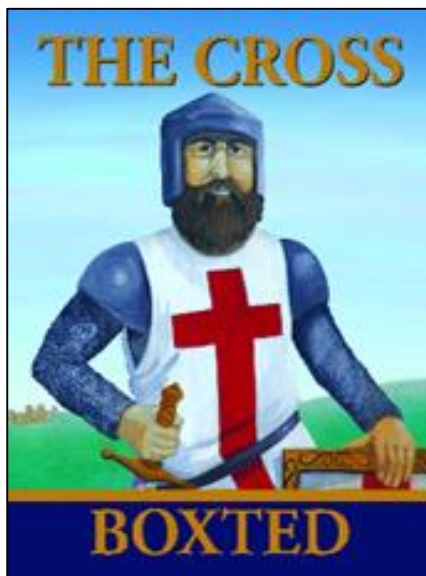


Boxted Neighbourhood Plan 2014-2029 Basic Conditions Statement



January 2016

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1 INTRODUCTION

- 1.1 This Basic Conditions Statement has been produced to explain how the proposed Boxted Neighbourhood Development Plan has been prepared in accordance with the Neighbourhood Planning General Regulations 2012 and how the basic conditions of neighbourhood planning and other considerations as prescribed by Paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 have been considered to have been met.
- 1.2 The Statement addresses each of the four 'basic conditions' required of the Regulations and explains how the submitted Neighbourhood Plan meets the requirements of paragraph 8(2) of Schedule 4B to the 1990 Town & Country Planning Act.
- 1.3 The Regulations state that a Neighbourhood Plan will be considered to have met the basic conditions if:
- having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood development plan;
 - the making of the neighbourhood development plan contributes to the achievement of sustainable development;
 - the making of the neighbourhood development plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area); and
 - the making of the neighbourhood development plan does not breach, and is otherwise compatible with, EU obligations.

Supporting documents and evidence

- 1.4 The Boxted Neighbourhood Plan is supported by a Consultation Statement and this Basic Conditions Statement.

Key statements

- 1.5 Boxted Parish Council is a qualifying body and entitled to submit a Neighbourhood Plan for its own parish. The Boxted Neighbourhood Plan expresses policies that relate to the development and use of land only within the neighbourhood area.
- 1.6 The neighbourhood area is contiguous with the parish boundary, as shown in the map accompanying the neighbourhood area designation application.
- 1.7 The Boxted Neighbourhood Plan covers the period from 2014 to 2029.
- 1.8 No provision for excluded development such as national infrastructure is contained within the Neighbourhood Plan.
- 1.9 The Boxted Neighbourhood Plan does not relate to more than one neighbourhood area. It is solely related to the area of Boxted as designated by Colchester Borough Council on 8th October 2012.
- 1.10 There are no other neighbourhood plans in place for the Boxted neighbourhood area.

2 CONFORMITY WITH NATIONAL PLANNING POLICY

- 2.1 It is required that the Boxted Neighbourhood Plan (BNP) has appropriate regard to national planning policy. This is principally provided by the National Planning Policy Framework (NPPF).

National Planning Policy Framework

- 2.2 The NPPF in sections 183-185 refers to Neighbourhood Plans and seeks that those plans have regard to the policies in the NPPF and to be in 'general conformity' with the strategic policies of the Local Plan. This phrasing is explained more clearly by the Localism Act which refers to the 'adopted Development Plan'.
- 2.3 This section demonstrates that the BNP has regard to relevant policies within the NPPF in relation to:
- Delivering a wide choice of high quality homes
 - Supporting a prosperous rural economy
 - Promoting sustainable transport
 - Supporting high quality communications infrastructure
 - Requiring good design
 - Promoting healthy communities
 - Conserving and enhancing the natural environment
- 2.4 The BNP has five principal objectives. We summarise them in Table 2.1 below and which NPPF goals each objective seeks to address.
- 2.5 Table 2.2 then provides a summary of how each policy in the BNP conforms specifically to the NPPF.

Table 2.1: Assessment of BNP objectives against NPPF goals

BNP Objective	Relevant NPPF goal
Ensure housing developments meet the needs of the local community, including for affordable housing	Delivering a wide choice of high quality homes.
Provide additional community infrastructure to maintain and improve the sustainability of Boxted as a rural parish	Promoting healthy communities
Protect the character and landscape of the parish and ensure that it does not coalesce with urban Colchester	Conserving and enhancing the natural environment.
Ensure that the rural employment base is, where possible, retained and the supporting infrastructure for rural working is provided	Building a strong, competitive economy. Supporting a prosperous rural economy.
Address highway safety and parking issues and improve the potential for movement by non-car modes	Promoting sustainable transport.

Table 2.2: Assessment of how each policy in the BNP conforms to the NPPF

No.	Policy title and reference	NPPF ref. (para.)	Commentary
1	Policy SB1: Village settlement boundaries	55, 109	Defines the existing built up area boundary to ensure consistency with the need to deliver affordable and open market rural homes and to protect the natural landscape beyond the urban edge.
2	Policy LC1: Coalescence with Colchester urban area	28, 55	Seeks to be positive about the growth of appropriate uses in the countryside, recognising the value that they could bring to the rural economy of Boxted, whilst also recognising that the green gap between Boxted and Colchester must be retained.
3	Policy LC2: Protection of landscape character	58, 61	Seeks to ensure that development on the edge or close to the edge of the settlement sits appropriately within the wider landscape and does not have a detrimental impact on the rural setting of Boxted.
4	Policy SM1: Loss of visual amenity/unacceptable noise impact from commercial activity	28, 109	Seeks to avoid discouraging commercial activity in rural areas that supports the local economy whilst at the same time recognising that this cannot have a detrimental impact on the wider environment by virtue of noise pollution in particular.
5	Policy HF1: Hill Farm site, Carters Hill/Boxted Straight Road	22, 50, 54, 73, 111	Allocates a brownfield site for housing that has been a vacant employment site for nearly ten years. It is located close to the primary school and also to the centre of Boxted village. It also creates the possibility of a drop-off point for cars bringing children to and from the primary school, so reducing congestion. The site provides for a significant proportion of the local affordable housing needs and contributes towards the provision of improved community facilities for sport and recreation and potentially a village shop and live-work units.
6	Policy RE1: Provision of a community shop	70	Seeks to provide the necessary flexibility to permit a community shop to come forward and serve some of the basic convenience needs of the community.
7	Policy BI1: High speed broadband	43	Seeks to ensure that Boxted is provided with a high quality communications network in order that its economic base can grow.
8	Policy TM1: Highway safety and parking	39	Recognises the impact of on-street parking and seeks to ensure that new development provides for off-street parking commensurate with the comparatively high levels of car ownership in a rural parish.
9	Policy TM2: Improving the bridleway network	30, 75	Seeks to improve access to the countryside and ensure that non-car users have alternative routes to the existing road network

National Planning Practice Guidance

- 2.6 The National Planning Practice Guidance (PPG) was issued on 6th March 2014. It clarifies certain matters within the NPPF.

Ensuring deliverability

- 2.7 The PPG addresses whether neighbourhood plans have to be deliverable. It directs this to the NPPF and the requirement that the sites and the scale of development identified in a plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened.
- 2.8 This has been an issue in the consideration of sites for allocation and the approach taken has been borne out by the comments received from all parties, none of which specifically state that the single site proposed for allocation (Policy HF1) would be undeliverable.

3 CONTRIBUTION TOWARDS SUSTAINABLE DEVELOPMENT

- 3.1 The NPPF states in paragraph 14 that a presumption in favour of sustainable development is at the heart of the NPPF and 'should be seen as a golden thread running through both plan-making and decision-taking.'
- 3.2 The strategic objectives of the Neighbourhood Plan comprise a balance of social, economic and environmental goals.
- 3.3 The **social** goals are to maintain a thriving community within Boxted, recognising that the community and its needs may change over time. This it seeks to achieve by providing an appropriate mix of new homes to meet the demands and needs of the local and wider community.
- 3.4 The **economic** goals are to retain the existing employment base and to provide opportunities for the new growth within Boxted. This it seeks to achieve by creating the flexibility for new rural businesses to start up and by ensuring that communications infrastructure, in the form of broadband, is in place.
- 3.5 The **environmental** goals are to protect the rural environment and ensure that development recognises this in its design, landscaping and access to the surrounding rural areas. This it seeks to achieve through the provision of guidance on the requirements of any planning application in respect of the proposed site allocation. It also provides guidance on the appropriateness of development adjacent to the edge of the village settlement boundaries and the importance of retaining the green gap between Boxted and urban Colchester.
- 3.6 Following consultation with the Natural England, Environment Agency and English Heritage in 2014, Colchester Borough Council concluded that a Strategic Environmental Assessment and Appropriate Assessment was not required as the BNP is unlikely to have a significant impact on the environment including designated European habitats /species.

Site allocation

- 3.7 One of the fundamental activities of the BNP is to allocate a site for residential development (Policy HF1). This is in order in particular to address the affordable housing needs of Boxted.
- 3.8 Potential sites and locations were considered through a variety of sources:
 - The Boxted Neighbourhood Plan Group considered the evidence on potential sites through the Colchester Strategic Housing Land Availability Assessment (SHLAA). No sites were submitted as part of the original call-for-sites in 2007/8 but in the 2014 call, a site (land at Runkins Farm) was submitted in the neighbourhood plan area.
 - Outside of the formal SHLAA process, the site at Hill Farm was put forward for residential development by its owners.
 - The community was asked at the 2012 engagement event about whether there were other locations that they would wish to see development. No specific sites were presented by the BNP Group but a range of sites/locations were suggested by the public. These are shown in Table 3.1. It should be noted that a further site – the former Wig & Fidgett Pub – but this is being developed so was excluded from the assessment.
 - At the Pre-Submission Consultation (Regulation 14) stage, representations were made by a landowner in respect of a parcel of land that he owned that is adjacent to the settlement

boundary of Boxted Cross. His representations requested that the land was included within the settlement boundary rather than allocation. Nevertheless, the site was considered but was felt to be too small (0.12 hectares) and unable to contribute positively towards addressing the objectives of the Neighbourhood Plan. It was therefore excluded from further consideration for allocation.

- 3.9 It was considered necessary to undertake a high level sustainability appraisal of these sites/locations. The framework for the assessment was taken from the Sustainability Appraisal used to inform the Colchester Core Strategy (undertaken in 2007). This is shown in Table 3.1 below.
- 3.10 Table 3.1 shows that the most sustainable option, when assessed against the high level criteria, was the Hill Farm site.
- 3.11 The Hill Farm site is currently allocated in the Colchester Core Strategy as a local employment zone. Policy DP5 (Appropriate Employment Uses and Protection of Employment Land and Existing Businesses) sets out the appropriate uses on the site and seeks to safeguard them for employment use. However, policy 22 of the NPPF states that:

"Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities."

- 3.12 The site has not been in employment use for approximately ten years. In 2007, permission was granted for the development of new commercial units totalling over 2,000m². Of this, just over 600m² would be offices, with the remainder light industrial units. However, discussions with the landowner has shown that such development would be commercially unviable. In particular, the development of a significant quantum of employment floorspace at the strategic location of North Colchester was cited as a reason. This floorspace is in a better location, with immediate links onto the A12, and therefore renders floorspace such as that with planning permission at Hill Farm unable to compete.
- 3.13 In combination with this, the Neighbourhood Plan process identified a need for affordable housing to address the needs of the community of Boxted. As the only site with potential to accommodate development and no sites coming forward for rural exceptions, it is considered that this represents the only opportunity to provide affordable housing and therefore to support a sustainable local community as required by the NPPF.
- 3.14 Whilst the scale of the site is quite large for a rural settlement such as Boxted Cross, this ensures that there will be sufficient housing to address a range of needs and to bring forward the quantum of affordable housing which can address local needs specific to Boxted parish. This scale of development also creates the opportunity to secure developer contributions that can address the need to improve sports and recreation facilities at the King George Playing Fields, including the Sports and Social Club building.
- 3.15 The site is opposite Boxted Primary School so is therefore considered to be in a sustainable location.

- 3.16 Overall, it is considered that the allocation of the site for residential use will represent a sustainable use of a derelict brownfield site and will contribute significantly towards addressing the objectives of the Neighbourhood Plan.

Table 3.1: High level sustainability appraisal of sites/locations suggested to inform the Boxted Neighbourhood Plan

Sustainability Objectives	Runkins Farm	Hill Farm	Area behind Methodist Chapel	Site next to Vineyard/ Thatchers Cottage	Small-holdings	Langham Road/ Langham Lane	Chapel Road/Mill Road	Cage Lane/ Chapel Road	By Rose Cottage, Wet Lane
To ensure that everyone has the opportunity to live in a decent and affordable home	++	++	+ or ++ (dependent on size of site)	+ or ++ (dependent on size of site)	+ or ++ (dependent on size of site)	+ or ++ (dependent on size of site)	+ or ++ (dependent on size of site)	+ or ++ (dependent on size of site)	+ or ++ (dependent on size of site)
To ensure that development is located sustainably and makes efficient use of land	-- (located well away from services on greenfield site)	++ (well located close to services on brownfield site)	- (located away from services on greenfield site)	- (located away from services on greenfield site)	- (located well away from services)	-- (located well away from services on greenfield site)	- (located well away from services)	-- (located well away from services on greenfield site)	-- (located well away from services on greenfield site)
To achieve a prosperous and sustainable economy and improve the vitality of town centres	0 (site not suitable for empl. uses)	- (loss of vacant empl. site)	0 (site not suitable for empl. uses)	0 (site not suitable for empl. uses)	- (Potential loss of empl. on site)	0 (site not suitable for empl. uses)	0 (site not suitable for empl. uses)	0 (site not suitable for empl. uses)	0 (site not suitable for empl. uses)
To achieve more sustainable travel behaviour and reduce the need to travel	- (site not near services)	+ (site close to school)	- (site not near services)	- (site not near services)	- (site not near services)	- (site not near services)	- (site not near services)	- (site not near services)	- (site not near services)
To conserve and enhance the natural environment, natural resources and the biodiversity of the District	- (Potential impact on landscape character/ would contribute towards coalescence)	+ (Potential to create village green for Boxted)	- (Potential impact on landscape character)	- (Potential impact on landscape character)	- (Potential impact on landscape character)	- (Potential impact on landscape character/ would contribute towards coalescence)	- (Potential impact on landscape character)	- (Potential impact on landscape character)	- (Potential impact on landscape character)

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Sustainability Objectives	Runkins Farm	Hill Farm	Area behind Methodist Chapel	Site next to Vineyard/ Thatchers Cottage	Small-holdings	Langham Road/ Langham Lane	Chapel Road/ Mill Road	Cage Lane/ Chapel Road	By Rose Cottage, Wet Lane
	with urban Colchester)					with urban Colchester)			
To improve the education, skills and health of the Borough's population	0 (no impact)	0 (no impact)	0 (no impact)	0 (no impact)	0 (no impact)	0 (no impact)	0 (no impact)	0 (no impact)	0 (no impact)
To create safe and attractive public spaces and reduce crime	0 (potentially)	0 (potentially)	0 (potentially)	0 (potentially)	0 (potentially)	0 (potentially)	0 (potentially)	0 (potentially)	0 (potentially)
To conserve and enhance the townscape character, historic and cultural assets of the District	0 (no impact)	0 (no impact)	0 (no impact)	0 (no impact)	0 (no impact)	0 (no impact)	0 (no impact)	0 (no impact)	0 (no impact)
To make efficient use of energy and resources, and reduce waste and greenhouse emissions	0 (no impact)	0 (no impact)	0 (no impact)	0 (no impact)	0 (no impact)	0 (no impact)	0 (no impact)	0 (no impact)	0 (no impact)

4 GENERAL CONFORMITY WITH THE STRATEGIC POLICIES OF THE DEVELOPMENT PLAN

- 4.1 The development plan currently consists of the following:
- 2008 Colchester Core Strategy (selected policies revised July 2014)
 - 2010 Colchester Site Allocations Development Plan Document (DPD)
 - 2010 Colchester Development Policies (selected policies revised July 2014)
 - 2014 Essex Minerals Local Plan
 - 'Saved Policies' of the 2001 Essex Waste Local Plan.
- 4.2 The policies of relevance are shown in Table 4.1 below, along with a consideration of whether they represent the strategic policies of the development plan. Where they do, consideration is made of whether the BNP is in general conformity with them.
- 4.3 Any policy that is not identified in Table 4.1 is not considered to be relevant to the BNP because the BNP does not have any policies that directly relate to it.
- 4.4 It is confirmed that there are no policies in either the 2014 Essex Minerals Local Plan or the 'Saved Policies' or the 2001 Essex Waste Local Plan that the BNP policies have any relevance to.

Table 4.1: Relevant policies in the Colchester Local Plan

Local Plan Policy	BNP policy
Core Strategy Policy SD1 – Sustainable Development Locations (as updated by the 2014 Local Plan Focused Review)	Boxted is identified as a rural community with defined settlement boundaries for Boxted Cross, Boxted – Workhouse Hill and Boxted Mill Road. These settlement boundaries are proposed for retention in Policy SB1. The BNP also has policies that seek to address the sustainability of development (Policy SB1) and its compatibility with local character (Policy LC1).
Core Strategy Policy H1 – Housing Delivery	The Hill Farm allocation (Policy HF1) will contribute towards the 80% previously developed land target. It also contributes towards the requirement for 'Other Villages' to deliver 435 new dwellings over the period 2001 to 2021/23.
Core Strategy Policy H2 – Housing Density (as updated by the 2014 Local Plan Focused Review)	The Hill Farm allocation (Policy HF1) is considered to make efficient use of the site and that the absence of specifying a number of dwellings enables a well-designed scheme to be in keeping with its rural location.
Core Strategy Policy H3 – Housing Diversity (as updated by the 2014 Local Plan Focused Review)	The Hill Farm allocation (Policy HF1) seeks to provide a range of housing, both by tenure and dwelling size.
Core Strategy Policy H4 – Affordable Housing (as updated by the 2014 Local Plan Focused Review)	The Hill Farm allocation (Policy HF1) seeks to provide affordable housing in line with CBC policy.
Core Strategy Policy CE1 – Centres and Employment Classification and Hierarchy	The Hill Farm allocation (Policy HF1) is in conflict with this policy because it is allocated as a local employment zone. However, it is considered that this is not a strategic employment allocation therefore can be addressed by the BNP. Moreover, it is considered that the site has little prospect of being brought forward for employment use and has lain derelict for nearly ten years. As such, paragraph 22 of the NPPF applies regarding the long term retention of employment sites where there is no reasonable prospect of them being used for that purpose. This was reinforced by an appeal decision in January 2015 in respect of a residential scheme on the site. Policy RE1 regarding the provision of a community shop is in conformity with this policy.
Development Policy DP5 - Appropriate Employment Uses and Protection of	In respect of the Hill Farm allocation (Policy HF1), this is dealt with above under Core Strategy Policy CE1.

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Local Plan Policy	BNP policy
Employment Land and Existing Businesses	
Development Policy DP8 – Agricultural Development and Diversification Development Policy DP9 – Employment Uses in the Countryside	This relates to Policy SM1 and the continued use in particular of former smallholdings for commercial activity. It is considered that Policy SM1 complements Policies DP8 and DP9 in ensuring that development does not have an adverse effect on the amenity of its rural location.
Core Strategy Policy TA1 – Accessibility and Changing Travel Behaviour	Policy TM2 seeks to improve accessibility by non-car modes via the bridleway network. The Hill Farm allocation (Policy HF1) requires the provision of a travel plan.
Core Strategy Policy PR1 – Open Space and Recreation Facilities	The Hill Farm allocation (Policy HF1) requires the provision of a village green for use by all. It also requires contributions to be used towards expanding and improving provision of recreation facilities at the King George Playing Fields.
Core Strategy Policy ENV1 – Environment	Policy LC1 seeks to retain the network of strategic green links and areas of accessible green space between Boxted and urban Colchester. The Hill Farm allocation (Policy HF1) is not at risk of flooding. Policy LC2 seeks to use landscape assessments to protect landscape character. It is therefore considered to complement Policy ENV1.
Core Strategy Policy ENV2 – Rural communities	Policy SB1 seeks to establish appropriate settlement boundaries within the context of planning for the needs of Boxted. The supporting text also makes reference to Policy ENV2.

5 DOES NOT BREACH, AND IS COMPATIBLE WITH, EU OBLIGATIONS AND HUMAN RIGHTS REQUIREMENTS

- 5.1 The Neighbourhood Plan has regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act.
- 5.2 The BNP Group submitted a formal screening request regarding the need for a Strategic Environmental Assessment (SEA) of the draft BNP in July 2014. In the same month, Colchester Borough Council formally stated that an SEA was not required. The formal opinion is shown in Appendix 1.
- 5.3 The Neighbourhood Area is not in close enough proximity to any European designated nature sites to warrant an Appropriate Assessment under the EU Habitats Regulations and so this has not been required by Colchester Borough Council.

6 CONCLUSION

- 6.1 The Basic Conditions as set out in Schedule 4B to the TCPA 1990 are considered to be met by the Botted Neighbourhood Plan and all the policies therein. It is therefore respectfully suggested to the Examiner that the Botted Neighbourhood Plan complies with Paragraph 8(1)(a) of Schedule 4B of the Act.

Appendix 1 SEA screening opinion

Boxted Neighbourhood Plan Strategic Environmental Assessment (SEA) and Habitat Regulations Assessment Screening Determination

The Strategic Environmental Assessment (SEA) Directive (2001/42/EC) on the assessment of the effects of certain plans and programmes requires an environmental assessment to be made of certain plans or programmes. The objective of SEA, as defined in the Government's guidance on strategic environmental assessment, is *"to provide for a high level of protection of the environment and contribute to the integration of environmental considerations into the preparation and adoption of plans....with a view to promoting sustainable development"* (Article 1). The SEA Directive has been transposed into UK law through the Environmental Assessment of Plans and Programmes Regulations 2004.

Colchester Borough Council has received a screening request from Boxted Parish Council asking whether the Boxted Neighbourhood Plan requires a Strategic Environmental Assessment.

Boxted Parish Council begun work on its Neighbourhood Plan in 2012 and is one of the governments neighbourhood planning frontrunners. Considerable consultation with the community has taken place and on 31 March 2014 Boxted Parish Council sent Colchester Borough Council a draft of the proposed Neighbourhood Plan for comment.

This is the Council's screening opinion for an environmental assessment under these regulations. The first table is the Council's determination and the second table supports this determination by showing how the Council has systematically reached its conclusion.

Table 1. SEA Screening Determination

Environmental Regulations Paragraph	SEA Requirement	Comments
2	Is the plan: (a) subject to preparation or adoption by an authority at national, regional or local level; or (b) prepared by an authority for adoption, through a legislative procedure by Parliament or Government; and, in either case, (c) required by legislative, regulatory or administrative provisions?	Yes, the plan is subject to preparation and adoption at local level. There are legislative and regulatory provisions in place for Neighbourhood Plans.
5(2)	Is the plan (a) prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use, and does it (b) sets the framework for future development consent of projects listed in Annex I or II to Council Directive 85/337/EEC on the assessment of the effects of certain	Yes, the plan is prepared for town and country planning purposes and sets the framework for future development consent of projects listed in Annex I or II to Council Directive 85/337/EEC (urban development projects).

	public and private projects on the environment, as amended by Council Directive 97/11/EC(9)?	
4(c)	Is the plan or programme likely to have significant environmental effects?	No, the plan is unlikely to have significant environmental effects. The plan will result in positive environmental effects through policies that seek to protect landscape character. The plan will result in positive social effects through policies which seek to address local highways issues, support the development of a community shop, allocates a site for the delivery of housing that will meet local need and provide high speed broadband. The plan will result in positive economic effects through policies which seek to support the development of a community shop. However, none of these likely effects will be significant.
6	Does the plan (a) determine the use of a small area at local level; or (b) is a minor modification to a plan or programme of the description set out in either of those paragraphs?	(a) Yes, the plan determines the use of a small area of land at local level. (b) The plan is a minor modification to the Colchester Borough Adopted Core Strategy. The allocation is a modification to an existing allocation within the Colchester Borough Site Allocations.
5(3)	Has it been determined that the plan requires an assessment pursuant to Article 6 or 7 of the Habitats Directive?	No (see next section).
The local planning authority has concluded that the Boxted Neighbourhood Plan is not likely to have significant environmental effects and consequently a Strategic Environmental Assessment (SEA) is not required. The criteria specified in Schedule 1 to the Environmental Assessment of Plans and Programmes Regulations 2004 has been taken into account in reaching this conclusion. Under regulation 9(2)(b) the consultation bodies must be consulted on this conclusion prior to the local planning authority making a formal determination. The consultation bodies have responded to the Council's consultation and all agree that the Boxted Neighbourhood Plan does not need to be subject to SEA. Under regulation 9(1) the consultation bodies have been sent this formal copy of the determination.		

Schedule 1 of The Environmental Assessment of Plans and Programmes Regulations 2004 - Criteria for determining the likely significance of effects on the environment:

Table 2. Likely significant effects

SEA Requirement	Comments
1. The characteristics of plans and programmes, having regard, in particular, to -	
(a) the degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources;	The plan sets the framework for development proposals within Boxted. Neighbourhood Plans must be in conformity with the development plan, for Colchester in this case, and so whilst there will be differences between policies (as without which there is no

	point in preparing a Neighbourhood Plan) the Neighbourhood Plan will effectively be a minor modification to the development plan. The plan includes policies that are specific to Boxted.
(b) the degree to which the plan or programme influences other plans and programmes including those in a hierarchy;	The plan will form part of the development plan, however strategic policies of the Borough Council's adopted plans take priority.
(c) the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development;	The plan will promote sustainable development through addressing the following objectives: 1. Protect the character and landscape of the parish and ensure that it does not coalesce with urban Colchester. 2. Protect and enhance the green spaces within the Parish which are of value to the community. 3. Ensure housing developments meet the needs of the local community. 4. Ensure that the rural employment base is, where possible, retained and the supporting infrastructure for rural working is provided. 5. Address highway safety and parking issues and improve the potential for movement by non-car modes.
(d) environmental problems relevant to the plan or programme; and	There are no environmental problems relevant to this plan. Boxted Parish Council has identified local highways problems, which this plan seeks to address in part.
(e) the relevance of the plan or programme for the implementation of Community legislation on the environment (for example, plans and programmes linked to waste management or water protection).	This plan has no relevance to the implementation of Community legislation.
2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to -	
(a) the probability, duration, frequency and reversibility of the effects;	The plan will result in positive environmental effects through policies that seek to protect landscape character. The plan will result in positive social effects through policies which seek to address local highways issues, support the development of a community shop and provide high speed broadband. The plan will result in positive economic effects through policies which seek to support the development of a community shop. However, none of these likely effects will be significant. It is very likely that positive effects will occur as a result of the plan; these will be as frequently as planning applications are submitted in Boxted. The duration of positive effects is likely to be long term.
(b) the cumulative nature of the effects;	The cumulative effect of this plan, the Borough's plans and plans relating to the management of the Dedham Vale AONB will

	result in positive effects.
(c) the transboundary nature of the effects;	There are no transboundary effects; this plan applies to Boxted Parish only.
(d) the risks to human health or the environment (for example, due to accidents);	The plan poses no risk to human health.
(e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);	Only Boxted Parish will be affected by this plan.
(f) the value and vulnerability of the area likely to be affected due to - (i) special natural characteristics or cultural heritage; (ii) exceeded environmental quality standards or limit values; or (iii) intensive land-use; and	Part of Boxted lies within the Dedham Vale AONB. This is a high value landscape; however it is unlikely to be affected by the plan.
(g) the effects on areas or landscapes which have a recognised national, Community or international protection status.	Part of Boxted lies within the Dedham Vale AONB. This is a high value landscape; however it is unlikely to be affected by the plan.
Conclusion	
The Boxted Neighbourhood Plan determines the use of a small area at local level and is effectively a minor modification to the Colchester Borough Local Plan. The plan will result in positive, long term effects. However, none of these will be significant. Therefore, an assessment of the significant environmental effects of the plan under the SEA Directive and Environmental Assessment Regulations is not required.	

Habitat Regulations Assessment Screening

Introduction

The Habitats Regulations Assessment of land use plans relates to Special Protection Areas (SPAs), Special Areas of Conservation (SAC) and Ramsar Sites. SPAs are sites classified in accordance with Article 4 of the EC Directive on the conservation of wild birds (79/409/EEC), more commonly known as the Birds Directive. They are classified for rare and vulnerable birds, listed in Annex I to the Birds Directive, and for regularly occurring migratory species. SACs are classified in accordance with EC Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (the Habitats Directive). Article 3 of this Directive requires the establishment of a European network of important high-quality conservation sites that will make a significant contribution to conserving the 189 habitat types and 788 species identified in Annexes I and II of the Directive. These sites are known as the Natura 2000 network and are commonly referred to as European sites. Ramsar Sites are designated under the International Convention on Wetlands of International Importance especially as Waterfowl Habitat (the Ramsar Convention, Iran 1971 and amended by the Paris Protocol 1992). Although Ramsar Sites are not protected in law by the Birds and Habitats Directives as a matter of policy government has decreed that unless otherwise specified procedures relating to SPAs and SACs will also apply to Ramsar Sites. Therefore the term 'international sites' is used to refer to all three of these designated sites.

An appropriate assessment is a decision by the competent authority, in this case Colchester Borough Council, as to whether a proposed plan or project can be determined as not having a significant adverse effect on the integrity of an international 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.

The table below is the Council's formal screening opinion under the Habitat Regulations.

Natural England concur that the Boxted Neighbourhood Plan can be screened out from further stages of assessment because significant effects are unlikely to occur, either alone or in combination. The Environment Agency are satisfied that the HRA screening decision has been correctly undertaken in accordance with the Habitat Regulations Assessment and concur with the Council's view that the Boxted Neighbourhood Plan will not have a significant adverse effect either alone or in-combination with other plans on the integrity of the international sites listed in Table 3.

Table 3. Habitat Regulations Assessment Screening

Question	Answer (with brief justification)
What sites may be affected?	<p>Sites Designated under the Birds Directive:</p> <ul style="list-style-type: none"> - The Colne Estuary SPA (Mid Essex Coast Phase 2); - Abberton Reservoir SPA; and - Blackwater Estuary SPA (Mid Essex Coast Phase 4). <p>Sites designated under the Habitats Directive:</p> <ul style="list-style-type: none"> - The Essex Estuaries Marine SAC. <p>Sites designated under the Ramsar Convention:</p> <ul style="list-style-type: none"> - Colne Estuary; - Abberton Reservoir; and - Blackwater Estuary.
Is the plan directly connected with or necessary to the management of a site?	No
What other plans and programmes that in-combination have the potential to have significant effects?	Colchester Borough Local Plan
What are the potential effects on sites?	There are no potential effects on sites
What is the significance of any potential effects on sites?	N/A



ENGLISH HERITAGE
EAST OF ENGLAND

Ms Shelley Blackaby
Planning Policy Officer
Colchester Borough Council

Our ref: HD/P 5214
Your ref:
Telephone 01223 582775

By email only

25 April 2014

Dear Ms Blackaby

Boxted Neighbourhood Plan

• **Strategic Environmental Assessment Screening Opinion**

Thank you for your email dated 7 April 2014 and the attached Screening Report for the above documents. For the purposes of this consultation, English Heritage will confine its advice to the question, "Is it likely to have a significant effect on the environment?" in respect of our area of concern, cultural heritage. Our comments are based on the information supplied in the Screening Report as well as Draft 6 of the Boxted Neighbourhood Plan (dated March 2014 and supplied to us on 25 April). It is for the Council to make the final decision in terms of whether SEA is required.

The Screening Report indicates that the Council considers that the Boxted Neighbourhood Plan will not significantly affect any 'special natural characteristics or cultural heritage' in the plan area. 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], English Heritage concurs with the Council that the preparation of an SEA is not required.

The views of other 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 Regulation 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 email dated 7 April as well as Draft 6 of the Neighbourhood Plan. To avoid any doubt, this does not reflect our obligation to provide further advice on later stages of the SA/SEA process and, potentially, object to specific proposals which may subsequently arise in the Neighbourhood Plan where we consider that, despite the absence of SA/SEA, these would have an adverse effect upon the historic environment.

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



In our role as the government's adviser on the historic environment, we have produced guidance material on neighbourhood plans. An electronic copy is attached to this letter, which includes a link to the relevant page of our website where further information can be found. We would be grateful if this guidance material could also be passed to the parish council for their reference.

Finally, we would appreciate the opportunity to comment on the draft Neighbourhood Plan itself at an appropriate point in its production.

We hope this letter is of use. Please let me know if you have any queries.

Yours sincerely



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available*



creating a better place



Colchester Borough Council
Planning Department
PO Box 889
Colchester
Essex
CO1 1FL

Our ref: AE/2006/000164/SE-
04/DS1-L01

Your ref:

Date: 28 April 2014

Dear Sir/Madam

Boxted Neighbourhood Plan SEA & HRA Screening Opinion

Thank you for consulting us about the above Screening Opinions which we have considered and advise the Council as follows.

SEA Screening

We are satisfied that the SEA Screening determination has been correctly undertaken in accordance with the SEA Regulations 2004. We agree with the draft determination and supporting comments set out in Table 1 of the SEA Screening determination and Table 2 of 'Likely Significant Effects' respectively and concur with the Council's view that no significant adverse environmental effects are likely to occur.

HRA Screening

We are satisfied that the HRA Screening decision has been correctly undertaken in accordance with the Habitat Regulations Assessment. We accept the comments set out in Table 3 of the HRA Screening decision and concur with the Council's view that the Boxted Neighbourhood Plan will not have a significant adverse effect either alone or in combination with other plans on the integrity of the international sites listed in Table 3.

Yours faithfully

A handwritten signature in blue ink that reads "Andrew Hunter".

Andrew Hunter
Sustainable Places - Planning Advisor

Direct dial 01473 706749
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End

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SEA & HRA screening opinions pdf version.docx

Date: 15 April 2014
Our ref: 117836
Your ref:



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BY EMAIL ONLY

Dear Ms Blackaby,

Planning consultation: Boxted Neighbourhood Plan Strategic Environmental assessment and Habitats Regulations Assessment Screening Opinion

Thank you for your consultation on the above dated 07 March 2014 which was received by Natural England on 07 March 2014.

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.

Environmental Assessment of Plans and Programmes Regulations 2004

Habitats Regulations 2010 and Wildlife and Countryside Act 1981 (as amended)

Natural England notes that your authority, as competent authority under the provisions of the Environmental Assessment of Plans and Programmes regulations and the Habitats Regulations, has assessed the document to check for the likelihood of significant effects in respect of the Boxted Neighbourhood Plan.

Your assessment concludes (page 4 in respect of the Strategic Environmental Assessment and page for the Habitats Regulation Assessment) that the Boxted Neighbourhood Plan can be screened out from further stages of assessment because significant effects are unlikely to occur, either alone or in combination. On the basis of information provided, Natural England concurs with this view, in respect of the Boxted Neighbourhood Plan.

We are pleased to see and encourage further dialogue with the Dedham Vale Area of Outstanding Natural Beauty management team.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries relating to the specific advice in this letter only please contact David Hammond on 0300 060 1373. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.



We really value your feedback to help us improve the service we offer. We have attached a feedback form to this letter and welcome any comments you might have about our service.

Yours sincerely

David Hammond
Lead Advisor
Sustainable Development and Regulation
Bedfordshire, Essex, Northants, Cambridge, Herts Team