

Neighbourhood Plan for Felsted Parish

Habitats Regulations Assessment (HRA): HRA Screening and Appropriate Assessment

Updated 30 May 2019

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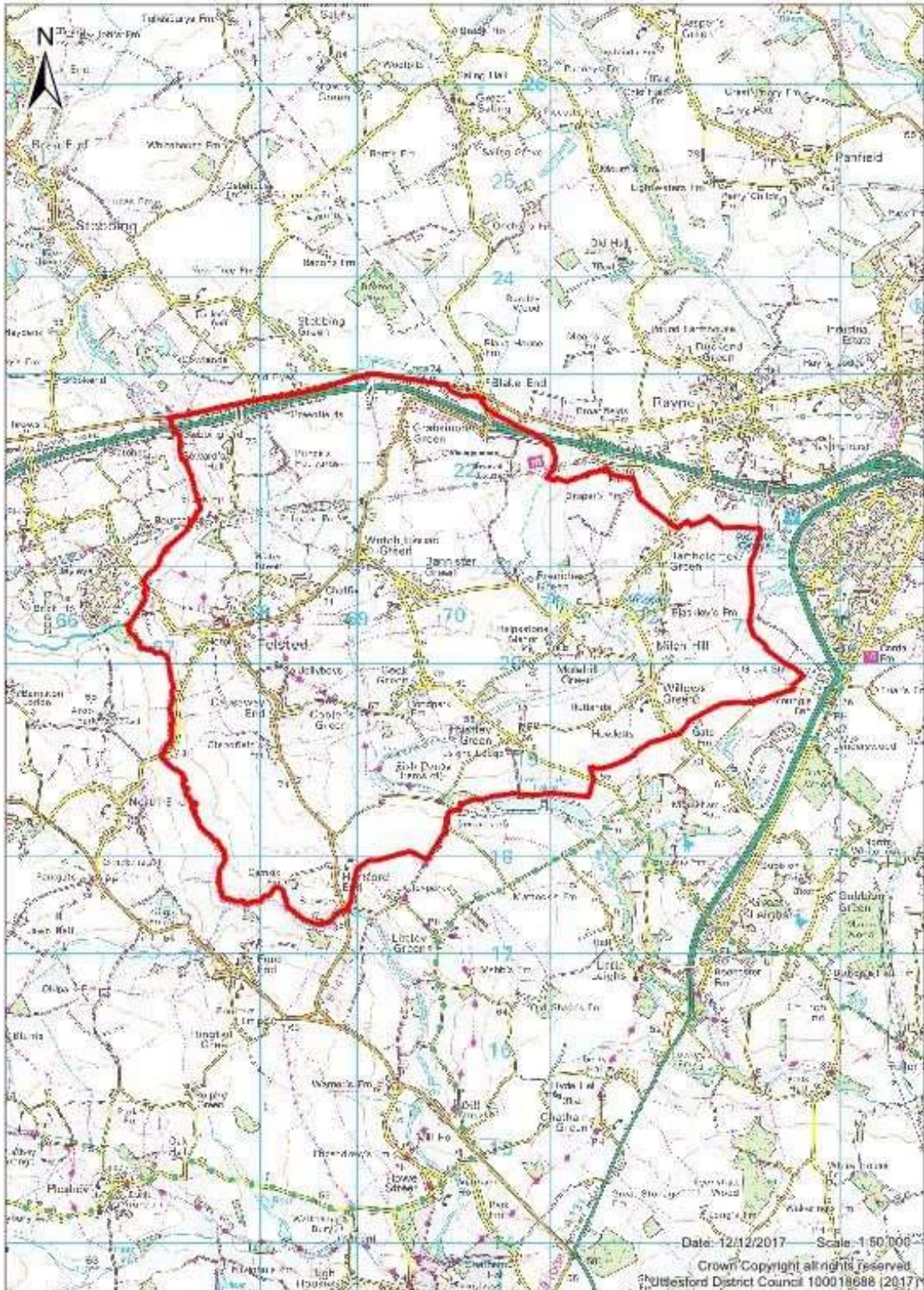
1. Introduction

- 1.1 The purpose of this document is to ascertain:
- a. whether the draft Felsted Neighbourhood Plan is likely to have a significant effect on a European site (either alone or in combination with others plans or projects); and
 - b. in the case of the Neighbourhood Plan having a likely significant effect, ascertaining, through appropriate assessment, that the Neighbourhood Plan will not adversely affect the integrity of a European site.

Introduction to Felsted

- 1.2 Felsted Parish lies in the south-east corner of Uttlesford District, some 14.5 kilometres directly north of the City of Chelmsford. Felsted Parish adjoins the parishes of Stebbing, Flich Green and Little Dunmow, Great Waltham, Little Leighs, Great Leighs, Great Notley, Braintree, Rayne and Great Saling. The parish comprises Felsted village at its heart and 15 individual Greens and Hamlets.
- 1.3 The Felsted Neighbourhood Plan Area (See Figure 1) was designated on 5 December 2015. The total population of the area is approximately 3,000 and is characterised by an ageing population. Most of the residents commute to London and surrounding towns to work. The largest employer in the Parish is the Felsted School.

Figure 1: Felsted Neighbourhood Plan Area



- 1.4 Felsted Parish is located in a beautiful rural setting with many attractive features including an ‘ancient monument’ the Fishponds that stretch from Leez Priory to Leez Lodge and important woodland in Stebbing Road to the southwest of the Flich Way. The village of Felsted is the heart of the Parish and the village centre is a place of great historical importance with 150 listed buildings. Most of the village centre is within the designated Conservation Area with approximately 50 listed buildings.
- 1.5 The pre-submission draft of the Felsted NDP includes the following vision:

Over the Plan period Felsted will continue to be a special place to live in a rural setting.

Our village amenities will have been expanded and enhanced, particularly our primary health care and village shopping. We will have a new larger community hall providing a focus for Parish public and private events.

Congestion at peak times will have been eased and pedestrians will be able to move around the village centre and our schools in safety and comfort.

The setting of listed buildings in the village centre along with Holy Cross Church will have been protected in an enhanced public space, which will have created a clearly defined historic centre, articulating to residents and visitors the value and importance of this ancient settlement dating back to the Domesday Book.

The dispersed nature of the Parish of Felsted with its 15 individual Greens and hamlets will remain. This Plan will have ensured the character and identity of this place and its ecology are protected from housing and infrastructure changes in the surrounding area.

Felsted will have met housing needs and supported additional market housing development where it supports provision of parish amenities and facilitates continuity of residence in the Parish.

Local employment will have been encouraged through supporting small business development.

Our schools will continue to be emblematic of educational excellence, meet emerging demands and will play an active role in the community.

The natural environment will have been protected and enhanced.

New technology will have been used to provide information to users of footpaths and bridleways about the historical setting of the countryside, its wildlife and what might be expected to be seen at any given location.

2. Legislative Background to HRA

- 2.1. The application of Habitats Regulation Assessment to land use plans is a requirement of the Conservation of Habitats and Species Regulations 2017 as amended (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.
- 2.2. 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 a European site.

3. HRA Screening for the Felsted NDP

This section of the report:

- **considers whether there are any European sites which could potentially be affected by the Felsted NP**

3.1. European Sites

3.1.1. European Sites to be considered

As shown on Figure 2 below, there are no European sites which lie within or close to the Felsted NP area. The closest site is the Blackwater Estuary SPA and Ramsar site which is located 17 km to the south east of Felsted Neighbourhood area.

Epping Forest SAC to the south-west of Felsted is located 28 km away which is well above the 5km distance identified in the Epping Forest HRA (November 2016) as the zone of influence to identify potential recreational impacts on the Forest. Since the publication of this report, the zone of influence for recreational pressure for Epping Forest has been increased to 6.2km as advised by Natural England

Based on evidence such as visitor surveys, the zone of influence for the Blackwater Estuary SPA and Ramsar was previously, prior to the summer of 2018, determined as being 8km. On 16 August 2018, Natural England sent letters to twelve local planning authorities (including Uttlesford District Council) and to Place Services to inform them of the *Emerging strategic approach relating to the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS)*. The letter explains that visitor surveys had been undertaken to determine the distances that visitors will travel from their residences to visit the European designated sites to undertake recreation. The European designated sites referred to covered ten different European sites and included the Blackwater Estuary SPA and Ramsar site.

The Essex coast RAMS (the “Essex coast RAMS” or the Strategy) 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 letter dated 18 August 2018 included a set of maps showing the areas within the various local planning authority areas which fell within the scope of the Essex Coast zone of influence.

The implication of this is that as far as Natural England are concerned, development coming forward within the eastern section of Felsted has the potential for significant

effects on the European sites, when considered alongside development coming forwards across the other local planning authority areas.

As part of the HRA screening process, there is therefore a need to look more closely at the content of the NP and the characteristics of the European sites affected.

It is noted that the Felsted NP was subject to HRA screening previously at an early stage of the plan's development. The previous HRA work was based on the 8km buffer zone around the Blackwater Estuary SPA and Ramsar site and therefore further HRA work was not undertaken.

Figure 2: Felsted Neighbourhood Plan Area - 8km Buffer Zone



3.2. The Felsted Neighbourhood Plan

This section of the report:

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

3.2.1. Purpose and scope of the Felsted Neighbourhood Plan

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

3.2.2. Protecting the Historic Village Centre:

Policies HVC1 to HVC5 seek to preserve and improve access to the Historic Village Centre by allowing for the relocation of key causes of congestion – like the village shop and Post office to a better, more accessible location, ensure that additional off-road parking is provided to enhance visual amenity. An extended and enhanced open space adjacent to Holy Cross Church is also sought.

3.2.3. Village Amenities

Policies VA1 – VA5 are focused on retaining or enhancing village amenities. Policy VA2 supports the redevelopment of the Memorial Hall to accommodate expanded capacity and safeguards its community use in the event that an expanded Memorial Hall can be reprovided elsewhere in the parish. Policy VA3 provides clarification regarding community infrastructure priorities and Policy VA4 supports additional burial ground provision.

3.2.4. Supporting our Schools:

Policies SC1 to SC7 seek to support the growth and development of schools and secure the future of a primary school in the Parish but also ensure they reduce congestion, mitigate impact of school traffic, control parking and improve road safety and where appropriate, encourage wider community use of school facilities. Policy SC7 states that in the event that the existing Felsted Primary School is successfully relocated to an alternative location in the plan area, the principle of market housing on the site will be supported in principle subject to housing mix requirements.

3.2.5. Housing Need:

Draft policies HN1 to HN7 are intended to maintain the rural character and heritage of the Parish as characterised in the AECOM Heritage and Character Assessment and to:

- meet any identified need for affordable housing;
- help younger people remain in the Parish;
- ensure development is controlled and sustainable;

- extract maximum community benefit from major development;
- encourage the development of small high –quality homes suitable for downsizers with local connection to the Parish;
- protect the Parish and its constituent hamlets from coalescence and
- protect the character and heritage of the Parish.

Policy HN1 establishes a housing target of 63 new dwellings to be delivered on sites allocated in the Neighbourhood Plan.

Policy HN2 allocates the Sunnybrook Farm site for up to 24 market homes. This site is adjacent to the settlement boundary and next to the existing Felsted Primary School. The site assessment report accompanying the NP indicates the area of the site is 1.3 hectares. The site allocation requires provision of a new access road, a kiss and drop facility and off-road landscaped car parking provision, including contingency provision pending future expansion of the primary school. The policy includes the requirement that the development is to be well-screened to the western and northern boundaries to mitigate the visual impact of the development on the landscape.

The suitability, deliverability and availability of the sites has been assessed as part of a site assessment process. This site has been selected in the plan due to the benefits it can deliver with regard to alleviating existing traffic congestion issues around Felsted Primary School.

The Sunnybrook Farm site however falls just within the edge of the 22km zone of influence from the Blackwater Estuary SPA and Ramsar Site.

Policy HN3 allocates the Bury Farm site for up to 39 market homes and for the development of a doctor's surgery. The Site assessment report accompanying the plan indicates the developable area of this site is 4hectares. The site is adjacent to the existing settlement boundary to the west of Felsted village. The site allocation requires that development does not extend beyond the end of the built form on the southern side of Station Road in order to avoid coalescence with Flitch Green and to retain a positive visual transition into the village. The suitability, deliverability and availability of the sites has been assessed as part of a site assessment process. This site is also included in the Regulation 19 draft of the Local Plan. This site has been selected in the plan due to the benefits it can deliver with regard to securing the delivery of a doctor's surgery which in turn will ensure the continued existence of doctors serving Felsted parish (the existing premises are insufficiently small and inadequate to meet the needs of the existing surgery staff).

It is noted that as part of the previous consultation on the December 2017 SEA/HRA screening report for the previous version of the neighbourhood plan Historic England officers commented on the potential of the Bury Farm site to impact upon important views of Felsted and its striking church tower and it was suggested that the neighbourhood plan includes some wording regarding the scale,

form, layout, landscaping and materials of development in this area. The NP now allocates this site itself (see HN3) and includes the requirement that the elevated topography of the site and the effect of the development on the landscape and views that make a contribution to the character of Felsted are addressed.

Policy HN4 supports in principle housing developments within existing settlement boundary subject to criteria including proposals contributing positively to the character and heritage of the parish, proposals not having an unacceptable impact on congestion in the historic village centre.

Policy HN5 resists residential development proposals outside the settlement boundary other than those identified in the site allocations, development associated with rural exception sites and development allowed in exceptional circumstances by other policies in the plan.

Policy HN6 allows the development of single supplemental dwellings within the curtilage of existing dwellings where the supplementary dwelling is essential to maintaining a familial or community link to an older person.

Policy HN7 is a housing mix policy applicable to all residential development proposals.

NB: The submission version of the NP now includes policy HN8 which would apply to all residential development which falls within the Blackwater Estuary Zone of Influence. This policy has been included as an outcome of the appropriate assessment work and liaison with Natural England.

3.2.6. Integrity, Character and Heritage:

Policies ICH1 to ICH5 seek to maintain the visual integrity of the Parish and address issues of design, preservation of heritage and impact of any necessary infrastructure. Policy ICH1 requires high quality design for all development proposals and includes criteria for different scenarios. This includes for countryside settings:

- *Sensitive treatment of the rural edge particularly around Felsted village with regard to impact on heritage assets and their setting including the surrounding landscape*
- *All new build proposals outside the development limits shall be accompanied by a landscape visual impact assessment*

Policy ICH2 applies to all proposals affecting designated and non-designated heritage assets. Policy ICH3 relates to proposals involving additional signage and Policy ICH 4 seeks to limit the impact of cable and light pollution.

Policy ICH5 resists all development proposals that would lead to coalescence of Felsted village with any other settlement or hamlets within the parish.

3.2.7. Supporting the Rural Economy:

Policies RE1 to RE4 seek to support the development of the rural economy through small business development and homeworking as well as ensure that they do not damage the rural environment or cause nuisance to others.

3.2.8. Protecting the Countryside and Wildlife:

Policies CW1 to CW4 are focused on protecting the countryside, open spaces and habitats. Policy CW1 protects the countryside for its own sake and resists development that would interrupt or result in severance to landscape character, important views, traditional open spaces, individual greens or hamlets. Policy CW2 designates a specific area in the parish as a nature reserve. Policy CW3 requires development which is on or adjacent to existing public rights of way network to contribute to enhancements/extensions. The policy also supports the development of a circular bridleway route for horse riders.

3.2.9. Concluding observations on the Felsted NP

The only aspect of the Felsted NP that could have any impact on the European site located 22km away is Policy HN2 which allocates a land for 24 dwellings at a location that falls within the 22km Zone of Influence surrounding the Essex Coast RAMS including the Blackwater Estuary SPA and Ramsar site.

3.3. Characteristics of the Blackwater Estuary Special Protection Area

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.

3.3.1. 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 <i>Charadrius hiaticula</i> ,	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	<i>Limosa limosa islandica</i> , 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 <i>Branta bernicla bernicla</i>	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 <i>Calidris alpina alpina</i>	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 <i>Pluvialis squatarola</i>	5,090 individuals representing up to 3.4% of the wintering Eastern Atlantic - wintering population (5 year peak mean 1991/2 - 1995/6)
	Redshank <i>Tringa totanus</i>	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 <i>Charadrius hiaticula</i>	600 individuals representing up to 1.2% of the wintering Europe/Northern Africa - wintering population (WeBS/Peter Clement)
	Shelduck <i>Tadorna tadorna</i>	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

3.3.2. 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

3.3.3. 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.

3.4. 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

3.4.1. 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.

3.4.2. 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:

1. 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.

2 Pollution – agricultural fertilisers. Here, the Water Framework Directive is identified (in the Ramsar Site Information Sheet) as going some way to address this concern.

4. Conclusions of the HRA Screening of the Felsted NP

4.1. Would the Felsted NP likely to have any significant adverse effect on any European site alone?

Felsted parish partially 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 Felsted NP will have any impact on visitor numbers at the Blackwater Estuary SPA other than site allocation Policy HN2 at Watch House Green for 24 homes. 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 location is at the furthest extent of the 22km zone of influence and Felsted 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 and the Felsted Fen local wildlife site (identified and protected through policy CW2 of the Neighbourhood Plan). Beyond the parish, residents are within easy reach of Hatfield Forest, several SSSI sites and Local Nature Reserves.

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

4.2. Would the Felsted 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 the central government. Felsted NP area falls within the Uttlesford District local planning authority area. The emerging Local Plan currently includes one site allocation for 30 additional homes which also falls within 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.

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 Felsted NP?
Uttlesford Local Plan	Proposes a site allocation for 30 homes also within Felsted NP area that also falls within the 22km zone of influence of the Blackwater Estuary SPA and Ramsar	NO. Plan currently at examination. This Local Plan is subject to HRA but not with respect to impact on Essex Estuaries European sites. Cannot be eliminated from the assessment
Braintree District Council	13,979	NO. Emerging plan submitted alongside Colchester and Tendring. Could be LSE alone? If not then cumulative impacts cannot be eliminated.
Colchester Borough Council	9,294	NO. Emerging plan submitted alongside Braintree and Tendring. Could be LSE alone? If not then cumulative impacts cannot be eliminated.
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

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 Felsted NP?
		Estuaries European sites).
Brentwood Borough Council	41	<p>The Brentwood Local Development Plan was at pre submission consultation until 19 March 2019.</p> <p>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), <i>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.</i></p> <p>As HRA already undertaken then this plan can be eliminated from the consideration of cumulative impacts.</p>
Castle Point Borough Council	4,892 Work on emerging Local Plan not yet confirmed https://www.castlepoint.gov.uk/planning-policy	Too early in the process to reliably consider in combination impacts.
Chelmsford	10976	Local Plan currently at examination. HRA undertaken in June 2018 for elements of the Local Plan (that were screened in). HRA finds that the plan will have no adverse effects on the integrity of any European sites (alone or in combination) due either to the absence of impact pathways or due to the mitigation measures

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 Felsted NP?
		identified through the appropriate assessment process. Can be eliminated for purpose of assessing in combination effects
Malden District Council	3646	LDP adopted 2017. Was subject to HRA screening that found no likely significant effects alone, or in combination. On this basis, this plan can be eliminated.
Rochford	1472 At Issues and Options in 2018	Too early in the process to reliably consider in combination impacts.
Southend on Sea	8559 At issues and options 2019	Too early in the process to reliably consider in combination impacts.
Tendring	8877	NO. Emerging plan submitted alongside Braintree and Colchester. Could be LSE alone? If not then cumulative impacts cannot be eliminated.
Thurrock	5975 December 2018. At Issues and Options stage.	Too early in the process to reliably consider in combination impacts.
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
Wivenhoe Neighbourhood Plan	Currently at referendum. Allocates sites within Zol of the Essex Rams sites	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. This plan can therefore be eliminated from the in-combination assessment.
West Bergholt Neighbourhood Plan	Currently at examination. https://www.colchester.gov.uk/info/cbc-article/?catid=neighbourhood-	Has been subject to full appropriate assessment. This concludes that the West

Adopted or emerging Neighbourhood Plans		
	planning&id=KA-02598	Bergholt neighbourhood plan will not adversely affect the integrity of Habitats sites alone or in-combination. This plan can therefore be eliminated from in combination assessment.
Boxted Neighbourhood Plan	Adopted in 2016	No completed HRA on this plan. The Plan allocates residential development (Hill Farm Site. This policy cannot be eliminated from the in combination assessment.

Whilst the Felsted NP only plans for 24 additional homes, it is not possible to rule out adverse significant effects from the Felsted 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 Watch House Green site allocation for 23 homes and how these interrelated with the impacts from other emerging plans which cannot be eliminated from the in-combination assessment (see 4.3 below).

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.

4.3. 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 Felsted 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

¹ Court of Justice of the European Union (ECJ) Case C-323/17 - People Over Wind and Sweetman, preliminary ruling

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 (currently at examination), the Wivenhoe NP (currently at referendum stage), the West Bergholt Neighbourhood Plan, the Brentwood Local Plan (plan completed pre submission consultation 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 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, Southend-on-Sea, Rochford and Castle Point.

4.4. In-combination plans to be assessed alongside the draft Felsted NP.

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

- Uttlesford Local Plan (in relation to its site allocation for 40 homes)
- 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 together with the adopted Boxted Neighbourhood Plan.

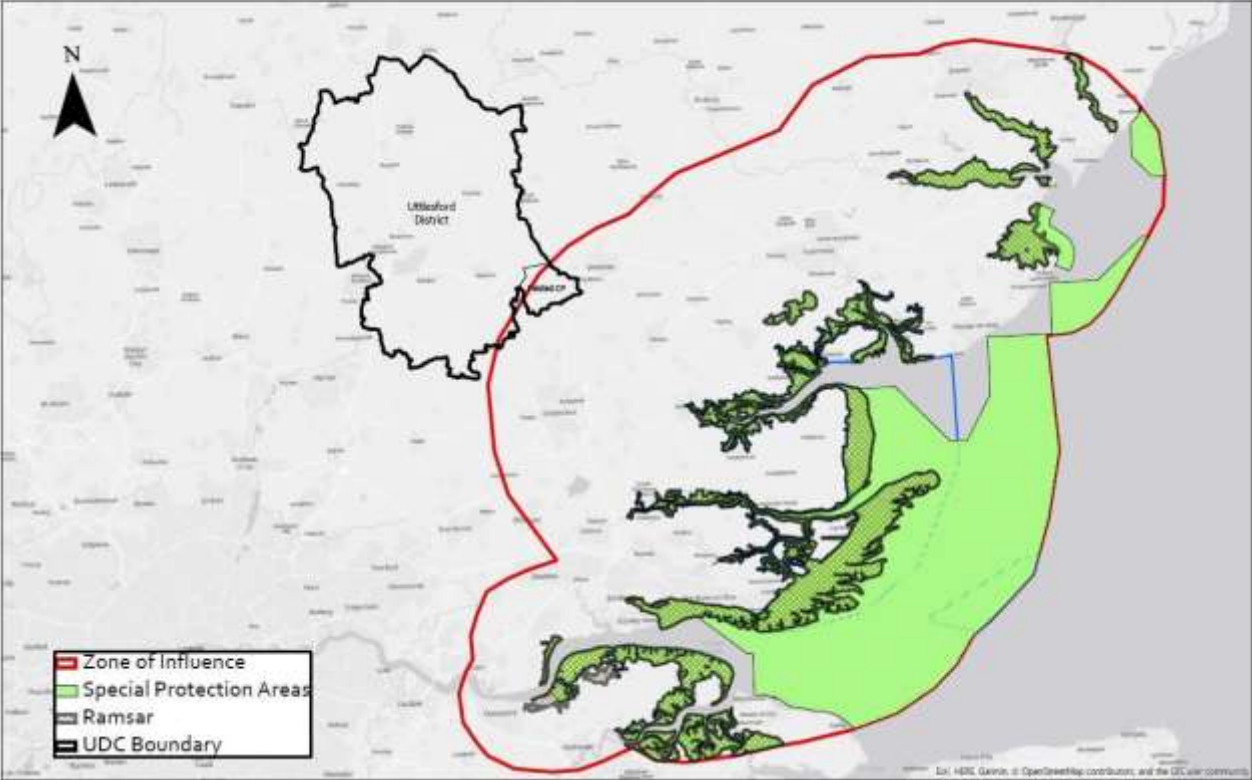
5. Appropriate Assessment of the Felsted NP

- 5.1. The HRA screening process has identified that Policy HN2 (Sunnybrook Farm) in the Felsted NP **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.
- 5.2. The scale of development coming forward within the zone of influence is recognised by stakeholders including Natural England, Essex County Council and the Local Planning Authorities (LPAs) themselves. 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 are working on the Recreational disturbance and Avoidance and Mitigation Strategy (RAMS) for the Essex Coast.
- 5.3. This is being 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.

- 5.4. A final draft of the RAMS has been prepared and is expected to be consulted upon in September/October 2019.
- 5.5. However, in the interim period, it is proposed Uttlesford District Council will use the draft RAMS to seek contributions towards the identified avoidance and mitigation measures to ensure that residential development coming forward as part of the Felsted 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.
- 5.6. Uttlesford District Council's commitment to RAMS will mean that the Felsted 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:
 - a commitment to request 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 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 Felsted neighbourhood plan. The entire zone of influence falls within Felsted parish so, once adopted, this policy will apply to any development coming forward in zone of influence. See Figure 3 for a map showing the 22 km zone of influence within Uttlesford District.

Figure 3: Area of Uttlesford (in the south east) that falls within the Blackwater Estuary SPA and Ramsar site 22km Zone of Influence.



5.7. The proposed policy in the plan is:

“FEL/HN1

Any residential proposals that fall within the Blackwater Estuary SPA and Ramsar site Zone of Influence (see map X) shall either:

- 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 being adopted, 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.”*