



West Mersea Neighbourhood Plan

Habitat Regulations Assessment Screening Report

July 2020

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 referred to in the NPPF as habitats 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.

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 a habitats site. The integrity of a site is defined as the *“coherence of its ecological structure and function, across its whole area, that enables it to sustain the habitat, complex of habitats and/or the levels of populations of the species for which it was classified”* (Circular 06/05 paragraph 20). A fundamental element of the appropriate assessment is that the precautionary principle must be applied. In the Waddenzee judgment (ECJ Case C-127/02) the European Court of Justice ruled that a plan or project may be authorised only if a competent authority has made certain that the plan or project will not adversely affect the integrity of the site.

Colchester Borough is within the Zones of Influence of the following habitats sites:

Sites Designated under the Birds Directive:

- The Colne Estuary SPA (Mid Essex Coast Phase 2);
- Abberton Reservoir SPA;
- Blackwater Estuary SPA (Mid Essex Coast Phase 4);
- Dengie Estuary SPA (Mid Essex Coast Phase 1); and
- Stour and Orwell Estuaries SPA.

Sites designated under the Habitats Directive:

- Essex Estuaries SAC.

Sites designated under the Ramsar Convention:

- Colne Estuary;
- Abberton Reservoir;
- Blackwater Estuary;
- Dengie Estuary and
- Stour and Orwell Estuaries.

Pathways of impact and likely significant effects**Recreational disturbance (physical site disturbance and disturbance to birds)***Physical site disturbance*

Physical disturbance relates to actual damage or degradation of habitat from direct human activities. Examples in the context of this assessment relate to damage to habitat from walking (trampling of vegetation) and the abrasion of intertidal or freshwater habitat from boat wash/anchoring. This issue is relevant to the habitats for which habitats sites are designated (e.g. damage to saltmarsh communities on the Essex Estuaries SAC) or habitat which supports designated species (e.g. sand and gravel shores on the Colne Estuary SPA). Recreational users can damage habitat and cause severe disturbance to wildlife, particularly nesting birds in summer and feeding and roosting waterfowl in winter.

Disturbance to birds

Many human activities have the effect of degrading parts of estuarine ecosystems through for example, over-exploitation of their natural resources and excessive discharge of wastes and pollution. However, over a third of the population nationally live in towns and cities around estuaries and so careful consideration is needed to protect these environmentally important sites and manage the increasing recreation impacts associated with a growing population.

The primary source of non-physical disturbance relates to an increase in the number of visitors to habitats sites due to increases in housing, an associated increase in demand for recreation and tourism facilities near to these sites.

The appropriate assessment of Colchester Borough's Section 2 Local Plan concluded that there are no likely significant effects arising from recreational disturbance at Abberton Reservoir and so Abberton Reservoir can be screened out of further assessment in terms of recreational disturbance.

Zones of Influence (Zol) have been set as part of the Essex Coast Recreational disturbance Avoidance Mitigation Strategy (RAMS). These are based on the best available evidence and have been endorsed by Natural England. The whole of Colchester Borough lies with the Zol for various Essex habitats sites. This means that all residential development in Colchester is likely to adversely affect the integrity of habitats sites in-combination with other plans and projects.

However, the West Mersea Neighbourhood Plan does not allocate sites for development. It provides requirements for sites allocated in the Section 2 Local Plan, but the plan itself does not allocate sites. Therefore, recreational disturbance can be screened out of further assessment.

Air quality

Air pollution is most likely to affect habitats sites where plant, soil and water habitats are the qualifying features, but some qualifying animal species may also be affected, either directly or indirectly, by deterioration in habitat as a result of air pollution. Deposition of pollutants to the ground and vegetation can alter the characteristics of the soil, affecting the pH and nitrogen levels that can then affect plant health, productivity and species composition.

In terms of vehicular traffic, nitrogen oxides (NO_x, i.e. NO and NO₂) are considered to be the key pollutants. Deposition of nitrogen compounds may lead to both soil and freshwater acidification, and NO_x can cause eutrophication of soils and water.

Central government has developed a plan to improve air quality by reducing nitrogen dioxide levels in the UK (July 2017). The plan includes a range of measures that could be taken to mitigate the impact of action to improve air quality.

Colchester's Section 2 Local Plan includes a policy, which states that proposals will be supported that will not result in an unacceptable risk to public health, the environment or general amenity due to the potential of air pollution. Proposals for developments within designated Air Quality Management Areas (AQMAs) or where development within a nearby locality may impact on an AQMA are required, first, to be located in such a way as to reduce emissions overall, and secondly to reduce the direct impacts of those developments. Applicants will be required to prepare and submit a relevant assessment and permission will only be granted where the Council is satisfied that after selection of appropriate mitigation the development will not have an unacceptable significant impact on air quality, health and well - being.

Appropriate safeguards exist in a higher tier plan and air quality can therefore be screened out of further assessment.

Water quality

A growth in population resulting from an increase in housing will result in increased demands on the wastewater treatment system and may necessitate increased discharge consents and possibly even the establishment of new wastewater treatment works. Population expansion has the potential to increase nutrient loading to the Habitats sites, with the potential for impacts on site integrity through eutrophication.

The Water Cycle Study (December 2016), which is a key evidence base document for the Colchester Local Plan and the HRA, found that only the Langham (East) Water Recycling Centre (WRC), which discharges into the River Stour, does not have sufficient capacity to accommodate additional wastewater from the proposed increase in development within the WRC catchment. All other WRCs serving the Borough have

sufficient capacity to accommodate additional wastewater/sewage from the proposed increase in development.

Water quality can therefore be screened out of further assessment.

Water resources

Unsustainable rates of abstraction reduce water flows and may result in lower flow velocities, reduced depths and reduced flow continuity that may alter ecological status. This, combined with higher concentrations of nutrients such as phosphate and nitrate may lead to algal blooms. More frequent periods of summer low rainfall are expected under current climate change prediction scenarios which may increase the environmental impact of flow problems. The largest demand for water comes from the public water supply and in order to reduce abstraction, abstractors have been tasked to use water more efficiently.

The Water Cycle Study concluded that, allowing for the planned resource management of Anglia Water Services Essex Resource Zone, Colchester Borough will have adequate water supply to cater for growth over the plan period.

Water resources can therefore be screened out of further assessment.

Urbanisation (fly tipping and predation)

The impact of urbanisation is closely linked to recreational pressure. Both result from an increase in population close to habitats sites. Fly tipping can adversely affect habitats sites through the introduction of invasive species. It is becoming a greater problem in rural areas.

Predation of ground nesting birds by cats is potentially a significant issue for habitats sites. This is particularly relevant where new housing allocations are provided within 0.5 - 1km of a habitats site, which is the distance recommended by the RSPB as being the typical range of influence for domestic cats. This issue in Colchester Borough relates to the predation of ground nesting species such as Little Tern and Ringed Plover.

The neighbourhood plan area is near the Blackwater Estuary SPA, Colne Estuary SPA and Essex Estuaries SAC. However, the neighbourhood plan does not allocate sites for development. Therefore, urbanisation can be screened out of further assessment.

Loss of offsite functional habitat

Fields near habitats sites often provide offsite functional habitat. The loss of these sites, whilst not part of the habitats site, can significantly affect the qualifying species of the SPA by reducing the extent of their habitat.

An assessment of allocated sites in the Section 2 Local Plan was carried out to consider the suitability of all allocated sites to provide offsite functional habitat. None of the allocated sites, including the two sites in West Mersea which are allocated in the Section 2 Local Plan, provide offsite functional habitat.

As the neighbourhood plan does not allocate land for development loss of offsite functional habitat can be screened out of further assessment.

Summary and Conclusion

All potential issues have been screened out of further assessment. The screening matrix of all planning policies within the West Mersea Neighbourhood Plan (Appendix 1) shows that no policies have been screened in – as there are no housing allocation policies. Furthermore, the neighbourhood plan includes the standard Essex Coast RAMS policy for neighbourhood plans.

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

Appendix 1. Screening Matrix of West Mersea Neighbourhood Plan policies

Policy	Likely significant effects?	Screened out? Y/N
WM1 Planning Strategy	As a policy it will not lead directly to the physical development of land and therefore will not adversely affect any European sites.	Yes
WM2 Housing Development	As a policy it will not lead directly to the physical development of land and therefore will not adversely affect any European sites.	Yes
WM3 Land at Dawes Lane	As a policy it will not lead directly to the physical development of land as the allocations are made in the emerging Local Plan. The policy sets out requirements for the site and will not adversely affect any European sites.	Yes
WM4 Land at Brierley Paddocks	As a policy it will not lead directly to the physical development of land as the allocations are made in the emerging Local Plan. The policy sets out requirements for the site and will not adversely affect any European sites.	Yes
WM5 Affordable Housing in Housing Developments	As a policy it will not lead directly to the physical development of land and therefore will not adversely affect any European sites.	Yes
WM6 Affordable Housing on Exception Sites	As a policy it will not lead directly to the physical development of land, it sets out criteria to consider proposals for rural exceptions sites, and therefore will not adversely affect any European sites.	Yes
WM7 Housing Mix	As a policy it will not lead directly to the physical development of land and therefore will not adversely affect any European sites.	Yes
WM8 Loss of bungalows and chalet dwellings	As a policy it will not lead directly to the physical development of land and therefore will not adversely affect any European sites.	Yes
WM9 Measures for new housing development	As a policy it will not lead directly to the physical development of land and therefore will not adversely affect any European sites.	Yes
WM10 Houseboats	As a policy it will not lead directly to the physical development of land and therefore will not adversely affect any European sites. The policy includes	Yes

	reference to the protection of European sites.	
WM11 Open Spaces	As a policy it will not lead directly to the physical development of land and therefore will not adversely affect any European sites.	Yes
WM12 The Glebe	As a policy it will not lead directly to the physical development of land and therefore will not adversely affect any European sites.	Yes
WM13 Development Access	As a policy it will not lead directly to the physical development of land and therefore will not adversely affect any European sites.	Yes
WM14 Retention of existing employment centres	As a policy it will not lead directly to the physical development of land and therefore will not adversely affect any European sites.	Yes
WM15 Co-operative workspaces	As a policy it will not lead directly to the physical development of land and therefore will not adversely affect any European sites.	Yes
WM16 Marine Services	As a policy it will not lead directly to the physical development of land and therefore will not adversely affect any European sites. Reference is made in the policy to European sites.	Yes
WM17 Town Centre	As a policy it will not lead directly to the physical development of land and therefore will not adversely affect any European sites.	Yes
WM18 New Health Facilities	As a policy it will not lead directly to the physical development of land and therefore will not adversely affect any European sites.	Yes
WM19 Health and Wellbeing	As a policy it will not lead directly to the physical development of land and therefore will not adversely affect any European sites.	Yes
WM20 Education Infrastructure Capacity	As a policy it will not lead directly to the physical development of land and therefore will not adversely affect any European sites.	Yes
WM21 Mitigating the Impact of Development on Protected Habitats	This policy requires residential development to contribute to the Essex Coast RAMS.	Yes
WM22 Biodiversity	As a policy it will not lead directly to the physical development of land, it seeks to protect and enhance biodiversity,	Yes

		and therefore will not adversely affect any European sites.	
WM23	Mitigating Landscape Impact	As a policy it will not lead directly to the physical development of land and therefore will not adversely affect any European sites.	Yes
WM24	Tourism, Leisure, Culture and Heritage	As a policy it will not lead directly to the physical development of land and therefore will not adversely affect any European sites. Reference to protecting European sites is included in the policy.	Yes
WM25	Caravan Parks	As a policy it will not lead directly to the physical development of land and therefore will not adversely affect any European sites. Reference to European sites is included in the policy.	Yes
WM26	The Coastal Footpath	As a policy it will not lead directly to the physical development of land and therefore will not adversely affect any European sites.	Yes
WM27	Heritage Assets	As a policy it will not lead directly to the physical development of land and therefore will not adversely affect any European sites.	Yes
WM28	Buildings of Local Significance	As a policy it will not lead directly to the physical development of land and therefore will not adversely affect any European sites.	Yes
WM29	Minimising Light Pollution	As a policy it will not lead directly to the physical development of land and therefore will not adversely affect any European sites.	Yes
WM30	Design Considerations	As a policy it will not lead directly to the physical development of land and therefore will not adversely affect any European sites.	Yes
WM31	Sustainable Construction Practices	As a policy it will not lead directly to the physical development of land and therefore will not adversely affect any European sites.	Yes