

**Stebbing
Parish Council**

**Uttlesford District
Council**

Stebbing Neighbourhood Plan

**Strategic Environmental Assessment (SEA)
Screening Determination Statement (under
Regulation 9 and 11 of the Environmental Assessment of
Plans and Programmes 2004)**

January 2021

Executive Summary

This statement provides the determination (under Regulation 9 of the Environmental Assessment of Plans and Programmes Regulations 2004 (SEA Regulations)) that the draft Stebbing Neighbourhood Plan is unlikely to result in significant environmental effects and therefore, does not require a Strategic Environmental Assessment. This statement also includes the reasons for this determination (in line with Regulation 11 of the SEA Regulations).

In addition, this statement determines that the making of the draft Stebbing Neighbourhood Plan is unlikely to result in significant effects on any European sites and consequently the plan does not require Habitat Regulation Assessment.

This determination statement is also intended to demonstrate that the Stebbing Neighbourhood Plan is compatible with certain European Union obligations as required by the basic conditions, namely:

- 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;
- and
- Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora.

This determination has been made on 21 January 2021. Within 28 days of this determination, Uttlesford District Council will publish this determination statement in accordance with its regulatory requirements (as per Regulation 11 of the SEA Regulations). The statutory consultees will be sent a copy of this statement and copy of the statement will be available for inspection at the Council's website at <https://www.uttlesford.gov.uk/stebbingnp>. It will also be available on request at: Uttlesford District Council, Council Offices, London Road, Saffron Walden, Essex, CB11 4ER.

If you require any further information, then please contact Demetria Macdonald by email at dmacdonald@uttlesford.gov.uk.

Determination Statement (including reasons for the determination)

This statement has been produced to ensure the Stebbing Neighbourhood Plan will, when examined, comply with the Neighbourhood Planning (General) Regulations 2012 (as amended) in particular Regulation 32 and Regulation 15(1) e (ii) of the Neighbourhood Planning (General) (Amendment) Regulations 2015.

A neighbourhood plan is required to meet a number of basic conditions (which are set out in the Town and Country Planning Act 1990), one of which being, it must not breach and must be otherwise compatible with EU and Human Rights obligations. This requires neighbourhood plans to fully consider the requirements of the SEA regulations¹ which transpose the EU's SEA Directive² into law and which requires those making plans that could impact on the environment to consider whether they are likely to have a significant effect or not.

Regulation 32 in the Neighbourhood Planning (General) Regulations 2012 (as amended) sets out an additional basic condition to those set out in primary legislation. Regulation 32 states: *"The making of the neighbourhood plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2010 (d)) or a European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007 (e)) (either alone or in combination with other plans or projects).*

A Strategic Environmental Assessment (SEA) and Habitat Regulations Assessment (HRA) preliminary Screening Opinion was prepared by Uttlesford District Council for the Stebbing Neighbourhood Plan. This opinion, see **Appendix 1** to this report, was made available to the statutory environmental bodies (Natural England, Historic England and Environment Agency) for comment starting on 5 October 2021.

Consultation responses were received from the three statutory consultees. Their conclusions are summarised below, and their detailed comments are included in **Appendix 2**.

• **Historic England:** Having reviewed the location and extent of the sites proposed for allocation, we consider that they are unlikely to result in significant effects, as they are understood in the context of the Strategic Environmental Assessment process. Therefore, 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.**

However, we note that Site Steb: H4, Barn at Priors Hall, aims to allocate the Grade II listed barn for the provision of 1-2 units. We have concerns that this allocation would lead to harm to the heritage asset, owing to the potentially intrusive nature of converting such structures to residential accommodation. Whilst this harm would not trigger the need for a Strategic Environmental Assessment, we nonetheless consider it necessary to clarify that we consider the allocation may lead to the plan not meeting the Basic Conditions.

1. Known fully as The Environmental Assessment of Plans and Programmes Regulations 2004.

2. Known fully as 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.

• **Natural England:** Strategic Environmental Assessment (SEA) Screening: Natural England notes the screening process applied to this Neighbourhood plan and welcome the production of this SEA Screening report. We note and concur with the outcome of the screening report, that taking all of the relevant policies of the Stebbing Neighbourhood Plan into account and assessing the potential environmental impacts on designated sites and landscapes, a full SEA is not required.

Habitats Regulations Assessment (HRA) Screening: Natural England welcomes the consideration given to the Habitats Regulations and we agree with the report's conclusions that the Stebbing Neighbourhood Plan would not be likely to result in a significant effect on any European Site, either alone or in combination and therefore further assessment under the Habitats Regulations is not required.

• **Environment Agency:** Thank you for your patience while we review the Screening opinion for SEA of the Stebbing Neighbourhood Plan. We apologise for the delay in providing comments.

However, I can confirm that we do not disagree with the conclusion reached within the Screening report that the Neighbourhood plan is screened out.

If a scoping report is to be done however, we advise that the scoping report should review fluvial flooding, fluvial flooding in conjunction with climate change, and potential for land contamination.

The SEA screening assessment considers, in summary, that the Stebbing Neighbourhood Plan would not have a significant effect on the environment in so far as:

- The HRA screening concludes that the Stebbing Neighbourhood Plan is not predicted to have likely significant effects on any European site, either alone or in combination with other plans and projects.
- Potential in-combination effects have been screened out. All potential issues have been screened out of further assessment. All the housing allocations in the Stebbing Neighbourhood Plan are outside the Blackwater Estuary Spa and Ramsar site Zone of Influence. Furthermore, the neighbourhood plan includes the standard Essex Coast RAMS policy for neighbourhood plans.
- The inclusion of a RAMs planning policy in the Stebbing Neighbourhood Plan. The Zone of Influence falls within a very small triangular area in the south of the Stebbing Parish area (see *Figure 5, page 58*). None of the Stebbing NP and the withdrawn Local Plan site allocations fall within the Zone of Influence. Once adopted, this policy will apply to any development coming forward in this small zone of influence within the Stebbing Parish.
- The LPA has concluded that as the neighbourhood plan does not allocate land for housing within the Zone of Influence and the Stebbing Neighbourhood Plan does not represent a likely significant effect to a habitats site. The basic condition set out in Schedule 2 of The Neighbourhood Planning (General) Regulations 2012 that the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017 is therefore met.

Based on the preliminary screening opinion prepared by Uttlesford in September 2020 and having considered the consultation responses from the statutory environmental bodies, Uttlesford District Council determines that the Stebbing Neighbourhood Plan is unlikely to result in significant environmental effects and therefore does not require a Strategic Environmental Assessment. The Council also determines that the Neighbourhood Plan is not likely to result in significant effects on any European site.

Stebbing Neighbourhood Plan
SEA Screening Determination Statement

Appendix 1: Stebbing SEA/HRA Screening Report

Strategic Environmental Assessment and Habitats Regulations Assessment Screening Report for Stebbing Neighbourhood Plan

29 September 2020

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1 Introduction

There are two purposes to this screening report:

SEA Screening

- 1.2 The purpose of this document is to help determine whether or not the draft Stebbing Neighbourhood Plan (NP) requires a Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plans and Programmes Regulations 2004.
- 1.3 Uttlesford District Council (UDC) is required to consult the statutory bodies, the Environment Agency, Natural England and Historic England prior to reaching a screening determination and will use this report as a basis for this consultation.

HRA Screening

- 1.4 The purpose of this document is also to ascertain whether the making of the Stebbing Neighbourhood Plan would breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017. This is a required basic condition of neighbourhood plans as laid out in Schedule 2 to the Neighbourhood Planning (General) Regulations 2012 as amended.
- 1.5 Article 6(3) of the Habitats Directive 92/43/EEC reads:
“Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site’s conservation objectives. In the light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public.”
- 1.6 In practice Article 6(3) requires a two-stage process.
 - a) initially seeing if the draft plan is likely to have a significant effect on a European site (either alone or in combination with others plans or projects); and if likely significant effects cannot be ruled out
 - b) subjecting the neighbourhood plan to appropriate assessment where the purpose of the appropriate assessment is to ascertain the implications of the neighbourhood plan on the European site in view of the conservation objectives of the European site.
- 1.7 Where an appropriate assessment is required, the plan can only proceed to adoption if it is found the plan will have no adverse effects on the integrity of the European site. At the appropriate assessment stage (if that stage is needed) account may be taken of proposed mitigation measures but not prior to this.

Status of this Screening Report

- 1.8 The views reached in this SEA/HRA screening report are preliminary views prior to consulting with Natural England, the Environment Agency and Historic England.

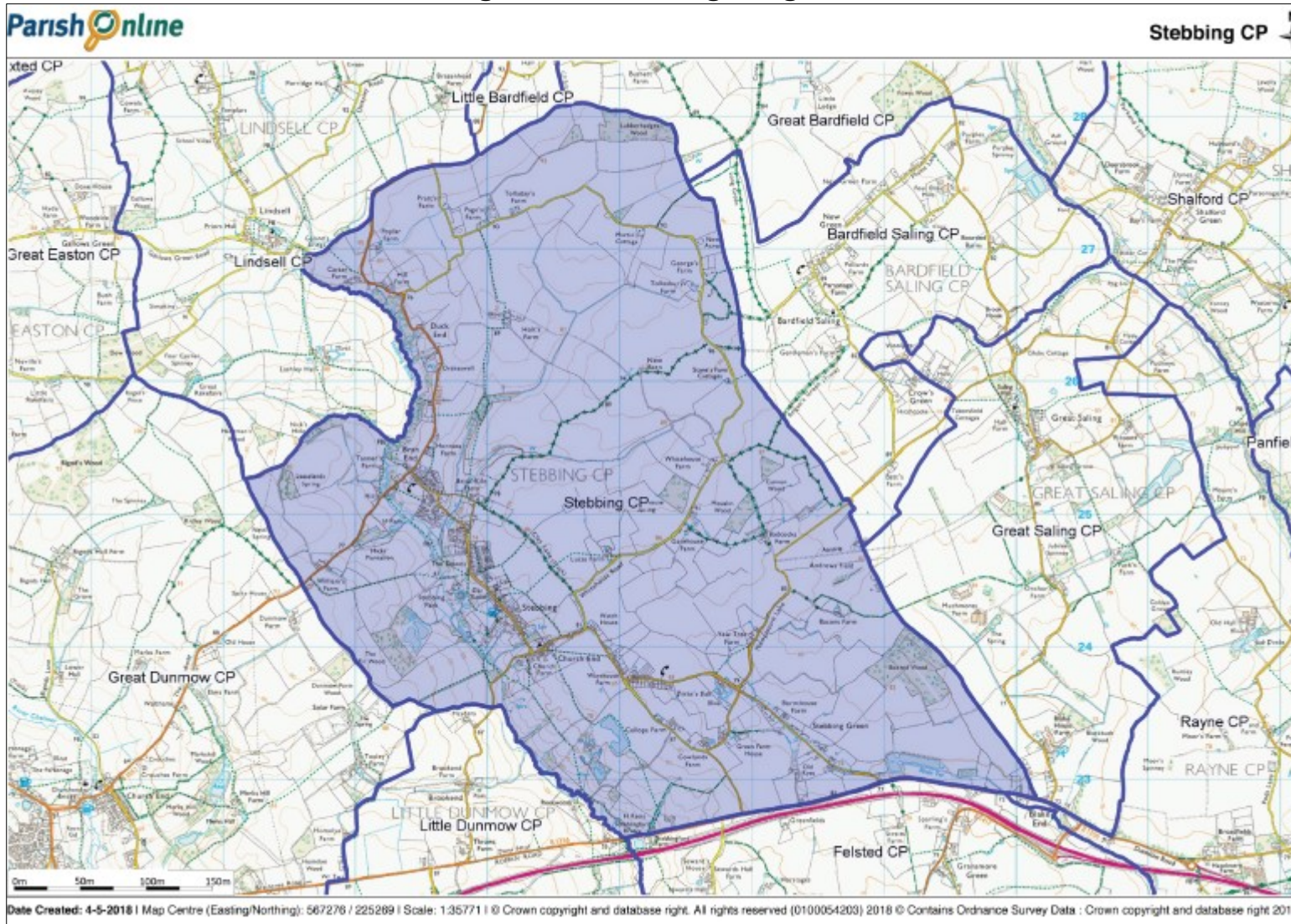
Introduction to Stebbing

- 1.9 The neighbourhood plan area is made up of Stebbing Parish. The parish is located in the lower eastern edge of Uttlesford district, some 3.5 km to the east of Great Dunmow, 9 km to the west of Braintree Town, 5 km north of Felsted and 9km to the south east of Thaxted, reached in each case via B classified roads. The Parish is bounded by eight other parishes, namely Lindsell, Little Bardfield and Great Bardfield to the north, Bardfield Saling and Great Saling to the east, Felsted, Little Dunmow to the south and Flitch Green and Great Dunmow to the west.
- 1.10 Stebbing is designated as Other Villages in the adopted Uttlesford Local Plan 2005. It is 2 km to the north of the A120 (dual carriage way) corridor, to which access is obtained at two points, approximately 6 km to the east and 6 km to the west. The B1256, formerly the A120, which marks the southern border of the Parish lies along the line of the Roman road leading from Colchester to St Alban's, once known as Stane Street.
- 1.11 Stebbing is recorded in the Domesday Book and there is strong evidence of earlier Saxon and Roman occupation. The layout of the village has changed little over the centuries. There is little evidence of early settlement in Stebbing and finds have been limited to remnants of Neolithic and Bronze Age flints used for tools. Other artefacts have been discovered in Bronze Age burial mounds in the area. Close to these mounds, an Iron Age and Romano British cemetery was excavated dating from pre-Flavian to the 2nd century and used for about 150 years.
- 1.12 During the Saxon period, post 5th century, settlements are believed to have grown up in the hamlets of Church End, High Street, Bran End and Duck End. By the late sixth and seventh centuries the name "Stebbing" came into use and thought to have been derived from "Stebba's Inge", the "Inge" meaning enclosure belonging to the "Stebba" or "Stybba" clan. At the time of the Norman Conquest, records indicate that there was a village settlement owned by Siward, Saxon 'thegn' (or thane).
- 1.13 Domesday records suggest that in 1087 the village was divided into two manors and shared between two Norman lords, Henry de Ferrers at Stebbing Park and Ralph Peverell at what is now known as Parsonage Farm. There may have been a further manor at Porter's Hall with land stretching away from the village towards Bardfield Saling and Great Saling.
- 1.14 The motte castle was built between the 11th to 13th centuries and is situated on a prominent west-facing spur in Stebbing Park, 750 metres north-west of the church. It includes a circular earthen mound 69 metres in diameter and is about 13 metres high. Surrounding the motte is a water filled moat. No evidence of a bailey has been found. The present medieval church dates from the 14th century built on the site of an earlier building. Today it retains a distinctive finely carved stone screen under the chancel arch, only two others exist, one in Great Bardfield in Essex and one in Trondheim, Norway. The prominence and quality of this building represented the importance and wealth of the church in medieval times.

- 1.15 The Stebbing settlement has a markedly linear form, aligned north-west/south-east, which has evolved by the conjunction of a series of hamlets that developed along the line of Stebbing Brook. The latter flows southwards to meet the River Chelmer at Felsted. Whilst the hamlets are described as conjoined, there are modest breaks in development between Church End, which as the name suggests contains the imposing parish church of St Mary the Virgin, and the main body of the village to the north. North of the main body, Bran End and Duck End enjoy a degree of physical separation. To the south, Stebbing Green is effectively a freestanding hamlet, notwithstanding the presence of twentieth-century ribbon development to the north along Warehouse Road giving a degree of connection to Church End. Both villages are set within attractive and open undulating countryside. The rolling landscape is extensive with wide views. Both villages benefit from a strong rural character despite the proximity of the plan area to the national road, rail and airport infrastructure.
- 1.16 As at the 2011 Census there were 551 dwellings and a population of 1.300 in the plan area. Since 2011, there has been modest housing growth in the parish with the completion of 34 homes up to 31 March 2019.

The Stebbing Neighbourhood plan area can be seen below on Figure 1.

Figure 1: Stebbing Neighbourhood Plan Area



Appendix 1 to Stebbing Neighbourhood Plan
SEA Screening Report

Introduction to the Neighbourhood Plan

1.17 The Stebbing NP covers the period 2019 – 2033 and has the following vision:

- “In 2033, Stebbing will be a vibrant rural parish, with a strong sense of community, which has protected and enhanced its distinctive village, surrounding hamlets, ancient woodlands and agricultural character.
- Stebbing will be a parish which is proud to have retained, and be known for, its historical character, wealth of heritage assets and beautiful, tranquil landscape offering an abundance of open views and wildlife habitats.
- Housing development will be in keeping with the character of the Parish, positively contributing to its immediate surroundings
- Housing development will place particular emphasis on organic growth through small developments and affordable properties.
- Transport, telecommunications and social facilities will have been improved and be more widely available for all residents, young and old.”

1.18 The vision is underpinned by the following fourteen objectives:

- i. To conserve and enhance the heritage and distinctive historic character of the Parish, its village, surrounding settlements and each of their respective landscape settings.
- ii. To protect the key environmental features of the Parish including ancient woodland, high quality agricultural land, byways, footpaths, hedgerows and wildlife sites.
- iii. To protect the open landscape setting to the east of the settlements of Stebbing Green and the village of Stebbing.
- iv. To prevent coalescence of the various settlements and hamlets which make up the Parish and also with any development associated with proposals for WoBGC.
- v. To preserve the character of the quiet roads and lanes within the Parish for their continued safe use by walkers, cyclists and horse riders.
- vi. To mitigate through appropriate policies the impact of any development associated with proposals for WoBGC upon the road infrastructure of the Parish.
- vii. To maintain and support the existing strong sense of community in the Parish by retaining existing and encouraging additional community infrastructure, including the community store, the primary school, the village hall, the Church, the White Hart Public House and all other sports, social and recreational facilities.
- viii. To ensure that new housing and other forms of development meet the needs of the local parish community, including the need for accessible and affordable housing, starter homes, homes for older people and other specialist needs.
- ix. To retain and encourage new and diversified, where possible, rural employment and support services, to encourage homeworking and small scale local businesses.

- x. To ensure that any new development is sympathetic to the character and beauty of the Parish in design and appearance matters and that it makes a positive contribution to its surroundings, with particular emphasis on small scale organic growth
 - xi. To address highway safety and parking issues, improve the potential for movement by non-car modes, including walking, public transport, cycling and improve the bridleway network.
 - xii. To promote, through the appropriate providers, effective, high level internet connectivity for all residents and businesses.
 - xiii. To explore with ECC Highway Authority and UDC ways to improve transportation access for all residents to appropriate education and health services.
 - xiv. To balance the amount of new development with the capacity and potential expansion of the Village Primary School to meet the primary school education needs of the Parish.
- 1.19 To help realise the fourteen objectives listed above there will be development management type planning policies in the NP arranged under the topics set out in the table below. Information on the planning policies is currently available in draft format in the attached draft Stebbing Neighbourhood Plan document. The planning policies are to be consulted on at Regulation 14.
- 1.20 In addition there will be a number of residential site allocations in the plan. The Stebbing NP Steering Group undertook a site assessment process. The site assessment methodology is set out in Evidence Base Document EB7 (which can be provided if required). The assessment included sites in the UDC Strategic Land Availability Assessment, UDC Call for Sites in the Parish as well as a specific Parish Call for Sites exercise in the period June-August 2018. The sites were initially assessed with regard to suitability, availability and achievability. Then the potential sites were assessed against the NP vision and objectives as a way of identifying preferred sites for selection.
- 1.21 The sites selected for the NP were subject to detailed site specific policies which will contain site specific criteria to ensure mitigation of adverse impacts and implementation of potential positive effects.
- 1.22 The Stebbing NP will be allocating sites to deliver limited growth in the plan area amounting to a maximum of 30 new residential homes during the plan period 2019 to 2033. This is based on the intention stated on the Stebbing NP website that the NP will support small scale sites as opposed to large estate-type development. A current estimate of dwellings from 2011-2019 as at 31 March 2019 was 585 dwellings and a 5% growth would equate to 30 dwellings.
- 1.23 The site assessment process steers development towards the most sustainable sites within and adjacent to the development limits in Stebbing and infill within Stebbing Green. The allocated sites are either greenfield or brown field land.
- 1.24 The Stebbing NP is underpinned by a comprehensive set of evidence base documents including:

- Landscape Sensitivity and Capacity Appraisal - The Landscape Partnership (March 2017)
 - Land West of Braintree Land and Visual Appraisal (Chris Blandford Associates) (June 2017)
 - The Landscape Character Assessment (Chris Blandford Associates) (September 2006)
 - Heritage Assessment - Grover Lewis Associates (August 2017)
 - Essex County Council: Essex Historic Environment Record
 - Stebbing - Conservation Area Appraisal and Management Plan (UDC: March 2010)
- 1.25 This will ensure that the site assessment process is robust and leads to a selection of sites in the most sustainable locations.
- 1.26 Of great importance is the current policy context in which the NP sits. In the adopted 2005 Local Plan, Stebbing is defined (see Policy S3) as Other Settlements (Other Villages). Paragraph 2.2.4 of the Local Plan describes Other Villages as having development limits where the boundaries are tightly drawn and there is limited potential within these boundaries on small previously developed land including gardens of existing houses. Uttlesford District Council currently has no five year land supply and the current Local Plan (adopted 2005) is out of date in terms of delivering housing numbers since the 2005 plan delivers housing up to the year 2011.
- 1.27 Whilst the Local Plan is out of date and increasingly so as time passes, the spatial strategy which recognises the role of certain settlements such as Stebbing, remains a cornerstone of the distribution of development throughout the districts. In other words, small development proposals on sustainable sites within or adjacent to the Stebbing development limits are likely to be permitted when considered against the policies in the NPPF. To reiterate this point, a site granted outline planning permission on land east of Warehouse Villas in December 2019 is for 17 new dwellings.
- 1.28 Should further development proposals be consented in the NP area ahead of the NP being made, it is likely the amount of growth being allocated through the NP will be considerably more than 30 units (as those sites would be treated as housing commitments rather than site allocations). However, depending on what is consented during the interim period it is also possible that the overall net level of growth being delivered in the plan area 2019 to 2033 will exceed 30 units (through the NP site allocations and the schemes consented in the interim). This is not a desired outcome or intention of the NP project.

| Table 1: An overview of the emerging development management policies in the Stebbing NP |
|--|
| Heritage and Conservation |
| <u>Policy STEB1: Respecting Stebbing's Heritage – Design and Character</u> |
| A policy to preserve and positively contribute to Stebbing's distinctive character through reinforcement of the local vernacular architectural heritage, contribution to street scene, conservation or enhancement and sympathetic to setting of any individual asset and retention or enhancement of existing vegetated boundaries especially intact hedgerows and trees. |
| Landscape, The Countryside and the Natural Environment |
| <u>Policy STEB2: Identified Woodland Sites and Wildlife Sited 3 – Locally Important Views and landscape</u> |
| Requires protection of areas of high biodiversity value, historic hedgerows and settings requires development proposals to contribute and not detract from biodiversity and setting value. |
| <u>Policy STEB3: Local Green Spaces</u> |
| A policy identifying and protecting open spaces through Local Green Space designation and/or other. |
| <u>Policy STEB4: Protection of Green Wedge</u> |
| Likely to preserve setting of Stebbing Green, Boxted Wood, protect heritage assets as well as prevent coalescence between Stebbing Green and any future Development. Development proposals only supported if accompanied by a Landscape and Visual Impact Assessment and Heritage Impact Assessment demonstrating no harm to setting of Stebbing Green Boxted Wood and how predominantly open nature of landscape is retained. |
| <u>Policy STEB5: Protection and Provision of Open Space, Sports Facilities and Playing Fields</u> |
| Safeguarding of existing recreation, sport and play facilities and open space from development unless it is ancillary to and improves existing facilities. |
| <u>Policy STEB6: Important and protected Views</u> |
| Development proposals required to have regard to the Stebbing Landscape Sensitivity and Capacity Appraisal. |
| Housing and Design |
| <u>Policy STEB 7: Design Principles and Location of New Development</u> |
| Allocation of sites and location of development. |
| <u>Policy STEB 10: Sustainable Design and Construction</u> |
| Requirement for proposals to embed sustainable design, construction techniques and maximisation of opportunities for on-site renewable forms of energy. |

| Table 1: An overview of the emerging development management policies in the Stebbing NP |
|--|
| |
| The Economy |
| <u>Policy STEB13: Farm Diversification/Improvement</u> Support of farm diversification or improvement that will demonstrably improve farm sustainability and/or increase employment opportunities. |
| Community and Well-Being |
| <u>Policy STEB15: Protection of Play, Sports, Recreation, Leisure and Community Facilities</u> Protection of locally valued play, sports, recreation, leisure and community facilities. |
| Transport |
| <u>Policy STEB17: Promoting Sustainable Transport</u> A policy promoting sustainable transport where appropriate via mitigation, S106 contribution, encouraging sustainable modes of transport and protection of existing network of footpaths. |
| Housing Allocations |
| <u>Policies STEB H1 to H8</u> A policy allocating seven small scale site allocations on greenfield, brownfield and infill sites. |

2. Legislative Background to SEA

- 2.1 The basis for Strategic Environmental Assessments legislation is European Directive 2001/42/EC which was transposed into English law by the Environmental Assessment of Plans and Programmes Regulations 2004, often referred to as the “SEA Regulations”. Detailed guidance of these regulations can be found in the Government publication “A Practical Guide to the Strategic Environmental Assessment Directive” (ODPM 2005) available to view at <https://www.gov.uk/government/publications/strategic-environmental-assessment-directive-guidance>
- 2.2 The Government publication “A Practical Guide to the Strategic Environmental Assessment Directive” (ODPM 2005) includes a useful table intended as a guide to the circumstances where the SEA directive applies to plans and programmes. This is reproduced in Figure 2 below:

2.3 The table below helps to determine whether or not the SEA directive applies to the Stebbing Neighbourhood Plan.

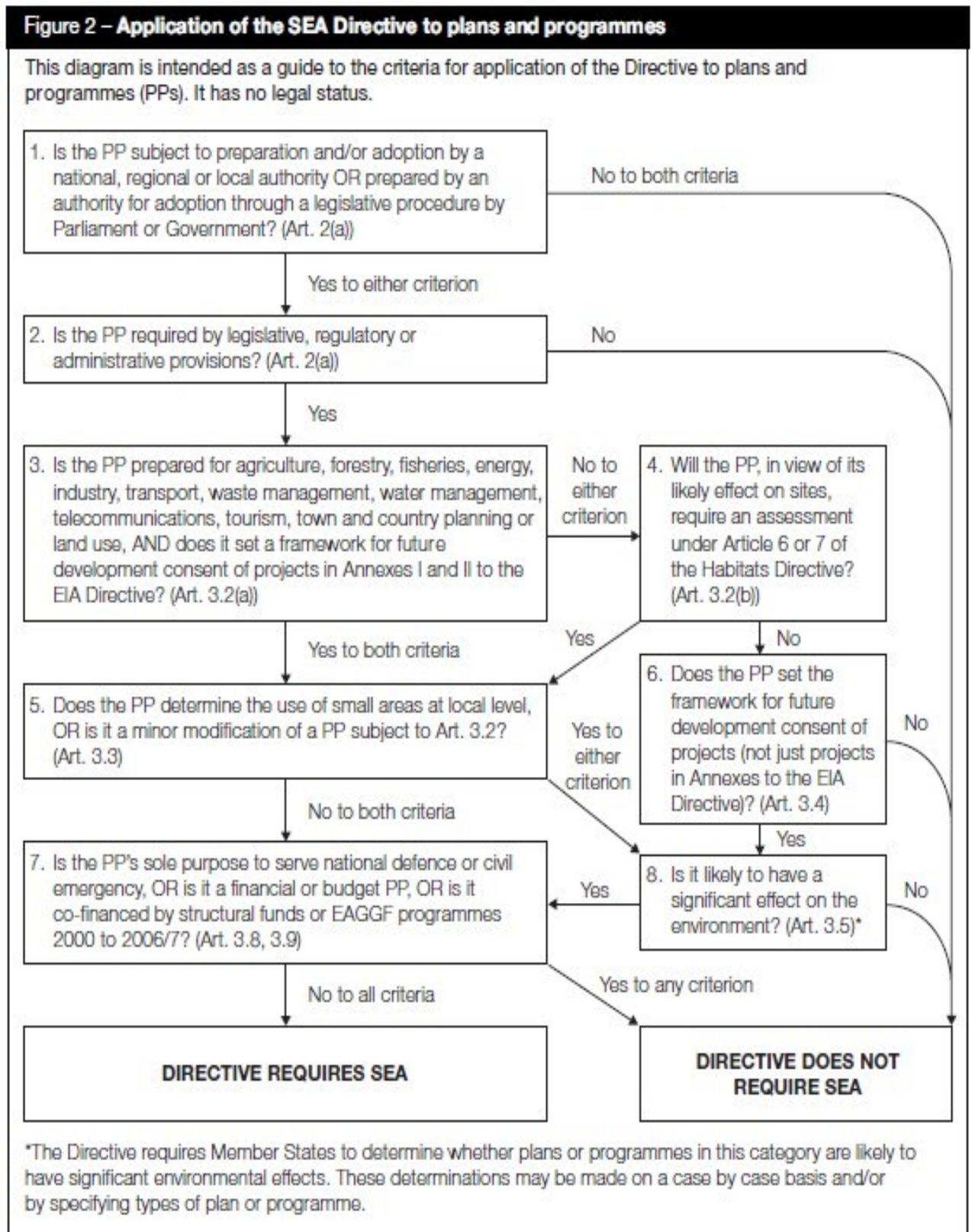


Table 2: Assessing how the SEA legislation applies to the Stebbing NP

| Stage | Response | Outcome | Comment |
|--|--------------|------------------|--|
| 1. Is the NP 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 | Go to question 2 | The preparation and adoption of the NP is allowed under The Town and Country Planning Act 1990 as amended by the Localism Act 2011. The NP is being prepared by the Stebbing NP Steering Group which has been appointed by Stebbing Parish Council (as the Qualifying Body) and will be "made" by Uttlesford District Council as the local authority. The preparation of NPs is subject to the following regulations: The Neighbourhood Planning (General) Regulations 2012 and The Neighbourhood Planning (referendums) Regulations 2012. |
| 2. Is the NP required by legislative, regulatory or administrative provisions? (Art. 2(a)) | Yes | Go to question 3 | Whilst the Neighbourhood Plan is not a requirement and is optional under the provisions of The Town and Country Planning Act 1990 as amended by the Localism Act 2011, it will, if "made", form part of the statutory Development Plan for the District. |
| | No | NO SEA required | |
| 3. Is the NP 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 (see | Yes, to both | Go to question 5 | The Neighbourhood Plan does not set the framework for future development consent of projects in Annexes I and II to the EIA Directive (see Appendix 2 for list). |
| | No to either | Go to question 4 | |

Table 2: Assessing how the SEA legislation applies to the Stebbing NP

| Stage | Response | Outcome | Comment |
|--|----------------------|----------------------|---|
| Appendix 2) to the EIA Directive? (Art 3.2(a)) | | | |
| 4. Will the NP, 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)) | Yes | Go to question 5 | See separate assessment in section 6 of this report. |
| | No | Go to question 6. | |
| 5. Does the NP determine the use of small areas at local level, OR is it a minor modification of a PP subject to Art. 3.2? (Art. 3.3) | Yes, to either | Go to question 8 | The Neighbourhood Plan applies to the civil parish of Stebbing. |
| | No to both | Go to question 7. | |
| 6. Does the NP set the framework for future development consent of projects (not just projects in annexes to the EIA Directive)? (Art 3.4) | Yes | Go to question 8 | The Neighbourhood Plan is to be used for determining future planning applications. |
| | No | Does not require SEA | |
| 7. Is the NP's sole purpose to serve the national defence or civil emergency, OR is it a financial or budget PP, OR is it co-financed by structural funds or EAGGF programmes 2000 to 2006/7? (Art 3.8, 3.9) | Yes, to any criteria | Does not require SEA | Not applicable |
| | No to all criteria | Requires SEA | |
| 8. Is it likely to have a significant effect on the environment? (Art 3.5) | Yes | Requires SEA | Likely significant effects are explored in more detail in section 3 of this report. |
| | No | Does not require SEA | |

2.4 The table above tells us that an environmental assessment of the Stebbing Plan is only required if it is 'screened in' following an assessment of likely significant effects on the environment.

3. Criteria for determining likely significance of effects on the environment

- 3.1 When determining whether a Neighbourhood Plan (NP) has a likely significant effect on the environment, the SEA Regulations require that the criteria set out in Schedule 1 of the Environmental Assessment of Plans and Programmes Regulations 2004, or Annex II of the SEA Directive 2001/42/EC.

When deciding on whether the proposals are likely to have significant environmental effects, the local planning authority should consult the statutory consultation bodies. Where the local planning authority determines that the plan is unlikely to have significant environmental effects (and, accordingly, does not require an environmental assessment), it should prepare a statement of its reasons for the determination. Where a statement of reasons is provided in respect of a neighbourhood plan a copy of the statement should be provided to the qualifying body in order that the statement can be made available to the independent examiner; for example, by including it in the basic conditions statement.

Where a neighbourhood plan is likely to have a significant effect on the environment a strategic environmental assessment must be carried out.

The criteria “for determining the likely significance of effects on the environment” are split into two categories: those relating to the characteristics of the plan and those relating to the characteristics of the effects and area likely to be affected. These are set out below.

Plan characteristics

- the degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources
- the degree to which the plan or programme influences other plans and programmes including those in a hierarchy
- the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development
- environmental problems relevant to the plan or programme
- the relevance of the plan or programme for the implementation of [European] Community legislation on the environment (for example, plans and programmes linked to waste management or water protection).

Characteristics of the effects and the plan area

- 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 (for example, 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

3.2 In order to identify any likely significant environmental effects, Table 3 below considers the characteristics of the Stebbing NP and Table 4 considers the characteristics of the effects and the plan area likely to be affected.

Table 3: Criteria for determining the likely significance of environmental effects – Plan Characteristics

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 Stebbing NP would, if adopted (“made”), form part of the Statutory Development Plan and as such will contribute to the Framework for future development consent of projects. However, the plan will sit within the wider framework set by the National Planning Policy Framework (NPPF), the strategic policies of the Uttlesford District Council Local Plan (2005) and the emerging Local Plan. The NP will include a range of development management type policies arranged under the themes Village Heritage – Design and Character, protecting Woodland and Wildlife Sites, Protection of Local Views, Supporting the local economy, Community Facilities and Open Space. In addition, there will be residential site allocations of up to 30 new homes 2019 to 2033. On the basis of that currently there being an estimated 585 homes in the plan area (551 as at 2011 Census plus 34 additional dwellings delivered 2011 to March 2019). The focus of these sites will be within/adjacent to the built up area of Bran End, Stebbing Village, Church End and in Stebbing Green. All the proposed sites are away from the most sensitive areas in terms of heritage and landscape value. The available allocations are very small sites (less than 5 units) within/adjacent to current built up areas.

Of great importance is the current policy context in which the NP sits. In the adopted 2005 Local plan, Stebbing is defined (see Policy S3) as other villages. The Local Plan is out of date and there is no five year land supply. Whilst the Local Plan is out of date and increasingly so as time passes, the spatial strategy which recognises the role of certain settlements such as Stebbing, remains a cornerstone of the distribution of development throughout the districts. In other words, small scale development proposals on sustainable sites within or adjacent to the Stebbing development limits are likely to be permitted when considered against the policies in the NPPF.

To conclude, whilst the Stebbing NP will be influencing the location of new developments in the plan area, the quantity of development that it is proposing will come forward without the Stebbing NP through the current development management process. This limits the degree to which the Stebbing NP itself is the mechanism through which new development is planned. At the same time, it highlights the importance of the Stebbing NP as a mechanism for ensuring that a plan-lead system is reinstated. This is important for the purpose of planning for infrastructure that is required alongside new development.

| Table 3: Criteria for determining the likely significance of environmental effects – Plan Characteristics | |
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| the degree to which the plan or programme influences other plans and programmes including those in a hierarchy | |
| | A Neighbourhood Plan must be in general conformity with the strategic policies contained in the Development Plan for the District. Whilst it does not influence other lower level plans the community will expect the district to take into account the Neighbourhood Plan in the drafting of the new Local Plan. The plan will form part of the development plan, however strategic policies of the District Council's adopted plans take priority and the site allocations made in the Local Plan. |
| the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development | |
| | National policy requires a presumption in favour of sustainable development which should be seen as a golden thread through plan-making including the Stebbing NP. Before the NP can be made it will need to be tested against the basic conditions. This includes a requirement to contribute towards the achievement of sustainable development. The plan will promote sustainable development through policies requiring the protection of and new areas of open space, policy requirements for community facilities, the site allocations, protection of employment sites and protection of biodiversity. |
| environmental problems relevant to the plan or programme | |
| | <p>Environmental issues relevant to the Stebbing NP area are set out below theme by theme:</p> <p>Biodiversity:</p> <p>European sites: As shown on Figure 2 there are no European sites within or close to the NP area. The Backwater Estuaries is approximately 22 km to the south east of the plan area. However, the Blackwater Estuaries SAC Zone of Influence (ZOI) projects into the southern part Neighbourhood Plan into the tip of land north of the B1256 into the area where the Stebbing Green Road/B1256 join, adjacent to the Roman Mill Site (immediately south of Boxted Wood).</p> <p>The Stebbing Neighbourhood Plan does not propose any allocations within the Blackwater Estuaries SAC Zone of Influence (ZOI).</p> |

Table 3: Criteria for determining the likely significance of environmental effects – Plan Characteristics

SSSIs and NNRs: There are no Sites of Special Scientific Interest or Ramsar sites and Local Nature reserves in the plan area. Hatfield Forest SSSI/NNR is approximately 11.0km to the south west of the NP area. It is noted that part of Stebbing Parish falls within the National Trust 14.6 km Zone of Influence from the Hatfield Forest SSSI in terms of recreational pressure. Outside the plan area to the north is Westwood Little Sampford (SSSI), to the south-west is the High Wood Dunmow SSSI and to the south-south west is Garnetts Wood and Barnston Lays SSSI.

Local Wildlife Sites: There are a number of Local Wildlife Sites in the NP area. These have been identified as part of an Uttlesford-wide review of sites undertaken in 2007 (see Selected Local Wildlife Site Review prepared by Essex Ecological Services Ltd in 2007, and available to view at www.uttlesford.gov.uk). The identified sites in the NP area include Boxted Wood, Stebbing Green, Mouslin Wood, Whitehouse Spring, Lubberhedges Wood, Bran End, Bran End Meadows, Hick's Plantation and Nick's Hole. The following Special Verges fall within the parish: bordering the B1057 between Poplar Farm and Hill Farm, north of Duck End; bordering the High Street, close to the junction with Brick Kiln Lane, Bran End and Virom Island, adjacent to the High Street, Stebbing, east of The Mount.

Population: No identified issues: According to the Census 2011, there were 1,300 usual residents making up 518 households. The age profile of the residents in 2011 was a mean age of 43.7 years with 19.2% over the age of 65 and 45.7% under the age of 45. The net increase in population within the parish between 2001 and 2011 has been less than 2%.

In 2011 the average household size was 2.6 persons, with 7.2 average rooms per household and 3.6 bedrooms per household. 73.9% of all residents aged 16 to 74 were economically active, of whom 2.4% were unemployed and 2.3% students.

Flora: A variety is recorded on www.magic.gov.uk.

In Stebbing parish there are areas of ancient and semi - natural woodland habitats which include Boxted Wood on the eastern parish boundary to the east of Stebbing Green, Mouslin Wood located north-west of Badcocks Farm, Whitehouse Spring located south-west of Old Farmhouse, Lubberhedges Wood located in the north-eastern corner of the parish and areas with unimproved grassland, scrub and wetland habits including Cannon Wood, on the eastern parish boundary, south-east of Whitehouse Farm Cottages; Nick's Hole, on the western parish boundary, following a minor tributary of the Stebbing Brook to the north-west of Bran End; Leaselands Spring on the east-facing valley side, to the west of Bran End and The Fir Wood to the west of Stebbing Park.

Table 3: Criteria for determining the likely significance of environmental effects – Plan Characteristics

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| <p>Fauna: A variety is recorded on www.magic.gov.uk</p> <p>In Stebbing parish, the following is recorded: corn bunting, grey partridge and turtle dove.</p> <p>Soil: The soils are lime-rich loamy and clayey soils with impeded drainage whose natural fertility is high.</p> <p>The vast majority of agricultural land is classified as arable and grassland.</p> <p>Water: The Stebbing Brook watercourse-flows north to south from Lindsell to its confluence with the River Chelmer at Little Dunmow. It also flows through Bran End and Stebbing. The River Ter rises in Stebbing Green and flows predominantly south eventually joining the River Chelmer near Nounsley. There are areas of fluvial flood risk in Flood Zone 3b, 3a, 3a+CC and 2 running through the centre of the area and also a small area located in the east of the area. Flood Zones are of similar extent and confined to a narrow floodplain by the topography. Surface water flood risk is in flow paths that are defined by topography and existing watercourses. There are small areas of ponding (UFMfSW).</p> <p>The extent of Flood Zone 3 is not likely to increase significantly with climate change due to the confined topography. However, climate change is predicted to result in more frequent and extreme rainfall events, increasing the frequency and severity (depth/hazard) of flooding from fluvial and surface water sources. Groundwater flood risk is low across the majority of the plan area with very small areas of medium risk.</p> <p>Climatic factors: No noted issues.</p> <p>Cultural heritage:</p> <p>The built cultural heritage is significant in the plan area. There is little evidence of early settlement in Stebbing and finds have been limited to remnants of Neolithic and Bronze Age flints used for tools. Other artefacts have been discovered in Bronze Age burial mounds in the area. Close to these mounds, an Iron Age and Romano British cemetery was excavated dating from pre-Flavian to the 2nd century and used for about 150 years. The graves so far found have been comparatively rich, with brooches, glass and pottery goods deposited in each interment, however there is nothing to suggest they are Roman.</p> <p>During the Saxon period, post 5th century, settlements are believed to have grown up in the hamlets of Church End, High Street, Bran and Duck End. By the late sixth and seventh centuries the name “Stebbing” came into use thought to have been derived</p> |
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Table 3: Criteria for determining the likely significance of environmental effects – Plan Characteristics

from “Stebba’s Inge”, the “Inge” meaning enclosure belonging to the “Stebba” or “Stybba” clan. At the time of the Norman Conquest records indicate that there was village settlement owned by Siward, Saxon 'thegn' (or thane).

Domesday records suggest that in 1087 the village was divided into two manors and shared between two Norman lords, Henry de Ferrers at Stebbing Park and Ralph Peverell at what is now known as Parsonage Farm. There may have been a further manor at Porter’s Hall with land stretching away from the village towards Bardfield Saling and Great Saling.

Within the parish of Stebbing there are currently 152 individual listed buildings (as noted in the Stebbing Conservation Character Area Appraisal). Of these sixty-seven are located within the Stebbing Conservation Area. Of the 152 listed buildings within the parish, only one is listed Grade I: The Church of St Mary the Virgin. Six buildings within the parish listed Grade II* are Stebbing Memorial Club, High Street (now known as the Old Friends Meeting House); Stebbing Park, The Downs; Parsonage Farmhouse, Church End (now known as Priors Hall); Tan Farmhouse, Mill Lane; Stebbing Mill, Mill Lane, and Porters Hall, Porters Hall End. There are four Scheduled Monuments within the parish namely The Mount: a motte castle in Stebbing Park; Porter’s Hall moated site; Holt’s Farm moated site and Medieval tile kilns south of Church End.

In addition to the statutory listed heritage assets, UDC maintains a schedule of locally important buildings too. This identifies a further 3 locally important buildings in Stebbing. UDC has prepared a Conservation Area Appraisal for the Stebbing Conservation Area. This includes a management plan for conserving or enhancing the heritage assets.

Landscape:

The Essex Landscape Character Assessment (2003) identified the Stebbing Parish as being within the National Character Area (NCA) 86: ‘South Suffolk and North Essex Clayland’.

The Essex Landscape Character Assessment places the neighbourhood plan area, within the Central Essex Farmland (B1), a part of the B Glacial Till Plateau landscape character type, entirely encompasses the parish of Stebbing. Chelmer Valley (C5) is located approximately 2.5km to the southwest. However, the ridge formed between the Chelmer and the Stebbing Brook would effectively block development in Stebbing parish from having any influence on that landscape character area.

NCA 86 is described as a broadly flat, chalky, boulder clay plateau, dissected by an undulating river valley topography that is particularly marked in upper valley reaches, which are much smaller in scale. Land use is predominantly arable with a wooded

Table 3: Criteria for determining the likely significance of environmental effects – Plan Characteristics

appearance and some pasture on the valley floors. Field patterns are irregular, despite rationalization, due to remnants of ancient countryside.

The Uttlesford Landscape Character Assessment (commissioned jointly with Braintree District Council, Brentwood Borough Council, Chelmsford Borough Council, Maldon District Council and Uttlesford District Council in 2006) places the plan area in the South Suffolk and North Essex Clayland with discrete landscape character areas, Stebbing Parish encompasses three Landscape Character Areas (LCAs) within two Local Character Types (LCTs). Landscape Character Type AN A6 – Upper Chelmer River Valley (encompasses Stebbing Brook) is characterised by V or U shaped valleys with an undulating or flat valley bottom that dissects a boulder clay/chalky till plateau and sometimes with an intimate or wooded character. LCA A12 Pods Brook River valley is located immediately to the east of the parish boundary.

LCA A6 – Upper Chelmer Valley is characterised by narrow valley, with a restricted valley floor; • small meandering river channel on the left side of the valley close to the riding ground of the valley side; dense riverside trees; arable valley sides with a fairly open character and small linear settlements occupy the upper valley sides or straggle down to a few bridging points.

Landscape Character Type B: farmland Plateau covers the majority of the Stebbing Parish.

LCA B11-Lindsell and Bardfield farmland Plateau covers the northern portion of the parish and the central and southern portions are covered by LCA- B13: Rayne Farmland Plateau.

LCA B11 – Lindsell and Bardfield Farmland Plateau is characterised by a Glacial Till farmland plateau in Central Essex farmlands, open, broadly rolling plateau, dissected by Pods Brook and Stebbing Brook, mainly arable farmland with many shelterbelts forming dark backdrop to many views, shelterbelts often thickly planted containing a mix of deciduous and coniferous trees, horse pasture visible near settlements, linear settlement pattern along roads and lanes, or scattered farmsteads; there are no major villages, although Lindsell has an historic church, vernacular architecture pale cream or white-washed plaster with thatched roofs, some half-timbered buildings and tall species-rich hedgerows along many lanes; some hornbeam coppice visible.

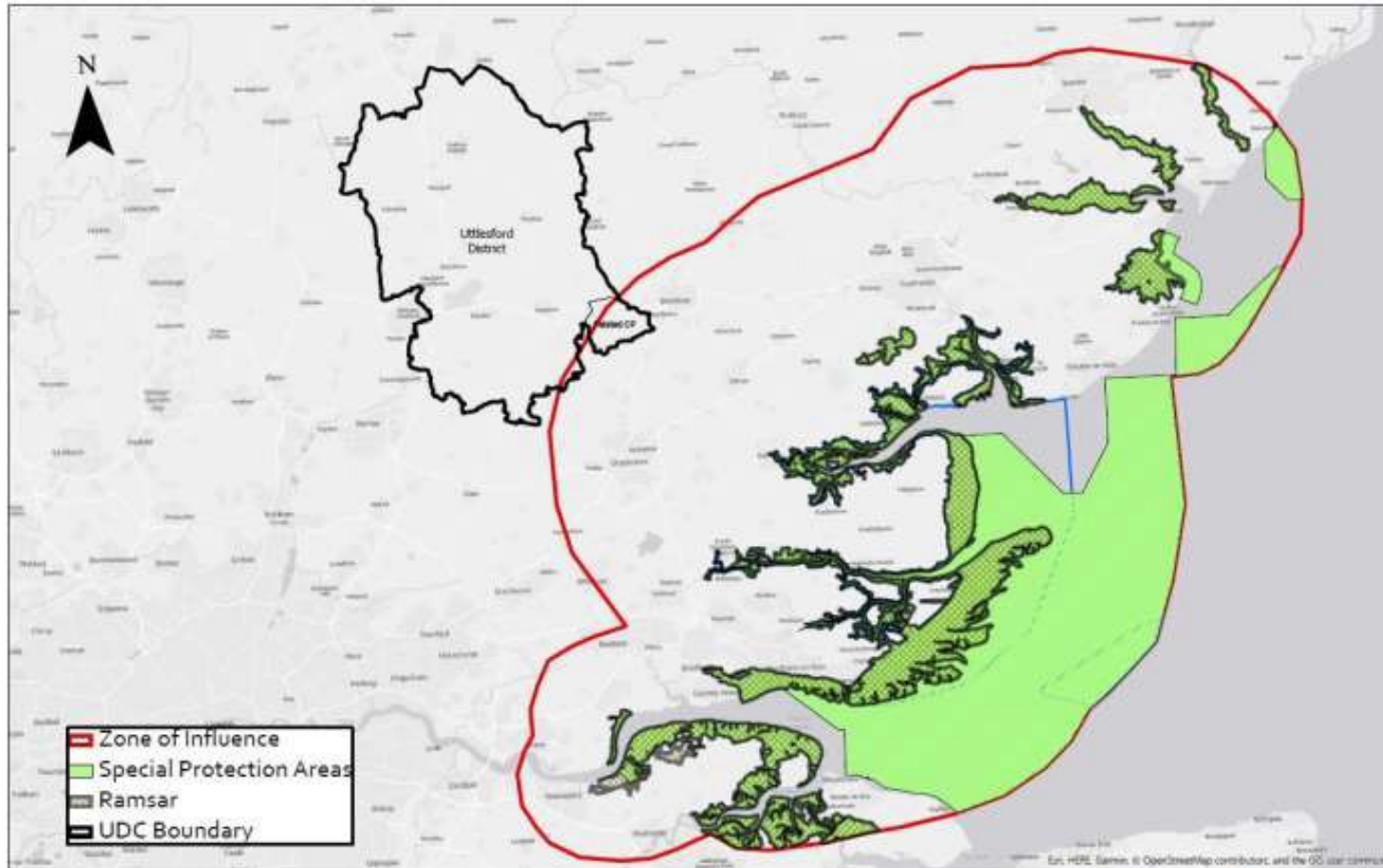
LCA B13 - The Rayne Farmland Plateau covers the central and southern portions of the site except for where it LCA A6 extends through the Stebbing Brook Valley. The landscape character assessment identifies its key characteristics as: irregular field pattern of mainly medium and large arable fields, marked by sinuous fragmented hedges and ditches, many small woods and copses provide structure and edges in the landscape, a scattered settlement pattern, with a few small hamlets, a concentration of isolated farmsteads, some with moats and a comprehensive network of rural lanes and Public Rights of Way.

Table 3: Criteria for determining the likely significance of environmental effects – Plan Characteristics

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| | <p>Material Assets</p> <p>Public Rights of Way: Many public rights of way routes run through the plan area. This includes the Warehouse Road, northwards from its junction with the B1256, past Cowlands Barn and Collops Farm to Warehouse Villas; Whitehouse Road, eastwards from its junction with Clay Lane, and then Lubberhedges Lane to its junction with the B1057 at Duck End, close to Hill Farm; and Lindsell Lane, westwards from its junction with the B1057, along the northern boundary of the parish.</p> |
| <p>the relevance of the plan or programme for the implementation of [European] Community legislation on the environment (for example, plans and programmes linked to waste management or water protection).</p> | |
| | <p>There are no known conflicts between the Stebbing NP and statutory plans linked to waste, water etc.</p> |

Figure 3: Blackwater Estuary and Ramsar Zone of Influence

(Blackwater Estuary and Ramsar Zone of Influence covers a small area in the south eastern part of Uttlesford District Council and very small portion of Stebbing Parish)



3.3 Table 4 below focuses on any identified effects and the characteristics of the plan area.

| Table 4: Criteria for determining the likely significance of environmental effects: Effects and area characteristics from the Stebbing NP | |
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| the probability, duration, frequency and reversibility of the effects | |
| | <p>The following likely impacts of the draft plan have been identified theme by theme:</p> <p>Biodiversity, fauna and flora:</p> <p>Part of the NP area falls within the Impact Risk Zone of the Garnetts Wood / Barnston Lays SSSI. For planning proposals falling within the SSSI impact zones, there is a requirement to assess the impact on SSSI/SPAs/SACs and Ramsar sites. For these SSSIs, however Natural England only require to be consulted on planning proposals involving;</p> <ul style="list-style-type: none"> • airports, helipads and other aviation proposals; • pig and poultry units, slurry lagoons larger than 750 sq. metres and manure stores greater than 3500 t; and • any discharge of water or liquid water of more than 20m³/day to ground (i.e. to seep away) or to surface water, such as a beck or stream (NB this does not include discharges to main sewer which are unlikely to pose a risk at this location). <p>The plan area has a variety of flora and fauna as set out below.</p> <p>Biodiversity</p> <p>Blackwater Estuary</p> <p>A tiny part of the Neighbourhood Plan Area falls within the recently extended zone of influence for a collection of ten designated European designated sites along the Essex Coast. This includes the Blackwater Estuary SPA and RAMSAR site which is approximately 22 km away from the southern tip of Stebbing parish boundary. A very small triangular piece between Stane Street and Saling PC boundary falls within the 22km zone of influence but the rest of the parish does not. The adopted Local Plan (Uttlesford Local Plan 2005) identifies development limits which contains the settlements of Stebbing, Stebbing Green, Bran End and within and adjacent to these limits, new infill development proposals may come forward subject to meeting other policies in the Local Plan. The Neighbourhood Plan does not alter this policy approach. The NP does include some small site allocations immediately adjacent to development limits.</p> <p>Because a small part of the Parish falls within the 22km zone of influence for the Blackwater Estuary SPA and Ramsar site, the NP has been subjected to a separate appropriate assessment under the Habitats Directive in order to assess in more detail any adverse impact on the European site. The HRA screening work finds that the Stebbing NP does not have any likely significant effects on the Blackwater Estuary alone but may have likely significant effects on the Blackwater Estuary in combination with other</p> |

Table 4: Criteria for determining the likely significance of environmental effects: Effects and area characteristics from the Stebbing NP

plans and programmes. The Stebbing NP was therefore subjected to an Appropriate Assessment. The findings of the Appropriate Assessment was that, following the consideration of mitigation measures including the incorporation of HRA policies in the NP the Stebbing Neighbourhood Plan will not result in any likely significant effects on the integrity of European sites alone or in-combination.

From the perspective of the SEA, it is of key relevance that this particular area is on the far outer edge of the 22 km zone of influence from the Blackwater Estuary. Whilst it cannot be ruled out that some future residents in development in this small part (within the Zol) of the Neighbourhood Plan Area will visit the Blackwater Estuary for the purpose of recreational activity such as bird watching it is unlikely, due to the distance away, and there is no site allocation within the area that this will be a source generating many or frequent new visits to the Blackwater Estuary. Stebbing itself has an extensive network of public rights of way and bridleways and residents will have easy access to the countryside.

It is very reasonable to conclude that the extent of the effects of these potential visits on biodiversity will not be significant.

The planning policies in the NP will apply statutory planning policy force to a requirement for all proposals falling within the zone of influence to be accompanied by the project level Habitats Regulation Assessment which will demonstrate that the development proposal will have no adverse effects on the integrity of the European site; or, in the case of the Essex RAMS SPD adopted by Uttlesford District Council, be subject to a financial contribution towards avoidance and mitigation measures as specified in the Recreational disturbance and Avoidance and Mitigation Strategy (RAMS) for the Essex Coast.

In differentiating between the process of SEA screening and HRA screening, it should be noted that the meaning of 'likely' has a different implication under the SEA Directive as it does under HRA Directive. In the SEA Directive 'likely' is applied more consistent with the meaning of the word in the English language; more likely than not. In the HRA Directive a 'likely significant effect' means a 'possible significant effect'. The reason for this derives from the different purposes of the two different pieces of legislation. The SEA Directive seeks to ensure that any likely significant effects on the environment are identified and properly taken into account in the decision making. Whereas under the Habitats Directive an 'appropriate assessment' must be carried out unless the risk of significant effects on the site can be excluded based on objective information.

Notwithstanding the above, the policies included in the NP regarding the Essex Estuaries SAC ensure that there are no likely significant effects (in SEA or HRA terms) on the European sites resulting from the Stebbing NP.

As far as the legislation on SEA is concerned, any likely significant effects arising from the allocations in Stebbing Neighbourhood Plan on the Blackwater Estuary SPA and Ramsar are ruled out.

Table 4: Criteria for determining the likely significance of environmental effects: Effects and area characteristics from the Stebbing NP

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| | <p>Hatfield Forest</p> <p>It is noted that the National Trust report recommended a 14.6 km Zone of Influence from the Hatfield Forest SSSI in terms of recreational pressure. It is therefore important to consider any additional recreational impacts arising from the Stebbing NP on Hatfield Forest. The spatial strategy expressed in the Stebbing Neighbourhood Plan (in focusing development within or adjacent to the Development Limits of the Village) is consistent with the existing strategic planning policy context that exists via the adopted 2005 Uttlesford Local Plan. From this respect, the Stebbing Neighbourhood Plan does not trigger a different approach in terms of quantity of housing coming forward in the plan area. In terms of specific locations for new development the Stebbing Neighbourhood Plan includes seven small allocations that are predominantly infill sites for up to 30 dwellings.</p> <p>It is possible that future residents of the proposed new housing at the seven site allocations will visit Hatfield Forest SSSI. However, the impact from this is not considered to be significant. This is due to:</p> <ul style="list-style-type: none"> • the modest levels of housing being proposed (compared to the size of the existing settlement at Stebbing; and • high levels of existing outdoor recreational resources in and around Stebbing Parish providing a wide choice of options for cycling, horse riding, walking and dog walking. This includes an extensive network of public footpaths and bridleways - see the proposals maps accompanying the Neighbourhood Plan; the existence of open spaces within the settlements of Stebbing, Bran End, Church End and Stebbing Green. <p>The NP site allocations will have an impact on ecology on the sites where development is proposed. The site allocations will be on small sites and the overall number of dwellings is expected to be a maximum of 30. The site allocations will be steered to areas within, adjacent and around Stebbing, Bran End Church End and Stebbing Green on land that is least sensitive in landscape and heritage terms. There are no identified sites of significant importance in and around the above mentioned settlements. Local Plan Policy ENV7 – ‘The Protection of the Natural Environment (designated sites)’ and Local Plan Policy ENV8 – ‘Other Landscape Elements of Importance for Nature Conservation’ (the latter identifies the importance of non-designated habitats such as hedgerows, linear tree belts, larger semi natural or ancient woodlands) will be applied to the NP sites.</p> <p>No likely significant environmental effects are therefore identified as a result of the draft Stebbing NP.</p> |
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Table 4: Criteria for determining the likely significance of environmental effects: Effects and area characteristics from the Stebbing NP

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| <p>Population and Human Health:</p> <p>The NP is focused on reinstating a plan led approach to planning the plan area. The vision and objectives are very much focused on improving the wellbeing of residents in the plan area.</p> <p>No likely significant environmental effects are therefore identified.</p> <p>Soil:</p> <p>The Soilscape shows that the soils of the valley floor and lower slopes are free-draining, slightly acid loamy soils with a lower fertility. Those of the wider landscape have a higher fertility and comprise lime-rich and clayey soils with impeded drainage. The built up areas of the Stebbing village core, Church End, Duck End, Bran End and Stebbing Green are surrounded by good quality agricultural land. The NP site allocations are mostly infill and will involve minimal the loss of such land. The site allocations will be on small sites and overall number of dwellings is expected to be a maximum of 30. Small development proposals on sustainable sites within or adjacent to the development limits are likely to be permitted when considered against the policies in the NPPF.</p> <p>No likely significant environmental effects are therefore identified as a result of the draft Stebbing NP.</p> <p>Water:</p> <p>No likely significant environmental effects are identified as a result of the draft Stebbing NP.</p> <p>Air and climatic factors:</p> <p>No likely significant environmental effects are identified as a result of the draft Stebbing NP.</p> <p>Surface and Fluvial Water Flood Risk:</p> <p>There are areas of surface and fluvial water flood risk in the plan area. Flood risk will be taken into account in the site assessment process as required by the NPPF and the Local Plan.</p> <p>No likely significant effects.</p> |
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Table 4: Criteria for determining the likely significance of environmental effects: Effects and area characteristics from the Stebbing NP

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| | <p>Material Assets</p> <p>No known impacts resulting from the NP.</p> <p>Cultural Heritage</p> <p>The plan area has a very rich cultural heritage. The need to conserve or enhance heritage assets has been fully taken into account in the site assessment process. The site allocations are on small sites and the overall number of dwellings is expected to be a maximum of 30.</p> <p>Conserving and enhancing the historic heritage is a key thrust of this NP as seen in the draft objectives:</p> <ul style="list-style-type: none"> i. To conserve and enhance the heritage and distinctive historic character of the Parish, its village, surrounding settlements and each of their respective landscape settings. ii. To protect the key environmental features of the Parish including ancient woodland, high quality agricultural land, byways, footpaths, hedgerows and wildlife sites. iii. To protect the open landscape setting to the east of the settlements of Stebbing Green and the village of Stebbing. iv. To respect, preserve and enhance the character and setting of the various settlements and hamlets which make up the Parish and to protect their individual identities from any future ad-hoc major strategic development proposals. <p>Policies in the Draft Neighbourhood Plan support the principle of preserving and contributing positively to Stebbing's distinctive character.</p> <p>No likely significant environmental effects subject to robust and evidence led site assessment process undertaken.</p> |
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Table 4: Criteria for determining the likely significance of environmental effects: Effects and area characteristics from the Stebbing NP

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| | <p>Landscape</p> <p>Landscape quality and sensitivity is a key consideration in the Stebbing Neighbourhood Plan and this has been fully taken into account in the site assessment and plan application process. The sites allocations are on small sites and the overall number of dwellings is expected to be a maximum of 30. Protecting landscape quality is a key thrust of the NP as seen in the draft objective:</p> <p>“To protect the key environmental features of the Parish including ancient woodland, high quality agricultural land, byways, footpaths, hedgerows and wildlife sites” and indicate policies in the attached draft submission which currently read:</p> <ul style="list-style-type: none"> • Development proposals must respect views in and out of the village that contribute to the setting and appreciation of the visual qualities of the historic core of the village, its setting and the surrounding landscape. <p>Development proposals must have regard to the Stebbing Landscape Sensitivity and Capacity Appraisal, March 2017. They will not be supported if they adversely affect or harm the key views into and out of the historic core. The key important and protected views are shown on Map 8.</p> <p>Development proposals falling within these views will be expected to be accompanied by a Visual Impact Assessment.</p> <ul style="list-style-type: none"> • The area between Stebbing Green and Warehouse Road and Boxted Wood and the Braintree District Council boundary, as shown on Map 5 and the Policies Map, is designated as a Green Wedge where the open and undeveloped nature of the open valley side is to be retained in order to preserve the setting of Stebbing Green, Boxted Wood and protect heritage assets. It will also prevent any future coalescence between Stebbing Green, other Parish development areas and the proposed West of Braintree Garden Community. Development proposals will only be supported in the Green Wedge if they are accompanied by a Landscape and Visual Impact Assessment and a Heritage Impact Assessment that demonstrates <ul style="list-style-type: none"> • how the predominant open nature of the landscape is retained; • that there is no harm to the setting of Stebbing Green; and • there is no harm to the setting of Boxted Wood ancient woodland. <p>No likely significant environmental effects due to the robust and evidence led site assessment process undertaken.</p> |
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| Table 4: Criteria for determining the likely significance of environmental effects: Effects and area characteristics from the Stebbing NP | |
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| the cumulative nature of the effects | |
| | The development management policies in the draft NP are focused on enhancing wellbeing, heritage and the environment. These are anticipated to have a number of positive impacts. There may be some minor negative impacts resulting from some of the site allocations, but these are not expected to be significant when looked at collectively (the cumulative impacts of all the site allocations). This is due to the very modest level of growth being proposed and due to the robust site assessment process undertaken for the NP. |
| the risks to human health or the environment (for example, due to accidents) | |
| | No likely significant environmental effects |
| the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected) | |
| | <p>The development being proposed through the neighbourhood plan is very modest. Currently anticipated to be up to 30 dwellings during the plan period 2019 to 2033.</p> <p>The population of the parish as at mid-2017 was 1,363. Whilst the NP shapes future development and includes seven small residential site allocations, the overall extent of development is broadly in line with the growth that would occur in the parish without the NDP being in place. There are no significant effects as a result of the NDP.</p> |
| the value and vulnerability of the area likely to be affected due to: - | |
| | <ul style="list-style-type: none"> • special natural characteristics or cultural heritage • exceeded environmental quality standards or limit values intensive land-use |
| | <p>The plan area is sensitive in terms of historic and landscape value. However, protecting this value is a key basis of this neighbourhood plan.</p> <p>As set out above the NDP has been assessed as not having any significant effects on natural characteristics, cultural heritage, environmental quality standards or intensive land use.</p> |

Table 4: Criteria for determining the likely significance of environmental effects: Effects and area characteristics from the Stebbing NP

the effects on areas or landscapes which have a recognised national, Community or international protection status

The landscape is recognised locally as of high quality and sensitive in some areas to development (as referenced in the Landscape Sensitivity and Capacity Appraisal - The Landscape Partnership (March 2017); Land West of Braintree Land and Visual Appraisal (Chris Blandford Associates) (June 2017); Heritage Assessment - Grover Lewis Associates (August 2017) and The Landscape Character Assessment (Chris Blandford Associates) (September 2006).

The Landscape Sensitivity and Capacity Appraisal - The Landscape Partnership (March 2017) and the Heritage Assessment - Grover Lewis Associates (August 2017) were undertaken specifically for this plan. The effects are not likely to be significant due to the modest level of growth expected and the undertaking of a robust site assessment process.

4. SEA Conclusions

- 4.1 The Stebbing Neighbourhood Plan (NP) has been prepared for town and country planning purposes and sets a framework for future development.
- 4.2 The NP includes site allocations which themselves will direct development to specific locations. It is likely the NP will be adopted ahead of the Local Plan. The NP will therefore have an important influence on the location of new development in the plan area.
- 4.3 The plan area is sensitive in terms of heritage assets and landscape sensitivities. These are well documented and evidenced based through the:
- Heritage Assessment relating to the emerging Stebbing Neighbourhood Plan undertaken by Grover Lewis Associates in 2017
 - The Stebbing Neighbourhood Plan Landscape Sensitivity and Capacity Appraisal undertaken by The Landscape Partnership Services in 2017
 - The Stebbing Conservation Area Appraisal and Management Proposals undertaken and approved by Uttlesford District Council in 2010
 - The Landscape Character Assessment (Chris Blandford Associates) September 2006
 - Land west of Braintree Land and Visual Appraisal (Chris Blandford Associates) (June 2017)
- 4.4 The draft NP includes a community shared vision, fourteen objectives and a number of development management type policies which are focused on enhancing well-being in the plan area protecting and enhancing village and rural characteristics. To reflect the environmental sensitivities in the plan area a key thrust of the plan is focused on protecting historic assets and landscape quality. The NP includes seven site allocations within and adjacent to the existing built up area in the Stebbing plan area. This assessment is based on the plan's seven site allocations for no more than 30 dwellings.
- 4.5 The context within which this NP is being prepared is important. Whilst the Local Plan is out of date and increasingly so as time passes, the spatial strategy which recognises the role of certain settlements such as Stebbing, remains a cornerstone of the distribution of development throughout the district. In other words, small and medium development proposals on sustainable sites within or adjacent to Stebbing village and other development limits are likely to be permitted when considered against the policies in the NPPF.
- 4.6 The additional impact the Stebbing NP is likely to make in terms of quantity of development in the plan against this current context is therefore insignificant. The Stebbing NP will once adopted succeed to reinstate a plan-led process to the plan area.

- 4.7 The Stebbing Neighbourhood Plan determines the use of a small area at local level. The plan will result in positive long term effects. However, none of the effects will be significant.

Therefore, the Local Planning Authority has concluded that the Stebbing Neighbourhood Plan will not require an assessment of the significant environmental effects of the plan under the SEA Directive and Environmental Assessment Regulations based on the content of the attached Stebbing September 2020 pre-submission draft plan.

- 4.8 As a result of the assessment in Section 3, it is considered there are no likely significant environmental effects resulting from the Stebbing NDP. This is a preliminary view reached prior to consulting the statutory consultees: Historic England, Natural England and the Environment Agency.

Neighbourhood Plan for Stebbing Parish Habitats Regulations Assessment (HRA) Screening

29 September 2020

5. Legislative Background to HRA

- 5.1 The application of Habitats Regulation Assessment to land use plans is a requirement of the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations); the UK's transposition of European Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (widely referred as to the Habitats Directive). Article 6(3) of the Habitats Directive requires that any plan (or project) which is not directly connected with or necessary to the management of a European site (also known as a Natura 2000 site), but would be likely to have a significant effect on such a site, either individually or in combination with other plans and projects, shall be subject to an 'appropriate assessment' of its implications for the European site in view of the site's conservation objectives. The plan-making body shall agree to the plan only after having ascertained that it will not adversely affect the integrity of the site concerned.
- 5.2 European sites provide ecological infrastructure for the protection of rare, endangered or vulnerable natural habitats of exceptional importance within the European Union. These sites consist of Special Areas of Conservation (SACs), designated under the Habitats Directive and Special Protection Areas (SPAs), designated under European Union Directive 2009/147/EC on the conservation of wild birds (the Birds Directive). The government also expects authorities to treat Ramsar sites, designated under the Convention of Wetlands of International Importance, UNESCO 1971, as if they are European sites.

6. HRA Screening for the Stebbing NP

6.1 This section of the report considers whether there are any European sites which could potentially be affected by the Stebbing NP.

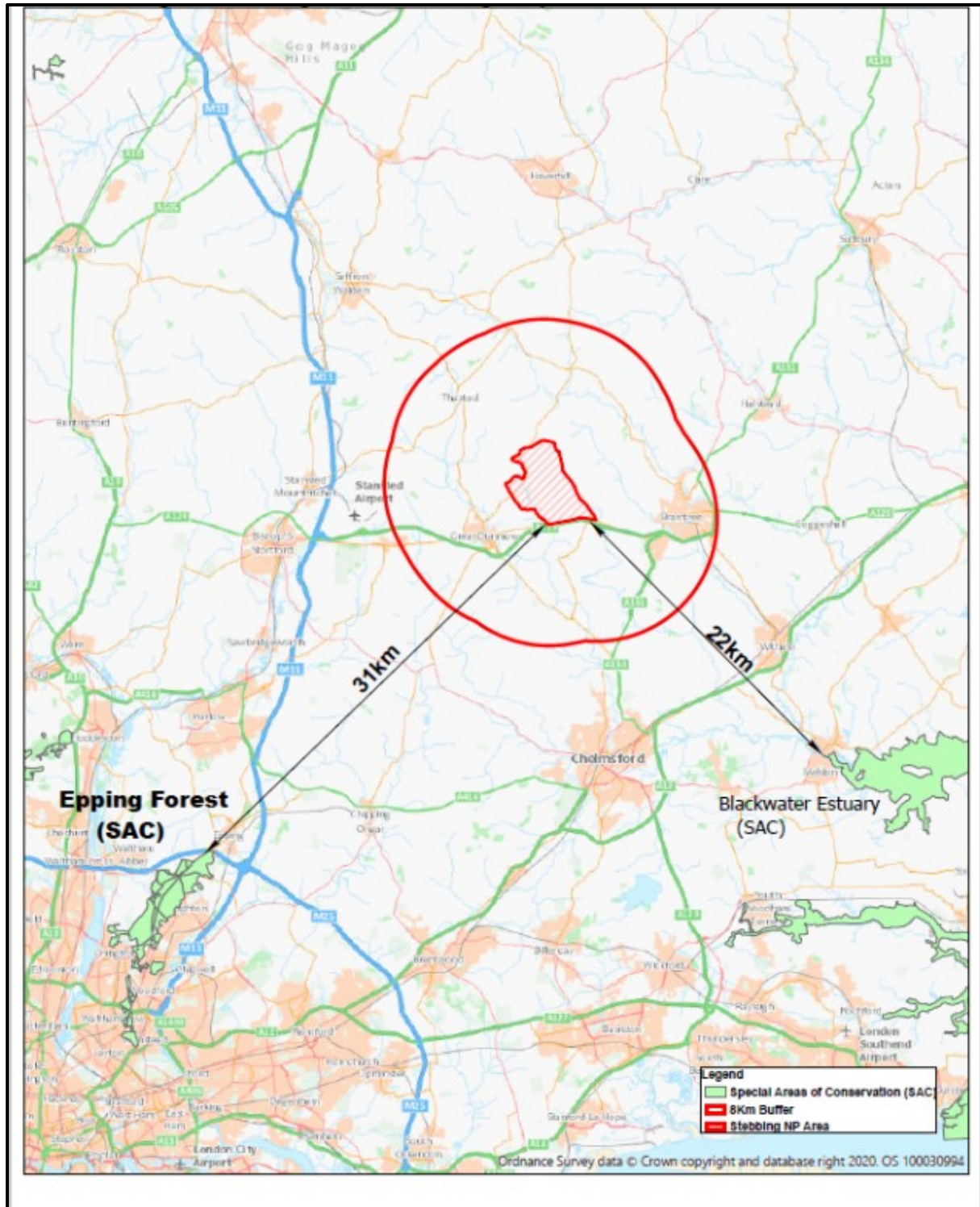
Natura 2000 Sites

6.2 Natura 2000 is central to the EU nature and biodiversity policy and forms an EU wide network of nature protection areas. The aim of the network is to ensure the long-term survival of Europe's most valuable and threatened species and habitats.

6.2.1 The sites are designated under the European Union (EU) Birds Directive (Council Directive 79/409/EEC on the Conservation of Wild Birds) and the EU Habitats Directive (Council Directive 92/43/EEC on the conservation of Natural Habitats and of Wild Fauna and Flora).

6.2.2 The Birds Directive requires the establishment of Special Protection Areas (SPAs) for birds. Similarly, the Habitats Directive requires Special Areas of Conservation (SACs) to be designated for other species, and for habitats. Ramsar sites (Wetlands of International Importance) are also part of the Natura 2000 network. SPAs and SACs comprise Sites of Special Scientific Interest (SSSIs) and all Ramsar sites in England are SSSIs. The Natura Network in England comprises SPAs, SACs and Ramsar sites.

Figure 4: Stebbing NP Area – Showing European Sites and 8km Buffer Zone



6.3 The Stebbing Neighbourhood Plan

This section of the report:

- Explores the content of the Stebbing NP to see how it could impact the Blackwater Estuary SPA and Ramsar site

6.3.1 Purpose and scope of the Stebbing Neighbourhood Plan

Alongside the Local Plan, the Stebbing Neighbourhood Development Plan (NDP) provides the statutory development plan for the parish of Stebbing. This means planning applications will be determined against its policies. The draft Stebbing NDP includes the following policies:

6.3.2. Heritage and Conservation:

Policy STEB 1 seeks to preserve and positively contribute to Stebbing's distinctive character through reinforcement of the local vernacular architectural heritage, contribution to street scene, conservation or enhancement and sympathetic to setting of any individual asset and retention or enhancement of existing vegetated boundaries especially intact hedgerows and trees.

6.3.3 Landscape, The Countryside and the Natural Environment

Policy STEB2: Identified Woodland Sites and Wildlife Sites – Locally Important Views and landscape

Requires protection of areas of high biodiversity value, historic hedgerows and settings requires development proposals to contribute and not detract from biodiversity and setting value.

Policy STEB3: Local Green Spaces

A policy identifying and protecting open spaces through Local Green Space designation and/or other.

Policy STEB4: Protection of Green Wedge

Likely to preserve setting of Stebbing Green, Boxted Wood, protect heritage assets as well as prevent coalescence between Stebbing Green and any future Development. Development proposals only supported if accompanied by a Landscape and Visual Impact Assessment and Heritage Impact Assessment demonstrating no harm to setting of Stebbing Green Boxted Wood and how predominantly open nature of landscape is retained.

Policy STEB5: Protection and Provision of Open Space, Sports Facilities and Playing Fields

Safeguarding of existing recreation, sport and play facilities and open space from development unless it is ancillary to and improves existing facilities.

Policy STEB6: Important and protected Views

Development proposals required to have regard to the Stebbing Landscape Sensitivity and Capacity Appraisal.

6.3.4 Housing and Design

Policy STEB 7: Design Principles and Location of New Development

Allocation of sites and location of development.

Policy STEB 10: Sustainable Design and Construction

Requirement for proposals to embed sustainable design, construction techniques and maximisation of opportunities for on-site renewable forms of energy.

6.3.5 The Economy

Policy STEB13: Farm Diversification/Improvement

Support of farm diversification or improvement that will demonstrably improve farm sustainability and/or increase employment opportunities.

6.3.6 Community and Well-Being

Policy STEB15: Protection of Play, Sports, Recreation, Leisure and Community Facilities

Protection of locally valued play, sports, recreation, leisure and community facilities.

6.3.6 Transport

Policy STEB17: Promoting Sustainable Transport

A policy promoting sustainable transport where appropriate via mitigation, S106 contribution, encouraging sustainable modes of transport and protection of existing network of footpaths.

6.3.7 Housing Allocations

Policies STEB H1 to H8

A policy allocating eight small scale site allocations on greenfield, brownfield and infill sites.

6.3.8 Heritage and Conservation

Policy STEB1 focuses on respecting Stebbing's Heritage through Design and contribution to the character. The policy seeks to preserve and positively contribute to Stebbing's distinctive character through reinforcement of the local vernacular architectural heritage, contribution to street scene, conservation or enhancement and sympathetic to setting of any individual asset and retention or enhancement of existing vegetated boundaries especially intact hedgerows and trees.

6.3.9 Landscape, The Countryside and the Natural Environment

Policies STEB2 – STEB 7 focus on the protection of identified, woodland sites and wildlife, locally important views and landscape. Policy STEB 2 seeks to protect areas of high biodiversity value, historic hedgerows and settings and requires development

proposals to contribute and not detract from biodiversity and setting value. Policy STEB 3 identifies open spaces that are to be protected through Local Green Space Designation. STEB 4 seeks to preserve the setting of Stebbing Green, Boxted Wood, protect heritage assets as well as prevent coalescence between Stebbing Green and any future Development. Development proposals are only supported if accompanied by a Landscape and Visual Impact Assessment and Heritage Impact Assessment demonstrating no harm to the setting of Stebbing Green, Boxted Wood and how predominantly open nature of landscape is to be retained. Policy STEB 5 also seeks to protect and provide Open Space, Sports Facilities and Playing Fields through safeguarding existing recreation, sport and play facilities and open space from development unless it is ancillary to and improves existing facilities. STEB 7 seeks to protect important and protected views by requiring development proposals to have regard to the Stebbing Landscape Sensitivity and Capacity Appraisal.

6.3.10 Blackwater Estuary SPA and Ramsar site/Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (Essex Coast RAMs)

Policy STEB 8 - Blackwater Estuary SPA and Ramsar site/Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (Essex Coast RAMs) seeks to protect adverse effects on the integrity of the Blackwater Estuary SPA from future development proposals that may be located within the Zone of Influence.

6.3.11 Design Principles and Location of New Development

Policy STEB 9 seeks to promote high quality and sympathetic new development within defined development limits, infill sites and site allocations. This policy also provided for development in the countryside in line with the Local Plan Strategic Policy S7 -The Countryside. The policy makes efficient use of available land.

6.3.12 Policy STEB 10 - STEB 13 Meeting Local Needs

Policies STEB10 and STEB 11 seeks to provide a choice and mix of market and affordable housing to meet existing and projected needs of the Parish. Policy STEB 13 requires proposals to embed sustainable design, construction techniques and maximisation of opportunities for on-site renewable forms of energy.

6.3.13 The Economy

Policies STEB13 – STEB 16 seek to support the development of the rural economy through small business development and installation of fibre cables for homeworking as well as ensure that they do not damage the rural environment or cause nuisance to others. Farm diversification and tourism are also encouraged as promoting the rural economy. Support of farm diversification or improvement that will demonstrably improve farm sustainability and/or increase employment opportunities.

6.3.14 Community and Well-Being

Policy STEB15 seeks to support and promote well-being a strong sense of community through the protection of Play, Sports, Recreation, Leisure and Community Facilities. The plan supports the development of a new healthcare facility.

6.3.15 Transport

Policy STEB 19 seeks to:

- to preserve the character of the quiet roads and lanes within the Parish for their continued safe use by walkers, cyclists and horse riders;
- to address highway safety and parking issues, improve the potential for movement by non-car modes, including walking, public transport, cycling and improve the bridleway network and
- to explore with ECC Highway Authority and UDC ways to improve transportation access for all residents to appropriate education and health services.

6.3.16 Housing Allocations

Draft policies HN1 - HN7 are intended to respect, preserve and enhance the character and setting of the various settlements and hamlets in the Parish as well as maintain the rural character and heritage of the Parish as characterised in the Heritage Assessment relating to the emerging Stebbing Neighbourhood Plan undertaken by Grover Lewis Associates in 2017 and The Stebbing Neighbourhood Plan Landscape Sensitivity and Capacity Appraisal undertaken by The Landscape Partnership Services in 2017 and to:

- meet any identified need for affordable housing;
- help younger people remain in the Parish;
- ensure development is controlled and sustainable;
- encourage the development of high-quality and well-designed homes;
- protect the Parish and its constituent hamlets from coalescence and
- protect the character and heritage of the Parish.

The plan proposes delivery of 20 houses however should densities be increased the maximum dwellings will be 30. The higher figure of 30 dwellings is used in this assessment.

Policy STEB: H1 allocates 4-5 dwellings on the Garden/Paddock adjacent to Watch House. The site is within reasonable walking distance (around 1km) of the village centre. The development would in effect be infill to the otherwise continuous frontage development of Whitehouse Road and Warehouse Road. The site allocation requires retention the existing hedgerows and retention and enhancement of an existing footpath access.

Policy STEB: H2 allocates approximately 3 dwellings on Land West of Brick Kiln Farm. The site is within reasonable walking distance from centre and is already developed. This site provides an opportunity for complete or partial redevelopment and/or conversion of the existing barns.

Policy STEB: H3 allocates approximately 2-5 dwellings on Hornsea Lodge, Bran End. The policy includes the requirement to retain and enhance the existing hedgerow. The policy includes the requirement that the western boundary of the site should be planted with appropriate indigenous hedge and tree planting to form an enhanced boundary with the open countryside beyond.

Policy STEB: H4 allocates approximately 1-2 dwellings on Barn at Priors Hall, Church End, and Brookend Road. This is a brownfield site with a Grade II listed former tithe barn associated with Priors Hall. It is allocated for potential residential conversion for approximately 1-2 dwellings. The following site specific considerations apply:

- Historic building conversion to residential may be acceptable for the former tithe barn, subject to a sympathetic well-designed, high quality scheme and suitable access and amenity space.
- Listed building consent would be required to this prominent and important Grade II listed Barn, which is in need of repair.
- Prior to submitting applications for planning permission and listed building consent, the developer is advised to consult with Historic England and UDC's Conservation Officers on any preliminary proposals.

Policy STEB: H5 allocates approximately 2-3 dwellings on Meadowbrook, Mill Lane. The policy requires that:

- The site has a vehicular access already which should be retained as the sole access.
- Only the front of the site is suitable for development with the land to the rear forming gardens.
- The site is adjacent to listed buildings within the Conservation Area, so a high standard of design, materials and landscaping would be necessary. Of particular importance is the need to retain and enhance the dense frontage hedge/planting which forms a key feature in the street scene of this part of Mill Lane. This vegetation also forms part of the setting of nearby listed buildings including Freers Cottage and Tan Farm (Grade II*)
- The scale and detailed design of the proposals should be sympathetic to and not harm the setting of the adjoining and neighbouring listed buildings and character of Mill Lane.

Policy STEB: H6 allocates approximately 2-3 dwellings on Land at Elmcroft, The Downs. The policy requires that:

- Development should not encroach into the lower levels of the site to the west where there are existing trees and adjacent to the existing watercourse.
- The existing point of access into the site shall be retained and improved to serve proposed development.
- Site visibility splays should conform with the guidance set out in Manual for Streets and the Essex Design Guide.
- The necessary site visibility splays may require alterations to the frontage bank and vegetation.

Policy STEB: H7 allocates approximately 2 dwellings on Hay Meadow, Stebbing Green. The allocation is on a bus route. The policy requires that: New hedging of similar species should be planted to replace the sections lost to meet the access requirements.

The suitability, deliverability and availability of the sites has been assessed as part of a site assessment process. All the sites have been selected to preserve and enhance the character and setting of the various settlements and hamlets in the Parish. None of the allocated sites are within the Blackwater Estuary Zone of Influence.

The attached Draft Stebbing Neighbourhood Plan (Regulation 14) includes policy HN8 which would apply to all residential development which in future may fall within the Blackwater Estuary Zone of Influence. This policy has been included as an acknowledgement that a very small part of the Parish falls within the Blackwater Estuary Zone of Influence.

6.3.17 Concluding observations on the Stebbing NP

The only aspect of the Stebbing NP that could have any impact on the European site located 22km away are Policies STEB H1 to H7 which allocates land for a maximum of

30 dwellings at locations beyond the 22km Zone of Influence surrounding the Essex Coast RAMS including the Blackwater Estuary SPA and Ramsar site.

6.4 Characteristics of the Blackwater Estuary Special Protection Area

This section of the report:

Describes the characteristics of the Blackwater Estuary SPA

This section of the report:

Describes the characteristics of the Blackwater Estuary SPA

The Blackwater Estuary SPA is described by the Joint Nature Conservation Committee (JNCC) as follows:

The Blackwater Estuary is located on the coast of Essex in eastern England. It is the largest estuary in Essex and is one of the largest estuarine complexes in East Anglia. Its mud-flats are fringed by saltmarsh on the upper shores, with shingle, shell banks and offshore islands a feature of the tidal flats. The surrounding terrestrial habitats, the sea wall, ancient grazing marsh and its associated fleet and ditch systems, plus semi-improved grassland, are of high conservation interest. The diversity of estuarine habitats results in the sites being of importance for a wide range of overwintering waterbirds, including raptors, geese, ducks and waders. The site is also important in summer for breeding terns.

6.4.1 Qualifying Species

As recorded by the JNCC, the site is designated as a site of European importance due to the following species which are supported on this site:

| Season | Article 4.1 Qualifying species | Quantity |
|-----------------|--|---|
| Breeding season | Little Tern <i>Sterna albifrons</i> | 36 pairs representing at least 1.5% of the breeding population in Great Britain (Count as at 1997) |
| Over winter | Avocet <i>Recurvirostra avosetta</i> | 76 individuals representing at least 6.0% of the wintering population in Great Britain (5 year peak mean 1991/2 - 1995/6) |
| | Golden Plover <i>Pluvialis apricaria</i> | 7,247 individuals representing at least 2.9% of the wintering population in Great Britain (5 year peak mean 1991/2 - 1995/6) |
| | Hen Harrier <i>Circus cyaneus</i> | 4 individuals representing up to 0.5% of the wintering population in Great Britain (5 year mean, 1993/94-94/95, 1996/7-98/99) |
| | Ruff <i>Philomachus pugnax</i> | 51 individuals representing up to 7.3% of the wintering population in Great Britain (5 year peak mean 1991/2 - 1995/6) |

Source: JNCC <http://jncc.defra.gov.uk/default.aspx?page=2020> visited on 22 Jan 2019

| Migratory stage | Article 4.2 Qualifying species (Migratory birds) | Quantity |
|------------------------|---|--|
| On passage | Ringed Plover Charadrius hiaticula, | 955 individuals representing up to 1.9% of the Europe/Northern Africa - wintering population (5 year peak mean 1991/2 - 1995/6) |
| Over winter | Black-tailed Godwit | Limosa limosa islandica, 1,280 individuals representing up to 1.8% of the wintering Iceland - breeding population (5 year peak mean 1991/2 - 1995/6) |
| | Dark-bellied Brent Goose Branta bernicla bernicla | 15,392 individuals representing up to 5.1% of the wintering Western Siberia/Western Europe population (5 year peak mean 1991/2 - 1995/6) |
| | Dunlin Calidris alpina alpina | 33,267 individuals representing up to 2.4% of the wintering Northern Siberia/Europe/Western Africa population (5 year peak mean 1991/2 - 1995/6) |
| | Grey Plover Pluvialis squatarola | 5,090 individuals representing up to 3.4% of the wintering Eastern Atlantic - wintering population (5 year peak mean 1991/2 - 1995/6) |
| | Redshank Tringa totanus | 4,015 individuals representing up to 2.7% of the wintering Eastern Atlantic - wintering population (5 year peak mean 1991/2 - 1995/6) |
| | Ringed Plover Charadrius hiaticula | 600 individuals representing up to 1.2% of the wintering Europe/Northern Africa - wintering population (WeBS/Peter Clement) |
| | Shelduck Tadorna tadorna | 4,594 individuals representing up to 1.5% of the wintering North-western Europe population (5 year peak mean 1991/2 - 1995/6) |

Source: JNCC <http://jncc.defra.gov.uk/default.aspx?page=2020> visited on 22 Jan 2019

Article 4.2 - waterfowl

The area qualifies under **Article 4.2** of the Directive (79/409/EEC) by regularly supporting at least 20,000 waterfowl

Over winter, the area regularly supports 109,815 individual waterfowl (5 year peak mean 1991/2

- 1995/6) including: Great Crested Grebe Podiceps cristatus, Golden Plover Pluvialis apricaria, Ruff Philomachus pugnax, Dark-bellied Brent Goose Branta bernicla bernicla, Shelduck Tadorna tadorna, Ringed Plover Charadrius hiaticula, Grey Plover Pluvialis squatarola, Dunlin Calidris alpina alpina, Avocet Recurvirostra avosetta, Redshank Tringa totanus, Curlew Numenius arquata, Cormorant Phalacrocorax carbo, Wigeon Anas penelope, Teal Anas crecca, Pintail Anas acuta, Shoveler Anas clypeata,

Goldeneye *Bucephala clangula*, Red-breasted Merganser *Mergus serrator*, Lapwing *Vanellus vanellus*, Black-tailed Godwit *Limosa limosa islandica*.

Source: JNCC <http://jncc.defra.gov.uk/default.aspx?page=2020> visited on 22 Jan 2019

6.4.2 What are the conservation objectives for the Blackwater Estuary (Mid-Essex Coast Phase 4) Special Protection Area?

Natural England has stated the following as a conservation objective for the Blackwater Estuary:

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring;

- The extent and distribution of the habitats of the qualifying features
- The structure and function of the habitats of the qualifying features
- The supporting processes on which the habitats of the qualifying features rely
- The population of each of the qualifying features, and,
- The distribution of the qualifying features within the site.

Source: available to download at <http://publications.naturalengland.org.uk/publication/4888693533835264> as at 22 January 2019

6.4.3 How could the integrity of the site be affected?

Natural England have produced a Site Improvement Plan for the Blackwater Estuary. This document was last updated in 2015 and is available to download here <http://publications.naturalengland.org.uk/publication/5459956190937088> (as at 22 January 2019).

The report identifies the following possible pressures that could affect site integrity:

- Coastal squeeze
- Public access and disturbance
- Fisheries (commercial marine and estuarine)
- Planning permission general
- Changes in species distribution
- Invasive species
- Fisheries (recreational marine and estuarine)
- Air pollution (risk of atmospheric nitrogen deposition)

Of the above items development plans will have a potential impact on public access and disturbance as well as planning permission in general.

Of public access and disturbance, the report states:

Breeding and overwintering waterbirds are susceptible to human disturbance from a range of land- and water-based activities - including boating and water sports, walking, bait-digging, fishing and wildfowling - as well as low-flying aircraft. Some activities, such as powerboating, may produce physical disturbance to habitats. Moderate levels of disturbance in less sensitive locations may have no significant effect on the numbers of birds using the SIP area but the types, levels and locations of potentially disturbing activities are constantly changing. Managing the changes to minimise the risk of disturbance impacts will require a better understanding of which species and habitats are

most susceptible, which types of activity are most disturbing, and which locations and times of year are most sensitive.

Of planning permission in general, the report states:

Several of the issues affecting the Essex Estuaries and the management of disturbance effects on the sites are related to each other, and addressing them is likely to require an improved overview of the relative sensitivities of different habitats, species and locations to different types of development (perhaps summarised as sensitivity maps and matrices for the SIP area). Difficult issues include: (a) Assessing the cumulative effects of *numerous, small and often 'non-standard' developments* (b) *Development outside the SPA/SAC boundaries can have negative impacts, particularly on the estuaries' birds* (c) *Assessing the indirect, 'knock-on' effects of proposals* (d) *Pressure to relax planning conditions on existing developments.*

6.4.4 The Characteristics of the Blackwater Estuary Ramsar site

This section of the report:

- **Describes the characteristics of the Blackwater Estuary Ramsar site**
- **The information in this section has been taken from the Ramsar Site Information Sheet completed for this site in May 1995. It is available to view here <http://jncc.defra.gov.uk/page-1389>**

Ramsar sites are designated under the International Convention of Wetlands of International Importance especially as Waterfowl Habitat. The UK government has specified that procedures relating to SPAs should also relate to Ramsar sites. The JNCC has produced an information sheet on the Blackwater Estuary Ramsar Site. This is available to download at <http://jncc.defra.gov.uk/pdf/RIS/UK11007.pdf>. The information sheet describes the Blackwater Estuary as follows:

The Blackwater Estuary is the largest estuary in Essex north of the Thames and, is one of the largest estuarine complexes in East Anglia. Its mudflats, fringed by saltmarsh on the upper shores, support internationally and nationally important numbers of overwintering waterfowl. Shingle and shell banks and offshore islands are also a feature of the tidal flats.

The surrounding terrestrial habitats; the sea wall, ancient grazing marsh and its associated fleet and ditch systems, plus semi-improved grassland are also of high conservation interest. This rich mosaic of habitats supports an outstanding assemblage of nationally scarce plants and a nationally important assemblage of rare invertebrates.

There are 16 British Red Data Book species and 94 notable and local species.

6.4.5 The qualifying features for the Ramsar site are recorded as:

Ramsar criterion 1

Qualifies by virtue of the extent and diversity of saltmarsh habitat present. This site, and the four others 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 area of saltmarsh in Britain.

Ramsar criterion 2

The invertebrate fauna is well represented and includes at least 16 British Red Data Book species. In descending order of rarity these are: Endangered: a water beetle *Paracymus aeneus*; Vulnerable: a damselfly *Lestes dryas*, the flies *Aedes flavescens*, *Erioptera bivittata*, *Hybomitra expollicata* and the spiders *Heliophanus auratus* and *Trichopterna cito*; Rare: the beetles *Baris scolopacea*, *Philonthus punctus*, *Graptodytes bilineatus* and *Malachius vulneratus*, the flies *Campsicemus magius* and *Myopites eximia*, the moths *Idaea ochrata* and *Malacosoma castrensis* and the spider *Euophrys*.

Ramsar criterion 3

This site supports a full and representative sequences of saltmarsh plant communities covering the range of variation in Britain.

Ramsar criterion 5

Assemblages of international importance: Species with peak counts in winter: 105061 waterfowl (5 year peak mean 1998/99-2002/2003)

Ramsar criterion 6

Species/populations occurring at levels of international importance.

6.4.6 Factors (past, present or potential) adversely affecting the site's ecological character, including changes in land (including water) use and development projects are recorded as:

- a. Erosion. The Ramsar Site Information Sheet completed in May 1995 states that the Essex Coast and Estuaries Coastal Habitat Management Plan (CHaMP) (Anon. 2002) covers the site and it is expected to inform the shoreline management plan as well as local plan policies. A Shoreline Management Plan has been prepared (but not yet implemented) for the Essex Coast which seems to provide a blueprint for managing the coastline sustainably.
- b. Pollution – agricultural fertilisers. Here, the Water Framework Directive is identified (in the Ramsar Site Information Sheet) as going some way to address this concern.

7 Conclusions of the HRA Screening of the Stebbing NP

7.1 Would the Stebbing NP likely to have any significant adverse effect on any European site alone?

Stebbing parish at the uttermost south eastern tip falls within the 22km zone of influence for the group of ten Essex Coast designated European sites including the Blackwater Estuary SPA.

This zone of influence was established as part of the Essex Coast Recreation Disturbance and Avoidance Mitigation Strategy (RAMS). The Essex coast RAMS aims to deliver the mitigation necessary to avoid significant adverse effects from 'in-combination' impacts of residential development that is anticipated across Essex; thus, protecting the Habitats (European) sites on the Essex coast from adverse effect on site integrity. The Essex Coast RAMS identifies a detailed programme of strategic mitigation measures which are to be funded by developer contributions from residential development schemes.

The zone of influence was determined following an analysis, undertaken in 2018, of visitor surveys.

The implication of this zone of influence is that it is expected people will travel up to 22km to access the Blackwater Estuary for 22km for recreational reasons (bird watching, dog walking, walking etc.).

Public Access and disturbance are identified pressures or vulnerabilities identified in the Site Improvement Plan for the Blackwater Estuary SPA.

There is no evidence that reliably indicates that any of the planning policies in the Stebbing NP will have any impact on visitor numbers at the Blackwater Estuary SPA other than the eight site allocations (for up to 30 dwellings) located beyond the Zone of Influence. Here, it cannot be ruled out that some of the people occupying the new homes will visit the Blackwater Estuary SPA. However, even here, the impact can only be considered to be very slight if at all. The housing numbers are low, the locations are outside the furthest extent of the 22km zone of influence and Stebbing itself has access to numerous more locally-located outdoor recreational areas. Within this parish this includes an extensive network of public rights of ways and bridleways. Beyond the parish, residents are within easy reach of Hatfield Forest, several SSSI sites and Local Nature Reserves.

It is therefore concluded that the Stebbing NP is unlikely to have any significant adverse effect on any European site alone.

7.2 Would the Stebbing NP likely to have any significant adverse effect on any European site in combination with other plans or projects?

The Blackwater Estuary SPA and Ramsar site has a 22km zone of influence. This area covers twelve different local planning authority areas. All these local planning authority areas have their own housing delivery target as prescribed by the central government. Stebbing NP area falls within the Uttlesford District local planning authority area. The withdrawn Local Plan included one site allocation with extant planning permission for 30 additional homes which falls outside the zone of influence.

The Habitats Directive requires competent authorities to include the assessment of effects on a European site in combination with other plans or projects. For the purpose of this assessment, only key relevant plans that could potentially result in in-combination effects have been considered because they will also result in similar changes to environmental conditions.

The local planning authorities which fall within the 22km zone of influence of the Blackwater Estuary SPA and Ramsar site are listed below. They all have adopted or emerging Local Plans which cumulatively could lead to almost 80,000 additional homes (2017 to 2038) within the zone of influence of the Blackwater Estuary SPA.

Whilst the Stebbing NP only plans for up to 30 additional homes, it is not possible to rule out adverse significant effects from the Stebbing NP when looked at in combination with other land use plans coming forward.

Because, under the Habitats Directive an ‘appropriate assessment’ must be carried out unless the risk of significant effects on the site can be excluded based on objective information, the need for an appropriate assessment has been triggered.

To be consistent with the purpose of the HRA Directive and HRA case law, a low bar or threshold is applied in HRA screening; whilst it is true it is not possible to rule out adverse significant effects when looked at in combination with other land use plans coming forward; this does not equate to saying there is a likely significant effect. Despite the fact that it is only in-combination impacts that are of concern here, even these would depend on the extent of additional visits to the Blackwater Estuary as a direct result of the Stebbing NP’s seven site allocations of up to an additional maximum of 30 homes and how these interrelate with the impacts from other emerging plans which cannot be eliminated from the in-combination assessment.

Notwithstanding this, the Essex Coast Recreational and Mitigation Strategy has been agreed on the premise that additional homes within zones of influence of Essex Coast European sites will in combination have a likely significant effect on the European sites.

Adopted or Emerging Local Plans

| Local Planning Authority | Comment re quantity of housing in the 22km zone of influence | Can, in combination effects, from this this plan be eliminated as part of the assessment of the Stebbing NP? |
|---------------------------------|---|--|
| Uttlesford Local Plan | Withdrawn Local Plan proposed a site allocation for 30 homes within the Stebbing Parish area that falls beyond the 22km zone of influence of the Blackwater Estuary SPA and Ramsar | Plan currently withdrawn and at very early stages that information for this plan is insufficiently detailed to enable a quantitative in-combination assessment. Cannot be eliminated from the assessment however strategic mitigation for in combination impacts from recreational disturbance will be delivered by Essex Coast RAMS |
| Braintree District Council | 13,979 HRA Report for North Essex Authorities Shared Strategic Part 1 for Local Plans, (LUC, May 2017) | Yes, 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. This includes wintering bird surveys for lapwing and golden plover as part of any development proposals to inform project level HRA. |

| | | |
|---------------------------------|---|---|
| Colchester Borough Council | 9,294 HRA Report for North Essex Authorities Shared Strategic Part 1 for Local Plans, (LUC, May 2017) | Yes, 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. This includes wintering bird surveys for lapwing and golden plover as part of any development proposals to inform project level HRA |
| Basildon Borough Council | 11,871 | Plan submitted March 2019. Accompanying HRA work concludes that the Basildon Borough Publication Local Plan will not result in adverse effects on the integrity of European sites, either alone or in-combination with other plans and projects as a result of recreational impacts (this was finding of the appropriate, taken into account the mitigation measures relation to the Essex Coast Rams Strategy assessment which followed the HRA screening at earlier stage of plan development that identified LSE in relation to recreational impacts on the Essex Estuaries European sites. |
| Local Planning Authority | Comment re quantity of housing in the 22km zone of influence | Can, in combination effects, from this plan be eliminated as part of the assessment of the Stebbing NP? |
| Brentwood Borough Council | 41 | The Brentwood Local Development Plan submitted for examination 14 February 2020. HRA screening of this plan finds no LSE from plan alone but potential LSE on the Blackwater Estuary SPA and Ramsar site when plan is considered in combination with other plan. The HRA appropriate assessment available alongside the pre-submission plan (Jan 2019), concludes that once the Essex Coastal Rams taken into account (mitigation measure), increased recreational pressure stemming from increased residential development provided by the Plan will not affect the integrity of any of the Essex Coastal European sites in combination. As HRA already undertaken then this plan can be eliminated from the consideration of cumulative impacts. |
| Castle Point Borough Council | 4,892 Part of a Joint project between the following local authorities; Castle Point, Southend on Sea, Basildon, Brentwood, Thurrock and Rochford | Information for this plan is insufficiently detailed to enable a quantitative in-combination assessment. |

| | | |
|----------------------------------|--|---|
| Chelmsford | 10,976 Chelmsford Pre-submission Local Plan HRA (Amec Foster Wheeler, Jan 2018) | Yes, as strategic mitigation for in combination impacts from recreational disturbance will be delivered by Essex Coast RAMS On this basis, this plan can be eliminated. |
| Maldon DC | 3,646 | Yes, as strategic mitigation for in combination impacts from recreational disturbance will be delivered by Essex Coast RAMS On this basis, this plan can be eliminated. |
| Rochford | 1,472 At Issues and Options in 2018. Now part of South Essex Plan. | Yes, as strategic mitigation for in combination impacts from recreational disturbance will be delivered by Essex Coast RAMS On this basis, this plan can be eliminated. |
| Southend on Sea | 8,559 At issues and options 2019 | Yes, as strategic mitigation for in combination impacts from recreational disturbance will be delivered by Essex Coast RAMS On this basis, this plan can be eliminated. |
| Tendring | 8,877 HRA Report for North Essex Authorities Shared Strategic Part 1 for Local Plans, (LUC, May 2017) | Yes, 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. This includes wintering bird surveys for lapwing and golden plover as part of any development proposals to inform project level HRA |
| Thurrock | 5,975 HRA of Thurrock Local Plan (LUC) January 2019 | Yes, as strategic mitigation for in combination impacts from recreational disturbance will be delivered by Essex Coast RAMS On this basis, this plan can be eliminated. |
| South Essex Joint Strategic Plan | Information for this plan is insufficiently detailed to enable a quantitative in-combination assessment. | N/A |

Source: Figures in the second column have been sourced from the information set out in RAMS mitigation package for Local Plans, Essex Coast RAMS.

Adopted or emerging Neighbourhood Plans

| NP Area | Comment | Status of HRA work/implications |
|------------|---|---|
| Felsted NP | Neighbourhood Plan approved in a Referendum on 30 January 2020. The plan proposed a housing target of 63 dwellings. | The Felsted Neighbourhood Plan Appropriate Assessment Report, May 2019 advised that Uttlesford District Council had carried out an appropriate assessment which concluded that the NP will not lead to adverse effects on the integrity of Habitats sites either alone or in-combination. |

| | | |
|------------------|--|---|
| | | This plan can therefore be eliminated from in combination assessment. |
| Wivenhoe NP | Neighbourhood Plan approved in a Referendum on 2 May 2019. Allocates sites within Zol of the Essex Rams sites. | <p>Has been subject to a full appropriate assessment which concludes the Wivenhoe neighbourhood plan will not lead to any adverse effects on the integrity of Habitats sites.</p> <p>This plan can therefore be eliminated from the in- combination assessment.</p> |
| West Bergholt NP | Neighbourhood Plan approved in a Referendum on 20 September 2019. The plan proposed 120 dwellings. | <p>The West Bergholt Neighbourhood Plan Appropriate Assessment Report, January 2019 advised that Colchester Borough Council had carried out an appropriate assessment of the Section 2 Local Plan following which Natural England confirmed agreement with the conclusion that Section 2 will not lead to adverse effects on the integrity of Habitats sites either alone or in-combination.</p> <p>This plan can therefore be eliminated from in combination assessment.</p> |
| Boxted NP | Adopted in 2016 | <p>No completed HRA on this plan. The Plan allocates residential development (Hill Farm Site. Colchester Borough Council carried out an appropriate assessment of the Section 2 Local Plan following which Natural England confirmed agreement with the conclusion that Section 2 will not lead to adverse effects on the integrity of Habitats sites either alone or in-combination.</p> <p>This plan can therefore be eliminated from in combination assessment.</p> |

7.3. Eliminating In-combination Plans

If any of the above in combination plans are themselves found to have likely significant effects on the Blackwater Estuary **alone**, then there is, no need to consider the effects of the Stebbing NP in combination with such plans since, the effect such plans have on the integrity of a European site will be fully assessed as part of their own HRA (where they either fail or succeed).

Some of the plans listed above have already been subjected to HRA assessment as they are already adopted. However, some would have been assessed under a different context; where mitigation measures may have been considered as part of the HRA screening stage (prior to the People Over Wind1 judgment that stated it is not appropriate, at the screening stage, to take account of the measures intended to avoid or reduce the harmful effects (mitigation) of the plan or project on that site". This contrasts with established practice in the past where avoidance and mitigation measures are often taken into account at the screening stage) and/or where the Zone of Influence for the Essex Estuaries was not as expansive as 22km). Based on completed HRA work, the Chelmsford Local Plan (adopted 27 May 2020), the Wivenhoe NP (adopted), the West Bergholt Neighbourhood Plan (adopted), the Brentwood Local Plan (pre submission plan with completed HRA work) and the Basildon Local Plan can be excluded from the in-combination assessment since very recent HRAs have concluded that the plans will not lead to any adverse effects on the integrity of Habitats sites either alone or in-combination.

Other emerging plans do not have specific site allocations and can be excluded from the in-combination assessment simply because they are too premature for any in-combination impacts to be reliably assessed. This applies to Thurrock (1,523), Southend-on-Sea (9,280), Rochford (1,472) and Castle Point (4,970).

7.4 In-combination plans to be assessed alongside the draft Stebbing NP

Following the process of eliminating other plans from the in-combination assessment it is necessary to consider the impacts of the Stebbing NP alongside the plans below:

- Uttlesford Local Plan (withdrawn) (in relation to its site allocation for 30 homes with extant planning permission)
- Braintree, Colchester and Tendring joint plan (although it is likely that these plans will trigger LSE alone and therefore not needed to consider as part of in combination assessment)
- Potentially other emerging Neighbourhood Plans which possible recreational impacts arising from draft planning policies.

Appropriate Assessment

29 September 2020

8. Appropriate Assessment of the Stebbing NP

- 8.1 An appropriate assessment is a decision by the competent authority, in this case Uttlesford District Council, as to whether a proposed plan or project can be determined as not having a significant adverse effect on the integrity of a habitats site. The integrity of a site is defined as the *“coherence of its ecological structure and function, across its whole area, that enables it to sustain the habitat, complex of habitats and/or the levels of populations of the species for which it was classified”* (Circular 06/05 paragraph 20). A fundamental element of the appropriate assessment is that the precautionary principle must be applied. In the Waddenzee judgment (ECJ Case C-127/02) the European Court of Justice ruled that a plan or project may be authorised only if a competent authority has made certain that the plan or project will not adversely affect the integrity of the site.
- 8.2 The HRA screening process has identified that the Withdrawn Local Plan Policy STE 1 (Land east of Parkside and rear of Garden Fields) **might** have a likely significant effect on the Blackwater Estuary SPA and Ramsar site when it is considered in combination with other plans in the 22 km zone of influence of this European site.
- 8.4 The scale of development coming forward within the zone of influence is recognised by twelve Essex Authorities including the North Essex Authorities in close consultation and approval by Natural England with each authority taking the RAMS to its elected members for approval in 2019. The extent to which the development across the region could have cumulative significant adverse impacts on the Blackwater Estuary SPA and Ramsar Site is also recognised by stakeholders. In response to this situation, the twelve Essex LPAs collaborated on the Recreational disturbance and Avoidance and Mitigation Strategy (RAMS) to provide a mechanism for the Local Planning Authorities (LPAs) to comply with their responsibilities to protect Habitats and Species Regulations (2017) (the ‘Habitats Regulations’).
- 8.5 A Supplementary Planning Document was prepared by Essex County Council’s Place Services on behalf of 12 partner Local Planning Authorities. The RAMS sets out a package of necessary avoidance and mitigation measures for each of the 10 Essex Coast Habitats sites and a tariff which will be used to pay for the avoidance and mitigation measures. For the strategy to work, all residential development within the zones of influence will either need to pay the tariff, which is a fair and proportionate contribution to the overall package of measures or prepare a project level HRA with bespoke mitigation. The RAMS is intended to ensure compliance with the Habitats Regulations for new residential development within the emerging Local Plans (across the area) and is intended on mitigating impacts so that such residential development does not have any adverse effect on the integrity of the involved coastal designated sites.
- 8.6 A final draft of the Essex Coast RAMS Supplementary Planning Document (SPD) was published for consultation by Place Services of Essex County Council between 10 January 2020 and 21 February 2020. Uttlesford District Council on 9 September 2019) adopted the Essex Coast (RAMS) Habitats Regulations Assessment Strategy document 2018-2033 (January 2019) and the Essex Coast (RAMS) draft Supplementary Planning Document.
- 8.7 Uttlesford District Council will use the draft RAMS to seek contributions towards the identified avoidance and mitigation measures to ensure that any future residential development coming forward in the Zone of Influence as part of the Stebbing NP does not adversely affect the integrity of the Essex coastal designated European sites and planning decisions comply with the requirements of the Habitats Regulations.

8.8 Uttlesford District Council's commitment to RAMS means that the Stebbing neighbourhood plan will not result in any adverse effects on the integrity of European sites alone or in-combination. Uttlesford District Council's commitment to RAMS is demonstrated through:

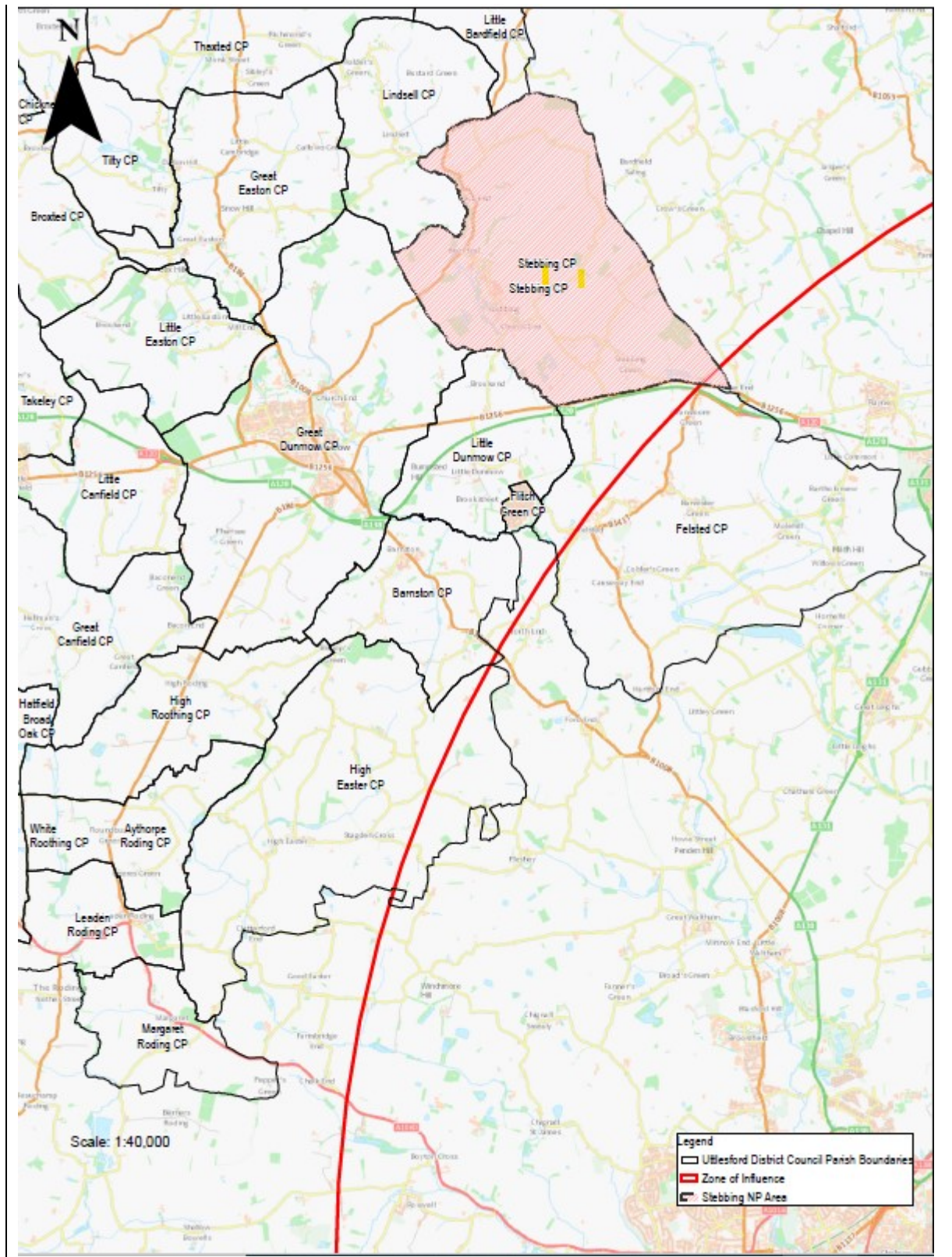
- adoption of the Essex Coast (RAMS) Habitats Regulations Assessment Strategy document 2018-2033 (January 2019) and signing a 12 Local Authority Partnership Agreement, to deliver the Essex Coast Recreation disturbance Avoidance Mitigation Strategy;
- a commitment to adopt a tariff regime for financial contributions towards avoidance and mitigation measures in line with the RAMS from any development coming forward within the zone of influence (this is a very small area in the south east of the district where little development is expected to come forward); and
- the inclusion of a RAMs planning policy in the Stebbing Neighbourhood Plan. The Zone of Influence falls within a very small triangular area in the south of the Stebbing Parish area (see Figure 5 below). None of the Stebbing NP and the withdrawn Local Plan site allocations fall within the Zone of Influence. Once adopted, this policy will apply to any development coming forward in this small zone of influence within the Stebbing Parish. See **Figure 5** for a map showing the 22 km Zone of Influence within Stebbing Parish.

8.9 The proposed Stebbing Neighbourhood policy in the plan is:

“Policy STEB8 I Blackwater Estuary SPA and Ramsar site/Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (Essex Coast RAMs)

“Any proposal for residential development that is located within the Zone of Influence of the Blackwater Estuary SPA and Ramsar site shall be accompanied by a project level Habitats Regulation Assessment which will demonstrate that the development proposal will have no adverse effects on the integrity of the European site; or, in the case of the Essex RAMs SPD being adopted, be subject to a financial contribution towards avoidance and mitigation measures as specified in the Essex RAMS SPD”.

Figure 5: Stebbing NP Area falling within the Blackwater SPA and Ramsar Site 22km Zone of Influence



9. Conclusion

Potential in-combination effects have been screened out. All potential issues have been screened out of further assessment all the housing allocations in the Stebbing Neighbourhood Plan are outside the Blackwater Estuary Spa and Ramsar site Zone of Influence. Furthermore, the neighbourhood plan includes the standard Essex Coast RAMS policy for neighbourhood plans.

The LPA has concluded that as the neighbourhood plan does not allocate land for housing within the Zone of Influence and the Stebbing Neighbourhood Plan does not represent a likely significant effect to a habitats site. The basic condition set out in Schedule 2 of The Neighbourhood Planning (General) Regulations 2012 that the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017 is therefore met.

Appendix 2: Consultation Responses from Statutory Environmental Bodies

HISTORIC ENGLAND RESPONSE



Historic England



By e-mail to: Demetria MacDonald
Uttlesford District Council

Our ref: PL00719582

Your ref:

Date: 29/10/2020

Direct Dial: 01223 582746

Mobile: 07833 718273

Dear Demetria MacDonald,

RE: Stebbing Neighbourhood Plan SEA Screening

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 Stebbing 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 proposes to allocate a number of small sites for housing development, on top of sites already benefitting from planning permission.

Having reviewed the location and extent of the sites proposed for allocation, we consider that they are unlikely to result in significant effects, as they are understood in the context of the Strategic Environmental Assessment process. Therefore, 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.

However, we note that Site Steb: H4, Barn at Priors Hall, aims to allocate the Grade II listed barn for the provision of 1-2 units. We have concerns that this allocation would lead to harm to the heritage asset, owing to the potentially intrusive nature of converting such structures to residential accommodation. Whilst this harm would not trigger the need for a Strategic Environmental Assessment, we nonetheless consider it necessary to clarify that we consider the allocation may lead to the plan not meeting the Basic Conditions.



Historic England, Brooklands, 24 Brooklands Avenue, Cambridge CB2 8BU

Telephone 01223 58 2749 HistoricEngland.org.uk

Please note that Historic England operates an access to information policy.

Correspondence or information which you send us may therefore become publicly available.



This is because, given that the neighbourhood area is already meeting its target (provided by Uttlesford District Council) for housing provision, as set out in the supporting paragraphs 10.1 to 10.6 in the draft neighbourhood plan, we consider it unlikely that this site allocation can be justified in terms of public benefits. We note the NPPF requires neighbourhood plans to 'set out a positive strategy' for the historic environment', which includes *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation* (paragraph 185).

Overall, we consider that this plan does have a positive approach to the historic environment generally, and contains many aspects to welcome. Regrettably, however, it is difficult to envisage a situation where the potential harm caused to the listed barn through its conversion could be considered consistent with its conservation (as required by paragraph 185). Conversion of such structures is, by its nature, harmful to heritage significance. It is also impossible to assess the level of harm that would be caused at this stage in order to weigh against any public benefits, as this would normally only be assessed through detailed application for planning permission and listed building consent, and via the information provided in a heritage statement. We therefore do not consider a site allocation an appropriate way to establish the principle of its conversion. We also consider that it would be unlikely to be justified by public benefits because – as is made clear by the supporting text in the neighbourhood plan - there is no identified need for the additional 1-2 housing units it would provide. We would therefore recommend that this policy and specific allocation is removed from the neighbourhood plan in order for the plan to be considered as meeting the Basic Conditions.

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 5 October 2020. To avoid any doubt, this does not reflect our obligation to provide further advice on later stages of the SEA process and, potentially, object to specific proposals which may subsequently arise (either as a result of this consultation or in later versions of the plan) where we consider that, despite the SEA, these would have an adverse effect upon the environment.

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



Historic England, Brooklands, 24 Brooklands Avenue, Cambridge CB2 8BU
Telephone 01223 58 2749 HistoricEngland.org.uk

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

Yours sincerely,

[Redacted]
Historic Places Advisor, East of England
[Redacted]



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Telephone 01223 58 2749 HistoricEngland.org.uk

Please note that Historic England operates an access to information policy.
Correspondence or information which you send us may therefore become publicly available.



Date: 14 October 2020
Our ref: 329824
Your ref: Stebbing Neighbourhood Plan



Demetria Macdonald
Planning Policy Officer
Uttlesford District Council
dmacdonald@uttlesford.gov.uk

Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 8GJ

BY EMAIL ONLY

T 0300 060 3900

Dear Demetria Macdonald

Stebbing Neighbourhood Plan Screening Opinion for SEA and HRA

Thank you for your consultation on the above dated 05 October 2020 which was received by Natural England on 05 October 2020

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.

Strategic Environmental Assessment (SEA) Screening

Natural England notes the screening process applied to this Neighbourhood plan and welcome the production of this SEA Screening report. We note and concur with the outcome of the screening report, that taking all of the relevant policies of the Stebbing Neighbourhood Plan into account and assessing the potential environmental impacts on designated sites and landscapes, a full SEA is not required.

Further guidance on deciding whether the proposals are likely to have significant environmental effects and the requirements for consulting Natural England on SEA are set out in the [National Planning Practice Guidance](#).

Habitats Regulations Assessment (HRA) Screening

Natural England welcomes the consideration given to the Habitats Regulations and we agree with the report's conclusions that the Stebbing Neighbourhood Plan would not be likely to result in a significant effect on any European Site, either alone or in combination and therefore further assessment under the Habitats Regulations is not required.

For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours sincerely

A black rectangular redaction box covering the signature of the sender.

Consultations Team

ENVIRONMENT AGENCY RESPONSE

[External].RE: Follow Up: CONSULTATION: STEBBING NEIGHBOURHOOD PLAN
SCREENING OPINION FOR SEA AND HRA

Kermath, Natalie Natalie.Kermath@environment-agency.gov.uk

Tue 01/12/2020

11:32

To: Demetria Macdonald <dmacdonald@uttlesford.gov.uk>

Good Afternoon Demetria,

Thank you for your patience while we review the Screening opinion for SEA of the Stebbing Neighbourhood Plan. We apologise for the delay in providing comments.

However, I can confirm that we do not disagree with the conclusion reached within the Screening report that the Neighbourhood plan is screened out.

If a scoping report is to be done however, we advise that the scoping report should review fluvial flooding, fluvial flooding in conjunction with climate change, and potential for land contamination.

If you require anything further, please contact me.

Kind Regards

Natalie Kermath

Sustainable Places Planning Advisor – East Anglia Area (East)

Environment Agency | Icen House, Cobham Road, Ipswich, Suffolk, IP3 9JD

natalie.kermath@environment-agency.gov.uk

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