



Hatfield Peverel Neighbourhood  
Development Plan 2015 – 2033:  
Post Submission Version (January 2019)

**Strategic Environmental Assessment (SEA) &  
Habitats Regulation Assessment (HRA):  
Screening Report – January 2019**





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# 1. Introduction

## 1.1 The Purpose of This Report

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This screening report is an assessment of whether or not the contents of the Hatfield Peverel Neighbourhood Development Plan 2015-2033 Post Submission Version (Jan 2019) 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 Plan requires a Habitats Regulations Assessment (HRA) in accordance with Article 6(3) and (4) of the EU Habitats Directive and with Regulation 63 of the Conservation of Habitats and Species Regulations 2017. A HRA is required when it is deemed that likely adverse significant effects may occur on protected European Sites (Natura 2000 sites or 'Habitats Sites') as a result of the implementation of a plan/project.

This screening report supersedes those previous SEA and HRA screening reports that have been produced alongside the Hatfield Peverel Neighbourhood Development Plan at previous stages in the Plan's progression. The requirement for re-screening at this stage responds to changes to the Neighbourhood Planning Regulations made in January 2019, and also the updated status of planning permissions within the Neighbourhood Plan area.



## 2. The Neighbourhood Development Plan & Emerging BDC Local Plan

### 2.1 The HPNDP 2015-2033 Post Submission Version (January 2019)

The Neighbourhood Plan will set out planning policies for Hatfield Peverel and within the confines of the Neighbourhood Development Plan boundary as defined within the Plan and reiterated in Appendix 1 of this report. Once formally adopted, a Neighbourhood Plan carries the same legal weight as Local Development Plans adopted up by the Local Planning Authority (LPA), in this case Braintree District Council.

The Neighbourhood Development Plan states that the Vision for the Plan is:

*'Hatfield Peverel in 2033 will be a place where people of any age are happy to live with the ability to easily access facilities, 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.'*

To deliver this Vision, the following Objectives have been established for the Plan:

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



## 2.2 The Braintree District Council Core Strategy (2011)

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The adopted Braintree District Council Core Strategy (2011) contains current strategic planning policy for the District, including the Hatfield Peverel Neighbourhood Development Plan area. The Core Strategy was originally adopted in 2011 and includes a number of policies related to a strategy for growth in the District, the delivery of growth and the provision of infrastructure. A Sustainability Appraisal was carried out for the Core Strategy.

The Core Strategy categorises Hatfield Peverel as a 'Key Service Village' with an economic function of a 'local centre'. The preferred 'Spatial Policy Statement' for the District is to,

*'Concentrate the majority of new development and services in the Main Towns of Braintree, Witham and Halstead, at new Growth locations at Braintree and Witham and in the Key Service Villages.'*

The Strategy adds of Key Service Villages that,

*'Appropriate development in these villages will be supported and promoted, including the regeneration of specific and other partnership initiatives, to help secure their continued sustainability, make sure that jobs and services are kept and if possible improved and their historic character enhanced... Appropriate market housing to help support these services will be developed on suitable sites in the villages... (and) Affordable housing to serve local needs will be supported.'*

Additionally, the Core Strategy adds that,

*'The key service villages of Coggeshall, Earls Colne, Hatfield Peverel, Kelvedon, Sible Hedingham and Silver End will have provided local housing, jobs and services for the adjoining rural areas.'*

The Core Strategy also defines 'The Countryside' within the planning context of the District. The Countryside is the area outside town development boundaries and village envelopes. Core Strategy Policy CS5 – The Countryside indicates that uses of areas outside town development boundaries, village envelopes and industrial developments are controlled to uses appropriate for the countryside.

## 2.3 Local Plan Review (2005) & Site Allocations and Development Management Plan (2014)

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The Site Allocations and Development Management Plan (SADMP) was progressed in line with the Core Strategy (2011) as a Local Development Framework document. This Plan was withdrawn prior to submission due to matters concerning a need to re-address the Council's Objectively Assessed Housing Needs, however was subject to a full and rigorous process of plan-making over a number of years, including Sustainability Appraisal incorporating Strategic Environmental Assessment. Although not formally adopted, Braintree District Council is of the view that those policies contained within the Plan are robust and should be given appropriate weight in all matters under consideration for the Council for use within development management decision making.

The following policies within the Pre-Submission SADMP are specifically related to land use within Hatfield Peverel and the surrounding land within or adjacent to the Hatfield Peverel Neighbourhood Development Plan area:



- Policy ADM15 Employment Policy Areas – This policy schedules the Arla Dairy within Hatfield Peverel as an Employment Policy Area and seeks to retain employment uses on the site.
- Policy ADM74 Hatfield Peverel Country Park – This policy introduces the notion of a site for a new country park between Hatfield Peverel and Witham and proposes to secure its implementation as an after-use of sand and gravel extraction.

The Plan also sought the allocation of a single site 'HAT17H' for 50 dwellings on Bury Lane, south of the then Arla Dairy site.

## 2.4 The Emerging Braintree District Council Local Plan

Braintree District Council (BDC) submitted a new Local Plan to the Secretary of State and the Planning Inspectorate in October 2017, with a Regulation 19 Plan having been consulted upon earlier in 2017. An Examination in Public to determine the soundness and appropriateness of the Plan is expected to be scheduled for the summer of 2018. A Sustainability Appraisal (incorporating Strategic Environmental Assessment) has been carried out for the Local Plan as well as a Habitat Regulation Assessment. The level of 'weight' that can be attached to an emerging Local Plan varies from policy to policy; however, the NPPF states that decision-takers may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan are to the policies in the NPPF, the greater the weight that may be given).

As the emerging Local Plan was submitted to the Planning Inspectorate in October 2017, following three stages of consultation, significant weight could be given to these emerging policies.

### 2.4.1 Detailed content regarding Hatfield Peverel and the Neighbourhood Development Plan area within the emerging Local Plan

The emerging Local Plan maintains Hatfield Peverel as a 'Key Service Village' and a 'Local Centre', with Nounsley being designated as a 'Third Tier' village.

Both Hatfield Peverel and Nounsley have development boundaries drawn around their existing built areas. Policy LPP1 of the emerging Local Plan states 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 strictly controlled to uses appropriate to the countryside to protect the intrinsic character and beauty of the countryside.'*

Appendix 1 of the emerging Local Plan sets out the Plan's housing trajectory, and Appendix 3 lists the Plan's housing allocations and each's subsequent housing quantum. The following table sets out the emerging Local



Plan's allocations within the Hatfield Peverel Neighbourhood Development Plan area, with added information taken from the housing trajectory.

**Table 1: Emerging Local Plan allocations within the Hatfield Peverel Neighbourhood Development Plan area (taken from emerging Local Plan)**

Local Plan Reference	Site Address	Indicative Capacity	Planning Permission status (at time of publication of the emerging Local Plan)
HATF313	Sorrels Field	45	Without
HATF315 / 316	Land at Wood End Farm	450	Without - Site being disposed of for development
HATF608	Former Arla Dairy Site	142	Without - Site is subject to an outline planning application for up to 145 homes
HATF630	Bury Farm, Bury Lane	51	Without - Recent outline planning application

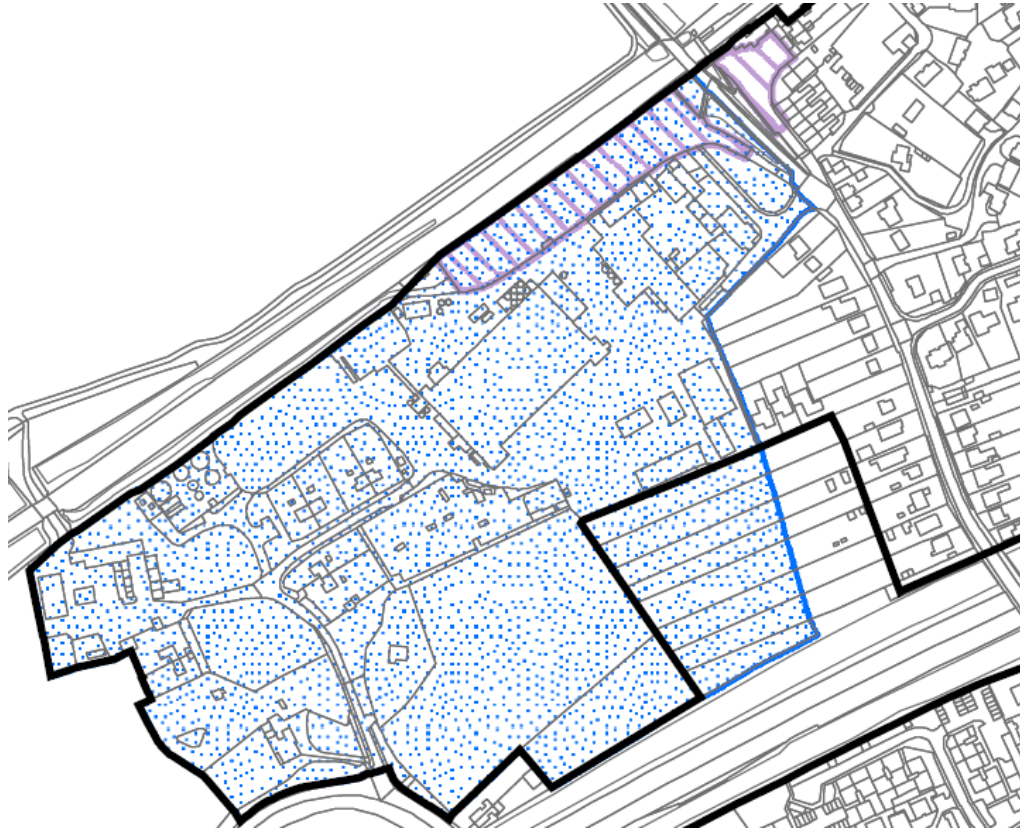
Policy LPP31 of the emerging Local Plan sets out a Comprehensive Redevelopment Area on land between the A12 and the Great Eastern Main Line within Hatfield Peverel. This Policy is intended to replace that of ADM15 within the Pre-Submission SADMP, reflecting the fact that Arla ceased operating at the purpose built dairy site and that it represented a 'brownfield land' development opportunity. The land included within the Comprehensive Redevelopment Area encompasses a number of the allocated sites in the above table, including some land that forms the rear gardens of existing housing on the western side of Station Road, as follows:

- HAT313 – Sorrels Field
- HAT630 – Bury Farm
- HAT608 – former Arla Dairy Site

The scale and location of the Comprehensive Development Area, as included within the Local Plan in the Proposals Map (insert 36) is shown in the following figure.



**Figure 1: Policy LPP31 - Comprehensive Development Area on land between the A12 and the Great Eastern Main Line within Hatfield Peverel (emerging Local Plan, Proposals Map, Insert 36)**



Source: Braintree District Council Local Plan Publication Draft (June 2017)



## 3. Changes since the previous Neighbourhood Development Plan consultation

### 3.1 Changes to the Conservation of Habitats & Species and Planning Regulations (2018)

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In April 2018, in the case *People Over Wind & Sweetman v Coillte Teoranta* (“*People over Wind*”), the Court of Justice of the European Union clarified that it is not appropriate to take account of mitigation measures when screening plans and projects for their effects on European protected habitats under the Habitats Directive. In practice this means if a likely significant effect is identified at the screening stage of a habitats assessment, an ‘Appropriate Assessment’ of those effects must be undertaken.

The implication of this on the HRA Screening Report produced for the Hatfield Peverel Neighbourhood Development Plan in December 2017, was that HRA needed to be ‘screened in.’ At that point however, the Neighbourhood Planning (General) Regulations 2012 were unclear on whether a Neighbourhood Plan could progress if this was the case, with the ‘next step’ after HRA screening being an ‘Appropriate Assessment’, and limitations regarding Neighbourhood Plans progressing to this stage of assessment. The Neighbourhood Planning (General) Regulations 2012 implied that if a Likely Significant Effect on the environment was determined at the screening stage, then the Neighbourhood Plan could not be ‘made.’

Since then however, a number of consequential changes to relevant regulations through the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018. These came into force on 28<sup>th</sup> December 2018. The regulations allow neighbourhood plans and development orders in areas where there could be likely significant effects on a European protected site to be subject to an ‘Appropriate Assessment’ to demonstrate how impacts will be mitigated, in the same way as would happen for a draft Local Plan or planning application.

### 3.2 The Planning Status of the Arla Site (HPNDP Policy HO6)

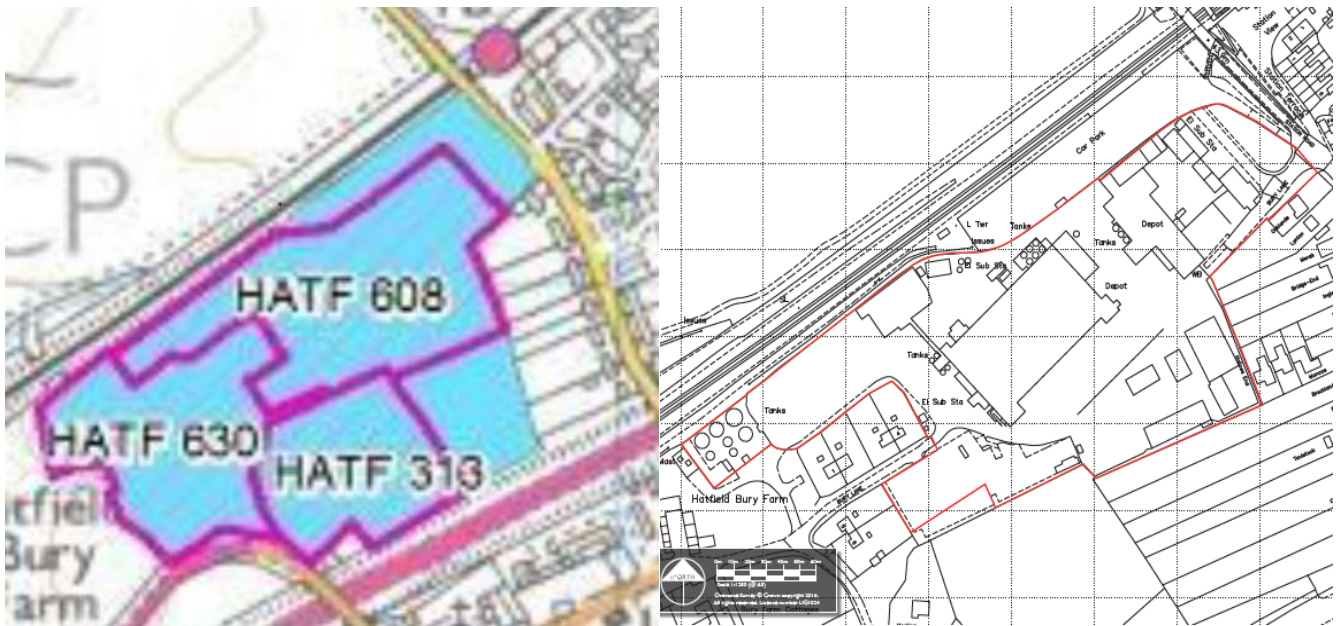
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The Neighbourhood Development Plan allocates a single site for development purposes; ‘the former Arla site’ as specified in Policy HO6 of the Neighbourhood Development Plan. This site represents site HATF608 in the District Council’s SHLAA process, reflecting what was submitted by the landowner / site promoter for consideration as a Local Plan allocation. At the time of the previous Neighbourhood Development Plan consultation, the site was subject to an outline planning application for residential development for up to 145 dwellings (Use Class C3) with public open space, vehicular access and associated infrastructure (16/02096/OUT), which was submitted in January 2017.

Since then, application 16/02096/OUT has received planning permission. A further application for a variation of Conditions related to access, visibility displays and external / internal noise levels (18/01650/VAR) has also been granted.

The following figure shows the differences in site area between the NDP allocation and the extent of the planning permission.

Figure 2: Neighbourhood Plan allocation and Arla site with Planning Permission



Sources: HPNDP (January 2019)

Braintree District Council website (2018)

As can be seen above, only a small difference exists between the HPNDP allocation and the planning permission: to the east of the site regarding the site's access from Station Road. The extent of the HATF608 / Policy HO6 site is otherwise identical and in fact smaller in land area than the site that has planning permission at the former Arla site.

## 4. Previous SEA and HRA Documents

To date, a number of SEA and HRA documents have been produced alongside the Neighbourhood Development Plan at various stages of its progression. The following table shows what has been produced to date, when they were issued and whether they are still considered valid at this present stage.

**Table 2: Previous SEA / HRA documents relevant to the HPNDP**

Name of document	Date issued	Is it still valid / relevant at this current stage?
SEA Screening Report	June 2016	No – the Screening Report was undertaken prior to the decision to allocate land for development purposes within the HPNDP.
SEA Screening Report	February 2018	No –this Screening Report and Environmental Report (including Addendum) were undertaken once the Arla site was allocated within the HPNDP, but prior to the site having secured planning permission with necessary mitigation agreed with Natural England regarding effects on Habitats Sites.
SEA Environmental Report	March 2018	
SEA Environmental Report Addendum	April 2018	
HRA Screening Report	December 2017	No – this Screening Report was issued prior to the changes to the Conservation of Habitats and Species and Planning (England and Wales) Regulations 2018 regarding the ‘Appropriate Assessment’ of Neighbourhood Plans. The Reports were also issued prior to the site having secured planning permission with necessary mitigation agreed with Natural England regarding effects on Habitats Sites.
Non-Statutory Appropriate Assessment	August 2018	

The above table outlines some of the reasons why previous SEA and HRA Reports have been deemed invalid at this current stage. The following sub-sections offer more detail on what has been done to date regarding SEA and HRA.

### 4.1 SEA work undertaken to date

An initial SEA Screening Report for the emerging HPNDP was issued in June 2016. This Screening Report was undertaken on a draft Neighbourhood Plan that at the time did not allocate sites for development. As a result, the Screening Report did not identify the need for the full application of the SEA Directive (in the form of a SEA Environmental Report).

Later on in the Plan-making process, the HPNDP allocated the site at Arla for development. This meant that a SEA re-screening was required and this was updated in February 2018, with the outcome being that SEA was ‘screened in’ for the following identified reasons (as stated within that Screening Report):



*'The Sustainability Appraisal of the Local Plan predicts that there would be 'significantly negative effects with uncertainty' regarding air quality surrounding the development of the Neighbourhood Development Plan's allocated site HATF608. The Sustainability Appraisal 'deals with' this 'significant negative effect with uncertainty' through the consideration that mitigation might be possible, for example by site layout or screening. There is some uncertainty however whether site HAT608 would be capable of this in isolation or whether this is in consideration of the wider extent of that additional land allocated within Policy LPP31 of the emerging Local Plan.*

*There must be further acknowledgement of the fact that (at the time of writing) the emerging BDC Local Plan and accompanying Sustainability Appraisal have not yet been formally found sound and subsequently adopted. The Neighbourhood Development Plan is seeking to be 'made' prior to the examination and adoption of BDC's emerging Local Plan and allocates land for development purposes.*

*Factoring in the possibility at this stage that the Local Plan may not be found sound, the Neighbourhood Development Plan's requirement for the application of the SEA Directive in allocating land for development purposes (and the aforementioned air quality issue) would similarly not be met through the emerging BDC Local Plan's Sustainability Appraisal. It can therefore be considered that the likelihood of significant environmental effects can not be ruled out.'*

This Screening determination ensured that the full application of the SEA Directive was necessary, in the form of a SEA Environmental Report, which was issued and consulted upon in March 2018. The SEA Environmental Report assessed the environmental, social and economic effects of the Plan's content, including reasonable alternatives to policy approaches and site allocations. The SEA Environmental Report made several recommendations, including:

- The Plan could include a new environmental policy regarding general pollution, using the following wording: 'Proposals for all new developments should prevent unacceptable risks from emissions and all forms of pollution (including air, water and noise pollution) to ensure no deterioration of current standards. All applications for development where the existence of or potential for the creation of pollution is suspected must be supported by relevant assessments and where necessary include preventative measures.'

This recommendation was acted upon and included within the Hatfield Peverel Neighbourhood Development Plan – Focused Changes document, which was consulted upon alongside a SEA Addendum in May 2018.

## 4.2 HRA work undertaken to date

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In line with the recent 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. A HRA Screening Report was undertaken in December 2017 in order to support the Hatfield Peverel Neighbourhood Development Plan in accordance with the Neighbourhood Planning (General) Regulations 2012. This was prior to the above Court judgement.

This initial determination regarded the HPNDP's allocation of the Arla site which lies within the Zones of Influence (ZOIs) for likely recreational disturbance on the Blackwater Estuary SPA and Ramsar site and also the Essex Estuaries SAC. The initial HRA Screening Assessment 'screened in' the need for Appropriate Assessment however included suggested mitigation measures for the Plan to incorporate that would avoid any such impacts on Habitats Sites, contrary to the Court judgement.



Since the CJEU *People Over Wind v Coillte Teoranta* C-323/17 judgement a non-statutory Appropriate Assessment was produced, albeit contrary to the Neighbourhood Planning (General) Regulations 2012, which indicated that Neighbourhood Plans could not go to the Appropriate Assessment stage. More importantly however, the planning status of the Arla site allocation (Policy HO6) has also recently changed. The corresponding planning application to the single allocated site within the HPNDP now has planning permission and includes mitigation for associated impacts arising from the site's location within the Zones of Influence (ZOIs) for likely recreational disturbance on the previously mentioned Habitats Sites, as verified by Natural England. As mitigation has already been agreed through planning permission, there are therefore no recreational disturbance impacts on Habitats Sites outstanding from the allocation.

## 5. Legislative Background

### 5.1 Strategic Environmental Assessment (SEA)

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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 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 P&P, and modifications to them, are covered when prepared and/or adopted by an authority[2] 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 at this post submission stage.



## 5.2 Habitats Regulations Assessment (HRA)

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Under the provisions of the EU Habitats Directive and translated into English law by the Habitats Regulations (The Conservation of Habitats and Species Regulations 2017), a competent authority must carry out an assessment of whether a plan or project will have a significant effect on the internationally important interest features of any European Site. The implications of the effects of a plan or project need to be assessed, in view of the site's conservation objectives and avoid adverse effect on site integrity.

The first stage of HRA is the screening assessment of the impacts of a land use proposal against the conservation objectives of European sites. Specifically, it is to ascertain whether or not a proposal (either alone or in combination with other proposals) would result in a Likely Significant Effect on any European Site. European sites are also known as Natura 2000 sites and Habitats Sites in the NPPF (2018).

The Neighbourhood 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.



## 6. SEA Screening

### 6.1 When is SEA Required?

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

*'In some limited circumstances, where a neighbourhood plan is likely to have significant environmental effects, it may require a strategic environmental assessment. Draft neighbourhood 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 plan is compatible with European Union obligations (including under the Strategic Environmental Assessment Directive).*

*To decide whether a draft neighbourhood 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 plan proposal and made available to the independent examiner.'*

Articles 2 and 3 of the SEA Directive set out the circumstances in which an 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 3: Exploring whether the Principle of the Plan would warrant SEA**

Q	Criteria	Response	Outcome	Commentary
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	Yes	Go to question 2	The Neighbourhood Plan has been prepared for adoption through legislative procedure.
2	Is the Plan required by legislative, regulatory or <u>administrative provision</u>  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.	Yes	Go to question 3	The Neighbourhood Plan would be considered as falling within the category of an 'administrative provision'.
		No	DOES NOT REQUIRE SEA	
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?	Yes to both criteria	Go to question 5	The Neighbourhood Plan has been prepared for town and country planning and sets a framework for future development consent.
		No to either criteria	Go to question 4	
4	Will the Plan, in view of its likely effect on sites, require an assessment under Article 6 or 7 of the Habitats Directive?	Yes	Go to question 5	See Section 2.2 of this Report.
		No	Go to question 6	
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?	Yes to either criteria	Go to question 8	The policies of the Neighbourhood Plan can be considered to determine the use of small areas at local level commensurate with their status in determining local planning applications. The Neighbourhood Plan also allocates land for development and non-development (environmental protection) purposes.
		No to both criteria	Go to question 7	

Q	Criteria	Response	Outcome	Commentary
6	Does the Plan set the framework for future development consent of projects (not just projects in the Annexes of the EIA Directive)?	Yes	Go to question 8	N/A
		No	DOES NOT REQUIRE SEA	
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 EAGGF programmes 2000 to 2006/7	Yes to any criteria	DOES NOT REQUIRE SEA	N/A
		No to all criteria	REQUIRES SEA	
8	Is it likely to have a significant effect on the environment?	Yes	REQUIRES SEA	Likely significant effects are explored in more detail elsewhere in this Screening Report.
		No	DOES NOT REQUIRE SEA	

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.

## 6.2 Criteria for Assessing the Effects of the Neighbourhood 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,
- 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,

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

## 6.3 Likely Significant Effects on the Environment resulting from the Neighbourhood 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.

**Table 4: 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
The degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources.	<p>The Plan sets out relevant policies which will be used to determine proposals for development within the Neighbourhood Plan area once adopted. Policy HPE1 of the Plan allocates land, as a resource, for the creation of 2 green wedges to prevent the coalescence of Hatfield Peverel with Witham and Nounsley. Policy HO6 allocates land for the purposes of residential-led development. The quantum of development on this site is not established within the policy, however it is indicated that this represents BDC Local Plan Publication Draft (June 2017) site HATF608 for 142 homes. A planning application on a marginally larger site has recently been granted planning permission for 145 homes. This site includes all of the land allocated within the Plan as HATF608.</p> <p>The Neighbourhood Development Plan seeks to allocate land for development purposes in advance of the adoption of the emerging Local Plan; however the single site allocation within the Plan has planning permission. The Neighbourhood Development Plan can be seen at this stage to set a framework for projects and activities to a moderate degree.</p>
The degree to which the plan or programme influences other plans or	The Neighbourhood Development Plan provides policies for the Plan area, relevant to a local level only. The Plan is in general conformity to adopted

Criteria for determining the likely significance of effects (Annex II SEA Directive)	Likelihood and summary of significant effects
<p>programmes including those in a hierarchy.</p> <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>plan policies at the LPA level and those emerging within the new Local Plan. In consideration of a possibility that the Neighbourhood Plan could be 'made' prior to the adoption of the emerging BDC Local Plan, the degree to which the Plan could influence other plans including those in a hierarchy is therefore considered moderate.</p> <p>Neighbourhood 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 is compatible and does not conflict with adopted policies at the District level which have been subject to a thorough process of plan preparation and accompanying Sustainability Appraisal.</p> <p>The following policies exist within the Plan related to environmental protection:</p> <ul style="list-style-type: none"> <li>• Policy HPE2 – Natural Environment &amp; Bio-diversity</li> <li>• Policy HPE3 – Protection of Local Green Space</li> <li>• Policy HPE6 – Protection of Landscape Setting</li> <li>• Policy HPE7 – Flooding &amp; SuDS</li> <li>• Policy HPE8 – Heritage</li> </ul> <p>The policies contained within the Plan in isolation are considered to be sufficient to ensure that effects on the environment are minimised. Additionally, environmental protection criteria exist within policies HO1 – Design of New Developments and FI1 – Transport and Access.</p>
<p>Environmental problems relevant to the plan.</p>	<p>The Neighbourhood Plan reflects a small area and the Plan's policy content seeks to address any perceived environmental issues.</p> <p>The policy content of adopted District level plans will additionally apply to any proposals within the Neighbourhood Plan area, with additional weight given to the emerging policies within the BDC Local Plan Draft Publication (June 2017). Adopted and emerging policies have been subject to Sustainability Appraisal and Habitats Regulations Assessment. The potential environmental problems relevant to the Neighbourhood Plan area include:</p> <ul style="list-style-type: none"> <li>• A number of areas on the Priority Habitat Inventory exist throughout the Plan area, including wood pasture, deciduous woodland and traditional orchards.</li> <li>• There are also small areas of young tree woodland on the National Forest Inventory.</li> <li>• An area of Ancient / Semi-Natural Woodland exists within the south east of the Plan area.</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</li> </ul>



Criteria for determining the likely significance of effects (Annex II SEA Directive)		Likelihood and summary of significant effects
<p>The relevance of the plan or programme for the implementation of Community legislation on the environment (e.g. plans and programmes linked to waste management or water protection).</p>	<p>Grade II* Listed Hatfield Place and St Andrews Church.</p> <ul style="list-style-type: none"> <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 Zones 2 and 3 associated with the river.</li> <li>• Of the 12 passive diffusion NO2 monitoring tubes located in the District, 3 exceeded the annual mean NO2 objective concentration of 40 g/m3 in 2014. One of these was associated with the A12 at Hatfield Peverel.</li> </ul> <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>	
<p>The probability, duration, frequency and reversibility of the effects on the following factors:</p>	<p>The following impacts have been identified within this Screening Assessment:</p>	
<p>Sustainability Theme</p>	<p>- Biodiversity</p> <p>No European, national or local wildlife designations exist within the Plan area. In broad compliance with the Plan’s policies, any development that is acceptable in principle would not significantly impact on nature within the Plan area. Policy HPE2 – Natural Environment &amp; Biodiversity protects important natural features throughout the Plan area, and the policy states that strong support will be given to the provision of new areas of natural planting and habitat as part of new developments in order to promote wildlife corridors.</p> <p>The HRA Screening element of this Report states that there is a potential pathway for development at Hatfield Peverel to impact on Habitats Sites as the Parish lies within the Zones of Influence for recreational disturbance at the Blackwater Estuary SPA and Ramsar site and also the Essex Estuaries SAC. The Plan however includes a policy criterion (Policy HO1 – Design of New Developments) regarding project-level HRA requirements, as agreed as appropriate by Natural England. There will be no impacts resulting from the Plan that would warrant the application of the SEA Directive and the undertaking of a SEA Environmental Report.</p> <p>- Population</p> <p>The Neighbourhood Development Plan identifies and allocates a single site with planning permission. The Policy includes criteria as to the provision of certain infrastructure outright and through contributions which ensure that there are no negative implications on the existing and future population.</p>	



Criteria for determining the likely significance of effects (Annex II SEA Directive)	Likelihood and summary of significant effects
<p>- Human health</p>	<p>The Plan seeks to designate and safeguard green and recreational spaces within Hatfield Peverel in order to ensure that this space is preserved for the purposes of health and well-being.</p> <p>Policy HPE5 – Sport and Recreation Provision ensures that any development that would ensure the loss of recreational facilities would have to provide a replacement facility of equal or enhanced quality. Additionally, the provision of additional sports and recreation facilities is encouraged in appropriate locations</p> <p>The combination of these policies suggests that no significant effects will occur upon Human health in the Neighbourhood Plan area.</p> <p>The Plan allocates the former Arla Dairy for mixed-use development. As the site has a former / recent industrial use, there is a risk of existing contaminants associated with this land. This is also identified within BDC’s site assessments and the SA of the BDC Local Plan Draft Publication (June 2017) which states that a ‘minor negative effect’ can be predicted in this regard. Although no policy criterion or thematic policy exists within the plan regarding contamination, the planning application to which the allocation relates has ensured that the risks related to contamination are understood, through the application of existing and emerging BDC plan policies; notably Policy ADM57 of the SADMP (2014) / Policy RLP64 of the Local Plan Review (2005).</p>
<p>- Fauna</p>	<p>The impacts of the Neighbourhood Plan on fauna are not considered significant. Although there is no specific policy content as to the requirements of ecological assessments, and in consideration of the fact that it is possible that developments could be forthcoming within the Plan area that might have negative impacts on protected species, these cannot be identified as strategically significant to warrant Strategic Environmental Assessment at the Plan level. Such issues are more appropriate to be considered on a case-by-case application basis at the development management stage in consideration of HPE2 of the Neighbourhood Development Plan and more specific development management policies at the LPA level.</p>
<p>- Flora</p>	<p>Although Priority Habitats exists within the Plan area, none are in close proximity to the Plan’s mixed-use development allocation within policies HO6. The Neighbourhood Plan also contains Policy HPE2, which ensures the protection of assets and that significant effects do not occur. There will be no likely effects on Flora.</p>
<p>- Soil</p>	<p>The majority of the Neighbourhood Development Plan area is within Grade 2 Agricultural Land (‘very good’), with an area of Grade 3 Agricultural Land (‘good to moderate’) associated with land surrounding the course of the River Ter. Grade 2 Agricultural Land represents the best and most versatile agricultural land within the wider District. The Plan’s single mixed-use development allocation at the former Arla Dairy site (Policy HO6) is classified as brownfield land in its entirety. There will be no impact on soils as a result</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>- Climatic factors</li> <li>- Material assets</li> </ul>	<p>The majority of the Neighbourhood Development Plan area is within Flood Zone 1; however land within Flood Zones 3 and 2 exists to the east of the village of Hatfield Peverel associated with the River Ter. The Plan's allocation is not within any land identified within Flood Risk Zones 2 or 3, nor is it adjacent to such land. As a result, no significant effects have been identified.</p> <p>The content of the Neighbourhood Development Plan is not considered to have any significant impacts on material assets due to the extent / size of the Neighbourhood Development 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 at the District / LPA level.</p>
<ul style="list-style-type: none"> <li>- Cultural heritage</li> <li>- Landscape</li> </ul>	<p>Approximately 40-45 Listed Buildings exist within the Neighbourhood Development Plan area, and there is also a Scheduled Monument at Hatfield Priory. The Plan allocates a single site for development in Policy HO6 and this allocation is not within the immediate curtilage of a Listed Building, nor is there considered to be any potential for harm to any historic environmental assets as a result of the allocation.</p> <p>It should also be noted that Policy HPE8 requires 'an assessment of any heritage asset(s) in the Parish, including the contribution made by their setting, the impact of a development on the asset(s) and how such development could conserve and enhance the asset(s), will need to be included in any planning application that affects the asset(s)'. There is considered to be no likely significant effect on cultural heritage / the historic environment that would specifically warrant the application of the SEA Directive and a commitment to undertake a SEA.</p> <p>The Neighbourhood Development Plan area is within the South Suffolk and North Essex Clayland (NCA) profile to the north, and the Northern Thames Basin (NCA) in the south. The overall character is of an undulating chalky boulder clay plateau is dissected by numerous river valleys, giving a topography of gentle slopes in the lower, wider valleys and steeper slopes in the narrower upper parts.</p> <p>A Hatfield Peverel Landscape Character Assessment was undertaken in 2015 and indicates that the existing views in the valley landscape around the southern fringes of the village are framed by blocks of woodland and hedges associated with the valley slopes and the stream corridor itself.</p> <p>Policy HPE6 seeks to protect the landscape setting of the village through preservation and enhancement of views, adding that any proposed development must ensure their key features can continue to be enjoyed including distant buildings, areas of landscape and open agricultural countryside. To this extent, the Plan ensures that potential landscape implications of proposals are suitably considered and significant effects minimised.</p>

Criteria for determining the likely significance of effects (Annex II SEA Directive)	Likelihood and summary of significant effects
The cumulative nature of the effects.	The Plan allocates a single allocation on brownfield land with planning permission. Environmental protection policies exist within the Plan for the purpose of ensuring that individual schemes are unlikely to result in inappropriate development. These elements of the Plan considered, cumulative significant effects on the environment can be ruled out.
The trans boundary nature of the effects.	The findings of the HRA Screening within this Report indicate that there could be trans boundary effects related to water quality associated with the Blackwater Estuary SPA and Ramsar. Trans boundary effects would be appropriately considered at the 'project level' in consideration of the requirements for a project-level HRA from any residential development as per Policy HO1.
The risks to human health or the environment (e.g. due to accidents).	There is limited risk to human health or the environment as a result of the Neighbourhood Plan. This is in consideration of the above screening requirements related to sustainability themes. The Neighbourhood Development Plan is primarily focused on ensuring growth through a single development opportunity, whilst retaining the character of Hatfield Peverel.
The magnitude spatial extent of the effects (geographical area and size of the population likely to be affected).	The spatial extent of development resulting from the Neighbourhood Plan is identified within Policy HO6 through the allocation of the former Arla site, which has planning permission for 145 dwellings. Further, effects identified within HRA Screening indicate that the spatial extent of effects on Habitats Sites could be experienced over a wide geographic area; however the inclusion of an policy requirements that these are explored exists to inform development management decisions and where necessary secure relevant contributions regarding mitigation.
The value and vulnerability of the area likely to be affected due to: <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>	As highlighted above in the screening of the Plan per sustainability theme, the Neighbourhood Plan has been assessed as unlikely to have significant effects on environmental quality standards that would warrant further assessment through SEA.
The effects on areas or landscapes which have a recognised national, community or international protection status.	As highlighted above in the screening of the Plan per sustainability theme, the Neighbourhood Plan has been assessed as not having any significant effects on areas or landscapes which have a recognised national, community or international protection status.



## 7. HRA Screening

### 7.1 Habitat Regulations Assessment of Development Plans

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

Under the provisions of the EU Habitats Directive and translated into English law by the Habitats Regulations (The Conservation of Habitats and Species Regulations 2017), a competent authority must carry out an assessment of whether a plan or project will have a significant effect on the internationally important interest features of any European Site. The implications of the effects of a plan or project need to be assessed, in view of the site's conservation objectives and avoid adverse effect on site integrity.

The first stage of HRA is the screening assessment of the impacts of a land use proposal against the conservation objectives of European sites. Specifically, it is to ascertain whether or not a proposal (either alone or in combination with other proposals) would result in a Likely Significant Effect on any European Site. European sites are also known as Natura 2000 sites and Habitats Sites in the NPPF (2018).

This HRA Screening Report has been undertaken in order to support the Hatfield Peverel Neighbourhood Development Plan which is being produced by Hatfield Peverel Parish Council in accordance with the Neighbourhood Planning (General) Regulations 2012. The area covered by the Plan is shown in Appendix 1.

The Neighbourhood 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.

This section of this Report aims to:

- Identify the Habitats Sites within 22km of the 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; and
- Identify if there are any outstanding issues that need further investigation.

### 7.2 Recent Court Judgements and their consideration in this Report

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

As previously mentioned, in line with the recent 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 consider mitigation measures within the assessment of Likely Significant Effects resulting from the Hatfield Peverel Neighbourhood Development Plan.

### 7.2.2 CJEU Holohan C- 461/17

This recent 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 HRA Screening report, the assessment determines the requirement for whether an Appropriate Assessment is needed for the Hatfield Peverel Neighbourhood Development Plan. With that in mind, this Court judgement is not applicable to this Screening report.

## 7.3 Habitats (European) Sites

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Habitats Sites is the term used in the NPPF (2018) to describe the network of sites designated under the Habitats and Birds Directives and under the Ramsar Convention, which are of European or international importance for nature conservation.

The aim of the network is to assure the long-term survival of Europe's most valuable and threatened species and Habitats. The sites are designated under the European Union (EU) Birds Directive (Council Directive 79/409/EEC on the Conservation of Wild Birds) and the EU Habitats Directive (Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora).

The Birds Directive requires the establishment of Special Protection Areas (SPAs). The Habitats Directive similarly requires Special Areas of Conservation (SACs) to be designated for other species, and for Habitats. Wetlands of International Importance (Ramsar sites) are also part of the Habitats (Sites) network. 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.

### 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 found within EU countries. Example: Abberton Reservoir SPA is one of the most important reservoirs in the country for overwintering waterfowl. *Legislation: EU Birds Directive.*

### 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: EU Habitats Directive.*

### Ramsar Sites (Wetlands of International Importance)

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.*

## 7.3.2 Habitats Sites to be considered

There are nine 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 parish 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 5: Habitats Sites within 22km of the Plan area**

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

Hatfield Peverel lies with the Zones of Influence of eleven Habitats Sites (6 SSSIs) as recently revised by Natural England to consider potential impacts on statutory sites. However only two SSSIs are listed by Natural England as in scope for residential development in Hatfield Peverel – the Blackwater Estuary SSSI (SPA and

Ramsar) (22km) and Dengie SSSI (SPA and Ramsar) (20.8km).

After consideration of the Braintree District Council Local Development Framework Core Strategy HRA report: Appropriate Assessment (2017) and Natural England advice on the Regulation 16 consultation response on this NDP (2017), it was concluded that these two Habitats Sites should now be assessed for adverse effect on site integrity from the Neighbourhood Development Plan.

## 7.4 Method and Approach

The Neighbourhood 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 plan is not likely to have a significant effect on a Habitats (European) Site or a European offshore marine site, either alone or in combination with other plans or projects.

There are currently only two stages for HRA of Neighbourhood Plans as the CJEU ruling means that mitigation measures cannot be considered at HRA screening. The outcomes of the two stages are described in more detail in the following table. This document relates only to Stage 1 of the HRA process.

**Table 6: Stages of the Habitats Regulations Assessment process for Neighbourhood Plans**

Stage	Description	Tasks	Outcome
<b>Stage 1 HRA Screening</b>	The process which identifies the likely impacts upon a Habitats site, either alone or in combination with other projects or plans and considers whether these impacts are likely to be significant.	<ul style="list-style-type: none"> <li>Description of the policies or projects</li> <li>Identification of potential effects on a Habitats site</li> <li>Assessing the effects on a Habitats site</li> </ul>	<ul style="list-style-type: none"> <li>Where effects are unlikely, prepare a 'finding of no significant effect' report.</li> <li>Where effects judged likely, or lack of information to prove otherwise, go to Stage 2.</li> </ul>
<b>Stage 2 Assessment of alternative solutions</b>	The iterative HRA process which examines alternative ways of achieving the objectives of the policy or project that avoids likely significant effect on a Habitats site.	<ul style="list-style-type: none"> <li>If impacts are considered to affect qualifying features, identify alternative options.</li> <li>If no alternatives available, define and evaluate mitigation measures</li> </ul>	This part of the assessment process examines alternative ways of achieving the objectives of the policy or project that avoid significant effects on a Habitats site. If effects remain after alternative solutions have been considered, the plan may not be considered sound.



## 7.4.1 Stage 1: HRA Screening

The screening stage identifies if alternatives are needed because any policies or projects will have an impact on a Habitats Site, amendments need to be made in Neighbourhood Development Plans. Table 6 identifies the different categories assigned to each policy in the plan: Category A identifies those policies or projects that may not result in a Likely Significant Effect and 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 European Site either alone or in combination with other plans or projects. Section 4 considers each policy or projects and the results of the screening exercise recorded.

**Table 7: 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 European 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 their own or in combination with other plans and projects.

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

As identified in the Sustainability Appraisal scoping report for Braintree Local Plan, there is a wide range of potential impacts from development which can be summarised as -

- Land take by developments;
- 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 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 in the neighbourhood plan will therefore be assessed against the above criteria in the table below.

**Table 8: Assessment of potential impacts**

Nature of potential impact	How the Hatfield Peverel Neighbourhood development Plan (alone or in combination with other plans and project) could affect a Habitats site?	Why these effects are not considered significant / likely to result in a loss of site integrity?
Land take by development	Hatfield Peverel is outside the boundaries of the five Habitats sites within scope of this HRA.	N/A
Impact on protected species outside the protected sites	Hatfield Peverel does not contain any land for functional use by designated features of the Habitats sites.	N/A
Recreational pressure and disturbance	Hatfield Peverel parish 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.	<p>While Hatfield Peverel Neighbourhood Plan alone is not likely to have an adverse effect on site integrity, potential in-combination effects cannot be ruled out.</p> <p>In the absence of mitigation there are potential in-combination effects on the Blackwater Estuary Special Protection Areas SPA &amp; Ramsar and the Dengie SPA &amp; Ramsar from the effects of increased recreational pressure from the effects of the Local Plan.</p> <p>Measures need to be incorporated into this Neighbourhood Plan to ensure that any likely adverse effects on site integrity are avoided in order to secure compliance with the UK Habitats Regulations. This will be particularly important if the Hatfield Peverel Neighbourhood Plan is to progress before the Local Plan has been adopted.</p> <p>Braintree District Council is contributing to the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS); the main components will include improvements and provision of greenspace and recreational routes, access and visitor management at Habitats Sites and commitments to regular monitoring.</p> <p>Developer contributions to funding visitor management measures at the Habitats Sites, in line with the emerging RAMS, will be therefore required for any residential development which is consented under the HPNP and considered by project level Appropriate Assessment.</p>
Water quantity and quality	There is a potential pathway for development at Hatfield Peverel to impact on the Habitats sites within scope of this AA as the parish lies within the Zones of	Avoidance measures must be embedded in developments to avoid significant impacts on Designation Features of the Habitats Sites. Policy safeguards need to include a



Nature of potential impact	How the Hatfield Peverel Neighbourhood development Plan (alone or in combination with other plans and project) could affect a Habitats site?	Why these effects are not considered significant / likely to result in a loss of site integrity?
	Influence.	commitment to ensure that phasing of development does not exceed infrastructure capabilities and that the necessary upgrades are in place prior to development coming forward) will ensure that a given development will not proceed until the necessary infrastructure upgrades have been provided as necessary in accordance with Anglian Water and Environment Agency advice.
Changes in air & noise pollution levels	It is considered that there is no pathway for development to result in pollution impacts.	N/A

## 7.5 Results from HRA Screening of the Neighbourhood Development Plan Policies

The Screening exercise explores whether there will be any Likely Significant Effect resulting from the Plan's policies.

Each of the policies in the Hatfield Peverel Neighbourhood Development Plan has been screened to identify whether they would have any impact on a Habitats Site. This assessment can be found in the following table.

**Table 9: Assessment of potential impacts**

Policy	Will Policy have Likely Adverse Effects on the Integrity of Habitats Sites?	Recommendations
<p><b>ECN1 Support for Local Businesses</b></p> <p>New business uses defined as offices, light industrial units, tourism and hospitality uses and leisure, health and education related activities , and the expansion of existing businesses will be supported throughout the Parish provided that:</p> <ul style="list-style-type: none"> <li>• The business employs no more than 20 people on site</li> <li>• There is no unacceptable impact on residential amenity</li> <li>• Any new buildings are of a scale and design that respects the landscape character of the area in</li> </ul>	No, Category A	No specific recommendations



Policy	Will Policy have Likely Adverse Effects on the Integrity of Habitats Sites?	Recommendations
<p>which it is located</p> <ul style="list-style-type: none"> <li>Any historic, cultural or architectural features are retained or enhanced</li> <li>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</li> <li>Satisfactory access and egress arrangements and vehicular parking and covered, secure cycle parking provision can be made</li> <li>Satisfactory arrangements can be made for the containment and disposal of any waste</li> </ul>		
<p><b>ECN2 Working from Home</b></p> <p>Any new or redesigned dwellings should include provision to enable a home office to be accommodated. 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.</p> <p>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
<p><b>ECN3 Broadband and Mobile Connectivity</b></p> <p>The development of new, superfast broadband and mobile infrastructure to serve the Parish will be supported.</p> <p>Proposals for new development must demonstrate how they will contribute to, and be compatible with, superfast broadband and high quality internet connectivity. This could be through a 'connectivity statement' accompanying a planning application. Such statements should consider land use, the anticipated connectivity requirements, their speed, and known data networks, including a realistic assessment of connection potential or need to contribute to any such networks.</p> <p>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> <p>Where possible additional ducting should be provided that contributes to a local access network for the wider community. The costs associated with this can be</p>	No, Category A	No specific recommendations

Policy	Will Policy have Likely Adverse Effects on the Integrity of Habitats Sites?	Recommendations
considered alongside any other requirements and be subject to viability testing.		
<p><b>ECN4 Protection of Commercial Premises</b></p> <p><u>Change of Use</u></p> <p>Proposals for the change of use of commercial premises from employment or community activity in the Parish will only be supported if it can be satisfactorily demonstrated that:</p> <ul style="list-style-type: none"> <li>• 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>• There is no longer a need for the facility or a suitable replacement has been provided in a suitably convenient location elsewhere</li> <li>• Any new proposals for commercial premises are likely to have permitted development rights removed to retain a supply of commercial premises.</li> </ul> <p><u>Commercial Zones</u></p> <p>Three commercial zones have been identified in Hatfield Peverel and are shown on Map of Central Commercial Zones in Hatfield Peverel (page 19). 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>	No, Category A	No specific recommendations
<p><b>ECN5 Public Realm</b></p> <p>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 and the Hatfield Peverel and Nounsley Character Assessment or other relevant guidance as it becomes available.</p> <p>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> <p>Development (including a bypass) should include provision of sensitive enhancements to the Public Realm along existing roads where appropriate such as: widening of pavements, improved surfacing, tree planting, improved crossing points, traffic calming and the creation of areas of</p>	No, Category A	No specific recommendations

Policy	Will Policy have Likely Adverse Effects on the Integrity of Habitats Sites?	Recommendations
shared surface.		
<p><b>HPE1 Prevention of Coalescence</b></p> <p>A green wedge will be created along the eastern development boundary of Hatfield Peverel and at the eastern boundary of the Parish with Woodend Farm to avoid coalescence with Witham. (See map page 25)</p> <p>A similar green wedge will be created that will preserve the open space between the built area of Hatfield Peverel and the hamlet of Nounsley.</p> <p>In these areas the following development will be permitted provided it maintains the open nature of the area.</p> <ul style="list-style-type: none"> <li>• Agricultural purposes</li> <li>• Outdoor recreation and sports facilities</li> <li>• Cemeteries</li> <li>• Replacement of existing building</li> <li>• Redevelopment of previously developed land</li> <li>• Transport infrastructure</li> <li>• Utilities (e.g. power, water, gas, sewage)</li> <li>• Developments brought forward under a Community Right to Build Order</li> </ul>	No, Category A	No specific recommendations
<p><b>HPE2 Natural Environment and Biodiversity</b></p> <p>Development should retain and enhance existing trees, hedgerows and Habitats 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>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. This will help to promote wildlife corridors and, where appropriate, provide natural screening to help integrate development with existing built-up areas.</p> <p>Development should also:</p> <ul style="list-style-type: none"> <li>• Restrict planting on a development to locally native species</li> <li>• Protect the best and most versatile agricultural land</li> <li>• Have regard to and respect the character of the landscape and its sensitivity to change</li> <li>• Enhance the locally distinctive character of the landscape in accordance with the Hatfield</li> </ul>	No, Category A	No specific recommendations

Policy	Will Policy have Likely Adverse Effects on the Integrity of Habitats Sites?	Recommendations
<p>Peverel Landscape Character Assessment (2015)</p> <ul style="list-style-type: none"> <li>• 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</li> <li>• Proposals to develop a network of wildlife corridors alongside public rights of way will be supported.</li> <li>• Where revisions to existing rights of way are necessary to accommodate planned development alternative routes should avoid the use of estate roads for the purpose wherever possible. Proposals that include appropriately designed and surfaced footpaths through landscaped and open areas will be supported</li> </ul>		
<p><b>HPE3 Protection of Local Green Space</b></p> <p>Proposals for development which would result in the loss of the identified Local Green Spaces within this plan will not be permitted.</p> <p>The identified areas are:</p> <ul style="list-style-type: none"> <li>• The Green</li> <li>• The Duck Pond</li> </ul>	No, Category A	No specific recommendations
<p><b>HPE4 Strutt Memorial Ground</b></p> <p>No building will be allowed on the Strutt Memorial Recreation Ground (the Rec) unless it is to provide for clearly identified and evidenced needs directly associated with recreational use.</p>	No, Category A	No specific recommendations
<p><b>HPE5 Sport and Recreation Provision</b></p> <p>Proposals for development which would result in the loss of any recreational facilities will be permitted only in circumstances where a replacement facility of equal or enhanced quality will be provided.</p> <p>The provision of additional sports and recreation facilities will be encouraged in appropriate locations.</p> <p>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.</p> <p>The loss of existing footpaths and cycle paths will be resisted.</p> <p>The current allotment sites will be protected.</p>	No, Category A	No specific recommendations

Policy	Will Policy have Likely Adverse Effects on the Integrity of Habitats Sites?	Recommendations
The Dannatt's quarry site will be protected for recreation use.		
<p><b>HPE6 Protection of Landscape Setting</b></p> <p>The Plan seeks to protect the landscape setting of the village through preservation and enhancement of views identified by the community (see pages 33-37) and the Hatfield Peverel Landscape Character Assessment (2015).</p> <p>Any proposed development, or alterations to an area within these views, must ensure their key features can continue to be enjoyed including distant buildings, areas of landscape and open agricultural countryside.</p>	No, Category A	No specific recommendations
<p><b>HPE7 Flooding and SuDS</b></p> <p>Any proposed development will include mitigation measures against future risk to properties, residents and wildlife from flash flooding and by keeping development away from areas prone to flooding.</p> <p>The use of Sustainable Drainage Systems (SuDS) will be expected where an engineering and ground assessment indicates feasibility.</p> <p>Where a Sustainable Drainage Systems (SuDS) is proposed consideration of the site and the positive benefits it could have for the environment should be demonstrated in the planning application.</p> <p>Should it be demonstrated that infiltration is not possible then water should be discharged to a watercourse or a sewer with appropriate attenuation and treatment to ensure that flood and pollution risk is not increased and where possible betterment is provided.</p>	No, Category A	No specific recommendations
<p><b>HPE8 Heritage</b></p> <p>Any development will enable the conservation and sustainability of the historic environment to maximise the wider social, cultural, economic and environmental benefits such conservation can bring while developing opportunities to draw on the contribution made by the historic environment to the local character and distinctiveness.</p> <p>An appropriate assessment of the significance of any heritage asset(s) in the Parish, including the contribution made by their setting, the impact of a development on the asset(s) and how such development could conserve and enhance the asset(s) will need to be included in any planning application that effects the asset(s) using information from the Essex Historic Environment Record, guidance from relevant experts and where appropriate</p>	No, Category A	No specific recommendations



Policy	Will Policy have Likely Adverse Effects on the Integrity of Habitats Sites?	Recommendations
<p>using the Building in Context Toolkit (Historic England).</p> <p>Developers will be expected to respect these areas and buildings, whatever their state of repair, and to ensure no harm comes to them as a result of their plans. This will include the setting of the asset.</p> <p>The Parish will be open and receptive to innovative but sensitive uses of a heritage asset in order to support its conservation, enhancement and future use.</p>		
<p><b>FI1 Transport and access</b></p> <p>Development proposals must be supported by a Transport Statement or Assessment which must reference ECC Development Management Policies (2011), and in particular Policy DM13, which specifies the thresholds (Appendix B) when such statements will be required.</p> <p>Proposals for all new developments should prevent unacceptable risks from emissions and all forms of pollution (including air, water and noise pollution) to ensure no deterioration of current standards. All applications for development where the existence of/or potential for the creation of pollution is suspected must be supported by relevant assessments.</p> <p>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.</p> <p>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 needs of people with pushchairs.</p> <p>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>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>No, Category A</p>	<p>No specific recommendations</p>



Policy	Will Policy have Likely Adverse Effects on the Integrity of Habitats Sites?	Recommendations
<p><b>FI2 Parking</b></p> <p>Development will be required to provide vehicular and cycle parking in accordance with the current adopted Essex County Council Parking Standards.</p> <p><u>Residential parking</u></p> <p>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>The use of tandem parking on properties or large parking courts to the front part of developments will be discouraged.</p> <p>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><u>General parking</u></p> <p>When proposals for development and planning applications are being considered opportunities to provide public car parking near to community services will be identified.</p> <p>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>Proposals that improve parking facilities enhancing safe and suitable access to the train station will be supported.</p> <p><u>Business parking</u></p> <p>Business developments will be required to provide appropriate off road parking for customers, deliveries and staff.</p> <p><u>Electric Charging Points</u></p> <p>New public car parking provision should include charging points as standard. The provision of charging points in existing public car parks will be encouraged and supported.</p> <p>New developments will show that they have made or have the potential to have provision for electric vehicle charging for each dwelling.</p> <p>New developments should include provision of a public charging point/s in communal parking areas.</p>	No, Category A	No specific recommendations
<p><b>FI3 Education and Health Infrastructure</b></p> <p>The provision of education facilities for all ages within the Parish will be encouraged in appropriate locations.</p> <p>The provision of new physical and mental healthcare</p>	No, Category A	No specific recommendations





Policy	Will Policy have Likely Adverse Effects on the Integrity of Habitats Sites?	Recommendations
<p>services within the Parish will be encouraged in appropriate locations.</p> <p>Loss or degradation of education or healthcare services will be resisted.</p>		
<p><b>FI4 Retention of Assets of Community Value</b></p> <p>Proposals that will result in the loss of or substantial harm to, an ACV will be strongly resisted.</p> <p>Loss of an ACV will only be permitted 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>	No, Category A	No specific recommendations
<p><b>FI5 Developer Contribution</b></p> <p>Any planning applications for new development within the Plan Area must demonstrate how they can contribute towards the delivery of community development. This may be via a Section 106 Agreement or through payment of any future CIL or payment contribution method.</p> <p>Provision towards infrastructure, either through direct provision of new facilities or through financial contributions, will be expected from all development subject to the guidance set out in the National Planning Policy Framework including the ability for development to be delivered viably.</p> <p>Any contribution secured as a result of development within the Plan Area shall be prioritised towards the delivery of targeted community objectives wherever possible. If any unilateral undertaking is proposed to directly deliver any of the Parish Council objectives, the acceptability of any scheme must first be agreed in writing by the Parish Council. Otherwise, it is intended that the Parish Council will prioritise any general financial contribution towards provision of a specific project.</p>	No, Category A	No specific recommendations
<p><b>HO1 Design of New Developments</b></p> <p>This applies to all development whether it is a new site or an addition to an existing development.</p> <p>The Hatfield Peverel and Nounsley Character Assessment along with Building for Life 12 and the Essex Design Guide should inform the design of new proposals.</p> <p>New residential developments will be considered appropriate if they can demonstrate that the following have been addressed within the proposal:</p> <ul style="list-style-type: none"> <li>• Provision of a mix of housing types for a socially inclusive community</li> <li>• Density of development must have regard to that</li> </ul>	No, Category A	No specific recommendations



Policy	Will Policy have Likely Adverse Effects on the Integrity of Habitats Sites?	Recommendations
<p>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</p> <ul style="list-style-type: none"> <li>• 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</li> <li>• Developments on unallocated sites should be for small numbers of houses of up to 30 houses or bungalows</li> <li>• 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 )</li> <li>• Good connection and permeability – short, safe and direct routes for pedestrians, wheelchair users, cyclists and mobility scooters connecting through the development to the rest of the village</li> <li>• The changing needs and lifestyles of the population have been considered, building to Lifetime Homes Standard in accordance with current national guidance</li> <li>• Innovation to achieve low carbon sustainable design that meets the BREEAM Home Quality Mark Standard Excellent where viable (see Appendix 3)</li> <li>• New development will be encouraged to adopt a ‘fabric first’ approach to reduce energy demand and provide energy in the most cost effective way</li> <li>• The creation of shared spaces for all users, alternatives to the car and streets that encourage low speeds are encouraged</li> <li>• The use of high quality surface materials are expected in order to help with marking out parking areas and shared spaces</li> <li>• 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</li> <li>• 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</li> </ul>		



Policy	Will Policy have Likely Adverse Effects on the Integrity of Habitats Sites?	Recommendations
<ul style="list-style-type: none"> <li>• Allowance for the efficient functioning of the BDC waste and recycling scheme with convenient, well screened storage space for bins and recycling</li> <li>• Provision of new facilities incorporated into the scheme or through developer contribution should be available for use by the general public</li> <li>• Any residential development subsequently coming forward will need to be subject to a project level Habitats Regulations Assessment (HRA) and secure sufficient mitigation measures to avoid a Likely Significant Effect, until such time as an Essex Coast Recreational Avoidance Mitigation Strategy (RAMS) is approved.</li> <li>• Any mitigation, including allocation of recreational land, must also consider any adverse effects from pollution.</li> </ul>		
<p><b>HO2 Retirement Housing</b></p> <p>Proposals for bungalows will be supported.</p> <p>Proposals for retirement housing that respects and enhances the character of the Parish will be considered appropriate providing they can meet the following criteria:</p> <ul style="list-style-type: none"> <li>• The development must provide an appropriate landscaping scheme which incorporates acceptably designed outside communal amenity areas for occupiers of the development whilst protecting the amenity of neighbouring residents</li> <li>• Accessibility – unobstructed safe footpaths to cater for mobility scooters and wheelchairs. Easy access to public transport options and communal facilities such as Doctor’s Surgery, Library and food shops</li> <li>• All accommodation must be suitable for wheelchair users</li> <li>• Properties should be built to Lifetime Homes Standards</li> </ul>	No , Category A	No specific recommendations
<p><b>HO3 Affordable Housing</b></p> <p>Any residential development 11 or more dwellings will be expected to provide 40% affordable homes.</p> <p>Housing type should reflect that identified as being required by applicants with a local connection on the Housing Register.</p> <p>In order to promote social inclusion, the affordable housing provision must be integrated within the market housing</p>	No , Category A	No specific recommendations

Policy	Will Policy have Likely Adverse Effects on the Integrity of Habitats Sites?	Recommendations
<p>and not located on the periphery of the development.</p> <p>Tenure will be on an 80/20 split of rented and intermediate housing, unless it can be demonstrated that the ratios should be adjusted to meet local demand.</p> <p>First occupation of any dwelling will be specifically for people with a local connection to the Parish of Hatfield Peverel with a housing need in accordance with the prevailing Allocations Policy of the Local Authority. This requirement will form part of the Section 106 Agreement.</p> <p>Local connection is defined by:</p> <ul style="list-style-type: none"> <li>• Have lived in the Parish for 5 years of the last 8 years and/or</li> <li>• Have immediate family (parents, children, siblings) that have lived in the Parish for 5 years or more</li> <li>• Employed in the Parish for 5 or more years</li> <li>• Must be registered on the District Housing Register</li> </ul>		
<p><b>HO4 Minimum Garden Sizes</b></p> <p>Houses when built will have a minimum private garden size of 100m<sup>2</sup>.</p> <p>Exceptions to this requirement will be:</p> <ul style="list-style-type: none"> <li>• One and two bedroom dwellings – a minimum private garden area of 50m<sup>2</sup> will be required</li> <li>• 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></li> <li>• 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.</li> </ul>	No , Category A	No specific recommendations
<p><b>HO5 Creating Safe Communities</b></p> <p>Developments will provide safe play spaces and design out crime.</p> <p>Children's play space must be located centrally within a development, where good passive surveillance from surrounding properties is achieved whilst having regard to the residential amenity of properties close by.</p>	No , Category A	No specific recommendations



Policy	Will Policy have Likely Adverse Effects on the Integrity of Habitats Sites?	Recommendations
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><b>HO6 Redevelopment of the former Arla site</b></p> <p>The redevelopment of the former Arla site (HATF608) (see map page 55) will be supported provided that it includes:</p> <ul style="list-style-type: none"> <li>• Affordable housing</li> <li>• Bungalows</li> <li>• Retirement housing</li> <li>• Apartments/starter homes</li> <li>• Small business units e.g. workshops, offices, gym facilities, nursery</li> <li>• Work hub/Café/tea room</li> <li>• Safer access onto Station Road</li> <li>• Contributions towards highways enhancements on Bury Lane including safer access from the A12 slip road, to be agreed with the relevant Highways Authorities</li> <li>• Contributions towards enhanced pedestrian and cycle access on Station Road and Bury Lane, linking up to The Street</li> <li>• Contributions to improved access to and from The Street via Bury Lane</li> <li>• Provide improvements to the unsafe access onto Station Road from the station car park</li> <li>• Mitigates adverse noise and air pollution from the A12 and railway</li> <li>• A satisfactory assessment of potential contamination of the site and remedial action plan.</li> <li>• If the development is not capable of providing adequate green infrastructure to mitigate against significant effect on local SPA/ Ramsar sites it must provide a package of mitigation measures as follows:</li> <li>• Promoting the local footpath network by supplying all new residents with a map and guide to local (circular) walking routes.</li> <li>• A proportionate financial contribution towards improvements to the Public Rights of Way network within the vicinity of Hatfield Peverel and subject to agreement with the Rights of Way Team at Essex County Council.</li> </ul>	<p>No, Category A</p> <p>A project level HRA has already prepared for this development site and Natural England consultation response (ref 220785 1 Aug 2017) agreed that the mitigation secured is sufficient to avoid any Likely Significant Effect on a Habitats site. This would be the same if an AA was subsequently prepared.</p>	<p>No specific recommendations</p>

Policy	Will Policy have Likely Adverse Effects on the Integrity of Habitats Sites?	Recommendations
<ul style="list-style-type: none"> <li>A proportionate financial contribution towards visitor monitoring surveys on the Blackwater Estuary (to be undertaken by Colchester Borough Council) as required by Braintree District Core Strategy (2011). This is necessary to raise awareness of visitor disturbance to the Natura 2000 sites.</li> </ul>		

### 7.5.3 Recommendations

There are no recommendations for the Plan's policies in the Neighbourhood Development Plan as they have all been assigned to Category A. As such there is no requirement to progress to Appropriate Assessment.

The in-combination effects from other plans and projects are considered in the following section.

## 7.6 Other Plans and Projects – In-combination Effects

There are two relevant Plan level HRAs that have been carried out by Braintree DC or other organisations (the NEA Shared Strategic Part 1 Local Plan Appropriate Assessment, and the Braintree DC Local Development Framework Part 2 Appropriate Assessment) and both have been found to have an in-combination adverse effect on the integrity of Habitats Sites being assessed: the Blackwater Estuary SPA & Ramsar and the Dengie SPA and Ramsar.

It should be noted that although the District of Maldon borders the HPNDP area, and also contains Habitats Sites, there is currently no HRA or AA work available for any Plan or project in the District at the time of writing. Therefore no data or conclusions exist for any Plan or project within Maldon District and therefore this can not be fed into the in-combination assessment of this Report. Any future HRA or AA work for Plans or projects in Maldon District can only be considered for in-combination effects through any project-level HRA / AA requirements emanating from the HPNDP, or through future Plan-review.

In the context of this HRA, the relevant other plans to be considered are listed in the table below in-combination with the Hatfield Peverel Neighbourhood Plan.

**Table 10: Other plans or projects considered for in combination effects**

Statutory Body	Title of HRA or Project	Findings of HRA / AA or Project	Potential for in combination effects
North Essex Authorities	HRA: Shared Strategic Part 1 Local Plan Appropriate Assessment (2017)	North Essex Authorities are committed to implementing a Recreation and Avoidance Mitigation Strategy (RAMS).	It is considered that in combination adverse effect on the integrity of Habitats Sites can be ruled out due to those mitigation measures secured. As there is specific
Braintree District Council	Habitat Regulations Assessment : Part 2 Braintree DC Local Development	Braintree District Council is committed to implementing a Recreation and Avoidance	

Statutory Body	Title of HRA or Project	Findings of HRA / AA or Project	Potential for in combination effects
	Framework (2017)	Mitigation Strategy (RAMS).	mitigation identified in the HPNDP including mechanisms for delivery, a conclusion of no adverse effect on site integrity can be reached.
	Stonepath Drive HRA and AA (2017)	With mitigation for recreational disturbance, no likely significant effect.	
	Gleneagles Way HRA (2017)	With mitigation for recreational disturbance, no likely significant effect.	
	Arla Dairy HRA (2017)	With mitigation for recreational disturbance, no likely significant effect.	
	Bury Farm HRA (2017)	With mitigation for recreational disturbance, no likely significant effect.	
	North Essex Authorities Shared Strategic Local Plan part 1 Habitat Regulations Assessment (2017)	With mitigation for recreational disturbance, no likely significant effect.	
	Bury Lane (Sorrells Field) HRA (2018)	With mitigation for recreational disturbance, no likely significant effect.	

This HRA screening can therefore concludes that it is possible to rule out likely significant effects, either alone or in combination. There is therefore no need for further assessment.

## 7.6.1 References

- Draft Neighbourhood Plan for Hatfield Peverel, Hatfield Peverel Parish Council (2017)
- Braintree District Council Local Plan: Proposed Submission (2017)
- Braintree District Council Core Strategy, Development Control Policies and Site Specific Policies Development Plan Documents (DPD) HRA screening Appropriate Assessment (2017)
- Braintree DC (2017) Land at Station Road, Hatfield, Hatfield Peverel (Arla Dairy site) Habitats Regulations Assessment
- 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>
- Natural England Site Improvement Plans: East of England <http://publications.naturalengland.org.uk/category/4873023563759616>



- Natural England letter to Braintree DC (Tim Havers from Steve Roe, 28 March 2017 ref.211523) Land off Stonepath Drive, Hatfield Peverel
- Natural England letter to Braintree DC (David Green cc Gary Sung from Steve Roe, 29 June 2017 ref.216876) Braintree Local Plan Part 2.
- Natural England letter to Braintree DC (Gary Sung from Steve Roe, 14 July ref:217393) Hatfield Peverel Neighbourhood Development Plan
- Natural England letter to Braintree DC (Tim Havers from Francesca Shapland, 1 August 2017 ref 220785) Land at Station Road, Hatfield, Hatfield Peverel (Arla Dairy site)
- Natural England telephone conversation with Braintree DC (Alan Massow, Amanda Turburville and Sue Hooton) with Sarah Fraser, 31 October 2017)
- Braintree DC (2018) Land at Bury Lane, Hatfield, Hatfield Peverel (Sorrells Field site) Appropriate Assessment





## 8. Conclusions

### 8.1 Strategic Environmental Assessment (SEA)

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The Neighbourhood Plan has been prepared for town and country planning purposes and sets a framework for future development consent. The policies of the Neighbourhood 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 'Strategic environmental assessment requirements for neighbourhood plans' (Paragraph: 046 Reference ID: 11-046-20150209) states that, 'A *strategic environmental assessment may be required, for example, where:*

- a neighbourhood plan allocates sites for development
- the neighbourhood plan is likely to have significant environmental effects that have not already been considered and dealt with through a sustainability appraisal of the Local Plan.'

The Neighbourhood Development Plan allocates a single site HAT608, the former Arla Dairy site, for development. This site allocation is marginally smaller and contains the same land as a planning permission that was recently granted for 145 dwellings, public open space, vehicular access and associated infrastructure (16/02096/OUT). This site has been subject to a project-level HRA and a payment has been received for mitigation for recreational disturbance, as identified as a potential effect in the previous HRA screening report, and confirmation from Natural England has been received relevant to the Neighbourhood Development Plan stating that no Likely Significant Effects can be expected now that this contribution has been received.

Previously mentioned air quality impacts resulting from the site, as identified in the site appraisal of site HATF608 within the emerging BDC Local Plan SA and reiterated in the SEA Screening Report of February 2018, can now also be discounted due to the planning status of the corresponding planning application. This planning permission is for a larger land area, is also for a similar amount of dwellings and was deemed in conformity with those air quality related requirements of the adopted and emerging BDC plan policies. In addition, the Neighbourhood Development Plan now includes a similar stance, with Policy FI1 – Transport and access now including the requirement that proposals for all new developments should prevent unacceptable risks from emissions and all forms of pollution (including air, water and noise pollution) through relevant supporting assessments.

As a result of the above, the content of the Hatfield Peverel Neighbourhood Development Plan has therefore been **screened out** for its requirement of Strategic Environmental Assessment in line with the requirements of Directive 2001/42/EC due to the planning status of the Plan's single site allocation.

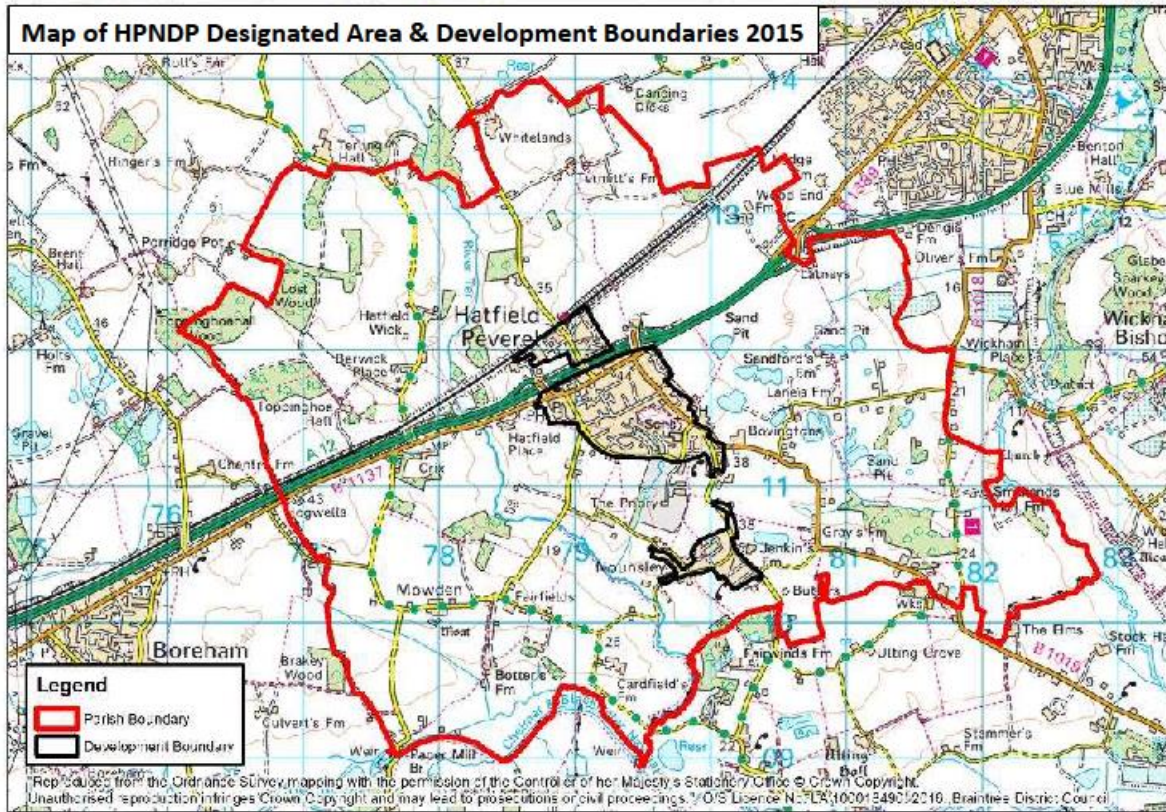
### 8.2 Habitats Regulations Assessment (HRA)

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Subject to Natural England's review, this HRA screening report indicates that the Hatfield Peverel Neighbourhood Development Plan is not predicted to have a likely significant effect on any Habitats Site. The requirement for the Plan to undertake further assessment under the Habitats Regulations 2017 is therefore **screened out** when the Regulations allow this process to be undertaken.

# Appendix 1

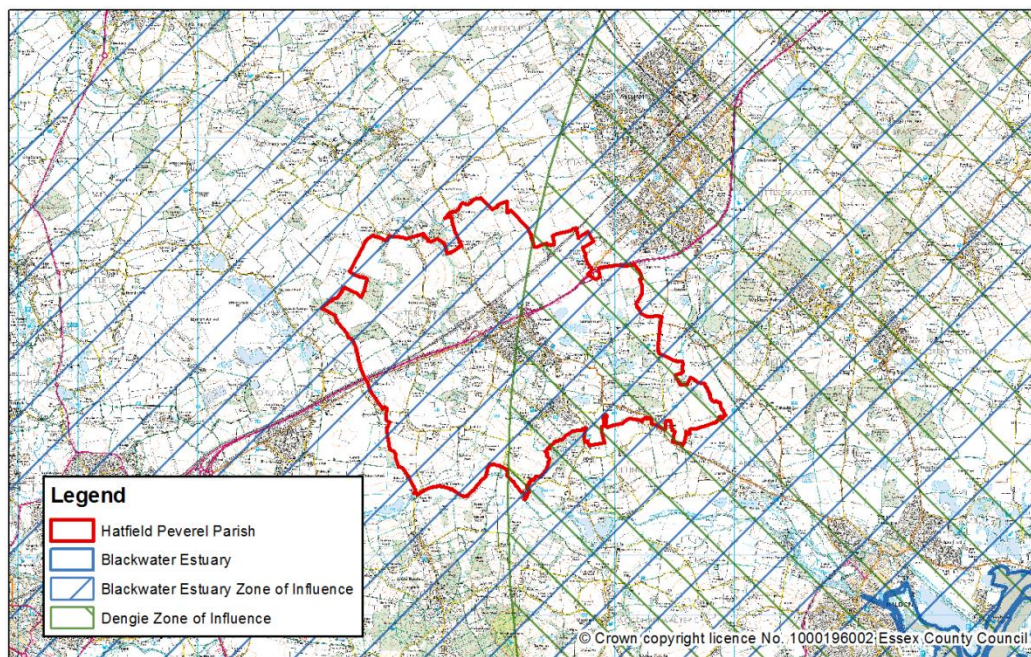
## The Neighbourhood Plan area for Hatfield Peverel



## Appendix 2

### Hatfield Peverel Parish and Zones of Influence for Habitats Sites within 22km

Hatfield Peverel - Zone of Influences



Source: Place Services, 2018



## Place Services

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Essex County Council