

EB031

# Screening Opinions on the need for a Strategic Environmental Assessment (SEA) and a Habitats Regulation Assessment (HRA)

**Langford and Ulting Neighbourhood Plan**

**Pre-Regulation 15**

**October 2020**

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## Introduction

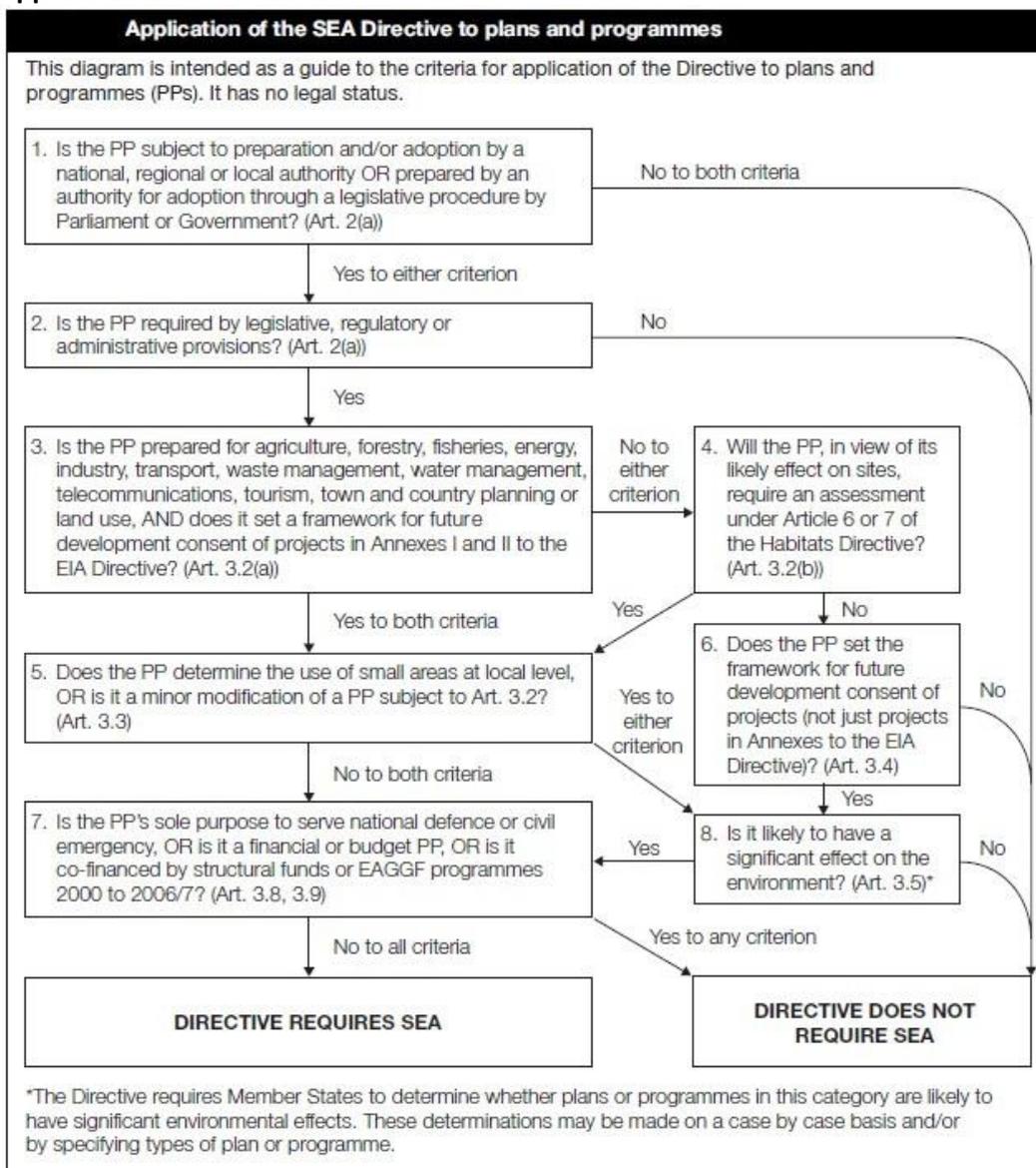
1. This report is prepared by Maldon District Council's Policy Team on behalf of the Langford and Ulting Parish Council (the qualifying body) and provides a screening opinion into the contents of the Reg 15 draft of the Langford and Ulting Neighbourhood Plan (L&UNP). The purpose of the screening opinion is to ensure that environmental and habitat considerations are incorporated into the draft plan in accordance with the regulations. The three statutory bodies: Historic England, Natural England and the Environment Agency were consulted on the screening opinion (3<sup>rd</sup> September 2020). Their consultation responses are included as an appendix to this report.
2. Langford and Ulting Parish was designated as a Neighbourhood Plan Area by Maldon District Council on 24<sup>th</sup> April 2013. The L&UNP has been produced by the Langford and Ulting Neighbourhood Plan Steering Group, in consultation with local residents, and aims to look at a wide range of issues covering the Parish as a whole, including high quality design, meeting housing needs, protecting open space and protecting the countryside.
3. This screening opinion is for the 2020 Regulation 15 version of the Neighbourhood Plan. The draft Neighbourhood Plan was originally Examined in 2016. However, issues arising from the Examination resulted in the draft Plan being revised and rolled-back to the Regulation 14 stage. The statutory consultees were originally consulted on the screening opinions for the previous Regulation 14 and Regulation 16 consultation versions of the Plan, as well as the second Reg 14 version of the plan and this 2020 Pre-Reg 15 version.
4. Maldon District Council has a duty to check and determine whether the LUNP meets the prescribed legal requirements as set out in S38A of the Planning and Compulsory Purchase Act 2004 and Schedule 4B of the 1990 Act. There are also other non-environmental EU obligations that the Neighbourhood Plan should be compatible with, for example the European Convention on Human Rights.
5. Section 1 of the report details a draft screening opinion as to whether a Strategic Environment Assessment (SEA) is required and Section 2 details a draft screening opinion as to whether a Habitats Regulation Assessment (HRA) is required.
6. The results of screening the neighbourhood plan against the assessment criteria will highlight where likely significant effects are predicted. If any significant effects are likely then a Strategic Environmental Assessment or Habitats Regulation Assessment will be required. If the outcome of the screening exercise determines that there are not likely to be significant effects then no further action is required for this stage of the Neighbourhood Plan process
7. This report represents the screening opinion for the 2020 Regulation 15 version of the Neighbourhood Plan, which be submitted alongside the Neighbourhood Plan.

## Section 1: Screening Opinion as to whether there are significant effects which will result in an SEA will be required

### Legislative Background

8. The basis for Strategic Environmental Assessments and Sustainability Appraisal legislation is European Directive 2001/42/EC and was transposed into English law by the Environmental Assessment of Plans and Programmes Regulations 2004, or SEA Regulations.
9. Although Sustainability Appraisals are required for Local Plans, this does not apply to Neighbourhood Plans which are not 'Local Plans', or 'Development Plan Documents' as defined by the 2004 Planning Act. Neighbourhood Development Plans have their own designation: they are neighbourhood development plans produced by qualifying bodies under the Localism Act.
10. In order to undertake a Screening Opinion as to whether the LUNP requires an SEA, this assessment follows guidance below which is from 'A practical guide to the Strategic Environment Directive September, 2005, ODPM.'

### Application of SEA Guidance



## Assessment

11. Appendix 1 and 2 detail the Local Planning Authority's screening opinion.
12. A five week consultation of this screening opinion was held under Regulation 9 of the Environmental Assessment of Plans and Programmes Regulations 2004. The responses received from the statutory consultees are included as an appendix to the Screening Opinion. The statutory consultees concurred with the view that a SEA was not required at this stage.
13. Therefore, it is considered that no likely significant effects would arise as a result of the Regulation 15 version of the L&UNP and therefore a SEA is not be required at this stage.

## Section 2: Screening opinion as to whether there are significant effects as to whether a HRA Assessment will be required

### Legislative Background

14. European sites (also known as Natura 2000 sites) are recognised under the EU Habitats Directive, and consist of designations such as Special Areas of Conservation (SAC), Special Protection Areas (SPA), Offshore Marine Sites (OMS) and RAMSAR wetlands sites.

**Natura 2000 network** - Stretching over 18 % of the EU's land area and almost 6 % of its marine territory, it is the largest coordinated network of protected areas in the world. It offers a haven to Europe's most valuable and threatened species and habitats. Natura 2000 is a network of core breeding and resting sites for rare and threatened species, and some rare natural habitat types which are protected in their own right

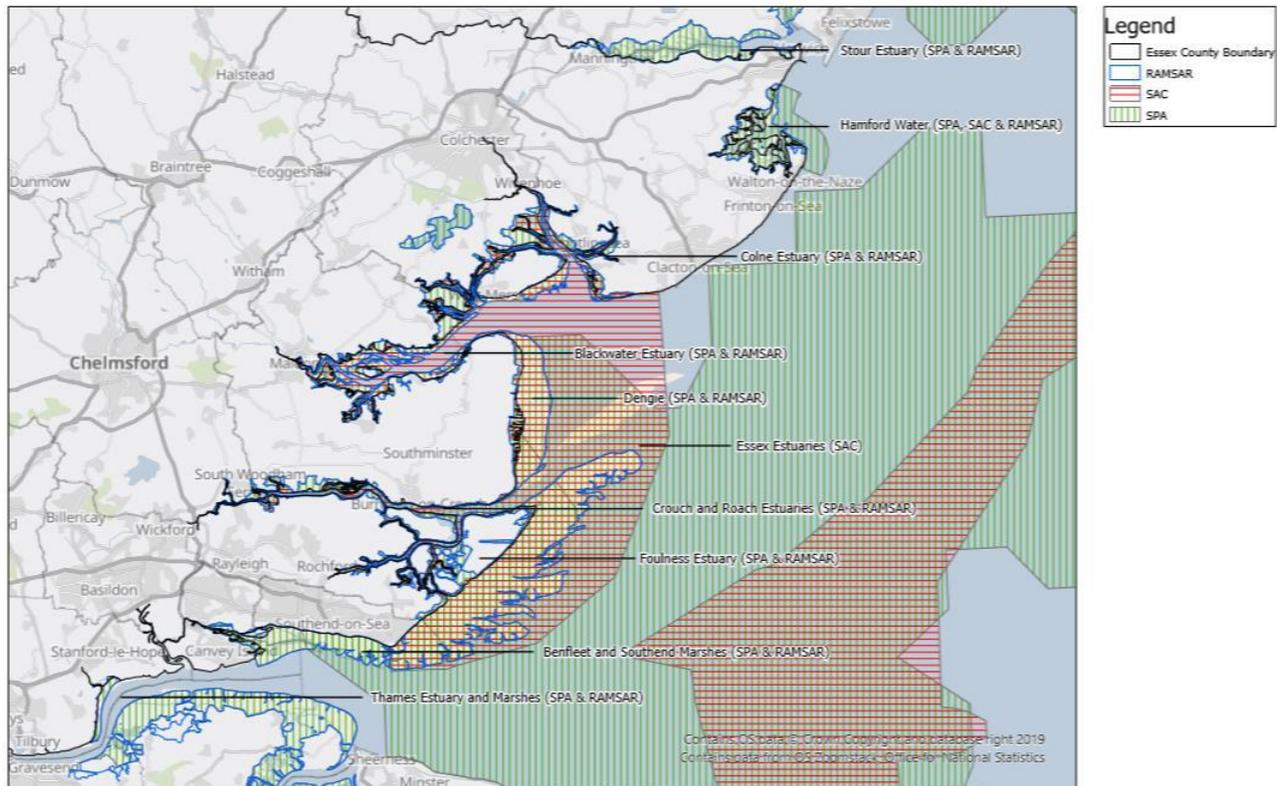
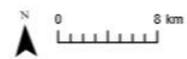
**Special Areas of Conservation** – are designated for the conservation of habitat types and species are those considered to be most in need of conservation at a European level (excluding birds).

**Special Protection Areas** - are classified to protect the habitats of rare and vulnerable birds and for regularly occurring migratory species of international importance. SPAs may extend below low tide into the sea

**Ramsar sites** – are internationally important sites for waterbirds

15. The Langford & Ulting Neighbourhood Plan Area boundary lies within the zones of influence for two Natura 2000 sites:
  - **Essex Estuaries SAC:** This is a large estuarine site is within 2km of the Neighbourhood Plan Area boundary, and is a typical, undeveloped, coastal plain estuarine system with associated open coast mudflats and sandbanks. The site comprises the major estuaries of the Colne, Blackwater, Crouch and Roach rivers and is important as an extensive area of contiguous estuarine habitat. Essex Estuaries contains a very wide range of characteristic marine and estuarine sediment communities and some diverse and unusual marine communities in the lower reaches, including rich sponge communities on mixed, tide-swept substrates.

## Habitats (European) sites covered by the Essex Coast RAMS



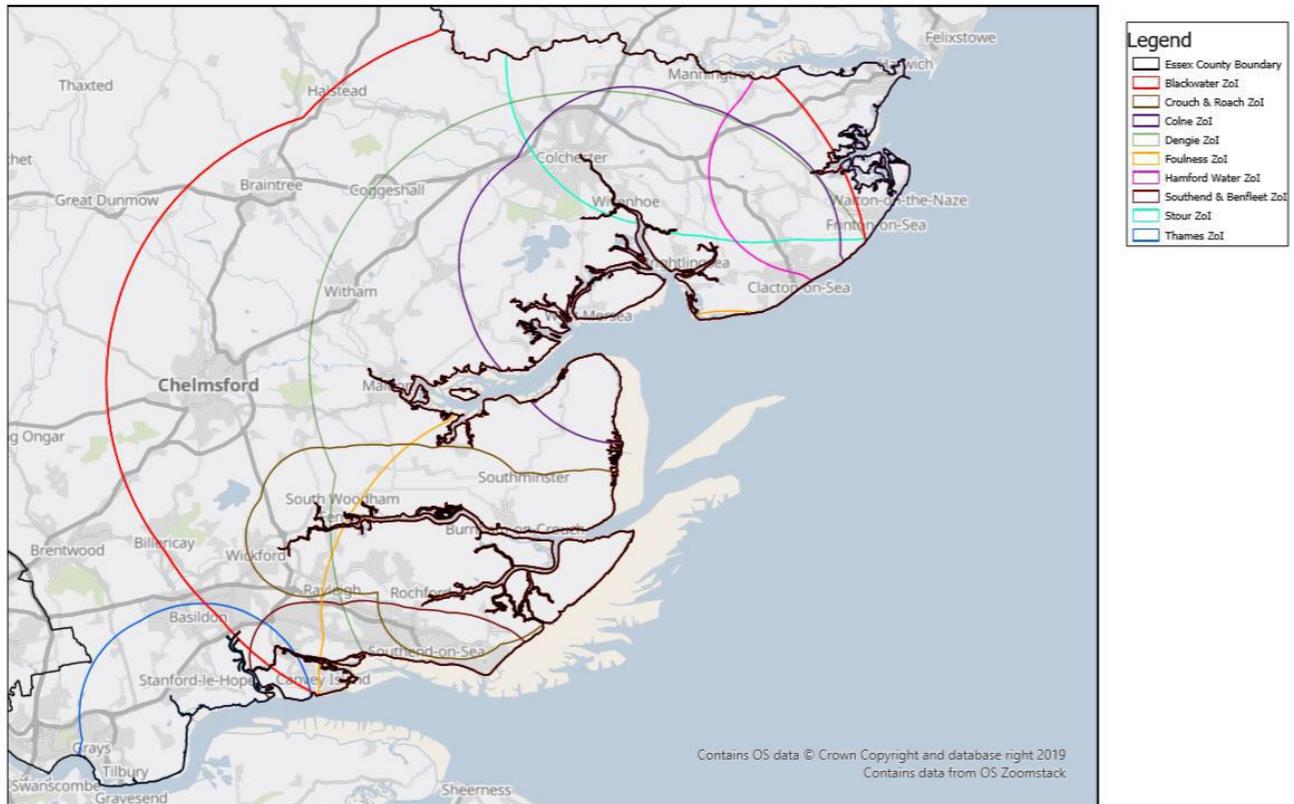
Source: Essex Coast Recreational disturbance Avoidance & Mitigation Strategy (RAMS) SPD 2020

- Blackwater Estuary SPA and RAMSAR site:** One of the largest estuarine complexes in East Anglia, consisting of intertidal mudflats fringed by saltmarsh, shingle and shell banks, and offshore islands. Surrounding terrestrial habitats include a sea wall, grassland, ancient grazing marsh and associated fleet and ditch system. This rich mosaic of habitats supports an outstanding assemblage of nationally scarce plants and a nationally important assemblage of rare invertebrates. Internationally and nationally important numbers of waterbirds winter at the site. Human activities include marine aquaculture, tourism, commercial and sport fishing, shellfish and bait collection.
- Dengie SPA and Ramsar site:** Dengie is a large and remote area of tidal mudflat and saltmarsh at the eastern end of the Dengie Peninsula, between the Blackwater and Crouch Estuaries. The saltmarsh is the largest continuous example of its type in Essex. Foreshore, saltmarsh and beaches support an outstanding assemblage of rare coastal flora. It hosts internationally and nationally important wintering populations of wildfowl and waders, and in summer supports a range of breeding coastal birds including rarities. The formation of cockleshell spits and beaches is of geomorphological interest.

- As the Blackwater Estuary SPA and Ramsar are considered to be within close proximity of the Neighbourhood Planning Area, there is the potential for significant effects to the designated sites. As such, the screening opinion as shown in Appendix 3 will assess each individual policy as put forward by the preliminary draft plan so that the findings can be issued to the 3 consultation bodies as well as influence the development of the submission (Regulation 15) Neighbourhood Plan.
- The purpose of undertaking a screening opinion for Habitats Regulations Assessment (HRA) is to ensure that a plan will not result in significant damage to designated sites. This assessment will only relate to a judgement of likely significant effects based upon proximity to designated sites. The assessment follows the three stages as shown on the next page. If it is decided that a full HRA may be required, it is advised

that a qualified consultant ecologist carries out this work, since this requires technical skills and knowledge. The HRA findings should then be taken into account and referred to in the environmental assessment of the plan.

## Essex Estuaries Zones of Influences



Source: Essex Coast RAMS SPD 2020

### Habitat Regulation Assessment Stages

#### Stage 1 Screening

- Identify international sites in and around the plan/ strategy area
- Examine conservation objectives
- Identify potential effects on Natura 2000 sites
- Examine other plans and programmes that could contribute to 'in combination' effects
- If no effects are likely - report that there is no significant effect. If effects are judged likely or uncertainty exists - the precautionary principle applies, proceed to stage 2.

#### Stage 2 Appropriate Assessment

- Collate information on sites and evaluate impact in light of conservation objectives
- Consider how the plan 'in combination' with other plans and programmes will interact when implemented (the Appropriate Assessment)
- Consider how the effect on integrity of sites could be avoided by changes to the plan and the consideration of alternatives
- Develop mitigation measures (including timescale and mechanisms)
- Report outcomes of AA and develop monitoring strategies. If effects remain following the consideration of alternatives and development of mitigation measures, proceed to stage 3.

**Stage 3 Assessment where no Alternatives and impacts remain**

- Identify 'imperative reasons of overriding public interest' (IROPI)
- Identify/ develop potential compensatory measures

18. Maldon District Council is a 'competent authority' under the Conservation of Habitats and Species Regulations 2010 and needs to ensure that Neighbourhood Plans have been assessed through the Habitats Regulations process. The initial screening will mainly be assessing the proximity of any European site to the Neighbourhood Area which could be affected by the proposals within the Neighbourhood Plan.

### Assessment

19. Appendix 3 shows the assessment of each of the draft policies of the L&UNP and their assessment against whether the policies will be likely to cause significant effects to the natural environment and the designated Natura 2000 sites. Significant effects are considered unlikely in relation to the Neighbourhood Plan policies, either because the policies will not result in new development or because the scale, nature or location of the development proposed will not have a significant effect on European sites. In some cases, the policies also provide mitigation for the effects of other policies in the plan.

### Summary

20. In summary it is concluded that the Regulation 15 version Langford & Ulting Neighbourhood Plan is not likely to have significant environmental effects and therefore a SEA is not required. The assessment indicates that there are likely to be no significant negative effects on the European designated sites resulting from the policies detailed within the draft Neighbourhood Plan. Therefore, a full Habitat Regulations Assessment is not required for the Regulation 15 version of the Neighbourhood Plan. The principal reasons for this conclusion are:
- There are no sites identified for development in the Neighbourhood Plan;
  - The Neighbourhood Plan focuses on protecting the quality of the village and its environment; it is considered that the Plan's likely impact will have a positive effect on the environment;
  - The scale of the development supported by the Neighbourhood Plan is minor, and it is not expected to result in significant effects on the protected sites
21. Historic England limited their response to the impact on the historic environment, and therefore did not respond to this part of the Screening Opinion. Natural England agreed that the proposals in the Plan would not have significant effects on sensitive sites.

## Appendix 1: Application of SEA Directive

	YES/NO	Comments
1. Is the Neighbourhood Plan subject to preparation and/or adoption by a national, regional or local authority OR prepared by an authority for adoption through a legislative procedure by Parliament or Government? (Art. 2(a))	<b>Yes</b>	The LUNP is being prepared by Langford and Ulting Parish Council which is a 'qualifying body' in accordance with the Localism Act 2011. Once independently assessed and approved by referendum of 50% or more of 'yes' votes, the LUNP will be formally 'made' by Maldon District Council as the 'Local Planning Authority' and will become a statutory planning document.  The legislative procedure is set out in 'The Neighbourhood Planning (General) Regulations 2012 (ass amended)
2. Is the NP required by legislative, regulatory or Administrative provisions? (Art. 2(a))	<b>No</b>	There is no legislative or regulatory requirement that a Neighbourhood Plan is prepared
3. Is the Neighbourhood Plan prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use, AND does it set a framework for future development consent of projects in Annexes I and II to the EIA Directive? (Art 3.2(a))	<b>Yes</b>	The Neighbourhood Plan is prepared for town and country planning and land use and does set out a framework for future development in Langford and Ulting, including Industry and Employment and residential development, which may be in the framework for future development consent of projects listed in Annex I or II to the EA Directive (urban development projects).
4. Will the Neighbourhood Plan, in view of its likely effect on sites, require an assessment for future development under Article 6 or 7 of the Habitats Directive? (Art. 3.2 (b))	<b>No</b>	Section 2 of this report contains a screening opinion for a HRA, where it is considered that the LUNP does not require an assessment under Article 6 or 7 of the Habitats Directive
5. Does the Neighbourhood Plan determine the use of small areas at local level, OR is it a minor modification of a PP subject to Art. 3.2? (Art. 3.3)	<b>No</b>	The LUNP does not contain any allocations
6. Does the Neighbourhood Plan set the framework for future development consent of projects (not just projects in annexes to the EIA Directive)? (Art 3.4)	<b>Yes</b>	When adopted, the LUNP will be a statutory planning document which will form part of the Development Plan. The LUNP will carry significant weight in the determination of relevant planning application, however the responsibility of issuing development consent will remain with the Local Planning Authority.
7. Is the Neighbourhood Plan's sole purpose to serve the national defence or civil emergency, OR is it a financial or budget PP, OR is it co-financed by structural funds or EAGGF programmes? (Art 3.8, 3.9)	<b>No</b>	N/a
8. Is it likely to have a significant effect on the environment? (Art. 3.5)	<b>No</b>	Please See the assessment of likely significant effects of the environment as shown in Appendix 2.
<b>OUTCOME: The Langford and Ulting Neighbourhood Plan does not require an SEA</b>		

## Appendix 2: Assessment of the likely significant effects on the environment

### Key

- Red – plan is likely to have significant effects on the environment which cannot be mitigated by amendments to Neighbourhood Plan policies.
- Amber – plan may have significant effects on the environment at this preliminary stage, but they can be mitigated through amendments to the Neighbourhood Plan policies
- Green – plan is unlikely to have significant effects on the environment

Environmental Regulations Paragraph	SEA Requirement	Likely Significant effect?	Comments
<b>1. The characteristics of plans and programmes, having regard, in particular, to—</b>			
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;	No	The L&UNP would, if made, form part of the Statutory Development Plan and as such does contribute to the framework for future development consent of projects. However, the Plan sits within the wider framework set by the National Planning Policy Framework and the Local Development Plan 2014-2029. The projects for which the L&UNP helps to set a framework are local in nature and have limited resource implications.
b.	the degree to which the plan or programme influences other plans and programmes including those in a hierarchy;	No	The policies of the L&UNP are required to be in conformity with the National Planning Policy Framework and the policies of the Local Development Plan 2014-2029 The L&UNP is unlikely to influence other Plans or Programmes within the Statutory Development Plan.
c.	the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development;	No	The L&UNP contains policies and objectives that seek to adhere to the principles of sustainable development and seek to conserve and promote the environmental features as they currently exist. These policies will be in conformity with national and local policies as required by the Basic Conditions test. Development would also be subject to the policies in the Local Development Plan 2014-2029 and therefore all environmental considerations would be covered by policy.
d.	Environmental problems relevant to the plan or programme; and	No	The state of the environment will be considered by those making the Plan. Based on the pre-submission consultation draft, the L&UNP is likely to have a strong emphasis on protecting and enhancing historic features, and protecting special

Environmental Regulations Paragraph	SEA Requirement	Likely Significant effect?	Comments
			landscape and countryside attributes. Therefore, no significant negative impact is envisaged through the provisions in the Neighbourhood Development Plan.
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).	No	Not applicable for the L&UNP
<b>2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to—</b>			
a.	The probability, duration, frequency and reversibility of the effects;	No	The Neighbourhood Plan is likely to have positive environmental effects to the local area. The L&UNP is not considered to raise any further significant effects than those which were considered under the Local Development Plan 2014-2029.
b.	The cumulative nature of the effects;	No	The sustainability appraisal of the Local Development Plan 2014-2029 considered the impact of development in the district alongside development in other settlements and parishes. Development in the L&UNP is likely to be consistent to the consideration of effects proposed in the LDP.
c.	The trans-boundary nature of the effects;	No	Due to the limited opportunity for development in the L&UNP area, there are unlikely to be significant trans-boundary impacts on adjoining local authority areas.
d.	the risks to human health or the environment (for example, due to accidents);	No	It is not anticipated that there would be an increase to or significant risks to human health or the environment as a result of the L&UNP.
e.	The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);	No	The L&UNP relates to local issues within the neighbourhood area. The magnitude and spatial extent of the effects are likely to be at a local scale, and not considered to be significant.
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;	No	The L&UNP is not likely to affect special natural characteristics or cultural heritage or exceed environmental standards or limit values, or result in intensive land use.

Environmental Regulations Paragraph	SEA Requirement	Likely Significant effect?	Comments
g.	the effects on areas or landscapes which have a recognised national, Community or international protection status.	No	The Habitats Regulations Assessment for the Local Development Plan 2014-2029 considered the impact of development in Maldon District and that , as long as development in Langford and Ulting accords with policies identified in the Local Development Plan, the likely effects on recognised protected sites is limited. A Habitats Regulations Screening has been undertaken with regards to the policies of the L&UNP and no significant effects are noted on recognised protected sites, subject to site by site assessment.

## Appendix 3: Habitats Regulation Assessment Screening Report

The table below shows the initial assessment of each of the policies using the green, amber and red system:

- 'Green' policy/objective means that there is thought to be enough information available at present to conclude that there is no likely significant effect from the policy on the integrity of international sites or their favourable conservation objectives;
- 'Amber' policy/objective is one that at this preliminary stage may have potential for significant effects. There is however potential for mitigation by amending/deleting policies prior to the Regulation 15 Plan stage so that effects can be mitigated and monitored through the Neighbourhood Planning process;
- 'Red' policy/objective is one that can be identified as having a significant effect on the integrity of the international sites based on current information and is not possible for mitigation by changes or amendments to the policy.

The table shows how the Plan has changed since the former 2015 Reg16 consultation version of the Plan.

		2015 former Reg 16 version		July 2019 – policy changes from former Reg 16 (2015) to Reg 14 version (2019)		September 2020 – policy changes from the 2019 Reg 14 version	
L&UNDP Policy	Comments 2015- Black 2019 - <i>Italics</i> 2020- RED	Likely effects on the Blackwater Estuary SPA & Ramsar site (former Reg 16)	Likely effects on the Essex Estuaries SAC (former Reg 16)	Likely effects on the Blackwater Estuary SPA & Ramsar site (Reg 14 2019)	Likely effects on the Essex Estuaries SAC (Reg 14 2019)	Likely effects on the Blackwater Estuary SPA & Ramsar site (Reg 15 2020)	Likely effects on the Essex Estuaries SAC (Reg 15 2020)
1 Landscape Features	<b>2020 New policy</b> Policy seeks to protect natural landscape features from unacceptable harm. The policy would not lead to significant effects on the natural environment or Natura 2000 sites					New policy	
2 Protecting and Enhancing Biodiversity	2015 - This policy seeks to protect ecological assets and would not lead to significant effects on the natural environment or Natura 2000 sites <i>2019 – Development Management amendment; No change to assessment</i> <b>2020 Policy re-numbered. No change to assessment</b>			Wording changed to recognise need to take account of material planning considerations in determining planning applications.		No change	

		2015 former Reg 16 version		July 2019 – policy changes from former Reg 16 (2015) to Reg 14 version (2019)		September 2020 – policy changes from the 2019 Reg 14 version	
L&UNDP Policy	Comments 2015- Black 2019 - <i>Italics</i> 2020- RED	Likely effects on the Blackwater Estuary SPA & Ramsar site (former Reg 16)	Likely effects on the Essex Estuaries SAC (former Reg 16)	Likely effects on the Blackwater Estuary SPA & Ramsar site (Reg 14 2019)	Likely effects on the Essex Estuaries SAC (Reg 14 2019)	Likely effects on the Blackwater Estuary SPA & Ramsar site (Reg 15 2020)	Likely effects on the Essex Estuaries SAC (Reg 15 2020)
3 Recreational disturbance Avoidance and Mitigation	2019 – <i>New policy - This policy seeks to reduce the recreational disturbance on the Essex Coast designated sites, arising from new residential dwellings. This policy seeks to protect ecological assets and would not lead to significant effects on the natural environment or Natura 2000 sites</i> <b>2020 Policy re-numbered. No wording changes</b>			New policy		No change	
4 Footpaths and bridleways	2015 - This policy seeks to protect existing Public Rights of Way and Bridleways and does not result in development which would lead to significant effects on the natural environment or Natura 2000 sites 2019- - <i>Minor amendment; no change to assessment</i> <b>2020 – Policy re-numbered. Policy provides further detail on footpath and cycle path requirements. No change to assessment.</b>			Wording added on the role footpaths and bridleways have in providing access by sustainable modes of transport across the parish.		<b>Policy has been expanded to require new developments to integrate with the current green infrastructure network though increasing connectivity by extending footpath and cycle path networks.</b>	

		2015 former Reg 16 version		July 2019 – policy changes from former Reg 16 (2015) to Reg 14 version (2019)		September 2020 – policy changes from the 2019 Reg 14 version	
L&UNDP Policy	Comments 2015- Black 2019 - <i>Italics</i> 2020- RED	Likely effects on the Blackwater Estuary SPA & Ramsar site (former Reg 16)	Likely effects on the Essex Estuaries SAC (former Reg 16)	Likely effects on the Blackwater Estuary SPA & Ramsar site (Reg 14 2019)	Likely effects on the Essex Estuaries SAC (Reg 14 2019)	Likely effects on the Blackwater Estuary SPA & Ramsar site (Reg 15 2020)	Likely effects on the Essex Estuaries SAC (Reg 15 2020)
5 Design and Character	2015 - This policy does not seek to allocate development, but sets out criteria for appropriate built environment improvements, and would not lead to significant effects on the natural environment or Natura 2000 sites 2019- - <i>No change to assessment</i> 2020 – <b>Policy renumbered. Policy revised, to cover new buildings due to permitted development rights for extensions. No change to assessment.</b>			No change		<b>Policy revised to deal with new buildings only. Certain extension sizes are now permitted development.</b>	
6 Historic environment	2015 - This policy seeks to protect the existing historic environment and does not result in development which would lead to significant effects on the natural environment or Natura 2000 sites 2019- - <i>No change to assessment</i> 2020 – <b>Policy renumbered. No change to assessment</b>			No change		<b>No change</b>	

L&UNDP Policy	Comments	2015 former Reg 16 version		July 2019 – policy changes from former Reg 16 (2015) to Reg 14 version (2019)		September 2020 – policy changes from the 2019 Reg 14 version	
		Likely effects on the Blackwater Estuary SPA & Ramsar site (former Reg 16)	Likely effects on the Essex Estuaries SAC (former Reg 16)	Likely effects on the Blackwater Estuary SPA & Ramsar site (Reg 14 2019)	Likely effects on the Essex Estuaries SAC (Reg 14 2019)	Likely effects on the Blackwater Estuary SPA & Ramsar site (Reg 15 2020)	Likely effects on the Essex Estuaries SAC (Reg 15 2020)
7 Supporting and encouraging small business	This policy does not seek to allocate development, but sets out criteria for appropriate developments for business use, and would not lead to significant effects on the natural environment or Natura 2000 sites <i>2019- - Formatting changes; no change to assessment</i> <b>2020 – policy renumbered. No change to assessment</b>			No change		<b>No change</b>	
8 Working from Home	2015 - This policy does not seek to allocate development, but sets out criteria for encouraging working at home, and would not lead to significant effects on the natural environment or Natura 2000 sites. <i>2019 – Policy expanded to cover car parking provision on site; No change to assessment.</i> <b>2020 – policy re-numbered. Policy revised to cover situations where on-site parking provision is decreased. No change to assessment.</b>			Policy expanded to ensure that sufficient car parking provision is available on site if parking demand increases due to a proposed conversion or change of use.		<b>Policy revised to cover situations where on-site parking provision is decreased</b>	

L&UNDP Policy	Comments 2015- Black 2019 - <i>Italics</i> 2020- RED	2015 former Reg 16 version		July 2019 – policy changes from former Reg 16 (2015) to Reg 14 version (2019)		September 2020 – policy changes from the 2019 Reg 14 version	
		Likely effects on the Blackwater Estuary SPA & Ramsar site (former Reg 16)	Likely effects on the Essex Estuaries SAC (former Reg 16)	Likely effects on the Blackwater Estuary SPA & Ramsar site (Reg 14 2019)	Likely effects on the Essex Estuaries SAC (Reg 14 2019)	Likely effects on the Blackwater Estuary SPA & Ramsar site (Reg 15 2020)	Likely effects on the Essex Estuaries SAC (Reg 15 2020)
9 Farm and other rural buildings	2015 - This policy does not seek to allocate development but sets out criteria for appropriate conversions of farm buildings, and would not lead to significant effects on the natural environment or Natura 2000 sites. 2019 – <i>No change to assessment</i> 2020- <b>policy re-numbered. No change to assessment</b>			No change		No change	
10 Community facilities and services	2015 - This policy does not seek to allocate development but sets out criteria to guide the provision of community facilities, and would not lead to significant effects on the natural environment or Natura 2000 sites. 2019- <i>No change to assessment</i> 2020 – <b>Policy renumbered. No change to assessment</b>			No change		No change	
11 Protecting Community Facilities	<b>2020 New policy - This policy seeks to protect existing community facilities and services . It will not have a significant impact on the designated sites.</b>					<b>New policy to protect existing community facilities and services</b>	

		2015 former Reg 16 version		July 2019 – policy changes from former Reg 16 (2015) to Reg 14 version (2019)		September 2020 – policy changes from the 2019 Reg 14 version	
L&UNDP Policy	Comments 2015- Black 2019 - <i>Italics</i> 2020- RED	Likely effects on the Blackwater Estuary SPA & Ramsar site (former Reg 16)	Likely effects on the Essex Estuaries SAC (former Reg 16)	Likely effects on the Blackwater Estuary SPA & Ramsar site (Reg 14 2019)	Likely effects on the Essex Estuaries SAC (Reg 14 2019)	Likely effects on the Blackwater Estuary SPA & Ramsar site (Reg 15 2020)	Likely effects on the Essex Estuaries SAC (Reg 15 2020)
12 New Housing	<p>2015 - This policy seeks to ease planning restrictions for residential development, it is not an allocation but could result in additional development of a limited number, but this would not lead to significant effects to the natural environment or Natura 2000 sites</p> <p>2019 – <i>This policy has been significantly revised, simplified and renamed. This policy does not seek to allocate development but sets out criteria for small-scale infill development. This limited scale of development would not lead to significant effects on the natural environment or Natura 2000 sites</i></p> <p>No change to assessment.</p> <p><b>2020 – Policy re-numbered. No change to assessment</b></p>			<p>Policy has been significantly revised, simplified and renamed. It now provides guidance on small-scale infill development. The special circumstances criteria and local connection test for ‘new housing in the parish for local people’ have been deleted.</p>		<p><b>No change</b></p>	

		2015 former Reg 16 version		July 2019 – policy changes from former Reg 16 (2015) to Reg 14 version (2019)		September 2020 – policy changes from the 2019 Reg 14 version	
L&UNDP Policy	Comments 2015- Black 2019 - <i>Italics</i> 2020- RED	Likely effects on the Blackwater Estuary SPA & Ramsar site (former Reg 16)	Likely effects on the Essex Estuaries SAC (former Reg 16)	Likely effects on the Blackwater Estuary SPA & Ramsar site (Reg 14 2019)	Likely effects on the Essex Estuaries SAC (Reg 14 2019)	Likely effects on the Blackwater Estuary SPA & Ramsar site (Reg 15 2020)	Likely effects on the Essex Estuaries SAC (Reg 15 2020)
2015 Reg16 Policy 10 Energy Efficiency & Sustainability	2015 - This policy seeks to improve energy efficiency standards of the built environment and would not lead to significant effects to the natural environment or Natura 2000 sites <i>2015 - Policy deleted. Policy has been superseded by the Building Regulations.</i>			Policy deleted			
13 New Broadband and Mobile Infrastructure	2015 - This policy does not seek to allocate development, but seeks to improve broadband infrastructure, and would not lead to significant effects to the natural environment or Natura 2000 sites. <i>2019 - This policy has been revised, simplified and renamed. No change to assessment.</i> <b>2020 – policy re-numbered and re-titled. Policy expanded to provide further detail on the provision of broadband connections to new development. No change to assessment.</b>			Policy revised, simplified and reworded to focus on the integration of infrastructure into development the and design of infrastructure . Requirement for a ‘connectivity statement’ and specific ducting requirements removed.		<b>Policy expanded to provide further detail on the provision of broadband connections to new development</b>	

		2015 former Reg 16 version		July 2019 – policy changes from former Reg 16 (2015) to Reg 14 version (2019)		September 2020 – policy changes from the 2019 Reg 14 version	
L&UNDP Policy	Comments 2015- Black 2019 - <i>Italics</i> 2020- RED	Likely effects on the Blackwater Estuary SPA & Ramsar site (former Reg 16)	Likely effects on the Essex Estuaries SAC (former Reg 16)	Likely effects on the Blackwater Estuary SPA & Ramsar site (Reg 14 2019)	Likely effects on the Essex Estuaries SAC (Reg 14 2019)	Likely effects on the Blackwater Estuary SPA & Ramsar site (Reg 15 2020)	Likely effects on the Essex Estuaries SAC (Reg 15 2020)
2015 Reg 16 Policy 12 Development Within the Settlement Boundary for Langford	2015 - This policy proposes a material change to the settlement boundary with presumption in support of sustainable development within the new borders. The policy does not allocate development but there would be a presumption in favour of sustainable development within the proposed settlement boundary. The scale and type of the development could be limited or could be substantial, but given the limited availability of suitable sites and the requirement in the policy for an assessment for any likely significant effects, this is considered to have limited significant effects on the natural environment or Natura 2000 sites. <i>2019 - Policy deleted.</i> <b>2020 – No change</b>			Policy deleted  The Neighbourhood Plan uses the settlement boundary in the approved Maldon District Local Development Plan			

## Appendix 4 Statutory Consultee responses

By Email 12 October 2020

Thank you for inviting Historic England to comment on this consultation. As the Government's adviser on the historic environment Historic England is keen to ensure that the protection of the historic environment is fully taken into account at all stages and levels of the local planning process. Therefore we welcome this opportunity to review the Screening Report for this plan. For the purposes of this consultation, Historic England will confine its advice to the question, "Is it (the Langford and Ulting Neighbourhood Plan) likely to have a significant effect on the historic environment?". Our comments are based on the information supplied with the Screening Opinion.

The Screening Report indicates that the Council considers that the plan will not have any significant effects on the historic environment. We note that the plan does not propose to allocate any sites for development.

On the basis of the information supplied, and in the context of the criteria set out in Schedule 1 of the Environmental Assessment Regulations [Annex II of 'SEA' Directive], Historic England concurs with the Council that the preparation of a Strategic Environmental Assessment is not required.

The views of the other two statutory consultation bodies should be taken into account before the overall decision on the need for an SEA is made.

I should be pleased if you can send a copy of the determination as required by REG 11 of the Environmental Assessment of Plans and Programmes Regulations 2004.

We should like to stress that this opinion is based on the information provided by you with your correspondence. To avoid any doubt, this does not reflect our obligation to provide further advice on later stages of the SEA process and, potentially, object to specific proposals which may subsequently arise (either as a result of this consultation or in later versions of the plan) where we consider that, despite the SEA, these would have an adverse effect upon the environment.

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

Historic Places Adviser - East of England

Historic England



**Historic England**

Brooklands | 24 Brooklands Avenue | Cambridge | CB2 8BU

[www.historicengland.org.uk](http://www.historicengland.org.uk)

Date: 10 September 2020  
Our ref: 327000  
Your ref: Langford & Ulting Neighbourhood Plan



Maldon District Council  
policy@maldon.gov.uk

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**BY EMAIL ONLY**

T 0300 060 3900

Dear I

**Langford & Ulting Neighbourhood Plan pre-Reg15 screening opinion**

Thank you for your consultation on the above dated 03 September 2020 which was received by Natural England on 03 September 2020

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

**Screening Request: Strategic Environmental Assessment**

It is our advice, on the basis of the material supplied with the consultation, that, in so far as our strategic environmental interests (including but not limited to statutory designated sites, landscapes and protected species, geology and soils) are concerned, that there are unlikely to be significant environmental effects from the proposed plan.

**Neighbourhood Plan**

Guidance on the assessment of Neighbourhood Plans, in light of the Environmental Assessment of Plans and Programmes Regulations 2004 (as amended), is contained within the [National Planning Practice Guidance](#). The guidance highlights three triggers that may require the production of an SEA, for instance where:

- a neighbourhood plan allocates sites for development
- the neighbourhood area contains sensitive natural or heritage assets that may be affected by the proposals in the plan
- the neighbourhood plan may have significant environmental effects that have not already been considered and dealt with through a sustainability appraisal of the Local Plan.

We have checked our records and based on the information provided, we can confirm that in our view the proposals contained within the plan will not have significant effects on sensitive sites that Natural England has a statutory duty to protect.

We are not aware of significant populations of protected species which are likely to be affected by the policies / proposals within the plan. It remains the case, however, that the responsible authority should provide information supporting this screening decision, sufficient to assess whether protected species are likely to be affected.

Notwithstanding this advice, Natural England does not routinely maintain locally specific data on all potential environmental assets. As a result the responsible authority should raise environmental issues that we have not identified on local or national biodiversity action plan species and/or habitats, local wildlife sites or local landscape character, with its own ecological and/or landscape advisers, local record centre, recording society or wildlife body on the local landscape and biodiversity receptors that may be affected by this plan, before determining whether an SA/SEA is necessary.

Please note that Natural England reserves the right to provide further comments on the environmental assessment of the plan beyond this SEA/SA screening stage, should the responsible authority seek our views on the scoping or environmental report stages. This includes any third party appeal against any screening decision you may make.

For any new consultations, or to provide further information on this consultation please send your correspondences to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

Yours sincerely,

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Consultations Team