

STRATEGIC ENVIRONMENTAL ASSESSMENT/HABITATS REGULATIONS ASSESSMENT

SCREENING OPINION

BOREHAM NEIGHBOURHOOD PLAN

1 Introduction

- 1.1 This screening report is designed to determine whether the Boreham Neighbourhood Plan requires a full Strategic Environmental Assessment (SEA) and/or Habitats Regulations Assessment (HRA).
- 1.2 The purpose of the Boreham Neighbourhood Plan is to provide planning policies to guide development in the designated Boreham 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 Chelmsford City Council (CCC) has the responsibility to ensure that the SEA/HRA requirements have been met, and is providing Boreham Parish Council, as the qualifying body preparing the Neighbourhood Plan, with an SEA/HRA screening opinion. Boreham Neighbourhood Plan has completed a Regulation 14 Consultation, and this screening has been carried out alongside that to inform the future Plan development.
- 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.

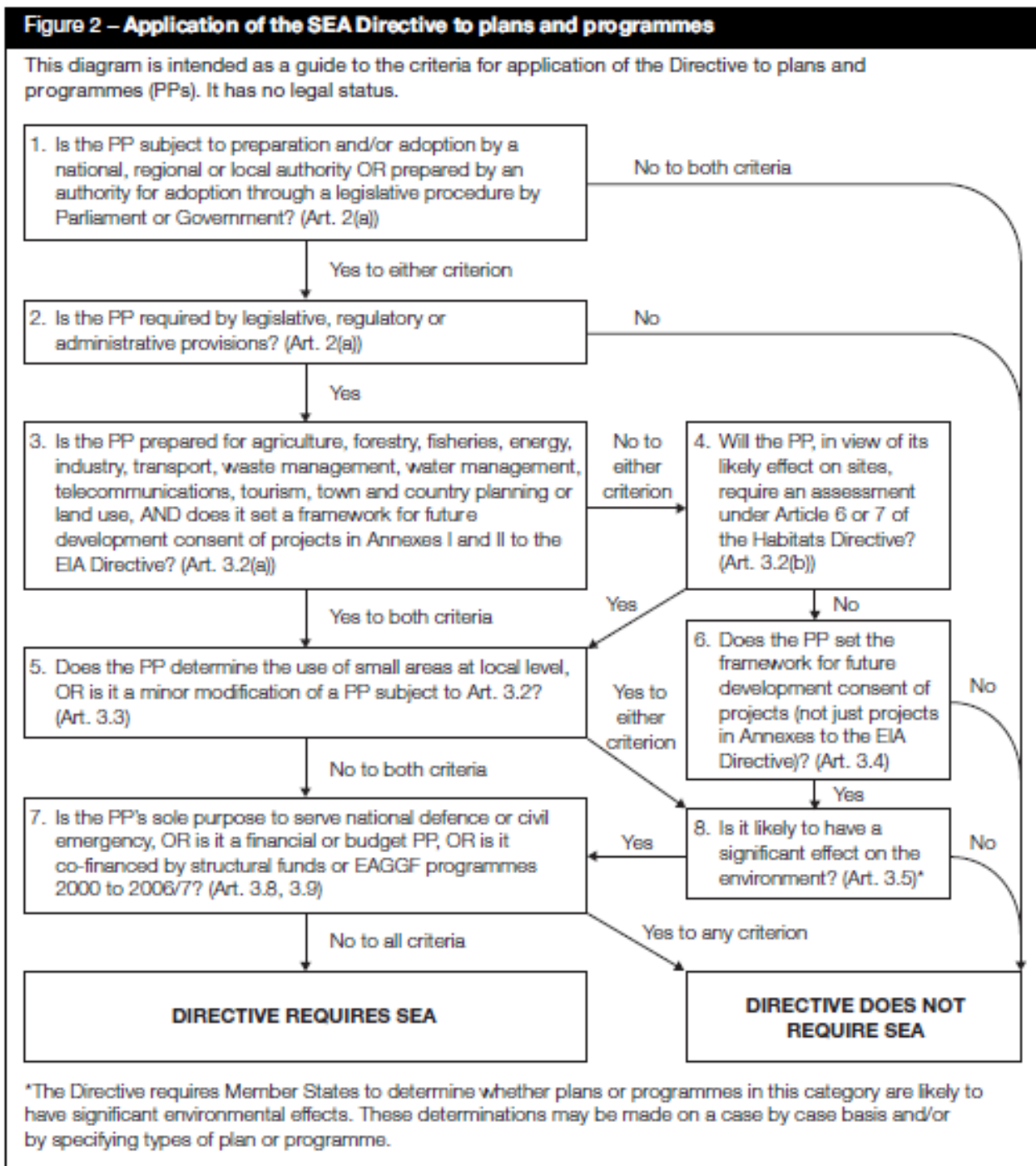
- 2.2 The SEA Regulations include a definition of ‘plans and programmes’ to which the regulations apply, and which programmes are required by legislative, regulatory or administrative provisions.
- 2.3 The basis for HRA is Article 6 (3) and (4) of the EU Habitats Directive and Regulation 61 of the Conservation 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 |
|---|---|
| <p>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))</p> | <p>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 Boreham 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.</p> |
| <p>2) Is the PP required by legislative, regulatory or administrative provisions? (Art. 2(a))</p> | <p>No. 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.</p> |
| <p>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> | <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 Boreham 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> |
| <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))</p> | <p>No. There are no proposed site allocations within the Boreham Neighbourhood Plan area. 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 HRA Adoption Note which accompanied adoption of the Local Plan (May 2020).</p> |

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| | <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 Boreham parish. Nevertheless, following the Local Plan Appropriate Assessment an Essex-wide Recreational disturbance Avoidance and Mitigation Strategy (RAMS) and accompanying Supplementary Planning Document (SPD) were adopted in February 2019 and September 2020 respectively. 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 or a Unilateral Undertaking.</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)? (Art 3(4)) | Yes. The Neighbourhood Plan will be used for the determination of planning applications. |
| 7) Is the PP's sole purpose to serve the | No, not applicable. |

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|---|---------------------------------|
| 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) | |
| 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 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).
- 5.3 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.
- 5.4 The draft Boreham Neighbourhood Plan does not propose development allocations in addition to the Strategic Growth Site allocations in the Local Plan. There are two other Neighbourhood Area Designations adjacent to Boreham.
- Little Baddow Neighbourhood Plan area adjoins the south of the Boreham boundary. There is a made Neighbourhood Plan (August 2023) which does not allocate any sites for housing.
 - Sandon Neighbourhood Area adjoins the south of the Boreham boundary. There is a made Neighbourhood Plan (November 2023) which does not allocate any sites for housing.
- 5.5 It is, therefore, considered that no cumulative effects from other Neighbourhood Plans are anticipated.

- 5.6 Proposed policies in the draft Boreham Neighbourhood Plan concern matters including the historic environment, natural environment, biodiversity, landscape, built environment, housing, community infrastructure, and access and movement. 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

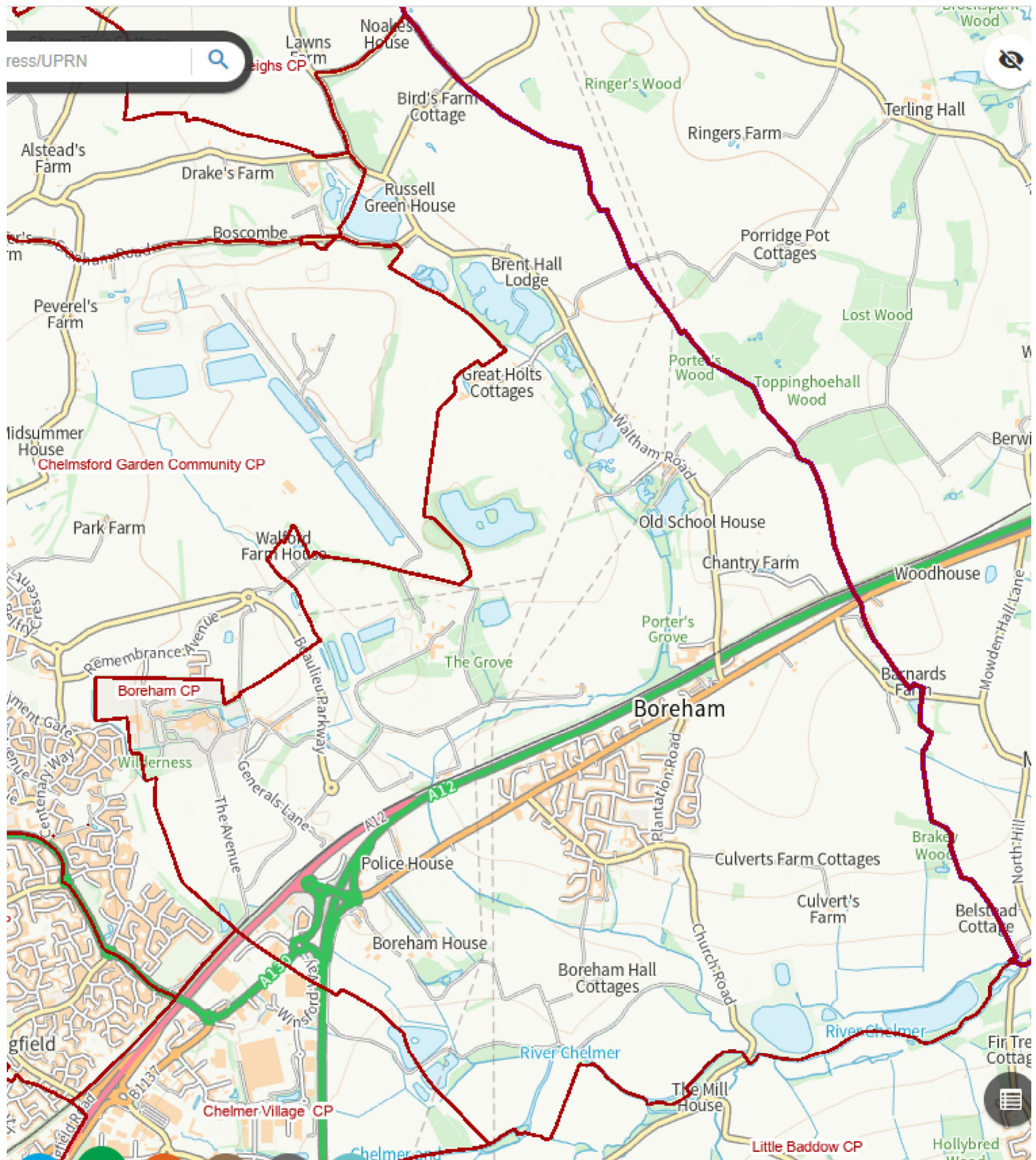
- 6.1 CCC consulted the consultation bodies (see 1.8 in October/November 2024). The full consultation responses are attached (See Appendix 2). The responses received support CCC's opinion that a full Strategic Environmental Assessment or Habitats Regulations Assessment will not be necessary to accompany the Boreham Neighbourhood Plan.
- 6.2 In summary:
- Natural England – advises that significant effects on statutorily designated nature conservation sites or landscapes, or on Habitats sites (either alone or in combination) are unlikely.
 - 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 Boreham Neighbourhood Plan. Therefore, a full Strategic Environmental Assessment will not be necessary to accompany the Boreham 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 draft Boreham 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 Boreham Neighbourhood Plan are not required.

8 Next steps

- 8.1 This statement will be published on CCC's website at www.chelmsford.gov.uk/communityplans.



Date: 01 November 2024
 Our ref: 490078
 Your ref: Boreham Neighbourhood Plan



Ms Jenny Robinson
 Chelmsford City Council

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 Crewe Business Park
 Electra Way
 Crewe
 Cheshire
 CW1 6GJ

T 0300 060 3900

Dear Ms Robinson

Boreham Neighbourhood Plan - SEA & HRA Screening Opinion Consultation

Thank you for your consultation on the above dated and received by Natural England on 4 October 2024.

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 (SEA) and Habitats Regulations Assessment (HRA)

It is Natural England's advice, on the basis of the material supplied with the consultation, that:

- **significant effects on statutorily designated nature conservation sites or landscapes are unlikely; and,**
- **significant effects on Habitats sites¹, either alone or in combination, are unlikely.**

The proposed neighbourhood plan is unlikely to significantly affect any Site of Special Scientific Interest (SSSI), Marine Conservation Zone (MCZ), Special Areas of Conservation (SAC), Special Protection areas (SPA), Ramsar wetland or sites in the process of becoming SACs or SPAs ('candidate SACs', 'possible SACs', 'potential SPAs') or a Ramsar wetland. The plan area is unlikely to have a significant effect on a National Park, Area of Outstanding Natural Beauty or Heritage Coast, and is unlikely to impact upon the purposes for which these areas are designated or defined.

Guidance on the assessment of Neighbourhood Plans, in line with the Environmental Assessment of Plans and Programmes Regulations 2004 is contained within the [Planning Practice Guidance](#). This identifies three triggers that may require the production of an SEA:

- 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.

Natural England does not hold information on the location of significant populations of protected

¹ Habitats sites are those referred to in the [National Planning Policy Framework](#) (Annex 2 - glossary) as "any site which would be included within the definition at regulation 8 of the Conservation of Habitats and Species Regulations 2017 for the purpose of those regulations, including candidate Special Areas of Conservation, Sites of Community Importance, Special Areas of Conservation, Special Protection Areas and any relevant Marine Sites".

species, so is unable to advise whether this plan is likely to affect protected species to such an extent as to require an SEA. Further information is included in Natural England's [standing advice](#) on protected species.

Furthermore, Natural England does not routinely maintain locally specific data on all environmental assets. The plan may have environmental impacts on priority species and/or habitats, local wildlife sites, soils and best and most versatile agricultural land, or on local landscape character that may be sufficient to warrant an SEA. Information on ancient woodland, ancient and veteran trees is set out in Natural England/Forestry Commission [standing advice](#).

We therefore recommend that advice is sought from your ecological, landscape and soils advisers, local record centre, recording society or wildlife body on the local soils, best and most versatile agricultural land, landscape, geodiversity and biodiversity receptors that may be affected by the plan before determining whether a SEA is necessary.

Natural England reserves the right to provide further advice on the environmental assessment of the plan. This includes any third party appeal against any screening decision you may make. If a SEA is required, Natural England must be consulted at the scoping and environmental report stages.

Please send any new consultations, or further information on this consultation to consultations@naturalengland.org.uk

Yours sincerely

Sally Wintle
Consultations Team

From:
To:
Subject: Boreham Draft Neighbourhood Plan - SEA Screening Opinion
Date: 01 November 2024 14:15:24
Attachments:

Dear Jenny,

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 Boreham 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 plan does not propose to allocate any sites for development.

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

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

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

We should like to stress that this opinion is based on the information provided by you with your correspondence. 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,
Ross

Ross McGivern (he/him)
Historic Places Adviser
East of England Region
Partnerships Team

Work with us to champion heritage and improve lives. Read our Future Strategy and get involved at historicengland.org.uk/strategy.

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