

EB028

**Screening Opinions on the need for a Strategic
Environmental Assessment (SEA) and a
Habitats Regulation Assessment (HRA)**

Langford and Ulting Neighbourhood Plan

Regulation 14

September 2019

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Introduction

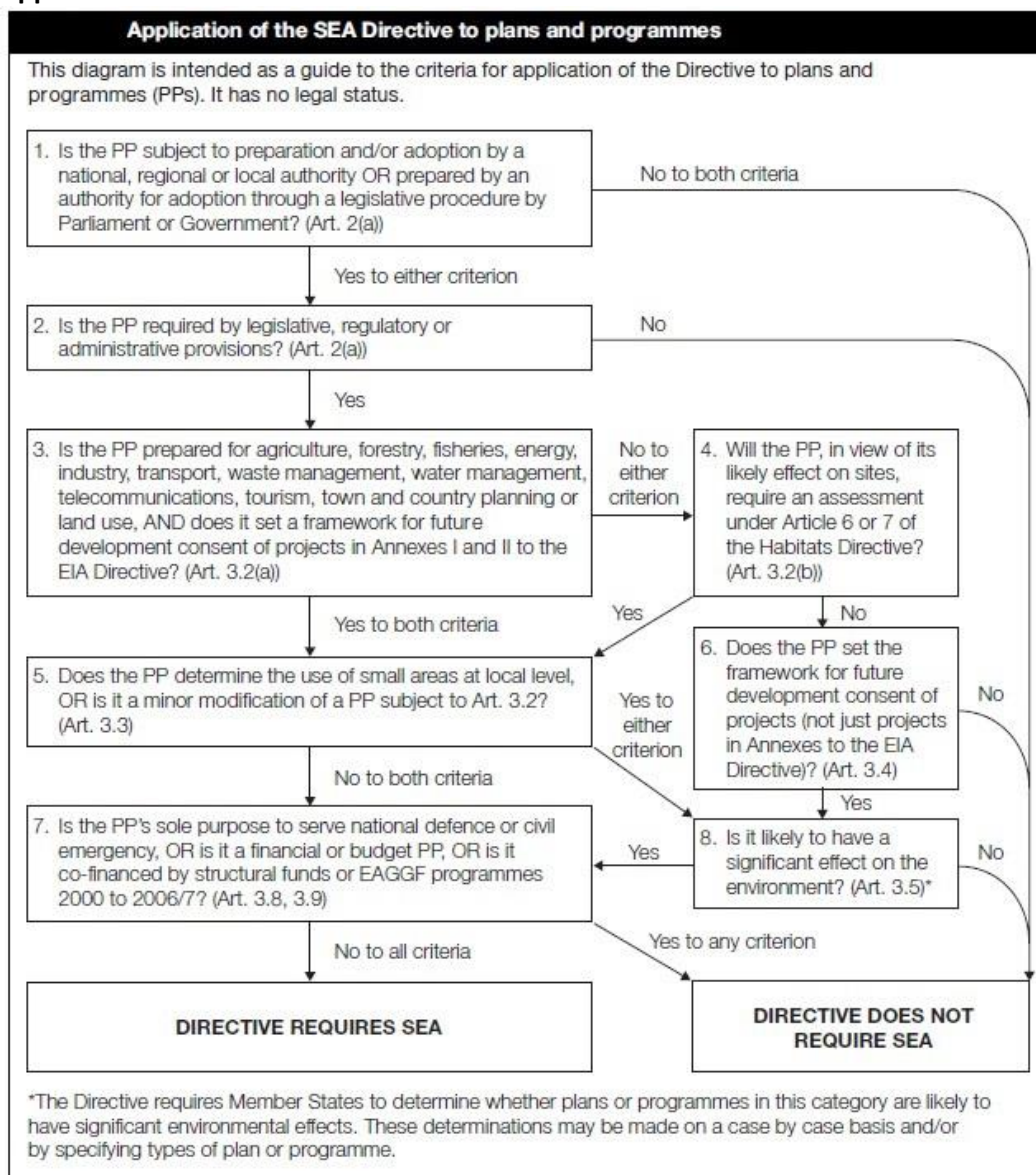
1. This report is prepared by Maldon District Council's Policy Team on behalf of the Langford and Ulting Parish Council (the qualifying body) and provides a screening opinion into the contents of the consultation draft of the Langford and Ulting Neighbourhood Plan (L&UNP). The purpose of the screening opinion is to ensure that environmental and habitat considerations are incorporated into the draft plan in accordance with the regulations. The three statutory bodies: Historic England, Natural England and the Environment Agency will be consulted on the screening opinion and their consultation responses will be included as an appendix to this report.
2. Langford and Ulting Parish was designated as a Neighbourhood Plan Area by Maldon District Council on 24th April 2013. The L&UNP has been produced by the Langford and Ulting Neighbourhood Plan Steering Group, in consultation with local residents, and aims to look at a wide range of issues covering the Parish as a whole, including high quality design, meeting housing needs, protecting open space and protecting the countryside.
3. This screening opinion is for the 2019 Regulation 14 consultation on the Neighbourhood Plan. The draft Neighbourhood Plan was originally Examined in 2016. However, issues arising from the Examination resulted in the draft Plan being revised and rolled-back to the Regulation 14 stage. The statutory consultees were originally consulted on the screening opinions for the previous Regulation 14 and Regulation 16 consultation versions of the Plan.
4. Maldon District Council has a duty to check and determine whether the LUNP meets the prescribed legal requirements as set out in S38A of the Planning and Compulsory Purchase Act 2004 and Schedule 4B of the 1990 Act. There are also other non-environmental EU obligations that the Neighbourhood Plan should be compatible with, for example the European Convention on Human Rights.
5. Section 1 of the report details a draft screening opinion as to whether a Strategic Environment Assessment (SEA) is required and Section 2 details a draft screening opinion as to whether a Habitats Regulation Assessment (HRA) is required.
6. The results of screening the neighbourhood plan against the assessment criteria will highlight where likely significant effects are predicted. If any significant effects are likely then a Strategic Environmental Assessment or Habitats Regulation Assessment will be required. If the outcome of the screening exercise determines that there are not likely to be significant effects then no further action is required for this stage of the Neighbourhood Plan process
7. The statutory consultees (Natural England, Historic England and the Environment Agency) have been consulted on the draft Screening Opinion. Their consultation responses are included at Appendix 4. No changes are necessary to the screening opinion because of the comments received.
8. This report represents the draft screening opinion for the 2019 Regulation 14 consultation version of the Neighbourhood Plan, which be published alongside the draft Plan during the consultation period.

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

Legislative Background

9. The basis for Strategic Environmental Assessments and Sustainability Appraisal legislation is European Directive 2001/42/EC and was transposed into English law by the Environmental Assessment of Plans and Programmes Regulations 2004, or SEA Regulations.
10. Although Sustainability Appraisals are required for Local Plans, this does not apply to Neighbourhood Plans which are not 'Local Plans', or 'Development Plan Documents' as defined by the 2004 Planning Act. Neighbourhood Development Plans have their own designation: they are neighbourhood development plans produced by qualifying bodies under the Localism Act.
11. In order to undertake a Screening Opinion as to whether the LUNP requires an SEA, this assessment follows guidance below which is from 'A practical guide to the Strategic Environment Directive September, 2005, ODPM.'

Application of SEA Guidance



Assessment

12. Appendix 1 and 2 detail the Local Planning Authority's draft screening opinion.
13. A five week consultation of this screening opinion will be held under Regulation 9 of the Environmental Assessment of Plans and Programmes Regulations 2004. Any responses received from the statutory consultees will be added as an appendix to the Screening Opinion, and amendments will also be made in accordance with advice from the consultees, prior to the Regulation 14 consultation starting.
14. Subject to any responses from the statutory consultees, it is considered that no likely significant effects would arise as a result of the Regulation 14 version of the L&UNP and therefore a SEA is not be required at this stage.

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

Legislative Background

15. European sites (also known as Natura 2000 sites) are recognised under the EU Habitats Directive, and consist of designations such as Special Areas of Conservation (SAC), Special Protection Areas (SPA), Offshore Marine Sites (OMS) and RAMSAR wetlands sites.

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

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

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

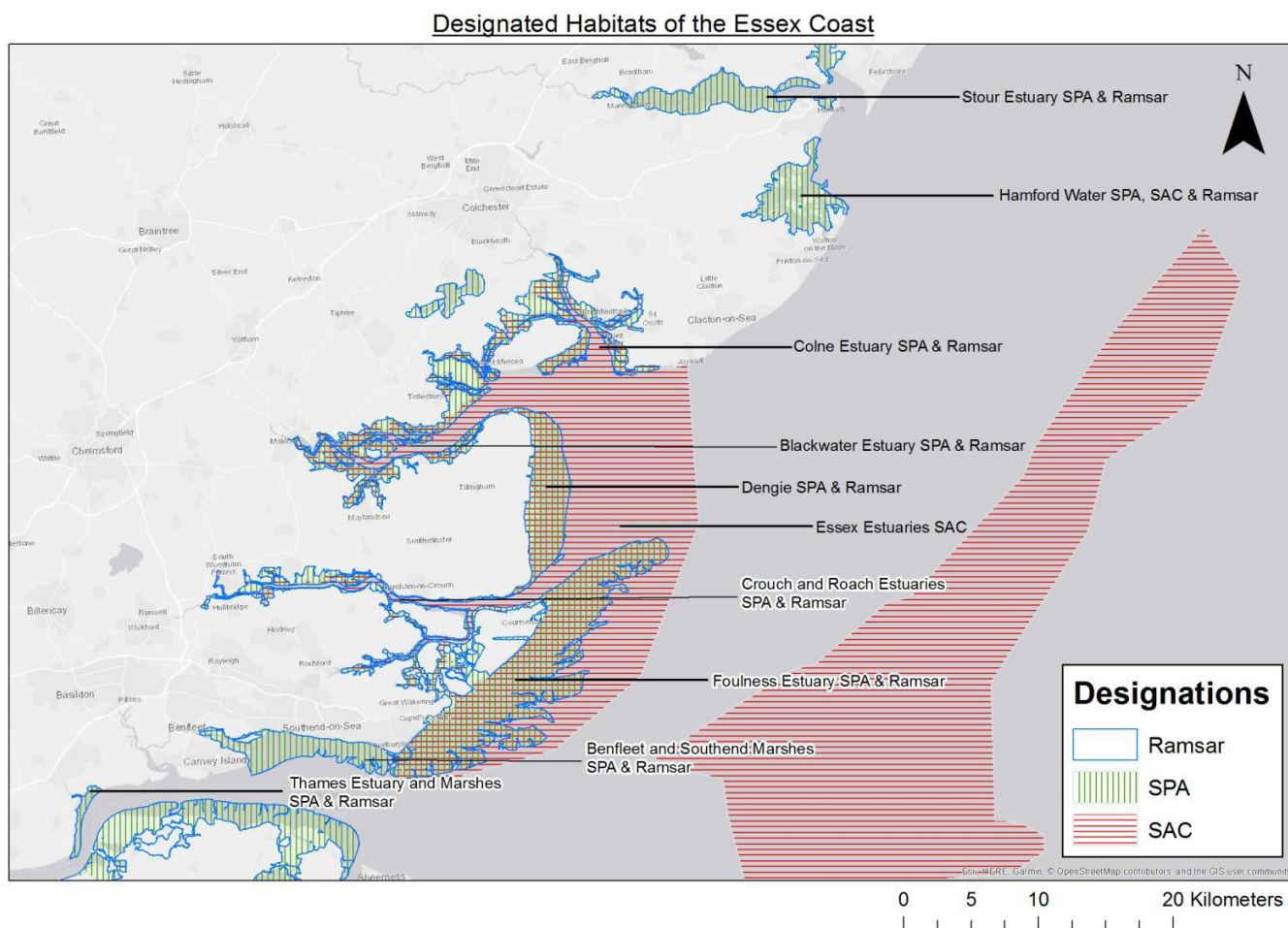
Ramsar sites – are internationally important sites for waterbirds

16. The Langford & Ulting Neighbourhood Plan Area boundary lies within the zones of influence for two Natura 2000 sites:
 - **Essex Estuaries SAC:** This is a large estuarine site is within 2km of the Neighbourhood Plan Area boundary, and is a typical, undeveloped, coastal plain estuarine system with associated open coast mudflats and sandbanks. The site comprises the major estuaries of the Colne, Blackwater, Crouch and Roach rivers and is important as an extensive area of contiguous estuarine habitat. Essex Estuaries contains a very wide range of characteristic marine and estuarine sediment communities and some diverse and unusual marine communities in the lower reaches, including rich sponge communities on mixed, tide-swept substrates.
 - **Blackwater Estuary SPA and RAMSAR site:** One of the largest estuarine complexes in East Anglia, consisting of intertidal mudflats fringed by saltmarsh, shingle and shell banks, and offshore islands. Surrounding terrestrial habitats include a sea wall, grassland, ancient grazing marsh and associated fleet and ditch system. This rich mosaic of habitats supports an outstanding assemblage of nationally scarce plants and a

nationally important assemblage of rare invertebrates. Internationally and nationally important numbers of waterbirds winter at the site. Human activities include marine aquaculture, tourism, commercial and sport fishing, shellfish and bait collection.

17. Neighbourhood Plan Area is just outside the zone of influence for:

- **Dengie SPA and Ramsar site:** Dengie is a large and remote area of tidal mudflat and saltmarsh at the eastern end of the Dengie Peninsula, between the Blackwater and Crouch Estuaries. The saltmarsh is the largest continuous example of its type in Essex. Foreshore, saltmarsh and beaches support an outstanding assemblage of rare coastal flora. It hosts internationally and nationally important wintering populations of wildfowl and waders, and in summer supports a range of breeding coastal birds including rarities. The formation of cockleshell spits and beaches is of geomorphological interest.



Source: Essex Coast Recreational disturbance Avoidance & Mitigation Strategy (RAMS) Habitats Regulations Assessment Strategy document 2018-2038 (2019)

18. As the Blackwater Estuary SPA and Ramsar are considered to be within close proximity of the Neighbourhood Planning Area, there is the potential for significant effects to the designated sites. As such, the screening opinion as shown in Appendix 3 will assess each individual policy as put forward by the preliminary draft plan so that the findings can be issued to the 3 consultation bodies as well as influence the development of the submission (Regulation 15) Neighbourhood Plan.
19. The purpose of undertaking a screening opinion for Habitats Regulations Assessment (HRA) is to ensure that a plan will not result in significant damage to designated sites. This assessment will only relate to a judgement of likely significant effects based upon proximity to designated sites. The assessment follows the three stages as shown on the next page. If it is decided that a full HRA may be required, it is advised that a qualified consultant ecologist carries out this work, since this requires technical skills and knowledge. The HRA findings should then be taken into account and referred to in the environmental assessment of the plan.

Habitat Regulation Assessment Stages

Stage 1 Screening

- Identify international sites in and around the plan/ strategy area
- Examine conservation objectives
- Identify potential effects on Natura 2000 sites
- Examine other plans and programmes that could contribute to 'in combination' effects
- If no effects are likely - report that there is no significant effect. If effects are judged likely or uncertainty exists - the precautionary principle applies, proceed to stage 2.

Stage 2 Appropriate Assessment

- Collate information on sites and evaluate impact in light of conservation objectives
- Consider how the plan 'in combination' with other plans and programmes will interact when implemented (the Appropriate Assessment)
- Consider how the effect on integrity of sites could be avoided by changes to the plan and the consideration of alternatives
- Develop mitigation measures (including timescale and mechanisms)
- Report outcomes of AA and develop monitoring strategies. If effects remain following the consideration of alternatives and development of mitigation measures, proceed to stage 3.

Stage 3 Assessment where no Alternatives and impacts remain

- Identify 'imperative reasons of overriding public interest' (IROPI)
- Identify/ develop potential compensatory measures

20. Maldon District Council is a 'competent authority' under the Conservation of Habitats and Species Regulations 2010 and needs to ensure that Neighbourhood Plans have been assessed through the Habitats Regulations process. The initial screening will mainly be assessing the proximity of any European site to the Neighbourhood Area which could be affected by the proposals within the Neighbourhood Plan.

Assessment

21. Appendix 3 shows the assessment of each of the draft policies of the L&UNP and their assessment against whether the policies will be likely to cause significant effects to the natural environment and the designated Natura 2000 sites. Significant effects are considered unlikely in relation to the Neighbourhood Plan policies, either because the policies will not result in new development or because the scale, nature or location of the development proposed will not have a significant effect on European sites. In some cases, the policies also provide mitigation for the effects of other policies in the plan.

Summary

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

Appendix 1: Application of SEA Directive

	YES/NO	Comments
1. Is the Neighbourhood Plan 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 LUNP is being prepared by Langford and Ulting Parish Council which is a 'qualifying body' in accordance with the Localism Act 2011. Once independently assessed and approved by referendum of 50% or more of 'yes' votes, the LUNP will be formally 'made' by Maldon District Council as the 'Local Planning Authority' and will become a statutory planning document. The legislative procedure is set out in 'The Neighbourhood Planning (General) Regulations 2012 (ass amended)
2. Is the NP required by legislative, regulatory or Administrative provisions? (Art. 2(a))	No	There is no legislative or regulatory requirement that a Neighbourhood Plan is prepared
3. Is the Neighbourhood Plan prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use, AND does it set a framework for future development consent of projects in Annexes I and II to the EIA Directive? (Art 3.2(a))	Yes	The Neighbourhood Plan is prepared for town and country planning and land use and does set out a framework for future development in Langford and Ulting, including Industry and Employment and residential development, which may be in the framework for future development consent of projects listed in Annex I or II to the EA Directive (urban development projects).
4. Will the Neighbourhood Plan, in view of its likely effect on sites, require an assessment for future development under Article 6 or 7 of the Habitats Directive? (Art. 3.2 (b))	No	Section 2 of this report contains a screening opinion for a HRA, where it is considered that the LUNP does not require an assessment under Article 6 or 7 of the Habitats Directive
5. Does the Neighbourhood Plan determine the use of small areas at local level, OR is it a minor modification of a PP subject to Art. 3.2? (Art. 3.3)	No	The LUNP does not contain any allocations
6. Does the Neighbourhood Plan set the framework for future development consent of projects (not just projects in annexes to the EIA Directive)? (Art 3.4)	Yes	When adopted, the LUNP will be a statutory planning document which will form part of the Development Plan. The LUNP will carry significant weight in the determination of relevant planning application, however the responsibility of issuing development consent will remain with the Local Planning Authority.
7. Is the Neighbourhood Plan's sole purpose to serve the national defence or civil emergency, OR is it a financial or budget PP, OR is it co-financed by structural funds or EAGGF programmes? (Art 3.8, 3.9)	No	N/a
8. Is it likely to have a significant effect on the environment? (Art. 3.5)	No	Please See the assessment of likely significant effects of the environment as shown in Appendix 2.
OUTCOME: The Langford and Ulting Neighbourhood Plan does not require an SEA		

Appendix 2: Assessment of the likely significant effects on the environment

Key

- Red – plan is likely to have significant effects on the environment which cannot be mitigated by amendments to Neighbourhood Plan policies.
- Amber – plan may have significant effects on the environment at this preliminary stage, but they can be mitigated through amendments to the Neighbourhood Plan policies
- Green – plan is unlikely to have significant effects on the environment

Environmental Regulations Paragraph	SEA Requirement	Likely Significant effect?	Comments
1. The characteristics of plans and programmes, having regard, in particular, to—			
a.	the degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources;	No	The L&UNP would, if made, form part of the Statutory Development Plan and as such does contribute to the framework for future development consent of projects. However, the Plan sits within the wider framework set by the National Planning Policy Framework and the Local Development Plan 2014-2029. The projects for which the L&UNP helps to set a framework are local in nature and have limited resource implications.
b.	the degree to which the plan or programme influences other plans and programmes including those in a hierarchy;	No	The policies of the L&UNP are required to be in conformity with the National Planning Policy Framework and the policies of the Local Development Plan 2014-2029 The L&UNP is unlikely to influence other Plans or Programmes within the Statutory Development Plan.
c.	the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development;	No	The L&UNP contains policies and objectives that seek to adhere to the principles of sustainable development and seek to conserve and promote the environmental features as they currently exist. These policies will be in conformity with national and local policies as required by the Basic Conditions test. Development would also be subject to the policies in the Local Development Plan 2014-2029 and therefore all environmental considerations would be covered by policy.
d.	Environmental problems relevant to the plan or programme; and	No	The state of the environment will be considered by those making the Plan. Based on the pre-submission consultation draft, the L&UNP is likely to have a strong emphasis on protecting and enhancing historic features, and protecting special landscape and countryside attributes. Therefore, no significant negative

Environmental Regulations Paragraph	SEA Requirement	Likely Significant effect?	Comments
			impact is envisaged through the provisions in the Neighbourhood Development Plan.
e.	The relevance of the plan or programme for the implementation of Community legislation on the environment (for example, plans and programmes linked to waste management or water protection).	No	Not applicable for the L&UNP
2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to—			
a.	The probability, duration, frequency and reversibility of the effects;	No	The Neighbourhood Plan is likely to have positive environmental effects to the local area. The L&UNP is not considered to raise any further significant effects than those which were considered under the Local Development Plan 2014-2029.
b.	The cumulative nature of the effects;	No	The sustainability appraisal of the Local Development Plan 2014-2029 considered the impact of development in the district alongside development in other settlements and parishes. Development in the L&UNP is likely to be consistent to the consideration of effects proposed in the LDP.
c.	The trans-boundary nature of the effects;	No	Due to the limited opportunity for development in the L&UNP area, there are unlikely to be significant trans-boundary impacts on adjoining local authority areas.
d.	the risks to human health or the environment (for example, due to accidents);	No	It is not anticipated that there would be an increase to or significant risks to human health or the environment as a result of the L&UNP.
e.	The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);	No	The L&UNP relates to local issues within the neighbourhood area. The magnitude and spatial extent of the effects are likely to be at a local scale, and not considered to be significant.
f.	the value and vulnerability of the area likely to be affected due to— (i) special natural characteristics or cultural heritage; (ii) exceeded environmental quality standards or limit values; or (iii) intensive land-use;	No	The L&UNP is not likely to affect special natural characteristics or cultural heritage or exceed environmental standards or limit values, or result in intensive land use.
g.	the effects on areas or landscapes which have a recognised national, Community or international protection status.	No	The Habitats Regulations Assessment for the Local Development Plan 2014-2029 considered the impact of development in Maldon District and that, as long as development in

Environmental Regulations Paragraph	SEA Requirement	Likely Significant effect?	Comments
			Langford and Ulting accords with policies identified in the Local Development Plan, the likely effects on recognised protected sites is limited. A Habitats Regulations Screening has been undertaken with regards to the policies of the L&UNP and no significant effects are noted on recognised protected sites, subject to site by site assessment.

Appendix 3: Habitats Regulation Assessment Screening Report

The table below shows the initial assessment of each of the policies using the green, amber and red system:

- ‘Green’ policy/objective means that there is thought to be enough information available at present to conclude that there is no likely significant effect from the policy on the integrity of international sites or their favourable conservation objectives;
- ‘Amber’ policy/objective is one that at this preliminary stage may have potential for significant effects. There is however potential for mitigation by amending/deleting policies prior to the Regulation 15 Plan stage so that effects can be mitigated and monitored through the Neighbourhood Planning process;
- ‘Red’ policy/objective is one that can be identified as having a significant effect on the integrity of the international sites based on current information and is not possible for mitigation by changes or amendments to the policy.

The table shows how the Plan has changed since the former Reg16 consultation version of the Plan.

L&UNDP Policy	Comments 2015- Black 2019 -Red	2015 former Reg 16 version		July 2019 – policy changes from former Reg 16 (2015) to Reg 14 version (2019)	
		Likely effects on the Blackwater Estuary SPA & Ramsar site (former Reg 16)	Likely effects on the Essex Estuaries SAC (former Reg 16)	Likely effects on the Blackwater Estuary SPA & Ramsar site (Reg 14 version 2019)	Likely effects on the Essex Estuaries SAC (Reg 14 version 2019)
1 Protecting and Enhancing Biodiversity	2015 - This policy seeks to protect ecological assets and would not lead to significant effects on the natural environment or Natura 2000 sites 2019 – Development Management amendment; No change to assessment			Wording changed to recognise need to take account of material planning considerations in determining planning applications.	
2 Recreational disturbance Avoidance and Mitigation	2019 – New policy - This policy seeks to reduce the recreational disturbance on the Essex Coast designated sites, arising from new residential dwellings. This policy seeks to protect ecological assets and would not lead to significant effects on the natural environment or Natura 2000 sites			New policy	

L&UNDP Policy	Comments 2015- Black 2019 -Red	2015 former Reg 16 version		July 2019 – policy changes from former Reg 16 (2015) to Reg 14 version (2019)	
		Likely effects on the Blackwater Estuary SPA & Ramsar site (former Reg 16 2015)	Likely effects on the Essex Estuaries SAC (former Reg 16 2015)	Likely effects on the Blackwater Estuary SPA & Ramsar site (Reg 14 version 2019)	Likely effects on the Essex Estuaries SAC (Reg 14 version 2019)
3 Footpaths and bridleways	2015 - This policy seeks to protect existing Public Rights of Way and Bridleways and does not result in development which would lead to significant effects on the natural environment or Natura 2000 sites 2019- - Minor amendment; no change to assessment			Wording added on the role footpaths and bridleways have in providing access by sustainable modes of transport across the parish.	
4 Design and Character	2015 - This policy does not seek to allocate development, but sets out criteria for appropriate built environment improvements, and would not lead to significant effects on the natural environment or Natura 2000 sites 2019- - No change to assessment			No change	
5 Historic environment	2015 - This policy seeks to protect the existing historic environment and does not result in development which would lead to significant effects on the natural environment or Natura 2000 sites 2019- - No change to assessment			No change	
6 Supporting and encouraging small business	This policy does not seek to allocate development, but sets out criteria for appropriate developments for business use, and would not lead to significant effects on the natural environment or Natura 2000 sites 2019- - Formatting changes; no change to assessment			No change	
7 Working from Home	2015 - This policy does not seek to allocate development, but sets out criteria for encouraging working at home, and would not lead to significant effects on the natural environment or Natura 2000 sites. 2019 – Policy expanded to cover car parking provision on site; No change to assessment.			Policy expanded to ensure that sufficient car parking provision is available on site if parking demand increases due to a proposed conversion or change of use.	

L&UNDP Policy	Comments 2015- Black 2019 -Red	2015 former Reg 16 version		July 2019 – policy changes from former Reg 16 (2015) to Reg 14 version (2019)	
		Likely effects on the Blackwater Estuary SPA & Ramsar site (former Reg 16 2015)	Likely effects on the Essex Estuaries SAC (former Reg 16 2015)	Likely effects on the Blackwater Estuary SPA & Ramsar site (Reg 14 version 2019)	Likely effects on the Essex Estuaries SAC (Reg 14 version 2019)
8 Farm and other rural buildings	2015 - This policy does not seek to allocate development but sets out criteria for appropriate conversions of farm buildings, and would not lead to significant effects on the natural environment or Natura 2000 sites. 2019 – No change to assessment			No change	
9 Community facilities and services	2015 - This policy does not seek to allocate development but sets out criteria to guide the provision of community facilities, and would not lead to significant effects on the natural environment or Natura 2000 sites. 2019- No change to assessment			No change	
10 New Housing	2015 - This policy seeks to ease planning restrictions for residential development, it is not an allocation but could result in additional development of a limited number, but this would not lead to significant effects to the natural environment or Natura 2000 sites 2019 – This policy has been significantly revised, simplified and renamed. This policy does not seek to allocate development but sets out criteria for small-scale infill development. This limited scale of development would not lead to significant effects on the natural environment or Natura 2000 sites No change to assessment.			Policy has been significantly revised, simplified and renamed. It now provides guidance on small-scale infill development. The special circumstances criteria and local connection test for ‘new housing in the parish for local people’ have been deleted.	
Reg16 Policy 10 Energy Efficiency & Sustainability	2015 - This policy seeks to improve energy efficiency standards of the built environment and would not lead to significant effects to the natural environment or Natura 2000 sites 2015 - Policy deleted. Policy has been superseded by the Building Regulations.			Policy deleted	

L&UNDP Policy	Comments 2015- Black 2019 -Red	2015 former Reg 16 version		July 2019 – policy changes from former Reg 16 (2015) to Reg 14 version (2019)	
		Likely effects on the Blackwater Estuary SPA & Ramsar site (former Reg 16 2015)	Likely effects on the Essex Estuaries SAC (former Reg 16 2015)	Likely effects on the Blackwater Estuary SPA & Ramsar site (Reg 14 version 2019)	Likely effects on the Essex Estuaries SAC (Reg 14 version 2019)
11 New infrastructure	2015 - This policy does not seek to allocate development, but seeks to improve broadband infrastructure, and would not lead to significant effects to the natural environment or Natura 2000 sites. 2019 - This policy has been revised, simplified and renamed. No change to assessment.			Policy revised, simplified and reworded to focus on the integration of infrastructure into development the and design of infrastructure . Requirement for a 'connectivity statement' and specific ducting requirements removed.	
Reg 16 Policy 12 Development Within the Settlement Boundary for Langford	2015 - This policy proposes a material change to the settlement boundary with presumption in support of sustainable development within the new borders. The policy does not allocate development but there would be a presumption in favour of sustainable development within the proposed settlement boundary. The scale and type of the development could be limited or could be substantial, but given the limited availability of suitable sites and the requirement in the policy for an assessment for any likely significant effects, this is considered to have limited significant effects on the natural environment or Natura 2000 sites. 2019 - Policy deleted. Note: The Neighbourhood Plan uses the settlement boundary in the approved Maldon District Local Development Plan			Policy deleted The Neighbourhood Plan uses the settlement boundary in the approved Maldon District Local Development Plan	

Appendix 4 Statutory Consultee responses



By e-mail to: Leonie Alpin
Maldon District Council

Our ref: PL00608609

Your ref:

Date: 06/09/2019

Direct Dial: 01223 582746

Mobile: 07833 718273

Dear Ms Alpin,

**RE: Langford and Ulting Neighbourhood Plan SEA Screening and Regulation
14 Draft Consultation**

Thank you for inviting Historic England to comment on the above consultation. As the Government's adviser on the historic environment Historic England is keen to ensure that the protection of the historic environment is fully taken into account at all stages and levels of the local planning process. Therefore we welcome this opportunity to review the Screening Report for this plan. For the purposes of this consultation, Historic England will confine its advice to the question, "Is it (the 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 dated 2nd August 2019. 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



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Historic England, 1 The Octagon, Salisbury, Wiltshire SP1 1SS

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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.

We welcome the production of this neighbourhood plan, but do not wish to make any comments at this time. We would refer you to our detailed guidance on successfully incorporating historic environment considerations into your neighbourhood plan, which can be found here: <https://historicengland.org.uk/advice/planning/plan-making/improve-your-neighbourhood/>.

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 above, if you have any queries.

Yours sincerely,



Edward James
Historic Places Advisor, East of England



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Our responsibilities, information and contact details are available on our website.



Date: 13 September 2019
Our ref: 290881
Your ref: Langford & Ulting draft Neighbourhood Plan



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Dear Ms Alpin

Langford & Ulting draft Neighbourhood Plan - Draft Screening Opinion

Thank you for your consultation on the above dated 02 August 2019 .

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.

In our view, impacts arising from new housing is significant when in combination with other plans. However, it is our opinion that these issues have been appropriately mitigated through the RAMS policy within the neighbourhood plan. Any windfall applications would need to be subject to their own project level HRA.

Please see further advice in the annexes below.

Yours sincerely

Kayleigh Cheese
Local Delivery Team

Annex 1 – Example Wording for inclusion in Neighbourhood Plans – Essex RAMS

Habitats Regulations Assessments have been completed for the participating Essex RAMS Local Authorities as part of their upcoming Local Plans. These assessments have identified that the in-combination effects of these Local Plans, together with neighbouring local planning authorities Local Plans and neighbourhood plans are likely to adversely affect the integrity of European designated nature conservation sites¹ ('European Sites'). In view of that your Local Planning Authority is working with ten other Greater Essex Local Planning authorities, and Natural England, on a Recreational disturbance Avoidance and Mitigation Strategy (RAMS). The Essex Coast RAMS is a strategic solution to protect the Essex coast from the recreational pressures of a growing population. A RAMS is usually driven by challenges and opportunities arising from planning issues. RAMS generally applied more broadly than at a single designated European site, provides strategic scale mitigation and enables the development of a generic approach to evidence collection and use.

Financial contributions will be sought for all residential development, which falls within the zones of influence, towards a package of measures to avoid and mitigate likely significant adverse effects in accordance with the Environment policy intentions of your overarching Local Plan. This includes development allocated in Neighbourhood Plans. Details of the zones of influence and the necessary measures will be included in the Essex Coast RAMS Supplementary Planning Document (SPD). Please also see our advice letter to all participating Local Planning Authorities, dated 16 August 2018 (reference 244199).

In the interim period, before the Essex Coast RAMS is completed, proposals within the zones of influence for recreational disturbance to European sites will need to carry out a project level Habitat Regulations Assessment and implement bespoke mitigation measures to ensure that in-combination recreational disturbance effects are avoided and/or mitigated.

Policy. Recreational disturbance Avoidance and Mitigation

All residential development within the zones of influence of European Sites will be required to make a financial contribution towards mitigation measures, as detailed in the Essex Coast RAMS, to avoid adverse in-combination recreational disturbance effects on European Sites. In the interim period, before the Essex Coast RAMS is completed, all residential development within the zones of influence will need to deliver all measures identified (including strategic measures) through project level HRAS, or otherwise, to mitigate any recreational disturbance impacts in compliance with the Habitats Regulations and Habitats Directive.

¹ Colne Estuary Special Protection Area and Ramsar, Blackwater Estuary Special Protection Area and Ramsar and Essex Estuaries Special Area of Conservation

Annex 2 - Neighbourhood planning and the natural environment: information, issues and opportunities

Natural environment information sources

The [Magic](http://magic.defra.gov.uk/)² website will provide you with much of the nationally held natural environment data for your plan area. The most relevant layers for you to consider are: **Agricultural Land Classification, Ancient Woodland, Areas of Outstanding Natural Beauty, Local Nature Reserves, National Parks (England), National Trails, Priority Habitat Inventory, public rights of way (on the Ordnance Survey base map) and Sites of Special Scientific Interest (including their impact risk zones)**. Local environmental record centres may hold a range of additional information on the natural environment. A list of local record centres is available [here](#)³.

Priority habitats are those habitats of particular importance for nature conservation, and the list of them can be found [here](#)⁴. Most of these will be mapped either as **Sites of Special Scientific Interest**, on the Magic website or as **Local Wildlife Sites**. Your local planning authority should be able to supply you with the locations of Local Wildlife Sites.

National Character Areas (NCAs) divide England into 159 distinct natural areas. Each character area is defined by a unique combination of landscape, biodiversity, geodiversity and cultural and economic activity. NCA profiles contain descriptions of the area and statements of environmental opportunity, which may be useful to inform proposals in your plan. NCA information can be found [here](#)⁵.

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

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

General mapped information on **soil types** and **Agricultural Land Classification** is available (under 'landscape') on the [Magic](http://magic.defra.gov.uk/)⁶ website and also from the [LandIS website](http://www.landis.org.uk/index.cfm)⁷, which contains more information about obtaining soil data.

Natural environment issues to consider

The [National Planning Policy Framework](https://www.gov.uk/government/publications/national-planning-policy-framework--2)⁸ sets out national planning policy on protecting and enhancing the natural environment. [Planning Practice Guidance](http://planningguidance.planningportal.gov.uk/blog/guidance/natural-environment/)⁹ sets out supporting guidance.

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

Landscape

Your plans or orders may present opportunities to protect and enhance locally valued landscapes. You may want to consider identifying distinctive local landscape features or characteristics such as ponds, woodland or

² <http://magic.defra.gov.uk/>

³ <http://www.nbn-nfbr.org.uk/nfbr.php>

⁴ <http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

⁵ <https://www.gov.uk/government/publications/national-character-area-profiles-data-for-local-decision-making>

⁶ <http://magic.defra.gov.uk/>

⁷ <http://www.landis.org.uk/index.cfm>

⁸ <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

⁹ <http://planningguidance.planningportal.gov.uk/blog/guidance/natural-environment/>

dry stone walls and think about how any new development proposals can respect and enhance local landscape character and distinctiveness.

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

Wildlife habitats

Some proposals can have adverse impacts on designated wildlife sites or other priority habitats (listed [here](#)¹⁰), such as Sites of Special Scientific Interest or [Ancient woodland](#)¹¹. If there are likely to be any adverse impacts you'll need to think about how such impacts can be avoided, mitigated or, as a last resort, compensated for.

Priority and protected species

You'll also want to consider whether any proposals might affect priority species (listed [here](#)¹²) or protected species. To help you do this, Natural England has produced advice [here](#)¹³ to help understand the impact of particular developments on protected species.

Best and Most Versatile Agricultural Land

Soil is a finite resource that fulfils many important functions and services for society. It is a growing medium for food, timber and other crops, a store for carbon and water, a reservoir of biodiversity and a buffer against pollution. If you are proposing development, you should seek to use areas of poorer quality agricultural land in preference to that of a higher quality in line with National Planning Policy Framework. For more information, see our publication [Agricultural Land Classification: protecting the best and most versatile agricultural land](#)¹⁴.

Improving your natural environment

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

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

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

- Setting out in your plan how you would like to implement elements of a wider Green Infrastructure Strategy (if one exists) in your community.
- Assessing needs for accessible greenspace and setting out proposals to address any deficiencies or enhance provision.

¹⁰<http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

¹¹<https://www.gov.uk/guidance/ancient-woodland-and-veteran-trees-protection-surveys-licences>

¹²<http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

¹³<https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

¹⁴<http://publications.naturalengland.org.uk/publication/35012>

- Identifying green areas of particular importance for special protection through Local Green Space designation (see [Planning Practice Guidance on this](#) ¹⁵).
- Managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips in less used parts of parks, changing hedge cutting timings and frequency).
- Planting additional street trees.
- Identifying any improvements to the existing public right of way network, e.g. cutting back hedges, improving the surface, clearing litter or installing kissing gates) or extending the network to create missing links.
- Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition, or clearing away an eyesore).

¹⁵ <http://planningguidance.planningportal.gov.uk/blog/guidance/open-space-sports-and-recreation-facilities-public-rights-of-way-and-local-green-space/local-green-space-designation/>



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

Our ref: AE/2019/124336/01-L01
Your ref: SEA screening
Date: 06 September 2019

Dear Ms Alpin

LANGFORD & ULTING NEIGHBOURHOOD PLAN DRAFT SCREENING OPINION

Thank you for consulting us in regards to the SEA screening report for the Langford and Ulting Neighbourhood Plan.

We have reviewed the report and can confirm that we do not disagree with the report, that an SEA is required as there are no allocated sites and will follow in line with the Maldon Local Plan.

We trust the above is useful.

Yours sincerely

A black circular stamp or signature mark.

Miss Natalie Kermath
Planning Advisor

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End