

Chelmsford Local Plan  
Evidence Base Document  
Topic Paper 4:  
Sustainability Appraisal /  
Strategic Environmental  
Assessment and Habitats  
Regulations Assessment

June 2018





## **Sustainability Appraisal/ Strategic Environmental Assessment and Habitats Regulations Assessment**

### **1. Purpose**

1.1 This topic paper is part of a series, and sets out and summarises how the Council has prepared its Local Plan. It describes the Sustainability Appraisal (SA) incorporating Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) process and how the findings of these assessments have influenced the preparation of the Local Plan; in doing so, it demonstrates that the assessments have been undertaken in accordance with the relevant legislation on SA and HRA (see Section 2). It also sets out how the Local Plan will deliver sustainable development and demonstrates that it is the most appropriate strategy when considered against the reasonable alternatives identified during the development of the plan.

1.2 The SA and HRA have both been undertaken by independent consultants Wood Environment and Infrastructure Solutions UK Limited (Wood, formerly Amec Foster Wheeler). This has provided the City Council with objective and independent assessments from one of the leading consultants in the field.

1.3 The intention of the Topic Papers is to provide background information; they do not contain any policies, proposals or site allocations. Topic Papers will form part of the Local Plan evidence base which will be submitted alongside the Local Plan for independent examination.

1.4 This Topic Paper covers the following areas:

- Introduction (Section 2);
- How has SA influenced the Local Plan? (Section 3);
- How has HRA influenced the Local Plan? (Section 4);
- Duty to Co-operate (Section 5);
- Conclusions (Section 6).

1.5 It should be read alongside the other Topic Papers, in particular Topic Paper 1 which covers the Spatial Strategy and Strategic Policies, and Topic Paper 7 which summarises the key Local Plan evidence base studies. Topic Paper 1 sets out the reasons for the selection of the preferred development requirements and Spatial Strategy, and for the rejection of alternatives including development growth in the Green Belt, Green Wedges and Green Corridors and an alternative Spatial Strategy – Urban Focus with Growth at Hammonds Farm and Key Service Settlements. This has not been repeated in this Topic Paper.

## 2. Introduction

### The Requirement for SA

2.1 Under Section 19 (5) of the Planning and Compulsory Purchase Act 2004, the Council is required to carry out an SA of the Local Plan, incorporating the requirements of European Union Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment, referred to as the SEA Directive, and its transposing regulations the Environmental Assessment of Plans and Programmes Regulations 2004 (statutory instrument 2004 No. 1633) (the SEA Regulations). The SA considers the environmental, social and economic effects of the Local Plan (and any reasonable alternatives) in order to help to inform its development and identify opportunities to improve the contribution of the Local Plan to sustainable development.

2.2 National planning policy (paragraphs 150/151 and 165 of the NPPF) states that local plans are key to delivering sustainable development and that they must be prepared with the objective of contributing to the achievement of sustainable development. In this context, paragraph 165 reiterates the requirement for SA/SEA as it relates to local plan preparation, stating *“A sustainability appraisal which meets the requirements of the European Directive on strategic environmental assessment should be an integral part of the plan preparation process, and should consider all the likely significant effects on the environment, economic and social factors”*.

2.3 The Planning Practice Guidance (2014) (paragraph 001 ‘Strategic environmental assessment and sustainability appraisal’) also makes clear that SA plays an important role in demonstrating that a local plan reflects sustainability objectives and has considered reasonable alternatives. In this regard, SA ensures that a local plan is “justified”, a key test of soundness that concerns the extent to which the plan is the most appropriate strategy, when considered against the reasonable alternatives and available and proportionate evidence.

### The Requirement for HRA

2.4 Regulation 105 of the Conservation of Habitats and Species Regulations 2017 requires local authorities to assess the potential impacts of land use plans on the Natura 2000 network of European protected sites<sup>1</sup> to determine whether there will

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<sup>1</sup> Strictly, ‘European sites’ are any Special Area of Conservation (SAC) from the point at which the European Commission and the UK Government agree the site as a ‘Site of Community Importance’ (SCI); any classified Special Protection Area (SPA); any candidate SAC (cSAC); and (exceptionally) any other site or area that the Commission believes should be considered as an SAC but which has not been identified by the Government. However, the term is also commonly used when referring to potential SPAs (pSPAs), to which the provisions of Article 4(4) of Directive 2009/147/EC (the ‘new wild birds directive’) are applied; and to possible SACs (pSACs) and listed Ramsar Sites, to which the provisions of the Conservation of Habitats and Species Regulations 2017 are applied a matter of Government policy when considering development proposals that may affect them (NPPF para 118). ‘European site’ is therefore used in the SA and HRA reports and this Topic Paper in its broadest sense, as an umbrella term for all of the above designated sites.

be any likely significant effects as a result of the plan's implementation. This process is known as HRA.

2.5 Regulation 105 essentially provides a test that the final plan must pass; there is no statutory requirement for HRA to be undertaken on draft plans or similar developmental stages (e.g. issues and options; preferred options). However, as with SA, it is accepted best-practice for the HRA of strategic planning documents to be run as an iterative process alongside plan development, with the emerging policies or options continually assessed for their possible effects on European sites and modified or abandoned (as necessary) to ensure that the subsequently adopted plan is not likely to result in significant effects on any European sites, either alone or 'in combination' with other plans. This is undertaken in consultation with Natural England (NE) and other appropriate consultees.

### SA and HRA of the Local Plan

2.6 The Chelmsford Local Plan has been developed alongside, and informed by, a comprehensive SA and HRA process. This has allowed sustainability issues and potential effects on European designated nature conservations sites, to be identified and iteratively addressed through each stage of the plan's development.

2.7 In this context, a series of SA and HRA Reports have been produced by independent consultants on behalf of the Council at each key stage of the Local Plan's development. The Local Plan HRA Reports are separate from the SA Reports but importantly have helped to inform the appraisal process, particularly in respect of the potential effects of proposals on biodiversity.

2.8 The SA and HRA Reports are considered to fully meet the legal requirements set out above and have been prepared in accordance with relevant published guidance.

2.9 Taking into account the findings of the SA, the Council believes that the policies and proposals of the Local Plan represent overall a sustainable strategy. Taking into account the findings of the HRA and the emerging Essex Recreational Disturbance and Avoidance Mitigation Strategy (RAMS), the Council believes that the policies and proposals of the Local Plan will have no adverse effect on the integrity of any European site.

2.10 All the SA and HRA Reports are available on the Council's Local Plan evidence base website pages via [www.chelmsford.gov.uk/new-local-plan/evidence-base](http://www.chelmsford.gov.uk/new-local-plan/evidence-base)

## **3. How has SA influenced the Local Plan?**

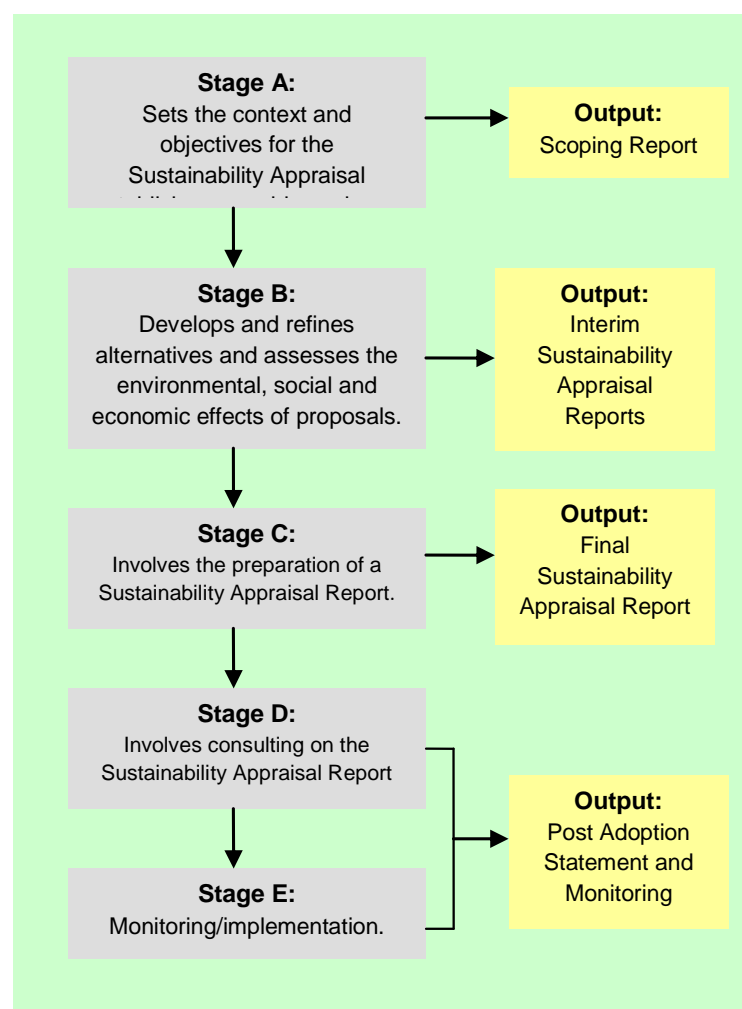
3.1 As set out in Section 2, the SA has been an integral part of the preparation of the Chelmsford Local Plan. SA of the Local Plan has helped to ensure that the likely social, economic and environmental effects of the Plan have been identified, described, appraised and communicated. Where negative effects have been identified, mitigation measures have been proposed to avoid, or where that is not

possible, minimise such effects. Where positive effects have been identified, measures have been considered that could enhance such effects.

3.2 The SA has importantly helped to inform the selection of plan options by appraising reasonable alternatives in respect of, in particular, the quantum of housing and employment land to be delivered over the plan period (development requirements), the distribution of that growth (the Spatial Strategy) and site allocations. In undertaking these appraisals and consulting on the outcomes at key stages in the plan making process (see Figure 1), the SA Reports clearly and transparently set out the decision-making process.

3.3 There are five key stages in the SA process and these are highlighted in Figure 1 below together with links to the development of the Local Plan.

**Figure 1: The SA Process**



3.4 SA has been undertaken during the key stages of the plan preparation process to-date with the findings presented in a series of interim and final SA Reports. These reports, and related documentation, are listed in Table 1:

**Table 1: List of SA Reports**

<b>Reference Number</b>	<b>Title</b>	<b>Date</b>
EB 001	Sustainability Appraisal Scoping Report	July 2015
EB 002	Sustainability Appraisal Scoping Report Non-Technical Summary	July 2015
EB 003	Issues and Options Consultation Document Sustainability Appraisal Report	November 2015
EB 004	Issues and Options Consultation Document Sustainability Appraisal Report Non-Technical Summary	November 2015
EB 005	Issues and Options Consultation Document Sustainability Appraisal Report and Habitats Regulations Assessment Initial Scoping – Feedback Report	June 2016
EB 006	Preferred Options Consultation Document Sustainability Appraisal Report	March 2017
EB 007	Preferred Options Consultation Document Sustainability Appraisal Report Non-Technical Summary	March 2017
EB 008	Preferred Options Consultation Document Sustainability Appraisal Report and Habitats Regulations Assessment Report – Feedback Report	January 2018
SD 004	Pre-Submission Local Plan Sustainability Appraisal Report (incorporating the Non-Technical Summary)	January 2018
SD 008	Pre-Submission Consultation Document Sustainability Appraisal Report and Habitats Regulations Assessment Report – Feedback Report	May 2018
SD 005	Pre-Submission Local Plan: Additional Changes Sustainability Appraisal Report: Addendum	June 2018

3.5 The following sections briefly summarise each of the reporting stages outlined above together with the main findings and how they have informed the Local Plan.

#### **STAGE A**

##### **(1) SA Scoping Report (EB 001) and Non-Technical Summary (EB 002), July 2015**

3.6 The Scoping Report represented the **first formal output** of the SA of the Local Plan (Stage A). It set out the proposed framework for the appraisal of the Local Plan and reasonable alternatives (the SA Framework), comprising of 14 SA objectives and associated guide questions informed by a review of other relevant policies, plans and programmes as well as baseline information and the identification of key sustainability issues affecting the Chelmsford City Area.

3.7 The Scoping Report presented in detail the proposed approach to the SA of the Local Plan including the matrices and scoring system to be used. Appendix D to the report contained the proposed definitions of significance and Appendix E the proposed criteria to be used to appraise potential site allocations.

#### Consultation Feedback

3.8 The Scoping Report was subject to full public consultation from 24 July to 11 September 2015. A total of 45 responses were received from a range of organisations including the statutory consultation bodies (Natural England, the Environment Agency and Historic England) and members of the public. Appendix B of SA Report (SD 004) contains a summary of the consultation responses and a response/action.

#### Changes Made to the SA as a result of the Consultation Feedback

3.9 Consultation responses related to all aspects of the Scoping Report and in particular they were used to inform amendments to the SA Framework that was subsequently adopted for the appraisal of the Local Plan.

3.10 Appendix B of SA Report (SD 004) contains a summary of the consultation responses and a response/action. Specific changes to the SA following the scoping consultation included amendments to the SA Framework guide questions and additional key sustainability issues.

#### How the Scoping Report informed the Local Plan

3.11 The purpose of the Scoping Report was to set out, for consultation, the context and scope for the SA of the emerging Local Plan, and in particular the framework for undertaking the later stages of the SA; it was not intended to appraise the Local Plan itself.

3.12 However, the Council did have regard to the review of plans and programmes (Section 2) and baseline information (Section 3) contained in the Scoping Report when drafting the Issues and Options Local Plan Consultation Document alongside the wider evidence base and national planning policy guidance. Additionally, in drafting the Issues and Options Local Plan, consideration was given to the objectives and guide questions that comprise the SA Framework. For example, the consultation document sought to:

- Promote provision of a range of housing types to meet current and emerging need for market and affordable housing and deliver pitches required for Gypsies and Travellers and Showpeople in line **SA Objective 2 Housing**;
- Reduce travel demand and the distance people travel for jobs, employment, leisure and services and facilities, encourage a shift to more sustainable modes of transport and deliver investment in transportation infrastructure that supports growth in the Chelmsford City Area in line with **SA Objective 6**



**Transport** in particular by promoting the three strategic zonal focuses and the Spatial Options 1 and 2;

- Ensure the area's Green Belt endures and avoid inappropriate erosion to the Green Wedges in line with **SA Objective 14 Landscape and Townscape** in particular by rejecting development growth in the Green Belt and Green Wedges;
- Have regard to key targets and indicators of other relevant plans and programmes in particular the NPPF; and
- Have regard to the key baseline characteristics of key settlements for the proposed settlement hierarchy.

3.13 This demonstrates that the Council sought to integrate sustainability considerations within its emerging Local Plan at the earliest possible stage.

#### **STAGE B**

##### **Interim SA Reports:**

**(2) Issues and Options Sustainability Appraisal Report (EB 003) and NTS (EB 004), 2016**

**(3) Preferred Options Sustainability Appraisal Report (EB 006) and NTS (EB 007), 2016**

3.14 This stage involved the production of two interim SA Reports (including their respective NTS) at the Issues and Options and Preferred Options stages as part of an iterative approach to the development of the Local Plan (Stage B in Figure 1). These reports are described in turn below.

**(2) Issues and Options Sustainability Appraisal Report (EB 003) and NTS (EB 004), 2016**

3.15 Taking into account the approach set out in the SA Scoping Report, as amended in light of the consultation responses received, the **first interim SA** Report was prepared. This Issues and Options SA Report appraised the sustainability strengths and weaknesses of the following strategic options contained in the Consultation Document:

- The **Spatial Principles** (nine high level objectives that guide the approach to the Local Plan):
  - Maximise the use of brownfield land for development
  - Continue the renewal of Chelmsford's City Centre and Urban Area
  - Protect the Green Belt
  - Locate development at well-connected sustainable locations
  - Protect the river valleys by defining Green Wedges
  - Respect the character of the existing settlement pattern including the potential designation of Green Buffers
  - Protect the character and value of important landscapes, heritage and biodiversity

- Ensure new development is deliverable and can be built within the Plan period
- Ensure that new development is served by necessary infrastructure
- **Three Housing Target Projections** (how many houses should be built up to 2036):
  - Option 1: National Household Projections - 657 dwellings per annum (9,885 dwellings over the plan period)
  - Option 2: Objectively Assessed Need - 775 dwellings per annum (11,625 dwellings over the plan period), and
  - Option 3: Objectively Assessed Need and a 20% Buffer - 930 dwellings per annum (13,950 dwellings over the plan period, rounded to 14,000 dwellings in the Issues and Options Consultation Document):
- **Two Employment Target Projections** (options on how many jobs should be supported up to 2036):
  - Option 1: 2012 Sub-National Population Projections based - 727 jobs per year, and
  - Option 2: Employed People – 887 jobs per year;
- **Three Spatial Options** (options relating to where new development should go including indicative locations for potential development):
  - Option 1- Urban Focus. Focus all the development to locations adjacent or close to the City of Chelmsford and the towns of South Woodham Ferrers and Great Leighs (to the south of Braintree)
  - Option 2- Urban Focus and Growth on Key Transport Corridors. Reduced growth at locations adjacent or close to the City of Chelmsford and the towns of South Woodham Ferrers and Great Leighs (to the south of Braintree) with the remaining development directed to key locations on the A130/A131 transport corridor
  - Option 3 – Urban Focus and Growth in Key Villages. Reduced growth at locations adjacent or close to the City of Chelmsford and the towns of South Woodham Ferrers and Great Leighs (to the south of Braintree), the remaining development directed to the key villages.

3.16 The report also identified key mitigation and enhancement measures designed to help minimise negative effects and enhance positive effects associated with the implementation of the options outlined above.

### Main findings

3.17 The main findings of the Issues and Options SA Report indicated that:

- **Spatial Principles:** The Spatial Principles are broadly supportive of the SA objectives, in particular urban renaissance and sustainable living. This reflects their emphasis on supporting urban renewal and delivering development in accessible locations. Reflecting the desire to focus

development towards urban areas, and allied with the intent to protect the Green Belt, Green Wedges and landscape character, the Spatial Principles are also considered to be particularly supportive of those SA objectives relating to biodiversity, health and wellbeing, land use, cultural heritage and landscape. The assessment identified that in some instances, conflicts may exist between the Spatial Principles and the SA objectives, or their relationship is uncertain. Where conflicts or uncertainties were identified, this generally related to, on the one hand, the aspiration for growth, and on the other, the need to protect and enhance environmental assets and minimise resource use, waste and greenhouse gas emissions. However, where possible incompatibilities or uncertainties were identified, these can be resolved if development takes place in accordance with all of the Spatial Principles. As such, an incompatibility or uncertainty is not necessarily an insurmountable issue but one that may need to be considered in the development of policies that comprise the Local Plan.

- **Housing Target Projections:** Option 2 (Objectively Assessed Need housing target of 775 dwellings per year) and Option 3 (Objectively Assessed Need and a 20% Buffer of 930 dwellings per year) of the housing target projections are the best performing options when considered against the SA objectives. Both options would meet the City Area's objectively assessed need for housing although Option 3 would result in a housing target that exceeds this requirement and in consequence, it would be expected to deliver the greatest benefits in terms of housing delivery and economic growth of all three options. However, reflecting the scale of growth under this option, the magnitude of negative effects across a number of the environmental SA objectives may be increased relative to Options 1 and 2. The level of housing delivery proposed under Option 1 (National Household Projections of 657 dwellings per annum) would fall short of the City Area's objectively assessed housing need. In consequence, this option is likely to result in the current and future housing needs of the City Area going unmet.
- **Employment Target Projections:** Option 2 of the employment target projections (Employed People - 887 jobs per year) would deliver the greatest economic benefits commensurate with the greater number of jobs that would be delivered under this option. However, the magnitude of adverse effects could also be greater than Option 1 (2012 Sub-National Population Projections based - 727 jobs per year), although this would be largely dependent on the exact location of future development which is currently unknown.
- **Spatial Options:** The performance of the three spatial options is very similar when assessed against the SA objectives. This reflects the fact that under all three options, the majority of growth would be focused in locations adjoining the existing built-up areas of Chelmsford and South Woodham Ferrers, a spatial approach which is considered likely to help ensure that new development is accessible, supports urban renaissance, and ensures that the

City continues to be a major driver of economic growth within the Heart of Essex sub region. Under Options 1 (Urban Focus) and 2 (Urban Focus and Growth on Key Transport Corridors), these benefits would be maximised and as a result, they are considered to be the best performing spatial options when assessed against the SA objectives. The implementation of Option 3 (Urban Focus and Growth in Key Villages), meanwhile, would result in residential development being more dispersed throughout the City Area. Whilst this would support a wider distribution of growth and benefits associated with new development, it is expected that this spatial approach would reduce positive effects associated with focusing development within and adjacent to urban areas and would be likely to increase the need to travel (as development would be delivered to settlements that do not benefit from the same accessibility to community facilities and employment opportunities as the urban areas). This option may also increase the potential for significant negative effects on the character of settlements and landscape compared to Options 1 and 2 (although this is dependent on the exact location, scale, density and design of development which is currently unknown).

- **Mitigation and Enhancement:** The appraisal identifies a range of measures to help address potential negative effects and enhance positive effects associated with the implementation of the options contained in the Issues and Options Local Plan.

### Consultation Feedback

3.18 The Issues and Options SA Report was published for consultation alongside the Issues and Options Local Plan from 19 November 2015 to 21 January 2016. A total of 106 responses were received from 104 respondents; 26 responses related specifically to the SA Report with the remainder concerning wider planning issues of relevance to the Local Plan.

3.19 Respondents included the statutory SEA consultation bodies (Natural England, the Environment Agency and Historic England), Parish/Town Councils, developers, other agencies and members of the public.

3.20 The main issues raised by respondents with regards to the Issues and Options SA Report concerned:

- Reasonable alternatives to the Spatial Options considered in the SA Report including a proposed new settlement option at Hammonds Farm;
- The treatment of Green Wedges in the SA;
- The findings of the appraisal of the Spatial Options with specific regard to the identification of the best performing options;
- The findings of appraisal of the Spatial Options against SA Objective 4 (To promote urban renaissance and support the vitality of rural centres, tackle deprivation and promote sustainable living') specifically;

- The need to ensure that the mitigation identified in the SA Report (and subsequent SA Reports) is refined and taken into account in developing the Local Plan;
- Lack of differentiation between the Spatial Options considered in the SA Report; and
- The potential environmental effects of higher housing provision.

3.21 A detailed summary of responses received, the Council's response and the subsequent action taken is given in Appendix B of the Preferred Options SA Report (EB 006).

#### Changes made to the SA as a result of the Consultation Feedback

3.22 In response to the comments received to the Issues and Options SA Report, a further alternative spatial option including a new settlement at Hammonds Farm was identified by the Council and taken forward for appraisal as part of the Preferred Options SA Report.

3.23 Appendix B of SA Report (SD 004) contains a summary of the consultation responses received and the response/action taken.

#### How the Issues and Options SA informed the Local Plan

3.24 Following consideration of the Issues and Options SA Report, comments received as part of the Issues and Options consultation, ongoing engagement and further evidence base work, the Council selected its preferred option for the scale and location of growth and draft plan policies for the Local Plan.

3.25 Specific changes made to the Local Plan in light of the findings and recommendations of the 2015 SA Report included:

- Development of a Spatial Strategy based on three Growth Areas (a refinement of Spatial Option 1 Urban Focus) to focus new development in locations in close proximity to services, facilities and employment opportunities, and to maximise development on brownfield land;
- Inclusion of a rejected alternative Spatial Strategy - Urban Focus with Growth at Hammonds Farm and Key Service Settlements outside the Green Belt. This differed from the preferred Spatial Strategy by substituting North East Chelmsford (Location 4) with a new settlement east of the A12/north of the A414 (known as 'Hammonds Farm');
- Reduction in the amount of development proposed in certain locations to avoid adverse effects on European, nationally and locally designated sites including at North of South Woodham Ferrers, Bicknacre and Boreham;

- Testing of reasonable alternative development sites submitted to the Council through its Strategic Land Availability Assessment (SLAA) process;
- Development of policies and proposals to encourage the delivery and promotion of specific SA objectives including:
  - The effective use of brownfield land e.g. Strategic Policies S6, S9 and Policy MP1 in line with SA Objective 7 (Land Use) and SA Objective 15 (Landscape and Townscape);
  - The creation, protection, enhancement and management of networks of biodiversity and green infrastructure e.g. Strategic Policies S6, S12 and Policy MP1 in line with SA Objective 1 (Biodiversity);
  - To ensure developer contributions towards key services and facilities e.g. Strategic Policies S12 and S13 and Policy CA2 in line with SA Objective 5 (Health and Wellbeing)
  - To positively promote walking and cycling as part of new developments, to encourage green travel plans and to secure investment in public transport provision e.g. Strategic Policies S1 and S12 and individual site allocation policies in line with SA Objective 6 (Transport);
  - To promote water management measures to reduce surface water run-off and encourage the development of renewable and low carbon energy e.g. Strategic Policy S3 and Policy MP3 in line with SA Objective 8 (Water) and SA Objective 9 (Flood Risk);
  - To promote high standards of design e.g. Policies MP1, MP2 and MP4 in line with SA Objective 13 (Cultural Heritage); and
  - To preserve and enhance historic areas e.g. Strategic Policy S5 and Policies HE1 – HE3 in line with SA Objective 13 (Cultural Heritage)
- Development of policies and proposals to address the cross-cutting mitigation and enhancement measures including:
  - To avoid negative effects on the City Area's biodiversity assets e.g. Strategic Policy S6 and Policies NE1 and CO3 in line with SA Objective 1 (Biodiversity)
  - To secure developer contributions towards key services and facilities e.g. Strategic Policies S12 and S13 and site allocation policies in line with SA Objective 4 (Urban Renaissance)
  - To ensure that open space and/or health facilities are provided on site/contributions are sought to provision off site e.g. Strategic Policies S12 and S13 and site allocation policies in line with SA Objective 5 (Health and Wellbeing)
  - To encourage the preparation of green travel plans and to promote walking and cycling as part of new developments e.g. Strategic Policies S12 and site allocation policies in line with SA Objective 6 (Transport)
  - To encourage the effective use of land by re-using land that has been previously developed (brownfield land) e.g. Strategic Priority 7, Strategic Policy S1 and site allocations in Growth Area 1 of the Spatial

Strategy in line with SA Objective 7 (Land Use) and SA Objective 15 (Landscape and Townscape)

- To promote water attenuation systems, avoid development in areas of flood risk and ensure that any new development avoids increasing the flood risk of existing development e.g. Strategic Policies S3 and S6, Policy NE3 and site allocation policies in line with SA Objective 8 (Water) and SA Objective 9 (Flood Risk)
- To reduce congestion and ensure that development within the Army and Navy AQMA is consistent with the objectives of the AQMA e.g. Strategic Policy S12, Policy PA2 and site allocation policies in line with SA Objective 10 (Air Quality)
- To promote high standards of energy efficient design including, where appropriate, renewable energy provision e.g. Policies MP3 and NE4, Appendix A and Strategic Growth Site 4 in line with SA Objective 11 (Climate Change), and
- To promote high standards of architectural and urban design e.g. Policies MP1, MP2 and MP4 in line with SA Objective 13 (Cultural Heritage).

3.26 These changes sought to improve the effectiveness of the Local Plan policies and proposals against the SA objectives and its contribution to sustainable development. The Issues and Options SA also helped confirm the Council's selection of the preferred options.

<b>(3) Preferred Options Sustainability Appraisal Report, 2016 (EB 006) and NTS (EB 007)</b>
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3.27 Following on from the Issues and Options SA Report, the **second interim SA Report** was prepared in support of the Preferred Options Local Plan. This appraised the following key components of the Preferred Options Local Plan:

- Vision;
- Spatial Principles;
- Preferred development requirements (22,162 dwellings, 10 permanent pitches for Gypsies and Travellers, 24 permanent plots for Travelling Showpeople, 55,000 sqm of employment floorspace and 13,400 sqm of retail floorspace);
- Preferred Spatial Strategy (growth to the higher order settlements of Chelmsford and South Woodham Ferrers, and the Key Service Settlements outside of the Green Belt based on three Growth Areas) and a further reasonable alternative (Urban Focus with Growth at Hammonds Farm and Key Service Settlements);
- Proposed site allocations (and reasonable alternatives) against SA objectives; and
- 91 Local Plan policies.

3.28 The report also (inter alia): set out the reasons for the selection of preferred options and for the rejection of reasonable alternatives; assessed the cumulative effects of the Local Plan; identified key mitigation and enhancement measures designed to help minimise negative effects and enhance positive effects associated with the implementation of the plan; and identified potential monitoring indicators.

#### Main findings

3.29 The main findings of the Preferred Options SA Report indicated that:

- **Local Plan Vision:** Reflecting its emphasis on growth, the promotion of sustainable communities and environmental conservation and enhancement, the Vision was assessed as being compatible with the majority of the SA objectives. There is the potential for conflicts, particularly between those elements of the Vision that support growth and SA objectives concerning environmental protection and enhancement (and vice-versa), although the extent of any conflict is likely to depend on how the Vision is realised through the policies and proposals of the Preferred Options Local Plan.
- **Local Plan Spatial Principles:** The SA Report finds that the 11 Spatial Principles were broadly supportive of the SA objectives. Where possible incompatibilities or uncertainties were identified, these can be resolved if development takes place in accordance with all of the Spatial Principles. As such, an incompatibility or uncertainty is not necessarily an insurmountable issue.
- **Preferred Development Requirements and Spatial Strategy:** The delivery of 22,162 dwellings, provision for Gypsies, Travellers and Travelling Showpeople and creation of 55,000 sqm of employment floorspace as well as retail floorspace over the plan period is expected to have significant positive effects on housing (SA Objective 2) and the economy (SA Objective 3). Focusing this growth in and adjacent to Chelmsford Urban Area, to the north of South Woodham Ferrers and at Key Service Settlements should ensure that prospective residents and workers have good access to key services and facilities by virtue of the wide range of services and facilities these settlements provide and their good transport links. It is also anticipated that growth will promote investment in additional facilities, services and infrastructure including highways improvements (such as the proposed Chelmsford North East Bypass). This is expected to help promote the regeneration of brownfield sites and urban renaissance and address deprivation whilst minimising the need to travel by car and promoting walking and cycling. Overall significant positive effects have therefore also been identified in respect of urban renaissance (SA Objective 4), health and wellbeing (SA Objective 5) and transport (SA Objective 6). Minor positive effects are anticipated across the majority of the remaining SA objectives.



- Reasonable Alternative Spatial Strategy - Urban Focus with Growth at Hammonds Farm and Key Service Settlements:** In light of the Issues and Options consultation responses and to inform the preparation of the Preferred Options Local Plan, the Council reconsidered the potential for a spatial option involving a potential new settlement. This led to the inclusion of land at Bulls Lodge Quarry within preferred Strategic Growth Site 4 – North East Chelmsford as part of the preferred Spatial Strategy. It also involved the testing of an alternative Spatial Strategy which would focus growth within/adjacent to urban areas, at a new settlement (Hammonds Farm) and at Key Service Settlements outside of the Green Belt. The SA demonstrates that the type and range of effects across the SA objectives are likely to be similar for the alternative Spatial Strategy to those identified in respect of the preferred Spatial Strategy. However, there is considered to be greater uncertainty with regard to the deliverability of this option (related to the transportation infrastructure requirements necessary to bring forward in a reasonable timeframe a new settlement at Hammonds Farm and to ensure connectivity with the Chelmsford Urban Area) and, relative to the preferred Spatial Strategy, the potential for significant landscape effects is considered to be greater. Further, as the new settlement would be detached from the existing urban area, accessibility to key services, facilities and employment opportunities would be reduced relative to the preferred Spatial Strategy, although a new settlement would present an opportunity to deliver a new sustainable neighbourhood which could help to offset adverse effects in this regard and deliver some sustainability benefits (such as reduce traffic in the Chelmsford Urban Area). Overall, when compared to the preferred Spatial Strategy, the findings of the SA indicate that the alternative spatial strategy performs less well overall in terms of its sustainability. Other key evidence base studies also support the poorer performance of the alternative site to the preferred site including the Green Wedge/Corridor Study and Landscape Sensitivity and Capacity Study.
- Growth Areas and Associated Site Allocations:** Overall, the scale of housing and employment land to be delivered through proposed site allocations within the three Growth Areas identified in the Preferred Options Consultation Document is considered to be significant and will help to meet the future needs of the City Area, its communities and businesses over the plan period whilst minimising the potential for significant adverse environmental effects. This reflects both the characteristics of individual sites and also the fact that the majority of dwellings and employment land will be delivered in/adjacent to urban areas and Key Service Settlements which have greater capacity in terms of their sustainability to receive growth. Overall significant positive effects have therefore been identified in respect of housing (SA Objective 2), the economy (SA Objective 3) and urban renaissance (SA Objective 4), although cumulatively development could place pressure on key services and facilities (if unmitigated). There is the potential for new development to result in adverse environmental effects (and in some cases, significant negative effects). However, in many cases (such as in

respect of biodiversity, water, flood risk, cultural heritage and landscape) it is anticipated that the potential adverse effects could be mitigated or reduced at the project level. In this context, the site-specific development requirements contained in Chapter 7 of the Preferred Options Consultation Document and the more general Local Plan policies will help minimise adverse effects and enhance positive effects associated with the delivery of the proposed site allocations.

- **Reasonable Alternative Sites:** The appraisal of alternative sites has revealed that, overall, the sites do not perform as well as the preferred sites when assessed against the SA objectives, particularly in respect of land use (SA Objective 7) and landscape and townscape (SA Objective 14) which reflects the fact that the majority of sites are located on greenfield land outwith existing settlement boundaries.
- **Plan Policies:** The implementation of the proposed Local Plan policies is anticipated to have positive effects across all of the SA objectives. These effects are expected to be particularly significant in respect of: housing; the economy; urban renaissance; health and wellbeing; and transport. Negative effects have also been identified against many of the SA objectives including: biodiversity; transport; water; flood risk; air quality; climate change; waste and resources; cultural heritage; and landscape. This principally reflects impacts associated with the construction and operation of new development including land take, resource use, emissions and loss of landscape character. However, the Preferred Options Consultation Document includes policies which seek to manage these effects and in consequence, it is expected that significant adverse effects will be largely avoided, although some uncertainty remains.
- **Mitigation and enhancement:** The appraisal identifies a range of measures to help address potential negative effects and enhance positive effects associated with the implementation of the Preferred Options Consultation Document.

3.30 Section 5 of the Preferred Options SA Report (and Topic Paper 1) set out the reasons for the selection of the preferred development requirements and Spatial Strategy, and for the rejection of alternatives including development growth in the Green Belt, Green Wedges and Green Corridor and an alternative Spatial Strategy – Urban Focus with Growth at Hammonds Farm and Key Service Settlements.

3.31 Appendix G to the SA Report provides the reasons for the selection of the proposed site allocations contained in the Preferred Options Local Plan and for the selection and rejection of alternative sites and clusters. It advises that reasonable alternative sites have been promoted through the Council's SLAA, fall within a Growth Area and are in proximity to a site being promoted for preferred housing and/or employment growth. The rationale for rejecting the sites as preferred site allocations is described in a table and include reasons such as poorer access and

connectivity and a lack of capacity to deliver the required on-site infrastructure compared with the preferred sites. Other reasons for rejection include a site's location within the Green Wedge and proposed residential development within an employment area.

3.32 Overall, the SA shows that alternative sites and clusters do not perform as well as the preferred sites when assessed against the SA objectives. Therefore, the reasonable alternatives have not been taken forward by the Council to help ensure that the Local Plan promotes the most sustainable development strategy.

### Consultation Feedback

3.33 The Preferred Options SA Report was subject to consultation alongside the Preferred Options Local Plan from 30 March to 11 May 2017.

3.34 A total of 63 responses were received from a range of stakeholders including Historic England, Natural England and members of the public (although it should be noted that in many instances, the response received principally related to the Preferred Options Consultation Document itself as opposed to the SA Report).

3.35 The main issues raised by respondents with regard to the SA Report concerned:

- Proposed amendments to the SA Framework and site appraisal criteria;
- The approach to, and findings of, the appraisal with regard to specific site allocations and reasonable alternatives;
- The appraisal of the Preferred Spatial Strategy and reasonable alternatives; and
- The need to take into account information submitted by developers in the appraisal of sites.

3.36 A detailed summary of responses received to the Preferred Options SA Report and a response/action is contained in Section 3 of the Preferred Options SA and HRA Feedback Report (EB 008).

### Changes Made to the SA

3.37 Appendix B of the SA Report (SD 004) contains a summary of the consultation responses received and the response/action taken. The amendments included:

- A review of the appraisal of Moulsham Hall and North Great Leighs (PF33/43) in order to consider effects on the River Ter SSSI (in response to comments from Natural England);
- A review of developer supplied information (in response to comments from Terence O'Rourke acting for Hammonds Farm Estates);
- A review of some site options in response to comments from Historic England;

- The appraisal of further potential reasonable alternative sites within proposed Green Wedges and Green Corridors (in response to comments from Ms Shy Sachdev and others); and
- A review of the status of Gravel Pit Bus Stop for the assessment of site PF48 Drakes Lane (in response to comments from North Chelmsford Villages Community Group).

#### How the Preferred Options SA informed the Local Plan

3.38 Following consideration of the Preferred Options SA Report, comments received as part of the Preferred Options consultation, ongoing engagement and further evidence base work, the Council selected its final options for the scale and location of growth, and plan policies for the Local Plan. The final options were presented in the Pre-Submission Local Plan.

3.39 Appendix J of the Pre-Submission SA Report (SD 004) sets out how the Council used the Preferred Options SA Report to inform the policies and Proposals in the final Plan. This describes how the recommendations of the SA Report (in terms of the mitigation and enhancement measures identified) have been fully considered by the Council and its response/action including many changes made to the Local Plan as a result.

3.40 Specific changes made in the Pre-Submission Local Plan in light of the recommendations of the SA included (inter alia):

- Refinement of the Spatial Strategy based on three Growth Areas to focus new development in locations in close proximity to services, facilities and employment opportunities, and to maximise development on brownfield land;
- Refinement of the Local Plan Vision, Spatial Priorities, strategic and development management policies to encourage the delivery and promotion of specific SA objectives; and
- Refinement of site allocation policies to encourage the delivery and promotion of specific SA objectives.

3.41 These changes sought to improve the effectiveness of the Local Plan policies and proposals against the SA objectives and the contribution of the plan towards sustainable development.

#### **STAGES C and D**

**(4) Pre-Submission Sustainability Appraisal Report (SD 004), 2016**

**(5) Pre-Submission Sustainability Appraisal Report Addendum (SD 005), 2018**

3.42 This stage involved the production of the Pre-Submission SA Report and a subsequent addendum to it (Stages C and D in Figure 1). These reports are described in turn below.

#### **(4) Pre-Submission Sustainability Appraisal Report (SD 004), 2016**

3.43 Following on from the Preferred Options SA Report, the **Pre-Submission SA Report** was prepared and published to support and inform the Pre-Submission Local Plan. This report appraises the following key components of the Pre-Submission Local Plan:

- The Vision and 11 Spatial Principles;
- The final preferred development requirements (21,893 dwellings, nine permanent pitches for Gypsies and Travellers, 24 permanent plots for Travelling Showpeople, 55,000 sqm of employment floorspace and 13,400 sqm of retail floorspace);
- The final preferred Spatial Strategy (growth to the higher order settlements of Chelmsford and South Woodham Ferrers, and the Key Service Settlements outside of the Green Belt);
- Final proposed site allocations and reasonable alternatives; and
- 91 Local Plan policies.

3.44 The Pre-Submission SA Report also (inter alia): sets out the reasons for the selection of preferred options and for the rejection of reasonable alternatives; assesses the cumulative effects of the Local Plan; identifies key mitigation and enhancement measures designed to help minimise negative effects and enhance positive effects associated with the implementation of the plan; and identifies potential monitoring indicators.

#### Main Findings

3.45 The main findings of the Pre-Submission SA Report broadly reflect those in the Preferred Options SA Report, i.e. that:

- The Vision is compatible with the majority of the SA objectives and the Spatial Principles are broadly supportive of the SA objectives;
- The Pre-Submission development requirements and Spatial Strategy are expected to have a significant positive effect several objectives including on housing, economy, sustainable living and revitalisation, and will have a mixed positive and significant negative effects on land use;
- The scale of housing and employment land to be delivered through the proposed site allocations will help to meet the future needs of the City Area whilst minimising the potential for significant adverse environmental effects;
- Overall, the SA shows that the majority of the SA objectives will experience positive effects as a result of the implementation of the policies and proposals. Whilst negative effects have been identified, particularly associated with proposed site allocations, the Plan includes policies which seek to manage these effects such that significant adverse effects will be largely avoided;

- The appraisal of reasonable alternatives demonstrates that, overall, the proposals of the Pre-Submission Local Plan perform similar to, or better than, the alternatives considered when assessed against the SA objectives.

3.46 Section 5 and Appendix F of the Pre-Submission SA Report sets out the reasons for the selection of the preferred development requirements and Spatial Strategy, and for the rejection of alternatives and clusters. Appendix G provides reasons for the selection of the proposed site allocations and for the rejection of alternatives considered by the Council and appraised as part of the Pre-Submission SA Report. These sections have been updated from the Preferred Options SA Report. In light of consultation responses, the appraisal includes a review of appropriate developer supplied information and any further potential reasonable alternative sites within proposed Green Wedges and Green Corridors.

### Consultation Feedback

3.47 The Pre-Submission SA Report was subject to consultation alongside the Pre-Submission Local Plan from 31 January to 14 March 2018.

3.48 A total of 63 responses were received from 46 respondents, comprising a range of stakeholders including Historic England and Natural England and members of the public. It should be noted that in many instances, the response received principally related to the Pre-Submission Local Plan itself as opposed to the SA Report.

3.49 The main issues raised by respondents with regard to the SA Report concern:

- The treatment of reasonable alternatives to the Spatial Strategy considered as part of the SA process;
- The findings of the appraisal of the Spatial Strategy and reasonable alternatives with specific regard to the identification of the best performing options;
- The findings of the appraisal with regard to specific site allocations and reasonable alternatives;
- The need to take into account information submitted by developers and mitigation in the appraisal of sites;
- Infrastructure provision to accommodate new development;
- The rationale provided for the selection of preferred options and rejection of alternatives;
- The identification of further alternative sites for appraisal; and
- The overall sustainability of the Pre-Submission Local Plan.

3.50 A detailed summary of responses received to the Pre-Submission SA Report together with the response/action taken is contained in Appendix A to the SA Addendum (SD 005) and Section 3 of the Sustainability Appraisal Report and Habitats Regulations Assessment Report – Feedback Report (SD 008).

3.51 In response to representations from Natural England, a Statement of Common Ground has been agreed (SOCG 002). This resolves their concerns and confirms there are no remaining areas of uncommon ground. In their comments to the SA Report, Natural England were broadly supportive of the SA and proposed a small number of changes to the proposed indicators for monitoring purposes and the key sustainability issues and guide questions for Biodiversity and Green Infrastructure. In their comments to the Local Plan, Natural England were also broadly supportive of the Local Plan, subject to some amendments. These included referencing the commitment to the Essex Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) in the upper part of relevant Strategic Policies and Site Allocation Policies. Natural England also proposed new/stronger policy references relating to the impacts of development on water quality, protecting high grade agricultural land, ensuring brownfield sites are of low environmental value, ensuring a net gain for biodiversity and light pollution.

#### Changes Made to the SA

3.52 No significant changes were required to the SA Report as result of the consultation comments received. Concerns raised by Natural England have been addressed in the Schedule of Additional Changes to the Pre-Submission Local Plan and confirmed through a Statement of Common Ground.

#### How the Pre-Submission SA informed the Local Plan

3.53 Following consideration of the Pre-Submission SA Report, comments received on the Local Plan as part of the Pre-Submission consultation, ongoing engagement and updated evidence base work, the Council identified a number of proposed 'Additional Changes' to the Pre-Submission Local Plan including Policies Map (SD 002).

3.54 These Additional Changes are being submitting alongside the Pre-Submission Local Plan to the Planning Inspectorate for independent examination. The following changes are being proposed to the Local Plan in light of the Pre-Submission SA Report (and comments from Natural England):

- A new requirement added to Strategic Growth Sites 5a, 5b and 5c (Great Leighs) to protect and enhance The River Ter Site of Special Scientific Interest (SSSI) to the south of the site ensuring any new development provides any required mitigation measures.

3.55 These minor changes seek to improve the effectiveness of the Local Plan policies and proposals against the SA objectives and its contribution to sustainable development.

## **(5) Pre-Submission Sustainability Appraisal Report Addendum, 2018 (SD 005)**

3.56 An addendum to the 2018 Pre-Submission SA Report has been prepared to take account of, and appraise, the proposed Additional Changes to the Pre-Submission Local Plan (SD 002). The addendum also assesses additional reasonable alternative site proposals that have been identified following consultation on the Pre-Submission Local Plan. The appraisal further includes a review of any updated developer supplied information and any further potential reasonable alternative sites within proposed Green Wedges and Green Corridors.

3.57 The final SA Report to accompany the submission of the Local Plan (Stage C in Figure 1) therefore comprises the Pre-Submission SA Report (SD 004) and Pre-Submission SA Addendum (SD 005). As such, the SA Addendum report should be read in conjunction with the January 2018 SA Report (and the January 2018 Pre-Submission HRA).

3.58 The SA Addendum has not been subject to public consultation. However, it has been sent to the statutory consultation bodies (English Nature, Environment Agency and Historic England) for information and for an opportunity to feedback any observations or comments.

3.59 The Pre-Submission HRA has also been updated, following consideration of the additional changes and where relevant, the findings of this have been used to inform the findings of the SA Addendum, in regard to the comments against the SA objective for biodiversity.

### Main Findings

3.60 The main findings of the Pre-Submission SA Addendum Report include:

- That the Additional Changes proposed to the Vision, Spatial Principles, development requirements and Spatial Strategy, and changes to the Growth Areas and associated proposed site allocations will not result in any further significant changes;
- That the Additional Changes do not result in the identification of any additional mitigation measures;
- 25 Additional Changes to the Local Plan policies are considered to be significant. However, no additional significant adverse effects have been identified and in a number of instances the Additional Changes are found to enhance a positive effect that was already identified as a significant positive effect;
- For four of the Strategic Growth Sites, additional mitigation has been proposed through the Additional Changes to protect and enhance Sites of Special Scientific Interest that may have been otherwise adversely affected by development.



3.61 Overall, the SA Addendum confirms that the conclusions of the Pre-Submission Local Plan SA Report (Section 6.1) remain valid, i.e. that:

“The majority of the SA objectives will experience positive effects as a result of the implementation of the policies and proposals contained in the Pre-Submission Local Plan. Whilst negative effects have also been identified against many of the SA objectives, particularly associated with proposed site allocations, the Pre-Submission Local Plan includes policies which seek to manage these effects such that significant adverse effects will be largely avoided.”

“Reasonable alternatives, in terms of development requirements, the Spatial Strategy and site allocations, have been considered as part of the SA of the Pre-Submission Local Plan and earlier plan development stages. The appraisal of these alternatives has demonstrated that, overall, the proposals of the Pre-Submission Local Plan perform similar to, or better than, the alternatives considered when assessed against the SA objectives.”

3.62 Tables 3.4 and 3.5 of the SA Addendum Report set out the reasons for the rejection of housing and employment led alternatives such as poorer access and connectivity and a lack of capacity to deliver the required on-site infrastructure compared with the preferred sites.

### Next Steps

3.63 The Pre-Submission Local Plan, alongside the Council’s proposed Additional Changes, was submitted to the Secretary of State (together with the January 2018 SA Report and addendum) in June 2018 for independent examination.

3.64 Any Main Modifications that may be proposed to make the Local Plan sound arising from the examination will be subject to SA at that stage (if those changes are considered to be significant).

3.65 In line with legislation, as soon as reasonably practicable after the adoption of a plan, a ‘Post Adoption Statement’ will be published. This will set out the results of the consultation and SA process and the extent to which the findings of the SA have been accommodated in the adopted Local Plan. During the period of the Local Plan, the Council will monitor its implementation and any significant social, economic and environmental effects (Stage E in Figure 1).

## **4. How has HRA influenced the plan?**

4.1 There are three European sites within the Chelmsford administrative area (Essex Estuaries SAC; Crouch and Roach Estuaries (Mid-Essex Coast Phase 3) SPA; and the Crouch and Roach Estuaries (Mid-Essex Coast Phase 3) Ramsar site). There are also some European sites in proximity to the Local Plan area.

4.2 As set out in Section 2, HRA has been run alongside the preparation of the Chelmsford Local Plan. The HRA has helped to determine whether there will be any 'likely significant effects' on any European site as a result of a plan's implementation (either on its own or 'in combination' with other plans or projects) and, if so, whether these effects will result in any adverse effects on the site's integrity.

4.3 Numerous HRA Reports have been produced to inform and support the development of the Local Plan and these are listed in Table 2:

**Table 2: List of HRA Reports**

<b>Reference Number</b>	<b>Title</b>	<b>Date</b>
EB 009	Habitats Regulations Assessment: Initial Scoping	November 2015
EB 010	Preferred Options Habitats Regulations Assessment	March 2017
SD 006	Pre-Submission Habitats Regulations Assessment	January 2018
SD 007	Pre-Submission Habitats Regulations Assessment Update	June 2018
EB 005	Issues and Options Consultation Document Sustainability Appraisal Report and Habitats Regulations Assessment Initial Scoping – Feedback Report	June 2016
EB 008	Preferred Options Consultation Document Sustainability Appraisal Report and Habitats Regulations Assessment Report – Feedback Report	January 2018
SD 008	Pre-Submission Consultation Document Sustainability Appraisal Report and Habitats Regulations Assessment Report – Feedback Report	May 2018

#### **Habitats Regulations Assessment: Initial Scoping**

4.4 An initial Technical Note was published to provide some background for discussions with Natural England regarding the scope and content of the HRA. The purpose of the note was to assist with these discussions and the identification of any data gaps or potential mitigation measures that might be employed to avoid effects. The note included a series of specific questions for Natural England.

#### Consultation Feedback

4.5 The Technical Note was subject to consultation with Natural England alongside the Issues and Options Local Plan consultation published in November 2015. The main issues raised by Natural England related to:

- The proposed spatial scope of the HRA;
- Datasets and ongoing studies that could inform the HRA;
- Sites to be 'screened out' of the HRA; and
- The initial assessment of effects on European sites and with specific regard to coastal squeeze, water quality, water supply and recreational pressure.

4.6 A detailed summary of responses is contained within Section 5 of SA and HRA Feedback Report (SD 008).

#### How responses informed the HRA

4.7 In response to Natural England's comments, more detailed assessment of the potential effects of the Local Plan on air quality, recreational pressure and water quality (including in-combination effects) was undertaken as part of the Preferred Options HRA Report.

### **Preferred Options Habitats Regulations Assessment**

4.8 The Preferred Options HRA Report presented the findings of an initial screening of the Local Plan policies and proposals contained in the Preferred Options Consultation Document. This screening exercise sought to identify the potential for the Local Plan to have likely significant effects on European sites and their interest features, either alone or 'in-combination'.

4.9 Following this screening exercise, two aspects of the document were taken forward for more detailed assessment, namely the likely effects of the Local Plan due to 'in combination' recreational pressure and the likely effects associated with development of Strategic Growth Site 8 (North of South Woodham Ferrers).

4.10 It should be noted that there is no statutory requirement for HRA to be undertaken at this stage of the local plan's development, and so the report did not provide a formal conclusion to the HRA process. However, the report did provide a preliminary conclusion on the likely effects of the Local Plan, based on the proposals contained within the Preferred Options Consultation Document, with recommendations for any amendments that may be appropriate to ensure that the plan does not adversely affect any European sites.

#### Main findings

4.11 The initial screening of the Preferred Options Consultation Document concluded the following:

- All of the European sites are potentially vulnerable to regional 'in combination' effects due to visitor pressure, to which the Local Plan will contribute (although this contribution is likely to be relatively limited);

- None of the allocations are likely to result in significant effects alone, with the possible exception of Strategic Growth Site 8 (North of South Woodham Ferrers), which is within 500m of the Crouch Estuary;
- Other potential pathways for sites to be affected, notably through changes in water quality or water resource permissions, are unlikely to be realised; and
- That the vast majority of the proposed Local Plan policies will have no effect on any European sites, typically because they are policy types that do not make provision for changes.

4.12 Two principal aspects of the Preferred Options Consultation Document were therefore subjected to further assessment to determine the likely scale of any effects, and to identify any bespoke policy measures required to ensure that significant effects do not occur; these were: the likely effects of the Local Plan due to 'in combination' recreational pressure; and the likely effects due to the development Strategic Growth Site 8 (North of South Woodham Ferrers). These aspects are discussed below.

4.13 The HRA highlighted that the development of the site 'North of South Woodham Ferrers' could have likely significant effects on the Crouch and Roach Estuaries SPA / Crouch and Roach Estuaries Ramsar and the Crouch and Roach component of the Essex Estuaries SAC in particular, through increased recreational pressure from future residents. The report highlighted that mitigation is likely to be required to prevent adverse effects occurring and which may include (for example) policy requirements for greenspace and the provision of pathways that encourage people to use areas other than the Estuary for informal recreation, particularly dog walking.

4.14 The HRA also identified the potential for 'in combination' effects, particularly due to the combined amount of development regionally and associated recreational pressures. However, the report concluded that adverse effects can be addressed through normal planning and policy controls to enhance local recreational provision and avoid any significant effects.

4.15 Overall, the Preferred Options HRA concludes that there will be no significant effects on any European sites as a result of the Preferred Options Local Plan, alone or in combination, provided that the avoidance and mitigation measures identified within this report are included within the final Local Plan.

#### Consultation Feedback

4.16 The Preferred Options HRA Report was subject to public consultation alongside the Preferred Options Local Plan from 30 March to 11 May 2017. A total of nine respondents provided comments on the HRA Report, although the majority of the responses received principally related to the Preferred Options Consultation Document itself as opposed to the HRA Report. A summary of the responses is contained within Feedback Report EB 008.

## How responses informed the HRA

4.17 The principal issues in respect of the HRA Report were raised by Natural England and related to:

- Effects associated with increased visitor pressure on European sites;
- Air quality impacts;
- Urbanisation effects;
- Water quality and quantity; and
- Mitigation.

4.18 These issues were discussed with Natural England and considered further as part of the Pre-Submission HRA. In particular, a more detailed Appropriate Assessment (AA) was undertaken in respect of visitor pressure, air quality, urbanisation and water quality impacts.

### **Pre-Submission Habitats Regulations Assessment**

4.19 The Pre-Submission HRA Report presented the findings of the initial screening exercise and, taking into account the outcome of the Preferred Options HRA Report and consultation responses received from Natural England, included a more detailed AA in respect of visitor pressure, air quality, urbanisation, water quality and functional land impacts.

## Main findings

4.20 The HRA highlighted that those European sites that are associated with the Mid-Essex coast estuaries plus the Thames Estuary and Marshes SPA / Ramsar and Benfleet and Southend Marshes SPA / Ramsar are potentially vulnerable to regional 'in combination' effects arising from additional recreational visitors, to which the Local Plan will contribute.

4.21 Such effects could include noise and disturbance which could affect important breeding bird populations. The HRA also highlighted that the development of the site 'North of South Woodham Ferrers' may affect the Crouch Estuary site by increasing recreational pressure. However, the report noted that the Pre-Submission Local Plan includes policies and proposals that seek to manage such effects including a commitment to the adoption of a Recreational Disturbance Avoidance and Mitigation Strategy (RAMS), which is currently being developed by Essex County Council in collaboration with relevant local planning authorities and Natural England.

4.22 The HRA also identified that growth supported by the Pre-Submission Local Plan has the potential to contribute to 'in combination' air quality and water quality effects on European sites. However, further detailed assessment demonstrated that these 'in combination' effects are unlikely to be significant.

4.23 In terms of functional land, the HRA Report found that it is unlikely that any of the proposed site allocations coincide with functionally-significant non-designated areas of land that are likely to be critical to the integrity of any European sites and that most are a substantial distance from the nearest European sites such that significant effects are unlikely to occur.

4.24 Overall, the HRA Report concluded that “most aspects of the plan will have no significant effects on any European sites, alone or in combination. Where residual effect pathways remain, appropriate policy-based mitigation measures have been incorporated into the plan policies to ensure that proposals coming forward under the Local Plan either avoid affecting European sites entirely (no significant effect) or will have no adverse effect on site integrity.”

#### Consultation Feedback

4.25 The Pre-Submission HRA Report was subject to public consultation alongside the Preferred Options Local Plan from 31 January to 14 March 2018. Twelve responses were received. A detailed summary of these together with a response/action is contained in Section 3 of the Sustainability Appraisal Report and Habitats Regulations Assessment Report – Feedback Report (SD 008).

#### How responses informed the HRA

4.26 The main issues raised by Natural England with regard to the HRA Report concerned:

- Ensuring the commitment to the Essex Recreational Disturbance Avoidance and Mitigation Strategy (Essex RAMS) is reflected in the relevant policies of the Local Plan, rather than the supporting text;
- Wastewater treatment capacity at Great Leighs and South Woodham Ferrers;
- The importance of areas south and east of South Woodham Ferrers for Brent Geese; and
- Impacts to designated sites due to changes in water resources.

4.27 These issues have been addressed as part of the Additional Changes to the Pre-Submission Local Plan and a Statement of Common Ground has been agreed (SOCG 002). This resolves their concerns and confirms there are no remaining areas of uncommon ground.

<b>Pre-Submission HRA Update, June 2018</b>
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4.28 An update to the 2018 Pre-Submission HRA Report and has been prepared in order to take account of, and appraise, the proposed Additional Changes to the Pre-Submission Local Plan (SD 002).

4.29 The update also clarifies the terminology used in the HRA to address a recent judgement by the Court of Justice of the European Union (Consideration of

avoidance and reduction measures in Habitats Regulations Assessment: People over Wind, Peter Sweetman v Coillte Teoranta Case C-323/17).

4.30 The final HRA Report to accompany the submission of the Local Plan therefore comprises the Pre-Submission HRA Report (SD 006) and Pre-Submission HRA Update Report (SD 007).

### Main Findings

4.31 The HRA Report confirms that the proposed Additional Changes to the Pre-Submission Local Plan do not affect the HRA conclusions outlined in the main HRA report, i.e.:

- Most aspects of the plan will have no significant effects on any European sites, alone or in combination due to the absence of effect pathways; and
- Where effect pathways exist, appropriate policy-based mitigation measures have been incorporated into the plan policies to ensure that proposals coming forward under the Local Plan either avoid affecting European sites entirely (no significant effect) or will have no adverse effect on site integrity.

### How HRA has informed the Local Plan

4.32 The HRA Reports have been used alongside consultation comments, ongoing engagement and evidence base work, to help inform and support the Local Plan preparation and in particular emerging plan policies to ensure that proposals coming forward either avoid affecting European sites entirely or will have no adverse effect on site integrity.

4.33 These include the development and refinement of Strategic Policy S6 – Conserving and enhancing the natural environment which gives a commitment to securing management, mitigation and compensation measures, and Policy S11 – Infrastructure Requirements which specifies the need to contribute towards the joint Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy or RAMS (discussed in the Duty to Co-operate Section of this Topic Paper).

4.34 Furthermore, the policy requirements of the allocation sites 3a, 3c, 3d at East Chelmsford, 7 South Woodham Ferrers, 8 Bicknacre, and 9 Danbury (previously numbered 8, 9 and 10) specifically identify the need for appropriate contributions to be secured towards mitigation measures identified in the RAMS. The Policy for Strategic Growth Site 7 is also required to undertake a project-level Habitats Regulations Assessment to address the impacts other than recreational disturbance.

4.35 These changes demonstrate how the findings of the HRA alongside consultation responses and national policy are being carefully considered and used directly to help inform and improve the final Local Plan.

## Next Steps

4.36 The Pre-Submission Local Plan alongside the Council's proposed Additional Changes (SD 002) was submitted to the Secretary of State (together with the January 2018 HRA Report and update) in June 2018.

4.37 The Pre-Submission HRA Update (SD 007) has not been subject to public consultation. However, it has been sent to Natural England for information and for an opportunity to feedback any observations or comments.

4.38 It will remain necessary to review any further changes that are made to the Local Plan prior to adoption in order to ensure that the HRA conclusions remain robust, and a formal assessment conclusion against the requirements of Regulation 105 will be made on adoption of the plan. However, the current conclusion of the HRA process is that the Local Plan will have no adverse effects on the integrity of any European sites as a result of its implementation.

## **5. Duty to Co-operate**

5.1 Issues relating to SA and HRA have been addressed through Duty to Co-operate discussions which have been undertaken during the plan making process. These discussions and any related outputs are set out within the Duty to Co-operate Compliance Statement (SD 010).

5.2 The Council held a Sustainability Appraisal Workshop in 2016 to discuss the SEA with Natural England, Historic England, the Environment Agency and the Home Builders Federation. This provided an opportunity to review key components of the SA Report, describe the approach taken to the SA of the Issues and Options Consultation Document and to present the main findings to help inform their consultation responses. A further workshop was held during the consultation period on the Preferred Options Local Plan in 2017.

5.3 Following consideration of representations to the SA and HRA consultation documents, appropriate changes have been made or proposed (through the Schedule of Changes) to the Local Plan. These are described in Sections 3 and 4 above.

5.4 In particular, a joint Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) is being prepared to assess the mitigation measures required for European designated sites impacted upon by development from across Essex. Once completed, it is expected to be adopted as SPD by each of the participating authorities, and will set out where new development is required to contribute towards implementation of the Strategy. The RAMS has therefore informed the Council's policy approach to mitigation with the Spatial Principles of the Local Plan seeking to protect and enhance the character of valued landscapes, heritage and biodiversity including Strategic Policies S6 and S11 and relevant individual site allocation policies.



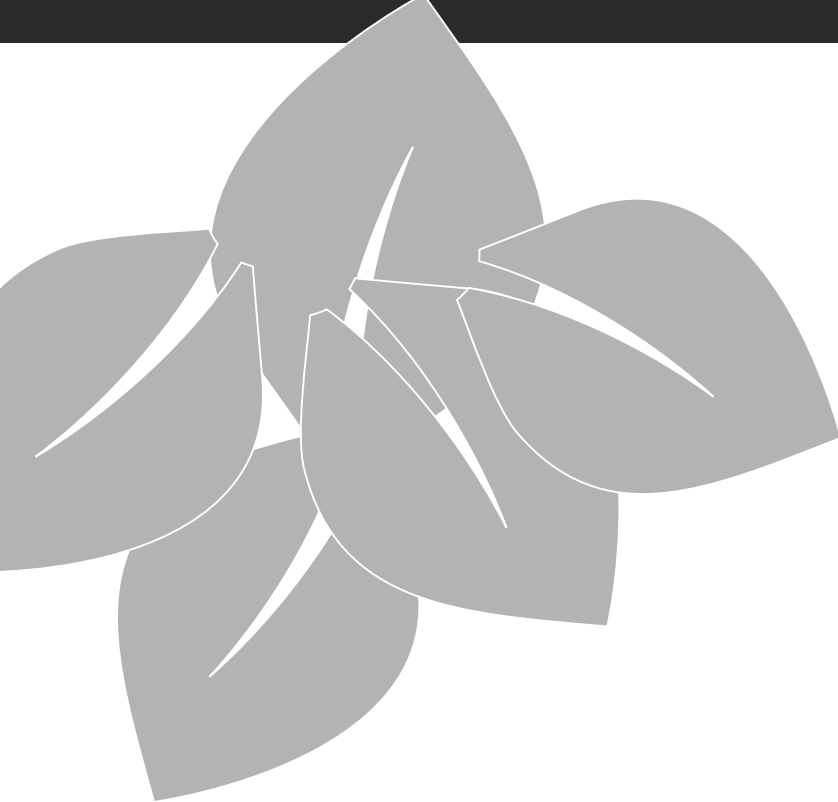
5.5 Further project-level HRA work will be required to support planning applications for new development in the Local Plan. This will inform and refine the delivery of planned development and include the involvement where appropriate of Duty to Co-operate bodies including Natural England and The Environment Agency.

## **6. Conclusions**

6.1 Both the Local Plan SA and HRA have run as an iterative process alongside the development of the Local Plan itself, with the emerging policies, proposals and options continually assessed for their possible effects in these regards.

6.2 A robust SA and HRA has been undertaken alongside the preparation of the Local Plan. The SA and HRA findings have fed into decision-making at numerous stages, and a comprehensive set of reports have been published for consultation alongside Local Plan documents in order to help ensure informed and effective consultation.

6.3 The findings of the SA and HRA confirm that the Council's proposed Spatial Strategy provides the most sustainable strategy with regard to the amount and distribution of development to meet the identified needs, when compared to reasonable alternatives. Proposals coming forward under the Local Plan will either avoid affecting European sites entirely (no significant effect) or will have no adverse effect on site integrity.



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