

Chelmsford Borough Council

Appropriate Assessment of the Chelmsford Core Strategy and Development Control Policies Submission Document DPD

7 November 2006

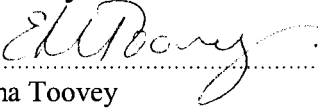
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Chelmsford Borough Council

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Document Revisions

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1. Introduction

1.1 Purpose of this Report

The purpose of this report is to document the process and findings of an Appropriate Assessment that was undertaken by Entec UK of the Chelmsford Core Strategy and Development Control Policies¹.

The Appropriate Assessment has been undertaken to meet the requirements of the forthcoming legislation, *The Conservation (Natural Habitats, &c.) (Amendment) (England and Wales) Regulations 2006*. The work is also in response to the letter from the then Office of the Deputy Prime Minister (ODPM) regarding Appropriate Assessment and its application to land use plans to all Chief Planning Officers, dated 28th February 2006.

1.2 Appropriate Assessment Overview

Articles 6(3) and 6(4) of *Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora* (known as the ‘Habitats Directive’) explain the circumstances in which “Appropriate Assessments” of plans and projects are required. Appropriate Assessment (AA) is one stage of a process² by which the impacts of a plan or project are assessed against the conservation objectives of a European Site (Special Area of Conservation (SAC) or Special Protection Area (SPA)³), to determine whether there are likely to be adverse effects on its integrity. In the UK, the Habitats Directive is implemented through the *The Conservation (Natural Habitats, &c.) Regulations 1994 (SI 1994 No 2716)* (as amended) (known as the ‘Habitats Regulations’).

However, “*On 20 October 2005, the European Court of Justice (ECJ) ruled that the United Kingdom had failed to transpose the provisions of Article 6 (3) and (4) of the Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora (Habitats Directive) into UK Law in case C-06-/04 (Commission v United Kingdom). The Court found that, as a result of the failure to make land-use plans subject to Appropriate Assessment (AA) of*

¹ Hereafter referred to as the ‘Development Plan Document, or DPD’.

² “Appropriate Assessment”, although strictly one stage only, has been used as an umbrella term to describe the process of assessment as a whole. “AA” in this document refers to the whole process; “Stage 2 Appropriate Assessment” is used to indicate the specific appropriate assessment stage.

³ Appropriate assessment is required by law for all European Sites (Regulation 48). A European Site is any classified SPA and any SAC from the point where the Commission and the Government agree the site as a Site of Community Importance. Appropriate assessment is also required, as a matter of Government policy, for potential SPAs, candidate SACs and listed Ramsar Sites for the purpose of considering development proposals affecting them. (PPG 9 paras 13 and C7). As such, pSPAs, cSACs and Ramsar Sites are considered within this assessment.

*their implications for European Sites, Article 6(3) and (4) of the Habitats Directive has not been transposed completely.*⁴

The UK Government is currently amending the Habitats Regulations to account for this ruling, and anticipates that the new regulations will be in force in late 2006.

The then Office of the Deputy Prime Minister (ODPM) indicated in the letter, dated 28th February, to Chief Planning Officers that AA will be required for all land-use plans that Regional Planning Bodies (RPBs) or Local Planning Authorities (LPAs) consider likely to have a significant effect on a European Site.

In consequence, an AA has been undertaken of the DPD to satisfy the requirements of Article 6 (3).

1.3 AA of Plans and Programmes

The European Commission has developed guidance in relation to Articles 6(3) and (4) of the Habitats Directive (*Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC*, EC 2002). This recommends the adoption of a four stage approach to addressing the requirements of the Articles 6(3) and (4), as set out below.

Stage 1 – Screening: This stage identifies the likely impacts upon a European Site of a project or plan, either alone or in combination with other projects or plans, and considers whether these impacts are likely to be significant.

Stage 2 – Appropriate assessment: Where there are likely significant impacts, this stage considers the impacts of the plan or project on the integrity of the relevant European Sites, either alone or in combination with other projects or plans, with respect to the sites' structure and function and their conservation objectives. Where there are adverse impacts, it also includes an assessment of the potential mitigation for those impacts.

Stage 3 – Assessment of alternative solutions: Where adverse impacts are predicted, this stage examines alternative ways of achieving the objectives of the project or plan that avoid adverse impacts on the integrity of European Sites.

Stage 4 – Assessment where no alternative solutions exist and where adverse impacts remain: This stage assesses compensatory measures where it is deemed that the project or plan should proceed for imperative reasons of overriding public interest (IROPI). The guidance does not deal with the assessment of IROPI.

1.4 Guidance

The following guidance has been utilized within this assessment process:

- Scott Wilson, Levett-Therivel, Treweek Environmental Consultants and Land Use Consultants (August 2006) *Appropriate Assessment of Plans*, Scott Wilson *et al.*

⁴ Quoted from the letter of 28th February 2006, sent from the Office of the Deputy Prime Minister to all Chief Planning Officers.

- English Nature (August 2006) *Draft Guidance – The Assessment of Regional Spatial Strategies and Sub-regional strategies under the provisions of the Habitats Regulations*, English Nature, Sandy.
- Department for Communities and Local Government (August 2006) *Planning for the Protection of European Sites: Appropriate Assessment. Guidance for Regional Spatial Strategies and Local Development Documents*, DCLG, London

1.5 Establishing a Methodology for Strategic-Level AA

The evidence required to prove ‘no significant effect’ (Screening) or ‘no adverse effect’ (Stage 2 Appropriate Assessment) can be considerable and detailed. Obtaining this evidence at the scheme-level is generally achievable since the parameters of the scheme and European Site are often clear and so impacts can be quantitatively assessed. However, this requirement creates notable challenges for strategic-level AA.

The AA of the Chelmsford Core Strategy provides an opportunity to identify:

- Policies or plans that will clearly result in unacceptable impacts on European sites;
- Those aspects that will require AA at a lower level;
- The level of mitigation required at that level.

2. Chelmsford Borough Local Development Framework (LDF)

2.1 Background

The Local Development Framework (LDF) is a term used to describe a suite of documents, which includes all the local planning authority's Local Development Documents (LDDs).

The Chelmsford Draft Borough Local Plan was withdrawn in July 2003. Since this time, the Council has commenced a review of its planning policies and proposals in order to inform the preparation of their new LDDs. The LDDs will replace Local Plans in the new development plan system which came into force in September 2004.

Additionally, Entec were commissioned by CBC to undertake a Sustainability Appraisal of the emerging LDF (incorporating the requirements of the SEA Directive) and to produce a Sustainability Appraisal Report documenting the results of the appraisal process. To date the Core Strategy and Development Control Policies have been prepared as one Development Plan Document. This document was submitted on 7th November 2006.

3. The Approach

The European Commission guidance⁵ details a four-stage appropriate assessment process.

1. Screening
2. Appropriate Assessment
3. Alternatives
4. Assessment Where No Alternatives Are Available

The CBC approach has been based around this guidance and the key stages required. The stages of this assessment have been detailed below.

3.1 Pre-screening Data Collection

Through consultation with CBC and EN, the European Sites⁶ to be included within this assessment will be established. These are likely to include all of the European Sites within the Borough itself in addition to several within adjacent Boroughs that have the potential to be influenced by the policies of the Core Strategy and Development Control Policies: Submission Development Plan Document 2001-2021 (September 2006)⁷.

The finalised list of European Sites to be considered will be confirmed following consultation.

Specific information regarding the interest features, sensitivities, vulnerabilities, condition, conservation objectives and management plan proposals has been acquired. This baseline data was then interpreted in order to identify specific vulnerabilities and areas of concern for each of the European Sites that could be assessed directly against each policy of the Submission DPD.

In order to streamline the process, primarily due to time restrictions, the conservation objectives across European sites with similar characteristics will be aggregated where possible.

3.2 Policy Screening

The objective of the screening process was to initially identify those plans or policies that clearly or self-evidently would have no significant effects upon European Sites so that they could be screened out of the assessment at an early stage. A screening process was adopted as follows.

⁵ *Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC (EC 2002)*

⁶ For the purpose of this assessment, 'European Sites' includes Special Protection Areas (SPA), Special Areas of Conservation (SAC), pSPAs, cSACs and Ramsar sites.

⁷ To be referred to as the 'Submission DPD'

3.2.1 Screening Stage 1 – ‘No Effect’ policies

Each of the Core Strategy and Development Control Policies for Chelmsford were screened and those policies identified to have no effect on any European Site were screened out of the assessment and the reason will be specified within the documentation. The following criteria were used to identify these ‘no effect’ policies⁸:

- **Non-development policies:** policies that will not lead to development themselves as they relate to design or other qualitative criteria for development.
- **Unknown location development policies:** policies that make provision for a specific type of development but the location of the development is yet to be selected. Fundamentally therefore, unless there is evidence to indicate that the type/quantum of development provided for in the policy cannot be accommodated without potentially affecting a European Site, this would be a policy that would have no effect, because making provision for a type/quantum of development at this strategic level will not itself have any effect on a European Site.
- **Over-arching development policies:** policies that relate to development proposals but no development would occur through the policy itself because other more detailed policies within the DPD will implement the proposals. It is therefore more appropriate to assess these more detailed policies.
- **Urban development policies:** policies promoting a concentration of development in urban areas (although there may be some important exceptions for some European Sites) as generally this policy approach will help to steer development away from European Sites and associated sensitive areas.
- **Protective policies:** policies that specifically steer development away from European Sites and associated sensitive areas e.g. excluding development from certain areas.
- **Biodiversity policies:** policies that specifically protect the natural environment.
- **Enhancement policies:** policies that specifically enhance the natural, built or historic environment where proposed measures are not likely to result in adverse effects upon European Sites.

3.2.2 Screening Stage 2 – ‘Potential Effect’ policies

Following screening stage 1, the remaining policies were subject to a second screening to identify those that could have a potential effect requiring consideration as to whether it is likely to be a significant effect. These policies would include those that promote development in areas that include a European Site of an area where development could indirectly affect a European Site.

This screening stage takes into account the following broad, judgement-based criteria:

- Proximity of policy area (if spatially defined) to a European Site;

⁸ SOURCE: English Nature, August 2006

-
- Scale of proposals;
 - Likely associated adverse direct and indirect impacts, considering duration and magnitude.

If the policy or supporting text includes a caveat or criterion that excludes support for potentially damaging proposals on a European Site then this policy can be screened out.

3.3 Stage 2 Appropriate Assessment

Where it cannot be concluded that a policy will have no significant effect on a European Site it is necessary to undertake Stage 2 Appropriate Assessment.

The Stage 2 Appropriate Assessment methodology includes interpretation of the EN ‘favourable condition tables’ and identification of the conservation objectives for each of the European Sites/groups of European sites that are to be considered. For each of the European Sites a set of vulnerability/areas of concern was established, based on the data collection exercise, in order to highlight environmental considerations that would potentially lead to significant adverse effects. Each ‘screened in’ policy is then assessed against these areas of concern. This would also consider the in-combination effects of other policies as appropriate.

3.4 Mitigation, Compensation and Alternatives

This assessment considers options for mitigation (e.g. policy amendment) where the Stage 2 Appropriate Assessment deems policies to potentially result in adverse effects on the integrity of European Sites. This is an iterative process which allows for modification of the Core Strategy and DC Policies. The mitigation options are based on those consistent with the statutory planning requirements. The level within the planning hierarchy that mitigation is best set was also considered, and opportunities to think strategically about mitigation activities. In the majority of instances the mitigation is likely to be a minor modification to a policy and these are outlined as recommendations to CBC following this assessment.

3.5 The ‘in combination’ assessment

In order to comply with the regulations, an assessment of the Core Strategy must include whether it would be likely to have significant effects in combination with other plans and projects. In order to make the assessment manageable and effective, the ‘in combination’ assessment needs to be constrained to only relevant plans and projects.

4. Baseline Conditions

4.1 Identified Sites of Interest

There are two sites within the borough of Chelmsford that have been designated for their nature conservation value at the European level.

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

In addition to these sites, the following sites outside the Borough have also been considered within this AA due to their proximity and or connectivity to the Borough.

- Blackwater Estuary SPA and Ramsar Site in the District of Maldon, 5.5km east of the Borough of Chelmsford;
- Dengie SPA and Ramsar Site (also part of the Essex Estuaries SAC) in the Borough of Colchester, 20km east of the Borough of Chelmsford;
- Colne Estuary SPA and Ramsar Site (also part of the Essex Estuaries SAC) in the District of Maldon, 20km east of the Borough of Chelmsford; and
- Foulness SPA and Ramsar Site (also part of the Essex Estuaries SAC) in the District of Rochford, 20km east of the Borough of Chelmsford.

Both Abberton Reservoir SPA and Epping Forest SAC were initially considered within the scope of this assessment, however, due to the distance of these sites from the Borough of Chelmsford and the number of physical barriers (e.g. M25 motorway etc.) between the European Site and the Borough, these sites have been screened out from further assessment.

Notwithstanding the above it is recognised that Abberton Reservoir supplies Chelmsford Borough with water and that new development within the Borough could increase pressure upon water resources, with a possible consequential effect upon the SPA. However, housing provision is set at the regional level by the Regional Spatial Strategy (RSS) and as such it is considered that any likely significant effects arising from the housing numbers should be considered at the regional level.

Further discussion on this subject is provided in section 5.

4.2 Data Collection

For each of the six sites outlined above, baseline information has been collected utilising the following resources:

- Joint Nature Conservation Committee (JNCC) website (www.jncc.gov.uk);
- English Nature Website (www.english-nature.gov.uk);

-
- MAGIC Website (www.magic.gov.uk);
 - English Nature's advice given under Regulation 33(2) of *The Conservation (Natural Habitats, &c.) Regulations 1994 (SI 1994 No. 2716)* (as amended);

Information regarding the interest features, sensitivities, vulnerabilities, condition, conservation objectives and management plans has been summarised in Appendix A for each of the above noted sites.

4.3 European Site Groupings

The estuarine and coastal European Sites within and adjacent to the Borough of Chelmsford have been attributed conservation objectives that are relatively homogenous due to the nature of the interest features and habitats that are frequently occurring at these sites. For the purposes of this assessment, their conservation objectives and vulnerabilities have therefore been aggregated in order to streamline the screening and more detailed assessment process.

4.4 Site Vulnerabilities

The data collection exercise, as summarised in Appendix A, identified the conservation objectives for each site and its current condition. The exercise has also attempted to identify the reasons behind unfavourable condition and reasons why conservation objectives for each site may not be being met so that the areas of concern/vulnerabilities of each site can be established. Policies that may result in effects on these vulnerable areas (not necessarily spatially defined) are likely to result in a decline in the condition of the above outlined European Sites and in turn, potentially result in significantly adverse effects.

These vulnerabilities have been summarised below:

- Direct habitat loss;
- Coastal squeeze /coastal erosion primarily due to sea level rise
- Increased recreational pressure that in turn leads to disturbance effects. The recreational pressure is both water-based and terrestrial.
- Water abstraction and drought resulting in low water levels
- Agricultural run-off and seepage leading to nutrient enrichment in aquatic and terrestrial habitats
- Water quality deterioration
- Sea wall management/mowing
- Presence of hard sea walls that prevents habitat in-migration/ re-colonisation

It is proposed that these identified areas of concern/vulnerabilities are used as criteria against each policy, taking account of spatial considerations, in order to identify those policies that could result in an adverse effect on a European Site.

5. Summary of Screened Policies

Screening Stages 1 and 2 have been undertaken on all of the policies within the Core Strategy and Development Control Policies and the process and reasoning for each screened policy has been summarised in Appendix B.

The following policies have therefore been screened in for further detailed assessment.

Table 5.1 Identified Core Policies and Development Control Policies potentially causing adverse or uncertain effects upon European Sites

Policy	Commentary
DC3: Managing development density in different locations	The area of concern for this policy is the high density housing levels proposed for South Woodham Ferrers Town Centre due to its proximity to the Crouch and Roach Estuaries SPA/ Ramsar Site and Essex Estuaries SAC. High density housing in this area could potentially result in increased recreational pressure that could in turn impact upon the adjacent European Site.
DC54: Promotion of employment clusters	The policy is promoting new development of employment clusters in a number of sectors. Eight specific locations have been outlined, the majority being within the urban area of Chelmsford, and hence not considered to result in adverse effects upon European Sites. However, Ferrers Road Industrial Area, South Woodham Ferrers has been identified as a potential site and this area is located within close proximity to the Essex Estuaries SAC and Crouch and Roach Estuaries SPA/Ramsar Site. Specifics of the location of any new development has not been provided but there is certainly potential for adverse effects to occur as a result of new development in this area.
DC55: Location of business development	This policy explicitly identifies employment areas where new development will be permitted. The majority of locations identified, as with policy DC54 are within Chelmsford however, the Ferrers Road Industrial Area is identified as a potential site for the focus of this new development. This industrial estate is in close proximity to a European Site and no consideration has been made within the policy text to ensure that new development does not result in adverse effects upon European Sites.
DC56: Industrial and warehouse development	As with policies D54 and D55, proposals for new development in the area of South Woodham Ferrers could potentially lead to significant effects upon European Sites within the vicinity. Furthermore, rural proposals for industrial/warehouse development include a location at Mayphil Industrial Estate, Battlesbridge. This area is also within close proximity to and upstream of the Essex Estuaries SAC and Roach and Crouch SPA/Ramsar Site. As such, proposals at this site could result in adverse effects upon the European Sites within the vicinity.

In addition to the above it is considered appropriate to highlight Policy CP2 – The Borough-Wide Spatial Strategy. This policy provides provision for 14,000 dwellings within the Borough over the period 2001-2021. This amount of development could have impact upon water resources and hence certain protected sites. However, the provision is provided by the emerging RSS and not by the Borough Council. As such the Borough Council does not have the ability to deviate or amend this figure. It is considered that any potential likely significant effect should therefore be identified and addressed through the Appropriate Assessment of the RSS.

In February 2006 the Government Office and English Nature produced a Note commenting upon the screening of the draft RSS for 'likely significant effect' on a European site(s)⁹. Annex 1 contained an initial list of policies and schemes which could potentially affect a European and/or Ramsar site. It included the Spatial Strategic Policy SS13 which identifies the overall housing provision for the region. Policy H1, which provides the allocation for each local planning authority is not included, although it is recognised that this is an initial view only.

In view of the above it is considered appropriate for the Borough Council to consider the location of housing within the Borough, (as opposed to the number). The potential impacts arising from the location of the dwellings will be assessed during the consideration of the Site Allocations DPD.

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http://www.goeast.gov.uk/goee/docs/193657/193668/Regional_Spatial_Strategy/AppropriateAssessmentadvicet1.doc

6. Detailed Policy Assessment

Each of the four policies identified as requiring further assessment (refer to section 5.0 above) has been assessed in more detail by considering the potential resulting effects of the policy against the sensitivities of the European Sites (identified in Appendix A).

The findings of this assessment have been summarised below.

6.1 DC3: Managing development density in different locations

6.1.1 Policy Text from Development Control Policies

“Planning permission will be granted for residential development, including change of use, within the Urban Areas and Defined Settlements as defined on the Proposals Map, provided the development optimises the capacity of the site in a manner that is compatible with the use, intensity, scale, character and grain of the surrounding area and the size of the site.

The precise density for any individual site will be determined by its immediate context, on-site constraints, the type of development proposed and the need to provide an appropriate mix of house types and sizes to meet the community’s needs.

Within the Chelmsford Town Centre Area Action Plan area, South Woodham Ferrers Town Centre and the Principal Neighbourhood Centres, the Borough Council will seek to secure a density of at least 50 dwellings per hectare, unless the Borough Council is satisfied that material considerations indicate that a lesser density would be appropriate.

Outside of these areas, densities above 30 dwellings per hectare but not exceeding 60 dwellings per hectare will be sought subject to the site’s general accessibility. More detailed guidance on density and accessibility criteria is given in the Supplementary Planning Document on Urban Site Guidance.”

6.1.2 Discussion

This policy seeks to secure the official use of all land suitable for residential development by maximising development density where appropriate.

Policy DC3 is relatively overarching but does emphasise to specific urban areas where housing density is to be maximised. These areas include Chelmsford and South Woodham Ferrers Town Centre. Chelmsford’s location and thereby distance from the local European Sites is likely to exclude the town from having likely significant effects upon the hydrological regime of the estuarine and coastal designated sites. However, South Woodham Ferrers is located in very close proximity to the Crouch and Roach Estuaries SPA/ Ramsar Site and Essex Estuaries SAC. Potential increases in recreational activity within the town as a result of significant increases in

housing density could potentially result in indirect effects upon the integrity of these European Sites.

The scale, extent and density of the housing present in the town will influence the level of recreational disturbance associated with it. Policy DC3 does not provide such detail and it is likely that this will only be provided at the detailed project level. However, taking into consideration the nature of the European Sites, the size of the town and its proximity to these sites, and that the precautionary principle must be adopted as part of this process, it is recommended that the text of this policy is amended to provide some protection for European Sites within the locality.

6.1.3 Recommendations

It is recommended that the following additional paragraph is added to the wording for Policy DC3:

“Development proposals must avoid any significant adverse environmental impacts and where possible enhance the biodiversity interest of neighbouring internationally designated sites for nature conservation.”

6.2 DC54: Promotion of employment clusters

6.2.1 Policy Text from Development Control Policies

“The Borough Council will support the development of employment clusters, in the following sectors:

- i) Finance, insurance and banking*
- ii) Research and development*
- iii) Information technology*
- iv) Health industries/biotechnology*
- v) Electronic engineering*

Development proposals, which promote these clusters, would be appropriate in the following areas:

Anglia Ruskin University Business Innovation Centre, Chelmsford

E2V Industrial Area, Waterhouse Lane, Chelmsford

New Street Industrial Area, Chelmsford

West Hanningfield Road Industrial Area, Great Baddow, Chelmsford

Chelmsford Business Park, off Colchester Road, Springfield, Chelmsford

Essex Regiment Way, Broomfield

Hedgerows Business Park and ECC Highways Depot, Springfield, Chelmsford

Ferrers Road Industrial Area, South Woodham Ferrers

Employment Area(s) within New Neighbourhoods.”

6.2.2 Discussion

The policy is specifically promoting new development of employment clusters in a number of sectors. Eight specific locations have been outlined, the majority being within the urban area of Chelmsford. As noted with policy DC3, Chelmsford’s location and thereby distance from the local European Sites is likely to exclude the town from having likely significant effects upon the hydrological regime of the estuarine and coastal designated sites. However, Ferrers Road Industrial Area, South Woodham Ferrers has been identified as a potential site for new development and this area is located within close proximity to the Essex Estuaries SAC and Crouch and Roach Estuaries SPA/Ramsar Site.

Specifics of the location of any new development have not been provided but there is certainly potential for adverse effects to occur as a result of new development in this area. Adverse effects resulting from such new development could include changes to water quality, direct habitat loss and increased recreational pressure.

The exact location, scale, extent and density of the new development will influence the magnitude and type of impact associated with it. Policy DC54 does not provide such detail and it is likely that this will only be provided at the detailed project level. However, taking into consideration the nature of the European Sites and the proximity of the town to these sites, and that the precautionary principle must be adopted as part of this process, it is recommended that the text of this policy is amended to provide some protection for European Sites within the locality.

6.2.3 Recommendations

It is recommended that the following additional paragraph is added to the wording for Policy DC54:

“Development proposals must avoid any significant adverse environmental impacts and where possible enhance the biodiversity interest of neighbouring internationally designated sites for nature conservation.”

6.3 DC55: Location of business development

6.3.1 Policy Text from Development Control Policies

“This policy refers specifically to Classes B1(a), B1(b), and B1(c) of the Use Classes Order 1987 (as amended). Proposals for large business development of 500 sq.m. gross floorspace or more should be situated within Chelmsford Town Centre as defined by the Area Action Plan and be of a scale and function appropriate to character of the town centre. Where business development cannot be accommodated within Chelmsford Town Centre, the urban Employment Areas listed below would provide an appropriate location.

The expansion, conversion or redevelopment of premises for uses falling within Classes B1(a), B1(b) and B1(c) of the Use Classes Order 1987 (as amended) will be permitted in the following Employment Areas:

Chelmsford Town Centre Area Action Plan Employment Areas

Chelmer Industrial Area, Hoffmanns Way, Chelmsford

New Street Industrial Areas, Chelmsford

Kingsdale and Eckersley Road Industrial Estates, Regina Road, Chelmsford

Navigation Road Industrial Areas, Chelmsford

Employment Areas – Urban

Chelmsford Business Park, off Colchester Road, Springfield, Chelmsford

Cromar Way Industrial Area and Waterhouse Business Centre, Chelmsford

E2V Industrial Area, Waterhouse Lane, Chelmsford

Hedgerows Business Park and ECC Highways Depot, Colchester Road, Springfield, Chelmsford

Winsford Way, Chelmsford

Widford Industrial Estate, Chelmsford

Church Street Industrial Areas, Great Baddow, Chelmsford

Ferrers Road Industrial Area, South Woodham Ferrers

Employment Area(s) within New Neighbourhoods

Proposals for business developments of less than 500 sq.m. gross floorspace will be allowed within the Urban Areas of Chelmsford and South Woodham Ferrers and the Defined Settlements provided that the site would not have an unacceptable impact on the amenities, character or appearance of the area.”

6.3.2 Discussion

This policy explicitly identifies employment areas where new development will be permitted. The majority of locations identified, as with policy DC54 are within Chelmsford however, the Ferrers Road Industrial Area is again identified as a potential site for the focus of this new development. As noted above, this industrial estate is in close proximity to a European Site and no consideration has been made within the policy text to ensure that new development does not result in adverse effects upon European Sites.

Specifics of the location of any new development has not been provided but there is certainly potential for adverse effects to occur as a result of new development in this area. Adverse effects resulting from such new development could include changes to water quality, direct habitat loss and increased recreational pressure.

The exact location, scale, extent and density of the new development will influence the magnitude and type of impact associated with it. Policy DC55 does not provide such detail and it is likely that this will only be provided at the detailed project level. However, taking into consideration the nature of the European Sites and the proximity of the town to these sites, and that the precautionary principle must be adopted as part of this process, it is recommended that

the text of this policy is amended to provide some protection for European Sites within the locality.

6.3.3 Recommendations

It is recommended that the following additional paragraph is added to the wording for Policy DC55:

“Development proposals must avoid any significant adverse environmental impacts and where possible enhance the biodiversity interest of neighbouring internationally designated sites for nature conservation.”

6.4 DC56: Industrial and warehouse development

6.4.1 Policy Text from Development Control Policies

“The expansion, conversion or redevelopment of premises for uses falling within Classes B2 and B8 of the Use Classes Order 1987 (as amended) will be permitted in the following Employment Areas as shown on the Proposals Map:

Chelmsford Town Centre Area Action Plan Employment Areas

Rivermead Industrial Area, Bishop Hall Lane, Chelmsford

W & H Marriage & Sons Industrial Area, Chelmsford

Employment Areas – Urban

Beehive Lane Industrial Area, Great Baddow, Chelmsford

Bilton Road Industrial Areas, Chelmsford

Church Street Industrial Areas, Great Baddow, Chelmsford

Cromar Way Industrial Area and Waterhouse Business Centre, Chelmsford

Dukes Park Industrial Estate, Chelmsford

Springfield Business Park, Springfield, Chelmsford

Westway Industrial Area, Chelmsford

Widford Industrial Estate, Chelmsford

Winsford Way, Chelmsford

Eastern Industrial Estate, South Woodham Ferrers

Saltcoats Industrial Estate, South Woodham Ferrers

Ferrers Road Industrial Area, South Woodham Ferrers

Employment Areas – Rural

East Hanningfield Industrial Estate, East Hanningfield

Mayphil Industrial Estate, Battlesbridge

Rignals Lane Industrial Estate, Galleywood

Royal British Legion Trading Estate, Danbury

Waltham Road Industrial Estate, Boreham

Temple Wood Industrial Estate, West Hanningfield

Any proposals should have regard to the amenity and character of both the existing Employment Area within which it is located and the sites that adjoin it.”

6.4.2 Discussion

As with policies DC54 and DC55, proposals for new development in the area of South Woodham Ferrers could potentially lead to significant effects upon European Sites within the vicinity.

Furthermore, rural proposals for industrial/warehouse development include a location at Mayphil Industrial Estate, Battlesbridge. This area is also within close proximity to and upstream of the Essex Estuaries SAC and Roach and Crouch SPA/Ramsar Site. As such, proposals at this site could result in adverse effects upon the European Sites within the vicinity.

Specifics of the location of any new development has not been provided but there is certainly potential for adverse effects to occur as a result of new development in these areas. Adverse effects resulting from such new development could include changes to water quality, direct habitat loss and increased recreational pressure.

The exact location, scale, extent and density of the new development will influence the magnitude and type of impact associated with it. Policy DC56 does not provide such detail and it is likely that this will only be provided at the detailed project level. However, taking into consideration the nature of the European Sites and the proximity of the town to these sites, and that the precautionary principle must be adopted as part of this process, it is recommended that the text of this policy is amended to provide some protection for European Sites within the locality.

6.4.3 Recommendations

It is recommended that the following additional paragraph is added to the wording for Policy DC56:

“Development proposals must avoid any significant adverse environmental impacts and where possible enhance the biodiversity interest of neighbouring internationally designated sites for nature conservation.”

7. Cumulative Impacts

There is a requirement to consider cumulative impacts that result from the Plan as a whole within this assessment. This in part also addresses the issues regarding consideration of the “in-combination effects”, namely consideration of the land use policies in-combination with each other.

The development proposals for the Borough, particularly relating to housing but also employment and transport, may not result in significant impacts upon European Sites as individual policies but in combination with each other have the potential to cause significant adverse effects.

Chelmsford Borough, by virtue of its semi-estuarine location, is adjacent to European Sites. This means that proposals for development, together with the increased levels of population that they bring, have the potential to result in cumulative adverse impacts upon these receptors. These in turn may have further cumulative impacts when added to similar projects and proposals in neighbouring districts that form part of the estuarine complex. Such impacts may be as a result of increased demands for land and water based recreation, fly-tipping or general trespass. As such, developments concentrated in the areas of South Woodham Ferrers in particular have a combined potential for such impacts. Such impacts are difficult to quantify at this strategic level, although they may be minimised by the generally restricted access to both the water and sensitive landward areas by the wider public.

In the absence of more detail on all of the developments proposed, the safeguarding of the European Sites considered within the assessment has been assured through consideration of the overarching strategic policies relating to environmental aspects that are fundamental to the condition of the European Sites. These include:

- CP1: Securing Sustainable Development
- CP5: Containing Urban Growth
- CP9: Protecting Areas of Natural and Built Heritage Importance
- CP12: Protecting and Enhancing Recreational Provision
- CP13: Minimising Environmental Impact
- CP14: Environmental Quality and Landscape Character

These overarching policies provide a level of protection to European Sites within the Borough from cumulative impacts. For example, Policy CP12 ensures that new housing developments within the Borough have adequate open space/recreational provision and in turn this takes the pressure away from European Sites and thereby reduces potential disturbance impacts associated with increased human activity. Furthermore, the recommendations within this report also assist in limiting cumulative impacts.

8. Conclusion and Summary of Recommendations

Entec UK has undertaken an assessment of the Core Strategy and Development Control Policies of the Submission DPD to ascertain whether, either individually or cumulatively, they may have a likely significant effect upon European protected sites, within and outside the Borough. This assessment has followed the emerging guidance provided by Natural England and DCLG. It has identified two sites within the borough and a further four additional sites which lie outside the borough boundary, but which it is considered have the potential to be affected by development.

All Core Strategy and Development Control Policies have been assessed for their likely significant impact upon the identified protected sites. It has been concluded that four Development Control Policies have such a potential. Amendments to policy wording are considered to be sufficient to address any likely significant impact. If these recommendations are adopted within the DPD then no further Appropriate Assessment of this document is required. The policy recommendations are summarised in Table 8.1 below.

Table 8.1 Summary of Recommendations

Policy	Recommendations
DC3: Managing development density in different locations	It is recommended that the following additional paragraph is added to the wording for Policy DC3: <i>“Development proposals must avoid any significant adverse environmental impacts and where possible enhance the biodiversity interest of neighbouring internationally designated sites for nature conservation.”</i>
DC54: Promotion of employment clusters	It is recommended that the following additional paragraph is added to the wording for Policy DC54: <i>“Development proposals must avoid any significant adverse environmental impacts and where possible enhance the biodiversity interest of neighbouring internationally designated sites for nature conservation.”</i>
DC55: Location of business development	It is recommended that the following additional paragraph is added to the wording for Policy DC55: <i>“Development proposals must avoid any significant adverse environmental impacts and where possible enhance the biodiversity interest of neighbouring internationally designated sites for nature conservation.”</i>
DC56: Industrial and warehouse development	It is recommended that the following additional paragraph is added to the wording for Policy DC56: <i>“Development proposals must avoid any significant adverse environmental impacts and where possible enhance the biodiversity interest of neighbouring internationally designated sites for nature conservation.”</i>

Appendix A

Baseline Data for European Sites

Site or Complex	Component Sites	Status	Features of Interest	Conservation Objectives	Condition (EN)	Vulnerabilities/ areas of concern
Crouch and Roach Estuaries (SPA and Ramsar Site) and Essex Estuaries (SAC)	Crouch and Roach Estuaries SSSI			<p>The conservation objectives for the European interests on the SSSI are: Subject to natural change, to maintain*, in favourable condition the:</p> <p>Glasswort and other annuals colonising mud and sand Cordgrass swards (<i>Spartinion</i>) Atlantic salt meadows (<i>Glauco-Puccinellietalia</i>) Mediterranean and thermo-Atlantic halophilous scrubs (<i>Arthrocnemetalia fruticosae</i>) Estuaries Intertidal mudflats and sandflats</p> <p>to maintain*, in favourable condition the habitats for the populations of the Annex 1 bird species + of European importance, with particular reference to: semi-improved grassland unimproved grazing marsh inc. ditches semi-improved grazing marsh sea wall with borrow dyke.</p> <p>+ hen harrier.</p> <p>to maintain*, in favourable condition, the habitats for the populations of the migratory bird species + of European importance, with particular reference to: Grazing marsh Improved grassland with ditches Tidal inner estuary with sea wall Tidal inner estuary without sea wall or saltmarsh Tidal inner estuary without sea wall Tidal outer estuarine Saltmarsh/grassland transition.</p> <p>+ Dark-bellied brent goose.</p> <p>to maintain*, in favourable condition, the habitats for the populations of waterfowl that contribute to the wintering waterfowl assemblage of European importance, with particular reference to: Grazing marsh Improved grassland with ditches Freshwater lagoon with brackish creek Open brackish water Tidal outer estuarine Tidal inner estuary with sea wall(including Sea wall and borrow dyke) Tidal inner estuary without sea wall or saltmarsh Tidal inner estuary without sea wall Saltmarsh/grassland transition Coastal lagoon with reeds.</p> <p>* maintenance implies restoration if the feature is not currently in favourable condition</p>	23.5% of the site is in a favourable condition of the remaining 76.5%, 75.83% is unfavourable declining and 0.67% unfavourable no change. These were compiled on 01 September 2006.	<p>The site is vulnerable to coastal squeeze and changes to the sediment budget. A hydraulic numerical model study of the Crouch and Roach Estuaries is being initiated to explore the various options, including managed retreat.</p> <p>Some disturbance of feeding and roosting waterfowl is likely through recreational use of sea wall footpaths by dog walkers, bird watchers etc but this and other recreational issues will be tackled through the management scheme for this European marine site. Water-skiing is largely controlled by the Crouch Harbour Authority. Most grazing marshes are managed under SA/Countryside Stewardship Agreements and/or management agreements with English Nature. Low water levels caused by abstraction will be tackled through the provisions for reviews of licenses under the Habitats Regulations. Many borrow dykes and drainage ditches remain vulnerable to run off and seepage of chemicals from adjacent farm land. Wherever possible arable farmers are being encouraged into Countryside Stewardship schemes to control the application of these chemicals, whilst on most of the adjacent grassland it is controlled by ESA or stewardship agreements. Sea wall management by mowing may be potentially damaging and this is being addressed through consultation with the Environment Agency and individual</p>
Blackwater Estuary (SPA and Ramsar Site) and Essex Estuaries (SAC)	Old Marshes SSSI, Blackwater Estuary SSSI, Colne Estuary	SPA, SAC, Ramsar	Grazing marsh, Improved grassland with ditches, tidal inner estuary with sea wall or saltmarsh, semi-improved grassland, unimproved grazing marsh inc. ditches, sea wall with borrow dyke, tidal inner estuary without sea wall, tidal outer estuarine, Saltmarsh/grassland transition, Freshwater lagoon with brackish creek, open brackish water, coastal lagoon with reeds, Glasswort and other annuals colonising mud and sand, Cordgrass swards (<i>Spartinion</i>), Atlantic salt meadows (<i>Glauco-Puccinellietalia</i>), Mediterranean and thermo-Atlantic halophilous scrubs (<i>Arthrocnemetalia fruticosae</i>), Intertidal mudflats and sandflats, London clay with deep water fish fauna (inc. cliffs), coastal lagoon, semi-improved grazing marsh, swamp with open water, Intertidal mudflats and sandflats, swamp with open water, intertidal mud, sand, saltmarsh and shingle.	<p>The conservation objectives for the European SAC interests on the SSSI are :</p> <p>Subject to natural change, to maintain*, in favourable condition the:</p> <p>Glasswort and other annuals colonising mud and sand Cordgrass swards (<i>Spartinion</i>), Atlantic salt meadows (<i>Glauco-Puccinellietalia</i>), Mediterranean and thermo-Atlantic halophilous scrubs (<i>Arthrocnemetalia fruticosae</i>), Estuaries Intertidal mudflats and sandflats</p> <p>to maintain*, in favourable condition, the habitats for the populations of the Annex 1 bird species +, of European importance, with particular reference to: semi-improved grassland unimproved grazing marsh inc. ditches semi-improved grazing marsh London clay with deep water fish fauna (inc. cliffs) swamp with open water intertidal mud and saltmarsh intertidal mud intertidal mud with shingle and sand sand shingle saltmarsh saltmarsh and shingle coastal lagoon and sea wall with borrow dyke.</p> <p>+ little tern and hen harrier.</p> <p>to maintain*, in favourable condition, the habitats for the populations of the regularly occurring migratory bird species +, of European importance, with particular reference to: semi-improved grassland unimproved grazing marsh inc. ditches semi-improved grazing marsh London clay with deep water fish fauna (inc. cliffs) swamp with open water intertidal mud and saltmarsh intertidal mud intertidal mud with shingle and sand sand shingle saltmarsh saltmarsh and shingle coastal lagoon and sea wall with borrow dyke.</p> <p>+ pochard, bearded tit, dark-bellied brent goose, grey plover, dunlin and black-tailed godwit</p> <p>to maintain*, in favourable condition, the habitats for the populations of waterfowl that contribute to the wintering waterfowl assemblage of European importance, with particular reference to: semi-improved grassland unimproved grazing marsh inc. ditches semi-improved grazing marsh London clay with deep water fish fauna (inc. cliffs) swamp with open water intertidal mud and saltmarsh intertidal mud intertidal mud with shingle and sand sand shingle saltmarsh saltmarsh and shingle coastal lagoon and sea wall with borrow dyke. * maintenance implies restoration if the feature is not currently in favourable condition</p>	<p>According to the SSSI status tables 28.46 of the site is in a favorable condition. 35.26% of the area is currently meeting the PSA target.</p> <p>63.01% of the site is in an unfavorable condition. 63.01% of the site is unfavorable - declining, 6.80% is unfavorable recovering and 1.72% is unfavorable with no change. (compiled on the 01 September 2006)</p>	<p>Coastal erosion The main threat to the site is erosion of intertidal habitats due to a combination of sea level rise and isostatic forces operating on the land mass of Great Britain. The situation is worsened with increasing winter storm events, whilst the hard sea walls along this coastline are preventing the saltmarsh and intertidal areas from migrating inland. This situation is starting to be addressed by alternative flood defence techniques. A shoreline management plan has been prepared for the Essex coast which seeks to provide a blueprint for managing the coastline sustainably.</p> <p>Nutrient enrichment Nutrient enrichment occurs from agricultural run-off and treated sewage effluent. This problem will be addressed through the Essex Estuaries candidate SAC scheme of management as well as review of discharge consents under the Habitats Regulations.</p> <p>Water-based recreation The control of motorised craft (with particular reference to jet-skis) is being addressed through the Blackwater Estuary Management Plan. Enforcement of speed limits should ensure that roosting birds are not subjected to disturbance and saltmarsh habitats are protected from damage by jet-skis.</p> <p>Drought The droughts over the last five years have resulted in lowered water tables in grazing marshes. Attempts are being made to restore this by pumping water from adjacent ditches and use of tertiary treated sewage effluent.</p>
Dengie (SPA and Ramsar Site)	Dengie SSSI			Conservation objectives are covered by both Crouch and Roach and Blackwater Estuaries	62.77% favourable (and PSA) and 37.23 unfavourable declining	
Colne (SPA and Ramsar Site)	Colne Estuary SSSI			Conservation objectives are covered by both Crouch and Roach and Blackwater Estuaries - with the addition of aster community, drift line communities, Upper marsh transitional communities, Upper marsh communities, low mid marsh communities, shrubby sea-bite communities, rock sea lavender communities, Intertidal mudflat and sand flat communities, rock communities, subtidal mud communities, subtidal muddy sand communities, subtidal mixed sediment communities	47.16% favourable (PSA) and 52.84% unfavourable declining	
Foulness (SPA and Ramsar Site)	Foulness SSSI			Conservation objectives are covered by both Crouch and Roach and Blackwater Estuaries	77.94 favourable (PSA) 21.08% unfavourable declining and 0.98% unfavourable no change	

Appendix B

Screening Results

Core Policies					
Policy Number	Title	Brief description	Anticipated effect	Screening Results	Further Assessment Required?
MANAGING GROWTH					
CP1	Securing sustainable development	Link housing and employment needs, and directing development where infrastructure already exists. Development should also seek to minimise environmental damage and actively secure environmental enhancements. Sustainable development principals should apply to all aspects of the developments	Not anticipated to have an effect on SPA or SAC areas as the emphasis on this policy is sustainability and environmental protection and enhancement.	No effect policy - biodiversity policy, protective policy, enhancement policy	No
CP2	The Borough-wide spatial strategy	All proposed development needs to be considered in the context of the borough wide spatial strategy which sets out the Borough Council's vision for growth in the period up to 2021. This includes for 14000 dwellings to be constructed in the period 2001-2021.	An over-arching policy that is broken down into spatially specific DC policies. This policy allows for provision of 14000 houses in the Borough. This amount of development could have effects upon protected sites, most likely to be as a result of increased demand for water. However this target has been provided by the emerging RSS and the Borough does not have the option of departing from it. Consideration of the impact of this amount of housing should therefore be assessed through the AA of the RSS. At the Borough level the sites for housing will be identified within the site allocations DPD and as such, need not be assessed at this level.	No effect policy - Unknown location development policy and Over-arching development policy	No
CP3	Phasing of development	Relates to the release of land in accordance with policy CP2, including the release of greenfield land (subject to planning approval).	This policy does not relate spatially to development but more about the sequential approach to the release of land. The development sites that this policy relates to will be dealt with in more detail within the DC policies.	No effect policy - Unknown Location and Over-arching Policy	No
CP4	Securing infrastructure	Refers to the use of planning obligations to ensure that infrastructure matches development.	Very much depends on the infrastructure required. In some cases this will be beneficial to biodiversity interests and in others (road creation) may have adverse effects. As this is tied to CP2 the effects will be dictated by it. However, the policy itself is not prescriptive spatially and additionally is primarily enforcing a principle that new development must also bring with it the appropriate infrastructure to support it. It does not necessarily promote new development. As such, the policy is not seen in itself to result in likely significant effects upon European Sites.	No effect policy - Non-development policy and unknown location development policy.	No
CP5	Containing urban growth	Protects the rural character by ensuring the protection of the metropolitan green belt and rural areas outside this designation	Will have a positive effect - by protecting the rural areas	No effect policy - protective policy, urban development policy	No
CP6	Promoting urban renaissance	Promote sustainable urban living - including making sure that developments enhance environmental quality.	Will have a beneficial effect through ensuring that developments within towns and rural areas are beneficial to the environment - particularly pertinent in SWF. Will promote the concentration of development in urban areas and thereby steer development away from sensitive rural locations associated with European Sites.	No effect policy - urban development policy	No
CP7	Area action plans	Create plans which direct development of Chelmsford Town Centre and North Chelmsford	This is an overarching policy that will be dealt with in detail at the AAP level and as such it is not considered appropriate to subject this policy to more detailed AA.	No effect policy - over-arching development policy	No
CP8	Promoting accessibility	General policy that promotes all forms of transport, particularly sustainable options.	This policy is not spatially specific and is also encouraging sustainable options. Specific infrastructure proposals relating to new development will also be dealt with in more detail at the DC Policy level.	No effect policy - Unknown location development policy and over-arching development policy.	No
ENVIRONMENTAL PROTECTION AND ENHANCEMENT					
CP9	Protecting areas of natural and built heritage importance	Ensure all protected areas and non designated areas are protected and enhanced	Specifically promotes protection and enhancement of natural environment	No effect policy - protective policy, biodiversity policy and enhancement policy.	No
CP10	Protection from flooding	Reduce the risk of flooding	Ensures that flood risk is fully taken into account in the planning process. Proposals noted are spatially focused on areas to the north of Chelmsford and away from European Sites.	No effect policy - Urban development policy	No
CP11	Energy efficiency, renewable energy and recycling	Increase energy efficiency and better use of natural resources	This policy promotes energy efficiency and renewable energy. This could potentially lead to positive impacts through improved air quality. The policy is not however spatially specific and is in-part a non-development policy as it relates more to the design of energy efficient development.	No effect policy - Non-development policy and unknown location development policy.	No
CP12	Protecting and enhancing recreational provision	Recreation provision - including enhancement and increased provision (includes gardens, parks, country parks and public open space).	Increased recreational pressure on open space and waterways can result in damage to natural habitats and disturbance to biodiversity. However, this policy is not spatially specific and provision of recreational opportunities in itself does not itself have any effect on a European Site or associated sensitive areas.	No effect policy - Unknown location development policy.	No
CP13	Minimising environmental impact	Ensure that all developments do not give rise to environmental impacts specifically covering the development proposals	This policy explicitly refers to minimising environmental impact and as such is not considered to affect European Sites.	No effect policy - protective policy, biodiversity policy and enhancement policy.	No
CP14	Environmental quality and landscape character	Aims to enhance environmental quality and and countryside character	This is not a spatially specific policy and relates primarily to the design of development rather than promoting development itself.	No effect policy - Unknown location policy.	No
BALANCED COMMUNITIES					
CP15	Achieving and managing the mix, type and size of new housing	Expect new residential developments to address the needs of local housing market and ensure a mixture of dwelling types.	This is not a spatially specific policy but rather the type of development mix that is to be provided. Some types of development are likely to result in more adverse effects upon European Sites than others but these effects are dependent upon many factors that are detailed at this level of policy. As such, this policy itself would not result in adverse effects upon a European Site and assessment at the DC policy level will be more appropriate.	No effect policy - No development policy and unknown location policy	No
CP16	Promoting social inclusion	Increased provision of local services and amenities including education, healthcare, social services, green space community buildings and cultural facilities	This is not related to development.	No effect policy - No development policy.	No
CP17	Reducing deprivation	Reduce levels of social and economic deprivation within the Borough.	This policy is not related to development or spatially specific.	No effect policy - No development policy.	No
QUALITY OF LIFE					
CP18	Providing new community and social facilities in major developments.	Include new community facilities in major developments	This is not a spatially specific policy and relates to design rather than development specifics.	No effect policy - No development policy.	No
CP19	Improving links between developments	Improving local infrastructure between developments	This policy relates to the provision of improved route networks by new development. New development will be accessible and sustainable by integrating and reinforcing the existing infrastructure. This policy is not spatially specific although it does promote development, town centres and nearby local centres. The improvements are likely to be to the existing infrastructure in place and could potentially result in localised improvements in air quality by reducing congestion etc. As such, this policy in itself is not considered to result in likely effects upon European Sites.	No effect policy - Non-development policy and unknown location development policy.	No
CP20	Achieving well designed high quality places	Quality of place	This policy relates to design and not the promotion of development itself.	No effect policy - non - development policy.	No
CP21	Ensuring buildings are well designed	Design standards	This policy relates to design and not the promotion of development itself.	No effect policy - non - development policy.	No
ECONOMIC PROSPERITY					
CP22	Securing economic growth	Look to continue with stable levels of economic growth, including a number of drivers, encourage diversification access to employment, town center regeneration, support initiatives which bring employment to Chelmsford as a regional employment centre, support any development looking to renew and improve business sites in defined settlement.	The policy is generally not spatially specific. Where it does mention locations for new development, these are urban areas i.e. Chelmsford which would essentially steer development away from European Sites and their associated sensitive areas. Furthermore, the spatially specific elements of the policy will be dealt with at the more detailed DC policy level.	No effect policy - Unknown location development policy, urban development policy, over-arching development policy.	No
CP23	Reinforcing the regional role of Chelmsford town centre	Make Chelmsford a stronger regional centre.	All the development proposed is within the existing footprint of the town, focused upon the urban area and thereby steering this development away from the rural and sensitive locations associated with the European Sites.	No effect policy - urban development policy	No
CP24	Reinforcing and promoting Chelmsford as a regional transport node	Improve Chelmsford's regional transport role	Although the focus of this policy is on Chelmsford, the specifics of the proposals for improved transport links are not outlined and are to be covered within the AAP for Chelmsford as well as the Essex Local Transport Plan. As such, it is more appropriate to consider the impacts of these proposals at the more detailed level.	No effect policy - over-arching development policy	No
CP25	Supporting South Woodham Ferrers Town Centre and neighbourhood centres	Protect and enhance the viability and vitality of neighbourhood centres in the borough.	This policy is focused on protection and enhancement of urban areas and does not itself promote new development in specific insensitive locations.	No effect policy - urban development policy.	No
CP26	Freight transport	Provision for the efficient movement of goods by freight and looking for less environmentally damaging options.	This policy encourages the use of rail for freight movement. Furthermore, the policy itself is not spatially specific and as such does not result in adverse effects upon European Sites itself although could potentially at the more detailed level if road improvements are proposed.	No effect policy - unknown location development policy, non-development policy.	No

Development Control Policies					
Policy Number	Title	Brief description	Anticipated effect	Screening results	Further assessment required?
MANAGING GROWTH					
DC1	Controlling development in the Metropolitan Green Belt	Planning permission refused within greenbelt zone with some exceptions (new agriculture, forestry, essential small scale facilities sports related, affordable housing for local needs replacement or extension of existing dwelling, park and ride, essential engineering works)	This policy is essentially a protective policy that will steer development away from the European Sites in the main. The exceptions to this protective measure are generally non-development proposals and are not likely to result in significant impacts upon the European Sites although detailed planning applications would still need to consider this issue if located close to an SPA/SAC/Ramsar Site. However, this policy does not specifically promote any development in sensitive locations and as such, cannot be deemed to cause likely significant effects upon European Sites.	No effect policy - protective policy	No
DC2	Controlling development in the countryside outside the Metropolitan Green Belt	Countryside beyond the green belt will be protected for its own sake, taking into account environmental features and recreational value. There will be restriction of new uses in the to those appropriate to the rural setting	This again is a protective policy and is not likely to result in significant effects upon European Sites.	No effect policy - protective policy	No
DC3	Managing development density in different locations	Aims for a target housing density per hectare in recognised urban areas including SWR. It also sets a threshold density outside of the urban areas.	The only area of concern for this policy is the high density housing levels proposed for South Woodham Ferrers Town Centre due to its proximity to the Crouch and Roach Estuaries SPA/Ramsar Site and Essex Estuaries SAC. High density housing in this area could potentially result in increased demands on water supply and/or recreational pressure that could in turn impact upon the adjacent European Site. However, the potential impact of housing numbers upon water supply is considered to be a matter for the RSS, and ultimately the site allocations DPD.	Potential effect policy	Yes
DC4	Protecting existing amenity	All development should have regard to the need to safeguard the amenity of the occupiers of nearby property	This policy does not relate to the promotion of development in sensitive areas.	No effect policy - non-development policy	No
DC5	Securing mixed use in major developments in the town centres and principal neighbourhood centres	Sets out targets for mixed use development in urban centres	Ensuring mixed use in proposed development areas in itself does not result in significant effects upon European Sites - this is more of a design issue.	No effect policy - Non-development policy	No
DC6	Assessment of proposals against a modal hierarchy	Sets out the hierarchy of transport provision, based on sustainability	This policy does not promote development in sensitive locations - it relates to development design regarding transport.	No effect policy - non-development policy	No
DC7	Criteria for transport assessment	Requires transport assessment for all developments which will generate over 40 vehicles at peak times.	This policy does not promote development in sensitive locations.	No effect policy - non-development policy	No
DC8	Vehicle parking standards at developments	Sets the standards for parking areas associated with development.	This policy does not promote development in sensitive locations.	No effect policy - non-development policy	No
DC9	Health impact assessments	Sets out criteria for HIA and links to a planning obligation requirement where significant impacts are identified.	This policy does not promote development in sensitive locations - this policy relates to design.	No effect policy - non-development policy	No
ENVIRONMENTAL PROTECTION AND ENHANCEMENT					
DC10	Green Wedges	Seek to protect and enhance the open character of the river valleys and restrict development except for, agriculture, forestry, leisure and nature conservation, and as in DC1	This policy specifically provides protection and enhancement to the natural environment and as such, is not deemed to result in adverse effects upon European Sites.	No effect policy - protective policy, biodiversity policy, enhancement policy	No
DC11	Coastal protection belt	Coastal protection zone	This explicitly provides protection for the coast and its associated habitats, including designated sites.	No effect policy - protective policy, biodiversity policy.	No
DC12	Replacement dwellings in the countryside	Promotes the replacement and rebuilding of existing dwellings in the countryside provided they fulfill a number of criteria.	The replacement of buildings on this scale is not likely to add new significant effects for European Sites	No effect policy - non-development policies	No
DC13	Infilling in the countryside	Aims to prevent infilling within the countryside except in 3 exceptions	This policy steers development away from the countryside and encourages development in urban areas. The exceptions to the rule are considered too small scale to result in significant impacts upon European Sites.	No effect policy - urban development policy.	No
DC14	Garden extensions	Garden extensions will be refused except for in exceptional circumstances.	This policy is not related to development in sensitive areas.	No effect policy - non-development policy.	No
DC15	Sites of biodiversity and geological value	Aims to add to, maintain and enhance sites of biodiversity and geological interest and weight will be attached to the hierarchy of sites in the Borough.	This policy specifically provides protection and enhancement to the natural environment and as such, is not deemed to result in adverse effects upon European Sites.	No effect policy - protective policy, biodiversity policy, enhancement policy	No
DC16	Protected species, trees and hedges	Planning permission will be refused to all development proposals that may cause demonstrable harm to species and habitats protected by English and EU law, in addition to protection for trees and hedgerows.	This policy specifically provides protection to the natural environment and as such, is not deemed to result in adverse effects upon European Sites.	No effect policy - protective policy, biodiversity policy, enhancement policy	No
DC17	Protected lanes	Planning permission would be refused where an adverse effect is anticipated on Protected lanes.	This policy specifically provides protection to the natural environment associated with protected lanes and as such, is not deemed to result in adverse effects upon European Sites.	No effect policy - protective policy, biodiversity policy.	No
DC18	Developments adjacent to watercourses	Refused where the design and layout fails to take account of the landscape and open water features.	This policy is not expected to result in adverse effects upon European Sites. Water quality issues during construction phases would be dealt with at the detailed design level.	No effect policy - non-development policy.	No
DC19	Conservation areas	Protects areas of historic and conservation interest.	This policy relates to existing developed areas of conservation value and is not considered to result in any significant effects with regard to European Sites.	No effect policy - non-development policy.	No
DC20	Listed buildings	Protects listed buildings from change of use.	This policy relates to existing developed listed buildings value and is not considered to result in any significant effects with regard to European Sites.	No effect policy - non-development policy.	No
DC21	Scheduled ancient monuments	No permission granted where there may be an adverse effect on Scheduled Ancient Monuments.	This is a protective policy for historical features of value and is not considered to result in any significant effects with regard to European Sites.	No effect policy - non-development policy.	No
DC22	Registered parks and gardens	Planning permission would be refused where development would effect the special character of listed parks and gardens.	This is a protective policy for parks and gardens of value and is not considered to result in any significant effects with regard to European Sites.	No effect policy - non-development policy.	No
DC23	Archaeology	Granting of planning permission would be dependent on a sympathetic approach and protection and enhancement of the site with regard to archaeological interest.	This is a protective policy for sites with archaeological value and is not considered to result in any significant effects with regard to European Sites.	No effect policy - non-development policy.	No
DC24	Areas of flood risk	Requirement for Flood Risk Assessments to be undertaken in areas of flood risk and a need for appropriate measures to mitigate impacts within development schemes.	This policy specifically relates to reducing flood risk on new developments and is not considered to result in significant effects upon European Sites.	No effect policy - non-development policy.	No
DC25	Renewable energy	Encourages development to generate energy from renewable sources.	The policy explicitly notes that the development will not have significant adverse impact upon nature conservation interests but does not explicitly refer to European Sites (e.g. tidal energy, off shore wind farms etc.). However, the policy is considered to adequately address impacts upon European Sites.	No effect policy - protective policy.	No
DC26	Energy efficiency design and use of materials	Stipulates efficiency and design standards for development.	This policy relates to development design and does not itself promote development in sensitive areas.	No effect policy - non-development policy.	No
DC27	Water efficiency and sustainable drainage systems	All developments should conserve water and allow for sustainable drainage.	This policy relates to development design and does not itself promote development in sensitive areas.	No effect policy - non-development policy.	No
DC28	Contaminated land	No permission granted where there are potential adverse effects on health, groundwater or surfacewater.	This policy is discouraging the use of contaminated land for development if there are health and safety concerns. No effects upon European Sites are anticipated.	No effect policy - non-development policy.	No
DC29	Development on or lying near or adjacent to hazardous substance sites	Planning permission would be refused when proposals are on or near such a site or notifiable installation.	This policy is discouraging the use of contaminated land for development if there are health and safety concerns. No effects upon European Sites are anticipated.	No effect policy - non-development policy.	No
DC30	Air quality	Planning permission will not be granted to developments which are shown to have a significant adverse effect air quality within an AQMA.	This policy is a protective environmental policy and no effects upon European Sites are anticipated.	No effect policy - non-development policy.	No
DC31	Amenity and pollution	Planning permission will be refused for development, including change in land use, which would potentially give rise to polluting emissions to land air or water unless appropriately mitigated.	This policy is a protective environmental policy and no effects upon European Sites are anticipated.	No effect policy - non-development policy.	No
BALANCED COMMUNITIES					
DC32	Protecting existing housing	Loss of existing housing will not normally be permitted unless, the proposal is to redevelop housing, continued use is environmentally unacceptable, the only way to retain a listed building, use is ancillary to the residential character of the area or the site is part of a comprehensive redevelopment.	This policy relates to retaining the existing housing provision and is not considered to result in adverse effects upon European Sites.	No effect policy - non-development policy.	No
DC33	The provision of affordable housing	Provision of affordable housing in all mixed use developments	This policy does not promote development in sensitive locations - this policy relates to design.	No effect policy - non-development policy.	No
DC34	Rural housing need	Planning permission may be granted for affordable housing on small sites within or adjoining small rural Defined Settlements in order to meet local housing.	Rural housing developments could potentially result in significant adverse effects on European Sites, particularly within the southeast of the borough. However, this policy is not spatially specific and such developments could be accommodated within the borough away from areas that would lead to adverse effects upon European Sites. Furthermore this policy does provide some protection for the natural environment in that it states that development sites must not be subject to 'over-riding environmental or other planning constraint', although it does not explicitly refer to consideration of European Sites or their associated sensitive areas. As such, this policy is not considered, in itself, to lead to likely adverse effects upon European Sites.	No effect policy - unknown location development policy.	No
DC35	Agricultural workers dwellings	Only remove agricultural worker condition where there is evidence of no long term need and this is supported by comprehensive evidence.	This policy does not relate to new development but simply a change of occupancy and as such, no adverse effects on European Sites are anticipated.	No effect policy - non-development policy.	No
DC36	Gypsy and traveller accommodation	Provisions made within the site allocation DPD. Where there is an unexpected need then permission will be granted when the council is satisfied of the need, its accessible to local services and facilities, and that the site would not have an unacceptable impact on local amenities.	The scale of this type of provision is not anticipated to result in adverse impacts upon European Sites.	No effect policy - unknown location development, non-development policy.	No
DC37	Specialist residential accommodation.	Will be provided when in a main urban area, a defined settlement with appropriate facilities and will be an integral part of a new neighbourhood recognised in the spatial strategy.	This policy encourages urban development and in turn is steering this type of development away from rural and more sensitive areas. No effects upon European Sites are anticipated.	No effect policy - urban development policy.	No
DC38	Accessibility and adaptive developments	All new developments should be built to promote inclusive design.	This policy is not related to promotion of new development but rather the development design. No effects upon European Sites are anticipated.	No effect policy - non-development policy.	No
QUALITY OF LIFE					
DC39	Protecting existing local community services and facilities	Change of use of facilities will only be permitted if not economically viable, cannot be converted to another community facility, service lost will be adequately supplied or met and the facility is not required through the planning system to facilitate new developments.	This policy discourages change of use and not new development proposals. No adverse effects upon European Sites are anticipated.	No effect policy - non-development policy.	No

DC40	Promoting sport, leisure, recreation and tourism	Planning permission granted for sport, culture, tourism and recreational facilities where the site would be related to urban areas in the borough and associated public transport, cycling and walking; there would be no unacceptable impact on the character, vehicle access is provided, equal access is provided. For larger scale developments (>70,000 visitors pa) additionally the site will have to be within an Urban Area, Defined Settlement or in a location well served by public transport etc; and there is an identified need.	The policy ensures that major development of these types of use will only be located within urban areas, thereby steering the development away from European Sites and associated sensitive areas. The smaller scale applications will generally be encouraged however, and these may potentially result in impacts upon European Sites if located in the wrong area. However, the policy is not spatially specific and this type of development can be accommodated within the borough without having a significant effect upon a European Site. As such, making a provision for small scale leisure facilities within the borough will not in itself have any effect on a European Site.	No effect policy - unknown location development policy.	No
DC41	Protecting and enhancing open spaces	Planning permission is to be refused for the redevelopment of open space for alternative use unless alternatives are provided, there would not be a loss of and area important for its amenity, or contribution to the character of the area.	This policy relates to the retention of existing open space and no effects upon European Sites are anticipated.	No effect policy - non-development policy.	No
DC42	Public open spaces for new residential developments	All new developments should include open space provision.	This policy ensures the provision of open space in all new development and as such is related to design rather than the promotion of development itself. As such, no effects upon European Sites are anticipated.	No effect policy - non-development policy.	No
DC43	Provision for walking, cycling and public transport as part of new developments	Provision of sustainable transport routes in all new development.	This policy ensures the provision of sustainable transport options in all new development and as such is related to design rather than the promotion of development itself. As such, no effects upon European Sites are anticipated.	No effect policy - non-development policy.	No
DC44	Ensuring transport infrastructure contributes to a quality public realm	All transport infrastructure should contribute to a higher quality public realm	This policy ensures the provision of high quality transport infrastructure in all new development and as such is related to design rather than the promotion of development itself. As such, no effects upon European Sites are anticipated.	No effect policy - non-development policy.	No
DC45	Traffic management measures	All new developments must include appropriate traffic management measures to facilitate safe and efficient movement of people.	This policy ensures the provision of adequate traffic management measures in all new development and as such is related to design rather than the promotion of development itself. As such, no effects upon European Sites are anticipated.	No effect policy - non-development policy.	No
DC46	Site planning	All new developments require adequate and appropriate spatial planning prior to planning permission being granted.	This policy ensures adequate spatial planning on all new development and as such is related to design rather than the promotion of development itself. As such, no effects upon European Sites are anticipated.	No effect policy - non-development policy.	No
DC47	Promoting public art in new development	Public art should be provided for sites over a certain size	This policy encourages the provision of public art and as such is related to design rather than the promotion of development itself. As such, no effects upon European Sites are anticipated.	No effect policy - non-development policy.	No
DC48	Private amenity space	New dwellings should have a high degree of privacy and the use of garden space as appropriate for the type of dwelling and its location.	This policy ensures the provision of adequate private amenity space and as such is related to design rather than the promotion of development itself. As such, no effects upon European Sites are anticipated.	No effect policy - non-development policy.	No
DC49	Achieving high quality development	Specifies design quality	This policy ensures appropriate and high quality development design and as such is related to design rather than the promotion of development itself. As such, no effects upon European Sites are anticipated.	No effect policy - non-development policy.	No
DC50	Sub-division of dwellings	Details on sub dividing dwellings.	This policy ensures the appropriate sub-division of dwellings and as such is related to design rather than the promotion of development itself. As such, no effects upon European Sites are anticipated.	No effect policy - non-development policy.	No
DC51	Extensions to dwellings	Extensions are allowed under certain conditions.	This policy advises the circumstances under which extensions to existing buildings will be approved. Part of this policy relates to extensions outside of urban areas and provides criteria that must be met if planning permission is to be granted and these criteria do not address any requirements for the consideration of the natural environment, in particular European Sites. Although the policy is not spatially specific, it also does not exclude existing buildings close to designated sites and as such, there is some potential for adverse effects to result from this policy on European Sites, particularly when considering cumulative impacts. However, the nature and scale of extensions to existing dwellings/buildings must be taken into account here and the likelihood of extensions within the borough resulting in significant adverse effects upon the integrity of the European Sites is considered to be very low.	No effect policy - urban development policy.	No
ECONOMIC PROSPERITY					
DC52	Employment policy areas	Planning permission will be refused for non-employment use development in identified Employment areas.	This policy relates to existing areas of employment use and does not in itself promote new areas of development. As such, no effects upon European Sites are anticipated.	No effect policy - non-development policy.	No
DC53	Range of unit sizes	Requires a range of unit sizes within Employment Areas.	This policy relates to the provision of a variety of unit sizes when re-developing existing areas of employment use and does not in itself promote new areas of development. As such, no effects upon European Sites are anticipated.	No effect policy - non-development policy.	No
DC54	Promotion of employment clusters	Support the development of employment clusters for a range of sectors at a number of prescribed locations.	The policy is promoting new development of employment clusters in a number of sectors. Eight specific locations have been outlined, the majority being within the urban area of Chelmsford, and hence not considered to result in adverse effects upon European Sites. However, Ferrers Road Industrial Area, South Woodham Ferrers has been identified as a potential site and this area is located within close proximity to the Essex Estuaries SAC and Crouch and Roach Estuaries SPA/Ramsar Site. Specifics of the location of any new development has not been provided but there is certainly potential for adverse effects to occur as a result of new development in this area.	Potential effect policy.	Yes
DC55	Location of business development	The expansion, conversion or redevelopment of premises for specific industrial and warehouse uses will be permitted in specified employment areas.	This policy explicitly identifies employment areas where new development will be permitted. The majority of locations identified, as with policy DC54 are within Chelmsford however, the Ferrers Road Industrial Area is identified as a potential site for the focus of this new development. This industrial estate is in close proximity to a European Site and no consideration has been made within the policy text to ensure that new development does not result in adverse effects upon European Sites.	Potential effect policy.	Yes
DC56	Industrial and warehouse development	The expansion, conversion or redevelopment of premises for specific employment uses will be permitted in specified employment areas.	As with policy DC54 and DC55, proposals for new development in the area of South Woodham Ferrers could potentially lead to significant effects upon European Sites within the vicinity. Furthermore, rural proposals for industrial/warehouse development include a location at Mayphil Industrial Estate, Battlesbridge. This area is also within close proximity to and upstream of the Essex Estuaries SAC and Roach and Crouch SPA/Ramsar Site. As such, proposals at this site could result in adverse effects upon the European Sites within the vicinity.	Potential effect policy.	Yes
DC57	Employment uses within rural areas	Proposals for the extension of industrial or business premises in a rural area will be permitted where the character of the countryside will not be harmed and traffic volume does not impact on highway safety	The scale of this type of provision is not anticipated to result in adverse impacts upon European Sites.	No effect policy - unknown location development policy and non-development policy.	No
DC58	Entertainment and hot food uses	Entertainment and hot food uses will not be permitted when residential amenity quality is effected as a result of noise, vibration, smell, increased late night activity or increased traffic and the character and function of the area.	This policy is not spatially specific and is not anticipated to result in adverse impacts upon European Sites.	No effect policy - unknown location policy.	No
DC59	Hotel and visitor accommodation	Hotel and visitor accommodation will be permitted within Urban Areas and Defined Settlements provided it avoids adverse effects on amenity of local residents, is compatible with the character, does not lead to a loss of housing, has satisfactory access to the public highway.	This policy is not spatially specific and is not anticipated to result in adverse impacts upon European Sites. Furthermore, the policy ensures a focus within urban areas thereby steering development away from more sensitive areas.	No effect policy - unknown location policy.	No
DC60	Farm diversification	Proposals will be permitted provided they are complementary and subsidiary to the agricultural operation of the farm, compatible with landscape, does not involve significant loss of best agricultural land, traffic, amenity, flooding.	The policy relates to areas already used for agriculture and encourages their diversification if appropriate. Changes in land use on agricultural land adjacent to a European Site could result in significant effects upon the integrity of that site e.g. changes in the irrigation regime, application of herbicides etc. The policy itself is not spatially specific but also does not exclude farms within close proximity to a European Site. As such, this policy could potentially result in adverse effects upon a European Site.	Potential effect policy.	Yes
DC61	Re-use of rural buildings	Re-use of rural buildings will be permitted provided it is in keeping with surroundings and retention would not be detrimental to the surrounding area, the building is a permanent construction, the use can be carried out within the confines of the building or group of buildings, traffic and compatible with the historic character.	This policy is not spatially specific and is not anticipated to result in adverse impacts upon European Sites. Furthermore, the policy ensures a focus within urban areas thereby steering development away from more sensitive areas.	No effect policy - unknown location policy.	No
DC62	Telecommunications	Planning permission will be granted for telecommunications equipment and installations provided the design respects the environmental setting, mast or site sharing has been fully explored and no suitable alternatives.	This policy is not spatially specific and is not anticipated to result in adverse impacts upon European Sites.	No effect policy - unknown location policy.	No
DC63	Primary frontages in Chelmsford and South Woodham Ferrers	Changes within the primary frontages will be supported.	This policy relates to the design and use of existing buildings within an urban area. No effects upon European Sites are anticipated.	No effect policy - non-development policy.	No
DC64	Secondary frontages in Chelmsford and South Woodham Ferrers	Changes within the secondary frontages will be supported.	This policy relates to the design and use of existing buildings within an urban area. No effects upon European Sites are anticipated.	No effect policy - non-development policy.	No
DC65	Public park and ride	Potential Park and Ride sites for Chelmsford will be identified and sensitively designed and located in order to be environmentally acceptable. In particular sites will be selected with a minimum intrusion into open landscape. They will also be designed so as to avoid pressures for development adjacent to the site.	This policy explicitly refers to the need to consider the environment. Furthermore, the policy is not spatially specific and details of specific locations have not been provided as yet. No effects upon European Sites are anticipated.	No effect policy - unknown location policy.	No
DC66	Public car parking provision	Existing car parking provisions are to be maintained in Chelmsford and South Woodham Ferrers.	This policy is not spatially specific and no effects upon European Sites are anticipated.	No effect policy - unknown location policy.	No
DC67	Transport infrastructure	Where appropriate the Borough Council will support new strategic road building and improvements	The provision of new infrastructure within the borough could potentially lead to adverse effects upon European Sites. However, this policy is not spatially specific and there are a number of locations within the borough that could accommodate infrastructure improvements without resulting in adverse effects upon these sites.	No effect policy - unknown location policy.	No
DC68	Neighbourhood centres	Change of use of neighbourhood centres will be refused.	This policy discourages changes in land use and does not relate to the promotion of new development. As such, no adverse effects upon European Sites are anticipated.	No effect policy - non-development policy.	No
DC69	Car parking in South Woodham Ferrers town centre	Planning permission will be refused that leads to a net loss in car parking.	This policy protects the existing quota of car parking within the town and does not relate to the promotion of new development. As such, no adverse effects upon European Sites are anticipated.	No effect policy - non-development policy.	No