sensitive design and a landscape-led approach to mitigate against any harm/provide enhancement where possible. The proposed SPD will expand on the principles set out in policy SP 23 of the adopted Local Plan and will provide further guidance on the ways in which the site can be developed in a manner that is sympathetic to its heritage and environmental assets.</p> <p>The adopted Local Plan includes policies that provide for the protection of the historic and natural environment that apply across all applications for planning permission. The proposed SPD would not alter or disapply any of those policies in the context of the development of the Marshmoor Policy Area and no previously assessed environmental effects would be altered.</p> <p>No further assessment is required.</p>
<p>The value & vulnerability of the area likely to be affected due to: exceeded environmental quality standards or limit values <i>Schedule 1(2)(f)(ii)</i></p>	<p>The Marshmoor Policy Area is not subject to any environmental problems that are relevant to the adopted Local Plan or the proposed SPD.</p> <p>The need to consider noise and air pollution is included in Policy SP 23.</p> <p>The adopted Local Plan also includes policies that protect the environment and apply across all applications for planning permission. The proposed SPD would not alter or disapply any of those policies in the context of the development of the Marshmoor Policy Area and no previously assessed environmental effects would be altered. No further assessment is required.</p>

Schedule 1 Criteria	Discussion
<p>The value & vulnerability of the area likely to be affected due to: intensive land-use <i>Schedule 1(2)(f)(iii)</i></p>	<p>The Marshmoor Policy Area is allocated for development under Policies SADM 30 and SP 23 of the adopted Local Plan, which outline the intensity of future use and the types of land-uses to be accommodated.</p> <p>The proposed SPD would not alter those pre-determined parameters but would provide further detailed guidance on the design, form and character of the mixed-use development that is to be created.</p> <p>According to the SA Addendum (EX200, Jan 2020; page C-63, criterion 4.10), <i>“The site is spread across urban, non-agricultural and grade 3 agricultural land according to the agricultural land classification, but it is a mixture of previously developed land and greenfield land and therefore the effect is assumed to be mixed.”</i></p> <p>The adopted Local Plan includes policies that protect the environment and apply across all applications for planning permission. The proposed SPD would not alter or disapply any of those policies in the context of the development of the Marshmoor Policy Area and no previously assessed environmental effects would be altered. No further assessment is required.</p>
<p>The effects on areas or landscapes which have recognised national, European or international protection status <i>Schedule 1(2)(g)</i></p>	<p>The Marshmoor Policy Area is not located within any national or higher level designations for landscape or nature conservation.</p> <p>Welwyn Hatfield has a number of sites of importance for nature conservation, but these are protected by separate policies in the adopted Welwyn Hatfield Local Plan. The proposed SPD does not seek to disapply the nature conservation policies of the adopted Local Plan with reference to the development of the Marshmoor Policy Area and does not alter the quantum of development from that defined by policies SADM 30 and SP 23.</p> <p>The environmental effects associated with the development of the allocated site as previously assessed in the SEA and SA for the Local Plan would not be significantly altered or added to as a result of the adoption of the SPD.</p> <p>The Welwyn Hatfield Local Plan was subject to Habitat Regulations Assessment (HRA) as part of the plan preparation process. That HRA considered the potential effects of the Plan, including the allocation of the Marshmoor Policy Area, on European sites within a 10km radius of Welwyn Hatfield borough. The HRA concluded that the Welwyn Hatfield Local Plan would not have any significant environmental effects on any of these sites. A HRA screening has been undertaken for this SPD (see section 4 below). No further assessment is required.</p>

3.C Conclusion on the need for Environmental Assessment

- 3.18 The proposed SPD falls within the scope of the description given in Regulation 5(6)(a) as it would determine the use of a small area at the local level. The type and volume of development to be provided at the Marshmoor Policy Area is defined by Policies SADM 30 and SP 23 of the adopted Local Plan, the preparation of which was subject to and informed by a combined SA and SEA. The proposed SPD would not alter the quantum of development to be provided at the Marshmoor Policy Area but would further expand on the design guidance and principles set out in Policy SP 23 of the adopted Local Plan. The area of land covered by the proposed SPD (the Marshmoor Policy Area) would be consistent with that identified by Policy SP 23 of the adopted Local Plan and the Policies Map.
- 3.19 Based on the available evidence and taking account of the relationship of the proposed SPD to the adopted Local Plan it is concluded that the SPD would not give rise to activities that would result in significant environmental effects of a type or scale different to those already considered in the SEA and SA of the Local Plan. The proposed SPD would not alter or disapply any of the policies set out for the protection of the environment or communities in the adopted Local Plan, and it can therefore be concluded that any environmental effects arising from the development of the Marshmoor Policy Area would be appropriately addressed in the context of any planning permission that may be granted.
- 3.20 It is recommended that the preparation and adoption of the proposed Marshmoor Policy Area SPD would not give rise to significant environmental effects. The SPD therefore does not require environmental assessment under the provisions of the Environmental Assessment of Plans and Programmes Regulations 2004.

Part 4: Habitat Regulation Assessment (HRA) Screening for the Marshmoor Policy Area SPD

- 4.1 The requirement to undertake HRA of development plans was confirmed by the amendments to the Habitats Regulations published for England and Wales in 2007; the currently applicable version is the Habitats Regulations 2017 as amended. These updates were consolidated into the Conservation of Habitats and Species Regulations 2017. The assessment process examines the likely significant effects of the different spatial options on the integrity of the European wildlife sites of nature conservation importance within, close to or connected to the plan area. European wildlife sites are areas of international nature conservation importance that are protected for the benefit of the habitats and species they support. This assessment is known as a Habitat Regulation Assessment (HRA).
- 4.2 For the purposes of the HRA, international designated wildlife sites are Special Protection Areas (SPA), Special Areas of Conservation (SAC), and Ramsar wetland sites.
- 4.3 The SEA Directive requires that if an eligible plan or programme requires an appropriate assessment under the Habitats Directive, then that plan or programme will also require an SEA. It is therefore advisable to check whether an assessment under the Habitats Regulations is required by undertaking HRA screening at the same time as screening for SEA.
- 4.4 The Welwyn Hatfield Local Plan document has been subject to both SEA and HRA. These documents can be found on the WHBC website, under Submission Documents. Both the Sustainability Appraisal and the Habitats Regulation Assessment were updated in 2020, following the promotion of additional sites for housing. Further updates/addendums were made for the main modifications and further main modifications stages of the Local Plan examination.
- 4.5 The following four European sites are identified as being within 10km of Welwyn Hatfield Borough. Their location is shown in Appendix C.
- Epping Forest SAC
 - The Lee Valley SPA
 - The Lee Valley Ramsar

- Wormley Hoddesdonpark Woods SAC

4.6 The environmental effects of the policies contained in the Welwyn Hatfield Local Plan were subject to a screening assessment. In relation to policies SADM 30 and SP 23, the outcome of the screening was that European sites could potentially be affected in the following ways:

- Epping Forest SAC could be affected by increased disturbance from recreational pressure.
- Lee Valley SPA and Ramsar site could be affected by air pollution, recreational disturbance, water pollution and change in water quantity.
- Wormley Hoddesdonpark Woods SAC could be affected by air pollution from increased vehicle use and damage from increased levels of recreational disturbance.

4.7 An Appropriate Assessment was carried out and concluded that adverse effects on the integrity of any of the European sites were able to be ruled out in relation to air pollution, recreational pressure and water quality and quantity. It also concluded that there would also be no adverse effects on the integrity of European sites in combination with other plans and projects.

4.8 However, it did refer to issues that relate to the capacity of Rye Meads Wastewater Treatment Works and its relationship with the Lee Valley Special Protection Area and Ramsar site. The examining inspector recommended changes to Policy SP 13 and its supporting text to address this.

4.9 As noted by the examining inspector, *“An updated HRA was prepared to accompany the MMs consultation and a further one to accompany the FMMs consultation. They do not recommend any further changes. In its responses to the consultations, Natural England has indicated that it does not object to the plan as modified by the MMs and FMMs.”* (paragraph 32, p.12, Report on the Examination of the Welwyn Hatfield Local Plan (2016), 25 September 2023).

4.A HRA screening of the Marshmoor Policy Area SPD conclusion

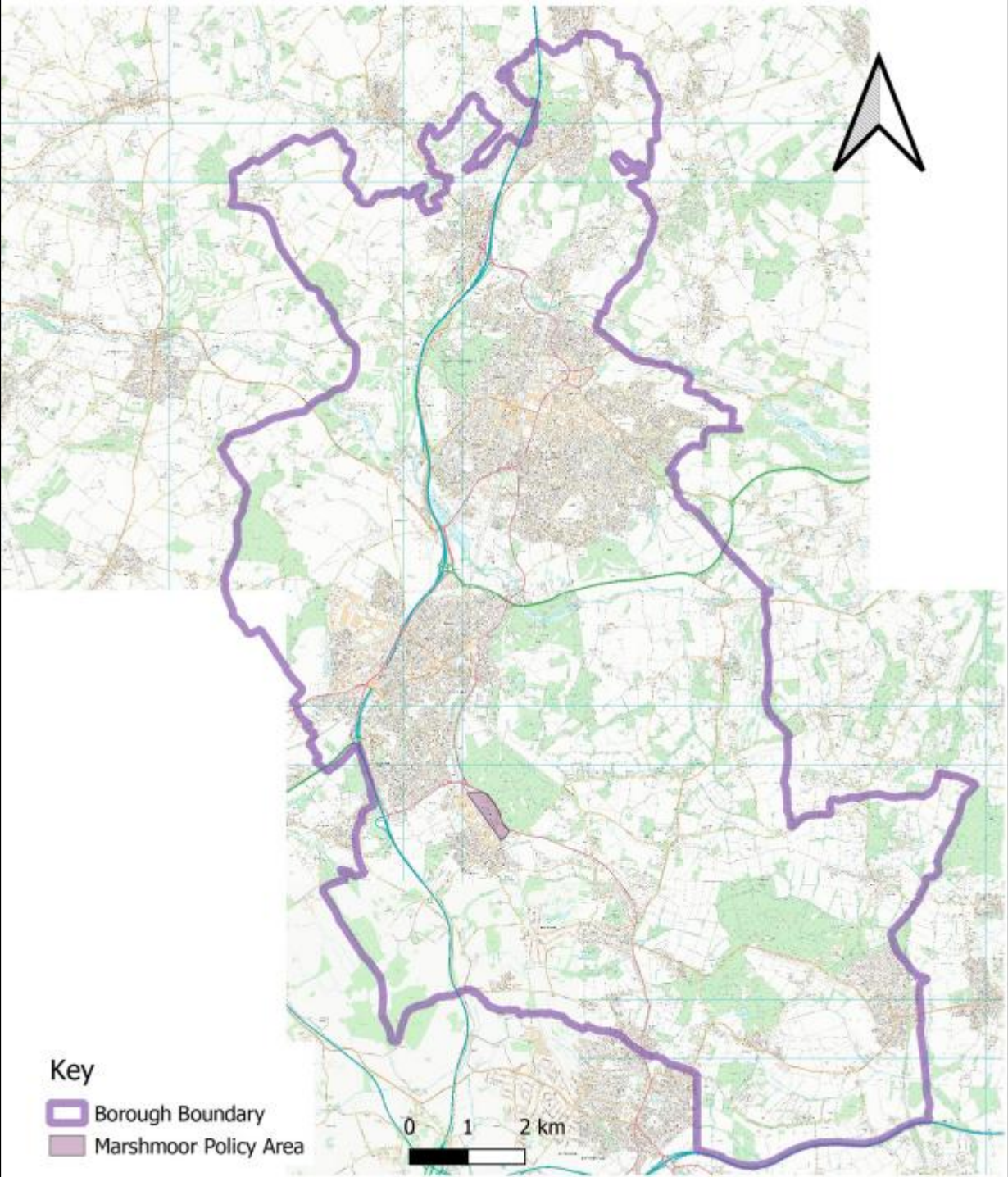
- 4.10 The HRA of the Welwyn Hatfield Local Plan assessed the impact of development in Welwyn Hatfield on the four international designated European sites and concluded that the Welwyn Hatfield Local Plan would not have any significant environmental effects on any of these sites.
- 4.11 The proposed SPD would not alter the parameters set out in policies SADM 30 and SP 23 but rather would provide further detailed guidance on the design, form and character of the development. The environmental effects associated with the Marshmoor Policy Area allocated site as previously assessed would not be significantly altered as a result of the adoption of the SPD. Therefore, a HRA of the proposed Marshmoor Policy Area SPD is not required.

Part 5: Next stage of the SEA/HRA determination

- 5.1 The Initial Screening Report will be sent to the consultation bodies for a six-week consultation period, as set out in Regulation 4 of the Environmental Assessment of Plans and Programmes Regulations 2004; these are Historic England, Natural England and the Environment Agency.

- 5.2 A final determination report will then be produced, incorporating the responses received from the consultees and this will then form the formal determination as to whether the Marshmoor Policy Area SPD requires SEA/HRA.

Appendix A: Map to show Welwyn Hatfield borough boundary and the Marshmoor Policy Area (including site SDS7)



Appendix B: Extract from the Sustainability Appraisal of the Welwyn Hatfield Local Plan (LUC, January 2020)

EX200

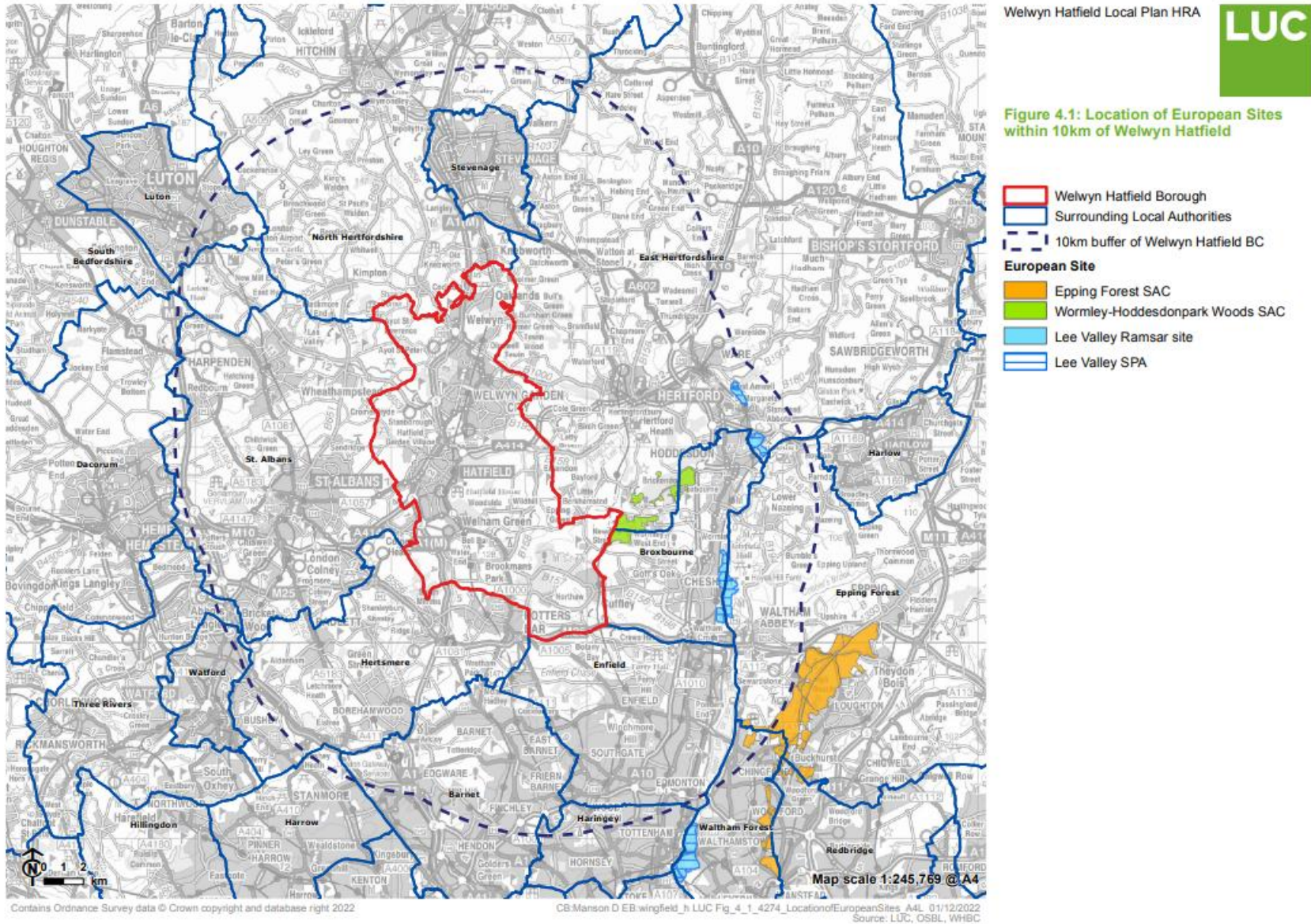
Chapter 4

Appraisal of Previously Assessed Sites

Addendum to the Sustainability Appraisal of the Welwyn Hatfield Local Plan
January 2020

	1.1 & 1.2 Health		2.2 flood risk				4.2 greenhouse gas emissions from transport				4.3 air pollution				4.4 open space and landscape character, retaining local distinctiveness				4.5 Character, sense of place and local distinctiveness, historic environment		4.6 Protect and enhance biodiversity and geodiversity		4.8 water pollution		4.10 productive agricultural land and previously developed land		5.1 Housing			6.1 business and employment		6.2 economic investment and regeneration		6.3 Enhance the vitality and attraction of Welwyn Garden City and Hatfield town		6.4 Sustain rural communities and their economies		6.5 mineral resources		6.6 Learning and skills	
	Proximity to employment and services	Proximity to transport	Proximity to employment and services	Proximity to transport	Open Space	Landscape character	Previously Developed Land	local distinctiveness	4.5	4.6	4.8	4.10	Amount of housing	Affordable housing	Dwellings for older people	6.1	6.2	6.3	6.4	6.5	6.6																				
SDS5 / Hat 1 & Hat 13	+	0	++	++	++	++	0	-?	0	--	--?	-?	0	--	++	++	++	++	+	0	0	0	++?																		
HS11/Hat11 (Scenario 1)	+	0	++	++	++	++	0	-?	0	-	-?	--?	0	-	0	++	++	0	N/A	0	N/A	0	++?																		
SDS7/WeG4b	+	0	++	++	++	++	0	-?	+?	0	--	?/+?	--	0	-/+	0	++	++	++	+	0	+?	0	++?																	
HS22/BrP4	+	-	+	++	+	++	0	--?	0	--	0	--?	-?	-	+	++	++	0	N/A	0	N/A	0	++?																		
HS24/BrP7	+	0	++	++	++	++	0	--	0	--	-?	?	0	-	0	++	++	0	N/A	0	N/A	0	++?																		
SDS6/Hat15	+	0	++	0	++	0	0	--?	0	0	--?	--?	0	-	++	++	++	0	N/A	0	N/A	0	++?																		

Appendix C: Location of European Sites within 10km of Welwyn Hatfield



Appendix D: Extract from the Habitats Regulation Assessment of the Welwyn Hatfield Local Plan Further Main Modifications (LUC, June 2023)

Appendix B
HRA Screening of the Welwyn Hatfield Local Plan (as Proposed to be Modified)

Welwyn Hatfield Local Plan Main Modification
June 2023

Local Plan Policy	Likely activities (operations) to result as a consequence of the proposal	Likely effects if proposal implemented	European site(s) potentially affected
SADM29: Welwyn	<p>Development of 69 new homes.</p> <p>Increase in vehicle use.</p> <p>Increase in recreational activities.</p> <p>Increase water demand and treatment.</p>	<p>Increased air pollution.</p> <p>Disturbance from recreation.</p> <p>Increased water pollution and change in water quantity.</p>	<p>Epping Forest SAC could be affected by increased disturbance from recreational pressure.</p> <p>Lee Valley SPA and Ramsar site could be affected by air pollution, recreational disturbance, water pollution and change in water quantity.</p> <p>Wormley Hoddesdonpark Woods SAC could be affected by air pollution from increased vehicle use and damage from increased levels of recreational disturbance.</p>
SADM30: Welham Green	<p>Development of 304 new homes.</p> <p>Development of 40,500 sqm of employment floorspace.</p> <p>Development of Gypsy and Traveller site (12 pitches).</p> <p>Development of a new primary school.</p> <p>Increase in vehicle use.</p> <p>Increase in recreational activities.</p> <p>Increase water demand and treatment.</p>	<p>Increased air pollution.</p> <p>Disturbance from recreation.</p> <p>Increased water pollution and change in water quantity.</p>	<p>Epping Forest SAC could be affected by increased disturbance from recreational pressure.</p> <p>Lee Valley SPA and Ramsar site could be affected by air pollution, recreational disturbance, water pollution and change in water quantity.</p> <p>Wormley Hoddesdonpark Woods SAC could be affected by air pollution from increased vehicle use and damage from increased levels of recreational disturbance.</p>
SP23: Marshmoor Policy Area (SDS7 and wider area)	<p>Mixed use development comprising 40,500sqm of Class E(g) employment floorspace and 100 dwellings.</p> <p>Increase in vehicle use.</p> <p>Increase in recreational activities.</p> <p>Increase water demand and treatment.</p>	<p>Increased air pollution.</p> <p>Disturbance from recreation.</p> <p>Increased water pollution and change in water quantity.</p>	<p>Epping Forest SAC could be affected by increased disturbance from recreational pressure.</p> <p>Lee Valley SPA and Ramsar site could be affected by air pollution, recreational disturbance, water pollution and change in water quantity.</p>

Appendix D: Extract from the Habitats Regulation Assessment of the Welwyn Hatfield Local Plan Further Main Modifications (LUC, June 2023)

Appendix B
HRA Screening of the Welwyn Hatfield Local Plan (as Proposed to be Modified)

Welwyn Hatfield Local Plan Main Modification
June 2023

Local Plan Policy	Likely activities (operations) to result as a consequence of the proposal	Likely effects if proposal implemented	European site(s) potentially affected
			Wormley Hoddesdonpark Woods SAC could be affected by air pollution from increased vehicle use and damage from increased levels of recreational disturbance.
SADM31: Bell Bar and Brookmans Park	Development of 428 new dwellings. Two form entry primary school Increase in vehicle use. Increase in recreational activities. Increase water demand and treatment.	Increased air pollution. Disturbance from recreation. Increased water pollution and change in water quantity.	Epping Forest SAC could be affected by increased disturbance from recreational pressure. Lee Valley SPA and Ramsar site could be affected by air pollution, recreational disturbance, water pollution and change in water quantity. Wormley Hoddesdonpark Woods SAC could be affected by air pollution from increased vehicle use and damage from increased levels of recreational disturbance.
SADM32: Little Heath	Development of 63 new homes. Increase in vehicle use. Increase in recreational activities. Increase water demand and treatment.	Increased air pollution. Disturbance from recreation. Increased water pollution and change in water quantity.	Epping Forest SAC could be affected by increased disturbance from recreational pressure. Lee Valley SPA and Ramsar site could be affected by air pollution, recreational disturbance, water pollution and change in water quantity. Wormley Hoddesdonpark Woods SAC could be affected by air pollution from increased vehicle use and damage from increased levels of recreational disturbance.
SADM33: Cuffley	Development of 335 new homes. Increase in vehicle use. Increase in recreational activities.	Increased air pollution. Disturbance from recreation.	Epping Forest SAC could be affected by increased disturbance from recreational pressure.

Appendix E: SEA and HRA Initial Screening Report - Statutory Consultee Responses

(To be added following consultation with the Statutory Consultees)