

**Strategic Environmental Assessment
(SEA) and a Habitats Regulation
Assessment (HRA) Screening
Determination**

**Wickham Bishops Neighbourhood
Plan
Regulation 14 consultation draft**

15 January 2019

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Introduction

1. This report is prepared by Maldon District Council's Planning Policy Team on behalf of the Wickham Bishops Parish Council (the qualifying body) and provides a screening determination into the contents of the Regulation 14 Consultation version of the Wickham Bishops Neighbourhood Plan (WBNP). The purpose of the screening is to ensure that environmental and habitat considerations are incorporated into the draft plan, in order to reduce the likelihood that any significant impacts on the environment of habitats of internationally designated wildlife sites. The three consultation bodies: Historic England, Natural England and the Environment Agency were consulted on the screening opinion in December 2018. Their responses are provided in Appendix 4.
2. The Neighbourhood Plan Area is within the area covered by the Maldon District Local Development Plan. The LDP was subject to a Habitats Regulation Assessment. This screening opinion is provided in this context.
3. Eleven Local Authorities in Essex are currently preparing the Essex Coastal Recreational disturbance Avoidance Mitigation Strategy (RAMS) which will identify the measures required to mitigate the recreational impact generated by planned housing growth on birds, wildlife and their habitats in the Natura 2000 sites that cover the majority of the Essex Coast. A Supplementary Planning Document will identify how developer contributions will be used to fund the mitigation and the level of any contributions sought from new dwellings in the study area. In terms of green infrastructure, the mitigation is expected to be varied and could include habitat creation and enhancement, improved management of recreation activities along the coast and additional wardens to communicate the benefits of using the coast in a positive way. The SPD will be available for public consultation in Spring 2019. The Wickham Bishops Neighbourhood Plan does not contain allocations for residential development. The RAMS will, in due course, provide a mechanism to mitigate any recreational impacts generated by windfall development.
4. The WBNP has been prepared by the Wickham Bishops Parish Council and aims to provide locally distinctive policies and guidance which will help inform planning decisions and shape the future of the village and other land and property interests within the designated Neighbourhood Plan Area.
5. Maldon District Council has a duty to check and determine whether the WBNP meets the prescribed legal requirements (the basic conditions) as set out in S38A of the Planning and Compulsory Purchase Act 2004 and Schedule 4B of the 1990 Act. There are also other non-environmental EU obligations that the Neighbourhood Plan should be compatible with, for example the European Convention on Human Rights and the Habitats Directive.
6. Section 1 of the report details a draft screening opinion as to whether a Strategic Environment Assessment (SEA) is required.
7. Section 2 details a draft screening opinion as to whether a Habitats Regulation Assessment (HRA) is required. This assesses all the policies in the current Regulation 14 consultation version of the Plan.
8. The results of screening the neighbourhood plan against the assessment criteria will highlight where likely significant effects are predicted. If any significant effects are likely then a Strategic Environmental Assessment or Habitats Regulation Assessment will be required. If the outcome

of the screening exercise determines that there are not likely to be significant effects then no further action is required for this stage of the Neighbourhood Plan process.

Section 1: Screening Opinion as to whether there are significant effects which will result in an SEA will be required

Legislative Background

9. The basis for Strategic Environmental Assessments and Sustainability Appraisal legislation is European Directive 2001/42/EC and was transposed into English law by the Environmental Assessment of Plans and Programmes Regulations 2004, or SEA Regulations.
10. Although Sustainability Appraisals are required for Local Plans, this does not apply to Neighbourhood Plans which are not 'Local Plans', or 'Development Plan Documents' as defined by the 2004 Planning Act. Neighbourhood Development Plans have their own designation: they are neighbourhood development plans produced by qualifying bodies under the Localism Act.

Assessment

11. Appendix 1 and 2 detail the Local Planning Authority's screening opinion. It is considered that in the Draft (Regulation 14) Neighbourhood Plan that no likely significant effects would arise as a result of the WBNP and therefore an SEA would not be required at that stage.

Section 2: Screening opinion as to whether there are significant effects as to whether a HRA Assessment will be required

Legislative background

12. European sites (also known as Natura 2000 sites) are recognised under the EU Habitats Directive, and consist of designations such as Special Areas of Conservation (SAC), Special Protection Areas (SPA), and Ramsar wetlands sites.

Natura 2000 network - Stretching over 18 % of the EU's land area and almost 6 % of its marine territory, it is the largest coordinated network of protected areas in the world. It offers a haven to Europe's most valuable and threatened species and habitats. Natura 2000 is a network of core breeding and resting sites for rare and threatened species, and some rare natural habitat types which are protected in their own right

Special Areas of Conservation – are designated for the conservation of habitat types and species are those considered to be most in need of conservation at a European level (excluding birds).

Special Protection Areas - are classified to protect the habitats of rare and vulnerable birds and for regularly occurring migratory species of international importance. SPAs may extend below low tide into the sea

Ramsar sites – are internationally important sites for waterbirds

13. The Wickham Bishops Neighbourhood Plan Area boundary lies within the zones of influence for three Natura 2000 sites¹:

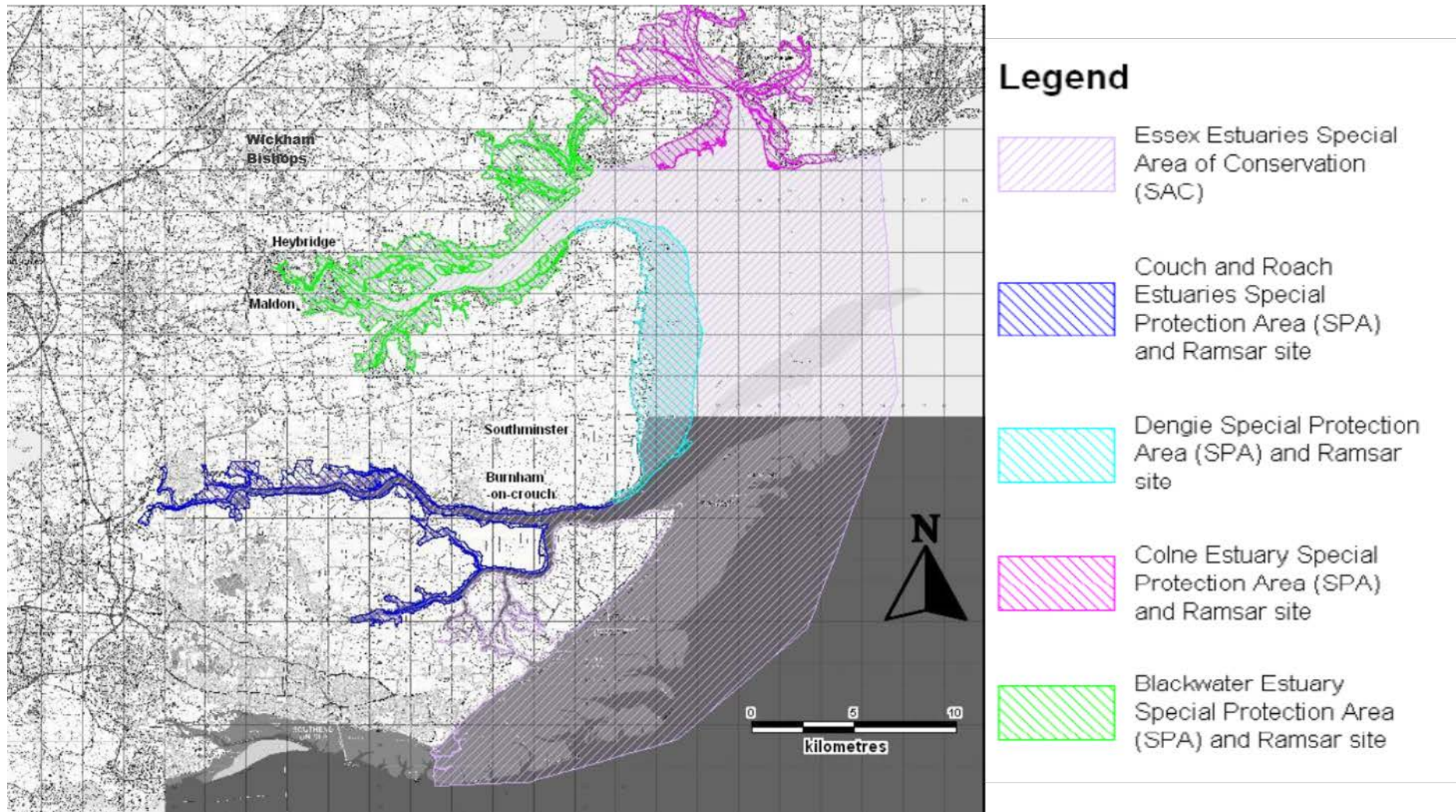
- **Essex Estuaries SAC:** This is a large estuarine site which extends from Southend-on-Sea to the south, along the whole of the Maldon District Coast, up to Jaywick near Clacton-on-Sea, and out into the Thames Estuary. It is a typical, undeveloped, coastal plain estuarine system with associated open coast mudflats and sandbanks. The site comprises the major estuaries of the Colne, Blackwater, Crouch and Roach Rivers and is important as an extensive area of contiguous estuarine habitat. Essex Estuaries contains a very wide range of characteristic marine and estuarine sediment communities and some diverse and unusual marine communities in the lower reaches, including rich sponge communities on mixed, tide-swept substrates.
- **Blackwater Estuary SPA/Ramsar site:** is the largest estuary in Essex, north of the Thames, and is one of the largest estuarine complexes in East Anglia. The Blackwater Estuary lies between the Dengie Peninsula and Mersea Island on the Essex coast. It stretches from immediately adjacent to Maldon and about 8 km south of Colchester. Its mudflats, fringed by saltmarsh on the upper shores, support internationally and nationally important numbers of overwintering waterfowl. Shingle and shell banks and offshore islands are also a feature of the tidal flats. The surrounding terrestrial habitats; the sea wall, ancient grazing marsh and its associated fleet and ditch systems, plus semi-improved grassland are also of high conservation interest. This rich mosaic of habitats supports an outstanding assemblage of nationally scarce plants and a nationally important assemblage of rare invertebrates. There are 16 British Red Data Book species and 94 notable and local species.
- **Dengie SPA and Ramsar site:** Dengie is a large and remote area of tidal mudflat and saltmarsh at the eastern end of the Dengie Peninsula, between the Blackwater and Crouch Estuaries. The saltmarsh is the largest continuous example of its type in Essex. Foreshore, saltmarsh and beaches support an outstanding assemblage of rare coastal flora. It hosts internationally and nationally important wintering populations of wildfowl and waders, and in summer supports a range of breeding coastal birds including rarities. The formation of cockleshell spits and beaches is of geomorphological interest.

14. Wickham Bishops Neighbourhood Plan Area is just outside the zone of influence for:

- **Colne Estuary SPA/Ramsar site:** is a comparatively short and branching estuary, with five tidal arms which flow into the main river channel. The estuary has a narrow intertidal zone predominantly composed of flats of fine silt with mudflat communities typical of south-eastern estuaries. The estuary is of international importance for wintering Brent Geese and Black-tailed Godwit and of national importance for breeding Little Terns and five other species of wintering waders and wildfowl. The variety of habitats which include mudflat, saltmarsh, grazing marsh, sand and shingle spits, disused gravel pits and reedbeds, support outstanding assemblages of invertebrates and plants.

¹ Ramsar designation information is available at: <http://jncc.defra.gov.uk/page-1390>

Figure 1 Designated Natura 2000 sites



15. As the Neighbourhood Area lies within the zones of influence of three sites the purpose of this HRA is to determine whether or not a policy or plan would adversely affect the integrity of those sites. This is assessed in terms of the implications of the plan for a site's qualifying features (those habitats, species and bird populations for which it has been designated). In all cases, the precautionary principle is applied. As such, the screening opinion as shown in Appendix 3 will assess each individual policy as put forward in the Regulation 14 draft plan.
16. The purpose of undertaking a screening opinion for Habitats Regulations Assessment (HRA) is to ensure that a plan individually or cumulatively will not result in a significant effect to these protected sites. Maldon District Council is a 'competent authority' under the Conservation of Habitats and Species Regulations 2010 and needs to ensure that Neighbourhood Plans have been assessed through the Habitats Regulations process.
17. Relevant case law helps to interpret when effects should be considered as a likely significant effect, when carrying out HRA of a land use plan. In the Waddenzee case ², the European Court of Justice ruled on the interpretation of Article 6(3) of the Habitats Directive (translated into Reg. 102 in the Habitats Regulations), including that:
- An effect should be considered 'likely', "if it cannot be excluded, on the basis of objective information, that it will have a significant effect on the site" (para 44);
 - An effect should be considered 'significant', "if it undermines the conservation objectives" (para 48); and
 - Where a plan or project has an effect on a site "but is not likely to undermine its conservation objectives, it cannot be considered likely to have a significant effect on the site concerned" (para 47).
18. A relevant opinion delivered to the Court of Justice of the European Union ³ commented that:
- "The requirement that an effect in question be 'significant' exists in order to lay down a de minimis threshold. Plans or projects that have no appreciable effect on the site are thereby excluded. If all plans or projects capable of having any effect whatsoever on the site were to be caught by Article 6(3), activities on or near the site would risk being impossible by reason of legislative overkill."*
19. This opinion (the 'Sweetman' case) therefore allows for the authorisation of plans and projects whose possible effects, alone or in combination, can be considered 'trivial' or *de minimis*; referring to such cases as those "that have no appreciable effect on the site". In practice, such effects could be screened out as having no likely significant effect; they would be 'insignificant'
20. The initial screening will mainly be assessing the likely impacts the Neighbourhood Plan proposals could have on the three European sites identified in paragraph 14 above. If it is decided that the likely impacts could be significant a full HRA may be required, it is advised that a qualified consultant ecologist carries out this work, since this requires technical skills and knowledge. The HRA findings should then be taken into account and referred to in the environmental assessment of the plan.
21. This screening does not identify any potential likely significant effects on the protected characteristics of the Natura 2000 sites and the WBNDP does not propose any significant

² https://curia.europa.eu/jcms/jcms/j_6/en/

³ https://curia.europa.eu/jcms/jcms/j_6/en/

development, above that which already has planning permission, which would change these. In-combination effects therefore do not need to be considered further.

Assessment

22. Appendix 3 shows the assessment of each of the Regulation 14 consultation policies of the WBNP of whether the policies will be likely to cause significant effects to the natural environment and the designated Natura 2000 sites. As the three Natura sites interlink with each other as the marine and natural environment around the estuary, the potential for significant effects may be likely to affect all sites to some degree. If potential effects were identified on one site, it is plausible that other sites may be affected to some extent and should be flagged in this screening opinion.
23. Significant effects are considered unlikely in relation to the Neighbourhood Plan policies, either because the policies will not result in new development or because the scale, nature or location of the development proposed will not have an effect on European sites. In some cases the policies also provide mitigation for the effects of other policies in the plan.
24. The following policies are screened out because they will not result directly in development:
 - WBE n 01 RECREATIONAL DISTURBANCE AVOIDANCE AND MITIGATION
 - WBE n 02 TREES, HEDGEROWS AND HABITATS
 - WBE n 03 GREEN CORRIDORS AND WILDLIFE SPACES
 - WBE n 04 SPECIAL VIEWS
 - WBE n 05 OPEN SPACES
 - WBE n 06 LOCAL GREEN SPACES
 - WBF 01 PEDESTRIAN AND CYCLE CONNECTIVITY
 - WBF 03 DEVELOPER CONTRIBUTIONS
 - WBH 01 DESIGN AND CHARACTER
 - WBH 02 HOUSING MIX
 - WBH 03 HERITAGE
25. Only one policy, WBEc02 Business and Retail may increase recreational pressure on the Natura 200 sites, through the support for small scale overnight accommodation. However, as the scale of the development supported by the Neighbourhood Plan is minor, it is not expected to result in significant effects on the protected sites.
26. Following the assessment, it is considered that the Wickham Bishops Neighbourhood Plan, either individually or cumulatively, subject to comments from the statutory consultees, does not require a full Habitats Regulation Assessment.

Consultation Responses

27. Before the responsible body makes a formal determination, there is a requirement to consult three statutory consultation bodies designated in the Regulations (the Environment Agency, Historic England and Natural England) on whether an Strategic Environmental Assessment or Habitats Regulations Assessment is required. Consultation took place in December 2018 – January 2019. Responses were received from all three consultees.
28. The Environment Agency agreed that the scale of development outlined in the Plan is not likely to have a significant detrimental impact on environmental constraints in the area, and considered that the assessments can be screened out. Historic England concurred that, 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] that the preparation of a Strategic Environmental Assessment is not required. Natural England did not have any specific comments to make on the SEA/HRA screening opinion.

Screening Determination

29. In summary it is concluded that the Regulation 14 draft Wickham Bishops Neighbourhood Plan is not likely to have significant environmental effects and therefore a SEA is not required. The assessment indicates that there are likely to be no significant negative effects on the European designated sites resulting from the policies detailed within the draft Neighbourhood Plan. Therefore, a full Habitat Regulations Assessment is not required for the Regulation 14 draft of the Neighbourhood Plan. The principal reasons for this conclusion are:
- There are no sites identified for development in the Neighbourhood Plan;
 - The Neighbourhood Plan focuses on protecting the quality of the village and its environment; it is considered that the Plan's likely impact will have a positive effect on the environment;
 - The scale of the development supported by the Neighbourhood Plan is minor, and it is not expected to result in significant effects on the protected sites

Appendix 1 Application of the SEA Directive

Table 1 Establishing the need for a SEA

	YES/NO	Comments
1. Is the Neighbourhood Plan (NP) 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))	YES	The Wickham Bishops Neighbourhood Plan (WBNP) is being prepared by the Wickham Bishop Parish Council which is a 'qualifying body,' in accordance with the Localism Act 2011. Once independently assessed and approved at referendum, the WBNP will be formally made by Maldon District Council as the 'Local Planning Authority' and will become a statutory planning document.
2. Is the NP required by legislative, regulatory or Administrative provisions? (Art. 2(a))	No	There is no legislative or regulatory requirement that a neighbourhood plan is required.
3. Is the Neighbourhood 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? (Art 3.2(a))	Yes	The WBNP is prepared for town and country planning purposes and sets the framework for future development consent of projects listed in Annex I or II to the EA Directive (urban development projects).
4. Will the Neighbourhood Plan, 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))	No	Section 2 of this report contains a draft screening opinion for a HRA, where it is considered that the WBNP (Regulation 14 draft plan) does not require an assessment under Article 6 or 7 of the Habitats Directive.
5. Does the Neighbourhood Plan 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)	Yes	The WBNP determines the use of small areas at a local level, such as allocating Local Green Spaces and protecting existing business areas. However the Plan does not allocate additional land for development.
6. Does the Neighbourhood Plan set the framework for future development consent of projects (not just projects in annexes to the EIA Directive)? (Art 3.4)	Yes	When adopted, the WBNP will be a statutory planning document which will form part of the Development Plan. The WBNP will carry significant weight in the determination of relevant planning application, however the responsibility of issuing development consent will remain with the Local Planning Authority

7. Is the Neighbourhood Plan'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)	No	N/A
8. Is it likely to have a significant effect on the environment? (Art. 3.5)	No	Please see the assessment of likely significant effects of the environment (Table 2)
OUTCOME: The Wickham Bishops Neighbourhood Plan does not need a SEA		

Appendix 2 Assessment of the likely significant effects on the environment

Table 2 Criteria for determining the likely significance of effects on the environment

Environmental Regulations Paragraph	SEA Requirement	Likely Significant effect?	Comments
1. The characteristics of plans and programmes, having regard, in particular, to—			
A	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;	No	<p>The WBNP would, if adopted, form part of the Statutory Development Plan and as such does contribute to the framework for future development consent of projects.</p> <p>However, the Plan sits within the wider framework set by the National Planning Policy Framework, and the Local Development Plan 2014-2029, which was subject to SA/SEA.</p> <p>The projects for which the WBNP helps to set a framework are local in nature and have limited resource implications.</p>
B	the degree to which the plan or programme influences other plans and programmes including those in a hierarchy;	No	<p>The policies of the WBNP are required to be in conformity with the National Planning Policy Framework and the policies of the Local Development Plan 2014-2029. The WBNP is unlikely to influence other Plans or Programmes within the Statutory Development Plan.</p>
C	the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development;	No	<p>The WBNP contains policies and objectives that seek to ensure that development is suitable for the village and seek to conserve and promote the environmental features as they currently exist.</p> <p>These policies will be in conformity with national and local policies as required by the basic conditions. Development would also be subject to the policies in the Local Development Plan 2014-2029 and therefore all environmental considerations would be covered by policy.</p>
D	Environmental problems relevant to the plan or programme; and	No	<p>The state of the environment will be considered by those making the plan. Based on the information received to date, the WBNP is likely</p>

Environmental Regulations Paragraph	SEA Requirement	Likely Significant effect?	Comments
			to have a strong emphasis on protecting and conserving the character and quality of the environment, thus reducing environmental problems. Therefore, no significant negative impact is envisaged through the provisions in the Neighbourhood Development Plan
E	The relevance of the plan or programme for the implementation of Community legislation on the environment (for example, plans and programmes linked to waste management or water protection).	No	Not applicable
2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to—			
A	The probability, duration, frequency and reversibility of the effects;	No	The Neighbourhood Plan is likely to have positive environmental effects to the local area. The WBNP is not considered to raise any further significant effects than those which were considered under the Local Development Plan 2014-2029 (which was subject to SA/SEA).
B	The cumulative nature of the effects;	No	The sustainability appraisal of the Local Development Plan 2014-2029 considered the impact of development in the Parish Council area alongside development in other settlements and parishes. Development in the WBNP is likely to be consistent with the consideration of effects of proposed development in the Local Development Plan.
C	The trans-boundary nature of the effects;	No	The level of development proposed in the village is unlikely to have any significant trans boundary effects on protected sites.
D	the risks to human health or the environment (for example, due to accidents);	No	It is not anticipated that there would be an increase to, or significant risks to, human health or the environment as a result of the WBNP.

Environmental Regulations Paragraph	SEA Requirement	Likely Significant effect?	Comments
E	The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);	No	The WBNP relates to local issues within the neighbourhood area. The magnitude and spatial extent of the effects are likely to be at a local scale, and not considered to be significant.
F	the value and vulnerability of the area likely to be affected due to— (i)special natural characteristics or cultural heritage; (ii)exceeded environmental quality standards or limit values; or (iii)intensive land-use;	No	<p>The Habitats Regulations Assessment for the Local Development Plan 2014-2029 considered the impact of development in Maldon District and development in Wickham Bishops will accord with that identified in the LDP.</p> <p>The village is within the Zone of Influence for the Blackwater Estuary SPA/Ramsar; the Essex Estuaries SAC and the Dengie SPA/Ramsar. However, it is more than 5km from the Blackwater Estuary itself, and the NP does not allocate land for residential development. Therefore increased recreational pressure from new dwellings will be limited.</p> <p>The NP does contain a policy supporting very small scale tourist accommodation provision (eg B&Bs). However, this is not expected to increase visitor pressure on the Estuary to the degree that significant effects would occur.</p>
G	the effects on areas or landscapes which have a recognised national, Community or international protection status.	No	The Habitats Regulations Assessment for the Local Development Plan 2014-2029 considered the impact of development in Maldon District and development in Wickham Bishops will accord with that identified in the LDP.
OUTCOME: The Wickham Bishops Neighbourhood Plan is not likely to have a significant effect on the environment			

Appendix 3: Habitats Regulation Assessment Screening Report

1. Table 3 shows an assessment undertaken for each policy in the Regulation 14 version of the Wickham Bishops Neighbourhood Plan.
2. The assessment rates the likely effects on each of the Natura 2000 sites using the green, amber and red system:
 - A 'green' policy means that there is thought to be enough information available at present to conclude that there is no likely significant effect from the policy on the integrity of international sites or their favourable conservation objectives;
 - An 'amber' policy is one that may have potential for significant effects. There is however potential for mitigation by amending/deleting policies at the Examination so that effects can be mitigated and monitored through the Neighbourhood Planning process;
 - A 'red' policy is one that can be identified as having a significant effect on the integrity of the international sites based on current information and is not possible for mitigation by changes or amendments to the policy.

Table 3 Habitats Regulation Assessment of draft Regulation 14 Wickham Bishop Neighbourhood Plan policies

No likely significant effect
May have potential for significant effects
Likely to have a major negative effect

WBNDP Policy	Comments	Likely effects on the Essex Estuaries SAC	Likely effects on the Blackwater Estuary SPA / RAMSAR	Likely effects on the Colne Estuary SPA/ RAMSAR	Likely effects on the Dengie SPA / RAMSAR	Likely effects on the Crouch & Roach Estuaries SPA / RAMSAR
WBEc 01 HOME WORKING	By encouraging home-working and reducing the need to travel this policy has positive environmental impacts. As such this policy does not have a significant effect on the designated sites.					
WBEc 02 BUSINESS AND RETAIL	Policy encourages the provision of small scale over-night accommodation, eg B&Bs, which could result in a small increase in the number of visitors to the district, who may visit the Blackwater/Colne Estuaries. People staying in WB would be less likely to visit the further afield Dengie & Crouch areas.					
WBen 01 RECREATIONAL DISTURBANCE AVOIDANCE AND MITIGATION	Policy inserted at the request of Natural England. Should have a positive impact on all sites.					
WBen 02 TREES, HEDGEROWS AND HABITATS	Through environmental protection and enhancement, this policy will encourage people to stay in the Parish for informal recreation, rather than potentially visiting the designated sites.					

WBNDP Policy	Comments	Likely effects on the Essex Estuaries SAC	Likely effects on the Blackwater Estuary SPA / RAMSAR	Likely effects on the Colne Estuary SPA/ RAMSAR	Likely effects on the Dengie SPA / RAMSAR	Likely effects on the Crouch & Roach Estuaries SPA / RAMSAR
WBen 03 GREEN CORRIDORS AND WILDLIFE SPACES	Through environmental protection and enhancement, this policy will encourage people to stay in the Parish for informal recreation, rather than potentially visiting the designated sites.					
WBen 04 SPECIAL VIEWS	This policy will have no impact on the designated sites					
WBen 05 OPEN SPACES	By providing open spaces and community woodlands and encouraging public access to such spaces where people live, this policy will encourage residents and visitors to spend more leisure time in the parish rather than potentially visiting the designated sites.					
WBen 06 LOCAL GREEN SPACES	Protecting existing green spaces in the village will encourage residents and visitors to spend more leisure time in the Parish rather than potentially visiting the designated sites.					
WBF 01 PEDESTRIAN AND CYCLE CONNECTIVITY	Policy will have a positive effect on the designated sites by encouraging residents to walk and cycle in the Parish rather than travelling to do so.					
WBF 02 COMMUNITY FACILITIES	Neutral impact on designated sites.					
WBF 03 DEVELOPER CONTRIBUTIONS	Will provide environmental enhancements and local facilities that will encourage residents to spend leisure time in the village rather than potentially visiting the designated sites.					

WBNDP Policy	Comments	Likely effects on the Essex Estuaries SAC	Likely effects on the Blackwater Estuary SPA / RAMSAR	Likely effects on the Colne Estuary SPA/ RAMSAR	Likely effects on the Dengie SPA / RAMSAR	Likely effects on the Crouch & Roach Estuaries SPA / RAMSAR
WBH 01 DESIGN AND CHARACTER	Neutral impact on designated sites.					
WBH 02 HOUSING MIX	Neutral impact on designated sites.					
WBH 03 HERITAGE	Positive impact on designated sites by encouraging residents to explore local heritage rather than travelling elsewhere to do so.					
Outcome: Subject to amendments that may be made by Natural England, The Environment Agency and Historic England during the consultation period, the Wickham Bishops Neighbourhood Plan does not require a full HRA						

Appendix 4 Consultation responses

Date: 07 January 2019
Our ref: 266896



Ms Leonie Alpin
Maldon District Council

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BY EMAIL ONLY

T 0300 060 3900

Dear Ms Alpin

SEA / HRA screening opinion consultation for Wickham Bishops Neighbourhood Plan

Thank you for your consultation on the above dated 05 December 2018

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.

Natural England is a statutory consultee in neighbourhood planning and must be consulted on draft neighbourhood development plans by the Parish/Town Councils or Neighbourhood Forums where they consider our interests would be affected by the proposals made..

Natural England does not have any specific comments on this SEA and HRA Screening Opinion.

However, we refer you to the attached annex which covers the issues and opportunities that should be considered when preparing a Neighbourhood Plan.

For any further consultations on your plan, please contact: consultations@naturalengland.org.uk.

Yours sincerely

David Allinton
Consultations Team



Historic England

EAST OF ENGLAND OFFICE

Ms Leonie Alpin
Maldon District Council
Princes Road
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Essex
CM9 5DL

Direct Dial:

Our ref: PL00523753

21 December 2018

Dear Ms Alpin

RE: Wickham Bishop's Neighbourhood Plan SEA Screening

Thank you for your email of 05 December 2018 regarding the above consultation. 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 Wickham Bishop's 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 Wickham Bishop's Neighbourhood Plan will not have any significant effects on the historic environment. We note that it 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 Council 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 dated 5 December 2018. To avoid any doubt, this does not reflect our obligation to provide further advice on later stages of the SA/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/guidance) where we consider that, despite the SA/SEA, these would have an adverse effect upon the environment.



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Historic England is subject to both the Freedom of Information Act (2000) and Environmental Information Regulations (2004). Any Information held by the organisation can be requested for release under this legislation.



Historic England

EAST OF ENGLAND OFFICE

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.

Yours sincerely,

Edward James
Historic Places Advisor, East of England

cc:



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Annex 1 - Neighbourhood planning and the natural environment: information, issues and opportunities

Natural environment information sources

The [Magic](#)¹ website will provide you with much of the nationally held natural environment data for your plan area. The most relevant layers for you to consider are: **Agricultural Land Classification, Ancient Woodland, Areas of Outstanding Natural Beauty, Local Nature Reserves, National Parks (England), National Trails, Priority Habitat Inventory, public rights of way (on the Ordnance Survey base map) and Sites of Special Scientific Interest (including their impact risk zones)**. Local environmental record centres may hold a range of additional information on the natural environment. A list of local record centres is available [here](#)².

Priority habitats are those habitats of particular importance for nature conservation, and the list of them can be found [here](#)³. Most of these will be mapped either as **Sites of Special Scientific Interest**, on the Magic website or as **Local Wildlife Sites**. Your local planning authority should be able to supply you with the locations of Local Wildlife Sites.

National Character Areas (NCAs) divide England into 159 distinct natural areas. Each character area is defined by a unique combination of landscape, biodiversity, geodiversity and cultural and economic activity. NCA profiles contain descriptions of the area and statements of environmental opportunity, which may be useful to inform proposals in your plan. NCA information can be found [here](#)⁴.

There may also be a local **landscape character assessment** covering your area. This is a tool to help understand the character and local distinctiveness of the landscape and identify the features that give it a sense of place. It can help to inform, plan and manage change in the area. Your local planning authority should be able to help you access these if you can't find them online.

If your neighbourhood planning area is within or adjacent to a **National Park** or **Area of Outstanding Natural Beauty (AONB)**, the relevant National Park/AONB Management Plan for the area will set out useful information about the protected landscape. You can access the plans on from the relevant National Park Authority or Area of Outstanding Natural Beauty website.

General mapped information on **soil types** and **Agricultural Land Classification** is available (under 'landscape') on the [Magic](#)⁵ website and also from the [LandIS website](#)⁶, which contains more information about obtaining soil data.

Natural environment issues to consider

The [National Planning Policy Framework](#)⁷ sets out national planning policy on protecting and enhancing the natural environment. [Planning Practice Guidance](#)⁸ sets out supporting guidance.

Your local planning authority should be able to provide you with further advice on the potential impacts of your plan or order on the natural environment and the need for any environmental assessments.

Landscape

¹ <http://magic.defra.gov.uk/>

² <http://www.nbn-nfbr.org.uk/nfbr.php>

³ <http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

⁴ <https://www.gov.uk/government/publications/national-character-area-profiles-data-for-local-decision-making>

⁵ <http://magic.defra.gov.uk/>

⁶ <http://www.landis.org.uk/index.cfm>

⁷ <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

⁸ <http://planningguidance.planningportal.gov.uk/blog/guidance/natural-environment/>

Your plans or orders may present opportunities to protect and enhance locally valued landscapes. You may want to consider identifying distinctive local landscape features or characteristics such as ponds, woodland or dry stone walls and think about how any new development proposals can respect and enhance local landscape character and distinctiveness.

If you are proposing development within or close to a protected landscape (National Park or Area of Outstanding Natural Beauty) or other sensitive location, we recommend that you carry out a landscape assessment of the proposal. Landscape assessments can help you to choose the most appropriate sites for development and help to avoid or minimise impacts of development on the landscape through careful siting, design and landscaping.

Wildlife habitats

Some proposals can have adverse impacts on designated wildlife sites or other priority habitats (listed [here](#)⁹), such as Sites of Special Scientific Interest or [Ancient woodland](#)¹⁰. If there are likely to be any adverse impacts you'll need to think about how such impacts can be avoided, mitigated or, as a last resort, compensated for.

Priority and protected species

You'll also want to consider whether any proposals might affect priority species (listed [here](#)¹¹) or protected species. To help you do this, Natural England has produced advice [here](#)¹² to help understand the impact of particular developments on protected species.

Best and Most Versatile Agricultural Land

Soil is a finite resource that fulfils many important functions and services for society. It is a growing medium for food, timber and other crops, a store for carbon and water, a reservoir of biodiversity and a buffer against pollution. If you are proposing development, you should seek to use areas of poorer quality agricultural land in preference to that of a higher quality in line with National Planning Policy Framework para 112. For more information, see our publication [Agricultural Land Classification: protecting the best and most versatile agricultural land](#)¹³.

Improving your natural environment

Your plan or order can offer exciting opportunities to enhance your local environment. If you are setting out policies on new development or proposing sites for development, you may wish to consider identifying what environmental features you want to be retained or enhanced or new features you would like to see created as part of any new development. Examples might include:

- Providing a new footpath through the new development to link into existing rights of way.
- Restoring a neglected hedgerow.
- Creating a new pond as an attractive feature on the site.
- Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- Incorporating swift boxes or bat boxes into the design of new buildings.
- Think about how lighting can be best managed to encourage wildlife.
- Adding a green roof to new buildings.

You may also want to consider enhancing your local area in other ways, for example by:

⁹<http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

¹⁰ <https://www.gov.uk/guidance/ancient-woodland-and-veteran-trees-protection-surveys-licences>

¹¹<http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

¹² <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

¹³ <http://publications.naturalengland.org.uk/publication/35012>

- Setting out in your plan how you would like to implement elements of a wider Green Infrastructure Strategy (if one exists) in your community.
- Assessing needs for accessible greenspace and setting out proposals to address any deficiencies or enhance provision.
- Identifying green areas of particular importance for special protection through Local Green Space designation (see [Planning Practice Guidance on this](#) ¹⁴).
- Managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips in less used parts of parks, changing hedge cutting timings and frequency).
- Planting additional street trees.
- Identifying any improvements to the existing public right of way network, e.g. cutting back hedges, improving the surface, clearing litter or installing kissing gates) or extending the network to create missing links.
- Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition, or clearing away an eyesore).

¹⁴ <http://planningguidance.planningportal.gov.uk/blog/guidance/open-space-sports-and-recreation-facilities-public-rights-of-way-and-local-green-space/local-green-space-designation/>



Ms Leonie Alpin
Maldon District Council
Planning
Princes Road
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CM9 5DL

Our ref: AE/2018/123610/01-L01
Your ref: WickhamBishopsSEAHRA
Date: 09 January 2019

Dear Ms Alpin

**SEA / HRA SCREENING OPINION CONSULTATION FOR WICKHAM BISHOPS
NEIGHBOURHOOD PLAN**

**WICKHAM BISHOPS PARISH COUNCIL, THE VILLAGE HALL, CHURCH ROAD,
WICKHAM BISHOPS, WITHAM, ESSEX, CM8 3JZ**

Thank you for your consultation dated 05 December 2018. We have reviewed the Strategic Environmental Assessment and Habitats Regulation Assessment Screening Report document, as submitted, and agree with the conclusions and recommendations of the report that a full SEA and HRA are not required.

Our considerations at this stage reflect the depth and level of detail to which the policies in the Wickham Bishops Neighbourhood Plan demonstrate for future growth within the parish. The scale of development outlined in the Plan is not likely to have a significant detrimental impact on environmental constraints in the area. We therefore consider the assessments can be screened out.

We trust that this advice is useful.

Yours sincerely

Mr Ed Abigail
Planning Advisor

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End