

# Ardleigh Neighbourhood Plan (2020-2033)



## Strategic Environmental Assessment (SEA) & Habitat Regulations Assessment (HRA) Screening Report

May 2022





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# 1. Introduction

## 1.1 The Purpose of this Report

This screening report is an assessment of whether or not the contents of the Ardleigh Neighbourhood Plan requires a Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/ EC and associated Environmental Assessment of Plans and Programmes Regulations. A SEA is required if the Neighbourhood Plan is deemed to have a likely significant effect on the environment.

This report will also screen to determine whether the Neighbourhood Plan requires a Habitats Regulations Assessment (HRA) in accordance with Regulation 61 of the Conservation of Habitats and Species Regulations 2017 (as amended). An HRA screening report is required when it is deemed that likely adverse significant effects may occur on protected Habitats (European) Sites as a result of the implementation of a plan or project.

## 1.2 The Ardleigh Neighbourhood Plan

The Neighbourhood Plan will set out planning policies for the Ardleigh Neighbourhood Plan area. Once formally adopted, a Neighbourhood Plan carries the same legal weight as Local Development Plans adopted by the Local Planning Authority (LPA), in this case Tendring District Council.

The Neighbourhood Plan gives the community direct power to develop a shared vision for the Parish of Ardleigh and shape its development and growth. The Neighbourhood Plan includes a draft Vision at this stage:

*'In 2033, the Parish of Ardleigh remains in possession of its distinctive rural character and qualities.*

*The village's longstanding nucleated format continues to be preserved, whilst the rest of the Parish continues to provide a complementary offering of scattered farmsteads, barns, cottages and other appropriate rural land-based development.*

*The agricultural economy continues to thrive and there has been no significant loss of best and most versatile agricultural land to non-compatible uses. Appropriate and well-located rural land-based businesses have been supported to expand and flourish.*

*Positive features of the built, natural and historic environment have been protected and, wherever possible, enhanced. Ideally, Spring Valley Mill no longer appears on the Heritage at Risk register.*

*Some small-scale housing development has taken place within the defined Settlement Development Boundaries. This has been built to a very high standard, showing due regard for the local vernacular, the surrounding built context and the*

*contents of the Village Design Statement. Sustainable design and construction techniques abound.*

*Existing community facilities, including Safeguarded Local Greenspaces, have been retained and new leisure facilities intended to improve community cohesion and the health and wellness of residents have been introduced.*

*Where tourism, retail or employment-related development has taken place, it demonstrates due regard to the needs of residents and constraints of the Parish, including its landscape character and highways capacity.*

*Whilst efforts have been made to reduce the Parish's high levels of out-commuting for employment purposes (including support for home working proposals), efforts have equally been made to avoid any significant influx of in-commuting to Ardleigh.*

*Ardleigh remains a pleasant and tranquil place to live and work, providing a high standard of life to all of its residents..'*

In support of this Vision, the Neighbourhood Plan includes two main 'objectives'. These objectives are:

1. To achieve this Vision; and
2. To achieve sustainable development in Ardleigh in accordance with the three overarching objectives of the National Planning Policy Framework (NPPF), namely:
  - a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
  - b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
  - c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

## 1.3 The emerging Tendring Local Plan

### 1.3.1 Tendring District Local Plan 2013-2033 and Beyond: North Essex Authorities' Shared Strategic Section 1 Plan

Section One of Tendring's Local Plan contains strategic cross-boundary policies and

allocations for the administrative areas of Tendring, Braintree and Colchester. Tendring District Council formally adopted Section One of the Local Plan in January 2021.

#### 1.3.1.1 Content regarding the Neighbourhood Plan area within the Local Plan

The Neighbourhood Plan acknowledges that the adopted Section One contains a strategic proposal for a Tendring/Colchester Borders Garden Community of up to 9,000 homes, part of which lies within the south west of the Parish. The proposal also includes new employment land, schools and services and a new link road between the A120 and A133.

As the Neighbourhood Plan sets out, the Garden Community extends into the southernmost portion of Ardleigh Parish to absorb the small historic hamlet of Crockleford Heath. Policies SP8 and SP9 of the Section One Local Plan set out that a Development Plan Document (DPD) will be prepared for the garden community, containing policies setting out how the new community will be designed, developed and delivered in phases. A consultation on the draft DPD for the Tendring Colchester Borders Garden Community ran from 14th March 2022 until 5pm on 25th April 2022 which defined the boundary of the new community and the amount of development it will contain.

It will be produced in consultation with the local community and stakeholders and will include a concept plan showing the disposition and quantity of future land-uses, and give a three dimensional indication of the urban design and landscape parameters which will be incorporated into any future planning applications; together with a phasing and implementation strategy which sets out how the rate of development will be linked to the provision of the necessary social, physical and environmental infrastructure to ensure that the respective phases of the development do not come forward until the necessary infrastructure has been secured.

No planning consent for development forming part of the garden community will be granted until the DPD has been adopted.

#### 1.3.2 Emerging Section Two

Section Two of the Local Plan was formally adopted on the 25<sup>th</sup> January 2022. Section Two of the Local Plan contains policies solely relating to Tendring District and allocates the homes and jobs required for the Local Plan period outside of Section One's Garden Community. .

##### 1.3.2.1 Content regarding the Neighbourhood Plan area within the Local Plan

The Tendring Local Plan includes policies on a wide range of topics such as housing, employment, services and facilities, and the natural environment.

##### 1.3.2.2 The Settlement Hierarchy and Principle of Development

Within the emerging Local Plan, Ardleigh is identified as a 'Smaller Rural Settlement'. The Local Plan identifies these settlements as the least sustainable locations for growth, highlighting a concern that encouraging too much development in these areas will only serve to increase the number of people having to rely on cars to go about their everyday lives. The



Local Plan acknowledges however that these villages are still under pressure to grow and some small-scale development which is sympathetic to the rural and often historic character of the settlement might help younger people to continue to live in the area, keep local shops and services viable and help bring balance to an ageing population.

As a result, the Local Plan states that each of these smaller rural settlements can achieve a small scale increase in housing stock over the plan period. To allow for this to happen, Settlement Development Boundaries have been drawn flexibly, where practical, to accommodate a range of sites both within and on the edge of the villages and thus enabling them to be considered for small-scale residential 'infill' developments. The Local Plan adds that developments which exceed 10 dwellings in size will not be permitted unless there is local support from the Town or Parish Council, an approved Neighbourhood Plan that advocates additional growth or an identified local need for affordable housing that could be addressed through a 'rural exception site'.

Nevertheless, Ardleigh's categorisation as a Smaller Rural Settlement does mean that the principle of development is established, and a Settlement Development Boundary covers the built-up area within the village in line with the Policies Map and Policy SPL2.

### 1.3.2.3 Safeguarded Local Green Spaces

The emerging Local Plan identifies and seeks to safeguard several green spaces in Ardleigh, as identified on the Policies Map. These include the Recreation Ground, Millennium Green, the Church Yard, Allotments and the Cemetery. Policy HP 4 – Safeguarded Local Greenspace of the emerging Local Plan sets out that,

*Development that would result in the loss of the whole or part of areas designated as Safeguarded Local Greenspaces, as defined on the Policies Map and Local Maps will not be permitted unless the following criteria are met:*

- a. the site is replaced by the provision of new site at least equal in quality and size and accessible to the community, which the existing site serves;*
- b. it is demonstrated that there is no longer a demand for the existing site;*
- c. the site is not appropriate for other open space functions; and*
- d. the development of the site would not result in the loss of an area important to visual amenity.*

Additional Local Green Spaces are identified in the Neighbourhood Plan, as evidenced by a commissioned Local Green Spaces Assessment.

### 1.3.2.4 Ardleigh Reservoir Catchment Area

Ardleigh Reservoir is located in open countryside, south west of Ardleigh village. It is important that new development in its vicinity does not harm water quality in the reservoir.

The Local Plan includes Policy PPL 13 Ardleigh Reservoir Catchment Area, which sets out that Tendring District Council will support proposals which involve the role, function and



operation of Ardleigh Reservoir, its Treatment Works and associated networks subject to consideration against other policies in the Local Plan. The reservoir is surrounded by a catchment area within which certain proposals for development will be subject to consultation with the operator of the site. This may result in restrictions being imposed or planning permission being refused if the development could materially affect the quality of water draining into the reservoir.

## 2. Legislative Background

### 2.1 Strategic Environmental Assessment (SEA)

Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment states that,

*‘Environmental assessment is an important tool for integrating environmental considerations into the preparation and adoption of certain plans and programmes which are likely to have significant effects on the environment.*

*(10) All plans and programmes which are prepared for a number of sectors and which set a framework for future development consent of projects listed in Annexes I and II to Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment(7), and all plans and programmes which have been determined to require assessment pursuant to Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild flora and fauna(8), are likely to have significant effects on the environment, and should as a rule be made subject to systematic environmental assessment. When they determine the use of small areas at local level or are minor modifications to the above plans or programmes, they should be assessed only where Member States determine that they are likely to have significant effects on the environment.*

*(11) Other plans and programmes which set the framework for future development consent of projects may not have significant effects on the environment in all cases and should be assessed only where Member States determine that they are likely to have such effects.’*

The Ardleigh Neighbourhood Plan may influence frameworks for future development or become used ancillary to those plans and programmes that do set such a framework, and as such it has been determined that the principle of the Neighbourhood Plan should be screened for the necessary application of the SEA Directive.

The Report from the Commission to The Council, The European Parliament, The European Economic and Social Committee and the Committee of the Regions states, on the application and effectiveness of the Directive on Strategic Environmental Assessment (Directive 2001/42/EC), that

*‘the following Plan & Programme (P&P), and modifications to them, are covered when prepared and/or adopted by an authority and required pursuant to legislative, regulatory or administrative provisions:*

- P&P prepared for certain sectors and which set the framework for future development consent in respect of projects under the Environmental Impact Assessment-EIA-Directive.

- P&P requiring an assessment under the Habitats Directive (92/43/EEC).
- P&P setting the framework for development consent in respect of projects (not limited to those listed in the EIA Directive; see above) and determined by "screening" as being likely to have significant environmental effects.'

This report represents this screening process in regard to the content and influence of the Ardleigh Neighbourhood Plan.

## 2.2 Habitats Regulations Assessment (HRA)

Under the provisions of the Habitats Regulations (The Conservation of Habitats and Species Regulations 2017, as amended), a competent authority must carry out an assessment of whether a plan or project will significantly affect the integrity of any European Site (also referred to as Habitats Sites in the National Planning Policy Framework), in terms of impacting the site's conservation objectives.

HRA screening is the initial assessment of the impacts of a land use proposal against the conservation objectives of Habitats sites. Specifically, it is to ascertain whether or not a proposal (either alone or in combination with other proposals) would potentially damage the internationally designated features of that site. European sites are also known as Natura 2000 sites.

This HRA Screening Report has been undertaken in order to accompany the Ardleigh Neighbourhood Plan in accordance with the Neighbourhood Planning (General) Regulations 2012.

The Neighbourhood Planning (General) Regulations 2012, state that submitted Plans need to be accompanied by a statement explaining how the proposed Plan meets the 'basic conditions' set out in Schedule 4B of the 1990 Town and Country Planning Act. These basic conditions include a requirement to demonstrate how the Plan is compatible with EU obligations, which includes the need to undertake an HRA.

In line with the Court judgement (CJEU People Over Wind v Coillte Teoranta C-323/17), mitigation measures cannot be taken into account when carrying out a screening assessment to decide whether a plan or project is likely to result in significant effects on a Habitats Site.

## 3. SEA Screening

### 3.1 When is SEA Required?

Planning Practice Guidance – Strategic environmental assessment requirements for neighbourhood plans (Paragraph: 026 Reference ID: 11-026-20140306) states that,

*‘In some limited circumstances, where a neighbourhood plan is likely to have significant environmental effects, it may require a strategic environmental assessment. Draft neighbourhood plan proposals should be assessed to determine whether the plan is likely to have significant environmental effects. This process is commonly referred to as a “screening” assessment and the requirements are set out in regulation 9 of the Environmental Assessment of Plans and Programmes Regulations 2004.*

*If likely significant environmental effects are identified, an environmental report must be prepared in accordance with paragraphs (2) and (3) of regulation 12 of those Regulations.*

*One of the basic conditions that will be tested by the independent examiner is whether the making of the neighbourhood plan is compatible with European Union obligations (including under the Strategic Environmental Assessment Directive).*

*To decide whether a draft neighbourhood plan might have significant environmental effects, it must be assessed (screened) at an early stage of the plan’s preparation according to the requirements set out in regulation 9 of the Environmental Assessment of Plans and Programmes Regulations 2004. These include a requirement to consult the environmental assessment consultation bodies.*

*Each consultation body will be able to advise on particular topics relevant to its specific area of expertise and responsibility, and the specific information that it holds.*

*Where it is determined that the plan is unlikely to have significant environmental effects (and, accordingly, does not require an environmental assessment), a statement of reasons for the determination should be prepared. A copy of the statement must be submitted with the neighbourhood plan proposal and made available to the independent examiner.’*

Articles 2 and 3 of the SEA Directive set out the circumstances in which a SEA is required. Table 1 sets out the assessment of whether the principle of the Ardleigh Neighbourhood Plan will require a full SEA.

Table 1: Exploring whether the Principle of the Plan would warrant SEA

**Question 1: Is the Plan subject to preparation and/or adoption by a national, regional or local authority OR prepared by an authority for adoption through legislative procedure by Parliament or Government?**

Yes - The Neighbourhood Plan has been prepared for adoption through legislative procedure.

**Question 2: Is the Plan required by legislative, regulatory or administrative provision? (Typical characteristics of "administrative provisions" are that they are publicly available, prepared in a formal way, probably involving consultation with interested parties. The administrative provision must have sufficient formality such that it counts as a "provision" and it must also use language that plainly requires rather than just encourages a Plan to be prepared.)**

Yes - The Neighbourhood Plan would be considered as falling within the category of an 'administrative provision'.

**Question 3: Is the 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?**

Yes to both criteria - The Neighbourhood Plan has been prepared for town and country planning and sets a framework for future development consent.

**Question 4: Will the Plan, in view of its likely effect on sites, require an assessment under Article 6 or 7 of the Habitats Directive?**

The Neighbourhood Plan's likely effect on sites and requirement for an assessment under Article 6 or 7 of the Habitats Directive is explored in Section 4 of this Report.

**Question 5: Does the Plan determine the use of small areas at local level, OR is it a minor modification of a Plan likely to require assessment under the Habitats Directive?**

Yes to one of the criteria - the policies of the Neighbourhood Plan can be considered to determine the use of small areas at local level commensurate with their status in determining local planning applications.

**Question 6: Does the Plan set the framework for future development consent of projects (not just projects in the Annexes of the EIA Directive)?**

Yes - the Neighbourhood Plan has been prepared for town and country planning and

sets a framework for future development consent.

**Question 7: Is the Plans sole purpose to serve national defence or civil emergency, or is it a financial or budget Plan, or is it co financed by structural funds or European Agricultural Guidance and Guarantee Fund (EAGGF) programmes 2000 to 2006/7?**

The Neighbourhood Plan does not serve a purpose related to national defence or civil emergency, a financial or budget Plan. The Neighbourhood Plan is not co-financed by structural funds or EAGGF programmes 2000 to 2006/7.

**Question 8: Is it likely to have a significant effect on the environment?**

Likely significant effects are explored in more detail in Section 3.3 of this Screening Report. The 'conclusions' section of the Report outlines whether the Neighbourhood Plan requires SEA or not due in regard to its effects on the environment.

The following section looks at the criteria for assessing the effects of the Neighbourhood Plan and the identified effects of the Neighbourhood Plan in line with the criteria. Crucially, it will determine whether there are any likely significant effects on the environment.

## 3.2 Criteria for Assessing the Effects of the Neighbourhood Plan

Criteria for determining the likely significant effects on the environment, referred to in Article 3(5) of Directive 2001/42/EC are set out below.

### Annex II of SEA Directive 2001/42/EC Significant Effects

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,

## Annex II of SEA Directive 2001/42/EC Significant Effects

- 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 transboundary 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,
  - \* the effects on areas or landscapes which have a recognised national, Community or international protection status.

### 3.3 Likely Significant Effects resulting from the Neighbourhood Plan

The following assessment will consider the likelihood of the Ardleigh Neighbourhood Plan (at the time of writing) to have significant effects on the environment. The table below will explore the likelihood of effects on the following required themes, as included within Annex I of the SEA Directive (2001/42/EC):

- Biodiversity;
- Population;



- Human health;
- Fauna;
- Flora;
- Soil;
- Water;
- Air;
- Climatic factors;
- Material assets;
- Cultural heritage including architectural and archaeological heritage;
- Landscape; and
- The interrelationship between the above factors.

**Table 2: Assessment of Likely Significant Effects on the Environment**

Criteria for determining the likely significance of effects (Annex II SEA Directive)	Likelihood and summary of significant effects
<p>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.</p>	<p>The Plan at this stage sets out the intention to include relevant policies which will be used to determine proposals for development within the Neighbourhood Plan area once adopted. A Neighbourhood Plan must demonstrate conformity with the strategic policies of the Local Plan and once brought into force, the policies it contains take precedence over existing non-strategic policies only in the Local Plan for that Neighbourhood Plan area.</p> <p>The Neighbourhood Plan does not intend to include any allocations for development. Aside from the strategic Tendring / Colchester Borders Garden Community, which is partly within the Parish, no other allocations are included within Ardleigh within the emerging Local Plan. No housing requirement is included within the emerging Local Plan for the Neighbourhood Plan area. The degree to which the Plan sets a framework for projects through allocating resources is therefore considered low.</p> <p>The extent to which any conflicts exist between the Neighbourhood Plan and District level policies within the Local Plan will be considered between the Parish Council</p>

Criteria for determining the likely significance of effects (Annex II SEA Directive)	Likelihood and summary of significant effects
	and the Local Planning Authority in finalising the Neighbourhood Plan, or otherwise through the independent examination of the Neighbourhood Plan.
The degree to which the plan or programme influences other plans or programmes including those in a hierarchy.	The Neighbourhood Plan provides policies for the Plan area, relevant to a local level only. The Neighbourhood Plan does not allocate any land for development purposes and its policies are considered to be in general conformity to that of the adopted Tendring Local Plan. The Neighbourhood Plan, when/if 'made', will have weight in all planning decisions within the Plan area. Despite this, a neighbourhood plan should support the delivery of strategic policies set out in the local plan or spatial development strategy and should shape and direct development that is outside of those strategic policies. More specifically Paragraph 29 of the National Planning Policy Framework (NPPF) states that neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies. The degree to which the plan or programme influences other plans or programmes is therefore low in the context of the Plan area.
The relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development.	<p>Neighbourhood Plans are required to contribute to the achievement of sustainable development. The Neighbourhood Plan policies seek to ensure environmental considerations are taken into account. The Neighbourhood Plan includes a policy related directly to ensuring environmental considerations will be integrated into any forthcoming development within the Plan area. This policy is:</p> <ul style="list-style-type: none"> <li>• Policy EP – Natural, Built and Historic Environment.</li> </ul> <p>Irrespective of the adequacy of the above policy, emerging Local Plan policies apply within the Neighbourhood Plan area, which have been subject to thorough assessment within the Local Plan Sustainability Appraisal and Habitats Regulations Assessment. This ensures that environmental</p>



Criteria for determining the likely significance of effects (Annex II SEA Directive)	Likelihood and summary of significant effects
	<p>considerations, in particular with a view to promoting sustainable development, will be considered for all development proposals within the Neighbourhood Plan area.</p>
<p>Environmental problems relevant to the plan area</p>	<p>The Neighbourhood Plan reflects a small area and the Plan’s policy content seeks to address environmental issues. The policy content of the adopted Local Plan will additionally apply to any proposals within the Neighbourhood Plan area. Local Plan policies have been subject to Sustainability Appraisal (SA) within the context of the Local Plan. The Neighbourhood Plan and this Screening Report identify the following potential (direct / indirect) environmental problems or sources of potential problems relevant to the Neighbourhood Plan area:</p> <ul style="list-style-type: none"> <li>• The Plan area contains the Ardleigh Gravel Pit SSSI and the Bullock Wood SSSI. These SSSIs are both in a favourable condition.</li> <li>• Due to the SSSIs above, the Plan area is within various SSSI Impact Risk Zones (IRZs). Some development proposals within IRZs are required to be consulted on with Natural England, should they be of a type or size that could warrant negative effects on the relevant SSSI.</li> <li>• A number of Priority Habitats (from the Priority Habitat Inventory<sup>1</sup>) are scattered throughout the Plan area. These include coastal and floodplain grazing marsh, deciduous woodland, and woodpasture and parkland BAP Priority Habitat.</li> <li>• The Plan area contains Ancient &amp; Semi-Natural Woodland at Churn Wood, Walls Wood and Bullock Wood. These woods are also identified as Local Wildlife Sites (LoWSs).</li> <li>• Ardleigh Reservoir lies to the south-west of Ardleigh village and covers 48.5 hectares.</li> </ul>

<sup>1</sup> a spatial dataset that describes the geographic extent and location of Natural Environment and Rural Communities Act (2006) Section 41 habitats of principal importance.

Criteria for determining the likely significance of effects (Annex II SEA Directive)	Likelihood and summary of significant effects
	<ul style="list-style-type: none"> <li>• The Plan area includes 11 Local Wildlife Sites (LoWS): Ardleigh Reservoir Wood, Birch Wood, Ardleigh reservoir Grassland, Churn Wood, Churn Wood Meadow, Walls Wood, Chapel Lane Verge, Manor House Meadow, and Springhead Corner Meadow.</li> <li>• There is a single Scheduled Monument in the Parish, that being the ‘Crop Mark Site South Of Ardleigh.’</li> <li>• There are approximately an additional 74 Listed Buildings within the Plan area; the majority of these are associated with the built up area of Ardleigh which is also a Conservation Area.</li> <li>• Of these Listed Buildings there exists the Grade II* listed St Mary’s Church, and the Grade II* listed Spring Valley Mill.</li> <li>• Spring Valley Mill is on Historic England’s Heritage at Risk (HAR) Register. Its condition is “very bad” and it has priority B status. This means there is an immediate risk of further rapid deterioration or loss of fabric (with a) solution agreed but not yet implemented.</li> <li>• Lodge Lane / Crown Land North and Spring Valley Lane are both within the Parish and identified as Protected Lanes.</li> <li>• The entirety of the Neighbourhood Plan area is within a Source Protection Zone (SPZ) – Zone III (Total Catchment). SPZs are defined around large and public potable groundwater abstraction sites. The purpose of SPZs is to provide additional protection to safeguard drinking water quality through constraining the proximity of an activity that may impact upon a drinking water abstraction.</li> <li>• Land within Flood Risk Zones 3 and 2 exist within the Neighbourhood Plan area. These areas are associated with a tributary of the River Colne which flows through the Plan area northeast to</li> </ul>

Criteria for determining the likely significance of effects (Annex II SEA Directive)	Likelihood and summary of significant effects
	<p>southwest, and also the Ardleigh Reservoir.</p> <ul style="list-style-type: none"> <li>• The non-developed areas of the Plan area consist of Grade 1 ('excellent'), Grade 2 ('very good') and Grade 3 ('good to moderate') soils. Grade 1 soil represents the best and most versatile soil within the wider District context and also the country.</li> <li>• Dedham Vale AONB is located immediately to the north of the Parish and Plan area.</li> <li>• The Plan area is located within the Suffolk Coast and Heaths National Character Area (NCA).</li> <li>• The Plan area is representative of the NCA, of which the majority of the character area is sparsely settled with small isolated, nucleated medieval hamlets and villages complementing a scatter of isolated farmsteads, traditional barns and cottages throughout the rural area.</li> </ul>
<p>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).</p>	<p>The Essex and Southend-on-Sea Waste Local Plan allocates new waste development at Slough Farm, Ardleigh.</p> <p>Nevertheless, the content of the Neighbourhood Plan is not in conflict with those relevant planning documents within the wider district and county area related to waste management or water protection.</p>
<p>The probability, duration, frequency and reversibility of the effects on the following factors:</p>	<p>The following impacts have been identified within this Screening Assessment:</p>
<ul style="list-style-type: none"> <li>• Biodiversity</li> </ul>	<p>The Plan includes a Policy EP – Natural, Built and Historic Environment which states that development proposals will be favourably considered where appropriate opportunities</p>



Criteria for determining the likely significance of effects (Annex II SEA Directive)	Likelihood and summary of significant effects
	<p>are incorporated to support local biodiversity and wildlife.</p> <p>The Plan area includes parts of, and also lies within the Impact Risk Zone (IRZ) of, coastal Habitats sites. The HRA Screening element of this Report concludes that there would be no likely significant effects resulting from the Plan alone or in-combination with other plans and projects. This is due to the Plan not introducing any new residential or employment development proposals which would result in any direct or indirect impacts.</p> <p>The Plan area is within the IRZs of numerous SSSIs within or adjacent to the Neighbourhood Plan boundary. The implications of this are that planning applications within the Plan area may require consultation with Natural England outside the settlement development boundary of Ardleigh and that applicable to the future Garden Community once identified. Consultation with Natural England is considered a development management issue (in so far as consultation is required at that stage), and relevant policies exist within the adopted Tendring Local Plan.</p> <p>In consideration of all of the above, effects on biodiversity resulting from the Plan can therefore be ruled out.</p>
<ul style="list-style-type: none"> <li>• Population</li> </ul>	<p>It is considered that there would be no significant effects on population resulting from the Neighbourhood Plan. This is due to the small scale of the Plan area.</p>
<ul style="list-style-type: none"> <li>• Health</li> </ul>	<p>The Neighbourhood Plan includes Policy GP - Local Green Spaces which outlines that inappropriate development* on or adjacent to a Local Green Space (as identified in both the Local Plan and the Neighbourhood Plan) will be refused except in very special circumstances. Positive outcomes regarding human health can be expected as a result of the Neighbourhood Plan.</p> <p>There are considered to be no significant effects resulting from the Neighbourhood Plan regarding human health that</p>

Criteria for determining the likely significance of effects (Annex II SEA Directive)	Likelihood and summary of significant effects
	would warrant a strategic assessment through SEA.
<ul style="list-style-type: none"> <li>• Fauna</li> </ul>	<p>There are no direct impacts resulting from the Neighbourhood Plan on fauna that are considered significant at the Plan level. The Plan intends to ensure positive outcomes through Policy EP - Natural, Built &amp; Historic Environment and does not propose any development that could lead to any deterioration of habitats. It is possible that any number of speculative developments could be forthcoming within the Plan area that could have negative impacts on protected species, however these cannot be considered strategically significant to the extent that Strategic Environmental Assessment would be warranted. Such issues are more appropriate to be considered on a case-by-case 'project level' basis at the development management stage and in accordance with relevant development management policies contained within the LPA's emerging and adopted sections of the Local Plan.</p>
<ul style="list-style-type: none"> <li>• Flora</li> </ul>	<p>Numerous and various areas of Priority Habitat exist within the Plan Area. The Plan intends to ensure positive outcomes through Policy EP - Natural, Built &amp; Historic Environment and does not propose any development that could lead to any deterioration of habitats.</p> <p>In addition to this emerging and adopted Local Plan policies apply. As a result, no effects are expected to result from the Neighbourhood Plan regarding flora.</p>
<ul style="list-style-type: none"> <li>• Soil</li> </ul>	<p>The non-developed areas of the Neighbourhood Plan area consist of Grade 1 ('excellent') and Grade 2 ('very good') soils. The Neighbourhood Plan does not propose any development, through allocations, within these or any greenfield land within the Neighbourhood Plan area. There are no identified negative implications surrounding soil quality as a result of the Neighbourhood Plan.</p>



Criteria for determining the likely significance of effects (Annex II SEA Directive)	Likelihood and summary of significant effects
<ul style="list-style-type: none"> <li>Water</li> </ul>	<p>The Plan area is within a groundwater Source Protection Zone (Zone III). The Neighbourhood Plan does not allocate land for any development purposes that could give rise to ground water pollutants (e.g. give rise to hazardous substances such as pesticides, oils, petrol and diesel, solvents, arsenic, mercury or chromium VI; or non-hazardous substances such as ammonia or nitrates). Pollution control policies at the LPA level apply within the Neighbourhood Plan area to ensure that no negative effects on water quality should be experienced within the Ardleigh Neighbourhood Plan area.</p> <p>The HRA element of this Report concludes that although water quality effects regarding Habitats Sites cannot be ruled out, policy within the adopted Section One Local Plan for Tendring applies. To ensure that the water quality of the Habitats sites are not adversely affected by growth proposals in Section One, the Local Plan Appropriate Assessment recommended the inclusion of policy safeguards to ensure that adequate water treatment capacity exists prior to North Essex Authorities' Shared Strategic Section One Plan development (the Garden Community) proceeding and a commitment that the phasing of development would not exceed water and sewage infrastructure capacity and that the necessary infrastructure upgrades would be in place prior to development coming forward.</p> <p>It is therefore considered that any issues regarding water quality can be ruled out from the Neighbourhood Plan.</p>
<ul style="list-style-type: none"> <li>Air</li> </ul>	<p>There are no identified air quality issues within the Plan area. Although consultation with Natural England is required for some forms of development that could cause air pollution (regarding industrial/agricultural development) in association with the IRZs of SSSIs in parts of the Plan area, consultation would be required at the planning application stage and is not considered a matter would warrant SEA, as a strategic process, to be undertaken.</p>



Criteria for determining the likely significance of effects (Annex II SEA Directive)	Likelihood and summary of significant effects
<ul style="list-style-type: none"> <li>Climatic factors</li> </ul>	<p>No policies exist within the Plan that address flood risk issues, although it should be acknowledged that existing adopted Local Plan policies regarding flood risk apply in the Plan area.</p> <p>The Neighbourhood Plan area contains relatively small areas of Flood Risk Zone 3 within close proximity to the built-up area of Ardleigh. No development allocations are proposed within the Plan that would lead to any incompatibilities in any such areas. It is therefore considered that the full application of the SEA Directive would not be required; any speculative development coming forward within the Neighbourhood Plan area in the Plan period can be considered at the planning application stage.</p>
<ul style="list-style-type: none"> <li>Material assets</li> </ul>	<p>The Plan area is within a Minerals Safeguarding Area (MSA) for sand and gravel within the County Council’s adopted Minerals Local Plan (Proposals Map) (2014). Provision is made for a site extension at Martells Quarry, Ardleigh (Slough Farm) to maintain an appropriate minerals landbank for silica sand of at least ten years. The allocated extension also seeks the extraction of sand and gravel. Within the adopted Essex and Southend-on-Sea Waste Local Plan ( ) the Slough Farm site is also allocated for inert waste recycling and inert landfill (allocation (L(n)1R)). Parts of the Plan area are also within a Waste Consultation Area (WCA) as a result.</p> <p>The Plan does not intend to allocate any land for development purposes that would require (at the development management stage) consultation with ECC in accordance with the MSA or the WCA. Furthermore, no identified conflicts are identified associated with the Neighbourhood Plan and the allocation of the Slough Farm site for either mineral extraction or waste management purposes.</p> <p>Regarding other material assets, the content of the Neighbourhood Plan is not considered to have any significant effects due to the extent / size of the Plan area.</p>

Criteria for determining the likely significance of effects (Annex II SEA Directive)	Likelihood and summary of significant effects
	<p>Such issues are more appropriate to be considered on a case-by-case basis at the development management stage and in accordance with relevant development management policies contained within the LPA’s adopted Local Plan.</p>
<ul style="list-style-type: none"> <li>• Cultural heritage</li> </ul>	<p>The Plan area contains numerous Listed Buildings, a Conservation Area, and also a Scheduled Monument. The Plan does not allocate any land for development purposes that could have any negative effect on any of these assets.</p> <p>The Plan includes a policy (Policy EP - Natural, Built &amp; Historic Environment) that directly addresses the Historic Environment that will apply to all proposals in the plan area over the Plan period.</p> <p>Irrespective of the robustness of this policy in ensuring the protection and enhancement of heritage assets, policy also exists at the LPA level which additionally applies in the Plan area. The effects on heritage are, as a result, considered a development management issue in the context of the Plan and its content. There are not considered to be any elements of the Plan that would give rise to significant effects on the historic environment at the strategic level that would require the full application of the SEA Directive.</p>
<ul style="list-style-type: none"> <li>• Landscape</li> </ul>	<p>The Plan area is within a sensitive landscape, in regard to the protection objectives of the Suffolk Coast and Heaths National Character Area (NCA). Additionally, the Dedham Vale AONB is located immediately to the north of the Parish and Plan area.</p> <p>The Plan area contains numerous features synonymous with this NCA. Nevertheless, the Plan does not allocate land for development purposes and intends to include policy relevant to local landscape character and its preservation.</p> <p>In light of the Plan’s intended policy stance regarding landscape character and in consideration also of the requirements of development proposals in accordance with the adopted Tendring Local Plan, there are no significant</p>

Criteria for determining the likely significance of effects (Annex II SEA Directive)	Likelihood and summary of significant effects
	strategic landscape effects identified within this Report that would warrant the requirement for the application of the SEA Directive and the formulation of a SEA Environmental Report.
The cumulative nature of the effects.	In line with the above considerations that explore the possible individual effects of the Plan’s content, no significant effects have been highlighted as possible that could lead to any cumulative impact.
The trans boundary nature of the effects.	The adopted Tendring Local Plan can be seen to support the protection and improvement of conditions relevant to those sustainability factors listed within the SEA Directive. The Neighbourhood Plan is not in conflict with these wider thematic policies. The HRA Screening element of this Report, which explores in-combination effects with other relevant plans and projects, also identifies no in-combination effects regarding Habitats (European) Sites.
The risks to human health or the environment (e.g. due to accidents).	It is considered that there is no risk to human health or the environment as a result of the Neighbourhood Plan. This is in consideration of the above screening requirements related to sustainability themes. The Neighbourhood Plan is unlikely to give rise to any accidents that can be considered to have a significant risk to human health or the environment.
The magnitude spatial extent of the effects (geographical area and size of the population likely to be affected).	The Neighbourhood Plan relates to the local level only. No allocations are included within the Plan and the magnitude and spatial extent of the Plan’s content is unlikely to be significant in a wider District context. Effects are not expected to be realised over a wide geographic area.
The value and vulnerability of the area	As highlighted above in the screening of the Neighbourhood Plan per sustainability theme, the Neighbourhood Plan has



Criteria for determining the likely significance of effects (Annex II SEA Directive)	Likelihood and summary of significant effects
<p>likely to be affected due to:</p> <ul style="list-style-type: none"> <li>• special natural characteristics or cultural heritage</li> <li>• exceeded environmental quality standards</li> <li>• intensive land use</li> </ul>	<p>not been assessed as having any possible negative effect associated with environmental themes.</p>
<p>The effects on areas or landscapes which have a recognised national, community or international protection status.</p>	<p>As highlighted above in the screening of the Plan per sustainability theme, the Neighbourhood Plan has not been assessed as having any significant effects on areas or landscapes which have a recognised national, community or international protection status.</p>

## 4. HRA Screening

### 4.1 Habitat Regulations Assessment of Development Plans

This section forms a plan level Habitats Regulations Assessment (HRA) as required by Regulation 63 of The Conservation of Habitats and Species Regulations 2017 (as amended).

This section of this Report aims to:

- Identify the Habitats sites within 20km of Ardleigh Neighbourhood Plan area.
- Summarise the reasons for designation and Conservation Objectives for each site to be considered in this assessment.
- Screen the Ardleigh Neighbourhood Plan for its potential to impact upon a Habitats site.
- Assess the potential for in combination effects from other projects and plans in the area.
- Identify if there are any outstanding issues that need further investigation.

### 4.2 Court Judgements and their consideration in this Report

#### 4.2.1 CJEU People Over Wind v Coillte Teoranta C-323/17

As previously mentioned, in line with the Court judgement (CJEU People Over Wind v Coillte Teoranta C-323/17), mitigation measures cannot be taken into account when carrying out a screening assessment to decide whether a plan or project is likely to result in significant effects on a Habitats Site.

This HRA Screening Report does not therefore consider mitigation measures within the assessment of Likely Significant Effects resulting from the Ardleigh Neighbourhood Plan.

#### 4.2.2 CJEU Holohan C- 461/17

This Court judgement now imposes more detailed requirements on the competent authority at Appropriate Assessment stage:

*1. [...] an 'Appropriate Assessment' must, on the one hand, catalogue the entirety of habitat types and species for which a site is protected, and, on the other, identify and examine both the implications of the proposed project for the species present on that site, and for which that site has not been listed, and the implications for habitat types and species to be found outside the boundaries of that site, provided that those implications are liable to affect the conservation objectives of the site.*

*2. [...] the competent authority is permitted to grant to a plan or project consent which leaves the developer free to determine subsequently certain parameters*

*relating to the construction phase, such as the location of the construction compound and haul routes, only if that authority is certain that the development consent granted establishes conditions that are strict enough to guarantee that those parameters will not adversely affect the integrity of the site.*

*3. [...] where the competent authority rejects the findings in a scientific expert opinion recommending that additional information be obtained, the 'Appropriate Assessment' must include an explicit and detailed statement of reasons capable of dispelling all reasonable scientific doubt concerning the effects of the work envisaged on the site concerned.*

Within this HRA Screening report, the assessment determines the requirement whether an Appropriate Assessment is needed for the Ardleigh Neighbourhood Plan.

## 4.3 Habitats (European) Sites

Habitats Sites is the term used in the NPPF (2021) to describe any site which would be included within the definition at Regulation 8 of the Conservation of Habitats and Species Regulations 2017 (as amended) for the purpose of those regulations. These now form part of the UK national network of sites for nature protection. The aim of the network is to assure the long-term survival of UK's most valuable and threatened species and habitats.

All Special Protection Areas (SPAs) are designated for birds and Special Areas of Conservation (SACs) are designated for other species, and for Habitats. Wetlands of International Importance (Ramsar sites) are also part of the National Network of sites. This is because all SPAs and SACs are comprised of Sites of Special Scientific Interest (SSSIs) and all Ramsar sites in England are SSSIs. Together, SPAs, SACs and Ramsar Sites make up the Habitats sites in England. The following offers a description and explanation of SPAs, SACs and Ramsar Sites.

### 4.3.1 Explanation of SPAs, SACs and Ramsar Sites

#### Special Protection Areas (SPAs)

SPAs are areas which have been identified as being of international importance for the breeding, feeding, wintering or the migration of rare and vulnerable species of birds found within EU countries. Example: Stour and Orwell Estuaries SPA is internationally important for wintering waterfowl. Legislation: Conservation of Habitats and Species Regulations 2017 (as amended).

#### Special Areas of Conservation (SACs)

SACs are areas designated to protect habitat types that are in danger of disappearance, have a small natural range, or are highly characteristic of the region; and to protect species that are endangered, vulnerable, rare, or endemic. Example: Essex Estuaries SAC. The Mid-Essex Coast comprises an extensive complex of estuaries and intertidal sand and silt flats, including several islands, shingle and shell beaches and extensive areas of saltmarsh. Legislation: Conservation of Habitats and Species Regulations 2017 (as amended).

### Wetlands of International Importance (Ramsar Sites)

Ramsar Sites are designated to protect the biological and physical features of wetlands, especially for waterfowl habitats. For example, Colne Estuary Ramsar which is important due to the extent and diversity of saltmarsh present. This site, and the four other sites in the Mid-Essex Coast complex, includes a total of 3,237 ha, that represent 70% of the saltmarsh habitat in Essex and 7% of the total saltmarsh in Britain.

Ramsar sites often overlap with SACs and SPAs and UK planning policy determines that they should be accorded the same importance when developments are proposed.

Legislation: Ramsar Convention (1971) – Wetlands of International Importance and Conservation of Habitats and Species Regulations 2017 (as amended).

### 4.3.2 Habitats Sites to be considered

There are 14 Habitats sites which lie within 20 km of the Ardleigh Neighbourhood Plan area. These are listed in Table 3 and shown on the map in Appendix 2.

**Table 3: Habitats Sites within 20km to be considered in this assessment**

<b>SPA</b>
Colne Estuary (Mid Essex Coast Phase 2), Stour & Orwell Estuaries, Hamford Water, Blackwater Estuary (Mid Essex Coast Phase 4), Dengie (Mid Essex Coast Phase 1), Outer Thames Estuary, Abberton Reservoir,
<b>SAC</b>
Essex Estuaries, Hamford Water
<b>Ramsar</b>
Colne Estuary (Mid Essex Coast Phase 2), Stour & Orwell Estuaries, Hamford Water, Blackwater Estuary (Mid Essex Coast Phase 4), Dengie (Mid Essex Coast Phase 1),

The Impact Risk Zones for the underpinning SSSIs for the aforementioned Habitats sites were interrogated on MAGIC map and evidenced Zone of Influence (ZOI) for recreational disturbance impacts on coastal Habitats sites. The Ardleigh Neighbourhood Plan area lies outside the IRZ for Abberton Reservoir SPA and Outer Thames Estuary SPA.

However, the Plan area lies within the ZOI for the Essex Coast RAMS (covering Hamford Water SPA, SAC & Ramsar, Stour & Orwell SPA and Ramsar, Colne Estuary SPA and

Ramsar, Blackwater Estuary SPA and Ramsar, Dengie SPA and Ramsar and Essex Estuaries SAC. Therefore these 12 Habitats sites are within scope of this Plan level HRA screening.

#### 4.3.3 Conservation Objectives

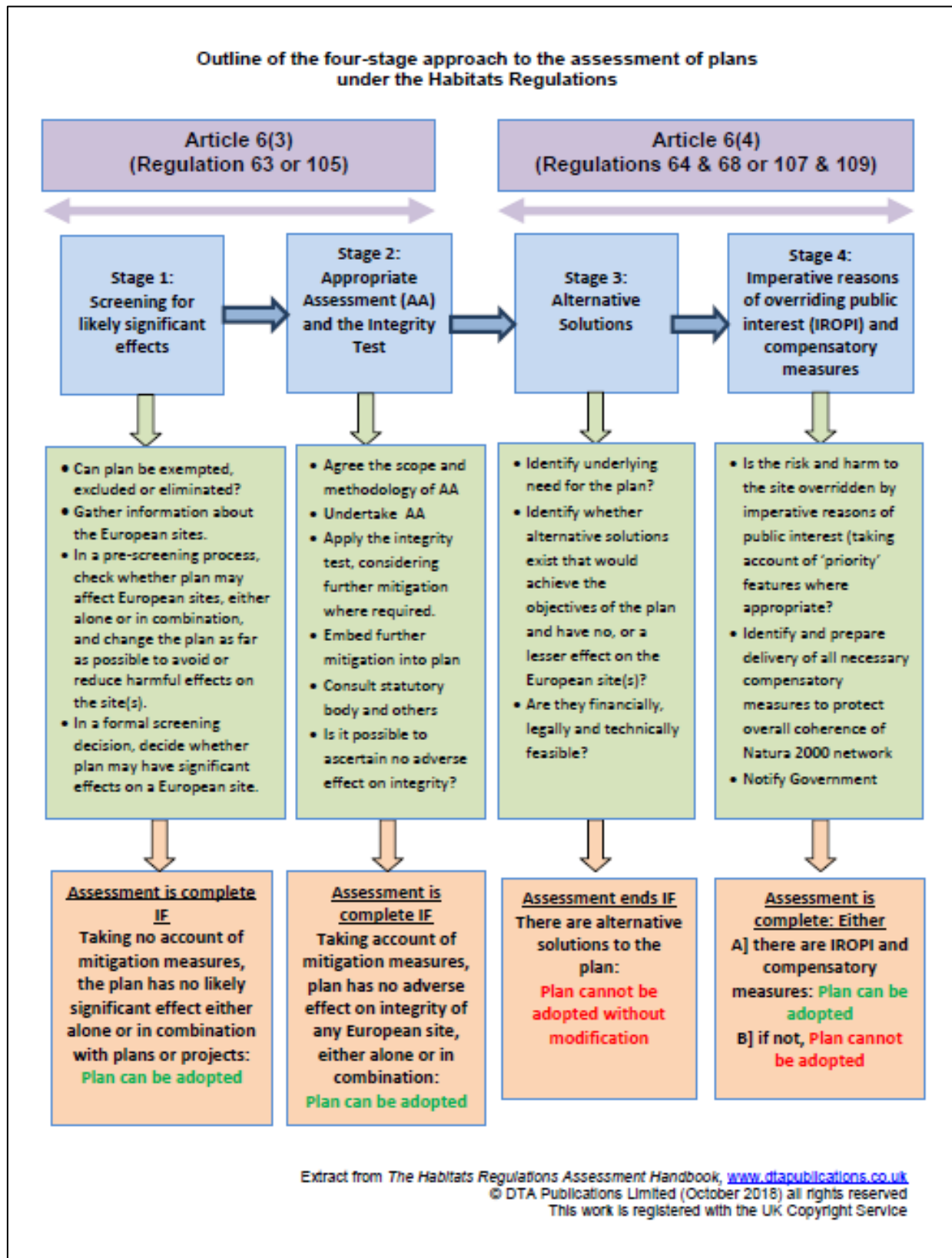
Information on each of the above Habitats sites is available on the Natural England website. The justification for the importance of each Habitats site and the reasons for designation-the Conservation Objectives and Designation Features- for each site have been considered. In addition, the HRA screening also reflects the Supplementary Advice for Conservation Objectives which describes the range of ecological attributes that are most likely to contribute to a site's overall integrity and key vulnerabilities to consider within Habitats Regulations Assessments.

### 4.4 Method and Approach

The Neighbourhood Planning (General) Regulations 2012 state that submitted Plans need to be accompanied by a statement explaining how the proposed Plan meets the 'basic conditions' set out in Schedule 4B of the 1990 Town and Country Planning Act. These basic conditions include a requirement to demonstrate how the Plan is compatible with EU obligations, which includes the need to undertake a HRA screening report; this is necessary to ensure the making of the neighbourhood plan is not likely to have a significant effect on a Habitats (European) site or a Habitats (European) offshore marine site, either alone or in combination with other plans or projects. This document relates to the HRA process as set out in Figure 1 below which has been produced under licence.



Figure 1: Outline of the Four Stage Approach to the Assessment of Plans under the Habitats Regulations (taken from the DTA handbook).



#### 4.4.1 Stage 1: HRA Screening

The screening stage identifies if whether any policies or projects could have a Likely Significant Effect on a Habitats site. Table 4 identifies the different categories assigned to each policy in the plan: Category A identifies those policies or projects that are considered to have No Negative Effect. Category B identifies those policies or projects that will have No Likely Significant Effect. Category C identifies those policies or projects that might have Likely Significant Effect upon a Habitats Site either alone or in combination with other plans or projects. Section 4.5 considers each policy or projects and the results of the screening exercise recorded.

**Table 4: Screening categorisation**

<p><b>Category A: No negative effect</b></p> <p>Policies or projects that will not be likely to have any negative effect on a Habitats site.</p>
<p><b>Category B: No Likely Significant Effect</b></p> <p>Policies or projects that could have an effect but would not be likely to have a <i>significant</i> negative effect on a Habitats site alone or in combination. This conclusion could only be reached if the effects, even in combination and taking the precautionary principle into account, are considered trivial.</p>
<p><b>Category C: Likely Significant Effect</b></p> <p>Policies or projects which are predicted to have a likely significant effect on a Habitats Site either alone or in combination with other plans and projects and require revision or further assessment (Appropriate Assessment).</p>

#### 4.4.2 Potential impacts of Ardleigh Neighbourhood Plan on Habitats Sites

There are a wide range of potential impacts on Habitats Sites that could arise from development plans. These can be summarised as -

- Land take by development;
- Impact on protected species found within but which travel outside the protected sites (functionally linked land) may be relevant where development could result in effects on qualifying interest species within the Habitats site, for example through the loss of feeding grounds for an identified species
- Increased disturbance, for example from recreational use resulting from new housing development and / or improved access due to transport infrastructure projects or tourist related projects;

- Changes in water availability, or water quality as a result of development and increased demands for waste water treatment, and changes in groundwater regimes due to increased impermeable areas;
- Changes in atmospheric pollution levels due to increased traffic, waste management facilities etc. Pollution discharges from developments such as industrial developments, quarries and waste management facilities.

In line with the HRA report for North Essex Authorities Shared Strategic Section 1 Plan 2013-2033 and Beyond, each policy will be assessed against the criteria in the table below.

**Table 4: Assessment of potential impacts on Habitats Sites**

Nature of potential impact	How the Ardleigh Neighbourhood Plan (alone or in combination with other plans and projects) could affect a Habitats site	Why these effects are not considered significant
Land take by development	Although the Plan area contains land within the Colne Estuary SPA & Ramsar site, no development is allocated on designated land.	No likely significant effects are expected, as no development will be allocated on designated land. As there will be no land take by development this impact pathway is <b>screened out</b> .
Impact on protected species outside the protected sites	The Plan area contains land which may be functionally linked to the designated features of the Essex Coast Habitats sites and may be used by protected species outside of the designated sites.	The Ardleigh Neighbourhood Plan does not allocate any new land for development and therefore no likely significant effects are expected on land which is functionally linked to the Habitats Sites. As no impacts on protected species outside of the sites are predicted this impact pathway is <b>screened out</b> .
Recreational pressure and disturbance	The Ardleigh Neighbourhood Plan area lies within the evidenced ZOIs for the Essex Coast RAMS and does allocate the former community centre for re-development to provide residential units.  However, any future large	As the Ardleigh Neighbourhood Plan allocates the former community centre for re-development as a small housing scheme, it will be supported by the adopted Local Plan Section 1 Plan Policy SP2 Recreational disturbance Avoidance and

Nature of potential impact	How the Ardleigh Neighbourhood Plan (alone or in combination with other plans and projects) could affect a Habitats site	Why these effects are not considered significant
	<p>residential development could result in a Likely Significant Effects alone from predicted recreational disturbance.</p>	<p>Mitigation Strategy (RAMS) and the Essex Coast RAMS SPD.</p> <p>The adopted Local Plan Section 1 Plan Policy SP8 Development &amp; Delivery of a New Garden Community in North Essex states that a DPD will be prepared and part x requires significant networks for new green infrastructure including a new country park. Should any large residential development come forward in Ardleigh, this provision is considered sufficient to comply with Natural England’s advice to avoid predicted recreational impacts from residential development when considered alone.</p> <p>It is therefore considered that this impact pathway should be <b>screened out</b> for further assessment as without mitigation, Likely Significant Effects from the Neighbourhood Plan resulting from recreational impacts on Habitats sites can be ruled out.</p>
<p>Water quantity and quality</p>	<p>Surface water discharge /drainage and wastewater has the potential to pose a risk at some locations within the parish, especially if sites are hydrologically connected to the Colne Estuary SPA and Ramsar site.</p>	<p>As development supported will be on land within the 5km Impact Risk Zone, without mitigation, likely significant effects cannot be ruled out.</p> <p>However, Policy SP1 of the adopted North Essex Authorities Shared Strategic Section 1 Plan supports sustainable</p>

Nature of potential impact	How the Ardleigh Neighbourhood Plan (alone or in combination with other plans and projects) could affect a Habitats site	Why these effects are not considered significant
	<p>All land within the Parish lies within the 5km Impact Risk Zone identified on Magic maps for high levels of water discharge to the Colne Estuary SPA and Ramsar site.</p>	<p>development. To ensure that the water quality of the Habitats sites are not adversely affected by growth proposals in Section 1, the Appropriate Assessment recommended the inclusion of policy safeguards to ensure that adequate water treatment capacity exists prior to North Essex Authorities' Shared Strategic Section 1 Plan developments proceeding and a commitment that the phasing of development would not exceed water and sewage infrastructure capacity and that the necessary infrastructure upgrades would be in place prior to developments coming forward.</p> <p>It is therefore considered that this impact pathway should be <b>screened out</b> from further assessment from water quality impacts on Habitats sites.</p>
<p>Changes in air pollution levels</p>	<p>No air quality impacts are predicted from Neighbourhood Plan, as well as any future development.</p>	<p>No likely significant effects are expected, as no development will be allocated on land within 200 metres of the Colne Estuary SPA and Ramsar.</p> <p>It is therefore considered that this impact pathway should be <b>screened out</b> from further assessment from changes in air pollution levels on Habitats sites.</p>

## 4.5 Results from HRA Screening of Neighbourhood Plan Policies

Each of the policies in the Ardleigh Neighbourhood Plan was screened to identify whether they would have any impact on a Habitats site.

**Table 5: Assessment of potential impacts from the Plan policies**

Policy Number	Policy Wording	Will Policy have Likely Significant Effects on the Habitats Sites?	Recommendations
<p>Policy GDP – General Approach to Development</p>	<p>1. Small scale development will be supported where:</p> <ul style="list-style-type: none"> <li>a. The site is within Settlement Development Boundaries; and</li> <li>b. The development is consistent with all other relevant Neighbourhood Plan policies.</li> </ul> <p>2. New development outside of the Settlement Development Boundaries will not generally be permitted unless it is consistent with all other relevant Neighbourhood Plan policies and:</p> <p>Housing development</p> <ul style="list-style-type: none"> <li>a. It is a Rural Exception Site in full accordance with local policy LP 6;</li> <li>b. It is a small development of Self/Custom-Build Homes in full accordance with local policy LP 7; or</li> <li>c. It is for the 1:1 replacement of an existing dwelling that would both enhance local character and</li> </ul>	<p>No, Category A</p>	<p>No specific recommendations</p>

Policy Number	Policy Wording	Will Policy have Likely Significant Effects on the Habitats Sites?	Recommendations
	<p>improve the site’s overall energy efficiency/sustainability.</p> <p>All other development</p> <p>d. The proposal is modest in scale and impact; and</p> <p>e. It would provide necessary support for a new or existing business that is appropriate to the rural area; or</p> <p>f. It would directly provide for the conservation, enhancement or appropriate enjoyment of the countryside.</p>		
<p>Policy CFP – Community Facilities</p>	<p>1. Applications for new or improved community facilities will be strongly supported where the proposal:</p> <p>a. Provides a gym, swimming pool, squash/tennis/badminton courts and/or other similar exercise-related leisure facilities;</p> <p>b. Provides on-site enhancement of the Village Hall that would develop its role as a Community Hub;</p> <p>c. Concerns a small, independent local business with a clear community role or function (including a cafe, meeting room, small restaurant, small retail shop, pub, dog training facility/walking area etc.); or</p>	<p>No, Category A</p>	<p>No specific recommendations</p>



Policy Number	Policy Wording	Will Policy have Likely Significant Effects on the Habitats Sites?	Recommendations
	<p>d. Would make a welcome contribution towards redressing Ardleigh’s equipped play/open space deficit (of 1.70 hectares at the time of writing).</p> <p>2. New or improved community facilities should be designed to be accessible to all, including those with mobility restrictions. Preference will be shown for community facilities that are intended or able to meet the needs of young people.</p> <p>3. Proposals that would cause the loss or closure of existing community facilities will be refused unless they are in full accordance with local policy HP 2. In order to meet this policy, it will generally be expected that:</p> <p>a. In relation to part b. of the policy, any existing community facility located within the Settlement Development Boundaries should be replaced by a facility also located within the Settlement Development Boundaries;</p> <p>b. In relation to part c. of the policy, the receipt of a significant number of relevant public objections to a planning application will be considered to demonstrate evidence of “community need” for the facility.</p> <p>4. All applications that would</p>		



Policy Number	Policy Wording	Will Policy have Likely Significant Effects on the Habitats Sites?	Recommendations
	<p>result in a net addition of housing must be accompanied by:</p> <ul style="list-style-type: none"> <li>a. Evidence that there is sufficient capacity at the GP Surgery and Primary School to meet the needs arising from the new household(s); or</li> <li>b. A proportionate financial contribution towards the enhancement or new provision of appropriate medical and primary education facilities within the parish confines.</li> </ul> <p>5. Development (alone or in combination with other approved or anticipated developments) that would lead to the closure or relocation of Ardleigh’s GP Surgery or Primary School outside of the parish confines will be resisted.</p>		
Policy HP - Housing	<ul style="list-style-type: none"> <li>1. Housing development of any kind will be strictly resisted outside of the Settlement Development Boundaries unless it is in full compliance with policy GDP of this Neighbourhood Plan.</li> <li>2. Housing development will be supported within the Settlement Development Boundaries where:                             <ul style="list-style-type: none"> <li>a. The proposal is for limited infilling* of no more than 10 dwellings only.</li> </ul> </li> </ul>	No, Category A	No specific recommendations



Policy Number	Policy Wording	Will Policy have Likely Significant Effects on the Habitats Sites?	Recommendations
	<p>*For the purposes of this policy, infilling means the development of a plot with buildings on both sides, usually a plot in an otherwise continuously built-up road frontage.</p> <p>3. In all circumstances, housing applications that include the following features will be looked on more favourably than those that do not:</p> <ul style="list-style-type: none"> <li>a. Sustainable design and construction features in excess of minimum policy requirements;</li> <li>b. Accessibility features including level thresholds, wide doorways and ground floor bedrooms/bathrooms;</li> <li>c. Smaller dwellings (1-3 beds); and</li> <li>d. Affordable housing in excess of minimum policy requirements.</li> </ul> <p>4. The creation of ancillary residential accommodation (e.g. granny annexes) within the curtilage of existing dwellings will be supported throughout the parish provided:</p> <ul style="list-style-type: none"> <li>a. Evidence is supplied that the accommodation is required to provide necessary care and/or support to a member of the site’s immediate family or household;</li> </ul>		

Policy Number	Policy Wording	Will Policy have Likely Significant Effects on the Habitats Sites?	Recommendations
	<p>and</p> <p>b. A restrictive condition to prevent the future use of the ancillary accommodation as a separate or self-contained dwelling is applied to any grant of planning permission.</p>		
<p>Policy EP _ Natural, Built and Historic Environment</p>	<p>1. Development that is consistent with all other relevant Neighbourhood Plan policies will be supported provided:</p> <p>a. Its design pays due regard to the contents of the Village Design Statement, including by way of its:</p> <ul style="list-style-type: none"> <li>i. Siting;</li> <li>ii. Layout;</li> <li>iii. Form and scale;</li> <li>iv. Architectural style</li> <li>v. Materials;</li> <li>vi. Relationship to surrounding development;</li> <li>vii. Impact on built/landscape features;</li> <li>viii. Landscaping and boundary treatments;</li> <li>ix. Car parking;</li> <li>x. Accessibility; and</li> </ul>	<p>No, Category A</p>	<p>No specific recommendations</p>

Policy Number	Policy Wording	Will Policy have Likely Significant Effects on the Habitats Sites?	Recommendations
	<p>xi. Biodiversity efforts;</p> <p>b. No urbanising effect is had on a rural lane or street (for example, as a result of resurfacing, hedgerow removals or loss of an open landscape view);</p> <p>c. There is no urban intrusion (including as a result of light or noise pollution or increased vehicular traffic) into currently rural and/or tranquil areas;</p> <p>d. There is no net loss of good quality green landscape features (including trees, hedges and shrubs) and all new green landscape features are of appropriate local or native species;</p> <p>e. Appropriate opportunities are incorporated to support local biodiversity and wildlife;</p> <p>f. There is no permanent loss of best and most versatile agricultural land to non-compatible uses (the onus will be on the developer to establish the quality of any agricultural land proposed for other uses);</p> <p>g. Development in the Conservation Area or within its setting preserves or enhances its significance and has regard to the contents of the Conservation Area Appraisal; and</p>		

Policy Number	Policy Wording	Will Policy have Likely Significant Effects on the Habitats Sites?	Recommendations
	<p>h. Development affecting a Listed Building or its setting preserves or enhances its significance and is supported by a proportionate Heritage Impact Assessment.</p> <p>2. Exceptional support is provided for any development that, in the view of the Parish Council, would secure material benefits for the natural, built and/or historic environment of Ardleigh. In all cases, the benefits will be weighed against any disbenefits of the development, including potential conflict with strategic policies. Support will only be provided if the benefits are assessed to outweigh any disbenefits.</p>		
<p>Policy GP – Local Green Spaces</p>	<p>1. Inappropriate development* on or adjacent to a Local Green Space (as identified in both the Local Plan and this Neighbourhood Plan) will be refused except in very special circumstances.</p> <p>*For the purposes of this policy, inappropriate development is development that would cause material harm to or loss of the special community values and/or local significance of the space as identified in:</p> <ul style="list-style-type: none"> <li>• The explanatory text of this policy; and</li> </ul>	<p>No, Category A</p>	<p>No specific recommendations</p>

Policy Number	Policy Wording	Will Policy have Likely Significant Effects on the Habitats Sites?	Recommendations
	<ul style="list-style-type: none"> <li>• The separate LGS Assessment.</li> </ul> <p>2. Development will be supported on or adjacent to a Local Green Space provided it:</p> <ul style="list-style-type: none"> <li>a. Is compatible with the established character and use of the space; or</li> <li>b. Preserves or enhances the special community values and/or local significance of the space.</li> </ul>		
Policy TP – Transport & Parking	<p>1. Significant development likely to generate significant amounts of movement and/or to have significant transport implications* will be strictly resisted throughout the parish.</p> <p>*For the purposes of this policy, this includes any development that is of a scale to trigger a local or national requirement to provide a Travel Plan, Transport Statement or Transport Assessment.</p> <p>2. Development that is consistent with all other relevant Neighbourhood Plan policies will be strongly supported where it would:</p> <ul style="list-style-type: none"> <li>a. Improve road safety;</li> <li>b. Reduce parking pressures or the occurrence of inappropriate parking, particularly along and in</li> </ul>	No, Category A	No specific recommendations

Policy Number	Policy Wording	Will Policy have Likely Significant Effects on the Habitats Sites?	Recommendations
	<p>proximity of The Street;</p> <p>c. Provide appropriate traffic control;</p> <p>d. Improve existing cycle or walkways; or</p> <p>e. Provide new cycle or walkways.</p> <p>3. Permission will be refused for any development that is likely to materially exacerbate existing transport, congestion, accessibility or parking issues, particularly along and in proximity of The Street and Old Ipswich Road.</p> <p>4. In assessing applications for new development located in proximity of the forthcoming Transport Infrastructure and Garden Community, great weight will be given to the development’s potential to undermine the design or delivery of these strategic works.</p> <p>5. Parking provision should be considered as an integral feature of a development’s design, addressed in the earliest design stages.</p> <p>6. All new development should provide parking in accordance with both the Essex Parking Standards and the Essex Design</p>		

Policy Number	Policy Wording	Will Policy have Likely Significant Effects on the Habitats Sites?	Recommendations
	Guide, to include: <ul style="list-style-type: none"> <li>a. Number of spaces;</li> <li>b. Location of spaces (i.e. in or out of the curtilage); and</li> <li>c. Layout, size and design of spaces.</li> </ul>		

#### 4.5.1 Recommendations

There are no specific recommendations to deliver for the policies in this draft Neighbourhood Plan as they have all been assigned to Category A. There is therefore no need to amend the policy text as they are not predicted to have a Likely Significant Effect on any Habitats site.

The in-combination effects from other plans and projects are considered in the following Section.

### 4.6 Other Plans and Projects: In-combination Effects

The plans and projects listed below and their HRAs have been carried out by Tendring District Council or other organisations and with mitigation secured, none have been found to have an adverse effect on the integrity of the Habitats sites within scope of this assessment.

In relation to potential impacts pathways under consideration, the England Coast Path Salcott to Jaywick section is relevant to recreational disturbance but no other projects have been identified for this impact pathway. The Local Plans of neighbouring authorities have been included where these are predicted to result in effects in combination with other plans and projects which are supported by the Essex Coast RAMS and its SPD.

The Walton 2011 ruling in the Scottish Courts entitles the Competent Authority to exercise judgement as to which projects are considered under an in-combination assessment. These are those that have potential to cause significant adverse environmental effects and could act in combination in a meaningful manner. As there are no residual effects from this Plan which are not significant, there are no additional projects which relate to other impact pathways.

In the context of this HRA, the other relevant plans and one project to be considered (i.e.



those that have also triggered a requirement for HRA) are listed below in combination with Ardleigh Neighbourhood Plan HRA.

**Table 6: Other plans or projects considered for in combination effects**

Statutory Body	Title of HRA or Project	Findings of HRA or Project	Potential for in combination effects
Tendring District Council	HRA Report for North Essex Authorities' Shared Strategic Section 1 Plans (LUC, May 2017)	In conclusion, providing that key recommendations and mitigation requirements are adopted and implemented the Shared Strategic Part 1 for Local Plans will not result in adverse effects on the integrity of European sites either alone or in-combination	It is considered that, with mitigation measures secured, in combination adverse effects on integrity of the Habitats sites within scope are not predicted.
Tendring District Council	HRA Report for North Essex Authorities' Shared Strategic Section 1 Plans (LUC, May 2017)	In conclusion, providing that key recommendations and mitigation requirements are adopted and implemented the Shared Strategic Part 1 for Local Plans will not result in adverse effects on the integrity of European sites either alone or in-combination	It is considered that, with mitigation measures secured, in combination adverse effects on integrity of the Habitats sites within scope are not predicted.
Colchester Borough Council	Colchester Borough Council Publication Draft Local Plan (Regulation 19) –	All of the proposed mitigation measures (Implement Essex	It is considered that, with mitigation measures



Statutory Body	Title of HRA or Project	Findings of HRA or Project	Potential for in combination effects
	Section Two Habitat Regulations Assessment Report (Colchester BC, June 2017)	Coast RAMS, update Section 2 policy & supporting text, require wintering bird surveys for Tendring Colchester Borders Garden Community as part of any project level development proposals and masterplanning and a commitment to integrate mitigation and phasing of the Garden Community - to enable the LPA to conclude that Section 2 of the Local Plan will not adversely affect the integrity of European sites either alone or in-combination.	secured, in combination adverse effects on integrity of the Habitats sites within scope are not predicted.
Maldon District Council	Maldon District Council Pre-Submission Local Development Plan 2014 - 2029 Sustainability Appraisal  Report incorporating Strategic Environmental Assessment and Habitats Regulations Assessment	Concluded that there will not be any significant adverse effects on the integrity of European sites alone or in-combination from the Maldon District LDP.	It is considered that, with mitigation measures secured, in combination adverse effects on integrity of the Habitats sites within scope are not predicted.



Statutory Body	Title of HRA or Project	Findings of HRA or Project	Potential for in combination effects
Babergh District Council and Mid Suffolk District Council	Babergh & Mid Suffolk Joint Local Plan Habitats Regulations Assessment including Appropriate Assessment (Place Services, 2021)	Embedded mitigation measures for projects will need to be considered in project level HRA/AA reports and secured by way of any planning consent. The Babergh & Mid Suffolk Districts Joint Local Plan is not predicted to have any adverse effect on integrity (AEOI) on any Habitats sites.	It is considered that, with mitigation measures secured, in combination adverse effects on integrity of the Habitats sites within scope are not predicted.
Natural England	Habitats Regulations Assessment of England Coast Path Proposals between Salcott and Jaywick. (Natural England 2020)		

However, the Ardleigh Neighbourhood Plan does not allocate any land for development so there is no pathway for in-combination effects.

## 5. Conclusions

### 5.1 Strategic Environmental Assessment (SEA)

The Neighbourhood Plan is being prepared for town and country planning purposes and sets a framework for future development consent. The policies of the Neighbourhood Plan can be considered to determine the use of small areas at local level commensurate with their status in determining local planning applications.

The Plan is at an early stage of preparation, however this screening report has a strong indication of its proposed policy framework. At the time of writing, the Plan does not intend to allocate any land for development purposes and does not include any content that could give rise to significant negative effects on the environment, or any social or economic tenets of sustainability.

The Ardleigh Neighbourhood Plan can therefore be **screened out** for its requirement of Strategic Environmental Assessment in line with the requirements of Directive 2001/42/EC. Despite this determination, it may be necessary for the Neighbourhood Plan to be re-screened at a future date should the direction of any policies change substantively.

### 5.2 Habitats Regulations Assessment (HRA)

Subject to Natural England's review, this HRA screening report indicates that the Ardleigh Neighbourhood Plan is not predicted to have likely significant effects on any Habitats site, either alone or in combination with other plans and projects. The requirement for the Plan to undertake further assessment under the Conservation of Habitats and Regulations 2017 (as amended) is therefore **screened out**.

## References

- Air Pollution Information System (2011) [www.apis.ac.uk](http://www.apis.ac.uk)
- Ardleigh Neighbourhood Plan (Pre-Submission Draft, 2021)
- Essex and Suffolk Water (2010) Water Resources Management Plan 2010-2035. Available at: <https://www.maldon.gov.uk/publications/LDP/presubmission/2%20Design%20and%20Climate%20Change/EB005%20Essex%20&%20Suffolk%20Water%20Resources%20Plan.pdf>
- Land Use Consultants (LUC) (2017) Habitats Regulations Assessment Report for North Essex Authorities Strategic Section 1 for Local Plans
- [Natural England Conservation objectives for European Sites: East of England Website](#)
- Place Services (2018) Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) Available at: [CBC-Local-Plan-Essex-Coast-RAMS-Strategy-110119-Final-EBC 4.69 Essex Coast RAMS Strategy 110119 Final.pdf \(windows.net\)](#)
- Place Services (2020) Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) Supplementary Planning Document (SPD). Available at: [CBC-Local-Plan-Essex-Coast-RAMS-SPD June-2020-Final-EBC 4.68 Essex Coast RAMS SPD June 2020 FINAL.pdf \(windows.net\)](#)
- Tendring District Local Plan 2013-2033 and Beyond: North Essex Authorities' Shared Strategic Section 1 – adopted January 2021
- Tendring District Council (Oct 2018) HRA of Tendring District Local Plan Publication Draft – Section 2
- Tydlesley, D., and Chapman, C., (2013) The Habitats Regulations Assessment Handbook, (January 2020) edition UK: DTA Publications Limited

# Appendix 1

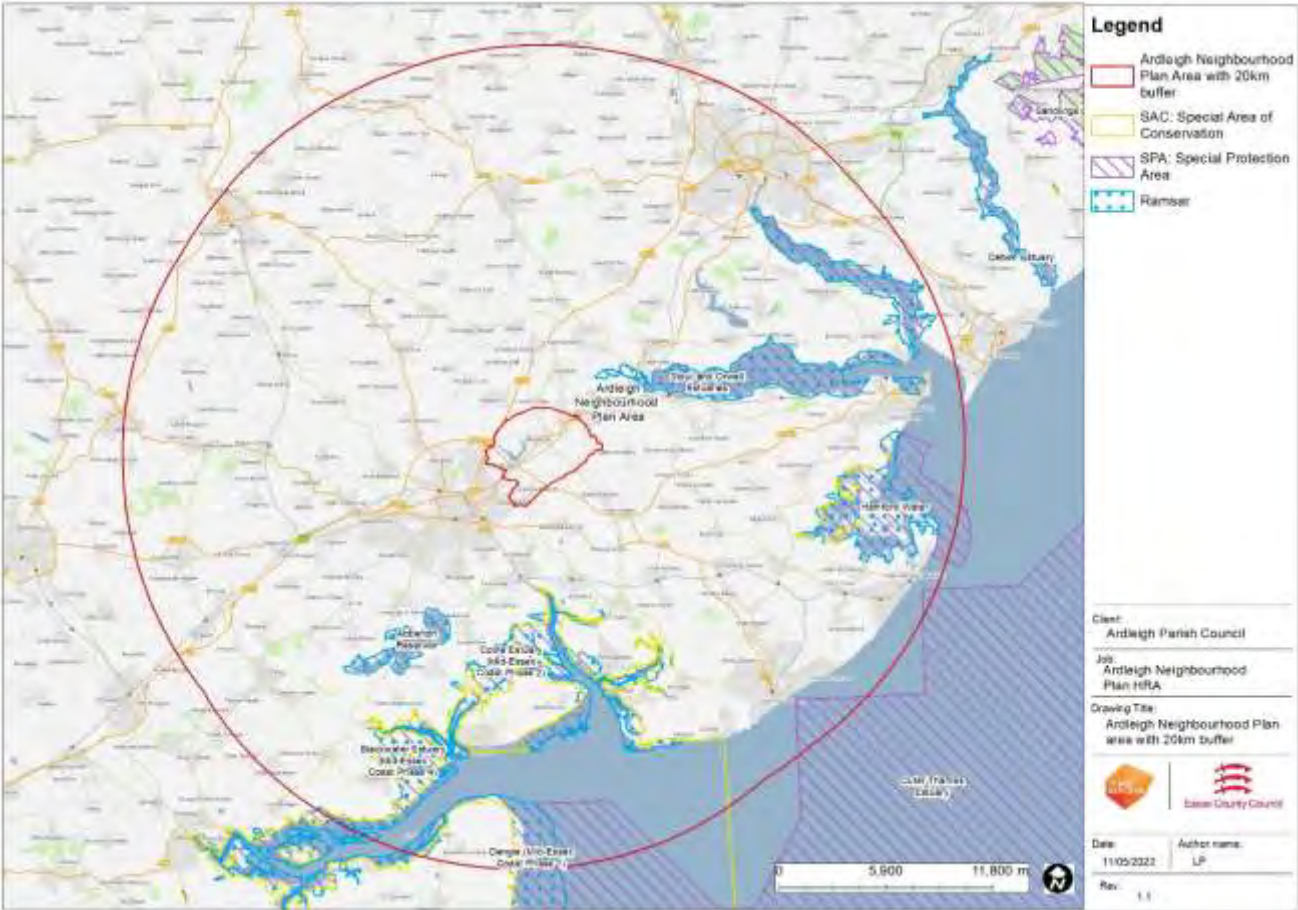
## The Ardleigh Neighbourhood Plan area



Source: Ardleigh Neighbourhood Plan, 2022

# Appendix 2

## The Plan Area and Locations of the Habitats sites within 20 km



Source: Place Services, 2022



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