

**STRATEGIC ENVIRONMENTAL ASSESSMENT/HABITATS  
REGULATIONS ASSESSMENT**

**FINAL SCREENING REPORT**

**BROOMFIELD NEIGHBOURHOOD PLAN**

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## **1 Introduction**

- 1.1 This draft screening report is designed to determine whether the Broomfield Neighbourhood Plan requires a full Strategic Environmental Assessment (SEA) and/or Habitats Regulations Assessment (HRA).
- 1.2 The purpose of the Broomfield Neighbourhood Plan is to provide planning policies to guide development in the designated Broomfield Neighbourhood Plan area (Appendix 1).
- 1.3 An SEA evaluates the environmental effects of a plan before it is made. The SEA requirements are in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plans and Programmes Regulations 2004<sup>1</sup>.
- 1.4 An HRA identifies whether a plan is likely to have any significant effects on a European site, either alone or 'in combination' with other plans or projects – that is those which may have a cumulative affect or are interlinked. European sites are designated under the UK Conservation of Habitats and Species Regulations 2017 (the 'Habitats Regulations')<sup>2</sup>.
- 1.5 In some circumstances, a Neighbourhood Plan can have significant environmental effects. One of the basic conditions that will be tested by the independent examiner is whether the making of the Plan is compatible with European Union Obligations.
- 1.6 Regulation 14 consultation on the Broomfield Neighbourhood Plan ran from 19 November 2022 until January 13 2023; this screening was carried out alongside the Plan consultation. Chelmsford City Council (CCC) has the responsibility to ensure that the SEA/HRA requirements have been met, and has provided Broomfield Parish Council, as the qualifying body preparing the Neighbourhood Plan, with an SEA/HRA screening opinion.
- 1.7 To do this, CCC has:
  - a) Taken into account the criteria specified in the European Directives; and
  - b) Consulted the consultation bodies.
- 1.8 The consultation bodies are defined in section 4 of the SEA Regulations. As the responsible authority, CCC has sought the opinions of the statutory consultation bodies - the Environment Agency, Historic England and Natural England.

## **2 Legislative background**

- 2.1 The basis for Strategic Environmental Assessments and Sustainability Appraisal legislation is European Directive 2001/42/EC 'on the assessment of the effects of certain plans and programmes on the Environment'. This was transposed into

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<sup>1</sup> <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=celex%3A32001L0042>

<sup>2</sup> <https://www.legislation.gov.uk/ukxi/2017/1012/contents>

English law by the Environmental Assessment of Plans and Programmes Regulations 2004<sup>3</sup>, or SEA Regulations.

- 2.2 The SEA Regulations include a definition of ‘plans and programmes’ to which the regulations apply, and which programmes are required by legislative, regulatory or administrative provisions.
- 2.3 The basis for HRA is Article 6 (3) and (4) of the EU Habitats Directive<sup>4</sup> and Regulation 63 of the Conservation of Habitats and Species Regulations 2017.
- 2.4 Production of a Neighbourhood Development Plan is not required by legislative, regulatory or administrative provisions. It is an optional process under the provision of the Town and Country Planning Act 1990 (subsequently amended by the Localism Act 2011). However, once a Neighbourhood Plan is ‘made’ it becomes part of the statutory development plan for the area to which it applies. As such, it forms part of a plan that is required by legislative provisions i.e. the Chelmsford Local Plan<sup>5</sup> (adopted in May 2020).

### **3 SEA – Criteria**

- 3.1 The criteria for determining the likely significance of effects referred to in Article 3(5) of Directive 2001/42/EC are set out below:
1. The characteristics of plans and programmes, having regard, in particular, to:
    - 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 degree to which the plan or programme influences other plans and programmes including those in a hierarchy.
    - The relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development.
    - Environmental problems relevant to the plan or programme.
    - The relevance of the plan or programme for the implementation of Community legislation on the environment (e.g. plans and programmes linked to waste-management or water protection).
  2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:
    - The probability, duration, frequency and reversibility of the effects.
    - The cumulative nature of the effects.
    - The trans boundary nature of the effects.
    - The risks to human health or the environment (e.g. due to accidents).

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<sup>3</sup> <https://www.legislation.gov.uk/ukxi/2004/1633/contents>

<sup>4</sup> [https://lexpency.org/eu/31992L0043/ART\\_6/](https://lexpency.org/eu/31992L0043/ART_6/)

<sup>5</sup> <https://www.chelmsford.gov.uk/planning-and-building-control/planning-policy-and-local-plan/adopted-local-plan/>

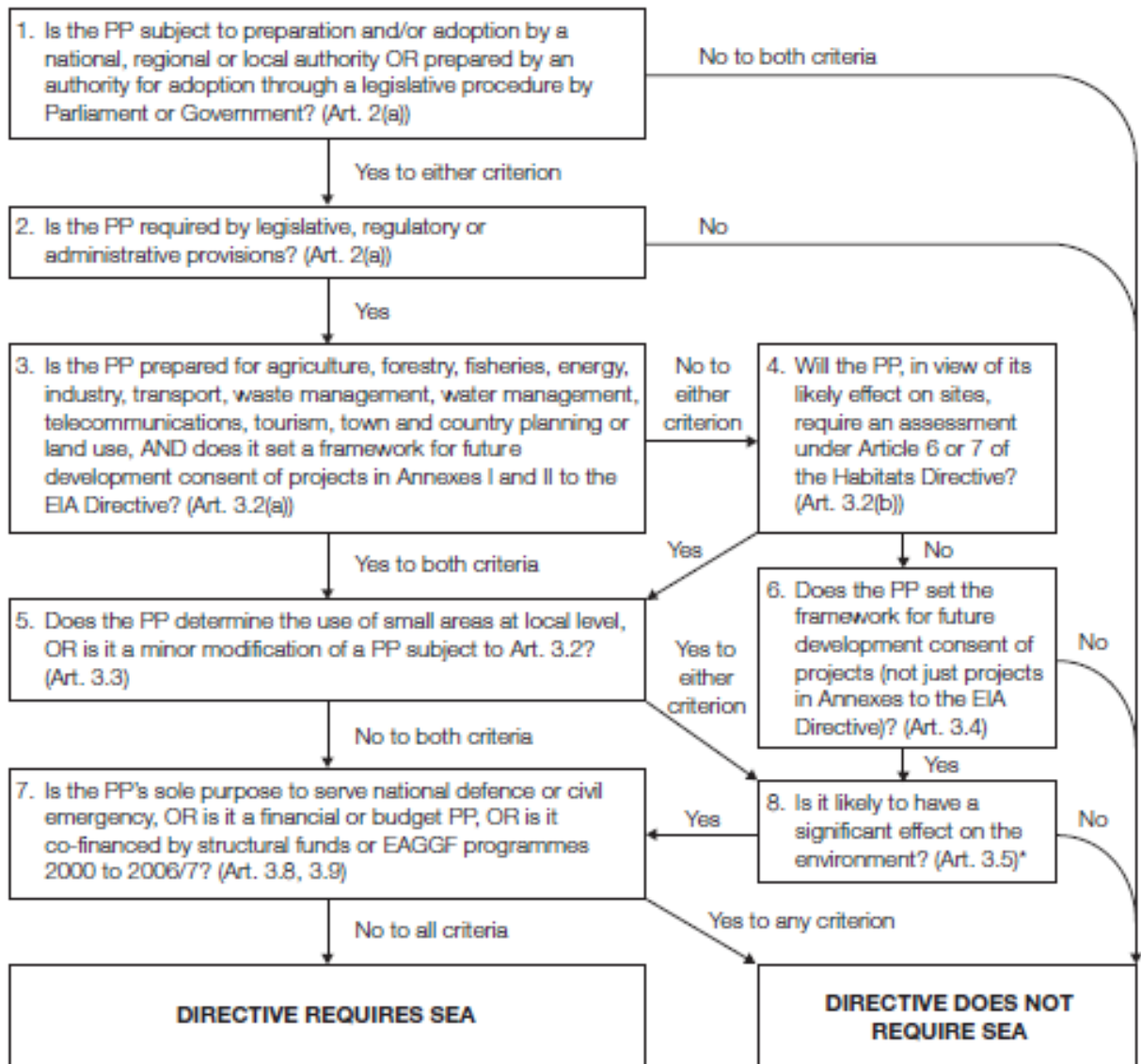
- The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected), the value and vulnerability of the area likely to be affected due to:
  - special natural characteristics or cultural heritage;
  - exceeded environmental quality standards or limit values;
  - intensive land-use; and
  - the effects on areas or landscapes which have a recognised national, community or international protection status.

#### **4 SEA – Screening Assessment**

- 4.1 The diagram on Page 5 illustrates the process for screening a planning document to ascertain whether a full SEA is required.

**Figure 2 – Application of the SEA Directive to plans and programmes**

This diagram is intended as a guide to the criteria for application of the Directive to plans and programmes (PPs). It has no legal status.



\*The Directive requires Member States to determine whether plans or programmes in this category are likely to have significant environmental effects. These determinations may be made on a case by case basis and/or by specifying types of plan or programme.

Source: *A Practical Guide to the Strategic Environmental Assessment Directive (2005)*

4.2 The following assessment applies the questions from the diagram above. The answers determine whether the Neighbourhood Plan will require a full Strategic Environmental Assessment.

Question	Response
<p>1) Is the PP 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))</p>	<p>Yes. The preparation and adoption of the Neighbourhood Plan is allowed under the Town and Country Planning Act 1990 as amended by the Localism Act 2011. The Neighbourhood Plan is being prepared by Broomfield Parish Council as the relevant body and, subject to successful completion of the relevant processes as set out in the Neighbourhood Planning (General) Regulations 2012 and the Neighbourhood Planning (Referendums) Regulations 2012, will be made by CCC as the local authority to become part of the statutory Local Plan for that part of the Council's area.</p>
<p>2) Is the PP required by legislative, regulatory or administrative provisions? (Art. 2(a))</p>	<p>Yes. A Neighbourhood Development Plan is not required by legislative, regulatory or administrative provisions, but it is an optional process under the Town and Country Planning Act 1990 (amended by the Localism Act 2011). Once a Neighbourhood Plan is made it becomes part of the statutory development plan for the area to which it applies. As such it forms part of a plan that is required by legislative provisions.</p>
<p>3) Is the PP 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))</p>	<p>Yes. The Neighbourhood Plan is prepared for town and country planning and land use. The Neighbourhood Plan contains policies to determine the use of land at the local (parish) level (Art3 (3)). It implements policies in the Chelmsford Local Plan as they relate to the Broomfield Neighbourhood Plan Area.</p> <p>The Neighbourhood Plan will also provide guidance against which planning applications will be assessed throughout the Parish Council's area.</p>
<p>4) Will the PP, 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))</p>	<p>No. A mechanism is in place for collection of planning contributions towards an approved recreation mitigation strategy, from development in the Zones of Influence of the Habitats sites.</p> <p>Residential development within the Local Plan and Neighbourhood Plans has the potential to result in an increase in recreational disturbance in particular at Foulness Special Protection Area (SPA) and Ramsar; Dengie SPA and Ramsar; Blackwater SPA and Ramsar; Essex Estuaries Special Area of Conservation (SAC) and Crouch and Roach Estuaries SPA and Ramsar.</p>

Land is allocated for development in the adopted Local Plan within the Broomfield Neighbourhood Plan area: SGS8 – North of Broomfield. Of the allocation for around 450 homes, around half are within the Broomfield parish and the remainder in an adjoining parish.

Overall, it is considered that there is a low risk for in-combination effects on the SAC/SPA through increased visitor pressure from any allocated or windfall development in Broomfield parish. Nevertheless, following the Local Plan Appropriate Assessment an Essex-wide Recreational disturbance Avoidance and Mitigation Strategy (RAMS)<sup>6</sup> and accompanying Supplementary Planning Document (SPD)<sup>7</sup> were adopted by CCC in May 2020. They cover the above sites together with five other SPAs and Ramsar sites along the Essex Coast.

The RAMS includes measures that have been successfully employed for other European sites (e.g. Thames Basin Heaths SPA; Thanet Coast and Sandwich Bay SPA / Ramsar), supported by developer contributions. As a result, this plan-level mitigation measure is considered to be available, achievable and likely to be effective and so can be relied on to ensure that development proposals either avoid affecting the designated sites (no significant effect) or, where significant effects cannot be avoided, that effects will not adversely affect site integrity.

The SPD sets out the requirement for new residential development to contribute to the delivery of this strategy as part of a Section 106 Agreement.

The draft Broomfield Neighbourhood Plan proposes to allocate two sites:

BFD10 – Land east of Saxon Way – for community open space, cycle paths and footpaths, community affordable housing to meet local needs, and a GP surgery.

Policy criteria are proposed as follows:

The community housing will only come forward alongside the use of the whole site for community open space, cycle paths and footpaths and only if it is:

i. delivered and managed through a Community Land Trust or similar body; and

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<sup>6</sup> <https://www.chelmsford.gov.uk/media/uj2nfpql/essex-coast-rams-habitats-regulations-assessment-strategy-document-2018-2038.pdf>

<sup>7</sup> <https://www.chelmsford.gov.uk/media/0fznrja3/essex-coast-rams-supplementary-planning-document.pdf>

ii. offered, in the first instance, to people with a demonstrated local connection with the Parish of Broomfield who are unable to buy or rent properties in the village at open-market prices.

BFD14 - Land South of Broomfield Place – for non-residential day facilities, associated community uses and local/informal green space. Policy criteria are proposed as follows:

- i. Provide new walking/cycling routes linking the site to Main Road and School Lane; and
- ii. Provide a green space layout developed through a community-led masterplan and landscape strategy; and
- iii. Preserve and where appropriate enhance the setting of Grade II listed Broomfield Place; and
- iv. Comply with the requirements of the Angel Green/Broomfield Special Character Area (Policy BFD13); and
- v. Protect existing preserved trees within the allocation site; and
- vi. Protect living and working environments of occupiers of nearby residential property by ensuring that development is not overbearing and does not result in unacceptable overlooking or overshadowing; and does not result in excessive noise, activity or vehicle movements.

BFD10 will be subject to the SPD and Local Plan Strategic Policy S4 concerning RAMS contributions if the proposed residential element comes forwards. Broomfield Neighbourhood Plan also includes its own RAMS policy as follows:

***POLICY BFD3 – RECREATIONAL DISTURBANCE AVOIDANCE AND MITIGATION***

*All residential development within the zones of influence of European Sites should make an appropriate financial contribution towards mitigation measures, as detailed in the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) Supplementary Planning Document, to avoid adverse in-combination recreational disturbance effects on European Sites.*

*All residential development within the zones of influence should deliver all measures identified (including strategic measures) through project-level Habitat Regulations Assessment (HRAs), or otherwise, to mitigate any recreational disturbance impacts in compliance with the Habitats Regulations and Habitats Directive.*

BFD14 would not be subject to the SPD or policies as they only apply to residential development.



	The draft Neighbourhood Plan also proposes allocating Special Character Areas to preserve and enhance the special characteristics of the area; and Local Green Space allocations to protect land of importance to the local community.
5) Does the PP 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)	Yes. The Neighbourhood Plan will include policies for the use of land and buildings within the Neighbourhood Plan area.
6) Does the PP set the framework for future development consent of projects (not just projects in annexes to the EIA Directive)? (Art 3(4))	Yes. The Neighbourhood Plan will be used for the determination of planning applications.
7) Is the PP'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 2000 to 2006/7? (Art 3.8, 3.9)	No, not applicable.
8) Is it likely to have a significant effect on the environment? (Art. 3(5))	No. See entry 4) of this table.

## 5 HRA – Screening Assessment

- 5.1 The Conservation of Habitats and Species Regulations 2017 set out the requirement for neighbourhood plans to assess implications for European Sites (Regulation 106).
- 5.2 Chelmsford Local Plan allocates land at Broomfield for Strategic Growth as follows:
- Strategic Growth Site Policy 8 – land North of Broomfield – around 450 homes (of which approximately half are in Broomfield parish).  
The draft Broomfield Neighbourhood Plan proposes to allocate the following sites for development.
  - BFD10 – Land east of Saxon Way – for community open space, cycle paths and footpaths, community affordable housing to meet local needs, and a GP surgery.
  - BFD14 - Land South of Broomfield Place – for non-residential day facilities, associated community uses and local/informal green space.
- For further details, see entry 4) of the table.
- 5.3 The Local Plan has been subject to continuous and iterative HRA screening and has been found sound following an independent examination. The full consultation process and assessment summary are contained within the HRA Adoption Note<sup>8</sup> which accompanied adoption of the Local Plan (May 2020).
- 5.4 The HRA assessed three principal aspects for appropriate assessment, namely recreational pressure, air quality and water quality. The HRA concluded that significant effects from development proposed in the Local Plan cannot be excluded, either alone or in combination with other plans (with cumulative effects or which are interlinked). This has led to the development of the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). This identifies a detailed programme of strategic mitigation measures across 12 local authority areas, which are to be funded by developer contributions from residential development schemes, and which is endorsed by Natural England.
- 5.5 The draft Broomfield Neighbourhood Plan includes a RAMS policy – see entry 4) of the table.
- 5.6 There are no Neighbourhood Area Designations adjacent to Broomfield. It is, therefore, considered that no cumulative effects from other Neighbourhood Plans are anticipated.
- 5.7 There are 17 proposed policies in the draft Broomfield Neighbourhood Plan including landscape character, housing mix and adaptable homes, development design and sustainable construction, and flood risk mitigation. It is considered that these policies are positive and would not create additional risks of a significant effect on the identified European sites.

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<sup>8</sup> <https://www.chelmsford.gov.uk/media/wwzptjxi/habitats-regulations-assessment-adoption-note.pdf>

## **6 SEA and HRA - Consultation**

6.1 CCC consulted the consultation bodies (see 1.8) in July/August 2022. The consultation responses are attached to the report (Appendix 2).

6.2 In summary:

- Historic England – concludes that the preparation of a Strategic Environmental Assessment is not required for matters within its jurisdiction
- Natural England – consider that subject to the contribution through RAMS the additional proposed dwellings would be unlikely to have any significant effects. However, a new housing allocation would trigger the requirement for Appropriate Assessment and consequently full SEA, as the strategic mitigation in the form of RAMS cannot be applied at the screening stage – as determined following the ‘People over Wind’ ruling<sup>9</sup>. However, a simplified approach may be appropriate.
- The Environment Agency – no response received in consultation period.

## **7 Conclusion**

7.1 As a result of the screening assessment in Section 4, CCC concluded that there were not likely to be significant environmental effects arising directly from the decisions taken through the Broomfield Neighbourhood Plan.

7.2 However, in their response to the consultation Natural England advise that a new allocation would trigger the requirement for Appropriate Assessment and consequently full SEA.

It is, therefore, recommended that the Broomfield Neighbourhood Plan proceed to further stages of Appropriate Assessment/SEA.

## **8 Next steps**

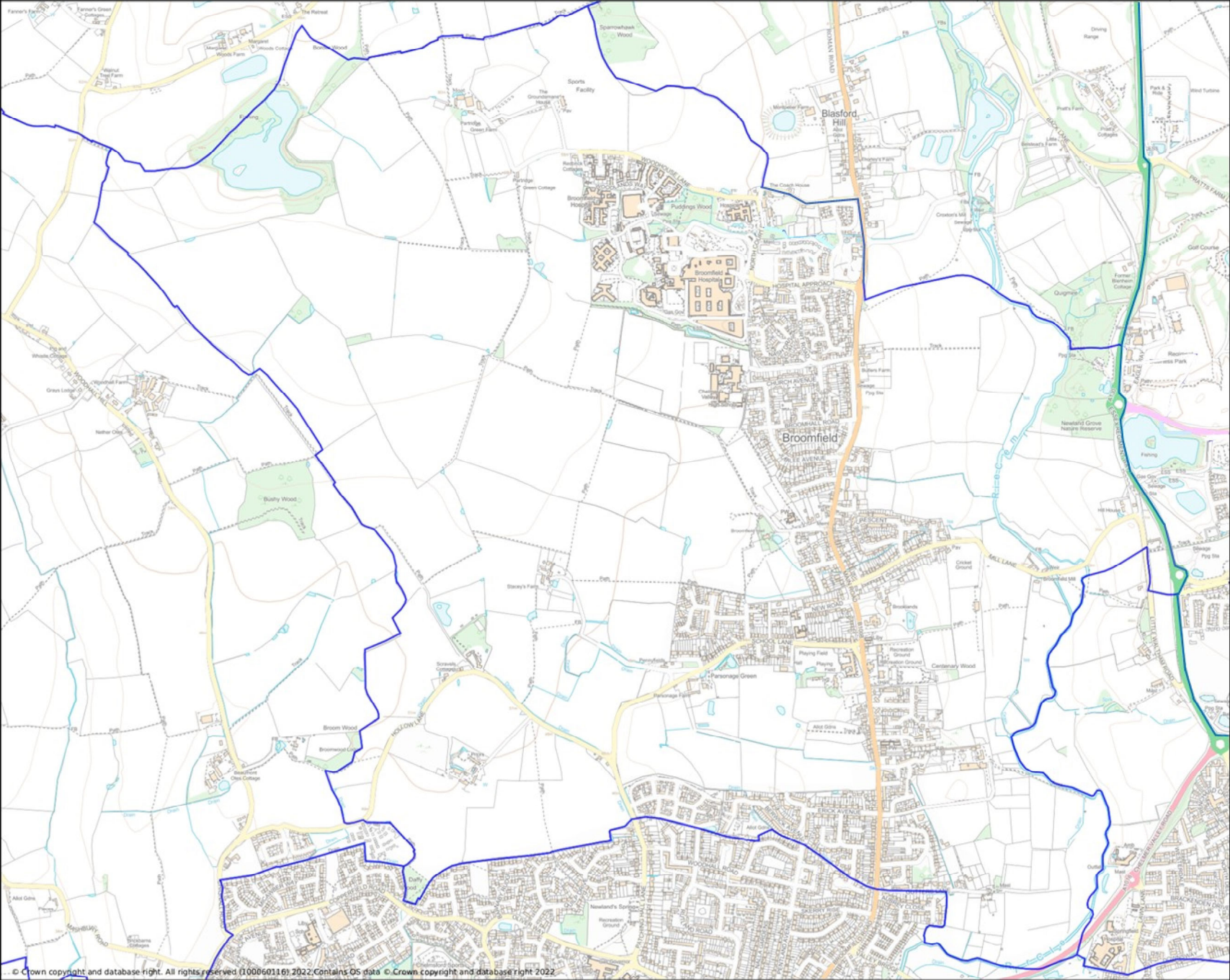
8.1 This statement will be published on Chelmsford City Council’s website:  
[www.chelmsford.gov.uk/communityplans](http://www.chelmsford.gov.uk/communityplans)

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<sup>9</sup>

<https://curia.europa.eu/juris/document/document.jsf?text=&docid=200970&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=1551718>

# Appendix 1 - Broomfield Neighbourhood Plan Designated Area



## Appendix 2 - Consultation Responses

**Jenny ROBINSON**

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**From:** James, Edward  
**Sent:** 09 January 2023 16:28  
**To:** Jenny ROBINSON  
**Subject:** RE: Draft Neighbourhood Plan SEA/HRA Screening Report - Broomfield, Essex

Dear Jenny,

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 Broomfield 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 allocates one site for "non-residential day facilities, associated community uses and local/informal green space" in the vicinity of Broomfield Place (grade II), and the plan sets out that this will be subject to a community led masterplanning exercise. Another site is allocated, but it is not in proximity to any designated heritage assets.

We consider that the development proposed is unlikely to cause significant effects in line with the criteria set out in Schedule 1 of the Environmental Assessment Regulations [Annex II of 'SEA' Directive]. **Historic England therefore 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.

Please do contact me, either via email or the number below, if you have any queries.

Kind regards,

Edward

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Edward James  
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: 12 January 2023  
Our ref: 414529  
Your ref: N/a



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**BY EMAIL ONLY**

Dear Ms Robinson

**SEA/HRA Screening Report for the draft Broomfield Neighbourhood Plan (Chelmsford)**

Thank you for your consultation on the above dated 02 December 2022 which was received by Natural England on the same date.

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.

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.

The SEA screening report concludes that there are not likely to be significant environmental effects arising directly from the decisions taken through the Broomfield Neighbourhood Plan, including the proposed allocation of a site that could accommodate around 30 new dwellings, and that further stages of appropriate assessment for the Broomfield Neighbourhood Plan are not required. This is on the basis that the Local Plan has been subject to continuous and iterative HRA screening and the establishment of the RAMS programme and contribution mechanism to address the effects of recreational disturbance to the Essex Coast SPA, Ramsar site/s.

We generally agree that, subject to contribution through RAMS, the additional proposed dwellings in the Broomfield Neighbourhood Plan could be considered unlikely to have significant effects on the relevant European sites. However, in accordance with the Regulations and following the 'People over Wind'<sup>1</sup> ruling a new allocation would trigger the requirement for Appropriate Assessment and consequently full SEA. Natural England's advice is that, on the basis that the Broomfield

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<sup>1</sup> [Case C-323/17 People Over Wind v Coillte Teoranta](#)

Neighbourhood Plan is relying on strategic mitigation already adopted and tested through the Habitats Regulations, and subject to the RAMS mitigation being addressed and secured through an Appropriate Assessment, it may be possible to take a simplified approach to the preparation of the SEA. Your authority may wish to seek its own legal advice on this matter.

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 at the AA 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 queries relating to the specific advice in this letter only, please contact Fiona Martin at [fiona.martin@naturalengland.org.uk](mailto:fiona.martin@naturalengland.org.uk). 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

Fiona Martin  
Lead Adviser – Sustainable Development  
Consultations Team – West Anglia