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20th June 2024 Our ref: 379/0321/JF

Stephanie Kober BA(Hons) MSc. MRTPI
Senior Planner
Planning Strategy and Implementation
Basildon Borough Council
The Basildon Centre
St Martin's Square
Basildon SS14 1DL

Dear Stephanie,

Re: NOAK BRIDGE NEIGHBOURHOOD PLAN:
REQUEST FOR STRATEGIC ENVIRONMENTAL ASSESSMENT AND HABITAT REGULATIONS ASSESSMENT SCREENING OPINION

I refer to the above and write on behalf of the Noak Bridge Neighbourhood Plan Steering Committee. This letter is submitted to seek Strategic Environmental Assessment (SEA) and Habitat Regulations Assessment (HRA) screening opinions for the draft Noak Bridge Neighbourhood Plan.

The draft Neighbourhood Plan and other evidence base documents can be downloaded from the link below:

https://drive.google.com/drive/folders/1ZLgmGO5mumBuJa4oWkcugQjQklObRocY?usp=sharing

The Neighbourhood Plan Area (the relevant area) is set out on the plan at Annex 1 to this letter.

SEA Legislative Background
The legislative background to this request is set out at Annex 2 to this letter. In summary, there is a requirement to screen plans and projects to determine whether they require a SEA to be carried out as part of the process of the development of the plan.

Assessment Against SEA Screening Criteria
The DCLG document 'A Practical Guide to the Strategic Environmental Assessment Directive' (2005) contains a decision tree at Figure 2 for determining whether a SEA is or is not required. A copy of the figure is appended to this letter at Annex 3 and it is the view of the NP Steering Committee that the conclusion from following the decision tree is that an SEA is not required.

In order to assist the Local Planning Authority and statutory consultees (Natural England, the Environment Agency and Historic England) in reaching a view as to whether the proposed NP is likely to result in significant environmental effects having regard to the criteria in Schedule 2 of the SEA Directive / Schedule 1 of the 2004 Environmental Assessment of Plans and Programmes

Regulations, the table at Annex 4 to this letter (containing criteria from Schedule 1 of the Regulations) shows how the proposed NP responds to the screening criteria.

In addition to the table at Annex 4, accompanying this letter is a copy of a Screening Questionnaire. Furthermore, Annex 5 to this screening opinion request contains background environmental details about the Neighbourhood Plan area that are relevant to this screening request.

The Neighbourhood Plan does not propose sites for residential development. The NP does not propose sites for employment development. The NP will also protect community assets, local green spaces, infrastructure etc, which is not considered likely to have a significant effect on the environment.

It is therefore considered that there is not a need to undertake a SEA for the Neighbourhood Plan.

HRA Screening Request
Since Basildon Borough Council is regarded as being the 'competent authority' for the purposes of the Conservation of Habitats and Species Regulations (2010), it falls to the Borough Council to screen the need for a Habitat Regulations Assessment (HRA).

The Steering Committee's assessment of the need for a HRA is set out at Annex 6 to this letter.

Conclusions
Having regard to the above and enclosed documentation, it is the view of the Noak Bridge Neighbourhood Plan Steering Committee that the proposed Neighbourhood Plan will not lead to significant effects that could require a Strategic Environmental Assessment and / or Habitat Regulations Assessment to be carried out. Notwithstanding this, it is acknowledged that the ultimate decision for the screening of the need for these two assessments rests with the Borough Council. The NP Steering Committee respectfully seeks the Planning Authority's formal screening opinion in relation to both matters. Should you require any further information please do not hesitate to contact Bluestone Planning.

Yours Sincerely,



Jeremy Flawn
Partner – Bluestone Planning

On behalf of Noak Bridge Neighbourhood Plan Steering Committee

Encs (questionnaire; draft submission version of Neighbourhood Plan)

Cc Noak Bridge Neighbourhood Plan Steering Committee

Annex 1 – Neighbourhood Area



Annex 2 – SEA Legislative Background

The legislative background to Strategic Environmental Assessment (SEA) is set out in the European Directive 2001/42/EC [1] ('the SEA Directive') and the associated Environmental Assessment of Plans and Programmes Regulations 2004[2]. These Regulations ('the Regulations') transpose the SEA Directive into UK law.

The SEA Directive requires

- the environmental assessment of all plans and programmes where the member states determine that they are likely to have significant environmental effects (Article 3).
- environmental assessment to be carried out during the assessment of the plan and before its adoption and submission to the legislative procedure (Article 4)
- that the environmental report be prepared in a way which takes into account likely significant environmental effects, that it is at a level of detail, and that it is consulted upon with appropriate bodies within appropriate timescales (Articles 5, 6, 8 and 10).

The Regulations confirm these requirements and in addition advise that when deciding on the scope and level of detail of information that must be included in an environmental report, the responsible authority shall consult the consultation bodies (the Environment Agency, Natural England and Historic England) and that those consultation bodies must respond within five weeks beginning with the date on which they receive the invitation to engage in the consultation (Regulation 12).

Schedule 1 to the Regulations contains the criteria for determining the likely significance of effects on the environment, whilst Schedule 2 describes the information that is required to be included in the environmental report.

The general requirement of the SEA Directive and Regulations is that a strategic environmental assessment should be undertaken on any land use plan or programme which sets the framework for future development consent of projects. There are exceptions to the need to formally assess plans and programmes, as confirmed in Regulation 5 (6) of the 2004 Regulations. Those exceptions are where a plan or programme determines the use of a small area at local level, or where it involves a minor modification to a plan or programme.

In addition to the SEA Directive and associated Regulations, the Neighbourhood Planning (General) (Amendment) Regulations 2015 amend the 2012 Neighbourhood Planning Regulations by the insertion of an additional requirement into Regulation 15 of the 2012 Regulations requiring *"(i) An environmental report prepared in accordance with paragraphs (2) and (3) of Regulation 12 of the Environmental Assessment of Plans and Programmes Regulations 2004 (a); or (ii) Where it has been determined under Regulation 9(1) of those Regulations that the plan proposal is unlikely to have significant environmental effects (and, accordingly, does not require an environmental assessment), a statement of reasons for the determination."*

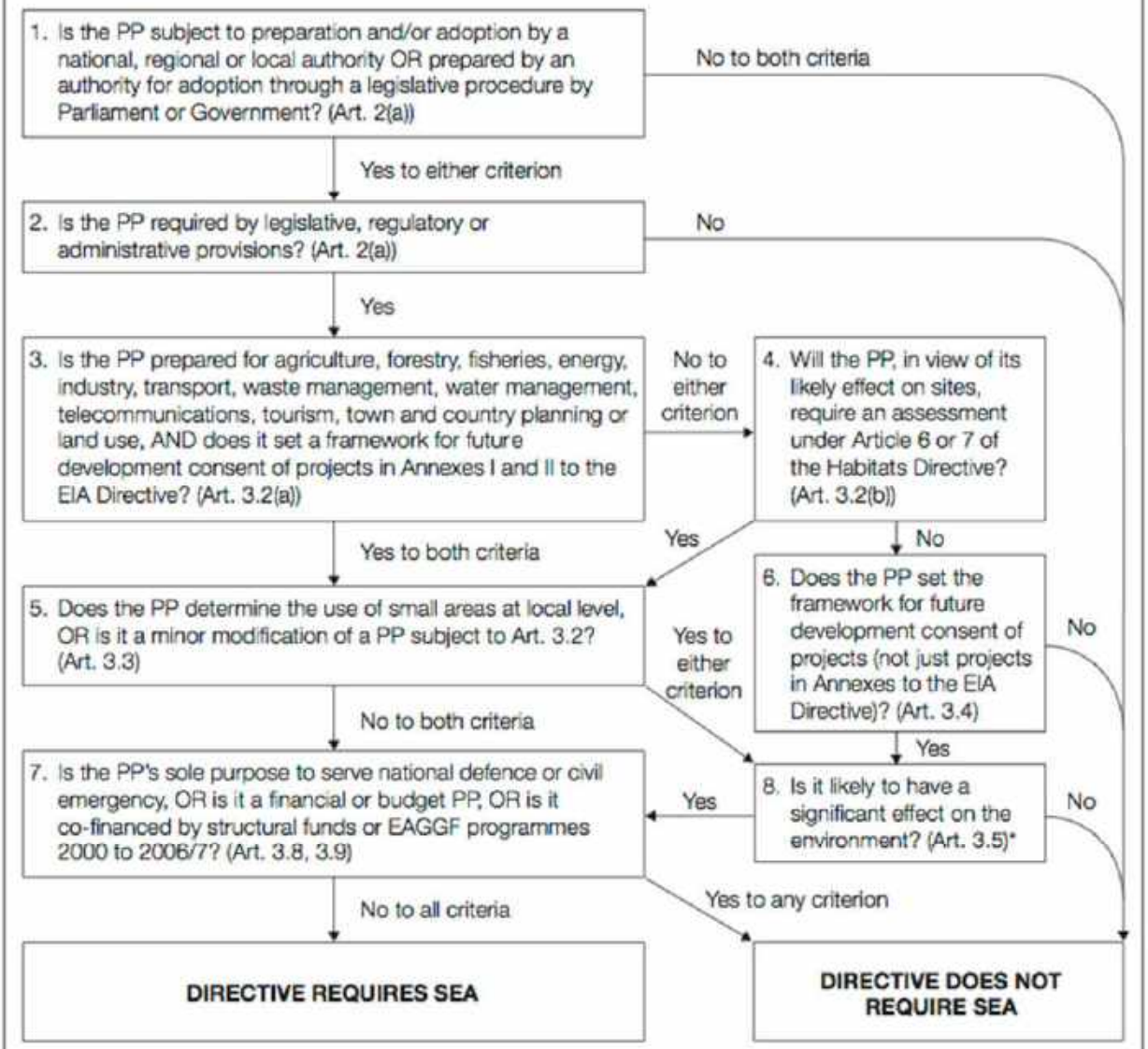
[1] Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment [online] available at: https://eur-lex.europa.eu/eli/dir/2001/42/oj (accessed 6 June 2024)

[2] UK Government (2004) the Environmental Assessment of Plans and Programmes Regulations 2004 [online] available at: http://www.legislation.gov.uk/uksi/2004/1633/contents/made (accessed 6 June 2024)

Annex 3 – Extract from ODPM document 'A Practical Guide to the Strategic Environmental Assessment Directive' (2005)

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.

Annex 4 – Assessment Against Criteria in Schedule 2 of the SEA Directive / Schedule 1 of the 2004 Environmental Assessment of Plans and Programmes Regulations

Criteria	Neighbourhood Plan Likely Effects
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 Noak Bridge Neighbourhood Plan would, if adopted, 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 development plan (The Basildon District Local Plan Saved Policies 2007). The Basildon Borough Council Emerging Local Plan is at a very early stage of development and therefore carries no weight in this assessment process. The projects that this NP establishes a framework for will be local to the settlement of Noak Bridge, limited in scale and will have a limited impact on resources.
The degree to which the plan or programme influences other plans and programmes including those in a hierarchy.	As required by the basic conditions for Neighbourhood Plans, the Noak Bridge NP will be in general conformity with the strategic policies and objectives in the Development Plan whilst also reflecting the direction of travel in the Emerging Local Plan. The Noak Bridge NP will not influence other plans or programmes within the Development Plan.
The relevance of the plan or programme for the integration of environmental considerations in planning with a view to promoting sustainable development.	The aims of sustainable development will be achieved through the development of policies which seek to protect valuable cultural, environmental, economic and community resources whilst facilitating sustainable growth and commensurate provision of infrastructure to serve any new development.
Environmental problems relevant to the plan or programme.	There are several environmental constraints within the NP Area. The NP will contain policies designed to protect and where possible enhance those designated areas and assets (see Annex 5).
The relevance of the plan or programme for the implementation of community legislation on the environment (for example plans and programmes linked to waste	The NP includes a policy supporting small scale renewable energy schemes, sustainable construction and development, use of grey water recycling and rainwater harvesting, and application of SuDS. Other policies seek to protect green and blue infrastructure. The Local Plan Saved Policies Document has a water wildlife management policy that highlights the

Criteria	Neighbourhood Plan Likely Effects
management or water protection).	significance of protecting important water features. The Basildon Borough Emerging Local Plan has also set out an objective to improve the water quality of the Borough. This is fully supported by the Steering Committee. The Water Cycle Study that was carried out for South Essex region in 2011 showed that 82% of water bodies in the Anglian River Basin District were identified to achieve 'Poor' status due to high phosphate levels[3]. There are serious concerns that future housing development that could come forward in this Neighbourhood Plan Area could result in additional harmful nutrients/phosphates entering the water bodies of the Plan Area, which could in turn have a negative effect on the conditions and surrounding of important habitats, such as the Noak Bridge Nature Reserve and Green Belt. The NP contains other policies concerning Noak Bridge Nature Reserve and Air Quality, which will address other local environmental concerns in addition to those highlighted above. The NP also contains measures to promote biodiversity, wildlife corridors and protected environmental sites, within the Plan area.
The probability, duration, frequency and reversibility of effects.	Any development is likely to be at a local scale and whilst new development will not be reversible, the NP will help to inform where development will occur, and the form it will take. This will be a positive effect of the process.
The cumulative nature of the effects.	The positive effects of the NP policies will bring cumulative wider economic, social and environmental benefits to the NP area.
The transboundary nature of the effects.	The NP is not proposing to allocate housing development sites, and therefore it is considered unlikely to result in any transboundary effects.

[3] LUC (2023) Issues and Options IIA Report. Basildon Borough Local Plan Integrated Impact Assessment. Available at: https://res.cloudinary.com/commonplace-digital-limited/image/upload/v1687338967/projects/63e39cbe07a7c8eef79f1117/media-upload/Basildon%20Borough%20Local%20Plan%20Issues%20and%20Options%20IIA_Final%20Version_June%202023%20%28Reduced%20file%20size%29.pdf/bezivxadl2ponc8zgo6s.pdf [Accessed 20th May 2024].

Criteria	Neighbourhood Plan Likely Effects
	Other policies which seek to protect areas or facilities / infrastructure within the Plan Area are likely to be local in scale and very unlikely to have effects that impact significantly beyond the Plan Area.
The risks to human health or the environment (for example due to accidents).	The NP will not lead to significant risks to human health or the environment nor will the NP area be significantly affected.
The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected).	The NP Area is the same as the boundary of Noak Bridge Parish. The policies will seek to protect existing resources and, in conjunction with the Development Plan, to help inform the nature and form of development at a local scale within the Plan Area. The magnitude and spatial extent of the effects will therefore be limited.
The value and vulnerability of the area likely to be affected due to special natural characteristics or cultural heritage.	The NP area contains nationally important heritage assets and nationally protected landscape areas in the form of listed buildings across the Plan Area, and the Metropolitan Green Belt. The Plan Area also contains the following designations: • Noak Bridge Nature Reserve (LNR and SINC) It is also within 10km of several other Local Nature Reserves, including: • St Nicholas Church Hills (LNR) • Cranes Farm Nature Zone (LNR) • Nevendon Bushes (LNR) • Venge Hill (LNR) • Beauchamps Meadow (LNR) • Gidding Copse (LNR) • Mill Meadow (SSSI and LNR) • Norsey Meadow (LNR) • Hutton country Park (LNR) • Grove House Wood (LNR) In addition to those designations mentioned above, the following national and/or European designations are also located within 10km of the Plan Area:

Criteria	Neighbourhood Plan Likely Effects
	• Norsey Wood (SSSI and LNR) • Thorndon Park (SSSI) • Langdon Ridge (SSSI) • Vange & Fobbing Marshes (SSSI) • Pitsea Marsh (SSSI) • Thundersley Great Common (SSSI) • Holehaven Creek (SSSI) • Hanningfield Reservoir (SSSI) The following designated heritage assets are also located within the Plan Area: • Daniels Farm – Grade II • Laindon Ponds – Grade II The NP does not propose the allocation of sites for residential or employment development, and therefore no likely significant impacts on these areas are envisaged. Similarly, no impacts on natural characteristics, including the Metropolitan Green Belt, and on cultural heritage assets, are also foreseen.
The value and vulnerability of the area likely to be affected due to exceeded environmental quality standards or limit values.	The NP will include policies which seek to protect and where possible enhance the characteristics of the NP area. This will ensure that the NP does not lead to environmental quality standards or limit values being exceeded. For instance, this Neighbourhood Plan includes an Air Quality policy that will – together with the saved Local Plan policies - have a positive environmental / biodiversity impact on the Plan Area.
The value and vulnerability of the area likely to be affected due to intensive land use.	The Plan Area is vulnerable to intensive land uses which could cause harm to the Plan Area, and in particular the Metropolitan Green Belt, heritage assets and Noak Bridge Nature Reserve. As a consequence several of its policies seek to address this concern. Therefore, the NP will not contain policies or proposals that are likely to lead to an intensity of land use that reaches the level at which it would give rise to significant effects.

Criteria	Neighbourhood Plan Likely Effects
The effects on areas or landscapes which have a recognised national, community or international protected status.	The Plan Area contains nationally important heritage assets (a Conservation Area and a small number of listed buildings), and a large proportion of it also lies within the Metropolitan Green Belt. The degree to which these assets will be affected by the policies and proposals in the NP is likely to be limited and not significant. Any effects are likely to be positive.

Annex 5 – Environmental Information Affecting Neighbourhood Plan Area

The information attached is taken from a variety of sources (as individually identified), including 'Magic Maps' the Government's GIS-based constraint mapping service. It forms an overview of the main features of the environment in the Plan Area, or nearby, that relate to the draft NP.

Flooding

Much of the Neighbourhood Plan Area is located within Flood Zone 1. As can be seen from Figure 1 below, the areas that are particularly vulnerable to flooding are located around the River Crouch and its tributaries. It is also significant to note that part of the Plan Area is also at risk of surface water flooding. Lastly, the majority of the Plan Area is at low risk of groundwater flooding and at risk from reservoir flooding in locations along the course of the River Crouch.

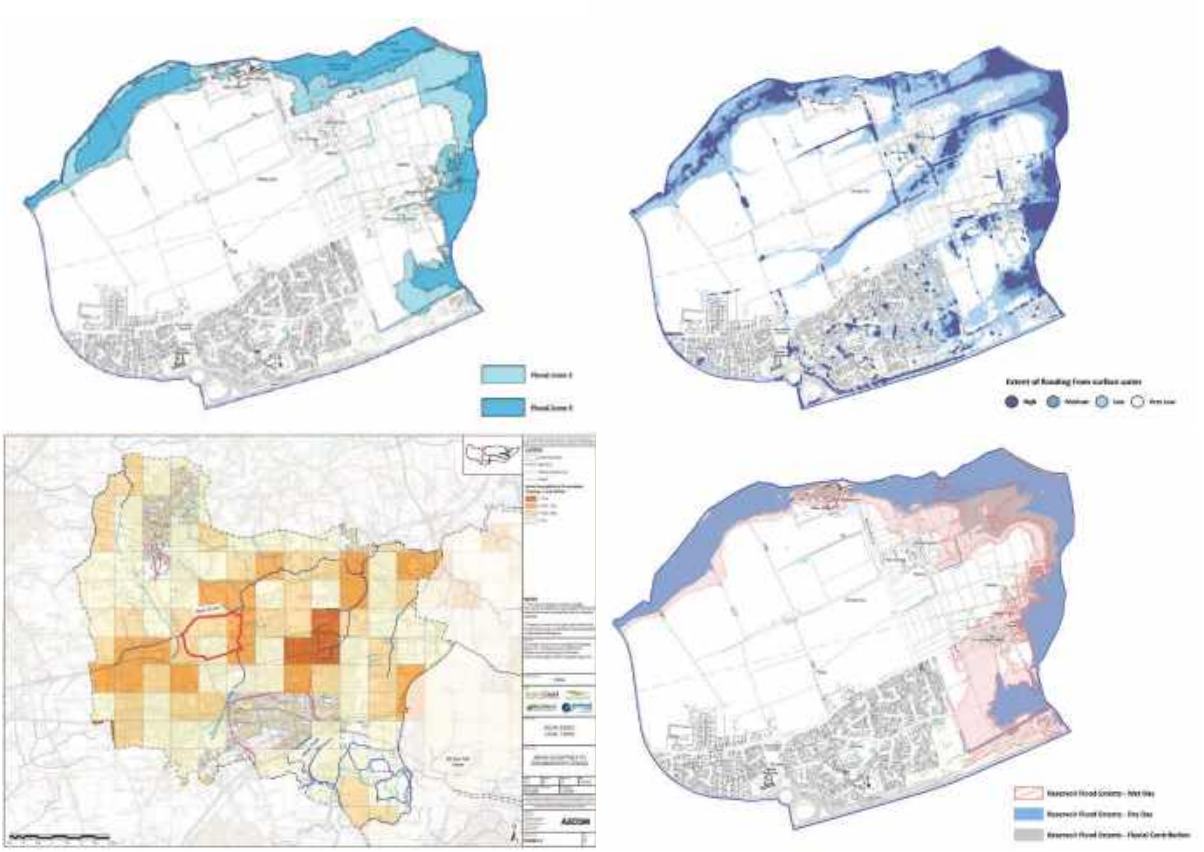
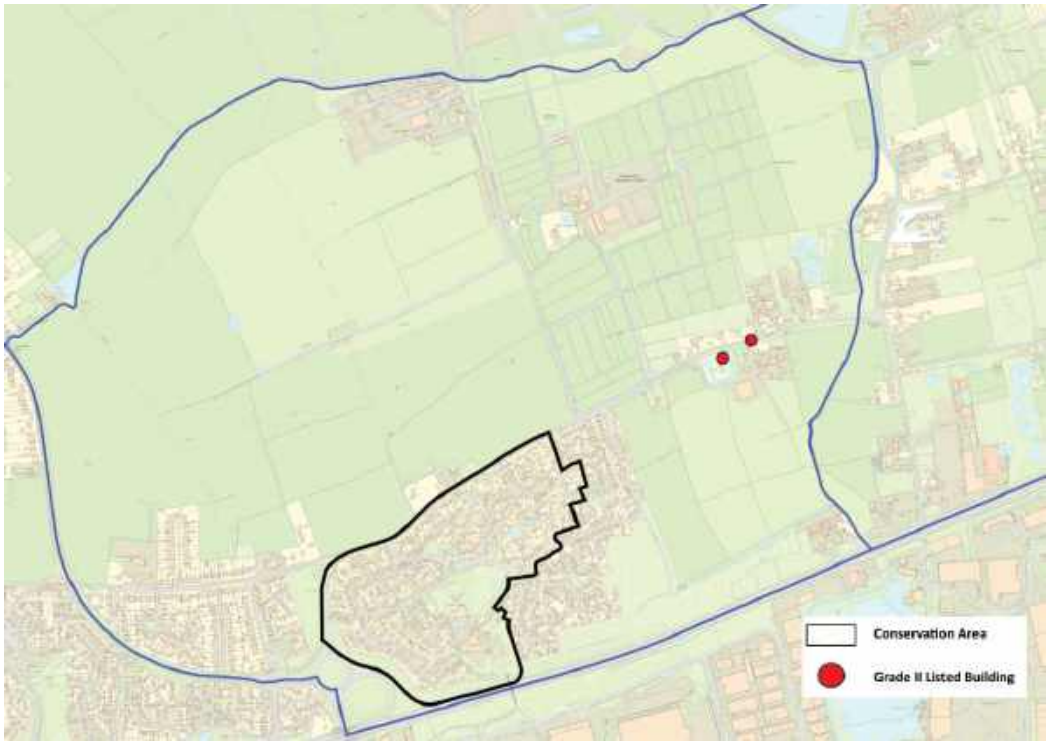


Figure 1. Risk of flooding from fluvial and pluvial sources in the Neighbourhood Plan Area

Historic Environment

Two listed buildings and a Conservation Area have been identified within the Neighbourhood Plan Area. Several non-designated heritage assets have also been identified within Noak

Bridge village. These can be seen in Figure 2 below:



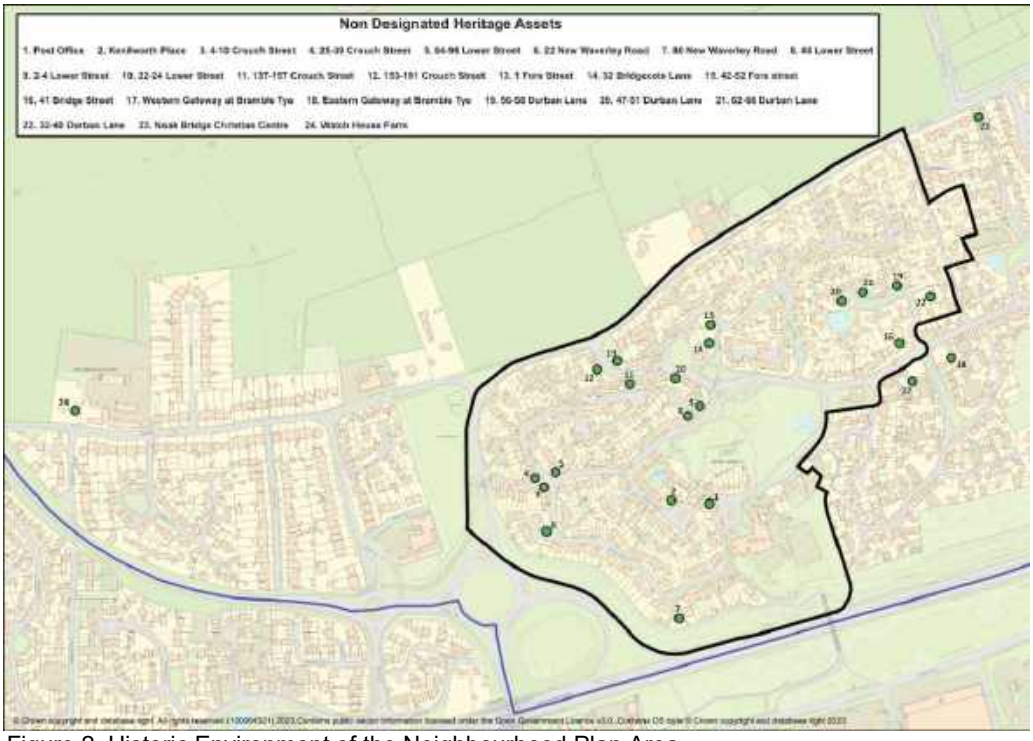


Figure 2. Historic Environment of the Neighbourhood Plan Area

Natural Environment

As can be seen from Figure 3 below, the only important environmental designations and Priority Habitats that have been identified within the Neighbourhood Plan area are the Noak Bridge Nature Reserve to the south and deciduous woodland to the north, south and east of the Plan Area. A few green features (TPO) have also been identified within the Noak Bridge settlement. Whilst Priority Habitats are not referred to in the SEA directive or EIA regulations, it is important to consider them in plan making. Biodiversity Action Plan (BAP) Priority Habitats were those that were identified as being the most threatened and requiring conservation action under the UK Biodiversity Action Plan (UK BAP).



Figure 3. BAP Priority Habitats and TPO tree in the Neighbourhood Plan Area

Green Belt

A large proportion of the Plan Area lies in the Metropolitan Green Belt. The extent of this designation in the Plan Area can be seen below:



Figure 5. Extents of the Metropolitan Green Belt in the Neighbourhood Plan Area

Annex 6 – Habitat Regulations Assessment Screening

The purpose of the HRA process is to determine whether the Neighbourhood Plan will give rise to significant impacts on Natura 2000 sites (Post-Brexit now known as the 'National Site Network' which includes pre and post-Brexit designated Special Areas of Conservation (SACs) and Special Protection Areas (SPAs)), and consequently whether the significant impacts (should there be any) require an Appropriate Assessment to be carried out.

The legislative basis of this requirement was set out in the Habitats Directive[4] but since 1st January 2021 it is now contained in the Conservation of Habitats and Species Regulations 2017 (as amended), as now modified by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019.

Basildon Borough Council is the "competent authority" under the Conservation of Habitats and Species Regulations 2017.

Regulation 63 of the 2017 Regulations states

"*63.—(1) A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which—*

(a)is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and

(b)is not directly connected with or necessary to the management of that site, must make an appropriate assessment of the implications of the plan or project for that site in view of that site's conservation objectives."

The competent authority must for the purposes of the assessment consult the appropriate nature conservation body and have regard to any representations made by that body within such reasonable time as the authority specifies, and it must also, if it considers it appropriate, take the opinion of the general public, and if it does so, it must take such steps for that purpose as it considers appropriate (Regulation 63(3) and (4)).

The are no European sites either within, or within 10 km of, the Plan Area that would be affected by the policies in the Neighbourhood Plan, having regard to the above requirements.

[4] EU Habitats Directive - EC Council Directive 92/43/EEC 21 May 1992