

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).
<p>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.</p>		

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