



**Elstree & Borehamwood Neighbourhood Plan  
Strategic Environmental Assessment (SEA) / Habitats  
Regulations Assessment (HRA)  
Screening Opinion  
Prepared by Hertsmere Borough Council**

**March 2024**

**for consultation with Statutory Bodies**

## **Purpose of this Report**

This screening report is an assessment of whether or not the contents of the Elstree & Borehamwood Neighbourhood Plan (EBNP) requires a Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/ EC and associated Environmental Assessment of Plans and Programmes Regulations. A SEA is required if the Neighbourhood Plan is deemed to have a likely significant effect on the environment.

This report will also screen to determine whether the Neighbourhood Plan requires a Habitats Regulations Assessment (HRA) in accordance with Regulation 61 of the Conservation of Habitats and Species Regulations 2017 (as amended). An HRA screening report is required when it is deemed that likely adverse significant effects may occur on protected Habitats (European) Sites as a result of the implementation of a plan or project.

# Strategic Environmental Assessment (SEA) Screening Opinion

## 1. Background

A Strategic Environmental Assessment (SEA) is required under UK legislation for all plans which may have a significant effect on the environment.

The purpose of the SEA is to provide a high level of protection for the environment and to integrate considerations of the environment into the preparation and adoption of plans with a view to promoting sustainable development.

The SEA process sets out criteria for assessing the significance of the impact of a plan on the environment. For example, if a plan proposes a housing development it may have an impact on the wildlife of the area or have an impact on landscape. If a significant effect is possible, the assessment requires the consideration of alternative options and for the evaluation of the potential effects on the environment.

To ascertain if an SEA is required, a “screening” exercise is undertaken which looks at the proposals and policies in a Neighbourhood Plan to see if a significant effect on the environment is likely. The criteria for making the screening assessment are set out in the relevant legislation.

### Who is responsible for screening?

The SEA Regulations state that a screening determination should be reached by ‘the responsible authority’, which in this case is Hertsmere Borough Council (HBC). The council will reach a determination in light of this screening opinion, in consultation with the statutory consultation bodies (Natural England, the Environment Agency and Historic England).

If it is concluded that an SEA is required, Elstree & Borehamwood Town Council, supported by its Steering Group, are responsible for its production and it must form part of the material that is consulted on once the formal consultation stage is reached.

## 2. When is SEA required?

The SEA Directive makes SEA a mandatory requirement for:

- a) Plans which are prepared for town and country planning or land use and which set the framework for future development consent of projects listed in the Environmental Impact Assessment (EIA) Directive; or
- b) Plans which have been determined to require an assessment under the Habitats Directive.

The main determining factor as to whether SEA is required on a Neighbourhood Plan is if it is likely to have a significant effect on the environment.

Neighbourhood Plans containing land allocations for development that are not included in the local authority’s plan, are likely to require SEA. Neighbourhood Plans which do not contain such allocations (or simply reflect allocations already identified as part of a local authority plan) are less likely to require SEA.

If SEA is required, the Town Council may wish to consider voluntarily expanding the scope of the assessment to cover wider economic and social issues (i.e. a broader Sustainability Appraisal of the EBNP). This is the approach taken by Hertsmer Borough Council, whereby SEA is included within the broader Sustainability Appraisal of plans. The advantage of undertaking a Sustainability Appraisal is that it compares the proposals in the plan with reasonable alternatives and can demonstrate that the plan that has been prepared is the most sustainable option given the alternatives available.

### **3. Screening methodology**

Screening essentially involves giving consideration to the anticipated scope of the plan in question and the scope of environmental issues (to include opportunities) locally, before coming to a conclusion on the potential for a cause-effect relationship, i.e. 'significant effects on the environment'. The screening report should include a high level contextual understanding of the environmental issues in and around the neighbourhood plan area.

The SEA Regulations require that the criteria set out in Schedule 1 of the SEA Regulations be considered. "These are the criteria *"for determining the likely significance of effects on the environment"* and are split into two categories: those relating to the characteristics of the *plan* and those to the characteristics of the *effects* and *area* likely to be affected."<sup>1</sup>

The National Planning Practice guidance sets out that a SEA may be required, for example, 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 is likely to have significant environmental effects that have not already been considered and dealt with through a sustainability appraisal of the Local Plan.<sup>2</sup>

The need for environmental assessment of Neighbourhood Plans stems from the SEA Directive. The SEA Directive applies to a wide range of public plans and programmes (e.g. on land use, transport, energy, waste, agriculture, etc. and includes those at the 'local level'). The SEA Directive 2001 has been transposed into English law via The Environmental Assessment of Plans and Programmes Regulations 2004 (EAPP)<sup>3</sup>.

As per the information set out in the National Planning Practice Guide, it will be necessary for the borough council to screen the proposed Neighbourhood Plan in order to determine whether the plans/programmes are likely to have significant environmental effects. The screening procedure is based on criteria set out in Schedule 1 of the EAPP Regulations

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<sup>1</sup> <https://www.legislation.gov.uk/ssi/2004/258/schedules/made/data.pdf>

<sup>2</sup> Planning Practice Guidance (Paragraph: 046 Reference ID: 11-046-20150209): <https://www.gov.uk/guidance/strategic-environmental-assessment-and-sustainability-appraisal>

2004<sup>4</sup>. This report assesses the Neighbourhood Plan against those criteria, and on that basis sets out whether an SEA (in the form of an Environmental Report) is required.

The assessment of effects should be proportionate, and there may be gaps in the data, however this is not a problem unless the gaps or uncertainties are such that it is not possible to reasonably assess the likely significant effects of a plan.<sup>5</sup>

The three statutory consultation bodies (Historic England, Environment Agency and Natural England) will be consulted to determine whether they agree with the conclusion of this screening opinion.

#### **4. The emerging Elstree & Borehamwood Neighbourhood Plan (EBNP)**

Elstree & Borehamwood Town Council submitted their application for designation of a Neighbourhood Area on 11<sup>th</sup> July 2022, and was designated 13<sup>th</sup> July 2022, and a steering group has since been working on the content of the EBNP in consultation with the local community in Elstree & Borehamwood. The first round of public consultation on a draft Neighbourhood Plan (Regulation 14) is due to be carried out in mid-2024.

The EBNP is being prepared by Elstree & Borehamwood Town Council, under the Neighbourhood Planning (General) Regulations 2012. Once adopted ('made') it will establish planning policies and guidance for the development and use of land within Elstree and Borehamwood. The EBNP will cover the whole of parished area of Elstree & Borehamwood. It is not expected that the Neighbourhood Plan (NP) will be allocating sites for development.

Alongside the Hertsmere Local Plan, it will provide a framework for determining planning applications over the next 15 years. A draft version of the EBNP has been submitted as part of this screening request for consideration.

The EBNP has six Objectives which seek to achieve the Vision set out in the Plan which is that:

*"In 2040, Elstree and Borehamwood will be a friendly, safe, clean and accessible place where people choose to live and stay, where the diversity of communities is celebrated.*

*We will continue to recognise each of our main settlements: Borehamwood, Elstree, Elstree Village and Well End, and find ways to celebrate their distinctiveness from one another and nearby areas, most notable outer London to the south.*

*We will have carefully influenced the delivery additional housing to tackle the overall shortage in the area, prioritising the needs of our local residents in terms of family homes, homes suited to those wishing to downsize, and affordable homes. Alongside new homes, we will seek to influence the provision of services and facilities and other infrastructure so that it meet the needs of our community as it continues to grow.*

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<sup>4</sup> <https://www.legislation.gov.uk/uksi/2004/1633/schedule/1/made>

<sup>5</sup> Screening neighbourhood plans for strategic environmental assessment: A toolkit for neighbourhood planners (June 2016)

*This includes the provision of a theatre, community growing spaces and additional safe spaces for our children and teenagers.*

*Borehamwood town centre will remain a vibrant focal point for the community offering a mix of retail shops, local services and facilities and leisure activities. We will have a thriving Street Market and attractive areas for residents to sit and socialise. We will also support a thriving night-time economy.*

*We will continue to treasure our film and television industry roots, while supporting our wider economic offering including both large scale employers and those starting out. The entire neighbourhood area will be recognised as a flourishing centre for the arts and creative industries.*

*We recognise the climate emergency and embed the need to mitigate climate change in all areas. This includes protecting our valued green spaces and wider countryside, safeguarding the green belt and improving our biodiversity through, for instance, the planting of new trees and the use of wildlife friendly features. We will emphasise the importance of carbon neutral design in all developments.*

*We will support opportunities for active travel (walking, cycling and equestrian) locally, promoting, extending and improving our network of rights of way. Linked to this, we will seek to provide improved car parking, including for disabled access, and e-charging points across the area to promote a shift towards less polluting vehicles”.*

Points to note from this draft include the following -

- No site allocations are proposed
- The plan contains a number of thematic policies relating to sustainable development, environmental standards, green and blue infrastructure (including BNG)
- A design code and guidance is proposed as an appendix to the EBNP but this has not yet been provided
- The designation of Local Green Spaces (not yet identified) are proposed
- The plan seeks to promote and improve active travel, including walking and cycling improvements
- The plan may also set out how planning obligations and Community Infrastructure Levy (CIL), maybe spent.

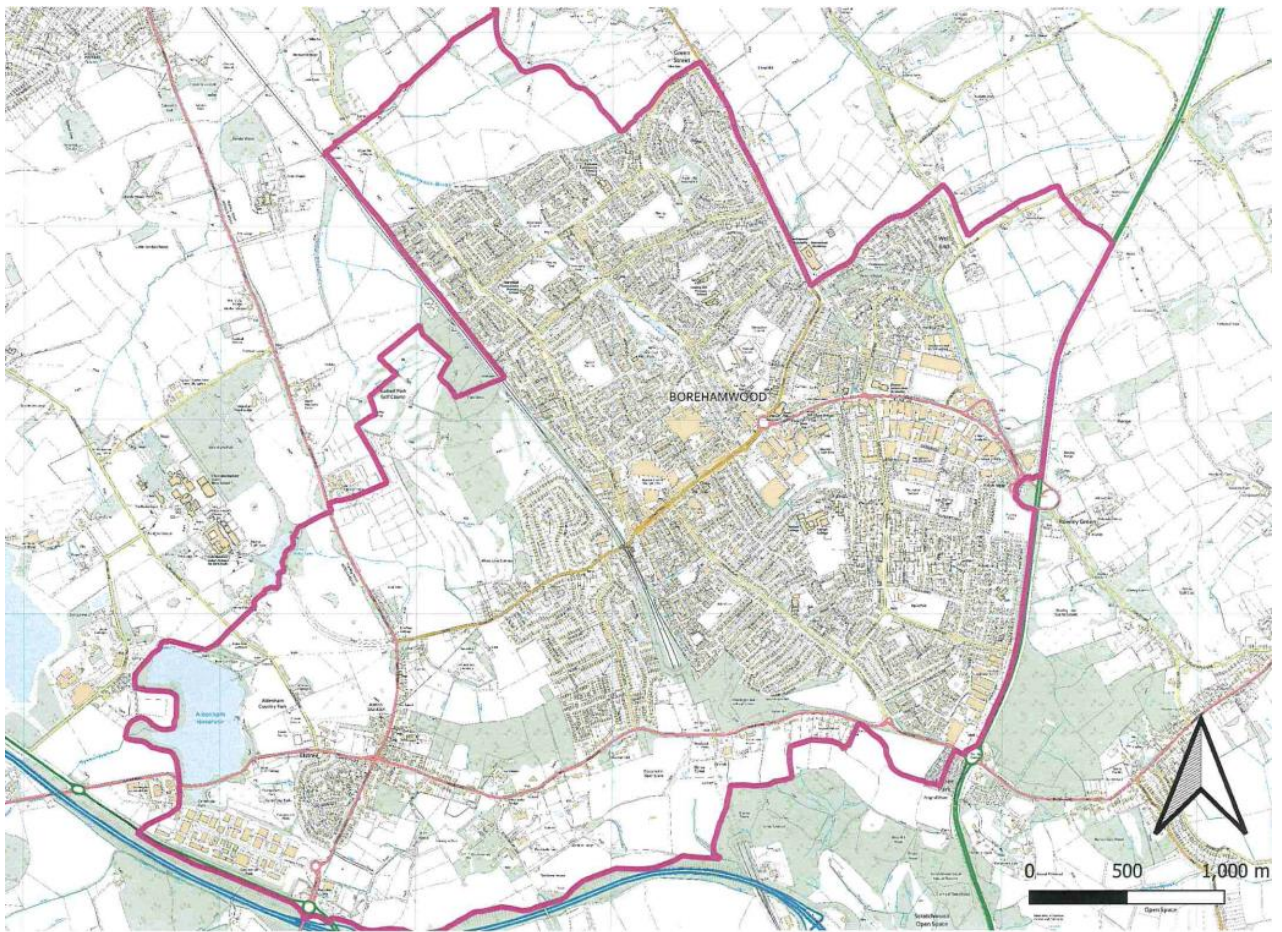
None of these policy proposals include the allocation or re-designation of land.

The allocation of land designated as Green Belt for housing or other purposes would not be in compliance with the current Hertsmere Local Plan 2012-27 which has drawn tight Green Belt boundaries around settlements within the Parish. Therefore in order to allocate sites in the Green Belt (other than ‘rural exception sites’ for affordable housing or small-scale infill development) a new Local Plan would need to be adopted.

The urban area of Elstree & Borehamwood, nor part of Elstree Village, is currently in the Green Belt, and so the EBNP is free to allocate sites within this area for appropriate uses but has chosen not to do so. The spatial extent of the EBNP area is 1375.9 ha, as shown on the plan below.



*Elstree & Borehamwood Neighbourhood Plan area*





## Screening Assessment

For the purposes of screening it is assumed that the EBNP will not look to allocate land to deliver a quantum over and above the Hertsmere Local Plan figure, and that the EBNP as currently proposed does not intend to allocate any sites for employment or housing, strategic or otherwise.

The limited scope of the EBNP and its focus on thematic rather than spatial policies may enable the plan to be screened-out and not require an SEA (i.e. the plan is likely to be limited in its scope).

If the EBNP were to introduce land use allocations through future drafts, this SEA Screening Report should be updated in the light of these and any known proposals through the emerging Hertsmere Local Plan which could together lead to cumulative impacts. However at the present time the EBNP does not propose any site allocations, and the location and extent of any allocations in the emerging Hertsmere Local Plan would be subject to Sustainability Appraisal incorporating SEA as part of the Local Plan process. The adopted Hertsmere local Plan 2012-27 has been subject to SA incorporating SEA, and there are no new strategic allocations within the area covered by the EBNP.

Annex I of the SEA Directive lists broad issues to be considered as follows: “the likely significant effects(1) on the environment, including on issues such as biodiversity, population, human health, fauna, flora, soil, water, air, climatic factors, material assets, cultural heritage including architectural and archaeological heritage, landscape and the interrelationship between the above factors”.

Annex II of the SEA Directive lists a series of criteria that should be taken into account when establishing the potential for a plan to result in significant effects.<sup>6</sup>

The strategic framework for development in the plan area is set by the adopted development plan which includes the adopted Hertsmere Local Plan 2012-2027. The Neighbourhood Plan seeks to align and be in general conformity with this.

The Neighbourhood Plan, once ‘made’ will form a part of the development plan for the area along with the Local Plan, and will expand upon some of the Local Plan policies at a local scale.

Policies in the EBNP as currently proposed are capable of having a mixed impact on local environmental considerations as described below, however as the EBNP has a limited geographical coverage and scope these impacts are not considered to be significant.

### *Potential positive environmental effects*

*Policy EB4* seeks to ensure that development meets the highest environmental standards in terms of its construction, materials and energy use.

Policies EB12, EB13, EB14 and EB15 are placed within Chapter 8 of the EBNP, titled Environment & Green Space. These specifically relate to enhancing green and blue

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<sup>6</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32001L0042>

infrastructure, BNG, managing the environmental impact of development, and Local Green Spaces.

*Policies EB17* promotes accessible neighbourhoods through walking and cycling, including access to neighbourhood facilities in sustainable and safe ways, provision of new and enhancement of existing cycle and pedestrian routes, shared spaces and traffic calming measures, and accessibility to Aldenham Country Park.

#### *Potential negative environmental effects*

Although there may be potential impacts on the environment as a consequence of some of these policies, it is not considered that these would be significant as the EBNP does not allocate land or include any policies which would impede the promotion of sustainable development across a wider area. The policy approach taken by the EBNP would not lead to there being significant negative effects on the integration of environmental considerations, particularly with a view to promoting sustainable development.

The cumulative effects of the proposals in the EBNP would remain small-scale and are unlikely to have significant environmental impacts.

## **5. Relevant local environmental issues**

The relevant environmental designations and issues to be taken into account are considered briefly below.

- No Special Areas of Conservation (SACs) or Special Protection Areas (SPAs) are present within or in close proximity to the neighbourhood plan area (NPA).
- No SSSIs are located in close proximity to the NPA.
- Hilfield Park Reservoir Local Nature Reserve is located approx. 300 metres to the west of the NPA.
- Two Regionally Important Geological Site (RIGS) lie approximately 840 metres to the north of the built-up area of the NPA. This is designated for its Hertfordshire Puddingstone deposits.
- A number of Local Wildlife Sites lie within the NPA. Woodcock Hill Fields and Elstree Tunnel Grasslands lie to the south of the NPA, adjacent to the Midlands Mainline, with Northern Heights North to the south west of these. Two sites are adjacent to Aldenham Reservoir in the southwest of the NPA, Aldenham Country Park Grasslands & Reservoir Margins, and Composers Park. Parkfields Open Space, located along the northern boundary, crosses into Aldenham Parish, whilst Organ Hall Pastures, also in the north, crosses over into Shenley Parish. A number of other sites are also in close proximity to the parish boundary.
- There are no AONB designations in the vicinity. Chiltern AONB is around 10km to the west of the NPA.
- Flood Zones 2 and 3 runs along Borehamwood Brook through the centre of Borehamwood, as well as a small area between the Midlands Mainline and Theobald Street. Mimmshall Brook also provides areas of Floodzones 2 and 3 along the A1, following the South East boundary of the NPA.
- The eastern portion of the NPA lies within Source Protection Zone (SPZ) 1, with a marginally larger area in SPZ3. Almost all of the NPA is located within a Drinking Water

Safeguard Zone (surface water), with the eastern portion of the NPA also located within a Drinking Water Safeguard Zone (groundwater).

- In terms of heritage assets, there are no World Heritage Sites in the area. There are no Scheduled Ancient Monuments within the NPA; the nearest at Penne's Place moated site, approximately 900m to the north west of the NPA. There is a single conservation area within the NPA, Elstree Conservation Area, covering a large portion of Elstree Village. Three Archaeological Sites fall within the NPA, located mainly between Elstree and Elstree Village. Numerous Listed Buildings are located across the NPA. There are also numerous Locally Listed Buildings.
- A single AQMA is located within the NPA, at Elstree Crossroads.
- Elstree & Borehamwood railway station provides access to the Thameslink route. Frequent trains run between Bedford, Luton and St Albans to south London, Kent, and Sussex, via central London. Numerous Bus routes serve Borehamwood, linking Borehamwood, with Radlett, St Albans, Welwyn Garden City, Hatfield, Harpenden, Watford and Barnet and other areas of North London. Buses serving Elstree Village serve mainly Borehamwood and Barnet.
- In terms of local population, around 13.3% of residents are aged 60 or over and 26.4% are aged less than 20 years of age. The Indices of Multiple Deprivation highlights one area which is within the 10% most deprived neighbourhoods, with a further two areas within the top 30% most deprived.
- In terms of facilities and services, Borehamwood is well served by facilities such as leisure centre, library, several parks, recreation areas and playgrounds, and doctor's surgery. It also has an extensive High Street with a number of nationwide and local businesses. Elstree studios has also resulted in a number of hotels in the town. Provisions within Elstree Village are substantially less, with the EBNP identifying a local of community space.

## **6. Screening analysis**

The assessment shown above identifies that based on the information available to date, there are unlikely to be any significant environmental effects from the implementation of the proposals in the emerging Neighbourhood Plan for Elstree & Borehamwood. Therefore the scope of the EBNP enables the plan to be screened-out as it is considered to be very limited in its scope.

The main reasons for this conclusion are:

- The EBNP at the present time will not play a role in allocating land for housing or employment;
- The Neighbourhood Plan is unlikely to affect any designated sites in the vicinity or lead to other environmental effects;
- The Neighbourhood Plan seeks to align with the adopted Development Plan which has been subject to full SEA and Habitats Regulations and Sustainability Appraisal;
- The small spatial extent and the magnitude of the population affected are not considered significant for the purpose of the SEA.

Should any of these factors change, for example should the EBNP seek to allocate sites, this screening opinion will be revisited.



# Habitat Regulations Assessment (HRA)

## Screening Opinion

The Habitats Regulations Assessment (HRA) refers to the assessment required for any plan or project to assess the potential implications for what are termed 'European sites'. Such sites consist of areas designated as Special Areas of Conservation (SAC) and Special Protection Areas (SPA). There is also an international designation known as RAMSAR sites, which whilst being covered by different legislation should be subject to the same consideration as European sites.

The relevant legislation dealing with HRAs are the Conservation of Habitats and Species Regulations 2017, known as the Habitats Regulations<sup>7</sup>. The Habitats Regulations sets out the process to assess the potential implications of a Neighbourhood Plan on European sites.

The first stage is to screen the Neighbourhood Plan in order to establish whether it may have a significant effect on a European site. Only if there may be such an effect will it be necessary to undertake a process called 'appropriate assessment'<sup>5</sup> in relation to a European site.

### **Habitat (European) sites**

The following European sites are protected by the Habitats Regulations and any proposals that could affect them will require an HRA:

- Special Areas of Conservation (SACs)
- Special Protection Areas (SPAs)

Any proposals affecting the following sites would also require an HRA because these are protected by government policy:

- proposed SACs
- potential SPAs
- Ramsar sites - wetlands of international importance (both listed and proposed)
- areas secured as sites compensating for damage to a European site

In undertaking the screening to establish whether there will be a significant effect, the 'precautionary principle' will need to be followed. The requirement to adhere to the precautionary approach is established by case law and clarified by European Union and domestic government guidance. The use of the precautionary principle requires that when considering the likelihood of a possible effect on a European site it will be assumed that such impacts will occur if there is insufficient evidence to the contrary.

Protected European Sites closest to the NPA are identified below;

### **Special Areas of Conservation (SACs)**

Wormley-Hoddesdon Park is located 12.5km to the north east of the NPA.

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<sup>7</sup> [The Conservation of Habitats and Species Regulations 2017 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

Chiltern Beechwood is located 20.5km to the North West of the NPA.

### **Special Protection Areas (SPAs)**

Cheshunt is located 15km to the east of the NPA.

Lee Valley is located 15km south east of the NPA.

### **Ramsar Site**

Cheshunt is located 15km to the east of the NPA.

Lee Valley is located 15km south east of the NPA

### **SSSI**

No triple SSSIs are located within the NPA, however falls within outer Impact Risk Zones of three sites, Bentley Priory, Redwell Wood, and Bricket Wood Common. None of the development types requiring consultation of Natural England within these zones are proposed in the EBNP.

This demonstrates that no part of the EBNP would be within 10km of any of the European sites, so there is no likelihood of a significant effect arising.

### **Screening Analysis**

The NPA Area is not directly connected with or necessary for the conservation management of a European site.

The EBNP does not propose to allocate sites for development. There are no overlaps or interactions with the protected features of a site in a direct or indirect way as a result of the Plan, and as such it would not lead to any significant effects on a European site.

Due to the NPA lying on the outer edge the Impact Risk Zone for any European sites, this HRA screening concludes that it is possible to rule out likely significant effects. Subject to consultation with Natural England, it is therefore concluded that there is no need for an Appropriate Assessment under the Conservation of Habitats and Species Regulations 2017.

## **Next Steps**

In line with Regulations, Hertsmere Borough Council will consult with the Statutory Consultees (Natural England, Historic England and the Environment Agency).

Hertsmere Borough Council as the responsible authority should give consideration to any comments made by these bodies reaching a screening determination.

If the content of the Neighbourhood Plan is significantly changed in future drafts there may be the need for a further screening exercise to be undertaken on any modified version of the Neighbourhood Plan, along with further consultation with the statutory bodies.