

Elmstead Neighbourhood Plan
(2013-2033): Draft - November 2021



Strategic Environmental Assessment (SEA) & Habitat Regulations Assessment (HRA) Screening Report

January 2022





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1. Introduction

1.1 The Purpose of this Report

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

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

1.2 The Elmstead Neighbourhood Plan

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

The Neighbourhood Plan gives the community direct power to develop a shared vision for the Parish of Elmstead and shape its development and growth. The Neighbourhood Plan includes a draft Vision at this stage:

'Elmstead will have grown successfully as a community through the completions of approved housing developments and sustainable infill within the existing fabric of the village settlement. The village core provides a centre bringing the old and new communities together. Although change in the wider parish has been significant, it has provided the opportunity for access to new community facilities and services and improved connectivity of the wider green infrastructure network from the village into the countryside.'

In support of this Vision, the Neighbourhood Plan includes four main 'objectives'. These objectives are:

1. To manage the incremental growth of the village through sensitive infill and to protect the surrounding countryside from harmful development.
2. To conserve the special heritage character of the village and its landscape setting.
3. To protect and improve the ecological value and connectivity of the green infrastructure assets of the village and wider parish.
4. To sustain community facilities and services that are essential to community life.

1.3 The emerging Tendring Local Plan

1.3.1 Tendring District Local Plan 2013-2033 and Beyond: North Essex Authorities' Shared Strategic Section 1 Plan

Section One of Tendring's Local Plan contains strategic cross-boundary policies and allocations for the administrative areas of Tendring, Braintree and Colchester. Tendring District Council formally adopted Section One of the Local Plan in January 2021.

1.3.1.1 Content regarding the Neighbourhood Plan area within the Local Plan

The Neighbourhood Plan acknowledges that the adopted Section One contains a strategic proposal for a Tendring/Colchester Borders Garden Community of up to 9,000 homes, the majority of which lies within the Parish to the west of the village (Policies SP8 and SP9). The proposal also includes new employment land, schools and services and a new link road between the A120 and A133.

As the Neighbourhood Plan sets out, at its closest point the eastern edge of this Garden Community allocation is approximately 400m from the new western edge of the village at Tye Road. It should be noted that the concept framework submitted as part of the examination of the Local Plan indicates that the fields on its eastern boundary to the east of the proposed link road will form part of a buffer to the village together with new woodland planting.

Policies SP8 and SP9 of the Section One Local Plan set out that a Development Plan Document (DPD) will be prepared for the garden community, containing policies setting out how the new community will be designed, developed and delivered in phases. The DPD will define the boundary of the new community and the amount of development it will contain. It will be produced in consultation with the local community and stakeholders and will include a concept plan showing the disposition and quantity of future land-uses, and give a three dimensional indication of the urban design and landscape parameters which will be incorporated into any future planning applications; together with a phasing and implementation strategy which sets out how the rate of development will be linked to the provision of the necessary social, physical and environmental infrastructure to ensure that the respective phases of the development do not come forward until the necessary infrastructure has been secured.

No planning consent for development forming part of the garden community will be granted until the DPD has been adopted.

1.3.2 Emerging Section Two

At the time of writing, Section Two of the Local Plan has just finished the process of examination in public (EiP). The Inspectors' final report highlights a number of further Main Modifications which are required to make the Plan sound in planning terms and capable of adoption.

1.3.2.1 Content regarding the Neighbourhood Plan area within the Local Plan

The emerging Tendring Local Plan sets out the planning policies and land allocations to guide the future development of the District up to 2033. It includes policies on a wide range of topics such as housing, employment, services and facilities, and the natural environment.

1.3.1.1 The Settlement Hierarchy and Principle of Development

Within the emerging Local Plan, Elmstead Market is identified as a 'Rural Service Centre'. For Rural Service Centres, the Local Plan identifies opportunities for small-scale growth, however no allocations are identified within Elmstead Market. Neither is there any identified housing need or requirement specified within the Local Plan that the Neighbourhood Plan should seek to ensure. The Neighbourhood Plan as a result does not intend to allocate any land for housing (or any other development) purposes.

Nevertheless, Elmstead Market's categorisation as a Rural Service Centre does mean that the principle of development is established, and a Settlement Development Boundary covers the built-up area within the village in line with the Policies Map and Policy SPL2. This is proposed to be expanded within the emerging Local Plan to include recent approved housing development. The Neighbourhood Plan intends to expand this further to include more recent permissions, in the same manner as the emerging Local Plan.

1.3.1.2 Village Centres

The emerging Local Plan includes a Policy relevant to those small parades of shops across rural areas that are of neighbourhood significance and contribute to the function of the local communities. The emerging Local Plan acknowledges that the NPPF requires local planning authorities to plan positively for the provision of community facilities such as local shops and guard against the unnecessary loss of valued facilities and services. It therefore includes policy to protect and enhance these local facilities.

This Policy (PP3 – Village and Neighbourhood Centres) sets out that,

'Small-scale retail development to serve the day-to-day needs of village and local neighbourhoods will be normally permitted. Where express planning permission is required, proposals for change of use from retail within a neighbourhood shopping parade or a village with limited shopping provision will not be permitted unless retail use is either:

- *no longer viable;*
- *no longer needed by the community it serves; or*
- *is to be relocated, to provide an equivalent or improved facility.*

The Council will work with its partners, including local businesses, to protect and enhance the following village and local neighbourhood centres and any proposed village and neighbourhood centres as defined on the Policies Map.'

The Neighbourhood Plan intends to include a Policy ELM9 that explores 'The Village Core'.

This policy will establish a vision for the village core related to the design of any new proposals. Within the policy there is also an intention to identify the village centre boundary to manage commercial, business and service uses. This boundary is intended to be amended slightly from that proposed within the emerging Local Plan.

1.3.1.3 Safeguarded Local Green Spaces

The emerging Local Plan identifies and seeks to safeguard several green spaces in Elmstead Market, as identified on the Policies Map. Policy HP 4 – Safeguarded Local Greenspace of the emerging Local Plan sets out that,

Development that would result in the loss of the whole or part of areas designated as Safeguarded Local Greenspaces, as defined on the Policies Map and Local Maps will not be permitted unless the following criteria are met:

- a. the site is replaced by the provision of new site at least equal in quality and size and accessible to the community, which the existing site serves;*
- b. it is demonstrated that there is no longer a demand for the existing site;*
- c. the site is not appropriate for other open space functions; and*
- d. the development of the site would not result in the loss of an area important to visual amenity.*

The Neighbourhood Plan intends to include a Policy ELM11: Local Green Spaces which may seek to include additional safeguarded land as green space. It is understood that the Neighbourhood Plan Group have identified candidate sites and are currently undertaking assessments against relevant NPPF tests.

2. Legislative Background

2.1 Strategic Environmental Assessment (SEA)

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

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

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

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

The Elmstead Neighbourhood 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 Plan & Programme (P&P), and modifications to them, are covered when prepared and/or adopted by an authority and required pursuant to legislative, regulatory or administrative provisions:

- P&P prepared for certain sectors and which set the framework for future development consent in respect of projects under the Environmental Impact Assessment-EIA-Directive.

- P&P requiring an assessment under the Habitats Directive (92/43/EEC).
- P&P setting the framework for development consent in respect of projects (not limited to those listed in the EIA Directive; see above) and determined by "screening" as being likely to have significant environmental effects.'

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

2.2 Habitats Regulations Assessment (HRA)

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

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

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

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 an HRA.

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

3. SEA Screening

3.1 When is SEA Required?

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 a SEA is required. Table 1 sets out the assessment of whether the principle of the Elmstead Neighbourhood Plan will require a full SEA.

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

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

sets a framework for future development consent.

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

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

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

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

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

3.2 Criteria for Assessing the Effects of the Neighbourhood 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,

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

- the relevance of the plan or programme for the implementation of Community legislation on the environment (e.g. plans and programmes linked to waste-management or water protection).

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

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

3.3 Likely Significant Effects resulting from the Neighbourhood Plan

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

- Biodiversity;
- Population;

- Human health;
- Fauna;
- Flora;
- Soil;
- Water;
- Air;
- Climatic factors;
- Material assets;
- Cultural heritage including architectural and archaeological heritage;
- Landscape; and
- The interrelationship between the above factors.

Table 2: Assessment of Likely Significant Effects on the Environment

Criteria for determining the likely significance of effects (Annex II SEA Directive)	Likelihood and summary of significant effects
<p>The degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources.</p>	<p>The Plan at this stage sets out the intention to include relevant policies which will be used to determine proposals for development within the Neighbourhood Plan area once adopted.</p> <p>A Neighbourhood Plan must demonstrate conformity with the strategic policies of the Local Plan and once brought into force, the policies it contains take precedence over existing non-strategic policies only in the Local Plan for that Neighbourhood Plan area.</p> <p>The Neighbourhood Plan does not intend to include any allocations for development. Aside from the strategic Tendring / Colchester Borders Garden Community, which is partly within the Parish, no other allocations are included within Elmstead Market within the emerging Local Plan. No housing requirement is included within the emerging Local Plan for the Neighbourhood Plan area. The degree to which the Plan sets a framework for projects through allocating resources is therefore considered low.</p> <p>The extent to which any conflicts exist between the</p>

Criteria for determining the likely significance of effects (Annex II SEA Directive)	Likelihood and summary of significant effects
	<p>Neighbourhood Plan and District level policies within the Local Plan will be considered between the Parish Council and the Local Planning Authority in finalising the Neighbourhood Plan, or otherwise through the independent examination of the Neighbourhood Plan.</p>
<p>The degree to which the plan or programme influences other plans or programmes including those in a hierarchy.</p>	<p>The Neighbourhood Plan provides policies for the Plan area, relevant to a local level only. The Neighbourhood Plan does not allocate any land for development purposes and its policies are considered to be in general conformity to that of the emerging Tendring Local Plan. The Neighbourhood Plan, when/if 'made', will have weight in all planning decisions within the Plan area. Despite this, a neighbourhood plan should support the delivery of strategic policies set out in the local plan or spatial development strategy and should shape and direct development that is outside of those strategic policies. More specifically Paragraph 29 of the National Planning Policy Framework (NPPF) states that neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies. The degree to which the plan or programme influences other plans or programmes is therefore low in the context of the Plan area.</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>Neighbourhood Plans are required to contribute to the achievement of sustainable development. The Neighbourhood Plan policies seek to ensure environmental considerations are taken into account. The Neighbourhood Plan intends to include policies related (directly / indirectly) to ensuring environmental considerations will be integrated into any forthcoming development within the Plan area. These are:</p> <ul style="list-style-type: none"> • Policy EML7: Local Heritage Assets; • Policy ELM11: Local Green Spaces; • Policy EML12: Green Ring; and • Policy EML13: Nature Recovery.

Criteria for determining the likely significance of effects (Annex II SEA Directive)	Likelihood and summary of significant effects
	<p>Irrespective of the adequacy of the above policies, emerging Local Plan policies apply within the Neighbourhood Plan area, which have been subject to thorough assessment within the Local Plan Sustainability Appraisal and Habitats Regulations Assessment. This ensures that environmental considerations, in particular with a view to promoting sustainable development, will be considered for all development proposals within the Neighbourhood Plan area.</p>
<p>Environmental problems relevant to the plan area</p>	<p>The Neighbourhood Plan reflects a small area and the Plan’s policy content seeks to address environmental issues. The policy content of the adopted Local Plan will additionally apply to any proposals within the Neighbourhood Plan area. Local Plan policies have been subject to Sustainability Appraisal (SA) within the context of the Local Plan. The Neighbourhood Plan and this Screening Report identify the following potential (direct / indirect) environmental problems or sources of potential problems relevant to the Neighbourhood Plan area:</p> <ul style="list-style-type: none"> • The Plan area contains at its southern most point part of the Colne Estuary (Mid-Essex Coast Phase 2) Ramsar site and Special Protection Area (SPA). • The Plan area also contains in this area part of the Essex Estuaries Special Area of Conservation (SAC). • Furthermore in this area are the Upper Colne Marshes SSSI and the Colne Estuary SSSI. These SSSIs are in a favourable condition, and an unfavourable recovering condition respectively. • The Wivenhoe Gravel Pit SSSI (in a favourable condition) is located on the border of the Parish boundary, north east of Wivenhoe. • Due to the three SSSIs above, the Plan area is within various SSSI Impact Risk Zones (IRZs). Some development proposals within IRZs are required to be consulted on with Natural England, should they be of a type or size that could warrant

Criteria for determining the likely significance of effects (Annex II SEA Directive)	Likelihood and summary of significant effects
	<p>negative effects on the relevant SSSI.</p> <ul style="list-style-type: none"> • A number of Priority Habitats (from the Priority Habitat Inventory¹) are scattered throughout the Plan area. These include coastal saltmarsh, mudflats, coastal and floodplain grazing marsh, deciduous woodland, broadleaved woodland, young trees woodland, traditional orchard, assumed woodland and ground prep woodland. • The Plan area contains Ancient & Semi-Natural Woodland at Palegate Wood, Park Wood and Money Wood. These woods are also identified as Local Wildlife Sites (LoWSs). • In addition, Pyecats Corner Verges in Elmstead is also a designated LoWS. • There are approximately 20 Listed Buildings within the Plan area; the majority of these are associated with the built up area of Elmstead Market. • Of these Listed Buildings there exists the Grade I listed Church of St Anne and St Lawrence, and the Grade II* listed Elmstead Hall. • The Plan area also contains the Grade II listed Registered Park and Garden ‘Beth Chatto Gardens.’ • Turnip Lodge Lane in the Parish of Elmstead is identified as a Protected Lane. • The entirety of the Neighbourhood Plan area is within a Source Protection Zones (SPZs) – Zone III (Total Catchment). SPZs are defined around large and public potable groundwater abstraction sites. The purpose of SPZs is to provide additional protection to safeguard drinking water quality through constraining the proximity of an activity that may impact upon a drinking water abstraction. • Land within Flood Risk Zones 3 and 2 exist within

¹ a spatial dataset that describes the geographic extent and location of Natural Environment and Rural Communities Act (2006) Section 41 habitats of principal importance.

Criteria for determining the likely significance of effects (Annex II SEA Directive)	Likelihood and summary of significant effects
	<p>the Neighbourhood Plan area. These areas are associated with the River Colne estuary at the southernmost part of the Plan area, and also the Sixpenny Brook and the Tenpenny Brook.</p> <ul style="list-style-type: none"> • The non-developed areas of the Plan area consist of Grade 1 ('excellent') and Grade 2 ('very good') soils. Grade 1 soil represents the best and most versatile soil within the wider District context and also the country. • The Plan area is located within the Northern Thames Basin National Character Area (NCA). • Relevant to the Plan area, the Essex heathlands lie north-east of the London Clay lowlands and Essex wooded hills and ridges, in the north-east of the NCA. The geology of the area is predominantly sands and gravels, which were deposited by the Thames as it changed its course over time to its present location. • Around the Tendring area deposits of wind-borne silty loam overlie the sands and gravels but overall the soils are light and free draining. The area is relatively flat with contrast provided by the steep-sided slopes of the Stour, Colne and Roman river valleys which, along with their tributaries, drain the plateau and are eventually discharged into the North Sea.
<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>The content of the Neighbourhood Plan is not in conflict with those relevant planning documents within the wider district and county area related to waste management or water protection.</p>

Criteria for determining the likely significance of effects (Annex II SEA Directive)	Likelihood and summary of significant effects
<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>
<ul style="list-style-type: none"> • Biodiversity 	<p>The Plan intends to include a Policy ELM13: Nature Recovery, which will focus on identifying the existing green infrastructure network and highlights opportunities for its improvement and recovery. The policy will require any future development proposals to relate their scheme to this network and signal to Tendring District Council that it should consider the role of this network as part of its future Local Nature Recovery Strategy.</p> <p>The Plan area includes parts of, and also lies within the Impact Risk Zone (IRZ) of, coastal Habitats Sites. The HRA Screening element of this Report concludes that there would be no likely significant effects resulting from the Plan alone or in-combination with other plans and projects. This is due to the Plan not introducing any new residential or employment development proposals which would result in any direct impacts.</p> <p>The Plan area is within the IRZs of numerous SSSIs within or adjacent to the Neighbourhood Plan boundary. The implications of this are that the majority of planning applications within the Plan area may require consultation with Natural England outside the settlement development boundary of Elmstead Market and that applicable to the future Garden Community once identified in a forthcoming DPD. Consultation with Natural England is considered a development management issue (in so far as consultation is required at that stage), and relevant policies exist within the adopted and emerging sections of the Tendring Local Plan.</p> <p>In consideration of all of the above, effects on biodiversity resulting from the Plan can therefore be ruled out.</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"> Population 	<p>It is considered that there would be no significant effects on population resulting from the Neighbourhood Plan. This is due to the small scale of the Plan area.</p>
<ul style="list-style-type: none"> Health 	<p>The Neighbourhood Plan intends to include a Policy ELM14: Health and Wellbeing Service Provision, and also seeks to designate and safeguard Local Green Spaces within Policy EML11. Positive outcomes regarding human health can be expected as a result of the Neighbourhood Plan.</p> <p>There are considered to be no significant effects resulting from the Neighbourhood Plan regarding human health that would warrant a strategic assessment through SEA.</p>
<ul style="list-style-type: none"> Fauna 	<p>There are no direct impacts resulting from the Neighbourhood Plan on fauna that are considered significant at the Plan level. The Plan intends to ensure positive outcomes in regard to nature recovery and green infrastructure and does not propose any development that could lead to any deterioration of habitats. It is possible that any number of speculative developments could be forthcoming within the Plan area that could have negative impacts on protected species, however these cannot be considered strategically significant to the extent that Strategic Environmental Assessment would be warranted. Such issues are more appropriate to be considered on a case-by-case 'project level' basis at the development management stage and in accordance with relevant development management policies contained within the LPA's emerging and adopted sections of the Local Plan.</p>
<ul style="list-style-type: none"> Flora 	<p>Numerous and various areas of Priority Habitat exist within the Plan Area. The Plan intends to ensure positive outcomes in regard to nature recovery and green infrastructure and does not propose any development that could lead to any deterioration of habitats.</p> <p>In addition to this emerging and adopted Local Plan policies</p>

Criteria for determining the likely significance of effects (Annex II SEA Directive)	Likelihood and summary of significant effects
	<p>apply. As a result, no effects are expected to result from the Neighbourhood Plan regarding flora.</p>
<ul style="list-style-type: none"> • Soil 	<p>The non-developed areas of the Neighbourhood Plan area consist of Grade 1 ('excellent') and Grade 2 ('very good') soils. The Neighbourhood Plan does not propose any development, through allocations, within these or any greenfield land within the Neighbourhood Plan area. There are no identified negative implications surrounding soil quality as a result of the Neighbourhood Plan.</p>
<ul style="list-style-type: none"> • Water 	<p>The Plan area is within a groundwater Source Protection Zone (Zone III). The Neighbourhood Plan does not allocate land for any development purposes that could give rise to ground water pollutants (e.g. give rise to hazardous substances such as pesticides, oils, petrol and diesel, solvents, arsenic, mercury or chromium VI; or non-hazardous substances such as ammonia or nitrates). Pollution control policies at the LPA level apply within the Neighbourhood Plan area to ensure that no negative effects on water quality should be experienced within the Elmstead Neighbourhood Plan area.</p> <p>The HRA element of this Report concludes that although water quality effects regarding Habitats Sites cannot be ruled out, policy within the adopted Section One Local Plan applies. To ensure that the water quality of the Habitats Sites are not adversely affected by growth proposals in Section One, the Appropriate Assessment recommended the inclusion of policy safeguards to ensure that adequate water treatment capacity exists prior to North Essex Authorities' Shared Strategic Section One Plan development (the Garden Community) proceeding and a commitment that the phasing of development would not exceed water and sewage infrastructure capacity and that the necessary infrastructure upgrades would be in place prior to development coming forward.</p> <p>It is therefore considered that any issues regarding water</p>

Criteria for determining the likely significance of effects (Annex II SEA Directive)	Likelihood and summary of significant effects
	quality can be ruled out from the Neighbourhood Plan.
<ul style="list-style-type: none"> Air 	<p>There are no identified air quality issues within the Plan area. Although consultation with Natural England is required for some forms of development that could cause air pollution (regarding industrial/agricultural development) in association with the IRZs of SSSIs in parts of the Plan area, consultation would be required at the planning application stage and is not considered a matter would warrant SEA, as a strategic process, to be undertaken.</p>
<ul style="list-style-type: none"> Climatic factors 	<p>No policies exist within the Plan that address flood risk issues, although it should be acknowledged that existing adopted Local Plan policies regarding flood risk apply in the Plan area.</p> <p>The Neighbourhood Plan area contains relatively small areas of Flood Risk Zone 3 distanced from the built-up area of Elmstead Market. No development allocations are proposed within the Plan that would lead to any incompatibilities in any such areas. It is therefore considered that the full application of the SEA Directive would not be required; any speculative development coming forward within the Neighbourhood Plan area in the Plan period can be considered at the planning application stage.</p>
<ul style="list-style-type: none"> Material assets 	<p>The Plan area is within a Minerals Safeguarding Area (MSA) for sand and gravel within the County Council's adopted Minerals Local Plan (Proposals Map) (2014). A preferred extraction site allocation of the Minerals Local Plan, 'Sunnymead' (Site A20), at Elmstead and Heath Farm, is partially within the Plan area. This site is also allocated within the Essex and Southend-on-Sea Waste Local Plan (2017) for inert landfill (allocation L(i)5) and waste recycling (allocation W36) post-minerals extraction.</p> <p>The Plan does not intend to allocate any land for development purposes that would require (at the</p>

Criteria for determining the likely significance of effects (Annex II SEA Directive)	Likelihood and summary of significant effects
	<p>development management stage) consultation with ECC in accordance with the MSA. Furthermore, no identified conflicts are identified associated with the Neighbourhood Plan and the allocation of the Sunnymead site for either mineral extraction or waste management purposes.</p> <p>Regarding other material assets, the content of the Neighbourhood Plan is not considered to have any significant effects due to the extent / size of the Plan area. Such issues are more appropriate to be considered on a case-by-case basis at the development management stage and in accordance with relevant development management policies contained within the LPA's adopted Local Plan.</p>
<ul style="list-style-type: none"> • Cultural heritage 	<p>The Plan area contains numerous Listed Buildings, as well as a Registered Park and Garden. The Plan does not allocate any land for development purposes that could have any negative effect on any of these assets.</p> <p>The Plan intends to include policies that directly or indirectly regard heritage and the historic environment that will apply to all proposals in the plan area over the Plan period. These are:</p> <ul style="list-style-type: none"> • Policy ELM7: Local Heritage assets; and • Policy ELM6: Design Codes. <p>Irrespective of the robustness of these policies in ensuring the protection and enhancement of heritage assets, policy also exists at the LPA level which additionally applies in the Plan area. The effects on heritage are, as a result, considered a development management issue in the context of the Plan and its content. There are not considered to be any elements of the Plan that would give rise to significant effects on the historic environment at the strategic level that would require the full application of the SEA Directive.</p>
<ul style="list-style-type: none"> • Landscape 	<p>The Plan area is within a sensitive landscape, in regard to the protection objectives of the Northern Thames Basin National Character Area (NCA). The Plan area contains</p>

Criteria for determining the likely significance of effects (Annex II SEA Directive)	Likelihood and summary of significant effects
	<p>numerous features synonymous with this NCA. Nevertheless, the Plan does not allocate land for development purposes and intends to include policy relevant to local landscape character and its preservation.</p> <p>In light of the Plan’s intended policy stance regarding landscape character and in consideration also of the requirements of development proposals in accordance with the emerging Tendring Local Plan, there are no significant strategic landscape effects identified within this Report that would warrant the requirement for the application of the SEA Directive and the formulation of a SEA Environmental Report.</p>
The cumulative nature of the effects.	In line with the above considerations that explore the possible individual effects of the Plan’s content, no significant effects have been highlighted as possible that could lead to any cumulative impact.
The trans boundary nature of the effects.	The adopted elements of the Tendring Local Plan, and also those of the emerging elements of the Local Plan, can be seen to support the protection and improvement of conditions relevant to those sustainability factors listed within the SEA Directive. The Neighbourhood Plan is not in conflict with these wider thematic policies. The HRA Screening element of this Report, which explores in-combination effects with other relevant plans and projects, also identifies no in-combination effects regarding Habitats (European) Sites.
The risks to human health or the environment (e.g. due to accidents).	It is considered that there is no 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 Plan is unlikely to give rise to any accidents that can be considered to have a significant risk to human health or the environment.

Criteria for determining the likely significance of effects (Annex II SEA Directive)	Likelihood and summary of significant effects
<p>The magnitude spatial extent of the effects (geographical area and size of the population likely to be affected).</p>	<p>The Neighbourhood Plan relates to the local level only. No allocations are included within the Plan and the magnitude and spatial extent of the Plan’s content is unlikely to be significant in a wider District context. Effects are not expected to be realised over a wide geographic area.</p>
<p>The value and vulnerability of the area likely to be affected due to:</p> <ul style="list-style-type: none"> • special natural characteristics or cultural heritage • exceeded environmental quality standards • intensive land use 	<p>As highlighted above in the screening of the Neighbourhood Plan per sustainability theme, the Neighbourhood Plan has not been assessed as having any possible negative effect associated with environmental themes.</p>
<p>The effects on areas or landscapes which have a recognised national, community or international protection status.</p>	<p>As highlighted above in the screening of the Plan per sustainability theme, the Neighbourhood Plan has not been assessed as having any significant effects on areas or landscapes which have a recognised national, community or international protection status.</p>

4. HRA Screening

4.1 Habitat Regulations Assessment of Development Plans

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

This section of this Report aims to:

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

4.2 Court Judgements and their consideration in this Report

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

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

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

4.2.2 CJEU Holohan C- 461/17

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

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

2. [...] the competent authority is permitted to grant to a plan or project consent which leaves the developer free to determine subsequently certain parameters

relating to the construction phase, such as the location of the construction compound and haul routes, only if that authority is certain that the development consent granted establishes conditions that are strict enough to guarantee that those parameters will not adversely affect the integrity of the site.

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

Within this HRA Screening report, the assessment determines the requirement whether an Appropriate Assessment is needed for the Elmstead Neighbourhood Plan.

4.3 Habitats (European) Sites

Habitats Sites is the term used in the NPPF (2019) to describe any site which would be included within the definition at Regulation 8 of the Conservation of Habitats and Species Regulations 2017 (as amended) for the purpose of those regulations. These now form part of the UK national network of sites for nature protection. The aim of the network is to assure the long-term survival of UK's most valuable and threatened species and habitats.

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

4.3.1 Explanation of SPAs, SACs and Ramsar Sites

Special Protection Areas (SPAs)

SPAs are areas which have been identified as being of international importance for the breeding, feeding, wintering or the migration of rare and vulnerable species of birds found within EU countries. Example: Stour and Orwell Estuaries SPA is internationally important for wintering waterfowl. Legislation: Conservation of Habitats and Species Regulations 2017 (as amended).

Special Areas of Conservation (SACs)

SACs are areas designated to protect habitat types that are in danger of disappearance, have a small natural range, or are highly characteristic of the region; and to protect species that are endangered, vulnerable, rare, or endemic. Example: Essex Estuaries SAC. The Mid-Essex Coast comprises an extensive complex of estuaries and intertidal sand and silt flats, including several islands, shingle and shell beaches and extensive areas of saltmarsh. Legislation: Conservation of Habitats and Species Regulations 2017 (as amended).

Wetlands of International Importance (Ramsar Sites)

Ramsar Sites are designated to protect the biological and physical features of wetlands, especially for waterfowl habitats. For example, Colne Estuary Ramsar which is important due to the extent and diversity of saltmarsh present. This site, and the four other sites in the Mid-Essex Coast complex, includes a total of 3,237 ha, that represent 70% of the saltmarsh habitat in Essex and 7% of the total saltmarsh in Britain.

Ramsar sites often overlap with SACs and SPAs and UK planning policy determines that they should be accorded the same importance when developments are proposed.

Legislation: Ramsar Convention (1971) – Wetlands of International Importance and Conservation of Habitats and Species Regulations 2017 (as amended).

4.3.2 Habitats Sites to be considered

There are 14 Habitats sites which lie within 20 km of the Elmstead Neighbourhood Plan area. These are listed in Table 3 and shown on the map in Appendix 2.

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

SPA
Colne Estuary (Mid Essex Coast Phase 2), Stour & Orwell Estuaries, Hamford Water, Blackwater Estuary (Mid Essex Coast Phase 4), Dengie (Mid Essex Coast Phase 1), Outer Thames Estuary, Abberton Reservoir,
SAC
Essex Estuaries, Hamford Water
Ramsar
Colne Estuary (Mid Essex Coast Phase 2), Stour & Orwell Estuaries, Hamford Water, Blackwater Estuary (Mid Essex Coast Phase 4), Dengie (Mid Essex Coast Phase 1),

The Impact Risk Zones for the underpinning SSSIs for the aforementioned Habitats sites were interrogated on MAGIC map and evidenced Zone of Influence (ZOI) for recreational disturbance impacts on coastal Habitats sites. The Elmstead Neighbourhood Plan area lies outside the IRZ for Abberton Reservoir SPA and Outer Thames Estuary SPA.

However, the Plan area lies within the ZOI for the Essex Coast RAMS (covering Hamford Water SPA, SAC & Ramsar, Stour & Orwell SPA and Ramsar, Colne Estuary SPA and

Ramsar, Blackwater Estuary SPA and Ramsar, Dengie SPA and Ramsar and Essex Estuaries SAC. Therefore these 12 Habitats sites are within scope of this Plan level HRA screening.

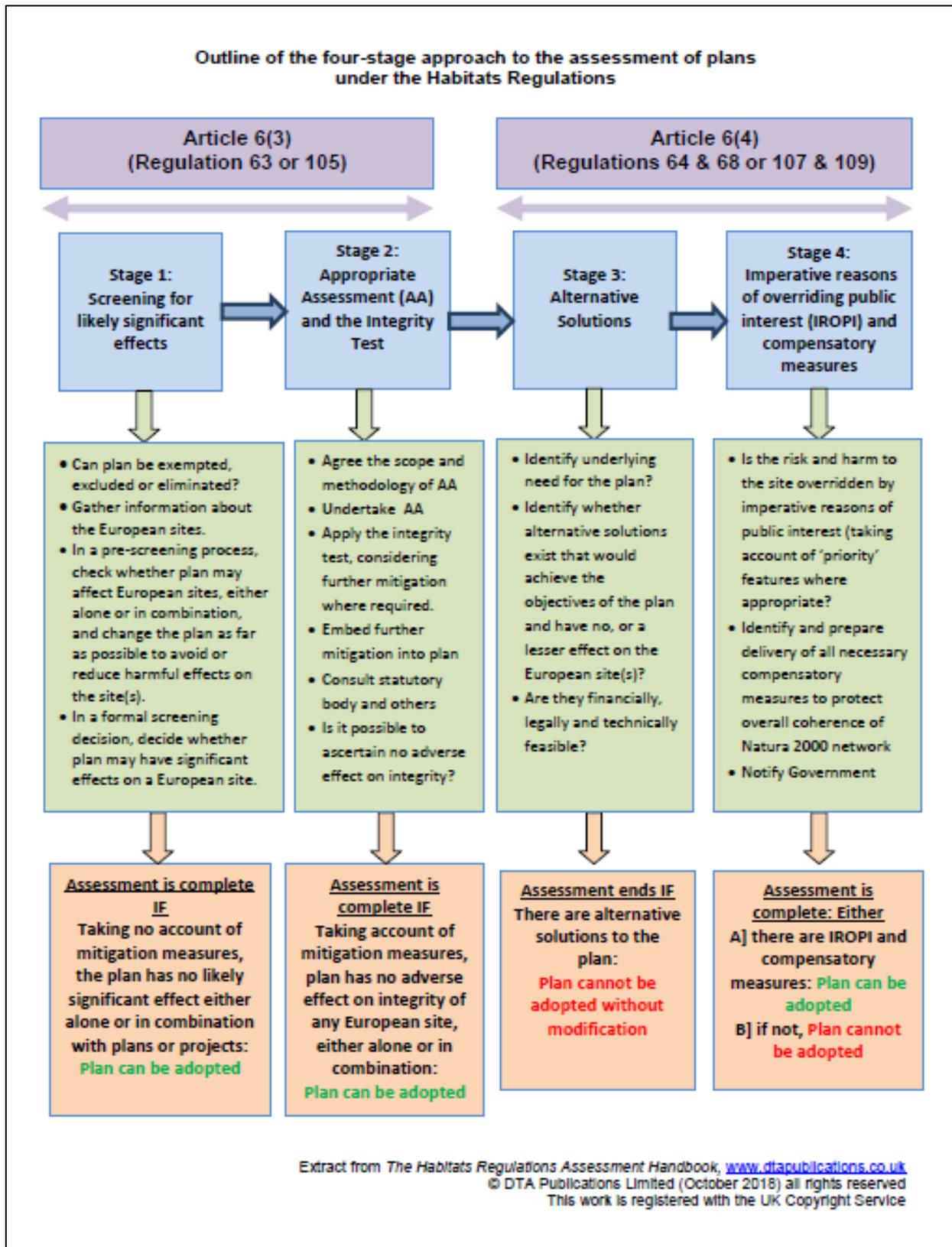
4.3.3 Conservation Objectives

Information on each of the above Habitats sites is available on the Natural England website. The justification for the importance of each Habitats site and the reasons for designation-the Conservation Objectives and Designation Features- for each site have been considered. In addition, the HRA screening also reflects the Supplementary Advice for Conservation Objectives which describes the range of ecological attributes that are most likely to contribute to a site's overall integrity and key vulnerabilities to consider within Habitats Regulations Assessments.

4.4 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 Habitats (European) offshore marine site, either alone or in combination with other plans or projects. This document relates to the HRA process as set out in Figure 1 below which has been produced under licence.

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



4.4.1 Stage 1: HRA Screening

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

Table 4: Screening categorisation

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

4.4.2 Potential impacts of Elmstead Neighbourhood Plan on Habitats Sites

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

- Land take by development;
- Impact on protected species found within but which travel outside the protected sites (functionally linked land) 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 or tourist related projects;

- Changes in water availability, or water quality as a result of development and increased demands for waste water treatment, and changes in groundwater regimes due to increased impermeable areas;
- Changes in atmospheric pollution levels due to increased traffic, waste management facilities etc. Pollution discharges from developments such as industrial developments, quarries and waste management facilities.

In line with the HRA report for North Essex Authorities Shared Strategic Section 1 Plan 2013-2033 and Beyond, each policy will be assessed against the criteria in the table below.

Table 4: Assessment of potential impacts on Habitats Sites

Nature of potential impact	How the Elmstead Neighbourhood Plan (alone or in combination with other plans and projects) could affect a Habitats site	Why these effects are not considered significant
Land take by development	Although the Plan area contains land within the Colne Estuary SPA & Ramsar site, no development is allocated on designated land	No likely significant effects are expected, as no development will be allocated on designated land. As there will be no land take by development this impact pathway is <u>screened out</u> .
Impact on protected species outside the protected sites	The Plan area contains land which may be functionally linked to the designated features of the Essex Coast Habitats sites and may be used by protected species outside of the designated sites.	The Elmstead Neighbourhood Plan does not allocate any new land for development and therefore no likely significant effects are expected on land which is functionally linked to the Habitats Sites. As no impacts on protected species outside of the sites are predicted this impact pathway is <u>screened out</u> .
Recreational pressure and disturbance	The Elmstead Neighbourhood Plan area lies within the evidenced ZOIs for the Essex Coast RAMS and does allocate the former community centre for re-development to provide residential units. However, any future large	As the Elmstead Neighbourhood Plan allocates the former community centre for re-development as a small housing scheme, it will be supported by the adopted Local Plan Section 1 Plan Policy SP2 Recreational disturbance Avoidance and

Nature of potential impact	How the Elmstead Neighbourhood Plan (alone or in combination with other plans and projects) could affect a Habitats site	Why these effects are not considered significant
	<p>residential development could result in a Likely Significant Effects alone from predicted recreational disturbance.</p>	<p>Mitigation Strategy (RAMS) and the Essex Coast RAMS SPD.</p> <p>The adopted Local Plan Section 1 Plan Policy SP8 Development & Delivery of a New Garden Community in North Essex states that a DPD will be prepared and part x requires significant networks for new green infrastructure including a new country park. Should any large residential development come forward in Elmstead, this provision is considered sufficient to comply with Natural England’s advice to avoid predicted recreational impacts from residential development when considered alone.</p> <p>It is therefore considered that this impact pathway should be screened out for further assessment as without mitigation, Likely Significant Effects from the Neighbourhood Plan resulting from recreational impacts on Habitats sites can be ruled out.</p>
<p>Water quantity and quality</p>	<p>Surface water discharge /drainage and wastewater has the potential to pose a risk at some locations within the parish, especially if sites are hydrologically connected to the Colne Estuary SPA and Ramsar site.</p>	<p>As development supported will be on land within the 5km Impact Risk Zone, without mitigation, likely significant effects cannot be ruled out.</p> <p>However, Policy SP1 of the adopted North Essex Authorities Shared Strategic Section 1 Plan supports sustainable</p>

Nature of potential impact	How the Elmstead Neighbourhood Plan (alone or in combination with other plans and projects) could affect a Habitats site	Why these effects are not considered significant
	<p>All land within the Parish lies within the 5km Impact Risk Zone identified on Magic maps for high levels of water discharge to the Colne Estuary SPA and Ramsar site.</p>	<p>development. To ensure that the water quality of the Habitats sites are not adversely affected by growth proposals in Section 1, the Appropriate Assessment recommended the inclusion of policy safeguards to ensure that adequate water treatment capacity exists prior to North Essex Authorities' Shared Strategic Section 1 Plan developments proceeding and a commitment that the phasing of development would not exceed water and sewage infrastructure capacity and that the necessary infrastructure upgrades would be in place prior to developments coming forward.</p> <p>It is therefore considered that this impact pathway should be screened out from further assessment from water quality impacts on Habitats sites.</p>
<p>Changes in air pollution levels</p>	<p>No air quality impacts are predicted from Neighbourhood Plan, as well as any future development.</p>	<p>No likely significant effects are expected, as no development will be allocated on land within 200 metres of the Colne Estuary SPA and Ramsar.</p> <p>It is therefore considered that this impact pathway should be screened out from further assessment from changes in air pollution levels on Habitats sites.</p>

4.5 Results from HRA Screening of Neighbourhood Plan Policies

Each of the policies in the Elmstead Neighbourhood Plan was screened to identify whether they would have any impact on a Habitats Site.

Table 5: Assessment of potential impacts from the Plan policies

Policy Number	Policy Wording	Will Policy have Likely Significant Effects on the Habitats Sites?	Recommendations
POLICY ELM1: SETTLEMENT DEVELOPMENT BOUNDARY	POLICY INTENT: A policy to draw the settlement development boundary as proposed by the emerging Tendring Local Plan, but also including approved planning applications, to distinguish between the built-up area and the surrounding countryside to manage development proposals accordingly. Proposals for development outside of the settlement development boundary will only be supported if they are appropriate to a countryside location.	No, Category A	No specific recommendations
POLICY ELM2: THE FORMER ELMSTEAD COMMUNITY CENTRE	POLICY INTENT: A policy to support the redevelopment of the former Elmstead Community Centre to provide a small affordable housing scheme for local people. The site lies within the settlement development boundary and Table 12 of the SA and SEA Environmental Report for the Tendring Local Plan recognises that development within settlement boundaries will ensure positive impacts on	No, Category A	No specific recommendations

Policy Number	Policy Wording	Will Policy have Likely Significant Effects on the Habitats Sites?	Recommendations
	accessibility to services and sustainable development directed to the most sustainable development and represents an efficient use of brownfield land.		
POLICY ELM3: AFFORDABLE HOUSING	POLICY INTENT: We are currently investigating whether we can apply the provisions made at paragraph 64 of the NPPF for designated rural areas to lower the affordable housing threshold to 5 units or fewer in designated rural areas as Elmstead is a designated rural area.	No, Category A	No specific recommendations
POLICY ELM4: FIRST HOMES	POLICY INTENT: We have commissioned a HNA to establish whether we require a higher minimum discount for First Homes in the Parish.	No, Category A	No specific recommendations
POLICY ELM5: PASSIVHAUS	POLICY INTENT: A policy to deliver a step change in the energy performance of all new developments in the Parish by encouraging and incentivising the use of the Passivhaus or equivalent standard of building design.	No, Category A	No specific recommendations
POLICY ELM6: DESIGN CODES	POLICY INTENT: We have commissioned a design study to inform a policy that refines emerging Local Plan Policy SPL3 by defining the local landscape character, views, skylines, landmarks, existing street	No, Category A	No specific recommendations

Policy Number	Policy Wording	Will Policy have Likely Significant Effects on the Habitats Sites?	Recommendations
	patterns, open spaces and other locally important features in Elmstead to which development should have regard in designing their proposals.		
POLICY ELM7: LOCAL HERITAGE ASSETS	POLICY INTENT: The study will also identify Local Heritage Assets and a policy will resist harm, or unnecessary loss, of these Local Heritage Assets, unless it can be demonstrated that there is a public benefit that outweighs that harm.	No, Category A	No specific recommendations
POLICY ELM8: IMPORTANT VIEWS	POLICY INTENT: A policy that identifies Important Views in the Parish and requires proposals to recognise and take into account these Important Views in their design proposals.	No, Category A	No specific recommendations
POLICY ELM9: THE VILLAGE CORE	POLICY INTENT: A policy to establish our vision for the village core so that new applications can consider this in the design of their schemes. Within that we'll also identify the village centre boundary to manage commercial, business and service uses which we have amended slightly to that proposed by Tendring.	No, Category A	No specific recommendations
POLICY ELM10: MOVEMENT, CONNECTIVITY AND TRAFFIC	POLICY INTENT: A policy which seeks to encourage safe travel by means other than the car and contributions for traffic calming measures and improvements to	No, Category A	No specific recommendations

Policy Number	Policy Wording	Will Policy have Likely Significant Effects on the Habitats Sites?	Recommendations
	the pedestrian/cycling network.		
POLICY ELM11: LOCAL GREEN SPACES	POLICY INTENT: A policy which designates Local Green Spaces. We have identified candidates and we are currently undertaking assessments against the NPPF tests.	No, Category A	No specific recommendations
POLICY ELM12: GREEN RING	POLICY INTENT: A policy which identifies the existing green infrastructure network and a spatial concept that highlights opportunities for making connections and improvements for people and nature. The policy will provide a framework for future development that safeguards these connections and requires any future development proposals to take account of and make a contribution to delivering the Green Ring.	No, Category A	No specific recommendations
POLICY ELM13: NATURE RECOVERY	POLICY INTENT: A policy which focusses on identifying the existing green infrastructure network and highlights opportunities for its improvement and recovery. The policy will require any future development proposals to relate their scheme to this network and signal to Tendring District Council that it should consider the role of this network as part of its future Local Nature Recovery Strategy.	No, Category A	No specific recommendations

Policy Number	Policy Wording	Will Policy have Likely Significant Effects on the Habitats Sites?	Recommendations
POLICY ELM14: HEALTH AND WELLBEING SERVICE PROVISION	POLICY INTENT: A policy that makes provision to accommodate for improvements to capacity by way of refurbishment, reconfiguration or potential relocation of Elmstead Surgery for the provision of additional GP services and other health and wellbeing services for the benefit of its patients and to avoid the loss of these services in Elmstead.	No, Category A	No specific recommendations
POLICY ELM15: LOCAL COMMUNITY USES	POLICY INTENT: A policy that identifies Local Community Uses in Elmstead for the application of the protection offered by emerging Tendring Policy HP2 Community Facilities. The policy would also allow for a partial change of use of a facility, if this is intended to help secure its longer-term viability. However, the policy will also seek to ensure that such changes must be shown not to undermine the community functions of the use. Finally, the policy will support new community uses in the parish.	No, Category A	No specific recommendations

4.5.1 Recommendations

There are no specific recommendations to deliver for the policies in this draft Neighbourhood Plan as they have all been assigned to Category A. There is therefore no need to amend the policy text as they are not predicted to have a Likely Significant Effect on any Habitats site.

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

4.6 Other Plans and Projects: In-combination Effects

The plans and projects listed below and their HRAs have been carried out by Tendring District Council or other organisations and with mitigation secured, none have been found to have an adverse effect on the integrity of the Habitats sites within scope of this assessment.

In relation to potential impacts pathways under consideration, the England Coast Path Salcott to Jaywick section is relevant to recreational disturbance but no other projects have been identified for this impact pathway. The Local Plans of neighbouring authorities have been included where these are predicted to result in effects in combination with other plans and projects which are supported by the Essex Coast RAMS and its SPD.

The Walton 2011 ruling in the Scottish Courts entitles the Competent Authority to exercise judgement as to which projects are considered under an in-combination assessment. These are those that have potential to cause significant adverse environmental effects and could act in combination in a meaningful manner. As there are no residual effects from this Plan which are not significant, there are no additional projects which relate to other impact pathways.

In the context of this HRA, the other relevant plans and one project to be considered (i.e. those that have also triggered a requirement for HRA) are listed below in combination with Elmstead Neighbourhood Plan HRA.

Table 6: Other plans or projects considered for in combination effects

Statutory Body	Title of HRA or Project	Findings of HRA or Project	Potential for in combination effects
Tendring District Council	HRA Report for North Essex Authorities' Shared Strategic Section 1 Plans (LUC, May 2017)	In conclusion, providing that key recommendations and mitigation requirements are adopted and implemented the Shared Strategic Part 1 for Local Plans will not result in adverse effects on the integrity of European sites either alone or in-combination	It is considered that, with mitigation measures secured, in combination adverse effects on integrity of the Habitats sites within scope are not predicted.

Statutory Body	Title of HRA or Project	Findings of HRA or Project	Potential for in combination effects
Tendring District Council	HRA Report for North Essex Authorities' Shared Strategic Section 1 Plans (LUC, May 2017)	In conclusion, providing that key recommendations and mitigation requirements are adopted and implemented the Shared Strategic Part 1 for Local Plans will not result in adverse effects on the integrity of European sites either alone or in-combination	It is considered that, with mitigation measures secured, in combination adverse effects on integrity of the Habitats sites within scope are not predicted.
Colchester Borough Council	Colchester Borough Council Publication Draft Local Plan (Regulation 19) – Section Two Habitat Regulations Assessment Report (Colchester BC, June 2017)	All of the proposed mitigation measures (Implement Essex Coast RAMS, update Section 2 policy & supporting text, require wintering bird surveys for Tendring Colchester Borders Garden Community as part of any project level development proposals and masterplanning and a commitment to integrate mitigation and phasing of the Garden Community - to enable the LPA to conclude that Section 2 of the Local Plan will not	It is considered that, with mitigation measures secured, in combination adverse effects on integrity of the Habitats sites within scope are not predicted.

Statutory Body	Title of HRA or Project	Findings of HRA or Project	Potential for in combination effects
		adversely affect the integrity of European sites either alone or in-combination.	
Maldon District Council	Maldon District Council Pre-Submission Local Development Plan 2014 - 2029 Sustainability Appraisal Report incorporating Strategic Environmental Assessment and Habitats Regulations Assessment	Concluded that there will not be any significant adverse effects on the integrity of European sites alone or in-combination from the Maldon District LDP.	It is considered that, with mitigation measures secured, in combination adverse effects on integrity of the Habitats sites within scope are not predicted.
Babergh District Council and Mid Suffolk District Council	Babergh & Mid Suffolk Joint Local Plan Habitats Regulations Assessment including Appropriate Assessment (Place Services, 2021)	Embedded mitigation measures for projects will need to be considered in project level HRA/AA reports and secured by way of any planning consent. The Babergh & Mid Suffolk Districts Joint Local Plan is not predicted to have any adverse effect on integrity (AEOI) on any Habitats sites.	It is considered that, with mitigation measures secured, in combination adverse effects on integrity of the Habitats sites within scope are not predicted.
Natural England	Habitats Regulations Assessment of		



Statutory Body	Title of HRA or Project	Findings of HRA or Project	Potential for in combination effects
	England Coast Path Proposals between Salcott and Jaywick. (Natural England 2020)		

However, the Elmstead Neighbourhood Plan does not allocate any land for development so there is no pathway for in-combination effects.

5. Conclusions

5.1 Strategic Environmental Assessment (SEA)

The Neighbourhood Plan is being 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.

The Plan is at an early stage of preparation, however this screening report has a strong indication of its intended policy framework. At the time of writing, the Plan does not intend to allocate any land for development purposes and does not include any content that could give rise to significant negative effects on the environment, or any social or economic tenets of sustainability.

The Elmstead Neighbourhood Plan can therefore be **screened out** for its requirement of Strategic Environmental Assessment in line with the requirements of Directive 2001/42/EC. Despite this determination, it may be necessary for the Neighbourhood Plan to be re-screened at a future date should the direction of any policies change substantively.

5.2 Habitats Regulations Assessment (HRA)

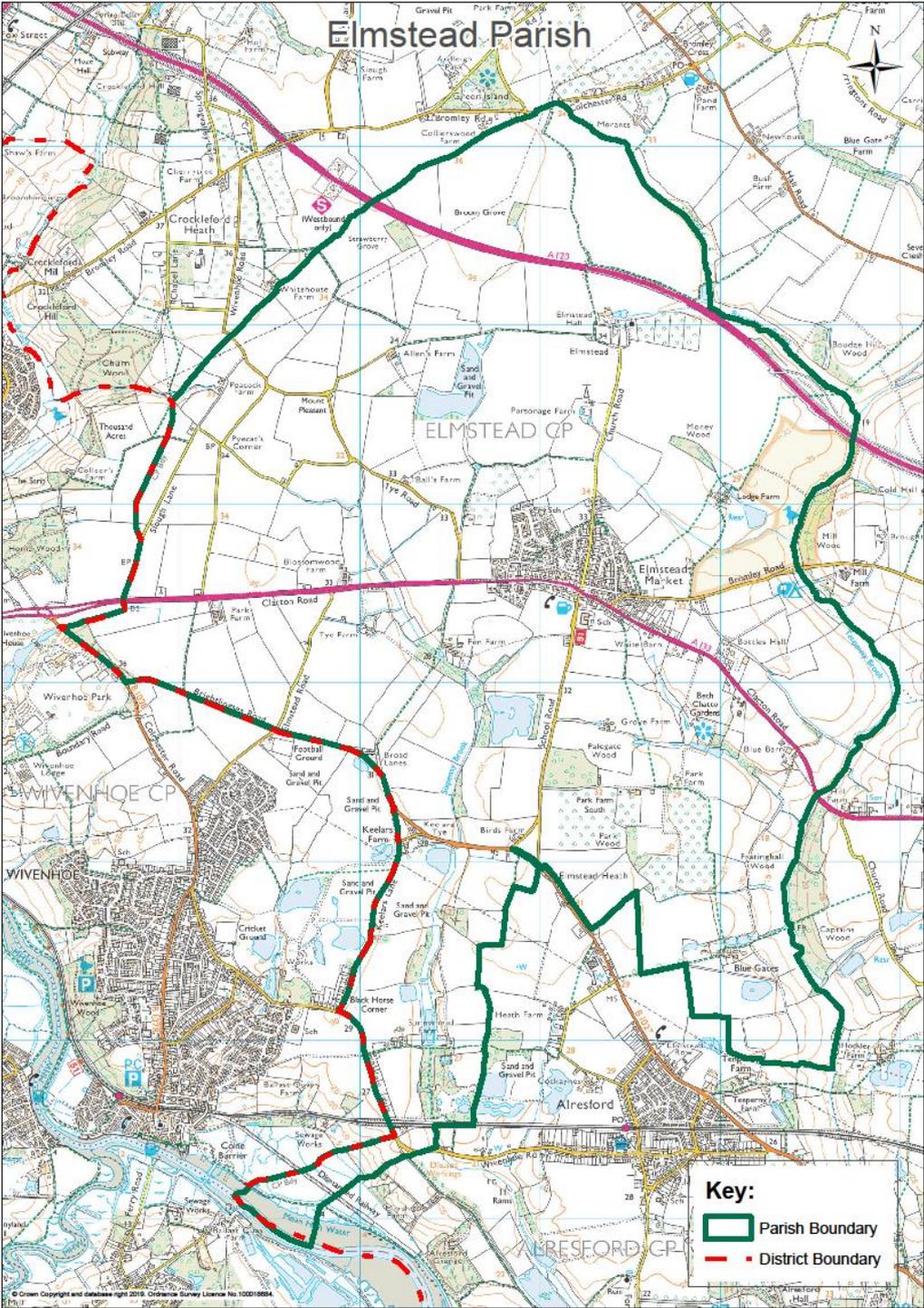
Subject to Natural England's review, this HRA screening report indicates that the Elmstead Neighbourhood Plan is not predicted to have likely significant effects on any Habitats site, either alone or in combination with other plans and projects. The requirement for the Plan to undertake further assessment under the Conservation of Habitats and Regulations 2017 (as amended) is therefore **screened out**.

References

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- Elmstead Neighbourhood Plan (Pre-Submission Draft, 2021)
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- Land Use Consultants (LUC) (2017) Habitats Regulations Assessment Report for North Essex Authorities Strategic Section 1 for Local Plans
- [Natural England Conservation objectives for European Sites: East of England Website](#)
- Place Services (2018) Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) Available at: [CBC-Local-Plan-Essex-Coast-RAMS-Strategy-110119-Final-EBC 4.69 Essex Coast RAMS Strategy 110119 Final.pdf \(windows.net\)](#)
- Place Services (2020) Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) Supplementary Planning Document (SPD). Available at: [CBC-Local-Plan-Essex-Coast-RAMS-SPD June-2020-Final-EBC 4.68 Essex Coast RAMS SPD June 2020 FINAL.pdf \(windows.net\)](#)
- Tendring District Local Plan 2013-2033 and Beyond: North Essex Authorities' Shared Strategic Section 1 – adopted January 2021
- Tendring District Council (Oct 2018) HRA of Tendring District Local Plan Publication Draft – Section 2
- Tydlesley, D., and Chapman, C., (2013) The Habitats Regulations Assessment Handbook, (January 2020) edition UK: DTA Publications Limited

Appendix 1

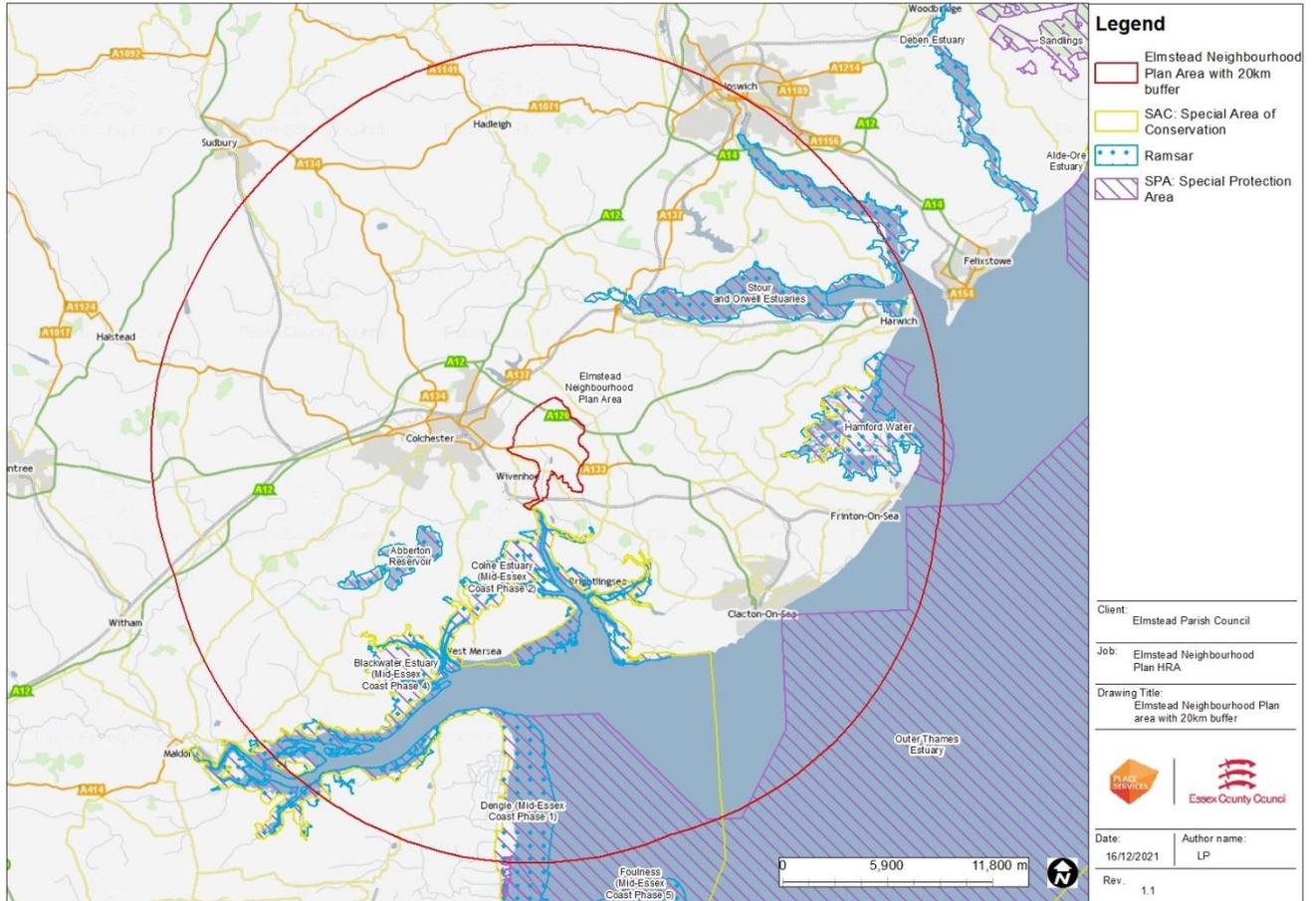
The Elmstead Neighbourhood Plan area



Source: Elmstead Neighbourhood Plan, 2021

Appendix 2

The Plan Area and Locations of the Habitats sites within 20 km



Source: Place Services, 2021



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