

STRATEGIC ENVIRONMENTAL ASSESSMENT and
HABITATS REGULATIONS ASSESSMENT
DRAFT SCREENING REPORT

SOUTH WOODHAM FERRERS NEIGHBOURHOOD PLAN

1 Introduction

- 1.1 This screening report is designed to determine whether the draft South Woodham Ferrers Neighbourhood Plan (SWFNP) requires a full Strategic Environmental Assessment (SEA) and/or a Habitats Regulations Assessment (HRA).
- 1.2 The purpose of the SWFNP is to provide planning policies to guide development in the designated Neighbourhood Plan area (Appendix 1).
- 1.3 An SEA evaluates the environmental effects of a plan before it is made. The SEA requirements are in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plans and Programmes Regulations 2004.
- 1.4 An HRA identifies whether a plan is likely to have any significant effects on a European site, either alone or in combination with other plans or projects. European sites are designated under the UK Conservation of Habitats and Species Regulations 2017 (the 'Habitats Regulations').
- 1.5 In some circumstances, a Neighbourhood Plan can have significant environmental effects. One of the basic conditions that will be tested by the independent examiner is whether the making of the Plan is compatible with European Union Obligations.
- 1.6 Chelmsford City Council (CCC) has the responsibility to ensure that the SEA/HRA requirements have been met, and has provided South Woodham Ferrers Town Council, as the qualifying body preparing the Neighbourhood Plan, with an SEA/HRA screening opinion.
- 1.7 To do this, CCC has:
 - a) Taken into account the criteria specified in the European Directives; and
 - b) Consulted the consultation bodies.
- 1.8 The consultation bodies are defined in section 4 of the SEA Regulations. As the responsible authority, CCC has sought the opinions of the statutory consultation bodies – Historic England, the Environment Agency and Natural England.
- 1.9 Consultation on the initial SEA Screening took place in October/November 2019. Further consultation on additional HRA information took place in April 2020.

2 Legislative background

- 2.1 The basis for Strategic Environmental Assessments and Sustainability Appraisal legislation is European Directive [2001/42/EC](#) 'on the assessment of the effects of certain plans and programmes on the Environment'. This was transposed into

English law by the Environmental Assessment of Plans and Programmes Regulations 2004, or SEA Regulations.

- 2.2 The SEA Regulations include a definition of 'plans and programmes' to which the regulations apply, and which programmes are required by legislative, regulatory or administrative provisions.
- 2.3 The basis for HRA is Article 6 (3) and (4) of the EU Habitats Directive and Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended).
- 2.4 Production of a Neighbourhood Development Plan is not required by legislative, regulatory or administrative provisions. It is an optional process under the provision of the Town and Country Planning Act 1990 (subsequently amended by the Localism Act 2011). However, once a Neighbourhood Plan is 'made' it becomes part of the statutory development plan for the area to which it applies. As such, it therefore forms part of a plan that is required by legislative provisions i.e. the Chelmsford Local Plan (adopted 27 May 2020).

3 SEA - Criteria

- 3.1 The criteria for determining the likely significance of effects referred to in Article 3(5) of Directive 2001/42/EC are set out below:
 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 trans boundary nature of the effects.
 - The risks to human health or the environment (e.g. due to accidents).
 - The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected), the value and vulnerability of the area likely to be affected due to:
 - special natural characteristics or cultural heritage;

4.2 The following assessment applies the questions from the diagram above. The answers determine whether the SWFNP will require a full Strategic Environmental Assessment.

Question	Response
<p>1) Is the PP subject to preparation and/or adoption by a national, regional or local authority OR prepared by an authority for adoption through a legislative procedure by Parliament or Government? (Art. 2(a))</p>	<p>Yes. The preparation and adoption of a Neighbourhood Plan is allowed under the Town and Country Planning Act 1990 as amended by the Localism Act 2011. The Plan is being prepared by South Woodham Ferrers Town Council as the relevant body and, subject to successful completion of the relevant processes as set out in the Neighbourhood Planning (General) Regulations 2012 and the Neighbourhood Planning (Referendums) Regulations 2012, will be made by Chelmsford City Council as the local authority to become part of the statutory Local Plan for that part of the Council's area.</p>
<p>2) Is the PP required by legislative, regulatory or administrative provisions? (Art. 2(a))</p>	<p>Yes. A Neighbourhood Plan is not required by legislative, regulatory or administrative provisions. It is an optional process under the Town and Country Planning Act 1990 (amended by the Localism Act 2011). However, once a Neighbourhood Plan is made it becomes part of the statutory development plan for the area to which it applies. As such it forms part of a plan that is required by legislative provisions.</p>
<p>3) Is the PP 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? (Art 3.2(a))</p>	<p>Yes. The Neighbourhood Plan is prepared for town and country planning and land use. The Neighbourhood Plan contains policies to determine the use of land at the local (parish) level (Art3 (3)). It implements strategic policies in the Chelmsford Local Plan as they relate to the South Woodham Ferrers Neighbourhood Plan Area, as part of the Local Plan allocation called Strategic Growth Site 10 – South Woodham Ferrers.</p> <p>The Neighbourhood Plan will provide guidance against which planning applications will be assessed throughout the Town Council's area, but it does not allocate any land for development.</p>

<p>4) Will the PP, in view of its likely effect on sites, require an assessment for future development under Article 6 or 7 of the Habitats Directive? (Art. 3.2 (b))</p>	<p>No. The strategic allocation in the Chelmsford Local Plan has been tested through the Pre-Submission Local Plan Habitats Regulations Assessment (Submission Document SD 006).</p> <p>This assessment states that the strategic allocation is within 500m of the Crouch estuary, and therefore also of the Essex Estuaries SAC, Crouch and Roach Estuaries SPA, and Crouch and Roach Estuaries Ramsar.</p> <p>Overall, it is considered that the strategic allocation has the potential to significantly affect the SPA/Ramsar through increased visitor pressure, but that this can be moderated or avoided through appropriate mitigation measures incorporated into the Local Plan.</p> <p>The mitigation measures include the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS), which will be adopted as a SPD to guide development proposals and set out the requirement for developers to contribute to the delivery of this strategy.</p> <p>The RAMS will include measures that have been successfully employed for other European sites (e.g. Thames Basin Heaths SPA; Thanet Coast and Sandwich Bay SPA / Ramsar), supported by developer contributions. As a result, this plan-level mitigation measure is considered to be available, achievable and likely to be effective and so can be relied on to ensure that proposals coming forward under the Local Plan either avoid affecting the designated sites (no significant effect) or, where significant effects cannot be avoided, that effects will not adversely affect site integrity. It is anticipated this will be adopted in 2020, before work commences on development of the strategic site.</p>
<p>5) Does the PP determine the use of small areas at local level, OR is it a minor modification of a PP subject to Art. 3.2? (Art. 3.3)</p>	<p>Yes. The Neighbourhood Plan will include policies for the use of land and buildings within the Neighbourhood Plan area.</p>
<p>6) Does the PP set the framework for future development consent of projects (not just projects in annexes to the EIA Directive)? (Art 3(4))</p>	<p>Yes. The Neighbourhood Plan will be used for the determination of planning applications including new housing sites.</p>

<p>7) Is the PP's sole purpose to serve the national defence or civil emergency, OR is it a financial or budget PP, OR is it co-financed by structural funds or EAGGF programmes 2000 to 2006/7? (Art 3.8, 3.9)</p>	<p>No, not applicable.</p>
<p>8) Is it likely to have a significant effect on the environment? (Art. 3(5))</p>	<p>No. See entry 4) of this table.</p>

5 HRA – Screening Assessment

- 5.1 The Conservation of Habitats and Species Regulations 2017 set out the requirement for neighbourhood plans to assess implications for European Sites (Regulation 106).
- 5.2 Chelmsford Local Plan allocates land at South Woodham Ferrers for a strategic development of around 1,000 homes, along with supporting development, access, and supporting infrastructure.
- 5.3 The Local Plan has been subject to continuous and iterative HRA screening and has been found sound following an independent examination. The relevant Submission documents are SD006, SD007, SD008, which can be found at: <https://www.chelmsford.gov.uk/planning-and-building-control/planning-policy-and-new-local-plan/new-local-plan/local-plan-examination/local-plan-examination-documents/>
- 5.4 The HRA assessed three principal aspects for appropriate assessment, namely recreational pressure, air quality and water quality. The HRA concluded that significant effects from development proposed in the Local Plan cannot be excluded, with alone or in combination with other plans. This has led to the development of the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). This identifies a detailed programme of strategic mitigation measures across 12 local authority areas, which are to be funded by developer contributions from residential development schemes, and which is endorsed by Natural England.
- 5.5 South Woodham Ferrers lies entirely within the zone of influence of the following European designated sites:

- Crouch and Roach Estuaries SPA;
- Crouch and Roach Estuaries Ramsar; and
- Essex Estuaries SAC.

5.6 The Local Plan Strategic Growth Site Policy for the South Woodham Ferrers allocation includes the following requirements:

- *Where appropriate, contributions from developments will be secured towards mitigation measures identified in the Essex Recreational disturbance Avoidance and Mitigation Strategy (RAMS) which will be completed by the time the Local Plan is adopted. Prior to RAMS completion, the authority will seek contributions, where appropriate, from proposed residential development to deliver all measures identified (including strategic measures) through project level HRAs, or otherwise, to mitigate any recreational disturbance impacts in compliance with the Habitats Regulations and Habitats Directive;*
- *Undertake a project-level Habitats Regulations Assessment to address the impacts other than recreational disturbance.*

5.7 The draft SWFNP does not propose development allocations in addition to the Strategic Growth Site allocation in the Local Plan. There are no other Neighbourhood Area Designations near to South Woodham Ferrers, so no cumulative effects from other Neighbourhood Plans are anticipated.

5.8 Proposed policies in the draft SWFNP concern the Town Centre uses and design, movement and access including sustainable travel, green space and natural environment, design and character, and the northern growth area (Strategic Growth Site allocation). It is considered that these policies would not create additional risks of a significant effect on the identified European sites.

6 SEA and HRA – Consultation

6.1 CCC consulted the consultation bodies (see 1.7) in October/November 2019, followed by further consultation on additional HRA information in March/April 2020. The consultation responses are attached to this report (Appendix 2), and all support CCC's opinion that a full Strategic Environmental Assessment or Habitats Regulations Assessment will not be necessary to accompany the SWFNP.

6.2 In summary:

- Environment Agency - do not disagree with the conclusion reached that a full Strategic Environmental Assessment report is not required;
- Historic England - concurs with the report that the preparation of a Strategic Environmental Assessment is not required;
- Natural England – there are unlikely to be significant environmental effects from the proposed plan; the proposals contained within the plan will not have significant effects on sensitive sites that Natural England

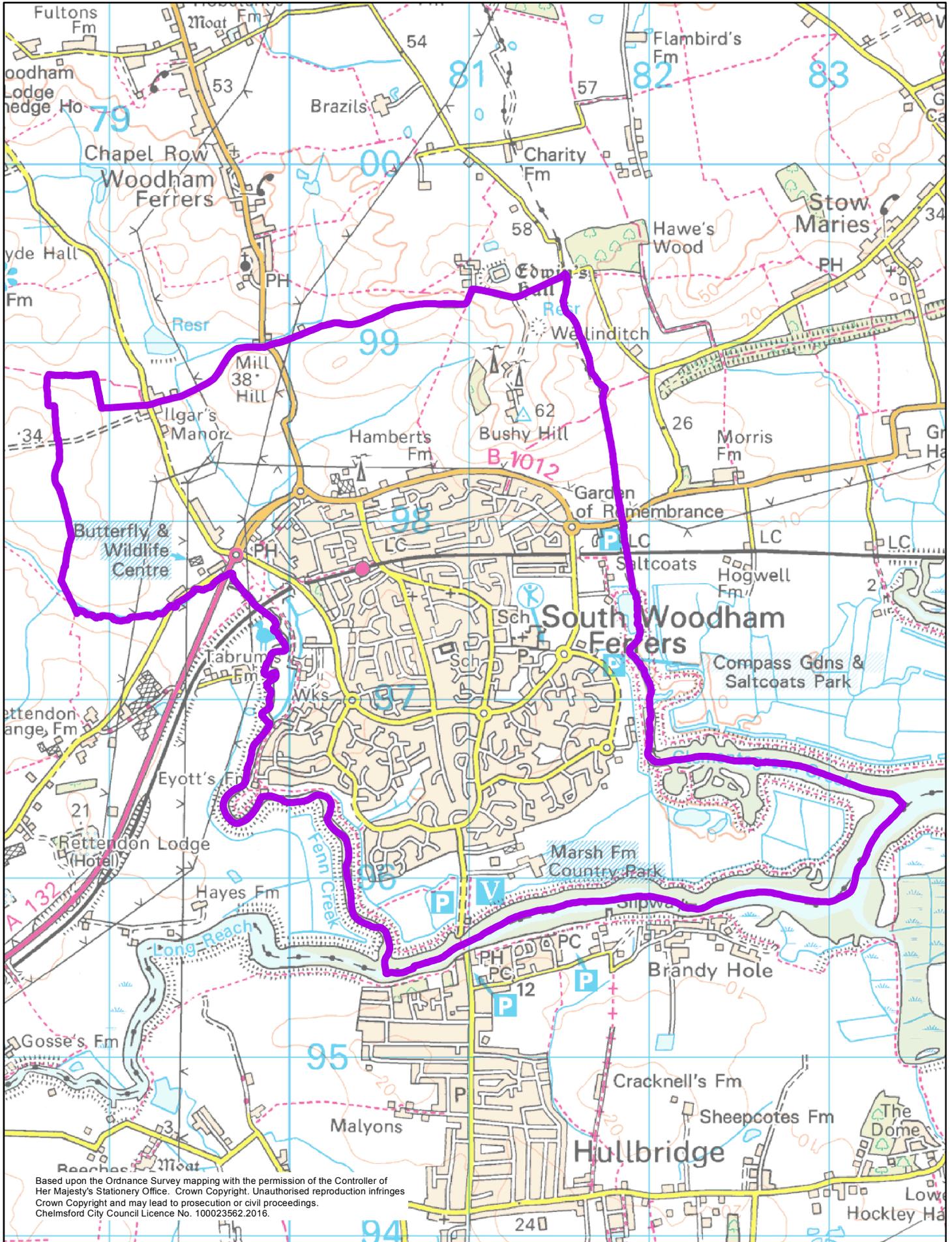
has a statutory duty to protect; they concur with the conclusions of the additional HRA screening assessment.

7 SEA and HRA – Conclusion

- 7.1 As a result of the assessment in Section 4, and the responses from the consultation bodies, Chelmsford City Council has concluded that there are not likely to be significant environmental effects arising directly from the decisions taken through the SWFNP.
- 7.2 Therefore, a full Strategic Environmental Assessment or Habitats Regulations Assessment will not be necessary to accompany the SWFNP.

8 Next steps

- 8.1 This statement will be published on Chelmsford City Council's website: www.chelmsford.gov.uk/communityplans



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JANUARY 2016

Directorate for Sustainable Communities

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Chelmsford
City Council



Ms Jenny Robinson
Chelmsford City Council
Civic Centre Duke Street
Chelmsford
Essex
CM1 1JE

Our ref: AE/2020/124794/01-L01
Your ref: DRAFT SCREENING
REPORT
Date: 08 January 2020

Dear Ms Robinson

**STRATEGIC ENVIRONMENTAL ASSESSMENT SCREENING SOUTH
WOODHAM FERRERS NEIGHBOURHOOD PLAN**

Thank you for consulting us on the above application. We have reviewed the Strategic Environment Assessment dated 5 September 2018 Version 1 in full and can confirm that we do not disagree with the conclusion reached that a full Strategic Environmental Assessment report is not required.

If sites are allocated through the neighborhood plan then consideration should be given to flood risk and climate change.

We trust the above is useful.

Yours sincerely

**Miss Natalie Kermath
Planning Advisor**

Dear Ms Robinson,

Thank you for consulting Historic England regarding the South Woodham Ferrer's SEA Screening. As the Government's adviser on the historic environment Historic England is keen to ensure that the protection of the historic environment is fully taken into account at all stages and levels of the local planning process. Therefore we welcome this opportunity to review the Screening Report for this plan. For the purposes of this consultation, Historic England will confine its advice to the question, "Is it (the South Woodham Ferrers Neighbourhood Plan) likely to have a significant effect on the historic environment?". Our comments are based on the information supplied with the Screening Opinion.

The Screening Report indicates that the Council considers that the plan will not have any significant effects on the historic environment. We note that the plan does not propose to allocate any sites for development.

On the basis of the information supplied, and in the context of the criteria set out in Schedule 1 of the Environmental Assessment Regulations [Annex II of 'SEA' Directive], Historic England concurs with the report that the preparation of a Strategic Environmental Assessment is not required.

The views of the other two statutory consultation bodies should be taken into account before the overall decision on the need for an SEA is made.

I should be pleased if you can send a copy of the determination as required by REG 11 of the Environmental Assessment of Plans and Programmes Regulations 2004.

We should like to stress that this opinion is based on the information provided by you with your correspondence below. To avoid any doubt, this does not reflect our obligation to provide further advice on later stages of the SEA process and, potentially, object to specific proposals which may subsequently arise (either as a result of this consultation or in later versions of the plan) where we consider that, despite the SEA, these would have an adverse effect upon the environment.

Historic England strongly advises that the conservation and archaeological staff of the relevant local authorities are closely involved throughout the preparation of the plan and its assessment. They are best placed to advise on; local historic environment issues and priorities, including access to data held in the Historic Environment Record (HER), how the allocation, policy or proposal can be tailored to minimise potential adverse impacts on the historic environment; the nature and design of any required mitigation measures; and opportunities for securing wider benefits for the future conservation and management of heritage assets.

Please do contact me, either via email or the number below, if you have any queries.

Kind regards,

Edward

Edward James MA BA ACIfA
Historic Places Adviser - East of England
Historic England



Historic England

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www.historicengland.org.uk

Twitter: @HE_EoE

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Date: 23 October 2019
Our ref: 298318
Your ref: South Woodham Ferrers



Ms J Robinson
Chelmsford City Council
Town.planning@chelmsford.gov.uk

Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

BY EMAIL ONLY

T 0300 060 3900

Dear Ms Robinson

SEA Draft Screening report – South Woodham Ferrers

Thank you for your consultation on the above dated and received by Natural England on 21 October 2019

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Screening Request: Strategic Environmental Assessment

It is our advice, on the basis of the material supplied with the consultation, that, in so far as our strategic environmental interests (including but not limited to statutory designated sites, landscapes and protected species, geology and soils) are concerned, that there are unlikely to be significant environmental effects from the proposed plan.

Neighbourhood Plan

Guidance on the assessment of Neighbourhood Plans, in light of the Environmental Assessment of Plans and Programmes Regulations 2004 (as amended), is contained within the [National Planning Practice Guidance](#). The guidance highlights three triggers that may require the production of an SEA, for instance where:

- a neighbourhood plan allocates sites for development
- the neighbourhood area contains sensitive natural or heritage assets that may be affected by the proposals in the plan
- the neighbourhood plan may have significant environmental effects that have not already been considered and dealt with through a sustainability appraisal of the Local Plan.

We have checked our records and based on the information provided, we can confirm that in our view the proposals contained within the plan will not have significant effects on sensitive sites that Natural England has a statutory duty to protect.

We are not aware of significant populations of protected species which are likely to be affected by the policies / proposals within the plan. It remains the case, however, that the responsible authority should provide information supporting this screening decision, sufficient to assess whether protected species are likely to be affected.

Notwithstanding this advice, Natural England does not routinely maintain locally specific data on all potential environmental assets. As a result the responsible authority should raise environmental issues that we have not identified on local or national biodiversity action plan species and/or habitats, local wildlife sites or local landscape character, with its own ecological and/or landscape advisers, local record centre, recording society or wildlife body on the local landscape and biodiversity receptors that may be affected by this plan, before determining whether a SEA is necessary.

Please note that Natural England reserves the right to provide further comments on the environmental assessment of the plan beyond this SEA screening stage, should the responsible authority seek our views on the scoping or environmental report stages. This includes any third party appeal against any screening decision you may make.

For any new consultations, or to provide further information on this consultation please send your correspondences to (redacted)

Yours sincerely

Joanne Widgery
Consultations Team

Re: SEA/HRA Screening for South Woodham Ferrers Neighbourhood ...



07/05/2020

Dear Ms Robinson,

Our ref: 313489

Your ref: SEA/HRA Screening for South Woodham Ferrers Neighbourhood Plan

Thank you for your consultation dated and received 31 March 2020, with revised information relating to South Woodham Ferrers Neighbourhood Plan.

Natural England concur with the conclusions of the HRA screening assessment, and have no further comments to make on the SEA screening.

Yours sincerely,

Joanne Widgery
Natural England
Consultation Service
Hornbeam House
Crewe Business Park, Electra Way,
Crewe, Cheshire, CW1 6GJ

www.gov.uk/natural-england

All Natural England offices and our Mail Hub are currently closed due to the Covid-19 pandemic – please send any documents to me by email not post – see the latest news on Covid-19 a <http://www.gov.uk/coronavirus>.

Stay at home, protect the NHS, save lives



RE: SEA/HRA Screening for South Woodham Ferrers Neighbourhood Plan



To ROBINSON, Jenny

Reply

Reply All

Forward



Wed 01/04/2020 12:13

Dear Ms Robinson,

As the modifications to the Screening Report relate to HRA rather than SEA, I do not think it necessary for Historic England to provide updated comments – please take our original consultation response as unchanged.

Many thanks,

Edward



Historic England

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RE: SEA/HRA Screening for South Woodham Ferrers Neighbourhood Plan



To ROBINSON, Jenny

Reply

Reply All

Forward



Tue 31/03/2020 19:42

You replied to this message on 01/04/2020 08:24.

Good evening Jenny,

The changes that you outline below do not trigger a need for us to be consulted, so I can confirm that we have no further comments for you. Thank you for confirming with us. You already more than likely have, but we would advice to consult Natural England, or check in with them as you have us.

Kind Regards

Natalie Kermath
Sustainable Places Planning Advisor – East Anglia Area (East)
Environment Agency | Iceni House, Cobham Road, Ipswich, Suffolk, IP3 9JD



National Customer Contact Centre: 03708 506506

(Weekday Daytime calls may cost 8p plus up to 6p per minute from BT Weekend Unlimited. Mobile and other providers' charges may vary.)



Do your future plans have environmental issues or opportunities? Speak to us early!

If you are planning a new project or development, we want to work with you to make the process as smooth as possible. We offer a tailored advice service with an assigned project manager giving you detailed and timely specialist advice. Early engagement can improve subsequent planning and permitting applications to you and your clients' benefit. More information can be found on our website [here](#).