

**STRATEGIC ENVIRONMENTAL ASSESSMENT/HABITATS REGULATIONS  
ASSESSMENT**

**SCREENING REPORT**

**SANDON NEIGHBOURHOOD PLAN**

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## **1 Introduction**

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

## **2 Legislative background**

- 2.1 The basis for Strategic Environmental Assessments and Sustainability Appraisal legislation is European Directive 2001/42/EC 'on the assessment of the effects of certain plans and programmes on the Environment'. This was transposed into English law by the Environmental Assessment of Plans and Programmes Regulations 2004, or SEA Regulations.
- 2.2 The SEA Regulations include a definition of 'plans and programmes' to which the regulations apply, and which programmes are required by legislative, regulatory or administrative provisions.

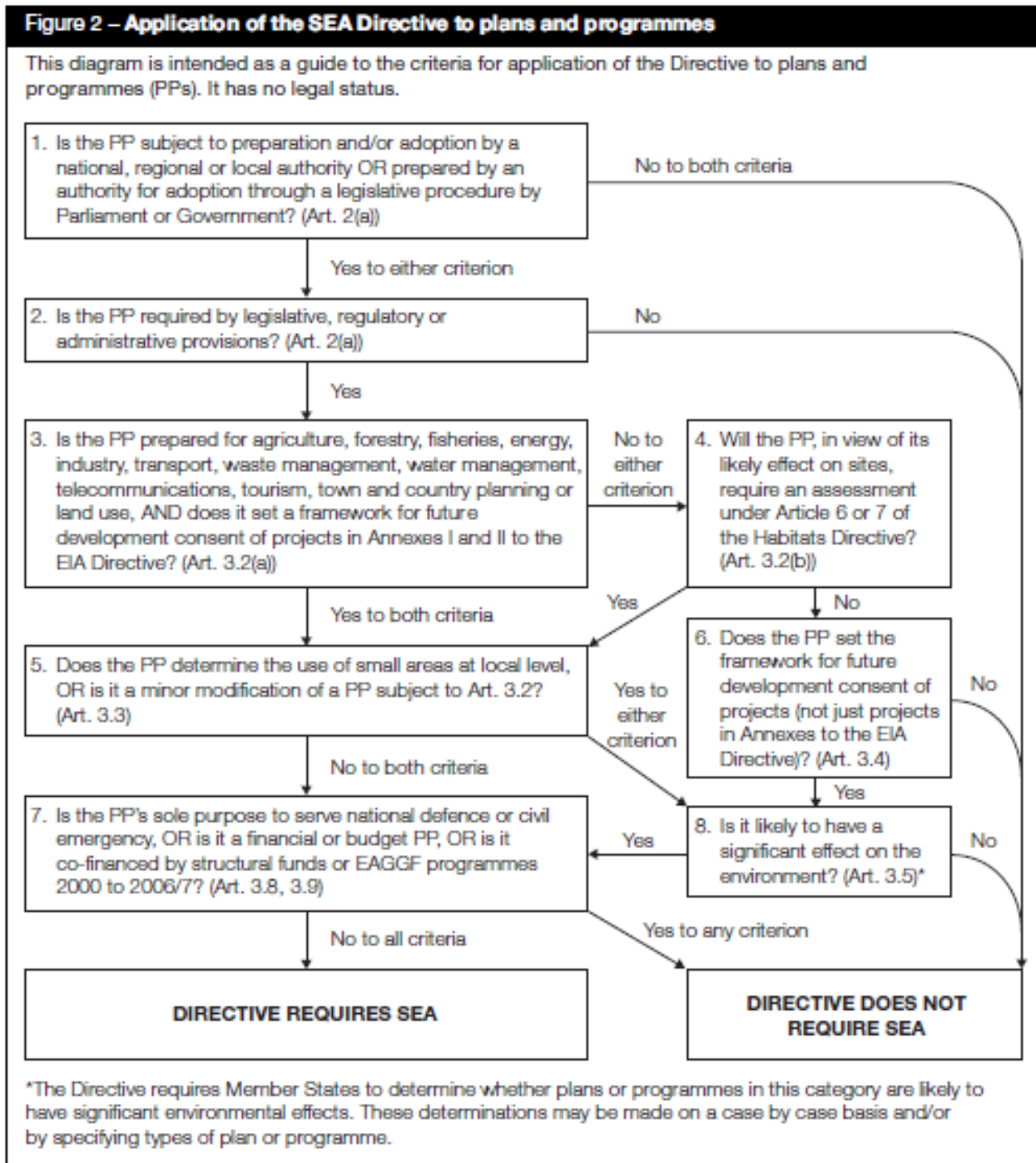
- 2.3 The basis for HRA is Article 6 (3) and (4) of the EU Habitats Directive and Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended).
- 2.4 Production of a Neighbourhood Development Plan is not required by legislative, regulatory or administrative provisions. It is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

### **3 SEA – Criteria**

- 3.1 The criteria for determining the likely significance of effects referred to in Article 3(5) of Directive 2001/42/EC are set out below:
1. The characteristics of plans and programmes, having regard, in particular, to:
    - The degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources.
    - The degree to which the plan or programme influences other plans and programmes including those in a hierarchy.
    - The relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development.
    - Environmental problems relevant to the plan or programme.
    - The relevance of the plan or programme for the implementation of Community legislation on the environment (e.g. plans and programmes linked to waste-management or water protection).
  2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:
    - The probability, duration, frequency and reversibility of the effects.
    - The cumulative nature of the effects.
    - The trans boundary nature of the effects.
    - The risks to human health or the environment (e.g. due to accidents).
    - The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected), the value and vulnerability of the area likely to be affected due to:
      - special natural characteristics or cultural heritage;
      - exceeded environmental quality standards or limit values;
      - intensive land-use; and
      - the effects on areas or landscapes which have a recognised national, community or international protection status.

## 4 SEA – Screening Assessment

4.1 The diagram below illustrates the process for screening a planning document to ascertain whether a full SEA is required.



Source: *A Practical Guide to the Strategic Environmental Assessment Directive* (2005)

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

Question	Response
1) Is the PP subject to preparation and/or adoption by a national, regional or local authority OR prepared by an authority for adoption through a legislative procedure by Parliament or Government? (Art. 2(a))	Yes. The preparation and adoption of the Neighbourhood Plan is allowed under the Town and Country Planning Act 1990 as amended by the Localism Act 2011. The Neighbourhood Plan is being prepared by Sandon Parish Council as the relevant body and, subject to successful completion of the relevant processes as set out in the Neighbourhood Planning (General) Regulations 2012 and the Neighbourhood Planning (Referendums) Regulations 2012, will be made by CCC as the local authority to become part of the statutory Local Plan for that part of the Council's area.
2) Is the PP required by legislative, regulatory or administrative provisions? (Art. 2(a))	Yes. A Neighbourhood Development Plan is not required by legislative, regulatory or administrative provisions. It is an optional process under the Town and Country Planning Act 1990 (amended by the Localism Act 2011). However, once a Neighbourhood Plan is made it becomes part of the statutory development plan for the area to which it applies. As such it forms part of a plan that is required by legislative provisions.
3) Is the PP prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use, AND does it set a framework for future development consent of projects in Annexes I and II to the EIA Directive? (Art 3.2(a))	<p>Yes. The Neighbourhood Plan is prepared for town and country planning and land use. The Neighbourhood Plan contains policies to determine the use of land at the local (parish) level (Art3 (3)). It implements policies in the Chelmsford Local Plan as they relate to the Sandon Neighbourhood Plan Area.</p> <p>The Neighbourhood Plan will provide guidance against which planning applications will be assessed throughout the Parish Council's area, but it does not allocate any land for development.</p>
4) Will the PP, in view of its likely effect on sites, require an assessment for future development under Article 6 or 7 of the Habitats Directive? (Art. 3.2 (b))	No. Land is allocated for development in the adopted Local Plan within the Sandon Neighbourhood Plan area – but the Sandon Neighbourhood Plan does not itself allocate any sites. The site allocations in the Chelmsford Local Plan have been tested through continuous and iterative screening, most recently at the Local Plan Examination. The full consultation process and assessment summary are contained within the

	<p><a href="#">HRA Adoption Note</a> which accompanied adoption of the Local Plan (May 2020).</p> <p>Residential development proposed within the Local Plan has the potential to result in an increase in recreational disturbance in particular at Foulness Special Protection Area (SPA) and Ramsar; Dengie SPA and Ramsar; Blackwater SPA and Ramsar; Essex Estuaries Special Area of Conservation (SAC) and Crouch and Roach Estuaries SPA and Ramsar.</p> <p>Overall, it is considered that there is a low risk for in-combination effects on the SAC/SPA through increased visitor pressure from any windfall development in Sandon parish. Nevertheless, following the Local Plan Appropriate Assessment an <a href="#">Essex-wide Recreational disturbance Avoidance and Mitigation Strategy (RAMS)</a> and accompanying <a href="#">Supplementary Planning Document (SPD)</a> were adopted by CCC in May 2020. They cover the above sites together with five other SPAs and Ramsar sites along the Essex Coast.</p> <p>The RAMS includes measures that have been successfully employed for other European sites (e.g. Thames Basin Heaths SPA; Thanet Coast and Sandwich Bay SPA / Ramsar), supported by developer contributions. As a result, this plan-level mitigation measure is considered to be available, achievable and likely to be effective and so can be relied on to ensure that development proposals either avoid affecting the designated sites (no significant effect) or, where significant effects cannot be avoided, that effects will not adversely affect site integrity.</p> <p>The SPD sets out the requirement for new residential development to contribute to the delivery of this strategy as part of a Section 106 Agreement.</p>
5) Does the PP determine the use of small areas at local level, OR is it a minor modification of a PP subject to Art. 3.2? (Art. 3.3)	Yes. The Neighbourhood Plan will include policies for the use of land and buildings within the Neighbourhood Plan area.
6) Does the PP set the framework for future development consent of projects (not just projects in annexes to the EIA Directive)?	Yes. The Neighbourhood Plan will be used for the determination of planning applications.

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

## 5 HRA – Screening Assessment

- 5.1 The Conservation of Habitats and Species Regulations 2017 set out the requirement for neighbourhood plans to assess implications for European Sites (Regulation 106).
- 5.2 Chelmsford Local Plan allocates land at Sandon for Strategic Growth as follows:
- Strategic Growth Policy 3b – Land North of Maldon Road – for employment in the form of an office/business park, including land for a potential expansion to the Park and Ride site;
  - Strategic Growth Policy 3c – Land South of Maldon Road – around 100 homes;
  - Growth Site Policy 3d – Land North of Maldon Road – around 50 homes.

The Sandon Neighbourhood Plan does not itself allocate any sites for development.

- 5.3 The Local Plan has been subject to continuous and iterative HRA screening and has been found sound following an independent examination. The full consultation process and assessment summary are contained within the HRA Adoption Note which accompanied adoption of the Local Plan (May 2020).
- 5.4 The HRA assessed three principal aspects for appropriate assessment, namely recreational pressure, air quality and water quality. The HRA concluded that significant effects from development proposed in the Local Plan cannot be excluded, with alone or in combination with other plans. This has led to the development of the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). This identifies a detailed programme of strategic mitigation measures across 12 local authority areas, which are to be funded by developer contributions from residential development schemes, and which is endorsed by Natural England.

- 5.5 The draft Sandon Neighbourhood Plan references the RAMS at paragraphs 2.16, 6.43, in Policy SAN G1, and 7.5.

*The whole of the Neighbourhood Plan area is within the overall zone of influence of the Essex Coast RAMS, which has been adopted by the City Council as SPD. All new development in Sandon which results in a net increase in new homes, however small, will need to provide financial contributions towards the mitigation measures. The RAMS SPD sets out how mitigation measures will be funded, with the Planning Obligations SPD adopted by the City Council providing the mechanism for collecting contributions. (Para 6.43).*

*B. All new residential development within the zones of influence of European Sites should make an appropriate financial contribution towards mitigation measures, as detailed in the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) Supplementary Planning Document, to avoid adverse in-combination recreational disturbance effects on European Sites.*

*C. All residential development within the zones of influence should deliver all measures identified (including strategic measures) through project level Habitat Regulations Assessment (HRAs), or otherwise, to mitigate any recreational disturbance impacts in compliance with the Habitat Regulations and Habitats Directive. (Policy SAN G1).*

- 5.6 The draft Sandon Neighbourhood Plan does not propose development allocations in addition to the Strategic Growth Site allocations in the Local Plan. There are two Neighbourhood Area Designations adjacent to Sandon
- Danbury Neighbourhood Plan area adjoins the east of the Sandon boundary. The Local Plan allocates around 100 homes in Danbury, with locations to be identified through the Neighbourhood Plan. This process is ongoing.
  - Little Baddow Neighbourhood Area adjoins the north of the Sandon boundary. It is not allocating any sites for development.

It is, therefore, considered that no cumulative effects from other Neighbourhood Plans are anticipated.

- 5.7 Proposed policies in the draft Sandon Neighbourhood Plan concern housing design and mix/tenure, character, natural environment, active travel, and community facilities. It is considered that these policies would not create additional risks of a significant effect on the identified European sites.

## **6 SEA and HRA - Consultation**

- 6.1 CCC Consulted the consultation bodies (see 1.8) in July/August 2022. The consultation responses are attached to the report (Appendix 2), and all support CCC's opinion that a full Strategic Environmental Assessment or Habitats Regulations Assessment will not be necessary to accompany the Sandon Neighbourhood Plan.



6.2 In summary:

- Natural England – in relation to environmental interests (including but not limited to statutory designated sites, landscapes and protected species, geology and soils) there are unlikely to be significant environmental effects from the proposed plan.
- Historic England – concurs with the Council that the preparation of a Strategic Environmental Assessment is not required.
- The Environment Agency – no response received by the specified deadline.

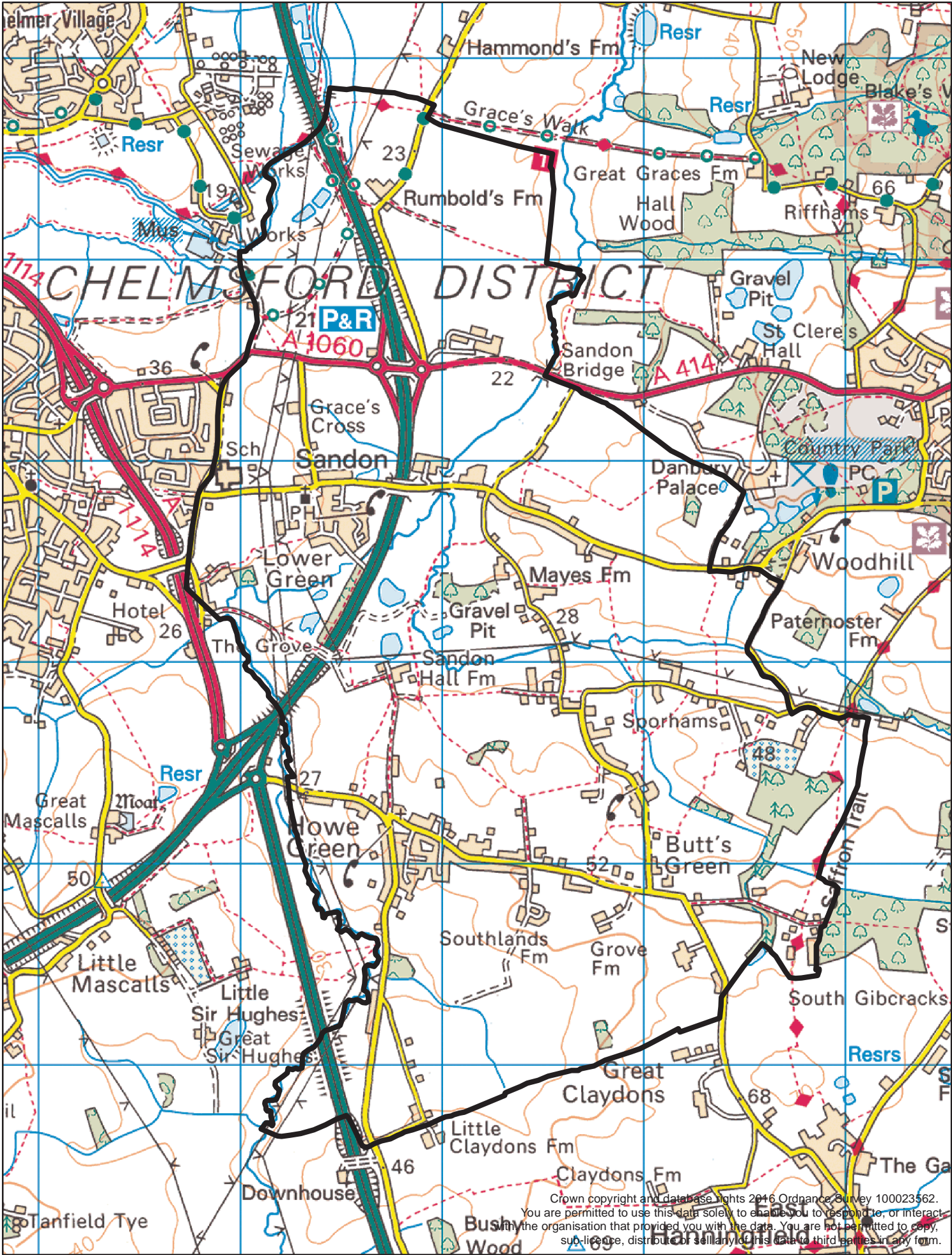
## **7 Conclusion**

7.1 As a result of the assessment in Section 4, CCC has concluded that there are not likely to be significant environmental effects arising directly from the decisions taken through the Sandon Neighbourhood Plan.

7.2 Given that the Local Plan has been subject to continuous and iterative HRA screening, and the conclusion that the proposed policies in the Sandon Neighbourhood Plan would not create any significant effects on the identified European Sites, it is therefore concluded that further stages of appropriate assessment for the Sandon Neighbourhood Plan are not required.

## **8 Next steps**

8.1 This statement will be published on Chelmsford City Council's website:  
[www.chelmsford.gov.uk/communityplans](http://www.chelmsford.gov.uk/communityplans)



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OCTOBER 2017

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Date: 19 July 2022  
Our ref: 400231  
Your ref: Sandon Neighbourhood Plan – Draft SEA/HRA Screening Report



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**BY EMAIL ONLY**

Dear Jenny Robinson

**Sandon Neighbourhood Plan - SEA/HRA Draft Screening Consultation**

Thank you for your consultation on the above dated 12 July 2022 which was received by Natural England on 12 July 2022

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

**Screening Request: Strategic Environmental Assessment**

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

**Neighbourhood Plan**

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

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

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

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

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

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

For any new consultations, or to provide further information on this consultation please send your correspondences to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

Yours sincerely

Dominic Rogers  
Consultations Team

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**From:** James, Edward  
**Sent:** 12 July 2022 16:06  
**To:**  
**Cc:** EastPlanningPolicy  
**Subject:** RE: SEA/HRA Draft Screening Consultation - Sandon Neighbourhood Plan (Chelmsford City Council area)

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

The Screening Report indicates that the Council considers that the plan will not have any significant effects on the historic environment. We note that the neighbourhood plan does not propose to allocate any sites for development, and that the sites proposed as part of the Local Plan have been subject to assessment as part of that process.

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

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

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

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

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

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

Kind regards,

Edward

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Edward James  
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Historic England

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**Historic England**

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