



# Hatfield Peverel Neighbourhood Development Plan

## Strategic Environmental Assessment (SEA) & Habitats Regulations (HRA)

January 2023





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# 1. Introduction

## 1.1 The Purpose of this Report

This screening report is an assessment of whether or not the contents of the Hatfield Peverel Neighbourhood Development Plan 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 Development Plan is deemed to have a likely significant effect on the environment.

This report will also screen to determine whether the Neighbourhood Development 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.

## 1.2 The Hatfield Peverel Neighbourhood Development Plan

The Neighbourhood Development Plan will set out planning policies for the Hatfield Peverel Neighbourhood Development Plan area. Once formally adopted, a Neighbourhood Development Plan carries the same legal weight as Local Development Plans adopted by the Local Planning Authority (LPA), in this case Braintree District Council.

The Neighbourhood Development Plan includes a Vision, which expresses the community's aspirations for the plan area. This Vision is included within the Plan as follows:

'Hatfield Peverel in 2038 will be a place where people of any age are happy to live with the ability to easily access facilities, including health and wellbeing, education, and employment. Sustainability will underpin decisions within the Parish with social, environmental, and economic factors all being taken into account.

The rural character and heritage of the village will be maintained and coalescence with the surrounding settlements be prevented by protected open areas. Any new developments in the built environment will be integrated with the landscape and the existing housing.

The village's geographical position in the area's road network is likely to continue to be a challenge during the Plan period. Finding creative and collaborative solutions across local authority borders and agencies will be a high priority.'

A number of economic, social and environmental objectives have been devised for the Neighbourhood Development Plan. These are:

1. To build a strong economic and social centre for both Hatfield Peverel and Nounsley, which will provide sustainability for the community
2. To sustain economic growth by enhancing employment opportunities in the Parish,

having a thriving retail core and increased options for home working

3. To have effective, superfast broadband and excellent mobile telephone provision for all residents and businesses
4. To continue to be separate distinctive settlements with open green areas maintained between Hatfield Peverel, Nounsley, Witham, Boreham and the wider district
5. To retain the rural character of the village with protected open spaces, enhanced natural environment and recreation facilities for health and wellbeing
6. To have effective communication links with well managed traffic and parking, improved walking and cycling routes and a range of travel options
7. To support access for all residents to appropriate education and health services
8. To ensure the provision of high-quality housing suitable for all ages with easy access to essential services where family members can remain living locally
9. To ensure sustainable development for the Parish

## 1.3 The Braintree District Council Local Plan

The Braintree District Local Plan was adopted in 2022, with a plan period that extends to 2033. The content of the Local Plan relevant to Hatfield Peverel is outlined in the corresponding sub-sections.

### 1.3.1 Hatfield Peverel in the Local Plan Spatial Strategy & Retail Hierarchy

The Local Plan identifies Hatfield Peverel as a 'Key Service Village' and Nounsley as a village within the 'Third Tier' of the spatial strategy. Key Service Villages are defined within the Local Plan as those large villages which serve a wider rural hinterland. The Plan adds that the ability to meet day to day needs is normally possible in a Key Service Village through the availability of early years care and primary schools, primary health care facilities, convenience shopping facilities, local employment opportunities and links to public transports and road to the larger towns. As such, development is considered sustainable within a Key Service Village, subject to the specific constraints and opportunities of that village.

Third Tier villages are those with a settlement boundary. These are the smallest villages in the District and lack most of the facilities required to meet day to day needs. They often have very poor public transport links and travel by private vehicle is usually required. When considering the tests of sustainable development, these will not normally be met by development within a third tier village.

Hatfield Peverel is also recognised within Policy LPP9 (Retailing and Regeneration) as a 'Local Centre'. Policy LPP9 identifies that Local Centres will be protected from inappropriate development and enhances to provide small-scale shops, services and community facilities for local residents. The Proposals Map further identifies a Local Centre boundary within

which the policy of LPP9 applies.

### 1.3.2 Development Boundaries

The Local Plan includes Policy LPP1 - Development Boundaries, which sets out that within development boundaries, development will be permitted where it satisfies amenity, design, environmental and highway criteria and where it can take place without material adverse detriment to the existing character and historic interest of the settlement. Development outside development boundaries will be confined to uses appropriate to the countryside whilst also protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils to protect the intrinsic character and beauty of the countryside.

The villages of Hatfield Peverel and Nounsley, both of which are within the Neighbourhood Development Plan area, have development boundaries drawn around their built up areas including those Local Plan allocations which are identified for development within the Local Plan period.

### 1.3.3 Housing Allocations & The Principle of Growth

A number of Housing Allocations within Hatfield Peverel's development boundary are included within the Local Plan, some of which have been built out / delivered. These allocations correspond to a housing quantum of 464 dwellings, and are identified as:

- HATF 313 Sorrells Field (47 dwellings)
- HATF 314 Land South of Stonepath Drive (140 dwellings)
- HATF 317 Land East of Gleneagles Way (100 dwellings)
- HATF 608 Former Arla Dairy Site (131 dwellings)
- HATF 630 Bury Farm, Bury Lane (46 dwellings)

Policy LPP29 of the Local Plan also sets out a Comprehensive Redevelopment Area in Hatfield Peverel between the A12 and the Greater Anglia Mainline (GEML) with appropriate policy criteria. The extent of this area corresponds to that of the allocations HAT 313, HAT 608 and HAT 630 respectively.

## 2. Legislative Background

### 2.1 Strategic Environmental Assessment (SEA)

Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment states that,

‘Environmental assessment is an important tool for integrating environmental considerations into the preparation and adoption of certain plans and programmes which are likely to have significant effects on the environment.

(10) All plans and programmes which are prepared for a number of sectors and which set a framework for future development consent of projects listed in Annexes I and II to Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment(7), and all plans and programmes which have been determined to require assessment pursuant to Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild flora and fauna(8), are likely to have significant effects on the environment, and should as a rule be made subject to systematic environmental assessment. When they determine the use of small areas at local level or are minor modifications to the above plans or programmes, they should be assessed only where Member States determine that they are likely to have significant effects on the environment.

(11) Other plans and programmes which set the framework for future development consent of projects may not have significant effects on the environment in all cases and should be assessed only where Member States determine that they are likely to have such effects.’

The Hatfield Peverel Neighbourhood Development Plan may influence frameworks for future development or become used ancillary to those plans and programmes that do set such a framework, and as such it has been determined that the principle of the Neighbourhood Development Plan should be screened for the necessary application of the SEA Directive.

The Report from the Commission to The Council, The European Parliament, The European Economic and Social Committee and the Committee of the Regions states, on the application and effectiveness of the Directive on Strategic Environmental Assessment (Directive 2001/42/EC), that ‘the following Plan & Programme (P&P), and modifications to them, are covered when prepared and/or adopted by an authority and required pursuant to legislative, regulatory or administrative provisions:

- P&P prepared for certain sectors and which set the framework for future development consent in respect of projects under the Environmental Impact Assessment-EIA-Directive.
- P&P requiring an assessment under the Habitats Directive (92/43/EEC).
- P&P setting the framework for development consent in respect of projects (not

limited to those listed in the EIA Directive; see above) and determined by "screening" as being likely to have significant environmental effects.'

This report represents this screening process in regard to the content and influence of the Hatfield Peverel Neighbourhood Development Plan.

## 2.2 Habitats Regulations Assessment (HRA)

Under the provisions of the Habitats Regulations (The Conservation of Habitats and Species Regulations 2017, as amended), a competent authority must carry out an assessment of whether a plan or project will significantly affect the integrity of any European Site (also referred to as Habitats sites in the National Planning Policy Framework), in terms of impacting the site's conservation objectives.

The first stage of HRA is the screening assessment of the impacts of a land use proposal against the conservation objectives of Habitats sites. Specifically, it is to ascertain whether or not a proposal (either alone or in combination with other proposals) would potentially damage the internationally designated features of that site. European sites are also known as Natura 2000 sites.

This HRA Screening Report has been undertaken in order to accompany the Hatfield Peverel Neighbourhood Development Plan in accordance with the Neighbourhood Development Planning (General) Regulations 2012.

The Neighbourhood Development Planning (General) Regulations 2012, state that submitted Plans need to be accompanied by a statement explaining how the proposed Plan meets the 'basic conditions' set out in Schedule 4B of the 1990 Town and Country Planning Act. These basic conditions include a requirement to demonstrate how the Plan is compatible with certain obligations, which includes the need to undertake an HRA.

In line with the Court judgement (CJEU People Over Wind v Coillte Teoranta C-323/17), mitigation measures cannot be taken into account when carrying out a screening assessment to decide whether a plan or project is likely to result in significant effects on a Habitats site.

On 23 June 2016, the United Kingdom (UK) held a referendum and voted to leave the European Union (EU). On 26 June 2018, The European Union (Withdrawal) Act 2018 received Royal Assent and the UK left the EU. The European Union (Withdrawal) Act 2018 made sure that UK laws continue to operate following the UK's exit. Relevant EU Directives have been transposed into UK law and those are unchanged until amended by Parliament. The requirements for HRA under the Conservation of Habitats and Species Regulations 2017 (as amended) remain in place with minor changes being affected by the Conservation of Habitats and Species Amendment (EU Exit) Regulations 2019. Parliament is however at liberty to introduce future changes to the Conservation of Habitats and Species Regulations 2017 (as amended) since, after 31 December 2020, the UK is no longer bound by the EU Habitats and Wild Birds Directives.

At the present time the position, under section 6(3) EU (Withdrawal) Act 2018 (as amended), is that the courts in the UK, with the sole exception of the Supreme Court, will continue to be bound by HRA judgements handed down by the CJEU and by domestic courts prior to 31 December 2020 when interpreting the Conservation of Habitats and Species Regulations 2017 (as amended). This is the case as long as the Conservation of Habitats and Species Regulations 2017 (as amended) remain unmodified by Parliament.

There is currently a legal requirement for HRA screening of Plans prior to being adopted so any additional plans or projects which might reasonably interact with the Hatfield Peverel Neighbourhood Development Plan will be considered before post consultation.

## 3. SEA Screening

### 3.1 When is SEA Required?

Planning Practice Guidance – Strategic environmental assessment requirements for Neighbourhood Development Plans (Paragraph: 026 Reference ID: 11-026-20140306) states that,

‘In some limited circumstances, where a Neighbourhood Development Plan is likely to have significant environmental effects, it may require a strategic environmental assessment. Draft Neighbourhood Development Plan proposals should be assessed to determine whether the plan is likely to have significant environmental effects. This process is commonly referred to as a “screening” assessment and the requirements are set out in regulation 9 of the Environmental Assessment of Plans and Programmes Regulations 2004.

If likely significant environmental effects are identified, an environmental report must be prepared in accordance with paragraphs (2) and (3) of regulation 12 of those Regulations.

One of the basic conditions that will be tested by the independent examiner is whether the making of the Neighbourhood Development Plan is compatible with European Union obligations (including under the Strategic Environmental Assessment Directive).

To decide whether a draft Neighbourhood Development Plan might have significant environmental effects, it must be assessed (screened) at an early stage of the plan’s preparation according to the requirements set out in regulation 9 of the Environmental Assessment of Plans and Programmes Regulations 2004. These include a requirement to consult the environmental assessment consultation bodies.

Each consultation body will be able to advise on particular topics relevant to its specific area of expertise and responsibility, and the specific information that it holds.

Where it is determined that the plan is unlikely to have significant environmental effects (and, accordingly, does not require an environmental assessment), a statement of reasons for the determination should be prepared. A copy of the statement must be submitted with the Neighbourhood Development Plan proposal and made available to the independent examiner.’

Articles 2 and 3 of the SEA Directive set out the circumstances in which a SEA is required. Table 1 sets out the assessment of whether the principle of the Hatfield Peverel Neighbourhood Development Plan will require a full SEA.

**Table 1: Exploring whether the Principle of the Plan would warrant SEA**

<p><b>Question 1: Is the Plan subject to preparation and/or adoption by a national, regional or local authority OR prepared by an authority for adoption through legislative procedure by Parliament or Government?</b></p>
<p>Yes - The Neighbourhood Development Plan has been prepared for adoption through legislative procedure.</p>
<p><b>Question 2: Is the Plan required by legislative, regulatory or administrative provision? (Typical characteristics of "administrative provisions" are that they are publicly available, prepared in a formal way, probably involving consultation with interested parties. The administrative provision must have sufficient formality such that it counts as a "provision" and it must also use language that plainly requires rather than just encourages a Plan to be prepared.)</b></p>
<p>Yes - The Neighbourhood Development Plan would be considered as falling within the category of an 'administrative provision'.</p>
<p><b>Question 3: Is the Plan prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use AND does it set a framework for future development consent of projects in Annexes I and II to the EIA Directive?</b></p>
<p>Yes to both criteria - The Neighbourhood Development Plan has been prepared for town and country planning and sets a framework for future development consent.</p>
<p><b>Question 4: Will the Plan, in view of its likely effect on sites, require an assessment under Article 6 or 7 of the Habitats Directive?</b></p>
<p>The Neighbourhood Development Plan's likely effect on sites and requirement for an assessment under Article 6 or 7 of the Habitats Directive is explored in Section 4 of this Report.</p>
<p><b>Question 5: Does the Plan determine the use of small areas at local level, OR is it a minor modification of a Plan likely to require assessment under the Habitats Directive?</b></p>
<p>Yes to one of the criteria - the policies of the Neighbourhood Development Plan can be considered to determine the use of small areas at local level commensurate with their status in determining local planning applications.</p>
<p><b>Question 6: Does the Plan set the framework for future development consent of projects (not just projects in the Annexes of the EIA Directive)?</b></p>

Yes - the Neighbourhood Development Plan has been prepared for town and country planning and sets a framework for future development consent.

**Question 7: Is the Plans sole purpose to serve national defence or civil emergency, or is it a financial or budget Plan, or is it co -financed by structural funds or European Agricultural Guidance and Guarantee Fund (EAGGF) programmes 2000 to 2006/7?**

The Neighbourhood Development Plan does not serve a purpose related to national defence or civil emergency, a financial or budget Plan. The Neighbourhood Development Plan is not co-financed by structural funds or EAGGF programmes 2000 to 2006/7.

**Question 8: Is it likely to have a significant effect on the environment?**

Likely significant effects are explored in more detail in Section 3.3 of this Screening Report. The 'conclusions' section of the Report outlines whether the Neighbourhood Development Plan requires SEA or not due in regard to its effects on the environment.

The following section looks at the criteria for assessing the effects of the Neighbourhood Development Plan and the identified effects of the Neighbourhood Development Plan in line with the criteria. Crucially, it will determine whether there are any likely significant effects on the environment.

## 3.2 Criteria for Assessing the Effects of the Neighbourhood Development Plan

Criteria for determining the likely significant effects on the environment, referred to in Article 3(5) of Directive 2001/42/EC are set out below.

### Annex II of SEA Directive 2001/42/EC – Significant Effects

1. The characteristics of plans and programmes, having regard, in particular, to
  - the degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources,
  - the degree to which the plan or programme influences other plans and programmes including those in a hierarchy,

## Annex II of SEA Directive 2001/42/EC – Significant Effects

- the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development,
- environmental problems relevant to the plan or programme,
- the relevance of the plan or programme for the implementation of Community legislation on the environment (e.g. plans and programmes linked to waste-management or water protection).

### 2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to

- the probability, duration, frequency and reversibility of the effects,
- the cumulative nature of the effects,
- the transboundary nature of the effects,
- the risks to human health or the environment (e.g. due to accidents),
- the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected),
- the value and vulnerability of the area likely to be affected due to:
  - \* special natural characteristics or cultural heritage,
  - \* exceeded environmental quality standards or limit values,
  - \* intensive land-use,
  - \* the effects on areas or landscapes which have a recognised national, Community or international protection status.

### 3.3 Likely Significant Effects resulting from the Neighbourhood Development Plan

The following assessment will consider the likelihood of the Hatfield Peverel Neighbourhood Development Plan (at the time of writing) to have significant effects on the environment. The table below will explore the likelihood of effects on the following required themes, as included within Annex I of the SEA Directive (2001/42/EC):

- 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.

**Table 2: Assessment of Likely Significant Effects on the Environment**

Criteria for determining the likely significance of effects (Annex II SEA Directive)	Likelihood and summary of significant effects
<p>The degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources.</p>	<p>The Plan sets out relevant policies which will be used to determine proposals for development within the Neighbourhood Development Plan area once adopted.</p> <p>A Neighbourhood Development Plan must demonstrate conformity with the strategic policies of the Local Plan and once brought into force, the policies it contains take precedence over existing non-strategic policies only in the Local Plan for that Neighbourhood Development Plan area. The principle of growth is established for Hatfield Peverel as</p>

Criteria for determining the likely significance of effects (Annex II SEA Directive)	Likelihood and summary of significant effects
	<p>a 'Key Service Village' and 'Local Centre' within the District, and development is identified as appropriate in-principle within the development boundary of Nounsley (a 'Third Tier' village).</p> <p>The adopted Braintree Local Plan identified allocations within the Neighbourhood Development Plan area and these can be considered as constant factors that are beyond the influence of the Neighbourhood Development Plan. The Neighbourhood Development Plan does not allocate any additional land for development purposes.</p> <p>Irrespective of the Neighbourhood Development Plan policies' compliance with those of the Local Plan, which will be considered between the Parish Council and the Local Planning Authority in finalising the Neighbourhood Development Plan and through the independent examination of the Neighbourhood Development Plan, it is considered that the degree to which the Neighbourhood Development Plan sets a framework for development is low. This is primarily due to the Neighbourhood Development Plan not allocating land for development.</p>
<p>The degree to which the plan or programme influences other plans or programmes including those in a hierarchy.</p>	<p>The Neighbourhood Development Plan, when/if 'made', will have weight in all planning decisions within the plan area. The Neighbourhood Development Plan provides policies for the Plan area, relevant to a local level only. The Neighbourhood Development Plan does not allocate land for development purposes. Allocations within the Neighbourhood Development Plan area are included within the adopted Braintree Local Plan, indicating that housing needs will be met within the Neighbourhood Plan area to 2033.</p> <p>In consideration of the above, the degree to which the Neighbourhood Development Plan influences other plans or programmes is considered relatively low in the context of the Neighbourhood Development Plan area. This is primarily related to the Plan's position of not allocating land for</p>

Criteria for determining the likely significance of effects (Annex II SEA Directive)	Likelihood and summary of significant effects
	development purposes.
<p>The relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development.</p>	<p>Neighbourhood Development Plans are required to contribute to the achievement of sustainable development. The Neighbourhood Development Plan policies seek to ensure environmental considerations are taken into account. The Neighbourhood Development Plan includes policies related (directly / indirectly) to ensuring environmental considerations will be integrated into any forthcoming development within the Plan area. These are:</p> <ul style="list-style-type: none"> <li>• Policy HPE1 – Natural Environment &amp; Biodiversity</li> <li>• Policy HPE2 – Air Pollution</li> <li>• Policy HPE5 – Flooding and SuDS</li> <li>• Policy DE1 – Design</li> </ul> <p>Irrespective of the adequacy of the above policies, adopted Local Plan policies apply within the Neighbourhood Development Plan area, which have been subject to thorough assessment within the Local Plan Sustainability Appraisal and Habitats Regulations Assessment. This ensures that environmental considerations, in particular with a view to promoting sustainable development, will be considered for all development proposals within the Neighbourhood Development Plan area.</p>
<p>Environmental problems relevant to the plan area</p>	<p>The Neighbourhood Development Plan reflects a small area and the Plan’s policy content seeks to address environmental issues. The policy content of the adopted Local Plan will additionally apply to any proposals within the Neighbourhood Development Plan area. Local Plan policies have been subject to Sustainability Appraisal (SA) within the context of the Local Plan. The Neighbourhood Development Plan and this Screening Report identify the following potential (direct / indirect) environmental problems or sources of potential problems relevant to the Neighbourhood Development Plan area:</p>

Criteria for determining the likely significance of effects (Annex II SEA Directive)	Likelihood and summary of significant effects
	<ul style="list-style-type: none"> <li>• The Plan area is within the Impact Risk Zone (IRZs) of several SSSIs that are outside the Plan area. Development proposals within IRZs are required to be consulted on with Natural England, should they be of a type or size that could warrant negative effects on the relevant SSSI.</li> <li>• As a result of this, in many areas of the Plan area any residential developments over 100 dwellings would require consultation with Natural England at the planning application stage.</li> <li>• A number of areas on the Priority Habitat Inventory exist throughout the Plan area, including coastal and floodplain grazing marsh, wood pasture, deciduous woodland and traditional orchards.</li> <li>• There are also small areas of young tree woodland on the National Forest Inventory, as well as woodpasture and parkland Priority habitat.</li> <li>• An area of Ancient / Semi-Natural Woodland exists within the north west and south east of the Plan area. There are also areas of Ancient Replanted Woodland in the north west.</li> <li>• The main built up area of the village of Hatfield Peverel contains approximately 20 Listed Buildings. There are a further 8 Listed Buildings in village of Nounsley. There are approximately 15 further Listed Buildings in more rural parts of the plan area, including Grade II* Listed Hatfield Place and St Andrews Church.</li> <li>• There is also a Scheduled Monument at Hatfield Priory.</li> <li>• The Plan area contains the Grade II* Listed The Priory, and its associated Registered Park and Garden to the south east of the built up area of Hatfield Peverel.</li> <li>• The River Ter flows through the Plan area running north-south to the west of the village of Hatfield Peverel. There are areas of land within Flood Risk</li> </ul>

Criteria for determining the likely significance of effects (Annex II SEA Directive)	Likelihood and summary of significant effects
	<p>Zones 2 and 3 associated with the river.</p> <ul style="list-style-type: none"> <li>Regarding air quality, of the 12 passive diffusion NO<sub>2</sub> monitoring tubes located in the District, 3 exceeded the annual mean NO<sub>2</sub> objective concentration of 40 g/m<sup>3</sup> in 2014. One of these was associated with the A12 at Hatfield Peverel.</li> <li>Part of the south east of the Plan area is within a Source Protection Zone (SPZ) (Zone III - Total Catchment). SPZs are defined around large and public potable groundwater abstraction sites. The purpose of SPZs is to provide additional protection to safeguard drinking water quality through constraining the proximity of an activity that may impact upon a drinking water abstraction.</li> <li>The non-developed areas of the Plan area, and those also not in non-agricultural use, are predominantly Grade 2 ('very good') soils. Grade 2 soil represents the best and most versatile soil within the wider District context.</li> <li>The Plan area is located within the South Suffolk and North Essex Clayland National Character Area (NCA).</li> <li>The NCA is characterised as predominantly arable with a wooded appearance. There is some pasture on the valley floors. Field patterns are irregular despite rationalisation, with much ancient countryside surviving. Winding, narrow and sometimes sunken lanes are bounded by deep ditches, wide verges and strong hedgerows. A strong network of public rights of way provides access to the area's archetypal lowland English countryside.</li> </ul>
<p>The relevance of the plan or programme for the implementation of Community legislation on the environment (e.g.</p>	<p>The content of the Neighbourhood Development Plan is not in conflict with those relevant planning documents within the wider district and county area related to waste management or water protection.</p>

Criteria for determining the likely significance of effects (Annex II SEA Directive)	Likelihood and summary of significant effects
plans and programmes linked to waste management or water protection).	
The probability, duration, frequency and reversibility of the effects on the following factors:	The following impacts have been identified within this Screening Assessment:
<ul style="list-style-type: none"> <li>Biodiversity</li> </ul>	<p>The Plan includes Policy HPE1 – Natural Environment &amp; Biodiversity which sets out protection objectives and priorities for biodiversity improvements in the Plan area and the impact of development proposals on the local environment, such as securing biodiversity net gain.</p> <p>The Plan area is within the IRZs of several SSSIs not within the Plan area. Any planning applications coming forward within the plan area may require consultation with Natural England should they be of a size or type that meets specific conditions. Nevertheless, the Plan does not allocate any land for development purposes that could potentially conflict with any such requirements.</p> <p>The HRA element of this Screening Report, due to the content of the Plan, outlines that there will be no likely significant effects on the designated features of Habitats sites either alone or in-combination with other plans and projects.</p> <p>In consideration of all of the above effects on biodiversity that would require the full application of the SEA Directive (a SEA Environmental Report) can be screened out.</p>
<ul style="list-style-type: none"> <li>Population</li> </ul>	It is considered that there would be no significant effects on population resulting from the Neighbourhood Development Plan. This is due to the small scale of the Plan area.

Criteria for determining the likely significance of effects (Annex II SEA Directive)	Likelihood and summary of significant effects
<ul style="list-style-type: none"> <li>Health</li> </ul>	<p>The Neighbourhood Development Plan includes Policy HPE3 – Protection of Local Green Spaces which designates existing green spaces and seeks their protection. This can be seen to support the principles of improving health and wellbeing in the plan area. Similarly, Policy HPE4 – Sport and Recreation Provision seeks to protect the quality and quality of existing recreational facilities from development, with positive associated implications for health.</p> <p>There are therefore no significant effects resulting from the Neighbourhood Development Plan regarding human health that would warrant a strategic assessment through SEA.</p>
<ul style="list-style-type: none"> <li>Fauna</li> </ul>	<p>There are no direct impacts resulting from the Neighbourhood Development Plan on fauna that are considered significant at the Plan level. The Plan seeks the protection and enhancement of biodiversity at key sites and does not propose any development that could lead to the direct deterioration of habitats.</p> <p>Possible effects on fauna (outside those associated with Habitats Sites) cannot be considered strategically significant to the extent that Strategic Environmental Assessment would be warranted. Such issues are more appropriate to be considered on a case-by-case ‘project level’ basis at the development management stage and in accordance with relevant development management policies contained within the LPA’s adopted Local Plan.</p> <p>Effects on fauna from the content of the Neighbourhood Development Plan can therefore be screened out.</p>
<ul style="list-style-type: none"> <li>Flora</li> </ul>	<p>Numerous and various areas of Priority habitat exist within the plan area. The Plan seeks to protect and enhance existing biodiversity assets in the Neighbourhood Development Plan area.</p> <p>In addition to the Plan’s policies that seek the protection and enhancement of flora, the Braintree Local Plan policies apply</p>

Criteria for determining the likely significance of effects (Annex II SEA Directive)	Likelihood and summary of significant effects
	<p>relevant to such matters and the minimisation of effects. As a result, no effects are expected to result from the Neighbourhood Development Plan regarding flora.</p>
<ul style="list-style-type: none"> <li>• Soil</li> </ul>	<p>The non-developed areas of the Neighbourhood Development Plan area consist of predominantly Grade 2 ('very good') soils. Although no thematic policies are included within the Plan that address soil quality, it should be acknowledged that Local Plan policies apply on the matter and that the Neighbourhood Development Plan does not allocate land for development purposes. There are no identified negative implications surrounding soil quality as a result of the Neighbourhood Development Plan.</p>
<ul style="list-style-type: none"> <li>• Water</li> </ul>	<p>Land within Source Protection Zone III makes up a small area of the south eastern part of the Plan area. Source Protection Zones (SPZs) respond to sources such as wells, boreholes and springs used for public drinking water supply. These zones show the risk of contamination from any activities that might cause pollution in the area.</p> <p>The Neighbourhood Development Plan does not allocate any land for development purposes and as such no uses are considered to give rise to ground water pollutants (e.g. give rise to hazardous substances such as pesticides, oils, petrol and diesel, solvents, arsenic, mercury or chromium VI; or non-hazardous substances such as ammonia or nitrates).</p> <p>The HRA element of this Screening Report identifies that there is a potential pathway for development within the Hatfield Peverel Neighbourhood Development Plan area to impact on the Habitats sites within scope of the HRA as the Plan area contains two rivers (the Ter, and the Chelmer) which connect to the Habitats sites within scope. Nevertheless, avoidance measures have been embedded in Policy HPE6 Flooding and SuDS that ensure that any forthcoming development in the Plan area will avoid significant impacts on the designation features of the Habitats sites. Similarly themed and appropriate Local Plan</p>

Criteria for determining the likely significance of effects (Annex II SEA Directive)	Likelihood and summary of significant effects
	policies also apply.
<ul style="list-style-type: none"> <li>Air</li> </ul>	<p>Although consultation with Natural England is required for any development that could cause air pollution (regarding industrial/agricultural development) in association with the IRZs of SSSIs in parts of the Plan area, no allocations are included within the Plan. If speculative development does come forward within the Plan period, consultation would be required at the planning application stage and is not considered a matter would warrant SEA, as a strategic process, to be undertaken.</p>
<ul style="list-style-type: none"> <li>Climatic factors</li> </ul>	<p>The Plan includes Policy HPE6 – Flooding and SuDS, which seeks the incorporation of appropriate Sustainable Drainage Systems (SuDS), based on an engineering and ground assessment, on all sites.</p> <p>The Neighbourhood Development Plan area contains an area of Flood Risk Zone 3 associated with the River Ter, however this area is distanced from both the Hatfield Peverel and Nounsley development boundaries. No development allocations are proposed within the Plan and it is considered that Policy HPE6 is sufficient in conjunction with adopted Local Plan policies to ensure that any effects are avoided in the first instance and mitigated where that is not possible.</p> <p>It is therefore considered that SEA would not be required regarding matters of flood risk and any speculative development coming forward within the Neighbourhood Development Plan area in the Plan period can be considered at the planning application stage.</p>
<ul style="list-style-type: none"> <li>Material assets</li> </ul>	<p>The Plan area does not contain land within a Minerals Consultation Area (MCA) within the County Council’s adopted Minerals Local Plan. The Plan area similarly does not contain any existing or allocated sites for waste management facilities within the County Council’s adopted</p>

Criteria for determining the likely significance of effects (Annex II SEA Directive)	Likelihood and summary of significant effects
	<p>Waste Local Plan.</p> <p>Regarding other material assets, the content of the Neighbourhood Development Plan is not considered to have any significant effects due to the extent / size of the Plan area. Such issues are more appropriate to be considered on a case-by-case basis at the development management stage and in accordance with relevant development management policies contained within the LPA’s adopted Local Plan.</p>
<ul style="list-style-type: none"> <li>• Cultural heritage</li> </ul>	<p>The Plan area contains numerous Listed Buildings. The Plan does not allocate land for development purposes that could have any effects on these listings or their settings. The Plan includes the specific thematic Policy HE1 - Heritage, and the historic environment is a recurrent theme throughout the Plan’s various other policies.</p> <p>Irrespective of the adequacy of the Plan’s policy in the conservation and enhancement of the Plan area’s heritage assets and their settings, policy regarding the protection and enhancement of the Historic Environment also exists at the LPA level which additionally applies in the Plan area. The effects on heritage are, as a result, considered a development management issue in the context of the Plan and its content. There are not considered to be any elements of the Plan that would give rise to significant effects on the historic environment at the strategic level that would require the full application of the SEA Directive.</p>
<ul style="list-style-type: none"> <li>• Landscape</li> </ul>	<p>The parish is within South Suffolk and North Essex Clayland National Character Area (NCA) and contains many features synonymous with this NCA’s landscape character. The Plan does not allocate any land for development purposes and includes Policy HPE5 – Protection of Landscape Setting, which seeks the maintenance and enhancement of landscape features within development proposals.</p> <p>In light of the Plan not allocating land for development</p>

Criteria for determining the likely significance of effects (Annex II SEA Directive)	Likelihood and summary of significant effects
	<p>purposes and in consideration also of the requirements of development proposals in accordance with the adopted Braintree Local Plan, there are no significant strategic landscape effects identified within this Report that would warrant the requirement for the application of the SEA Directive and the formulation of a SEA Environmental Report.</p>
<p>The cumulative nature of the effects.</p>	<p>The Plan does not allocate any land for development purposes and therefore any negative cumulative effects can be ruled out.</p>
<p>The trans boundary nature of the effects.</p>	<p>The adopted Braintree Local Plan can be seen to support the protection and improvement of conditions relevant to those sustainability factors listed within the SEA Directive. The Neighbourhood Development Plan is broadly aligned with the principles of those wider thematic environmental policies. The HRA Screening element of this Report, which explores in-combination effects with other relevant plans and projects, also identifies no in-combination effects regarding Habitats (European) Sites.</p>
<p>The risks to human health or the environment (e.g. due to accidents).</p>	<p>It is considered that there is no risk to human health or the environment as a result of the Neighbourhood Development Plan. This is in consideration of the above screening requirements related to sustainability themes. The Neighbourhood Development Plan is unlikely to give rise to any accidents that can be considered to have a significant risk to human health or the environment.</p>
<p>The magnitude spatial extent of the effects (geographical area and size of the population likely to be affected).</p>	<p>The Neighbourhood Development Plan relates to the local level only. The magnitude and spatial extent of the Plan's content is therefore not considered significant in a wider District context. No effects are highlighted within this SEA screening at either the local or wider geographic area.</p>

Criteria for determining the likely significance of effects (Annex II SEA Directive)	Likelihood and summary of significant effects
<p>The value and vulnerability of the area likely to be affected due to:</p> <ul style="list-style-type: none"> <li>• special natural characteristics or cultural heritage</li> <li>• exceeded environmental quality standards</li> <li>• intensive land use</li> </ul>	<p>As highlighted above in the screening of the Neighbourhood Development Plan per sustainability theme, the Neighbourhood Development Plan has not been assessed as having negative effects associated with environmental themes.</p>
<p>The effects on areas or landscapes which have a recognised national, community or international protection status.</p>	<p>As highlighted above in the screening of the Plan per sustainability theme, the Neighbourhood Development Plan has not been assessed as having any significant effects on areas or landscapes which have a recognised national, community or international protection status.</p>

## 4. HRA Screening

### 4.1 Habitat Regulations Assessment of Development Plans

This section forms a plan level Habitats Regulations Assessment (HRA) as required by Regulation 63 of The Conservation of Habitats and Species Regulations 2017 (as amended).

This section of this Report aims to:

- Identify the Habitats sites within 20km of Hatfield Peverel Neighbourhood Development Plan area.
- Summarise the reasons for designation and Conservation Objectives for each site to be considered in this assessment.
- Screen the Hatfield Peverel Neighbourhood Development Plan for its potential to impact upon a Habitats site.
- Assess the potential for in combination effects from other projects and plans in the area.
- Identify if there are any outstanding issues that need further investigation.

### 4.2 Court Judgements and their consideration in this Report

#### 4.2.1 CJEU People Over Wind v Coillte Teoranta C-323/17

In line with the Court judgement (CJEU People Over Wind v Coillte Teoranta C-323/17), mitigation measures cannot be taken into account when carrying out a screening assessment to decide whether a plan or project is likely to result in significant effects on a Habitats site.

This HRA Screening Report does not therefore consider mitigation measures within the assessment of Likely Significant Effects resulting from the Hatfield Peverel Neighbourhood Development Plan.

#### 4.2.2 CJEU Holohan C- 461/17

This Court judgement now imposes more detailed requirements on the competent authority at Appropriate Assessment stage:

1. [...] an 'Appropriate Assessment' must, on the one hand, catalogue the entirety of habitat types and species for which a site is protected, and, on the other, identify and examine both the implications of the proposed project for the species present on that site, and for which that site has not been listed, and the implications for habitat types and species to be found outside the boundaries of that site, provided that those implications are liable to affect the conservation objectives of the site.

2. [...] the competent authority is permitted to grant to a plan or project consent which leaves the developer free to determine subsequently certain parameters relating to the construction phase, such as the location of the construction compound and haul routes, only if that authority is certain that the development consent granted establishes conditions that are strict enough to guarantee that those parameters will not adversely affect the integrity of the site.

3. [...] where the competent authority rejects the findings in a scientific expert opinion recommending that additional information be obtained, the 'Appropriate Assessment' must include an explicit and detailed statement of reasons capable of dispelling all reasonable scientific doubt concerning the effects of the work envisaged on the site concerned.

Within this Stage 1 HRA Screening report, the assessment determines the requirement whether or not a Stage 2 Appropriate Assessment is needed for the Hatfield Peverel Neighbourhood Development Plan.

## 4.3 Habitats (European) Sites

Habitats sites is the term used in the (revised) NPPF (2021) to describe any site which would be included within the definition at Regulation 8 of the Conservation of Habitats and Species Regulations 2017 (as amended) for the purpose of those regulations. These now form part of the UK national network of sites for nature protection. The aim of the network is to assure the long-term survival of UK's most valuable and threatened species and habitats.

All Special Protection Areas (SPAs) are designated for birds and Special Areas of Conservation (SACs) are designated for other species, and for Habitats. Wetlands of International Importance (Ramsar sites) are also part of the National Network of sites. This is because all SPAs and SACs are comprised of Sites of Special Scientific Interest (SSSIs) and all Ramsar sites in England are SSSIs. Together, SPAs, SACs and Ramsar Sites make up the Habitats sites in England. The following offers a description and explanation of SPAs, SACs and Ramsar Sites.

### 4.3.1 Explanation of SPAs, SACs and Ramsar Sites

#### Special Protection Areas (SPAs)

SPAs are areas which have been identified as being of international importance for the breeding, feeding, wintering or the migration of rare and vulnerable species of birds. Example: Abberton Reservoir SPA is one of the most important reservoirs in the country for overwintering waterfowl. Legislation: The Conservation of Habitats and Species Regulations 2017 (as amended).

#### Special Areas of Conservation (SACs)

SACs are areas designated to protect habitat types that are in danger of disappearance, have a small natural range, or are highly characteristic of the region; and to protect species

that are endangered, vulnerable, rare, or endemic. Example: Essex Estuaries SAC has Atlantic salt meadows, mudflats and sandflats. Legislation: The Conservation of Habitats and Species Regulations 2017 (as amended).

### Wetlands of International Importance (Ramsar Sites)

Ramsar Sites are designated to protect the biological and physical features of wetlands, especially for waterfowl Habitats. For example, Colne Estuary (Mid-Essex Coast Phase 2) Ramsar site is important due to the extent and diversity of saltmarsh and the site supports 12 species of nationally scarce plants and at least 38 Red Data Book invertebrate species. Ramsar sites often overlap with SACs and SPAs and UK planning policy determines that they should be accorded the same importance when developments are proposed. Legislation: Ramsar Convention (1971) – Wetlands of International Importance and Conservation of Habitats and Species Regulations 2017 (as amended).

### 4.3.2 Habitats Sites to be considered

There are 11 Habitats sites (SPA/SAC/Ramsar) which lie within 22 km of Hatfield Peverel. These were identified by Braintree District Council Local Development Framework Sustainability Appraisal (SA) scoping report and are shown on the map in Appendix 2. The Plan area lies within the 22km Zone of Influence for the Blackwater Estuary SPA and Ramsar site and 20.8km of the Dengie SPA and Ramsar site.

**Table 3: Habitats Sites within 20km to be considered in this assessment**

SPA
Crouch and Roach Estuaries
Abberton Reservoir
Colne Estuary
Blackwater Estuary
Dengie
SAC
Essex Estuaries
Ramsar

## SPA

Crouch and Roach Estuaries

Abberton Reservoir

Colne Estuary

Blackwater Estuary

Dengie

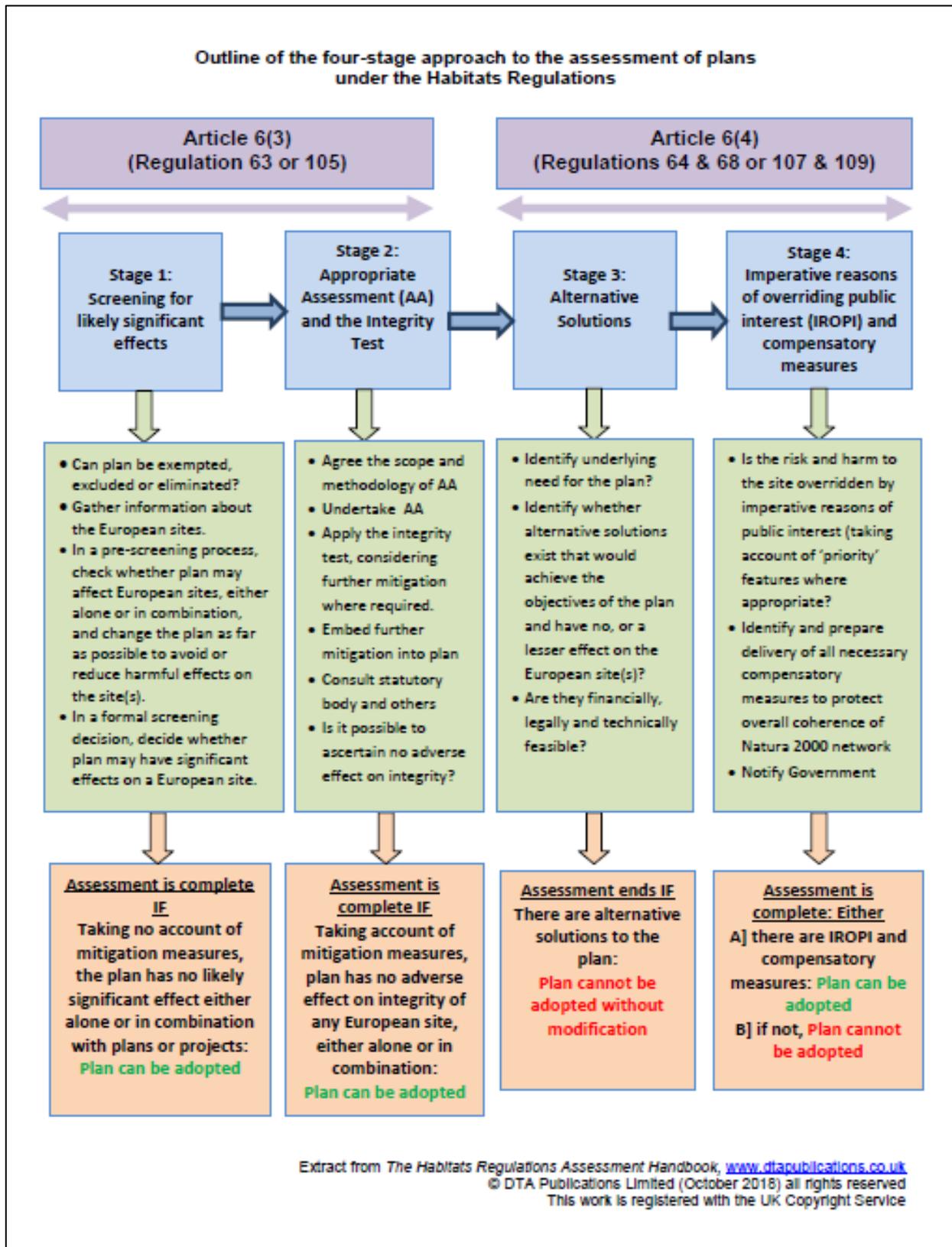
The Hatfield Peverel Neighbourhood Development Plan area lies with the Zones of Influence (ZOI) of 11 Habitats sites (and six SSSIs) as recently revised by Natural England to consider potential impacts on statutory sites. However only three SSSIs are listed by Natural England as in scope for residential development in Hatfield Peverel – the Blackwater Estuary SSSI (SPA and Ramsar) (22km), Dengie SSSI (SPA and Ramsar) (20.8km), and Abberton Reservoir (5km).

Consideration was given to potential impact pathways, Impact Risk Zones (IRZ) for the underpinning SSSIs for the Habitats sites listed in Table 3 and Zones of Influence as confirmed on MAGIC website [www.magic.gov.uk](http://www.magic.gov.uk). Due to the 5km IRZ, Abberton Reservoir is considered within scope but will be screened out.

## 4.4 Method and Approach

The Neighbourhood Development Planning (General) Regulations 2012 state that submitted Plans need to be accompanied by a statement explaining how the proposed Plan meets the 'basic conditions' set out in Schedule 4B of the 1990 Town and Country Planning Act. These basic conditions include a requirement to demonstrate how the Plan is compatible with EU obligations, which includes the need to undertake a HRA screening report; this is necessary to ensure the making of the Neighbourhood Development Plan is not likely to have a significant effect on a Habitats (European) site or a Habitats (European) offshore marine site, either alone or in combination with other plans or projects. This document relates only to Stage 1 of the HRA process as set out in Figure 1 below.

Figure 1: Outline of the Four Stage Approach to the Assessment of Plans under the Habitats Regulations (taken from the DTA handbook).



#### 4.4.1 Stage 1: HRA Screening

The screening stage identifies if any significant effects are likely because any policies or projects will have an impact on a Habitats site. Table 4 identifies the different categories assigned to each policy in the plan: Category A identifies those policies or projects that are considered to have No Negative Effect. Category B identifies those policies or projects that will have No Likely Significant Effect. Category C identifies those policies or projects that might have Likely Significant Effect upon a Habitats site either alone or in combination with other plans or projects. Section 4.5 considers each policy or projects and the results of the screening exercise recorded.

Each of the policies in the Hatfield Peverel Neighbourhood Development Plan has been screened to identify whether they would have any effect on a Habitats site and allocated to a category as shown in Table 4.

**Table 4: Screening categorisation**

<b>Category A: No negative effect</b>
Policies or projects that will not be likely to have any negative effect on a Habitats site.
<b>Category B: No Likely Significant Effect</b>
Policies or projects that could have an effect but would not be likely to have a <i>significant</i> negative effect on a Habitats site alone or in combination. This conclusion could only be reached if the effects, even in combination and taking the precautionary principle into account, are considered trivial.
<b>Category C: Likely Significant Effect</b>
Policies or projects which are predicted to have a likely significant effect on a Habitats site either alone or in combination with other plans and projects and require revision or further assessment (Appropriate Assessment).

#### 4.4.2 Potential impacts of Hatfield Peverel Neighbourhood Development Plan on Habitats Sites

There are a wide range of potential impacts on Habitats Sites that could arise from development plans. These can be summarised as -

- Land take by development;
- Impact on protected species found within but which travel outside the protected sites may be relevant where development could result in effects on qualifying

interest species within the Habitats site, for example through the loss of feeding grounds for an identified species.

- Increased disturbance, for example from recreational use resulting from new housing development and / or improved access due to transport infrastructure projects;
- Changes in water availability, or water quality as a result of development and increased demands for waste water treatment, and changes in groundwater regimes due to increased impermeable areas;
- Changes in atmospheric pollution levels due to increased traffic, waste management facilities etc. Pollution discharges from developments such as industrial developments, quarries and waste management facilities.

Each policy will be assessed against the criteria in the table below.

**Table 4: Assessment of potential impacts on Habitats Sites**

Nature of potential impact	How the Hatfield Peverel Neighbourhood Development Plan (alone or in combination with other plans and projects) could affect a Habitats site	Why these effects are not considered significant
Land take by development	The Hatfield Peverel Neighbourhood Development Plan area is outside the boundaries of the five Habitats sites within scope of this HRA.	No likely significant effects are expected, as no development will be allocated on designated land. It is therefore, considered that impacts from land take by development can be screened out when considered from the Plan either alone or in combination with other plans and projects.
Impact on protected species outside the protected sites	The Hatfield Peverel Neighbourhood Development Plan area does not contain any land providing functional use by designated features of the Habitats sites.	There is no risk of impacts on protected species outside of the protected sites.  It is therefore considered that this impact pathway will not result in likely significant effects upon Habitats sites from the Neighbourhood Development Plan. Therefore, impacts on protected species outside the protected sites from the

Nature of potential impact	How the Hatfield Peverel Neighbourhood Development Plan (alone or in combination with other plans and projects) could affect a Habitats site	Why these effects are not considered significant
		Neighbourhood Development Plan (either alone or in combination with other plans and projects) on the Habitats sites can be screened out from further assessment.
Recreational pressure and disturbance	The Hatfield Peverel Neighbourhood Development Plan area lies within the Zones of Influence of the Blackwater Estuary SPA & Ramsar and the Dengie SPA & Ramsar. Natural England considers therefore that visitors may travel to these Habitats Sites for recreation.	The Hatfield Peverel Neighbourhood Development Plan does not allocate land for development, so impacts from recreation arising from the NP are screened out when considered from the Plan either alone or in combination with other plans and projects.
Water quantity and quality	There is a potential pathway for development within the Hatfield Peverel Neighbourhood Development Plan area to impact on the Habitats sites within scope of this HRA as the Plan area contains two rivers (the Ter, and the Chelmer) which connect to the Habitats sites within scope.	Avoidance measures have been embedded in Policy HPE6 Flooding and SuDS so that developments will avoid significant impacts on the designation features of the Habitats sites. Local Plan policies also apply.
Changes in pollution levels	It is considered that there is no pathway for development to result in pollution impacts.	No likely significant effects are expected, so changes in air pollution have been screened out when considered from the Plan either alone or in combination with other plans.

## 4.5 Results from HRA Screening of Neighbourhood Development Plan Policies

Each of the policies in the Hatfield Peverel Neighbourhood Development Plan was screened in turn to identify whether they would have any impact on a Habitats site and the result of this exercise is recorded in Table 5.

**Table 5: Assessment of potential impacts from the Plan policies**

Policy Number	Policy Wording	Will Policy have Likely Significant Effects on the Habitats Sites?	Recommendations
HPB1 – Development Boundaries for Hatfield Peverel and Nounsley	<p>A. Development proposals within the new development boundaries identified in Map 11.1 will be supported where they meet the aims of sustainable development and the requirements set out in other policies of the NDP.</p> <p>B. Outside the development boundaries, proposals for rural exception sites will be supported in sustainable locations adjacent to development boundaries. All other types of development outside the development boundaries which adversely impact the character of the countryside will not be supported.</p>	No, Category A	No specific recommendations
Policy ECN1 – Support for Local Businesses	<p>A. New business uses defined as Class E, Class C1, Class F1 and Class F2 uses, and the expansion of existing businesses will be supported throughout the Parish provided that:</p> <p>i. There is no unacceptable impact on residential amenity</p>	No, Category A	No specific recommendations

Policy Number	Policy Wording	Will Policy have Likely Significant Effects on the Habitats Sites?	Recommendations
	<p>ii. Any new buildings are of a scale and design that respects the character and appearance of the area in which it is located in accordance with the Design Guide</p> <p>B. Changes from B2 or B8 to E (other than E(g) Offices, Research and Development, Light Industrial) will not be supported.</p> <p>C. Proposals for Class B8 uses, including open air storage will be resisted</p>		
Policy ECN2 – Working from Home	<p>Proposals for new dwellings should include provision to enable a home office to be accommodated and should detail how a homeworking space will be provided. This could be achieved through the design of the building to allow conversion of roof space or similar area into an office or workspace area or by providing space within the internal layout in accordance with the design code. New larger housing schemes should, where appropriate, make provision for work hubs which are readily accessible by foot or by bicycle from new homes and can provide business and social facilities with services for the community.</p>	No, Category A	No specific recommendations
Policy ECN3 – Broadband and Mobile	The development of new, superfast broadband and mobile infrastructure to serve the Parish	No, Category A	No specific recommendations

Policy Number	Policy Wording	Will Policy have Likely Significant Effects on the Habitats Sites?	Recommendations
Connectivity	<p>will be supported. Proposals for new development should demonstrate how they will contribute to, and be compatible with, superfast broadband and high-quality internet connectivity. Where no internet provider is available, as a minimum (subject to viability), suitable ducting that can accept superfast broadband should be provided to the public highway, a community led local access network or another suitable location.</p>		
Policy ECN4 – Protection of Commercial Premises	<p>Change of Use</p> <p>A. Proposals resulting in the loss of Class E, Class F2 or sui generis uses in the Parish will only be supported if it can be satisfactorily demonstrated that:</p> <ul style="list-style-type: none"> <li>i. The use is no longer viable, and the premises has been appropriately marketed for at least six months at a reasonable market rate or</li> <li>ii. There is no longer a need for the facility, or a suitable replacement has been provided in a suitably convenient location elsewhere.</li> </ul> <p>Commercial Zones</p> <p>B. Three commercial zones have been identified in Hatfield Peverel and are shown on Map 12.1 of Central Commercial Zones in</p>	No, Category A	No specific recommendations

Policy Number	Policy Wording	Will Policy have Likely Significant Effects on the Habitats Sites?	Recommendations
	<p>Hatfield Peverel. Within these areas, growth and diversity of economic activity is encouraged to continue to provide small scale shops, services, and community facilities to meet the needs of the local population.</p> <p>C. Change of use from Class C3 uses to Class E, Class F2 or sui generis uses will generally be supported within these zones.</p>		
Policy ECN5 – Public Realm	<p>A. Businesses will be expected to consider the visual impact they make on the area and to take every opportunity to enhance it through reference to guidance such as the Essex Design Guide<sup>17</sup>, the Hatfield Peverel and Nounsley Character Assessment<sup>18</sup>, the Hatfield Peverel Design Guidelines and Codes<sup>19</sup>, or other relevant guidance as it becomes available.</p> <p>B. This will include elements of the streetscape such as well-designed street furniture and signage, lighting, landscaping, and open spaces. The purpose of any enhancements would be to improve conditions for pedestrians and cyclists moving around the village and help to create focal points for business activity and community interaction.</p>	No, Category A	No specific recommendations
Policy HPE1 –	A. Development should retain and	No,	No specific

Policy Number	Policy Wording	Will Policy have Likely Significant Effects on the Habitats Sites?	Recommendations
Natural Environment & Biodiversity	<p>enhance existing trees, hedgerows, and habitats particularly Local Wildlife Sites, priority habitats and ancient woodland (an irreplaceable habitat) which are important for their historic, visual or biodiversity value unless the need for, and the benefits of the development in that location clearly outweigh any loss. Any such loss will be appropriately mitigated.</p> <p>B. Strong support will be given to the retention of natural boundary treatments and the provision of new areas of natural planting and habitat as part of new developments. Planting will be of native species. This will help to promote wildlife corridors and, where appropriate, provide natural screening to help integrate development with existing built-up areas.</p> <p>C. Development proposals should seek to deliver Biodiversity Net Gain in line with national policy. Proposals should demonstrate how biodiversity outputs will be monitored.</p> <p>D. Development should also:</p> <ul style="list-style-type: none"> <li>i. Restrict planting on a development to locally native species</li> <li>ii. Take into account the economic and other benefits of the best and</li> </ul>	Category A	recommendations

Policy Number	Policy Wording	Will Policy have Likely Significant Effects on the Habitats Sites?	Recommendations
	<p>most versatile agricultural land and its contribution to local food security and sustainability</p> <p>iii. Take account of the potential impacts of climate change and ensure the protection and enhancement of the natural environment, habitats, biodiversity, and geo-diversity of the Parish</p> <p>E. Proposals to develop a network of wildlife corridors alongside Public Rights of Way will be supported</p>		
<p>Policy HPE2 – Air Pollution</p>	<p>A. All major development applications where the existence of/or potential for the creation of air pollution is suspected must be supported by relevant assessments, preferably using automatic measuring equipment capable of reading NO2, PM2.5 and PM10 in real time, over a period of 12 months. Air quality assessments must include modelling to take into account the cumulative impact of development within and outside of the villages of Hatfield Peverel and Nounsley, when it is reasonable to expect traffic movement from those sites to enter the villages.</p> <p>B. Major development proposals will not be supported in areas where the World Health Organisation guidelines and Defra legally binding objectives</p>	<p>No, Category A</p>	<p>No specific recommendations</p>

Policy Number	Policy Wording	Will Policy have Likely Significant Effects on the Habitats Sites?	Recommendations
	<p>established under the Environment Bill presented in Table 13.1 are not being achieved, unless it can be demonstrated that any new traffic movement associated with the development would not result in an unacceptable increase in local levels of air pollution.</p> <p>C. Where a developer offers a financial contribution to address harm (calculated in accordance with the Defra model) it will only make the scheme acceptable in terms of air quality subject to tangible evidence that measures will avoid a worsening in air quality</p>		
<p>Policy HPE3 – Protection of Local Green Space</p>	<p>A. Proposals for development which would result in the loss of the identified Local Green Spaces within this plan (Map 13.2 and Table 13.2) will not be supported.</p> <p>B. The identified Local Green Spaces are:</p> <ul style="list-style-type: none"> <li>i. The Green;</li> <li>ii. The Duck Pond;</li> <li>iii. Community Park (former Dannatt’s Quarry); and</li> <li>iv. Community Land between Stonepath development and Hatfield Place.</li> </ul>	<p>No, Category A</p>	<p>No specific recommendations</p>
<p>Policy HPE4 – Sport and</p>	<p>A. Proposals for development which would result in the loss of</p>	<p>No,</p>	<p>No specific</p>

Policy Number	Policy Wording	Will Policy have Likely Significant Effects on the Habitats Sites?	Recommendations
Recreation Provision	<p>any recreational facilities (Map 13.3) will be supported only in circumstances where a replacement facility of equal or enhanced quality will be provided.</p> <p>B. The provision of additional sports and recreation facilities will be encouraged in appropriate locations.</p> <p>C. The current allotment sites (Map 13.3) will be protected.</p> <p>D. The Community Park and the Community Land (Map 13.3) will be protected for recreation use.</p> <p>E. No building will be allowed on the Strutt Memorial Recreation Ground (Map 13.4) unless it is to provide for clearly identified and evidenced needs directly associated with recreational use.</p>	Category A	recommendations
Policy HPE5 – Protection of Landscape Setting	<p>A. The landscape setting of the village will be protected. Any proposed development should not detract from the key landscape features identified within the Hatfield Peverel Local Landscape Character Assessment (produced in 2015 and updated in November 2022) and the views identified on Map 13.5 and described in Table 13.3 showing landscape setting.</p> <p>B. Development proposals located within an area identified as an important view should demonstrate</p>	No, Category A	No specific recommendations

Policy Number	Policy Wording	Will Policy have Likely Significant Effects on the Habitats Sites?	Recommendations
	the impact of the development on the surrounding landscape.		
Policy HPE6 – Flooding and SuDS	<p>A. Any proposed development should include measures to mitigate against future risk to properties, residents and wildlife from flooding and be located away from areas prone to flooding.</p> <p>B. The use of appropriate Sustainable Drainage Systems (SuDS), based on an engineering and ground assessment will be expected on all sites.</p> <p>C. Should it be demonstrated that infiltration is not possible then surface water should be discharged to a watercourse or if this is not feasible a sewer with appropriate attenuation and treatment to ensure that flood and pollution risk is not increased.</p>	No, Category A	No specific recommendations
Policy HPE7 – Coalescence Safeguarding Zone	A. The Policies Map (Map 13.6) identifies the Coalescence Safeguarding Zone. New development proposals within this area will be supported where it can be demonstrated that the development would not detrimentally impact the character of Hatfield Peverel and Nounsley as separate and distinguishable settlements and will not result in the coalescence of Hatfield Peverel and Nounsley with surrounding settlements including	No, Category A	No specific recommendations

Policy Number	Policy Wording	Will Policy have Likely Significant Effects on the Habitats Sites?	Recommendations
	<p>Witham.</p> <p>B. New development within the Coalescence Safeguarding Zone will be subject to a comprehensive assessment of the impacts upon the character and appearance of the surrounding area. To enable this, all new development proposals within the Coalescence Safeguarding Zone must include a detailed assessment of:</p> <ul style="list-style-type: none"> <li>i. the impacts of the development on the character and appearance of the surrounding area, taking into account the design, size, and scale of the proposed development;</li> <li>ii. the potential for the development to result in the coalescence of settlements within the Parish and the surrounding area. The assessment should demonstrate how the development will maintain a clear separation and avoid any potential coalescence between settlements within the Parish and adjoining Parishes.</li> </ul> <p>C. Major new development proposals within the Coalescence Safeguarding Zone should include a visual impact assessment, clearly outlining the impact of development on the character and appearance of the surrounding area and demonstrating the impact</p>		

Policy Number	Policy Wording	Will Policy have Likely Significant Effects on the Habitats Sites?	Recommendations
	of the development and proposed mitigation measures on views from settlements within the Parish.		
Policy FI1 – Transport & Access	<p>A. Development proposals must be supported by a Transport Statement or Assessment which must reference ECC Development Management Policies (2011)<sup>29</sup>, and in particular Policy DM13, which specifies the thresholds (Appendix B) when such statements will be required.</p> <p>B. New development must provide appropriate safe pedestrian and cycle routes to public transport hubs e.g., bus stops and the railway station and recreational, educational, and retail facilities. Where possible these routes should link to other local and national networks. Safe links from Maldon Road to Keith Bigden Memorial Ground and Bury Lane to the station are required. Safe and direct convenient pedestrian and cycle links from Hatfield Peverel to Lodge Farm, Witham are required.</p> <p>C. Access for all should be the standard. Where possible, shared use cycle ways/footpaths should be provided. The needs of those with mobility problems and visual impairment should be considered e.g., Dropped kerbs, textured surfaces. This will also meet the</p>	No, Category A	No specific recommendations

Policy Number	Policy Wording	Will Policy have Likely Significant Effects on the Habitats Sites?	Recommendations
	<p>needs of people with pushchairs.</p> <p>D. Developments will be required to implement ‘shared spaces’ or ‘living streets’ to reduce both the speed and dominance of motorised transport, by removing unnecessary street furniture/road markings, introducing specific materials and a speed limit of 20 mph. Church Road from The Street to De Vere Close and New Road are seen as suiting shared spaces.</p> <p>E. Support will be given to proposals where there is an acceptable impact on the local road network including the management of vehicular movements on the surrounding road network to prevent congestion and damage to road surfaces and verges.</p> <p>F. Support will be given to proposals that improve and extend the existing footpath network and create a cycle path and bridleway network, allowing greater access to housing, village centres, green spaces, and the open countryside. Proposals that include appropriately designed and surfaced footpaths through landscaped and open areas will be supported. Where revisions to existing rights of way are necessary to accommodate planned development, alternative</p>		

Policy Number	Policy Wording	Will Policy have Likely Significant Effects on the Habitats Sites?	Recommendations
	<p>routes should seek to avoid the use of estate roads for the purpose wherever possible.</p> <p>G. The loss of existing footpaths and cycle paths will be resisted.</p>		
<p>Policy FI2 - Parking</p>	<p>A. Development will be required to provide vehicular and cycle parking in accordance with the current adopted Essex County Council Parking Standards <sup>31</sup> and the Hatfield Peverel Design Guidelines and Codes <sup>32</sup>.</p> <p>B. Residential parking</p> <p>i. Off street parking for each dwelling with provision for deliveries and services, guests, healthcare personnel e.g., patient transport pick up/drop off and other transient visitors.</p> <p>ii. Where garages are provided they must be designed to reflect the style of the house they serve and set back from the street frontage.</p> <p>C. General Parking</p> <p>i. Development proposals will be supported where satisfactory access and egress arrangements, vehicular parking and covered, secure cycle parking provision can be provided.</p> <p>D. Opportunities to provide public</p>	<p>No, Category A</p>	<p>No specific recommendations</p>

Policy Number	Policy Wording	Will Policy have Likely Significant Effects on the Habitats Sites?	Recommendations
	<p>car parking near community services should be identified when development proposals are considered. Any new public parking areas should provide secure covered cycle bays or storage. Increased secure cycle parking will be provided at local amenities e.g., school and station to meet demand, encouraging residents to use cycles instead of cars.</p> <p>E. Any existing public parking area e.g., Railway Station, Hadfelda Square will be retained unless an equivalent or improved facility is provided nearby.</p> <p>F. Proposals that improve parking facilities enhancing safe and suitable access to the train station will be supported.</p>		
<p>Policy FI3 – Education and Health Infrastructure</p>	<p>A. New development will only be supported where it can demonstrate that there is sufficient appropriate education capacity to provide for the development or that such capacity within the catchment area will be delivered by the development.</p> <p>B. The provision of education facilities for all ages within the Parish will be encouraged in appropriate locations.</p> <p>C. Development proposals supporting improvements to local</p>	<p>No, Category A</p>	<p>No specific recommendations</p>

Policy Number	Policy Wording	Will Policy have Likely Significant Effects on the Habitats Sites?	Recommendations
	<p>healthcare services and facilities will be encouraged.</p> <p>D. The provision of new physical and mental healthcare services and facilities within the Parish will be encouraged in appropriate locations.</p> <p>E. Loss or degradation of education or healthcare services and facilities will be resisted.</p>		
<p>Policy FI4 – Retention of Assets of Community Value</p>	<p>A. Proposals that will result in the loss of, or substantial harm to, an ACV will be strongly resisted.</p> <p>B. Loss of an ACV will only be supported when there is no longer a need for that facility or a replacement facility of equal or enhanced quality is available or can be provided as part of any scheme.</p>	<p>No, Category A</p>	<p>No specific recommendations</p>
<p>Policy FI5 – Developer Contributions</p>	<p>A. Where appropriate, development proposals will be required to make a proportionate contribution towards the provision of relevant infrastructure in the Parish, including specific infrastructure projects identified in Table 14.1, and avoidance and mitigation measures identified in the Essex Recreational Disturbance Avoidance and Mitigation Strategy (RAMS).</p> <p>B. Planning applications should,</p>	<p>No, Category A</p>	<p>No specific recommendations. It is however highlighted that the reference to Essex Coast RAMS should include "disturbance" with a lower case letter.</p>

Policy Number	Policy Wording	Will Policy have Likely Significant Effects on the Habitats Sites?	Recommendations
	<p>where appropriate, clearly demonstrate the impact of the proposed development on local infrastructure in the area and demonstrate how developer contributions towards local infrastructure will satisfactorily mitigate the identified impacts.</p> <p>C. New development in the Parish should, where appropriate and subject to the requirements of CIL Regulation 122, contribute towards the infrastructure projects listed within Table 14.1. Development proposals which do not provide contributions as set out within Table 14.1 will be required to demonstrate one or more of the following:</p> <ul style="list-style-type: none"> <li>i. that contributions are not required in accordance with CIL Regulation 122;</li> <li>ii. that the provision of the contribution will render the site financially unviable, demonstrated through an open book viability assessment;</li> <li>iii. that the infrastructure will be funded and delivered through other means.</li> </ul>		
Policy HO1 – Housing Mix and Type	A. New residential developments will be considered appropriate if they can demonstrate that the following have been addressed	No, Category A	No specific recommendations



Policy Number	Policy Wording	Will Policy have Likely Significant Effects on the Habitats Sites?	Recommendations
	<p>within the proposal:</p> <ul style="list-style-type: none"> <li>i. Provision of a mix of housing types for a socially inclusive community</li> <li>ii. Density of development must have regard to that within the immediate and surrounding area. Where there may be an impact on the natural environment a lower density may be considered acceptable or a higher density where the design is both innovative and of a high standard and in a highly sustainable location</li> </ul> <p>B. The provision of older peoples housing within new development proposals will be supported. Proposals for retirement housing, which may include bungalows, should:</p> <ul style="list-style-type: none"> <li>i. Have regard to the accessibility of the site to public transport and to local communal facilities, shops and services;</li> <li>ii. Respect the character of the area;</li> <li>iii. Protect the amenity of neighbouring residents;</li> <li>iv. Provide appropriate landscaping to include outside amenity area(s); and</li> <li>v. Provide unobstructed safe footways within the development</li> </ul>		

Policy Number	Policy Wording	Will Policy have Likely Significant Effects on the Habitats Sites?	Recommendations
	<p>for the use of mobility scooters and wheelchairs.</p> <p>C. The changing needs and lifestyles of the population should be considered, building to the Lifetime Homes Standard in accordance with current national guidance:</p> <p>i. On developments of 10 or more mixed housing types, at least 1 wheelchair unit will be provided per 10 dwellings. (e.g., 27 dwellings = 2 units).</p>		
Policy DE1 - Design	<p>A. All new development proposals in the area should have regard to the Hatfield Peverel Design Guidelines and Codes<sup>45</sup>, the Hatfield Peverel and Nounsley Character Assessment <sup>46</sup>, Building for a Healthy Life<sup>47</sup> and the Essex Design Guide <sup>48</sup>.</p> <p>B. New development proposals will be supported which demonstrate the following:</p> <p>i. Layout, height, and overall elevation design should be in harmony with the character and appearance of the surrounding area, including views into and out of the site. Materials should reflect the development’s context.</p> <p>ii. Innovation to achieve low carbon sustainable design that meets the BREEAM Home Quality</p>	No, Category A	No specific recommendations

Policy Number	Policy Wording	Will Policy have Likely Significant Effects on the Habitats Sites?	Recommendations
	<p>Mark Standard Excellent where viable.</p> <p>iii. New development will be encouraged to adopt a ‘fabric first’ approach to reduce energy demand and provide energy in the most cost-effective way by maximising the energy performance of the materials and components of the building.</p> <p>iv. The use of high-quality surface materials is expected in order to help with marking out parking areas and shared spaces.</p> <p>v. The provision of a well-designed landscaping scheme to soften the impact of the development, provide new wildlife habitats and enable cohesion with the existing settlements.</p> <p>vi. Careful consideration should be given to the materials used in marking boundaries on those plots bordering the public realm for visual appearance, safety, and security.</p> <p>vii. Allowance for the efficient functioning of the Braintree District Council waste and recycling scheme with convenient, well screened storage space for bins and recycling.</p> <p>viii. Satisfactory arrangements can be made for the containment and</p>		

Policy Number	Policy Wording	Will Policy have Likely Significant Effects on the Habitats Sites?	Recommendations
	<p>disposal of any waste.</p> <p>ix. Good connection and permeability – short, safe and direct routes that encourage low speeds, suitable for all users, including pedestrians, wheelchair users, cyclists and mobility scooters connecting through the development to the rest of the village.</p> <p>C. New residential development proposals will have a minimum private garden size of 100m<sup>2</sup>. Exceptions to this requirement will be:</p> <p>i. One- and two-bedroom dwellings – a minimum private garden area of 50m<sup>2</sup> will be required.</p> <p>ii. Three bed terrace dwellings – private gardens shall be a minimum depth of 2.5m x the width of the house (except where the provision exceeds the 100m<sup>2</sup>) to a minimum private garden size of 100m<sup>2</sup>.</p> <p>iii. For flats and apartments – minimum balcony area of 5m<sup>2</sup> where appropriate with a similar size private area for the ground floor dwelling and a private communal area for all which shall be to a high specification design, hard and soft landscaped garden area of 25m<sup>2</sup> per flat or apartment.</p> <p>D. New residential development</p>		

Policy Number	Policy Wording	Will Policy have Likely Significant Effects on the Habitats Sites?	Recommendations
	<p>proposals will provide safe play spaces and design out crime. Children’s play space must be well located within a development, where good passive surveillance from surrounding properties is achieved whilst having regard to the residential amenity of properties close by. Secured by Design methods will be incorporated into any new residential development to design out crime and create a feeling of a safe place to live and move through.</p>		
<p>Policy HE1 - Heritage</p>	<p>A. New development proposals should seek to protect and enhance designated and non-designated heritage assets and their setting.</p> <p>B. Development proposals which may have an impact on heritage assets or their setting will be supported where it can be demonstrated that:</p> <ul style="list-style-type: none"> <li>i. There is no detrimental impact on, or where possible the proposals enhance, the character, appearance, setting, structural stability, and historic features of the heritage asset;</li> <li>ii. There would not be a significant increase in the use of the heritage asset which would result in detriment to its character, appearance, setting, structural</li> </ul>	<p>No, Category A</p>	<p>No specific recommendations</p>

Policy Number	Policy Wording	Will Policy have Likely Significant Effects on the Habitats Sites?	Recommendations
	stability, and historic features;  iii. The benefits of the proposed development would clearly and convincingly outweigh any identified harm to the character, appearance, setting, and historic features of the heritage asset, taking into account the significance of the heritage asset in accordance with the requirements of the NPPF; and  iv. Building materials and finishes are sympathetic to the character, appearance, setting, and historic features of the heritage asset.		

#### 4.5.1 Recommendations

There are no recommendations for the policies in this Neighbourhood Development Plan as they have all been assigned to Category A. There will therefore be no need for any residential development subsequently coming forward under this Plan to be subject to a project level HRA. As such there is no requirement for this Plan to progress to Appropriate Assessment.

As the Hatfield Peverel Neighbourhood Development Plan does not allocate any land for development purposes, there are no predicted effects from the Plan alone and no residual effects to consider in combination with other plans and projects.

There is therefore no need to identify any relevant plans or projects likely to result in a significant effect on Habitats sites in combination with the Plan.

In the context of this HRA, there are no relevant plans or projects to be considered in combination with Hatfield Peverel Neighbourhood Development Plan.

## 5. Conclusions

### 5.1 Strategic Environmental Assessment (SEA)

The Neighbourhood Development Plan has been prepared for town and country planning purposes and sets a framework for future development consent. The policies of the Neighbourhood Development Plan can be considered to determine the use of small areas at local level commensurate with their status in determining local planning applications.

Planning Practice Guidance on SEA of Neighbourhood Development Plans indicates that a strategic environmental assessment may be required, for example, where a Neighbourhood Development Plan allocates sites for development; the neighbourhood area contains sensitive natural or heritage assets that may be affected by the proposals in the plan; or the Neighbourhood Development 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.

The Plan does not allocate any land for development purposes and seeks to strengthen the protection and enhancement of assets at the local level and in a local context.

In consideration of the findings of this Screening Report, the Hatfield Peverel Neighbourhood Development Plan can be **screened out** for its requirement of Strategic Environmental Assessment in line with the requirements of Directive 2001/42/EC.

### 5.2 Habitats Regulations Assessment (HRA)

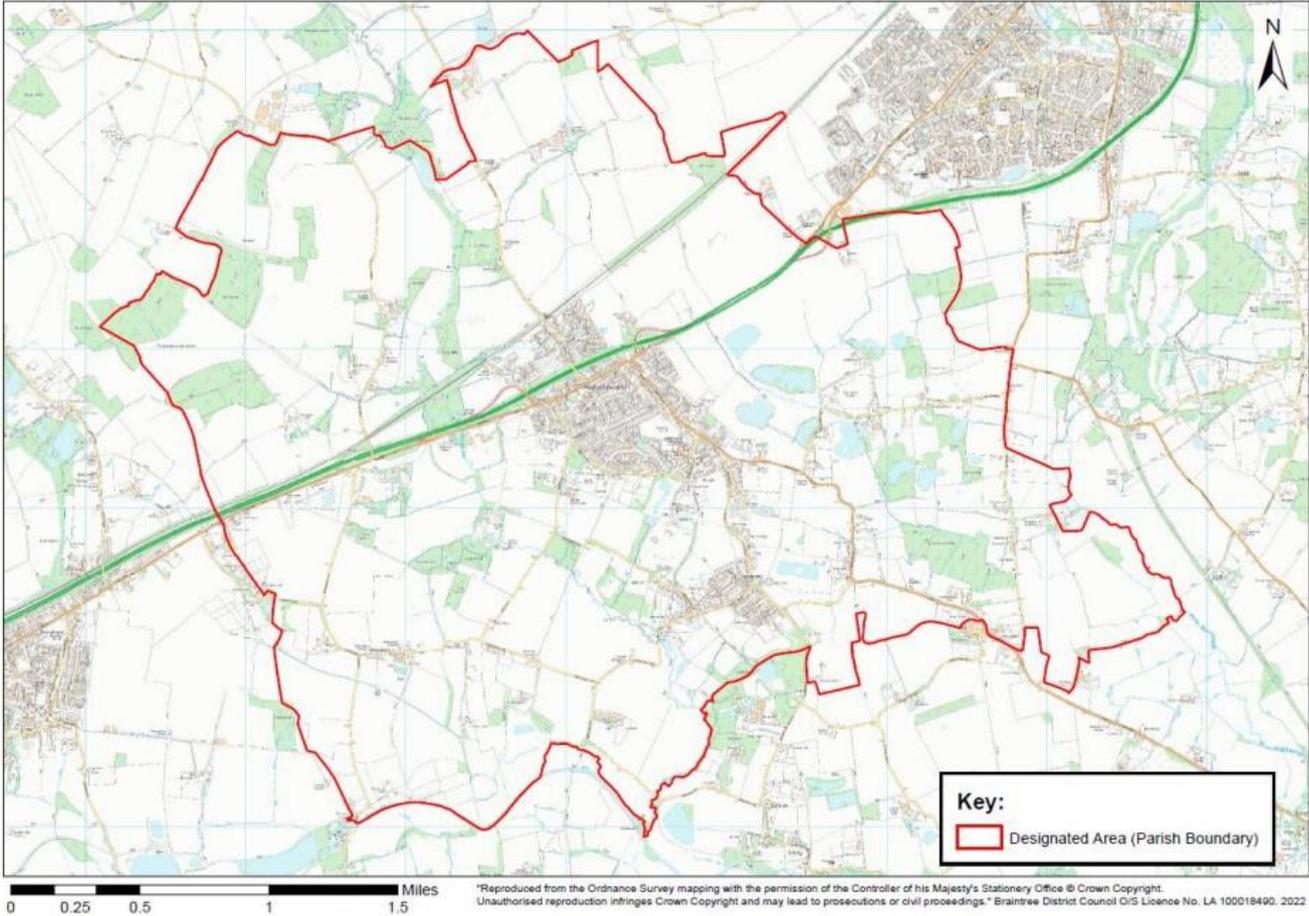
Subject to Natural England's review, this HRA Screening Report, indicates that, without mitigation embedded, the Hatfield Peverel Neighbourhood Development Plan is not predicted to have Likely Significant Effect on the designated features of a Habitats site, either alone or in combination with other plans and projects. The requirement for the Plan to undertake further assessment under the Conservation of Habitats and Species Regulations 2017 (as amended) is therefore **screened out**.

## 6. References

- Hatfield Peverel Regulation 14 Neighbourhood Development Plan 2023-2038 (January 2023)
- Hatfield Peverel Neighbourhood Development Plan 2015 – 2033: Post Submission Version SEA/HRA screening report (January 2019)
- Braintree District Council Local Plan (2022)
- Land Use Consultants (Aug 2016) HRA screening report for Braintree District Draft Local Plan
- Land Use Consultants (May 2017) HRA Report for North Essex Authorities Shared Strategic Part 1 for Local Plans Pre-submission (Regulation 19)
- Natural England Conservation objectives for European Sites: East of England Website:  
<http://publications.naturalengland.org.uk/category/6581547796791296#content>
- Tydlesley, D., and Chapman, C., (2013) The Habitats Regulations Assessment Handbook, (April 2022) edition UK: DTA Publications Limited

# Appendix 1

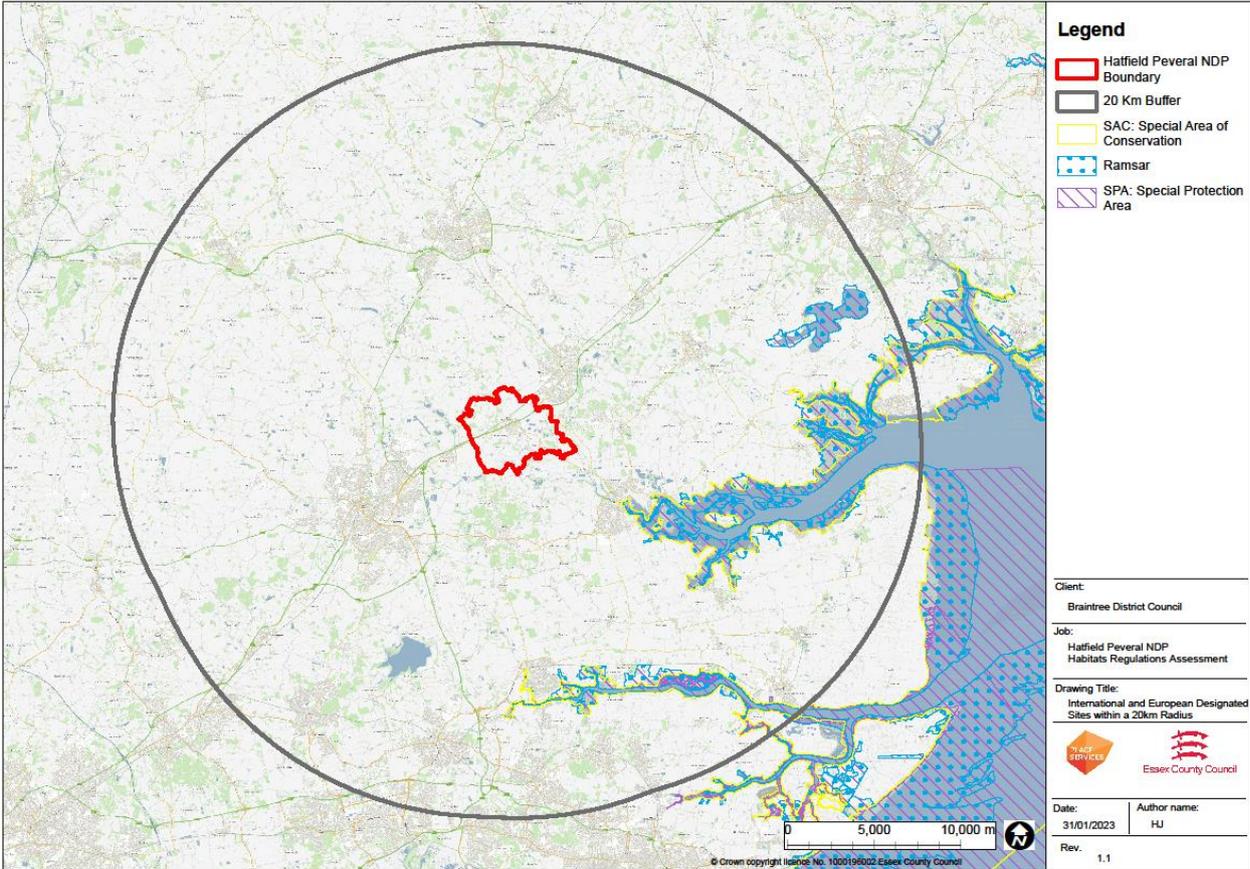
## The Hatfield Peverel Neighbourhood Development Plan area



Source: Hatfield Peverel Neighbourhood Development Plan (2023)

# Appendix 2

## Hatfield Peverel Neighbourhood Development Plan area & Locations of Habitats Sites within 20 km



Source: Place Services (2023)



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