

Braintree District Council

Habitat Regulations Assessment of the Braintree Section 2 Local Plan: Main Modifications Braintree Local Plan 2013-2033

Draft final report

Prepared by LUC

November 2021



Braintree District Council

Habitat Regulations Assessment of the Braintree Section 2 Local Plan: Main Modifications Braintree Local Plan 2013-2033

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London SE1 8RD

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Chapter 1

Introduction

1.1 LUC was commissioned by Braintree District Council ('the Council') in October 2021 to carry out a Habitats Regulations Assessment (HRA) of the Main Modifications to Section 2 of the Braintree Publication Draft Local Plan.

1.2 The Council has consulted on three versions of the Local Plan as follows:

- Issues and Scoping document – this was published for consultation during January to March 2015.
- Draft Section 2 Local Plan, setting out preferred options – published for consultation during the period 27th June to 19th August 2016.
- Section 2 Publication Draft Local Plan, also known as Publication or Regulation 19 stage – published for consultation during the period 16th June 2017 to 28th July 2017.

1.3 LUC previously undertook an HRA Screening of the Preferred Options Draft Section 2 Local Plan, to determine whether it could result in likely significant effects on any European site, either alone or in-combination with other plans and projects.

1.4 The HRA Screening of the Braintree Preferred Options District Draft Section 2 Local Plan concluded that alone it would not give rise to likely significant effects on any European sites. However, the HRA Screening found that there is the potential for likely significant effects at the following European sites as a result of recreational disturbance in-combination with the North Essex Authorities Strategic Part 1 for Local Plans:

- Blackwater Estuary (Mid-Essex Coast Phase 4) SPA and Ramsar site.
- Colne Estuary (Mid-Essex Coast Phase 2) SPA and Ramsar site.
- Crouch and Roach Estuaries (Mid-Essex Coast Phase 3) SPA and Ramsar
- Dengie SPA and Ramsar site.
- Essex Estuaries SAC.

1.5 It was recommended that an HRA assessment of the Part 1 North Essex Authorities Shared Strategic Plan is undertaken, to consider the potential for likely significant effects on European sites, either alone or in-combination with the Part/Section 2 of Local Plans for each of the three local authorities. This has been undertaken and is reported separately, albeit relevant findings have been referenced in this assessment.

1.6 The previous version of this HRA report provided the Appropriate Assessment of Section 2 of the Braintree Publication Draft Local Plan in respect of the in-combination recreational impacts identified at the Screening stage, and also updated the Screening stage to address comments made by Natural England, as described below.

Natural England Comments on the HRA Screening of Braintree District Draft Local Plan

1.7 Natural England reviewed the HRA Screening of the Preferred Options Braintree District Section 2 Draft Local Plan and in its consultation response, confirmed that it “does not generally dispute the conclusions reached”. However, Natural England provided the following comments on the methodology:

“The use of Site Improvement Plans as justification for ‘no likely significant effects’. Whilst it is true that Site Improvement Plan documents seek to provide an overview of current issues affecting a site and predict future pressures based on current trends, these documents cannot be expected to anticipate future nearby development or the impacts that they may have. Therefore, they can be used in a document such as this to illustrate existing problems that may need to be addressed but should not be used as proof of resilience to an impact which is not identified.

This methodology is used frequently throughout the document. For example paragraph 5.5 states:

‘Given that the Site Improvement Plans for the European sites do not list lowering of water levels as being a key vulnerability or factor affecting site integrity, and the conclusions of the HRA of the SADMP (Site Allocations and Development Management Plan), it is considered that the lowering of water levels is not an issue that requires further consideration in this HRA Screening assessment.’

Lowering of water levels may not be listed as a key vulnerability because it is not anticipated. If Braintree Local Plan was considered likely to bring about a significant lowering

of water levels at a European Sites then the Habitats Regulations Assessment (HRA) Screening should consider whether this will have a ‘likely significant effect’ on the site and its designated features. Note also that the HRA of Braintree Site Allocations and Development Management Policies (SADMP) should not be relied upon either as the two documents make different proposals and the SADMP did not pass through examination.

Evidence should be presented that water levels will not be affected at the European Sites or that lowering of water levels will not result in a ‘likely significant effect’ before screening out.

HRA Conclusion

The above notwithstanding, Natural England recognises that distance and pathways preclude most forms of impact upon European Sites. We agree that there is potential for the plan, in combination with other plans and projects, to increase the levels of recreational disturbance experienced at the European Sites listed in section 6.5. Natural England is therefore satisfied that the decision to proceed to Appropriate Assessment is appropriate.”

1.8 This previous version of this HRA report updated the previous approach to Screening to take account of the above comments by Natural England.

Main Modifications

1.9 In August 2020, two Inspectors were appointed to examine the ‘soundness’ of the Section 2 Local Plan. BDC prepared a Draft Schedule of Recommended Modifications to the Section 2 Local Plan¹ (May 2021) in advance of the hearing sessions which took place in July 2021. Following the Examination hearings, a Final Schedule of Main Modifications to the Section 2 Local Plan has been prepared by the Inspectors, which this SA Addendum relates to. The proposed modifications take into account the matters raised by representations, hearing statements and through the hearing sessions. The Inspectors consider these modifications necessary for soundness.

1.10 The most significant modifications to the Section 2 Local Plan relate to:

- The deletion of policies LPP 7 (Design and Layout of Employment Policy Areas and Business Parks), LPP 27 (Comprehensive Redevelopment Area - Former Dutch Nursery, West Street, Coggeshall), and LPP 62 (Enabling Development).

¹ Braintree District Council (2021) Local Plan Examination of Section 2 Further Suggested Changes to the Local Plan Section 2 (pdf)
Available at: [https://www.braintree.gov.uk/directory-](https://www.braintree.gov.uk/directory-record/1059457/sdbdc008a-1-3-further-suggested-changes-to-the-local-plan-may-2021)

[record/1059457/sdbdc008a-1-3-further-suggested-changes-to-the-local-plan-may-2021](https://www.braintree.gov.uk/directory-record/1059457/sdbdc008a-1-3-further-suggested-changes-to-the-local-plan-may-2021)

- The amalgamation of Publication Draft policies LPP 75 (Energy Efficiency) and LPP 77 (Renewable Energy within New Developments) to form a new policy 'Resource Efficiency, Energy Generation and Energy Efficiency'.
- The modification of the Strategic Growth Location policies (LPP 18 – LPP 23) and policies LPP 67 (Natural Environment and Green Infrastructure), LPP 68 (Protected Species, Priority Species and Priority Habitat), and LPP 78 (Flooding Risk and Surface Water Drainage).

1.11 These policies are appraised in detail in **Appendix C** and their implications for this HRA are detailed herein.

1.12 The Publication Draft Local Plan and supporting evidence base, including two accompanying Section 1 and Section 2 HRA Reports, was submitted to the Secretary of State for independent examination 9th October 2017.

1.13 Following the Examination hearings for the Section 2 of the Braintree Publication Draft Local Plan in July 2021, the Council prepared a schedule of proposed Main Modifications to the Section 2 of the Braintree Publication Draft Local Plan and the reasoning behind each proposed modification. The Examination process has resulted in the Council proposing 102 Main Modifications across the Plan. The Inspector has found that the Main Modifications are essential to ensure that the Section 2 of the Braintree Publication Draft Local Plan can be found sound and then adopted by the Council.

This HRA focusses on the 'Main Modifications' to the Section 2 Local Plan. Additional 'Minor Modifications' have also been prepared to address non-substantive matters such as typographical, factual and grammatical errors. These Minor Modifications are not subject to HRA as they do not have the potential to lead to likely significant effects.

Background to the Local Plan

1.14 The Braintree District Core Strategy was adopted in 2011. A Strategic Housing Market Assessment (SHMA) was produced in the first half of 2014 to update the Council's evidence on housing need. The SHMA (which is now out of date for the purposes of calculating Objectively Assessed Need 'OAN' for housing) indicated that substantially more dwellings were required than the annual provision in the Core Strategy. In light of this new housing evidence and the new national policy requirements in the National Planning Policy Framework (NPPF), the Council resolved in June 2014 not to

proceed with its draft Site Allocations and Development Management Plan (SADMP), for which Pre-submission consultation had been completed, and instead commence work on a new Local Plan. The North Essex authorities (Braintree, Colchester and Tendring districts) are committed to plan positively for new homes and to significantly boost the supply of housing to meet the needs of the area. To meet the requirements of national policy to establish the number and type of new homes, the authorities commissioned Peter Brett Associates to produce an Objectively Assessed Housing Need Study building on earlier work. This was first published in July 2015 and updated in January 2016. It meets the requirements of the NPPF to prepare a Strategic Housing Market Assessment (SHMA).

1.15 The new Braintree Local Plan will include all major planning policy for the District in a single document and will need to meet the requirements of the NPPF. Once complete, it will replace both the Core Strategy (adopted 2011) and the Local Plan Review saved policies (adopted 2005). Responsibilities for minerals and waste development plans will remain at the County level and the Braintree Local Plan will therefore need to take account of the Essex Minerals Local Plan (adopted 2014) and the Essex and Southend-on-Sea Waste Local Plan (adopted 2017). Local communities may choose to produce a neighbourhood plan for their area in order to set out a vision and planning policies for the use and development of land in a neighbourhood. Any such plans will need to be in conformity with the strategic policies in the Braintree Local Plan.

1.16 The Local Plan will set out the Council's strategy for future development and growth in the District up to 2033 and will include strategic policies, development management policies and site allocations. As the Council has to plan for a larger number of new homes in the District than were provided for in the Core Strategy, it has looked at larger and/or more numerous development sites. This includes urban extensions like Great Notley, which was built in the early 2000s, and new settlements which could follow Garden City or Garden Suburb design principles.

The Requirement to Undertake Habitats Regulations Assessment of Development Plans

1.17 The requirement to undertake HRA of development plans was confirmed by the amendments to the Habitats Regulations published for England and Wales in 2007²; the currently applicable version is the Habitats Regulations 2017,

² The Conservation (Natural Habitats, &c.) (Amendment) Regulations 2007 (2007) SI No. 2007/1843.

as amended³. When preparing its Local Plan, Braintree District Council is therefore required by law to carry out an HRA. Braintree District Council can commission consultants to undertake HRA work on its behalf and this (the work documented in this report) is then reported to and considered by Braintree District Council as the 'competent authority'. Braintree District Council will consider this work and may only progress the Local Plan if it considers that the Plan will not adversely affect the integrity⁴ of any European site. The requirement for authorities to comply with the Habitats Regulations when preparing a Local Plan is also noted in the Government's online Planning Practice Guidance (PPG).

1.18 HRA refers to the assessment of the potential effects of a development plan on one or more European sites, including Special Protection Areas (SPAs) and Special Areas of Conservation (SACs):

- SACs are designated under the Habitats Regulations as amended and target particular habitat types (specified in Annex 1 to the Habitats Directive) and species (specified in Annex II to the Habitats Directive). These annexes to the Habitats Directive list habitat types and species (excluding birds) considered to be most in need of conservation at a European level. Designation of SACs also has regard to the threats of degradation or destruction to which the sites are exposed and, before EU exit day, to the coherence of the Natura 2000 network of European sites. After EU exit day, regard is had to the importance of such sites for the coherence of the national site network.
- SPAs are areas classified⁵ for rare and vulnerable birds or regularly occurring migratory species.

- Potential SPAs (pSPAs)⁶, candidate SACs (cSACs)⁷, Sites of Community Importance (SCIs)⁸ and Ramsar sites should also be included in the HRA.
- Ramsar sites support internationally important wetland habitats and are listed under the Convention on Wetlands of International Importance especially as Waterfowl Habitat (Ramsar Convention, 1971).

1.19 For ease of reference during HRA, these designations can be collectively referred to as European sites⁹ despite Ramsar designations being at the international level.

1.20 The overall purpose of the HRA is to conclude whether or not a proposal or policy, or the whole development plan, would adversely affect the integrity of the Habitats site in question either alone or in combination with other plans and projects. This is judged in terms of the implications of the plan for the 'qualifying features' for which the European site was designated, i.e.:

- SACs – Annex I habitat types and Annex II species¹⁰;
- SPAs – Annex I birds and regularly occurring migratory species not listed in Annex I¹¹;
- Ramsar sites – the reasons for listing the site under the Convention¹².

1.21 Significantly, HRA is based on the precautionary principle meaning that where uncertainty or doubt remains, an adverse impact should be assumed.

Stages of HRA

1.22 The HRA of development plans is undertaken in stages (as described below) and should conclude whether or not a

³ The Conservation of Habitats and Species Regulations 2017 (2017) SI No. 2017/1012, as amended by The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 (SI 2019/579).

⁴ The integrity of a site is the coherence of its ecological structure and function, across its whole area, that enables it to sustain the habitat, complex of habitats and/or the levels of populations of the species for which it was designated. (Source: UK Government [Planning Practice Guidance](#))

⁵ Classified (a) before the day of the UK's exit from the EU (31 January 2020) in accordance with Article 4(1) or 4(2) of the European Union Wild Birds Directive for rare and vulnerable birds (as listed in Annex I of the Directive), and under Article 4(2) for regularly occurring migratory species not listed in Annex I, or (b) after exit day under the retained transposing regulations.

⁶ Potential SPAs are sites that have been approved by the Minister for formal consultation but not yet proposed to the European Commission, as listed on the [GOV.UK website](#).

⁷ Candidate SACs are sites that have been submitted to the European Commission, but not yet formally adopted, as listed on the JNCC's [SAC list](#).

⁸ SCIs are sites that had been adopted by the European Commission before the day of the UK's exit from the EU (31 January 2020) but not yet formally designated as SACs by the UK Government.

⁹ The term 'Natura 2000 sites' can also be used interchangeably with 'International sites' in the context of HRA, although the latter term is used throughout this report.

¹⁰ As listed in the site's citation on the JNCC website (all features of European importance, both primary and non-primary, need to be considered).

¹¹ As identified in sections 3.1, 3.2 and 4.2 of the SPA's standard data form on the JNCC website; species for which the site assessment of population (abbreviated to 'Pop.' in table at section 3.1 and 3.2) is 'D' (non-significant population) are not qualifying features and are only relevant to the HRA if qualifying features are dependent on them. Information from SAC and Spa Standard Data Forms is also published by the JNCC in the [Natura 2000 site details - spreadsheet](#). At sites where there remain differences between species listed in the [2001 SPA Review](#) and the extant site citation in the standard data form, the relevant country agency (Natural England or Natural Resources Wales) should be contacted for further guidance.

¹² As set out in section 14 of the relevant 'Information Sheet on Ramsar Wetlands' available on the JNCC website.

proposal would adversely affect the integrity of the European site in question.

1.23 The HRA should be undertaken by the 'competent authority', in this case LUC has been commissioned to do this on the Council's behalf. The HRA also requires close working with Natural England as the statutory nature conservation body¹³ in order to obtain the necessary information, agree the process, outcomes and mitigation proposals. The Environment Agency, while not a statutory consultee for the HRA, is also in a strong position to provide advice and information throughout the process as it is required to undertake HRA for its existing licences and future licensing of activities.

Requirements of the Habitats Regulations

1.24 In assessing the effects of a Local Plan in accordance with Regulation 105 of the Conservation of Habitats and Species Regulations 2017, as amended, there are potentially two tests to be applied by the competent authority: a 'Significance Test' followed, if necessary, by an Appropriate Assessment which would inform the 'Integrity Test'. The relevant sequence of questions is as follows:

- Step 1: Under Reg. 105(1)(b), consider whether the plan is directly connected with or necessary to the management of the sites. If not, as is the case for the Braintree Local Plan, proceed to Step 2.
- Step 2: Under Reg. 105(1)(a) consider whether the plan is likely to have a significant effect on a European site,

either alone or in combination with other plans or projects (the 'Significance Test'). If yes, proceed to Step 3.

- Step 3: Under Reg. 105(1), make an Appropriate Assessment of the implications for the European site in view of its current conservation objectives (the 'Integrity Test'). In so doing, it is mandatory under Reg. 105(2) to consult Natural England, and optional under Reg. 105(3) to take the opinion of the general public.
- Step 4: In accordance with Reg. 105(4), but subject to Reg. 107, give effect to the land use plan only after having ascertained that the plan would not adversely affect the integrity of a European site.
- Step 5: Under Reg. 107, if Step 4 is unable to rule out adverse effects on the integrity of a European site and no alternative solutions exist then the competent authority may nevertheless agree to the plan or project if it satisfies the derogation tests including there being no satisfactory alternative, it being carried out for 'imperative reasons of overriding public interest' (IROPI), and the favourable conservation status of the qualifying features being maintained.

1.25 Table 1.1 below summarises the stages and associated tasks and outcomes typically involved in carrying out a full HRA of a development plan, based on various guidance documents^{14, 15, 16, 17}.

Table 1.1: Stages of HRA

Stage	Task	Outcome
Stage 1: HRA Screening	Description of the development plan. Identification of potentially affected European sites and factors contributing to their integrity. Review of other plans and projects. Assessment of likely significant effects of the development plan alone or in combination with other plans and projects.	Where effects are unlikely, prepare a 'finding of no significant effect report'. Where effects judged likely, or lack of information to prove otherwise, proceed to Stage 2.
Stage 2:	Information gathering (development plan and European Sites).	Appropriate assessment report describing the plan, European site baseline conditions, the adverse effects

¹³ Regulation 5 of the Habitats Regulations 2017.

¹⁴ UK Government Planning Practice Guidance, available from <https://www.gov.uk/guidance/appropriate-assessment>

¹⁵ European Commission (2001) Assessment of plans and projects significantly affecting European Sites. Methodological guidance on

the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC.

¹⁶ DCLG (2006) Planning for the Protection of European Sites: Appropriate Assessment

¹⁷ RSPB (2007) The Appropriate Assessment of Spatial Plans in England. A guide to why, when and how to do it.

Stage	Task	Outcome
Appropriate Assessment (where Stage 1 does not rule out likely significant effects)	Impact prediction. Evaluation of development plan impacts in view of conservation objectives. Where impacts are considered to affect qualifying features, identify how these effects will be avoided or reduced.	of the plan on the European site, how these effects will be avoided or reduced, including the mechanisms and timescale for these mitigation measures. If effects remain after all alternatives and mitigation measures have been considered proceed to Stage 3.
Stage 3: Assessment where no alternatives exist, and adverse impacts remain taking into account mitigation	Identify 'imperative reasons of overriding public interest' (IROPI). Demonstrate no alternatives exist. Identify potential compensatory measures.	This stage should be avoided if at all possible. The test of IROPI and the requirements for compensation are extremely onerous.

Recent Case Law Changes

1.26 This HRA has been prepared in accordance with recent case law findings, including most notably the recent 'People over Wind' and 'Holohan' rulings from the Court of Justice for the European Union (CJEU).

1.27 The recent 'People over Wind, Peter Sweetman v Coillte Teoranta' judgment ruled that Article 6(3) of the Habitats Directive should be interpreted as meaning that mitigation measures should be assessed as part of an Appropriate Assessment, and should not be taken into account at the screening stage. The precise wording of the ruling is as follows:

"Article 6(3)must be interpreted as meaning that, in order to determine whether it is necessary to carry out, subsequently, an appropriate assessment of the implications, for a site concerned, of a plan or project, it is not appropriate, at the screening stage, to take account of measures intended to avoid or reduce the harmful effects of the plan or project on that site.

1.28 In light of the above, the HRA screening stage for the Local Plan has not relied upon avoidance or mitigation measures to draw conclusions as to whether the Local Plan would result in likely significant effects on European sites, with any such measures being considered at the Appropriate Assessment stage as appropriate. This is discussed in more detail in **Section 3** below.

1.29 This HRA also fully considers the recent Holohan v An Bord Pleanala (9th November 2018) CJEU judgement which stated that:

"Article 6(3) of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora must be interpreted as meaning that an 'appropriate

assessment' must, on the one hand, catalogue the entirety of habitat types and species for which a site is protected, and, on the other, identify and examine both the implications of the proposed project for the species present on that site, and for which that site has not been listed, and the implications for habitat types and species to be found outside the boundaries of that site, provided that those implications are liable to affect the conservation objectives of the site.

Article 6(3) of Directive 92/43 must be interpreted as meaning that the competent authority is permitted to grant to a plan or project consent which leaves the developer free to determine subsequently certain parameters relating to the construction phase, such as the location of the construction compound and haul routes, only if that authority is certain that the development consent granted establishes conditions that are strict enough to guarantee that those parameters will not adversely affect the integrity of the site.

Article 6(3) of Directive 92/43 must be interpreted as meaning that, where the competent authority rejects the findings in a scientific expert opinion recommending that additional information be obtained, the 'appropriate assessment' must include an explicit and detailed statement of reasons capable of dispelling all reasonable scientific doubt concerning the effects of the work envisaged on the site concerned.

1.30 In undertaking this HRA, LUC has fully considered the potential for effects on species and habitats, including those not listed as qualifying features, to result in secondary effects upon the qualifying features of European sites, including the potential for complex interactions and dependencies. In addition, the potential for offsite impacts, such as through impacts to functionally linked land, and or species and habitats located beyond the boundaries of European site, but which may be important in supporting the ecological processes of

the qualifying features, has also been fully considered in this HRA.

1.31 In addition to this, the HRA takes into consideration the ‘Wealden’ judgement and the ‘Dutch Nitrogen Case’ judgement from the Court of Justice for the European Union.

1.32 *Wealden District Council v Secretary of State for Communities and Local Government, Lewes District Council and South Downs National Park Authority* (2017) ruled that it was not appropriate to scope out the need for a detailed assessment for an individual plan or project based on AADT figures detailed in the Design Manual for Roads and Bridges or the critical loads used by DEFRA or Environmental Agency without considering the in-combination impacts with other plans and projects.

1.33 In light of this judgement, the HRA therefore considers traffic growth based on the effects of development provided for by the Plan in combination with other drivers of growth such as development proposed in neighbouring districts and demographic change.

1.34 The ‘Coöperatie Mobilisation for the Environment and Vereniging Leefmilieu (Dutch Nitrogen)’ judgement stated that “May the positive effects of the autonomous decrease in the nitrogen deposition ... be taken into account in the appropriate assessment..., it is important that the autonomous decrease in the nitrogen deposition be monitored and, if it transpires that the decrease is less favourable than had been assumed in the appropriate assessment, that adjustments, if required, be made”

1.35 The judgement states that according to previous case law “...it is only when it is sufficiently certain that a measure will make an effective contribution to avoiding harm to the integrity of the site concerned, by guaranteeing beyond all reasonable doubt that the plan or project at issue will not adversely affect the integrity of that site, that such a measure may be taken into consideration in the ‘appropriate assessment’ within the meaning of Article 6(3) of the Habitats Directive”

1.36 The HRA therefore only considers the existence of conservation and/or preventative measures if the expected benefits of those measures are certain at the time of the assessment. The HRA will also ensure that if a threshold approach is applied it will consider the risk of significant effects being produced even if below the threshold values to ensure that there is no adverse effect on integrity of the European sites.

HRA Work Carried out Previously

1.37 The adopted Core Strategy for Braintree District was subject to HRA throughout its development. The final HRA document is:

- Appropriate Assessment: Braintree District Council Local Development Framework draft Core Strategy (prepared by Royal Haskoning for Braintree District Council, 2009).

1.38 As explained above, the SADMP, although not adopted, reached an advanced stage of preparation and the Council is rolling forward work completed on it into the new Local Plan. HRA work carried out on the SADMP is therefore also of relevance and the latest HRA document is:

- Habitats Regulations Assessment Screening Report: Braintree Site Allocations and Development Management Plan (prepared by Lepus Consulting for Braintree District Council, March 2014).

1.39 Therefore, there is already a significant body of HRA work available relating to Braintree District which can be drawn upon, updating and amending it as necessary, to inform HRA of the new Local Plan.

Structure of this report

1.40 This chapter (**Chapter 1**) has described the background to the production of the Braintree Publication Draft Local Plan and the requirement to undertake HRA. The remainder of the report is structured into the following sections:

- **Chapter 2: The Local Plan** summarises the content of Section 2 of the Braintree Publication Draft Local Plan as proposed to be modified, which is the subject of this report.
- **Chapter 3: HRA Method** sets out the approach used, and the specific tasks undertaken during the screening and appropriate assessment of the HRA.
- **Chapter 4: European Sites** identifies the European sites that are covered by the HRA Screening of the Draft Local Plan.
- **Chapter 5: HRA Screening Assessment** describes the findings of the screening stage of the HRA.
- **Chapter 6: Appropriate Assessment** sets out the findings of the Appropriate Assessment stage of the HRA.
- **Chapter 7: Conclusions** summarises the HRA conclusions for Section 2 of the Braintree District Council Publication Draft Local Plan as proposed to be modified, and describes the next steps to be undertaken.

Chapter 2

Section 2 of the Braintree District Publication Draft Local Plan

2.1 The Braintree Publication Draft Local Plan is divided into nine main chapters:

- Chapter 1: Index of policies.
- Chapter 2: Introduction
- Chapter 3: District profile
- Chapter 4: Vision and objectives.
- Chapter 5: The spatial strategy.
- Chapter 6: A prosperous district.
- Chapter 7: Creating better places.
- Chapter 8: The District's natural environment.
- Chapter 9: Delivery and implementation.

2.2 Chapters 1 to 3 provide introductory and contextual information for the Publication Draft Local Plan, and are therefore not relevant to the HRA.

2.3 The Braintree Publication Draft Local Plan also includes the Shared Strategic Plan (Section 1 Local Plan) which has been assessed as part of a separate HRA. Therefore this HRA assesses Section 2 of the Braintree Publication Draft Local Plan only.

2.4 The contents of Sections 3 to 9 of the Publication Draft Local Plan are summarised below.

Content of the Braintree Publication Draft Local Plan

Shared Strategic Plan

2.5 This section of the Braintree Publication Draft Local Plan has been prepared in collaboration with the neighbouring local authorities of Colchester Borough Council and Tendring District Council (collectively known as the 'North Essex Authorities'). This is because the three local authorities were of the view that the best outcomes for current and future communities could be achieved by working together.

2.6 The result of this collaborative approach is a 'Shared Strategic Plan' (Section 1 Local Plan) that will be incorporated within all three local authorities' Local Plans. It comprises 9 'SP' policies, covering:

- Policy SP1: Presumption in Favour of Sustainable Development (a standard policy included in all Local Plans).
- Policy SP2: Recreational disturbance Avoidance and Mitigation Strategy (RAMS). Contributions will be secured from development towards mitigation measures in accordance with the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy 2018-2038 (RAMS).
- Policy SP3: Spatial Strategy for North Essex, which explains that the principal focus of growth will be the existing settlements, prioritising previously developed land where this is in accordance with sustainable development principles, plus provision for the Tendring/Colchester Borders Garden Community which will fall outside of the Braintree District.
- Policy SP4: Meeting Housing Needs in the three authorities, totalling 43,720 net additional homes during the plan period 2013-2032, including 14,320 in Braintree District.
- Policy SP5: Providing for Employment in the three authorities, with a minimum net increase of 93.3 ha of employment land up to 2033, of which 43.3 ha will be in Braintree District.
- Policy SP6: Infrastructure and Connectivity, which sets out key infrastructure requirements, in particular to the transport network.
- Policy SP7: Place Shaping Principles, which sets the standards of built and urban design that should be met when delivering development in the three authority areas.
- Policy SP8: Development and Delivery of New Garden Community in North Essex, which provides overarching guidance in support of Policy SP3 in terms of design and delivery principles, and states that the new garden community proposed for the border of Tendring District and Colchester Borough will deliver between 2,200 and 2,500 homes in the plan period, as part of an overall total of between 7,000 and 9,000 homes.
- Policy SP9: Tendring/Colchester Borders Garden Community, provides further detailed policy guidance for the proposed new garden community.

Chapter 4: Vision and objectives

2.7 Chapter 4 marks the start of the Local Plan that applies only to Braintree District. It sets out the vision for the District at the end of the Plan period, and is supported by a series of objectives addressing the economy, retail and town centres, housing need, transport infrastructure, broadband, education

and skills, protection of the environment, good quality design, healthy communities, social infrastructure, sustainability, and empowering local people.

Chapter 5: The Spatial Strategy

2.8 The broad spatial strategy for the District is to concentrate development on Braintree, Witham and the A12 corridor and Halstead.

Chapter 6: A Prosperous District

2.9 Chapter 6 of the Local Plan is where the planned development is set out. It comprises 48 'LPP' policies, including sub-policies.

2.10 The employment policies provide for a series of new strategic employment land sites, employment policy areas, and detailed policy guidance with respect to specific employment locations or types of employment location, including rural enterprises, and tourist development. Of particular note is Policy LPP2: Location of Employment Land, which provides for new employment sites as follows:

- 1 ha of Employment Policy Area including a community sports facility as an extension to Springwood Drive industrial area.
- 18.5 ha Innovation and Enterprise Business Park for E(g), B2 and B8 uses, with 7 ha of structural landscaping, on land to the west of Great Notley.
- 6.8 ha Employment Policy Area as an extension to Eastways Industrial Estate, Witham.
- 2 ha Employment Policy Area as an extension to Bluebridge Industrial Estate, Halstead.
- 3 ha Employment Policy Area on land east of Great Notley
- 3 ha Employment Policy Area on land east of Broad Road
- 4 ha Employment Policy Area on land at Feering.
- 3.8 ha retained allocation for business uses at Maltings Lane Business Park (Gershwin Park)

2.11 The shops and services policies set out the planning policy approach to the District's town, district and local centres, noting that the primary location for town centres uses will be Braintree, Halstead and Witham. They define the primary shopping areas, district centres, plus a range of retail allocations, a leisure and entertainment area, and retail warehouse development. They also identify Newlands Precinct and Rickstones Neighbourhood Centre, both in Witham, as Comprehensive Development Areas.

2.12 The 'Homes' policies cover a wide range of housing related matters. Of particular relevance is Policy LPP17: Housing Provision and Delivery, because it sets out the Strategic Growth Locations as follows (minimum numbers of homes):

- LPP18: East of Great Notley (in Black Notley Parish): 1,750 homes.
- LPP19: Land East of Broad Road, Braintree: 1,000 homes.
- LPP20: Former Towerlands Park site, Braintree: 575 homes.
- LPP21: North West Braintree – Panfield Land: 825 homes.
- LPP22: Land at Feering: 835 homes.
- LPP23: Wood End Farm, Witham (Hatfield Peverel Parish): 400 homes.

2.13 Policy LPP17 also states that sites suitable for more than 10 homes are allocated on the Proposals Map.

2.14 In addition to the Strategic Growth Locations listed above, six Comprehensive Redevelopment Areas are identified as follows:

- LPP24: Land East of Halstead High Street
- LPP26: Factory Lane West/Kings Road, Halstead
- LPP28: Kings Chase, Witham
- LPP29: Newlands Precinct, Witham
- LPP30: Rickstones Neighbourhood Centre, Witham
- LPP31: Land between A12 and GEM, Hatfield Peverel

2.15 Policy LPP32 identifies a residential allocation at Gimson, Witham for up to 78 homes.

2.16 Policies LPP33 to LPP36 address types of housing, including affordable housing, affordable housing in rural areas, specialist housing and gypsy and traveller and travelling showpeople accommodation.

2.17 Policies LPP37 to LPP43 provide policy guidance on housing types and densities, residential alterations, extensions and outbuildings, replacement dwellings in the countryside, rural workers dwellings in the countryside, residential conversion of buildings in the countryside and garden extensions.

2.18 The Transport and Infrastructure Chapter of the Local Plan (Policies LPP44 to LPP49) encourages sustainable access for all, guidance on parking provision, safeguards protected lanes, allocates Transport-Related Policy Areas for

gateways into Braintree, and broadband. Policy LPP48 safeguards land from development for:

- A131 Halstead Bypass.
- A new road connecting Springwood Drive with Panfield Land.
- Second road access to Witham Station Car Park from Station Road.
- A new road link to Cut Throat Lane/Albert Road, Witham.
- Provision of a new connection between Inworth Road and London Road.

Chapter 7: Creating Better Places

2.19 Chapter 7 of the Local Plan comprises 14 policies (Policies LPP50 to LPP66). The policies cover topics such as the approach to the built and historic environment including archaeology, development in conservation areas, and the demolition of listed buildings, health and wellbeing impact assessment, equestrian facilities, and the layout and design of development. It also provides guidance and standards on the provision for open space, sport and recreation, as well as the degree of protection given to educational establishments and the retention of local community services and facilities.

Chapter 8: The District's Natural Environment

2.20 Chapter 8 of the Local Plan comprises 13 policies (Policies LPP67 to LPP81). These include an overarching policy relating to the natural environment (LPP67), and two policies specifically addressing biodiversity, being Policy LPP68: Protected Species, Priority Species and Priority Habitat, and Policy LPP70: Protection Enhancement, Management and Monitoring of Biodiversity.

2.21 The remainder of the policies in this Chapter of the Local Plan, address landscape matters, green buffers, pollution, energy efficiency, renewable energy, the water environment, and lighting.

Chapter 9: Delivery and Implementation

2.22 Chapter 9 of the Local Plan comprises one policy (LPP82). This policy covers demonstrating infrastructure capacity and delivery and Community Infrastructure Levy (CIL).

Chapter 3

Method

3.1 The HRA of the Local Plan comprises of two stages:

- Screening Assessment; and
- Appropriate Assessment.

3.2 The methods undertaken for each of these assessments is provided in more detail below.

Screening Assessment

3.3 This HRA Report only relates to Section 2 of the Braintree Publication Draft Local Plan, which is specific to Braintree District (i.e. Chapters 3 to 9).

3.4 The Shared Strategic Plan (Part 1 for Local Plans) which encompasses the North Essex Authorities of Braintree, Colchester and Tendring, has been subject to a separate HRA, although this HRA refers to the Shared Strategic Plan with respect to potential in-combination effects (see below).

3.5 HRA Screening of the plan has been undertaken in line with current available guidance and seeks to meet the requirements of the Habitats Regulations. The tasks that have been undertaken during the screening stage of the HRA and the conclusions reached are described in detail below. This section sets out policies and impact types for which likely significant effects are predicted or cannot be ruled out prior to mitigation and avoidance measures.

3.6 The purpose of the screening stage is to:

- Identify all aspects of the plan which would have no effect on a European site, so that that they can be eliminated from further consideration in respect of this and other plans;
- Identify all aspects of the plan which would not be likely to have a significant effect on a European site (i.e. would have some effect, because of links/connectivity, but which are not significant), either alone or in combination with other aspects of the same plan or other plans or projects, which therefore do not require 'appropriate assessment'; and
- Identify those aspects of the plan where it is not possible to rule out the risk of significant effects on a European site, either alone or in combination with other plans or projects. This provides a clear scope for the parts of the plan that will require appropriate assessment.

Identification of European Sites which may be affected by the Plan

3.7 In order to initiate the search of European sites that could potentially be affected by the Local Plan, it is established practice in HRAs to consider European sites within the local planning authority areas covered by a Plan, and also within a buffer distance from the boundary of the Plan area.

3.8 A distance of 20km was used to identify European sites likely to be affected by impacts relating to development in Braintree District. In addition to this, consideration was also given to European sites connected to the plan area beyond this distance, for example through hydrological pathways or recreational visits by residents of Braintree.

3.9 European sites identified for inclusion in the HRA are listed in **Chapter 4** and **Figure 4.1** in **Chapter 4**. Detailed information about each site is provided in **Appendix A**.

3.10 The designated features and conservation objectives of the European sites, together with current pressures on and potential threats, was established using Data Forms for SACs and SPAs¹⁸ and Information Sheets for Ramsar Wetlands published on the JNCC website¹⁹, as well as Natural England's Site Improvement Plans²⁰, Supplementary Advice Notes²¹ and the most recent conservation objectives published on the Natural England website (most were published in 2014)²². This analysis enabled European sites interest features to be identified, along with the features of each European site which determine site integrity and the specific sensitivities and threats facing the site. This information was then used to inform an assessment of how the potential impacts of the Local Plan may result in likely significant effects on each of the European sites in question, either alone or in-combination.

Assessment of 'Likely Significant Effect'

3.11 As required under Regulation 105 of The Conservation of Habitats and Species Regulations 2017 (the 'Habitats Regulations'), an assessment has been undertaken of the 'likely significant effects' of the Plan. The assessment has been prepared in order to identify which policies or site allocations would be likely to have a significant effect on European sites. The screening assessment has been

conducted without taking pre-embedded mitigation into account, in accordance with the '*People over Wind*' judgment.

3.12 Consideration will be given to the potential for the development proposed to result in significant effects associated with:

- Physical loss of/damage to habitat;
- Non-physical disturbance (noise, vibration and light);
- Non-toxic contamination;
- Air pollution;
- Recreation pressure; and
- Changes to hydrology including water quality and quantity.

3.13 This approach also allows for consideration to be given to the cumulative effects of the site allocations rather than focussing exclusively on individual developments provided for by the Local Plan.

3.14 A risk-based approach involving the application of the precautionary principle is adopted in the assessment, such that a conclusion of 'no significant effect' will only be reached where it is considered very unlikely, based on current knowledge and the information available, that a proposal in the Local Plan would have a significant effect on the integrity of a European site. The screening assessment identifies assumptions that have been applied to enable specific impacts on European sites to either be screened in or out.

Interpretation of 'Likely Significant Effect'

3.15 Relevant case law helps to interpret when effects should be considered as a Likely Significant Effect, when carrying out HRA of a land use plan.

3.16 In the Waddenzee case²³, the European Court of Justice ruled on the interpretation of Article 6(3) of the Habitats Directive (translated into Reg. 102 in the Habitats Regulations), including that:

3.17 An effect should be considered 'likely', "if it cannot be excluded, on the basis of objective information, that it will have a significant effect on the site" (para 44). An effect should be considered 'significant', "if it undermines the conservation objectives" (para 48). Where a plan or project has an effect on a site "but is not likely to undermine its conservation

¹⁸ These were obtained from the Joint Nature Conservation Committee and Natural England websites (www.jncc.gov.uk and www.naturalengland.org.uk)

¹⁹ www.jncc.defra.gov.uk

²⁰ Natural England is in the process of compiling Site Improvement Plans for all Natura 2000 sites in England as part of the Improvement programme for England's Natura 2000 sites (IPENS).

²¹ Supplementary Advice Notes, Natural England, <http://publications.naturalengland.org.uk/category/6490068894089216>

²² <http://publications.naturalengland.org.uk/category/6490068894089216>

²³ ECJ Case C-127/02 "Waddenzee" Jan 2004.

objectives, it cannot be considered likely to have a significant effect on the site concerned” (para 47).

3.18 An opinion delivered to the Court of Justice of the European Union²⁴ commented that:

“The requirement that an effect in question be ‘significant’ exists in order to lay down a de minimis threshold. Plans or projects that have no appreciable effect on the site are thereby excluded. If all plans or projects capable of having any effect whatsoever on the site were to be caught by Article 6(3), activities on or near the site would risk being impossible by reason of legislative overkill.”

3.19 This opinion (the ‘Sweetman’ case) therefore allows for the authorisation of plans and projects whose possible effects, alone or in combination, can be considered ‘trivial’ or de minimis; referring to such cases as those “which have no appreciable effect on the site”. In practice such effects could be screened out as having no Likely Significant Effect; they would be ‘insignificant’.

Mitigation Provided by the Local Plan

3.20 Some of the potential effects of the Local Plan could be mitigated through the implementation of other policies in the plan itself, such as the provision of green infrastructure within new developments (which could help mitigate increased pressure from recreation activities at European sites). Nevertheless, in accordance with the recent ‘*People over Wind*’ judgement, avoidance and mitigation measures cannot be relied upon at the Screening Stage, and therefore, where such measures exist, they will be considered at the Appropriate Assessment stage for impacts and policies where likely significant effects, either alone or in-combination, cannot be ruled out.

In-combination Effects

3.21 Regulation 102 of the Amended Habitats Regulations 2017 requires an Appropriate Assessment where “a land use plan is likely to have a significant effect on a European site (either alone or in combination with other plans or projects) and is not directly connected with or necessary to the management of the site”. Therefore, it will be necessary to consider whether any impacts identified from the Local Plan may combine with other plans or projects to give rise to significant effects in combination.

3.22 This exercise will be carried out as part of the screening stage of the HRA. The potential for in-combination effects will only be considered for those Plan components identified as unlikely to have a significant effect alone, but which could act

in combination with other plans and projects to produce a significant effect. This approach accords with recent guidance on HRA.

3.23 The first stage in identifying ‘in-combination’ effects involves identifying which other plans and projects in addition to the Local Plan may affect the European sites that will be the focus of this assessment. This exercise will seek to identify those components of nearby plans that could have an impact on the European sites considered as part of this HRA, e.g. areas or towns where additional housing or employment development is proposed near to the same European sites (as there could be effects from the transport, water use, infrastructure and recreation pressures associated with the new developments).

3.24 The potential for in-combination impacts has been focussed in Braintree and any authorities that overlap with European sites considered within this HRA. The findings of any associated HRA work for those plans will be reviewed where available. With help from the Council, any strategic projects in the area that could have in-combination effects with the Local Plan will also be identified and reviewed, if applicable.

3.25 Should any other plans or projects be identified throughout the HRA process that could lead to in-combination effects on European sites with the Local Plan, they will be included in the review.

3.26 The HRA Screening will identify and review other plans and projects for consideration of in-combination effects and will outline the components of each plan or project that could have an impact on nearby European sites and considering the findings of the accompanying HRA work (where available). This information will be updated as the HRA work for the Local Plan progresses. The plans and projects which we considered for their potential in-combination effects were as follows:

- North Essex Authorities Shared Strategic Section 1 Local Plan.
- Babergh Core Strategy & Policies (2011-2031) Local Plan.
- Chelmsford Local Plan 2013-2036.
- Colchester Section 2 Local Plan.
- Maldon District Local Development Plan.
- Rochford District Core Strategy.
- Tendring District Local Plan.
- Essex Minerals Local Plan.

²⁴ Advocate General’s Opinion to CJEU in Case C-258/11 Sweetman and others v An Bord Pleanala 22nd Nov 2012.

- Essex Local Transport Plan 3 2011-2026 (LTP3).
- The Essex and Southend-on-Sea Waste Local Plan.
- Bramford to Twinstead Tee 400kV Connection.

3.27 This review is set out in **Appendix B**.

Appropriate Assessment

3.28 The Appropriate Assessment stage of HRA focuses on those policies and related impacts judged likely to have a significant effect at the Screening stage, and seeks to conclude whether, in light of mitigation and avoidance measures, they would result in an adverse effect on the integrity of the qualifying features of a European site(s), or where insufficient certainty regarding this remains. The integrity of a site depends on the site being able to sustain its 'qualifying features' across the whole of the site and ensure their continued viability

Chapter 4

Information on European Sites

4.1 This chapter identifies the European sites to be included in the HRA of Section 2 of the Braintree Publication Draft Local Plan, drawing from the findings of previous HRA work which has been subject to consultation with Natural England.

European Sites Potentially Affected by the Local Plan

4.2 In the HRA work undertaken previously for the SADMP, the following 13 European sites were included in the assessment on the basis that they might be affected by the plan document:

- Abberton Reservoir SPA and Ramsar sites.
- Blackwater Estuary (Mid-Essex Coast Phase 4) SPA and Ramsar sites.
- Colne Estuary (Mid-Essex Coast Phase 2) SPA and Ramsar sites.
- Crouch and Roach Estuaries (Mid-Essex Coast Phase 3) SPA and Ramsar sites.
- Essex Estuaries SAC.
- Hamford Water SPA and Ramsar sites.
- Stour and Orwell Estuaries SPA and Ramsar sites.

4.3 There are no European sites within Braintree District but potential pathways exist for development within the District to affect sites outside of Braintree District. The HRA of the SADMP considered all European sites within 20km of Braintree District boundary as a starting point. LUC repeated this exercise and also considered whether any more distant European sites are functionally linked to the District and whether any of those within 20 km could be scoped out because of an absence of pathways by which effects on the integrity of European sites from development might occur. The locations of the European sites are shown in **Figure 4.1**.

4.4 Three sites were not included in the HRA of the SADMP that lie within 20 km of the Braintree District boundary. It is not clear why these were not included, so these are considered below:

- Dengie SPA: The closest point of this site is just over 17km from the Braintree District boundary. This forms part of the Essex Estuaries European Marine Site, and

therefore it is considered that it should be included in the HRA Screening.

- Dengie Ramsar site: As with the SPA above, the closest point of this site is just over 17km from the Braintree District boundary. This forms part of the Essex Estuaries European Marine Site, and therefore it is considered that it should be included in the HRA Screening.
- Devil's Dyke SAC: The closest point of this 8 ha site is nearly 18km from the Braintree District boundary. Devil's Dyke holds one of the best and most extensive areas of species-rich chalk grassland in Cambridgeshire. The grassland is of a type characteristic to chalklands of south, central and eastern England and represents a habitat type now very restricted in distribution and extent throughout its British range. The Dyke is an ancient linear earthwork comprising a deep ditch and high bank, originally colonised by plants from adjacent calcareous grassland. For this reason the Dyke is important as one of the few remaining areas still supporting these relict chalkland vegetation communities, once traditionally maintained by sheep grazing. The Site Improvement Plan states that the key vulnerabilities and factors affecting site integrity are inappropriate scrub control, and nitrogen deposition which exceeds the site-relevant critical load for ecosystem protection and hence there is a risk of harmful effects. However, the sensitive features are currently considered to be in favourable condition on the site. Devil's Dyke SAC is close to Newmarket, and is well over 20km away from the main development locations in the Braintree Publication Draft Local Plan. The only possible effect from development proposed in

the Local Plan would be nitrogen deposition from traffic associated with new development, but there are no strategic roads leading to Newmarket from Braintree, and it is therefore highly unlikely that any additional traffic of significance would pass close to this site. Therefore, Devil's Dyke SAC is not included in this HRA Screening assessment.

- Hamford Water SPA and Ramsar were included in the HRA of the SADMP. However, these sites, together with the Hamford Water SAC are located over 29km from the Braintree District boundary and this distance is considered sufficient to rule out the potential for likely significant effects as a result of Section 2 of the Braintree Publication Draft Local Plan. Recreational impacts in particular can originate from considerable distance from European sites. However, visitor monitoring at Hamford Water undertaken by Colchester Borough Council to inform the HRAs of the Colchester Section 2 Local Plan and the Shared Strategic Part 1 Local Plan has identified an 8km ZOI within which the majority of recreational visits originate from. In light of this, impacts on the Hamford Water SAC, SPA and Ramsar have been ruled out and this site is not considered further in this assessment.

Ecological Attributes of the European sites

4.5 The designated features and conservation objectives of the European sites, together with current pressures on and potential threats to these are described in **Appendix A**.

Braintree DC SA & HRA of Local Plan

Figure 4.1: European sites within 20km of Braintree District

- Braintree District
- Surrounding Local Authorities
- 20km buffer of Braintree District

European Site

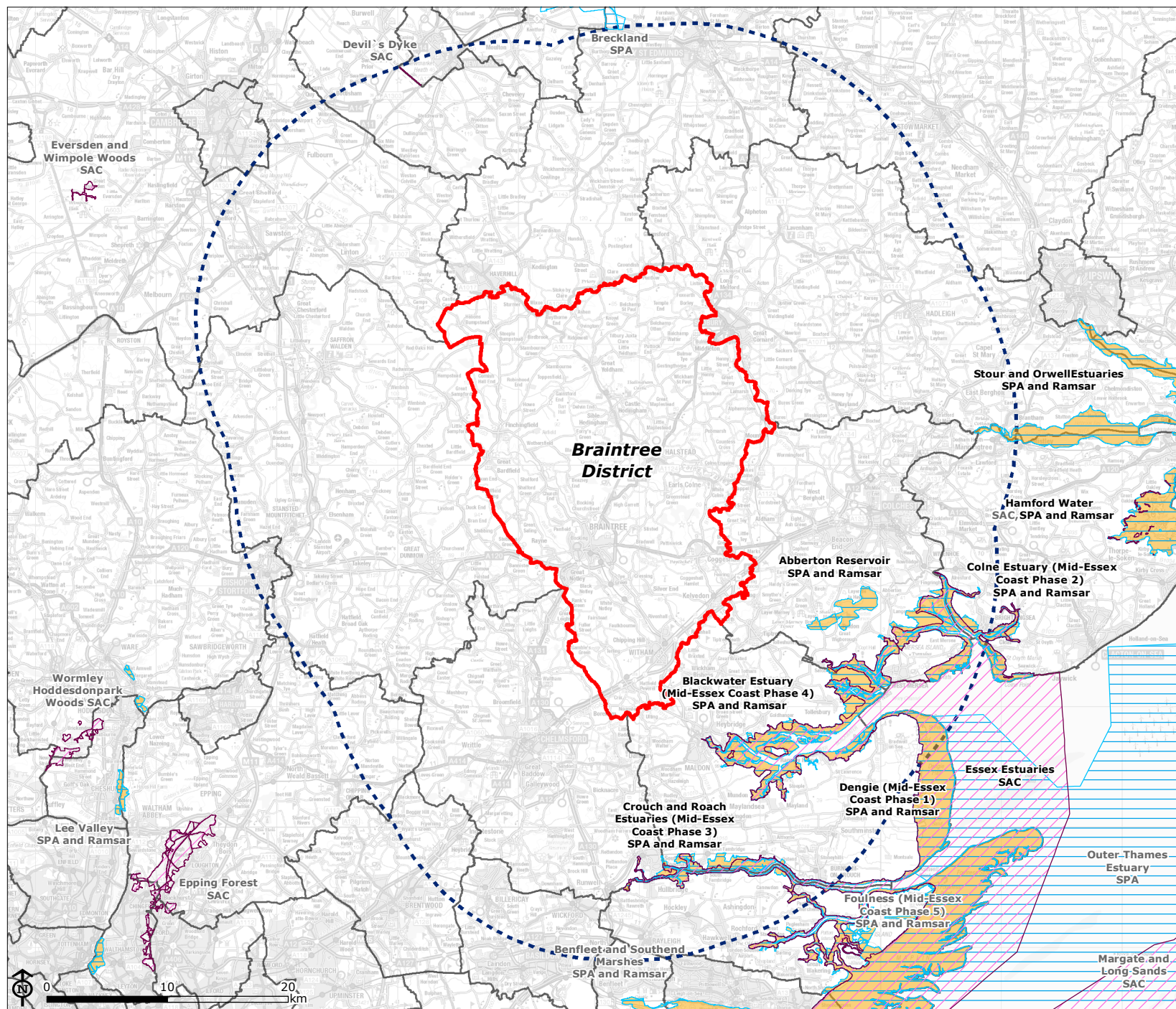
- SAC
- SPA
- Ramsar

European sites included in the scope of the HRA screening shown in **bold**

Source: JNCC, OS

Map Scale @ A4: 1:450,000

LUC



Chapter 5

Screening Assessment

Introduction

5.1 This section of the HRA Report provides the findings of the Screening assessment. It commences with a summary of the key vulnerabilities and factors affecting site integrity, as presented in **Appendix A**.

5.2 The HRA Screening then assesses whether Section 2 of the Braintree Publication Draft Local Plan alone could give rise to likely significant effects in relation to the key vulnerabilities and factors affecting site integrity identified, before considering the potential for in-combination effects with other plans or projects.

Key Vulnerabilities and Factors Affecting Site Integrity

5.3 A summary of the key vulnerabilities and factors affecting site integrity for each of the European sites covered by this HRA Screening is shown in **Table 5.1**. A brief description of each is provided below:

- **Siltation** – high sediment loads due to agricultural practices.
- **Recreational disturbance** – breeding and overwintering waterbirds are susceptible to human disturbance from a range of land and water-based activities.
- **Built development** – indirect effects of development, for example on supporting habitat close to European sites, and the cumulative effects of a number of small developments within close proximity of a European site.
- **Changes in species distributions** – sometimes unexplained, species decline in designated populations may be due to changes in their distributions or population levels at a national or continental scale, possibly linked to climate change.
- **Bird strike** – for example, death of designated species from collision with overhead powerlines near reservoir.
- **Water pollution** – increases in nutrients can lead to eutrophic conditions and resulting in toxic blue-green algae.
- **Air pollution** – where atmospheric nitrogen deposition exceeds the relevant critical loads there is a risk of harmful effects to qualifying species.

- **Coastal squeeze** - much of the Essex coastline has coastal defences that prevent intertidal habitats from shifting landward in response to rising sea levels, which can lead to the degradation and reduction of suitable habitat used by qualifying overwintering and breeding birds for feeding, roosting and/or nesting.
- **Inappropriate coastal management** – due to the presence of existing hard sea defences, there is little scope for adaptation to rising sea levels, with freshwater habitats likely to be inundated by seawater.
- **Invasive species** – various invasive species can impact upon native communities through competition for resources and predation, or by affecting the growth habitats supporting qualifying species.
- **Fishing and fisheries** – recreational bait digging may impact waterbirds or damage the intertidal mudflats and sandflats, and certain forms of commercial fishing can damage inshore marine habitats and the bird species dependent on the communities they support.
- **Erosion** – this is a natural process but can be exacerbated by climate change, fixed sea defences, port development and maintenance dredging.

5.4 The Braintree Publication Draft Local Plan is considered unlikely to result in changes in water levels at the European sites because, with the exception of Abberton Reservoir SPA and Ramsar, there are no plans to meet the increased water demand in the area via abstraction from these European sites.

5.5 Abberton Reservoir has historically experienced lower water levels and higher demand from public use. However, from 2009 to 2012 the Abberton Reservoir underwent an expansion scheme to meet the predicted rise in water demand. The HRA of the Preferred Options version of the Braintree Section 2 Local Plan noted that Essex and Suffolk Water (ESW), in conjunction with Natural England, recently completed the expansion of Abberton Reservoir in order to cater for increasing demand. The environmental effects of this were considered in the Braintree Water Cycle Study²⁵, and the ESW Water Resource Management Plan²⁶. The capacity of Abberton Reservoir has been increased by 58%²⁷. The latest ESW Water Resource Management Plan states that the Abberton resource scheme means that the Essex Water Resource Zone is now in surplus until 2040²⁸. Therefore, the Braintree Publication Draft Local Plan is not predicted to result in changes in water levels at the European sites and is not considered further in this HRA assessment.

Table 5.1: Key Vulnerabilities and Factors Affecting Site Integrity

	Siltation	Recreational disturbance	Built development	Changes in species	Bird strike	Water pollution	Air pollution	Coastal squeeze	Inappropriate coastal	Invasive species	Fishing and fisheries	Erosion
Abberton Reservoir SPA	✓	✓	✓	✓	✓	✓	✓					
Abberton Reservoir Ramsar	✓	✓	✓	✓	✓	✓	✓					
Blackwater Estuary (Mid-Essex Coast Phase 4) SPA		✓	✓	✓			✓	✓		✓	✓	
Blackwater Estuary (Mid-Essex Coast Phase 4) Ramsar		✓	✓	✓			✓	✓		✓	✓	
Colne Estuary (Mid-Essex Coast Phase 2) SPA		✓	✓	✓			✓	✓		✓	✓	
Colne Estuary (Mid-Essex Coast Phase 2) Ramsar		✓	✓	✓			✓	✓		✓	✓	

²⁵ Hyder (2011) *Braintree District Council Water Cycle Study Stage 2 Detailed Water Cycle Study. Final Report.*

²⁶ Essex and Suffolk Water (January 2010) *Final Water Resources Management Plan 2010 - 2035*

²⁷

http://www.waterprojectsonline.com/case_studies/2012/E&S_Abberton_2012.pdf

²⁸ Essex and Suffolk Water (October 2014) *Final Water Resources Management Plan 2014*

	Siltation	Recreational disturbance	Built development	Changes in species	Bird strike	Water pollution	Air pollution	Coastal squeeze	Inappropriate coastal	Invasive species	Fishing and fisheries	Erosion
Crouch and Roach Estuaries (Mid-Essex Coast Phase 3) SPA		✓	✓	✓			✓	✓		✓	✓	
Crouch and Roach Estuary (Mid-Essex Coast Phase 3) Ramsar		✓	✓	✓			✓	✓		✓	✓	
Dengie (Mid-Essex Coast Phase1) SPA		✓	✓	✓			✓	✓		✓	✓	
Dengie (Mid-Essex Coast Phase1) Ramsar		✓	✓	✓			✓	✓		✓	✓	
Essex Estuaries SAC		✓	✓	✓			✓	✓		✓	✓	
Stour and Orwell Estuaries SPA		✓	✓	✓			✓	✓	✓	✓	✓	
Stour and Orwell Estuary Ramsar		✓	✓	✓			✓	✓	✓	✓	✓	✓

Screening Assessment

5.6 There are no European sites within Braintree District, and therefore it is impossible for the European sites to be directly affected by development taking place within the District as proposed in Section 2 of the Braintree Publication Draft Local Plan (see **Table 5.2**, which shows the shortest distance between Braintree District boundary, and the European site boundary).

Table 5.2: Distance between Braintree District and European Sites

European site	Shortest distance from Braintree District boundary and European site boundary
Essex Estuaries SAC	3.8 km
Blackwater Estuary (Mid-Essex Coast Phase 4) SPA and Ramsar site	3.8 km
Abberton Reservoir SPA and Ramsar site	5.5 km
Crouch and Roach Estuaries (Mid-Essex Coast Phase 3) SPA and Ramsar site	11.4 km
Colne Estuary (Mid-Essex Coast Phase 2) SPA and Ramsar site	12.0 km
Dengie (Mid-Essex Coast Phase 1) SPA and Ramsar site	17.2 km
Stour and Orwell Estuaries SPA and Ramsar site	16.6 km

5.7 The only possible likely significant effects arising from Section 2 of the Braintree Publication Draft Local Plan will be indirect effects, either alone from the Local Plan or in combination with other plans or projects. It should be noted that a significant amount of the proposed development in Section 2 of the Braintree Publication Draft Local Plan will be

a much greater distance from the European sites than the distances given in **Table 5.2**. For example, development at Braintree itself including Great Notley will be over 15 km away from the nearest European site. The proposed development locations closest to the European sites (being Abberton Reservoir SPA and Ramsar site and Blackwater Estuary (Mid-

Essex Coast Phase 4) SPA and Ramsar site) are those at Witham and Feering. The key vulnerabilities or factors affecting site integrity are considered in turn below, and conclusions reached on the potential for Section 2 of the Braintree Publication Draft Local Plan to give rise to likely significant effects, either alone or in-combination with plans or projects.

Siltation

5.8 According to the JNCC and Natural England data, siltation currently only affects Abberton Reservoir SPA and Ramsar site and is a result of high sediment loads due to agricultural practices. The Braintree District Local Plan will have very little influence on agricultural practices, and development within Braintree District arising as a result of Section 2 of the Braintree Publication Draft Local Plan is highly unlikely to have any effect on sedimentation of the European site which is over 5km from Braintree District boundary. Therefore, Section 2 of the Braintree Publication Draft Local Plan will not have likely significant effects on European sites with respect to siltation.

Built Development

5.9 The effects of built development were identified as key vulnerabilities and factors affecting site integrity for all the European sites within 20km of Braintree District. The potential future threats are to designated waterbirds if farmland providing supporting habitat close to the SPA is lost to development, and disturbance effects arising from the presence and use of development (as opposed to disturbance from residents of new development visiting European sites). The cumulative effects of numerous, small and often 'non-standard' developments can also be an issue.

5.10 Braintree District is nearly 4km distance from the closest European sites with mobile species, Blackwater Estuary (Mid-Essex Coast Phase 4) SPA and Ramsar site, and their qualifying species are associated with estuarine habitats, wetlands and open water. The nearest major development location proposed in Section 2 of the Braintree Publication Draft Local Plan is approximately 8km distance from the European site. It is therefore unlikely that qualifying species will be making significant use of supporting habitat within Braintree District that is proposed for development. Therefore, built development with Braintree District arising as a result of Section 2 of the Braintree Publication Draft Local Plan is unlikely to affect such habitat and therefore will not give rise to likely significant effects on European sites.

Changes in Species Distributions

5.11 Changes in species distributions have been identified as a key vulnerability or factor affecting site integrity for all the

European sites within 20km of Braintree District boundary. The causes for declines or changes in species distributions are often unexplained, but primarily affect qualifying bird species, and may be due to changes in their distributions or population levels at a national or continental scale, possibly linked to climate change.

5.12 Although potentially influenced by national and European factors, changes in species distributions are likely to be contained within or close by the habitats of the European sites with which they are associated. These habitats can all be found some distance from the Braintree District border. Therefore Section 2 of the Braintree Publication Draft Local Plan is unlikely to give rise to likely significant effects on the European sites.

Bird Strike

5.13 The death of designated bird species from collision with overhead powerlines is a key vulnerability or factor affecting site integrity for Abberton Reservoir SPA and Ramsar site.

5.14 There is no reason to believe that development to be delivered as a result of Section 2 of the Braintree Publication Draft Local Plan will result in structures that will result in bird strike, and therefore it is concluded that Section 2 of the Braintree Publication Draft Local Plan will not give rise to likely significant effects on European sites as a result of bird strike.

5.15 Should individual schemes come forward during the plan period that could give rise to bird strike, such as overhead powerlines or wind turbines, these are most appropriately assessed at the project level, given that Section 2 of the Braintree Publication Draft Local Plan does not specify where such energy infrastructure development should take place.

Water Pollution

5.16 Water pollution was identified as being a key vulnerability or factor affecting site integrity only with respect to Abberton Reservoir SPA and Ramsar site. Water stored in the reservoir is high in nutrients (eutrophic) as it comes from intensively farmed catchment areas. Resulting algal blooms may include toxic blue-green algae that can kill wildfowl, though no significant mortality has been recorded.

5.17 Section 2 of the Braintree Publication Draft Local Plan will have no influence on agricultural practices, and development within Braintree is highly unlikely to have any effect on sedimentation of Abberton Reservoir which is over 5km from Braintree District boundary. Therefore, it is concluded that Section 2 of the Braintree Publication Draft Local Plan will not give rise to likely significant effects on the European sites.

Air Pollution

5.18 This issue was considered to be of relevance to all the European sites, and is related to nitrogen deposition levels exceeding the site-relevant critical load for ecosystem protection. At Abberton Reservoir SPA and Ramsar site, the nitrogen load is likely to be dominated by levels in the water entering the reservoir (mainly from the distant Ouse catchment) rather than direct deposition. For all the Essex estuaries European sites, atmospheric nitrogen deposition exceeds the relevant critical loads for coastal dune habitats used by breeding terns and hence there is a risk of harmful effects. However, on the declines in the numbers of breeding terns appear to be due mainly to erosion of a man-made cockle-shingle bank (at Foulness) and to disturbance (elsewhere), rather than to over-vegetation of breeding areas caused by nitrogen deposition.

5.19 The main source of air pollution arising as a result of Section 2 of the Braintree Publication Draft Local Plan will be emissions from traffic associated with the proposed development. However, none of the strategic roads running from or through Braintree District are within 200 metres of the identified European sites²⁹. It is unlikely that the destinations within 200m of the European sites will generate significant increases in journeys from Braintree District, which is some distance from those sites. In particular, commuting journeys are more likely to be contained within the District (focusing on Braintree, Halstead and Witham), or associated with larger settlements such as Colchester and Chelmsford, neither of which are within 200 metres of the European sites, and beyond these to London, where journeys become more dispersed. In any event, the decline in the number of breeding terns is believed to be due to other localised factors rather than nitrogen deposition.

5.20 It is concluded that Section 2 of the Braintree Publication Draft Local Plan will not give rise to likely significant effects on the European sites.

Coastal Squeeze

5.21 Coastal squeeze is identified as a key vulnerability or factor affecting site integrity for all the European sites within 20km of Braintree District boundary, with the exception of Abberton Reservoir SPA and Ramsar site. Coastal defences along much of the Essex coastline prevent intertidal habitats from shifting landward in response to rising sea levels and increasing frequency in coastal and tidal surges, as a result of climate change. The combination of climate change, sea defences and subsidence are likely to contribute to coastal

squeeze, which will lead to the degradation and reduction of suitable habitat used by overwintering and breeding birds for feeding, roosting and/or nesting. Unless changes are made to the management of the coastline, habitats supporting qualifying SPA birds will be lost or degraded through coastal squeeze, sedimentation and reduced exposure. 'Managed realignment' schemes and additional intervention measures to create new areas of intertidal habitat and reduce erosion rates are being implemented but more will be needed to offset future losses.

5.22 Braintree District is a land-locked authority, and is a considerable distance from the estuarine sites. It is highly unlikely that land within Braintree District will be needed for managed realignment schemes. As a result Section 2 of the Braintree Publication Draft Local Plan is unlikely to give rise to likely significant effects on the European sites.

Inappropriate Coastal Management

5.23 Inappropriate coastal management is identified as being a key vulnerability or factor affecting site integrity for the Stour and Orwell Estuaries SPA and Ramsar site. It is closely linked to the coastal squeeze issue described above. Due to the presence of existing hard sea defences, such as sea walls, there is little scope for adaptation to rising sea levels. Any freshwater habitats behind failing seawalls are likely to be inundated by seawater, which would result in the loss of this habitat within the SPA.

5.24 Braintree District is a land-locked authority, and is a considerable distance from the estuarine sites. It is unlikely that land within Braintree District will be needed to compensate for the loss of freshwater habitats closely associated with the Stour and Orwell Estuaries SPA and Ramsar given that it is nearly 20km distance from Braintree District boundary. As a result Section 2 of the Braintree Publication Draft Local Plan is unlikely to give rise to significant effects on the European sites.

Invasive Species

5.25 Invasive species are affecting a number of the Essex estuarine European sites. For the Blackwater Estuary (Mid-Essex Coast Phase 4), Colne Estuary (Mid-Essex Coast Phase 2), Crouch and Roach Estuaries (Mid-Essex Coast Phase 3), Dengie (Mid-Essex Coast Phase 1) SPA and Ramsar sites, and Essex Estuary SAC, an increase in Pacific oyster *Crassostrea gigas* settlement and colonisation within the European Marine Site (EMS) may result in areas of foreshore being covered in such numbers as to make them

²⁹ Based on the Highways Agency Design Manual for Road and Bridges (DMRB) Manual Volume 11, Section 3, Part 114 (which was produced to provide advice regarding the design, assessment and

operation of trunk roads (including motorways)), it is assumed that air pollution from roads is unlikely to be significant beyond 200m from the road itself.

difficult to access and utilise as feeding grounds for overwintering birds. Other non-native invasive species such as the American whelk tingle *Urosalpinx cinerea* and Slipper limpet *Crepidula fornicata* are known to occupy subtidal muddy habitats, potentially impacting native communities through competition for resources and predation. Invasive common cord grass may adversely affect plant species for which the Essex Estuaries SAC is designated, as well as other species and habitats, including feeding and roosting areas of SPA bird species. For the Stour and Orwell Estuaries SPA and Ramsar site, an increase in *Spartina anglica* may be affecting the growth of *Spartina maritima*, a key habitat feature for qualifying bird roosting and feeding areas of saltmarsh and mudflat.

5.26 Given the distance between Braintree District boundary and the European sites being affected by invasive species, and the lack of relationship between proposed development within the District and the introduction of the invasive species of concern, it is highly unlikely that development proposed in Section 2 of the Braintree Publication Draft Local Plan will give rise to likely significant effects with respect to this issue.

Fishing and Fisheries

5.27 There are two types of fishing related activity that have been identified as key vulnerabilities or factors affecting site integrity for the European sites – recreational fishing related activity and commercial fishing.

5.28 Recreational bait digging may impact waterbirds (e.g. by reducing prey availability), or damaging the intertidal mudflats and sandflats and associated communities. The extent of the activity and potential impacts on site features are not currently well understood. Recreational fishing has been identified as being an issue for the Blackwater Estuary (Mid-Essex Coast Phase 4), Colne Estuary (Mid-Essex Coast Phase 2), Crouch and Roach Estuaries (Mid-Essex Coast Phase 3), and Dengie (Mid-Essex Coast Phase 1) SPA and Ramsar sites, and Essex Estuary SAC.

5.29 Certain forms of commercial fishing, e.g. bottom towed fishing gear, can be very damaging to inshore marine habitats and the bird species dependent on the communities they support. Any 'amber or green' categorised commercial fishing activities in European Marine Sites are assessed by Kent and Essex Inshore Fisheries Conservation Authority (IFCA). This assessment takes into account any in-combination effects of amber activities and/or appropriate plans or projects. Commercial fishing is also potentially affecting the European sites that could be affected by recreational fishing activity, plus Stour and Orwell Estuaries SPA and Ramsar sites.

5.30 It is unlikely that Section 2 of the Braintree Publication Draft Local Plan will give rise to likely significant effects on European sites as a result of commercial fishing operations,

given the lack of relationship between development proposed in Section 2 of the Braintree Publication Draft Local Plan and the fishing industry.

5.31 There is the potential for residents of the new homes proposed in Section 2 of the Braintree Publication Draft Local Plan to engage in recreational fishing activity, taking into account potential in-combination effects of development proposed in neighbouring plans. However, the homes themselves are a response to population growth that is happening irrespective of development proposed in the Section Local Plan, and the marginal increase in the number of recreational fishing visits to the European sites as a result of development proposed means that likely significant effects are unlikely. Any potential issues arising as a result of Section 2 of the Braintree Publication Draft Local Plan, alone or in-combination with other plans or projects, are best addressed through the management of recreational activity of the European sites (see below).

Erosion

5.32 Erosion was considered to be a key vulnerability or factor affecting site integrity for the Stour and Orwell Estuary Ramsar site. The Essex Coast and Estuaries Coastal Habitat Management Plan (CHaMP) (Anon. 2002) covers the site and it is expected to inform the Shoreline Management Plan as well as Local Plan policies. The possibility of managed realignment schemes to address erosion impacts may be considered. For the Stour and Orwell Estuary Ramsar site, erosion is being caused by natural coastal processes exacerbated by fixed sea defences, port development and maintenance dredging. Erosion is being tackled through sediment replacement for additional erosion that can be attributed to port development and maintenance dredging. A realignment site has been created on-site to make up for the loss of habitat due to capital dredging. General background erosion has not been tackled although a Flood Management Strategy for the site is being produced.

5.33 Braintree District is a land-locked authority, and is a considerable distance from the European sites where erosion has been identified as a key vulnerability or factor affecting site integrity. It is highly unlikely that land within Braintree District will be needed for managed realignment or recharge schemes. As a result Section 2 of the Braintree Publication Draft Local Plan is unlikely to give rise to likely significant effects on the European sites.

Recreational Disturbance

5.34 Recreational pressures are a key vulnerability or factor affecting site integrity for all the European sites within 20km of Braintree District. Breeding and overwintering waterbirds are susceptible to human disturbance from a range of land and

water-based activities, including boating and watersports, walking, dog walking, bait-digging and fishing (see 'fishing and fisheries' above), and wildfowling - as well as low-flying aircraft (e.g. military aircraft).

5.35 Although now dated (published 05 May 2006), the JNCC Standard Data Forms provide some more information relevant to recreational disturbance for some of the estuarine European sites, as do the Site Improvement Plans:

- For the Blackwater Estuary (Mid-Essex Coast Phase 4), the JNCC Standard Data Form states that control of motorised craft (with particular reference to jet-skis) is being addressed through the Blackwater Estuary Management Plan. Enforcement of speed limits should ensure that roosting birds are not subjected to disturbance and saltmarsh habitats are protected from damage by jet-skis.
- For the Crouch and Roach Estuaries (Mid-Essex Coast Phase 3), the Standard Data Form states that some disturbance of feeding and roosting waterfowl is likely through recreational use of sea wall footpaths by dog walkers, bird watchers etc. but this and other recreational issues will be tackled through the management scheme for this European marine site. Water-skiing is largely controlled by the Crouch Harbour Authority.
- For the Colne Estuary (Mid-Essex Coast Phase 2), the Standard Data Form states that the site is vulnerable to recreational pressures which can lead to habitat damage (salt marsh and sand dunes) and to disturbance of feeding and roosting waterfowl, and that pressures for increased use and development of recreational facilities are being addressed through the planning system and under the provisions of the Habitat Regulations. It also states that jet- and water-skiing are largely contained by the Harbour Authorities.
- The Site Improvement Plan for Abberton Reservoir states that disturbance at ground level is well controlled by Essex & Suffolk Water, though there is occasional trespassing, and that it is disturbance from the air by low-flying civilian and military aircraft that is more difficult to manage.
- The Site Improvement Plan for the Essex Estuaries (1 April 2014), which includes the Blackwater Estuary (Mid-Essex Coast Phase 4) SPA, Colne Estuary (Mid-Essex Coast Phase 2) SPA, Crouch & Roach Estuaries (Mid-Essex Coast Phase 3) SPA, Dengie (Mid-Essex Coast Phase 1) SPA, Essex Estuaries SAC, and the Site Improvement Plan for the Stour and Orwell Estuaries (13 May 2015) SPA, states that breeding and overwintering waterbirds are susceptible to human disturbance from a

range of land- and water-based activities - including boating and watersports, walking, bait-digging, fishing and wildfowling - as well as low-flying aircraft. Some activities, such as powerboating, may produce physical disturbance to habitats. Moderate levels of disturbance in less sensitive locations may have no significant effect on the numbers of birds using the SIP area but the types, levels and locations of potentially disturbing activities are constantly changing. Managing the changes to minimise the risk of disturbance impacts will require a better understanding of which species and habitats are most susceptible, which types of activity are most disturbing, and which locations and times of year are most sensitive

5.36 The HRA of the SADMP concluded that the Pre-submission version of the SADMP would not be likely to lead to adverse effects on any European sites alone or in combination with other plans. This conclusion was reached on the basis that the mitigation measures set out in the HRA of the Braintree District Core Strategy, comprising allocations of Suitable Accessible Natural Greenspace (SANG), monitoring site use and enforcing suitable site management are enforced.

5.37 This conclusion has been reviewed given that the SADMP was drawn up in the context of Braintree District Core Strategy, which provided for 4,637 net additional dwellings for the period 2009 to 2026. Section 2 of the Braintree Publication Draft Local Plan is providing for a minimum of 14,320 net additional dwellings in the plan period 2013 to 2033.

5.38 The closest European sites to Braintree District are Abberton Reservoir SPA and Ramsar site, Essex Estuaries SAC, and the Blackwater Estuary (Mid-Essex Coast Phase 4) SPA and Ramsar site. Further afield are the Crouch and Roach Estuaries (Mid-Essex Coast Phase 3) SPA and Ramsar and the Colne Estuary (Mid-Essex Coast Phase 2) SPA and Ramsar.

5.39 Each site will typically have a 'Zone of Influence' (ZOI) within which increases in population would be expected to contribute to increases in recreational visits to the site. ZOIs are usually established following targeted visitor surveys and the findings are therefore typically specific to each Habitats site (and often to specific areas within a Habitats site). The findings are likely to be influenced by a number of complex and interacting factors and therefore it is not always appropriate to apply a generic or non-specific ZOI to a European site. Particularly in relation to coastal Habitats sites, which, with their uniqueness, have the potential to draw large number of visitors from areas much further afield.

5.40 As part of the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) initiative for which Braintree are involved in, visitor surveys were undertaken during the 2010-2013 and the winter of 2017/18 to determine

specific ZOI for all Habitats sites along the Essex coast. The following established ZOI's have been agreed with Natural England in respect of the sites listed below, and have been applied in this assessment:

- Abberton Reservoir SPA and Ramsar – 13km
- Blackwater Estuary (Mid-Essex Coast Phase 4) SPA and Ramsar – 22km
- Colne Estuary (Mid-Essex Coast Phase 2) SPA and Ramsar – 9.7km
- Stour and Orwell Estuaries SPA and Ramsar – 13km
- Crouch and Roach Estuaries (Mid-Essex Coast Phase 3) Ramsar and SPA – 4.5km
- Dengie SPA and Ramsar – 20.8km

5.41 The ZOI of Crouch and Roach Estuaries (Mid-Essex Coast Phase 3) Ramsar and SPA, Colne Estuary (Mid-Essex Coast Phase 2) SPA and Ramsar, and Stour and Orwell Estuaries SPA and Ramsar does not extend into Braintree District. **These Habitats sites were therefore screened out of the assessment.**

5.42 Essex Estuaries SAC lies within several SPA and Ramsar sites including Colne Estuary (Mid-Essex Coast Phase 2) SPA and Ramsar, Blackwater Estuary (Mid-Essex Coast Phase 4) SPA and Ramsar, Dengie SPA and Ramsar, Crouch and Roach Estuaries (Mid-Essex Coast Phase 3) SPA and Ramsar. The respective ZOIs for each SPA and Ramsar have been applied to the Essex Estuaries SAC. More detail is provided in the Screening Assessment below.

5.43 Essex Estuaries SAC, Blackwater Estuary (Mid-Essex Coast Phase 4) SPA and Ramsar, and Abberton Reservoir SPA and Ramsar, and Dengie SPA and Ramsar have ZOIs which extend into Braintree District and **therefore need to be assessed for likely significant effects in relation to increased recreational pressure.**

5.44 Whilst Natural England has confirmed that Abberton Reservoir SPA and Ramsar can be screened out in terms of recreational disturbance due to the distance and success of existing visitor management regimes, it has been included for assessment for **likely significant effects in relation to increased recreational pressure in accordance with the precautionary principle of HRA and recent case law which prevents reliance on existing management regimes as an avoidance and mitigation measure at the screening stage.**

Essex Estuaries SAC

5.45 The SAC encompasses the Colne Estuary which lies between the southern parts of Colchester Borough and Tendring District. The SAC is subject to a range of land and water-based activities, including walking, fishing and water

sports. Negative effects associated with these activities are primarily related to disturbance associated with the qualifying bird species of the Colne Estuary (Mid-Essex Coast Phase 2) SPA and Ramsar site and the Blackwater SPA and Ramsar, two sites which is concurrent with the SAC over much of this area. However, the coastal and estuarine habitats of the SAC may also be affected by factors associated with human access such as off-road vehicle use, erosion, fire, trampling and vandalism, but the nature of the habitat types present is such that their susceptibility to recreational disturbance is limited, at least to some extent, by their inaccessible nature. In addition, the presence of permissive footpaths and well-structured public access is likely to direct people away from sensitive habitat types within the SAC, such as Atlantic salt meadows.

5.46 The SAC is also sensitive to the effects of water-based recreation, particularly through the erosion of saltmarsh habitat associated with the wash of motorised watercraft such as jet skis. This was raised as a particular concern by Natural England during ongoing consultation as part of the HRA for Colchester Section 2 Plan.

5.47 The SAC is comprised of a series of sites, including Colne Estuary National Nature Reserve (NNR), Colne Point Nature Reserve and Colne Estuary SSSI, which are managed by Natural England and the Essex Wildlife Trust. Management measures in place at the NNR and Nature Reserve, which are likely to minimise disturbance and damage to the SAC, include the use of restricted access to permit holders at Brightlingsea Marshes, Essex Wildlife Trust members only at Colne Point Nature Reserve, and prohibited access to dogs at Colne Point Nature Reserve. These measures are likely to contribute towards reducing the impacts of recreational disturbance but it is unclear whether these measures are actively enforced.

5.48 As part of the Essex Coast RAMS, specific visitor surveys were undertaken to inform the ZOI of the SAC. Essex Estuaries SAC overlaps with several SPA and Ramsar sites including Colne Estuary (Mid-Essex Coast Phase 2) SPA and Ramsar, Blackwater Estuary (Mid-Essex Coast Phase 4) SPA and Ramsar, Dengie SPA and Ramsar, Crouch and Roach Estuaries (Mid-Essex Coast Phase 3) SPA and Ramsar and Foulness Estuary SPA and Ramsar. The respective ZOIs for each SPA and Ramsar have been applied to the SAC. These ZOIs encompass much of Braintree and therefore population increases associated with housing growth have the potential to increase visitor pressures at the Essex Estuaries SAC.

5.49 A review of other plans and projects and associated HRA findings, identified that the HRAs of the Colchester Section 2 Local Plan and Tendring Section 2 Local Plan each identified the potential for Likely Significant Effects on the Essex Estuaries SAC as a result of in-combination effects with one another, and with the Strategic Section 1 Local Plan.

5.50 Despite the limited susceptibility of several of the SAC habitats to recreational pressure, there is a level of uncertainty as to whether Likely Significant Effects will occur as a result of increased recreational pressure associated with proposed development within the Local Plan. **Therefore, in line with a precautionary principle of HRA, further assessment is required at the Appropriate Assessment stage to determine whether increased recreational pressures would be likely to adversely affect the integrity of the SAC.**

Abberton Reservoir SPA and Ramsar

5.51 The SPA supports a number of overwintering waterbird species, which are vulnerable to disturbance and damage to features of importance, such as feeding and roosting sites, from a range of land and air-based activities. This includes walking, bird watching, occasional trespassing and low-flying civilian and military aircraft. It should be noted that dog walking, which typically represents one of the most significant disturbance factors to sites designated for birds, is not permitted within the reserve.

5.52 Visitor surveys completed by Colchester Borough Council reported that 65% of the groups surveyed at Abberton during June 2013 were fairly local travelling 10 miles (c. 16km) or less to Abberton Reservoir. Just over 51% lived in Colchester Borough. 52% of visitors at Abberton Reservoir said that they visited because the site is close to home. However, only 14% of visitors to Abberton Reservoir travelled under 5 miles (8km).

5.53 A review of site allocations within 16km of the SPA and Ramsar identified that a significant number of housing units are proposed within the ZOI of the SPA and Ramsar, which will result in increased levels of recreation in the local area. This has potential to result in increased recreational pressure on the SPA and Ramsar as a result of proposed development within the Local Plan and will require appropriate avoidance and mitigation measures to ensure no adverse effect on the integrity of the SPA and Ramsar.

5.54 There is potential for likely significant effects to occur in relation to impacts from recreation and therefore requires further consideration at appropriate assessment.

Blackwater Estuary (Mid-Essex Coast Phase 4) SPA and Ramsar

5.55 The SPA and Ramsar site supports large numbers of waterbirds, as well as breeding and overwintering birds, which are vulnerable to disturbance and damage to features of importance, such as feeding and roosting sites, from a range of land and water-based activities. These include dog walking, walking, watersports, fishing, wildfowling and military training. In addition to this, there is potential for damage to saltmarsh

habitat which is a qualifying feature of the Ramsar site as a result of trampling and associated recreational impacts.

5.56 Visitor survey work undertaken as part of the Essex Coast RAMS has recommended a 22km ZOI for the site. This encompasses much of Braintree District and is therefore likely to be affected by increased recreational pressure associated with increases in visitor pressures at the SPA and Ramsar.

5.57 Specific mitigation and appropriate policy safeguards are likely to be required to provide certainty that mitigation can prevent impacts to the integrity of the SPA and Ramsar.

5.58 Housing and associated population growth within the south of Braintree in particular as a result of the Local Plan is likely to result in significant effects on the Blackwater Estuary (Mid-Essex Coast Phase 4) SPA and Ramsar as a result of recreational pressure.

5.59 There is potential for likely significant effects to occur in relation to impacts from recreation and therefore requires further consideration at appropriate assessment

In-combination Effects

5.60 The review of the HRAs of nearby local authorities has indicated that recreational disturbance is an issue of relevance to all the Local Plans.

5.61 It is likely that some residents of the new homes within Braintree District will wish to visit the European sites because they offer a recreational experience that it is not possible to replicate elsewhere in the districts. Some activities, such as bait-digging and some water sports can only take place at the coast. Furthermore, the closer the districts and the developments are to the European sites, the less likely alternative open space will act as an incentive not to visit the European sites concerned.

5.62 The North Essex Authorities Shared Strategic Part 1 for Local Plans, which forms part of the Braintree Publication Draft Local Plan, provides for 43,720 net additional homes in total for the three authorities, which is a significant amount of additional development for the area. A combined HRA has been undertaken of the Shared Strategic Part 1 for Local Plans which concluded that, through the use of a strategic Recreational Avoidance and Mitigation Strategy for the Essex Estuaries SAC, Blackwater Estuary (Mid-Essex Coast Phase 4) SPA and Ramsar, Abberton Reservoir SPA and Ramsar and Dengie SPA and Ramsar, it would be possible to avoid adverse effects on the integrity of these sites as a result of in-combination recreational disturbance.

5.63 In summary, recreational disturbance as a result of Section 2 of the Braintree Publication Draft Local Plan may result in likely significant effects on the Essex Estuaries SAC, Blackwater Estuary (Mid-Essex Coast Phase 4) SPA and

Ramsar, Abberton Reservoir SPA and Ramsar and Dengie SPA and Ramsar in-combination with the Shared Strategic Part 1 for Local Plans. This will require further consideration at the Appropriate Assessment stage to determine whether the Section 2 of the Braintree Publication Draft Local Plan will adversely affect the integrity of these sites either alone or in-combination.

Summary of Screening Assessment

5.64 There are no European sites within Braintree District and therefore it is not possible for the Braintree District Draft Local Plan to result in direct likely significant effects on European sites. However, it is possible for the Draft Local Plan to give rise to likely significant effects on European sites beyond the District boundary.

5.65 The HRA Screening considered all European sites within 20km of the District boundary, plus European sites beyond this boundary where a pathway for likely significant effects could exist. As a result, 15 European sites were included in the HRA Screening.

5.66 The HRA Screening focused on Section 2 of the Braintree Publication Draft Local Plan (i.e. it did not include an HRA of the North Essex Authorities Shared Strategic Part 1 for Local Plans, which is common to Braintree District, Colchester Borough, and Tendring District).

5.67 The HRA Screening found that there is potential for Section 2 of the Braintree District Draft Local Plan to result in likely significant effects from increased recreation either alone or in combination with other policies and proposals.:

- Essex Estuaries SAC.
- Abberton Reservoir SPA and Ramsar.
- Blackwater Estuary (Mid-Essex Coast Phase 4) SPA and Ramsar.
- Dengie SPA and Ramsar.

5.68 **Table 5.3** below summarises the Screening conclusions reached in this HRA. Impact types for which a conclusion of No Likely Significant Effect (LSE) was reached are shown with no colour. Those potential impacts where LSEs cannot be ruled out are shown in orange and these are considered in more detail at the Appropriate Assessment stage in the following chapter.

Table 5.3: Summary of Screening Conclusions

European sites	Siltation	Recreational disturbance	Built development	Changes in species distribution	Bird strike	Water pollution	Air pollution	Coastal squeeze	Inappropriate coastal management	Invasive species	Fishing and fisheries
Abberton Reservoir SPA and Ramsar	No LSE	<u>Potential LSE</u>	No LSE	No LSE	No LSE	No LSE	No LSE	No LSE	No LSE	No LSE	No LSE
Blackwater Estuary (Mid-Essex Coast Phase 4) SPA and Ramsar	No LSE	<u>Potential LSE</u>	No LSE	No LSE	No LSE	No LSE	No LSE	No LSE	No LSE	No LSE	No LSE
Colne Estuary (Mid-Essex Coast Phase 2) SPA and Ramsar	No LSE	No LSE	No LSE	No LSE	No LSE	No LSE	No LSE	No LSE	No LSE	No LSE	No LSE
Crouch and Roach Estuaries (Mid-Essex Coast Phase 3) SPA and Ramsar	No LSE	No LSE	No LSE	No LSE	No LSE	No LSE	No LSE	No LSE	No LSE	No LSE	No LSE
Dengie (Mid-Essex Coast Phase1) SPA and Ramsar	No LSE	<u>Potential LSE</u>	No LSE	No LSE	No LSE	No LSE	No LSE	No LSE	No LSE	No LSE	No LSE
Essex Estuaries SAC	No LSE	<u>Potential LSE</u>	No LSE	No LSE	No LSE	No LSE	No LSE	No LSE	No LSE	No LSE	No LSE
Stour and Orwell Estuaries SPA and Ramsar	No LSE	No LSE	No LSE	No LSE	No LSE	No LSE	No LSE	No LSE	No LSE	No LSE	No LSE

Chapter 6

Appropriate Assessment

6.1 Following the screening stage, the plan-making authority is required under Regulation 102 of the Habitats Regulations 2017 (as amended) to make an 'Appropriate Assessment' of the implications of the plan for Habitats sites, in view of their conservation objectives.

6.2 European Commission Guidance³⁰ states that the Appropriate Assessment should consider the impacts of the plan (either alone or in combination with other projects or plans) on the integrity of Habitats sites with respect to their conservation objectives and to their structure and function.

6.3 This stage seeks to determine whether implementation of the Local Plan will result in an adverse effect on the integrity of the whole Habitats site in question (many European sites are made up of a number of fragments of habitat). It also considers the potential for in-combination effects from development proposed in neighbouring authorities' Local Plans and the overall quantum of housing within the North Essex Authorities as part of the Strategic Section 1 for Local Plans. Consideration was given to avoidance and mitigation measures that may be included in the Local Plan to reduce the likelihood and significance of effects on Habitats sites.

6.4 A Habitats site's integrity depends on it being able to sustain its 'qualifying features' (i.e. those Annex 1 habitats, Annex II species, and Annex 1 bird populations for which it has been designated) and to ensure their continued viability. A high degree of integrity is considered to exist where the potential to meet a Habitats site's conservation objectives is realised and where the Habitats site is capable of self-repair and renewal with a minimum of external management support. Appropriate Assessment therefore needs to focus on those impacts judged likely to have an effect on the qualifying features of Habitats sites, or where insufficient certainty regarding this remained at the screening stage.

6.5 The HRA Screening found that there is potential for Section 2 of the Braintree District Draft Local Plan to result in likely significant effects from increased recreation either alone or in combination with other policies and proposals:

- Essex Estuaries SAC.
- Abberton Reservoir SPA and Ramsar.

³⁰ Assessment of plans and projects significantly affecting European sites. Methodological guidance on the provisions of Article 6(3) and (4)

of the Habitats Directive 92/43/EEC. European Commission Environment DG, November 2001.

- Blackwater Estuary (Mid-Essex Coast Phase 4) SPA and Ramsar.
- Dengie SPA and Ramsar.

6.6 Appropriate Assessment has been undertaken for these Habitats sites to determine whether the Local Plan will result in Adverse Effects on Integrity (AEoI).

6.7 The Appropriate Assessment focuses on those impacts that are judged likely to have a significant effect on the qualifying features of a Habitats site, or where insufficient certainty regarding this remained at the screening stage. As described in **Chapter 1**, a conclusion needs to be reached as to whether or not a policy or site allocation in the Local Plan would adversely affect the integrity of a Habitats site. To reach a conclusion, consideration was given to whether the predicted impacts of the proposals (either alone or in combination) have the potential to:

- Delay the achievement of conservation objectives for the site
- Interrupt progress towards the achievement of conservation objectives for the site
- Disrupt factors that help to maintain the favourable conditions of the site
- Interfere with the balance, distribution and density of key species that are the indicators of the favourable condition of the site

6.8 The conservation objectives for the above Habitats sites are to ensure that the integrity of the site is maintained or restored as appropriate, and to ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring:

- The extent and distribution of qualifying natural habitats
- The structure and function (including typical species) of qualifying natural habitats
- The supporting processes on which qualifying natural habitats rely
- The structure and function of the habitats of qualifying species
- The populations of qualifying species
- The distribution of qualifying species within the site

Blackwater Estuary (Mid-Essex Coast Phase 4) SPA and Ramsar

6.9 The Blackwater Estuary (Mid-Essex Coast Phase 4) SPA and Ramsar stretches from Maldon in the west to the northwest of Mersea Island in Colchester Borough where it meets the western extent of the Colne Estuary (Mid-Essex

Coast Phase 2) SPA and Ramsar. Much of the site is located along the coastline of Colchester. The key threat to this site relates primarily to disturbance of water birds from people and dogs, in addition to water sports such as use of jet skis and motorboats.

6.10 In general, the strategic housing allocations including the garden communities, which are likely to represent the main sources of additional recreational visits to the SPA and Ramsar, are located outside the 8km ZOI for this site. For example, development at Braintree itself including Great Notley will be over 15 km away from the Blackwater Estuary. The proposed development locations closest to the Blackwater Estuary are those at Witham and Feering (totalling 2,570 homes), and the new Garden Community at Marks Tey (2,500 homes in total in the plan period between Braintree District and Colchester Borough), although this site is located 9km from the Blackwater Estuary and is therefore located outside the ZOI. Nevertheless, the HRA of the Colchester Section 2 Local Plan identified the potential for adverse effects on site integrity as a result of the in-combination effects with Section 2 of the Braintree Publication Draft Local Plan, and likewise, this assessment has also identified the likelihood of such effects.

6.11 Visitor monitoring by Colchester Borough Council between 2010 and 2013 was undertaken at Old Hall Marshes and the Strood Channel parts of the SPA. The information gained from these visitor surveys and their relevance in informing this assessment are discussed and interpreted below.

6.12 In general, the number of visitors to these sites was very low. Old Hall Marshes is accessible by permit only and only 22 groups were surveyed over the three years, or which all visitors were bird watchers. At Strood Channel visitor numbers were also low with just 56 groups recorded during the three year survey period. The Strood Channel site was popular with local dog walkers with 31 of the 56 groups visiting for this purpose, and being close to home was the most popular reason given for visiting. Of the 56 groups, 39 (70%) lived in Mersea, whilst low numbers of groups had travelled from elsewhere including Colchester, Sudbury, Ingatestone, Braintree and Maldon. 40 of the 52 groups had travelled less than five miles and this is reflected in the establishment of an 8km ZOI which has been applied to this assessment.

6.13 Water based recreational activities including sailing, motorboats, and jet skis have also been identified as resulting in disturbance to SPA and Ramsar bird species. Within the Blackwater Estuary, the primary marina's and launch sites are located at Maldon, Heybridge, Tollesbury and West Mersea, which provide opportunities for residences of the North Essex Authorities to partake in activities with potential to disturb birds.

6.14 The effect of water based recreation on SPA and Ramsar birds is difficult to predict and manage but studies from elsewhere in the UK suggest that people will travel relatively far to partake in such activities and that they are more prevalent in the summer months. Given the specialist nature of these activities and that their prevalence is greater in the summer month when impacts to the wintering and passage bird features are unlikely, the increase in such activities as a result of Section 2 of the Braintree Publication Draft Local Plan is considered likely to be small. Nevertheless, to enable a sufficient level of certainty that the policies contained in the Local Plan do not result in adverse effects on the Blackwater Estuary (Mid-Essex Coast Phase 4) SPA and Ramsar, appropriate mitigation will be required. The most effective means of control is likely to be through the promotion of a code of conduct targeted to marinas and leisure operators. This is considered in more specific detail in the mitigation section below.

6.15 Given the relatively low numbers of visitors recorded during the surveys, and the presence of significant areas which are not accessible to the public, such as Old Hall Marshes, the potential for increases in recreational visits as a result of Section 2 of the Braintree Publication Draft Local Plan to result in significant increases in recreational pressures at the Blackwater Estuary is considered low. Nevertheless, there is uncertainty as to whether the cumulative impact of increases in population associated with site allocations within the ZOI, for example including at Witham, West Mersea and Tiptree, could result in adverse effects on site integrity, and therefore mitigation will be required to provide a suitable level of certainty that impacts will be avoided, and these are discussed below.

6.16 In terms of in-combination effects, the ZOI for the Blackwater Estuary (Mid-Essex Coast Phase 4) SPA and Ramsar also includes the North Essex Authority of Colchester Borough and therefore this assessment, considers the specific findings of the Colchester Section 2 Local Plan, to specifically consider in-combination effects from the outset. The HRAs of the Colchester Section 2 Local Plan concluded that they will need to be part of a RAMS for this SPA and Ramsar in partnership to ensure adverse effects are mitigated, and this is discussed in more detail in the mitigation section below.

6.17 In summary, **population growth and increased coastal visits as a result of Section 2 of the Braintree Publication Draft Local Plan is likely to contribute to increases in both land-based and water-based recreational pressures at the Blackwater Estuary (Mid-Essex Coast Phase 4) SPA and Ramsar sites, which in-combination with the Colchester Section 2 and Tendring Part 2 Local Plans, and the Shared Strategic Part 1 for Local Plans, has the potential, in the absence of mitigation and avoidance measures, to adversely affect**

the integrity of the site. Mitigation will be required to ensure adverse effects can be avoided, and this is described in detailed below.

Essex Estuaries SAC

6.18 Essex Estuaries SAC is designated for the presence of coastal and inter-tidal habitats and the area of coverage in North Essex is largely shared with the Colne Estuary (Mid-Essex Coast Phase 2) SPA and Ramsar. The habitats for which the SAC is designated are vulnerable to the physical damage which can be caused by trampling and erosion associated with terrestrial recreation and wave damage caused by water based recreation. The SAC is also vulnerable to the effects of localised nutrient enrichment and other negative factors associated with recreation such as littering, fire and vandalism, albeit the qualifying habitats, which are regularly inundated by tidal waters are not particularly sensitive to such factors.

6.19 In summary, **population growth and increased coastal visits as a result of Section 2 of the Braintree Publication Draft Local Plan is likely to contribute to increases in both land-based and water-based recreational pressures at the Essex Estuaries SAC, which in-combination with the Colchester Section 2 and Tendring Part 2 Local Plans, and the Shared Strategic Part 1 for Local Plans, has the potential, in the absence of mitigation and avoidance measures, to adversely affect the integrity of the site.** As a result, adequate avoidance and mitigation measures will be required as detailed in the mitigation section below.

Abberton Reservoir SPA and Ramsar

6.20 Abberton Reservoir SPA is located 5.5 km to the south east of Braintree District in Colchester Borough. The key threats are from ground-based recreational activities, including walking, bird watching and occasional trespassing, and air-based activities from low-flying civilian and military aircraft. It is expected that any increases in recreational pressure to the qualifying bird species of the SPA as a result of the Local Plan are only likely to occur in relation to ground-based activities.

6.21 Following a review of management at the site, it was found that the SPA is subject to a strong visitor management regime and the Site Improvement Plan for Abberton Reservoir states that disturbance at ground level is well controlled by Essex & Suffolk Water. In addition, the site is well managed by the Essex Wildlife Trust which implements measures to reduce and manage disturbance, such as provision of an education visitor centre, paths, screens, hides and areas which are not accessible to the public, all of which are overseen by the presence of on-sight wardening. Furthermore,

Natural England has advised that recreational impacts on Abberton Reservoir can be ruled out.

6.22 Based on this information, increased population growth as a result of Section 2 of the Braintree Publication Draft Local Plan is not predicted to result in adverse effects in the integrity of the Abberton Reservoir SPA and Ramsar as a result of recreational pressure, either alone or in-combination with other plans or projects.

Dengie SPA and Ramsar

6.23 Whilst the ZOI for these sites extends in Braintree, the potential for the Local Plan to contribute to potential adverse effects on integrity through recreational impacts is considered unlikely because the travel distance the SPA and Ramsar is located over 37km from the nearest housing allocation within Braintree District.

6.24 Based on this information, increased population growth as a result of Section 2 of the Braintree Publication Draft Local Plan is not predicted to result in adverse effects in the integrity of the Dengie SPA and Ramsar as a result of recreational pressure, either alone or in-combination with other plans or projects.

Consideration of the England Coastal Path

6.25 Consideration of the England Coastal Path project is pertinent in considering the accuracy of the key locations and impacts identified herein. The new National Trail, which is being led by Natural England, will give people right of access around our entire open coastline. This includes, where appropriate, any land, other than the trail itself, which forms part of the coastal margin and which has public rights of access along the way. Natural England expects to complete work on the England Coast Path in 2020 and it is understood that sections of the trail within Essex are underway and are expected to be completed by 2020. At present, the exact alignment of the path in Essex is not known, but it is sensible to assume that it will further increase accessibility to sensitive areas and therefore the interpretation of key areas within this assessment may be subject to change in the near future.

6.26 The specific impacts associated with the England Coastal Path will need to be carefully considered by Natural England and appropriate mitigation and avoidance measures will be required to ensure that the project does not adversely affect European sites. It is likely that the mitigation required in respect of recreational impacts, as described below, will need to carefully align with those proposed by Natural England, and ideally a coordinated approach to mitigation is likely to be the

most effective approach to avoiding impacts on European sites. As a result, the Recreation and Avoidance Mitigation Strategy outlined below will require close consultation and agreement with Natural England.

Mitigation

Open Space and Green Infrastructure Policy

6.27 The Strategic Growth Locations within Braintree District, as proposed in the Braintree Publication Draft Local Plans, all include provision for public open space for formal and informal recreation. Additionally, Policy LPP53: Provision for Open Space, Sport and Recreation sets out that all new developments will be expected to provide new open spaces in line with the requirements set out in the Open Spaces Supplementary Planning Document 2009 or successor document. The 2009 Open Spaces Supplementary Planning Document³¹ states that all new housing developments that result in a net gain in residential units will be expected to contribute to the provision or improvement of open space.

6.28 Thus well over half of the housing proposed in the Braintree Publication Draft Local Plan will have recreational space specifically provided as part of the development proposals, and the remaining housing will be required to make contributions by way of payment or provision towards amenity/natural green space.

6.29 Given that natural green space will be provided with development, that 'close to home' was the most common reason given for visiting European sites, and that Braintree residents currently make up a small proportion of visitors to the European sites, it is considered that Section 2 of the Braintree Publication Draft Local Plan alone is unlikely to have significant effects on the European sites covered by this HRA Report.

Bird Aware Essex Coast (Essex Coast Recreational disturbance Avoidance & Mitigation Strategy (RAMS))

6.30 This assessment has identified that recreational impacts to the Colne Estuary (Mid-Essex Coast Phase 2) SPA and Ramsar, Essex Estuaries SAC, and Blackwater Estuary SPA and Ramsar would, in the absence of additional mitigation and avoidance measures, be expected to result in adverse effects on the integrity of these sites as a result of in-combination effects with the Colchester Section 2 and Tendring Part 2 Local Plans, and the Shared Strategic Part 1 for Local Plans. As a result, at an early stage in the iterative HRA process it was recommended that additional mitigation and avoidance measures in the form of a Recreational disturbance and

³¹ Braintree District Council (2009) *Open Space Supplementary Planning Document*.

Avoidance and Mitigation Strategy (RAMS) would be needed and agreed with Natural England prior to adoption of the Local Plan to ensure adverse effects on integrity (AEOI) are avoided. A commitment to the successful delivery and implementation of a RAMS was made by the Council and included within the Local Plan to ensure that the plan is sound.

6.31 The need for a Recreational disturbance Avoidance and Mitigation Strategy (RAMS) was identified at an early stage in the iterative HRA process. Further consideration was given to this at the appropriate assessment stage, partly to reflect that mitigation measures must be considered at the appropriate assessment stage and also as examples of mitigation strategies elsewhere have continued to emerge and the conservation community continue to share good practice.

6.32 The Essex Coast RAMS Strategy Document, which will ensure that the RAMS is delivered in perpetuity, was finalised in January 2019 and adopted by the twelve local authority partners, including Braintree District Council. As already detailed in this report, Natural England were involved in the preparation of the Essex Coast RAMS and endorse the RAMS Strategy Document.

6.33 A RAMS SPD was consulted on in January-February 2020. The SPD has now been finalised and Natural England have confirmed that they endorse the SPD. Braintree District Council adopted the SPD on 1st September 2020.

6.34 The additional measures required to avoid AEOI are applicable to each of the European sites listed above, and therefore the recommended approach to mitigation and avoidance detailed herein in the form of a RAMS is applicable to each of them. Albeit, where site-specific measures are required, this is made clear below.

6.35 The effects of recreational disturbance on coastal European sites, and/or those with sensitive bird populations have been studied and recognised throughout the UK. In light of an emerging body of research, the preferred approach to mitigation and avoidance of such impacts via the delivery of mitigation strategies has received a growing consensus of support by Natural England and other key stakeholders such as the RSPB and the Wildlife Trusts.

6.36 Relevant examples include the Recreation Avoidance and Mitigation Strategy which is currently being prepared as a strategic document by the Suffolk Authorities of Ipswich, East Suffolk and Babergh Authorities to mitigate recreational impacts of their Local Plans on the Stour and Orwell Estuaries SPA and Ramsar; the production of a joint Sustainable Access Strategy which is being prepared by Shepway and Rother Districts to mitigate recreational impacts of their Local Plans on the Dungeness SAC/SPA and Ramsar; Bird Aware Solent to mitigate recreational impacts of Local Plans on European sites around the Solent and the Thames Basin Heaths

Delivery Framework, which sets out the mitigation requirements to enable development within a Zone of Influence around the Thames Basin Heaths SPA.

6.37 A key component of the above examples is the adoption of a strategic approach to mitigation which involves more than one Authority. The sources of recreational impacts on European sites, typically originate from more than one Authority, as is the case in Essex. As a result, it is typically the effect of multiple and widespread sources of recreational impact which may result in adverse effects on site integrity in combination. In light of the above, the approach to mitigation detailed herein is considered a robust and appropriate means of ensuring impacts are successfully avoided and mitigated, which has been endorsed by Local Plan Inspectors.

6.38 The multiple, widespread, and cross-boundary origins of recreational impacts reflect the unique attraction that these sites have for visitors. The experience that they offer cannot be easily replicated, and as a result, whilst a multi-faceted approach is required, including the promotion of local education initiatives, and provision of alternative opportunities for recreation for those regular local visitors, the primary component of a successful RAMS will primarily involve providing appropriate management at the European sites to avoid and minimise impacts and that such management continues to be informed by regular monitoring of people and birds.

6.39 In light of the above, and through close liaison with Natural England during the preparation of their Section 2 Local Plans and the Shared Strategic Section 1 Local Plan, the North Essex Authorities together with other Essex Authorities have adopted a joint strategic approach to ensuring impacts associated with recreation will be adequately addressed and mitigated. Through a series of meetings, Essex LPAs agreed to prepare and implement RAMS for all Essex coastal European sites. The broad principles of what is required as part of the RAMS is set out in this section.

Mechanisms of Funding and Delivery

6.40 The RAMS approach follows a meeting between the North Essex Authorities, LUC and Natural England (8th February 2017), at which Natural England recommended that the NEAs prepare and deliver a RAMS for the relevant European sites. This was widened to include all Essex coastal sites and 12 Greater Essex LPAs and work commenced on the Essex Coast RAMS in 2017. This approach has been used successfully elsewhere such as the Thames Basin Heaths SPA Avoidance and Mitigation SPD (TBH SPD), which was developed to provide guidance to ensure that new development does not have adverse effects on this SPA which is designated for heathland birds susceptible to recreational pressures.

6.41 The TBH SPD has been adopted by eleven local authorities which incorporate the SPA's Zone of Influence and involves an approach to mitigation which includes i) provision of Suitable Alternative Natural Greenspace (SANGs), and ii) Access Management. The TBH SPD provides a specific approach to access management and it is recommended that the RAMS produced by the North Essex Authorities should adopt a similar approach to delivery. The TBH SPD specifies that existing landowners and managers should deliver access management and funding should come from developer contributions, with funding provided in perpetuity. Access management is coordinated strategically by Natural England working with Local Authorities in line with an overarching strategy.

6.42 As per the TBH SPD, it was recommended that RAMS for the above European sites include access management which is funded by a charge levied on developer contributions which includes an allowance for the cost of this service, and that the charge collected in relation to access management measures are pooled for strategic allocation.

6.43 To ensure that there is a sufficient level of certainty that the RAMS will successfully mitigate the recreational impacts identified in this HRA, and will continue to do so for lifetime of the plan, the Essex Coast RAMS has been prepared, adopted by Braintree District Council and approved by Natural England prior to adoption of the Local Plan.

Provision of Updated Visitor Monitoring

6.44 To ensure that RAMS continues to be based upon up-to-date information, it is recommended that regular visitor monitoring is undertaken as part of the RAMS. The initiation and frequency of such monitoring should be agreed with Natural England in preparing the RAMS. This will ensure that the RAMS provides an up to date baseline against which to measure the status, extent and effect of recreational pressures going forward, and will ensure that the specifications committed to in the RAMS continue to be based upon up to date information and in agreement with Natural England. It will also be important to ensure that up to date bird data is also available to inform mitigation measures. This is regularly undertaken at each of the European sites as part of the BTO's WeBS Core Counts and Low Tide Counts. It is therefore predicted that such information will be available but, to ensure certainty, a commitment will be required by the Essex Coast RAMS partner authorities that in the event that suitably up to date bird survey data is not available, albeit unlikely, they will undertake equivalent survey work to inform the RAMS

Provision of Open Space and Green Infrastructure

6.45 During a meeting on 8th Feb 2017 between Braintree District Council, the other North Essex Authorities of Colchester Borough and Tendring District, and Natural England on it was broadly agreed by all parties that given the unique nature and attraction of these coastal European sites, provision of alternative open space is less applicable as a mitigation measure and therefore the focus of the RAMS should be primarily on access management and monitoring as described below.

6.46 Nevertheless, despite not being the key focus, the provision of alternative natural green space and green infrastructure (GI) represents an important aspect of the overall mitigation required. The provision of alternative greenspace in mitigating the effect of recreational pressures on sensitive European sites is actively encouraged by Natural England elsewhere, for example it forms a key component of the Thames Basin Heaths Delivery Framework. Therefore the strategic approach to incorporating protective measures specified in the Section 2 Braintree Publication Draft Local Plan is considered likely to provide an effective contribution in mitigating significant effects associated with recreation.

6.47 To maximise the effectiveness of its role in mitigation recreational impacts on the coastal European sites, the design and management of open space and green infrastructure will need to be focused towards attracting those groups of visitors who regularly visit the European sites. This primarily includes walkers and dog walkers.

6.48 Policies LPP 53 Provision for Open Space and Recreation and LPP 67 Natural Environment and Green Infrastructure provide commitments for the delivery of green space and GI which has the potential to contribute towards mitigation of recreational impacts on the European sites.

6.49 Policy LPP 53 specifies that where the Council has identified a surplus in one type of open space or sports and recreational facility but a deficit in another type, planning conditions or obligations may be used to secure part of the development site for the type of open space or sports and recreational facility that is in deficit. In addition, the policy specifies that the Council will consider applications with the intention of protecting and enhancing those parts of the Rights of Way network that may benefit open space and access to the wider countryside, and those with the intention of mitigating the impact of any development on biodiversity and nature conservation. The Publication Draft Local Plan recognises that Open Space may also be collocated with other types of landscaping and natural features or SUDs.

6.50 The Publication Draft Local Plan specifies that the Council will establish a Sports and Open Space delivery body involving key partners such as town and parish council's, local

sports groups, Sport England, developers and Essex County Council to identify opportunities to improve and provide facilities over the life of the Plan. It is recommended that such a delivery body consider will need to consider the conclusions and prescriptions of the RAMS in allocating, designing and implementing such provision.

6.51 The Publication Local Plan does not quantify minimum standards which would be provided per dwelling but does set out what types and when provision of open space will be required. In summary, developments of 20 or more dwellings will be required to provide 'Amenity/Natural Greenspace' and those of 250 or more dwellings will be required to provide Parks and Sports and Recreation Grounds.

6.52 Policy LPP 67 specifies that development proposals must take available measures to ensure the protection, and the enhancement of the natural environment, habitats, biodiversity and geodiversity of the District and to be acceptable, also taking climate change and water scarcity into account in their design. This will include protection from pollution. Proposals inside the district which are likely to adversely affect, either individually or cumulatively, European or Nationally designated nature conservation sites within and outside the district will not normally be acceptable. It states that the Council will expect all development proposals, where appropriate, to contribute towards the delivery of new Green Infrastructure which develops and enhances a network of multi-functional spaces and natural features throughout the District. This will be proportionate to the scale of the proposed development and the rural or urban context. The Council will support and encourage development which contributes to the District's existing Green Infrastructure and where possible enhances and protects networks and adds to their functions. It will secure additional provision where deficiencies have been identified. Open space and green infrastructure may in some instances be required to provide alternatives to European sites and that such sites should be designed and managed appropriately to maximise their potential effectiveness in this role. Proposals which undermine these principles will not be acceptable.

6.53 The commitment to the provision of open space and protection and enhancement of GI will contribute towards mitigating recreational impacts at European sites. In addition, Policy LPP 67 states that proposals inside the district which are likely to adversely affect, either individually or cumulatively, European or Nationally designated nature conservation sites within and outside the district will not normally be acceptable. Policy LPP67 also states that in some cases open space and GI may be required to provide alternatives to European sites and that such sites should be designed and managed appropriately to maximise their potential effectiveness in this role.

6.54 In order for such measures to effectively contribute towards mitigating recreational impacts at European sites, the design and management of GI and open space will need to be specifically designed and managed to provide a desirable alternative location for the regular daily activities typically undertaken by local residents at European sites, including most notably walking and dog walking. This can be achieved by ensuring that the management of such sites is specifically targeted towards ensuring that these target groups are provided for. For example, sites which provide a range of walking routes including short and long distance options, and which encompass a range of habitat types, are perceived as being safe, and provide areas which are safe for dogs to exercise off of leads and which provide dog bins are likely to be particularly appealing.

Watercraft and Powered Paragliding disturbance - Code of Conduct

6.55 Water-based and powered paragliding recreational activities are likely to be more prevalent during summer months when disturbance to bird populations for which the Habitats sites are designated is less likely. The nesting sites of little terns are located on shallow sandy areas above the high tide mark and are therefore not especially vulnerable to such activities. Nevertheless, both air and water recreation does occur during the winter and passage months, and where such activities occur in close proximity to bird areas, there is a high probability of disturbance to birds while feeding or roosting in otherwise undisturbed locations.

6.56 It is difficult to manage and monitor the location and frequency of such activities because they are less predictable and take place in inaccessible locations. As a result, it is recommended that the most appropriate means of reducing the frequency and severity of such activities is by promoting a Code of Conduct and encouraging increased self-regulation from participants. This could be achieved via an education and awareness campaign targeted at the leisure operators, marinas, sailing clubs and holiday parks, in addition to quaysides, jetties and other launch sites. Such an approach could be undertaken via promotional leaflets, posters and signage.

6.57 With regard to powered paragliding, Natural England has confirmed that it has met with paramotor users on the Colne and Blackwater Estuaries to explain the impacts their sport can have if not undertaken responsibly. Guidance was also provided on how they can avoid disturbing birds whilst flying. Natural England confirmed that as a result of this meeting the users were likely to be more aware of their responsibilities and are self-policing the sport locally where possible.

6.58 Natural England is looking to undertake a similar approach with Jet skiers and the Essex Coast RAMS can build

on this approach already taken forward by Natural England staff. A code of conduct would form a key aspect of supporting responsible behaviour and reducing the potential effect of powered paragliding and other recreational activities.

6.59 A code of conduct would not guarantee the avoidance of AEoI on its own, but it would certainly provide an important role in encouraging people to undertake recreational activities responsibly, particularly if promoted by RAMS rangers and linked to penalties and enforcement as is intended.

6.60 A code of conduct approach is not intended to mitigate for the small proportion of irresponsible people, but rather to educate and inform the majority of people who are keen to act in responsible and sensitive manner. Indeed, most forms of disturbance to are likely to be a result of ignorance rather than malice, therefore, whilst such measures will never be solely effective at eliminating potential impacts, they have a key role to play in contributing to the effectiveness of overall mitigation and avoidance, and therefore education through a code of conduct should be recognised as a key component to the Essex Coast RAMS.

6.61 Importantly, given the specialist nature of these activities, increases associated with the Local Plans is likely to be minor, and when this is coupled with the current absence of an Essex Coastal RAMS or similar mechanism for education and policing, the mitigation measures proposed are considered likely to represent a significant improvement relative to the current baseline level of impact.

On Site Management and Monitoring

6.62 The Habitats sites are managed by Natural England, Essex Wildlife Trust and the RSPB, and therefore the RAMS was developed in close consultation and agreement with these key stakeholders to ensure that the measures proposed will be targeted to resolving specific issues and recreational threats and maximise the benefit of the measures proposed in mitigating recreational impacts. This was achieved via workshops for the specific European sites which included appropriate stakeholder representatives such as site managers and area advisers.

6.63 Detailed management measures are provided in the RAMS and have been specifically informed via the workshops and consultation described above. Recommended aspects for inclusion within the RAMS were informed by earlier iterations of this HRA and the Section 1 HRA and included, but were not limited to, the following:

- Provision of physical barriers to movement (fencing, screening, planting and bird hides).
- Provision of wardening, whether part-time, permanent or seasonal.

- Provision of educational resources including promoting self-regulation.
- Education initiatives such as provision of interpretation boards and signage, leaflets, posters, and liaison with local schools and leisure operators.
- Provision of infrastructure to encourage activities to focus on specific areas. E.g. via path upgrades, provision of benches and signage etc.
- Clear route signage.
- Closure and rerouting of paths during sensitive periods.
- Promoting a code of conduct aimed at providers and participants of water based recreation.
- Habitat management and enhancement to provide locations for birds away from disturbance sources (e.g. high tide roosts).

6.64 As described above, to ensure that the RAMS continues to be based upon up-to-date information, regular monitoring will be required. Bird surveys are regularly undertaken at each of the European sites as part of the BTO's WeBS Core Counts and Low Tide Counts and it is therefore predicted that such information will be available but, to ensure certainty, a commitment will be required by the Essex Coast RAMS partner authorities that in the event that suitably up to date bird survey data is not available during each five year period, albeit unlikely, they will undertake equivalent survey work to inform the RAMS.

Update on Bird Aware Essex Coast

6.65 As previously explained in this HRA report, the need for a Recreational disturbance Avoidance and Mitigation Strategy (RAMS) was identified at an early stage in the iterative HRA process. Further consideration was given to this at the appropriate assessment stage, partly to reflect that mitigation measures must be considered at the appropriate assessment stage and also as examples of mitigation strategies elsewhere have continued to emerge and the conservation community continue to share good practice.

6.66 The Essex Coast RAMS Strategy Document, which will ensure that the RAMS is delivered in perpetuity, was finalised in January 2019 and adopted by the twelve local authority partners, including Braintree District Council. As already detailed in this report, Natural England initiated and were involved in the preparation of the Essex Coast RAMS and endorse the RAMS Strategy Document.

6.67 A RAMS SPD was consulted on in January-February 2020. The SPD has now been finalised and Natural England have confirmed that they endorse the SPD. Braintree District Council have now adopted the SPD. The Essex Coast RAMS has the brand name, Bird Aware Essex Coast, which uses the

same branding as the well-established Bird Aware Solent. One of the partner LPAs has become the Accountable Body. They will be responsible for developer contributions and will employ a Delivery Officer to manage the project.

In-combination Effects

6.68 Recreational impacts by their very nature are in-combination effects. The avoidance and mitigation provided by the Bird Aware Essex Coast described above will not only ensure that the Local Plan does not contribute to additional recreational impacts, but will also ensure that Braintree District contributes towards reducing the effect of existing recreational pressure on European sites. Therefore there is no mechanism by which in-combination effects could occur with other plans and projects.

Conclusions

6.69 The delivery of the Essex Coast RAMS, or its brand name Bird Aware Essex Coast, is strengthened by the addition of several new paragraphs in the Section 1 Local Plan within the RAMS section which set out measures which will be required prior to effects occurring (MM5), and the new Policy SP2 (MM6) and proposed modifications to the Section 2 Local Plan to include reference to RAMS in Policy LPP68, which sets out how the RAMS will be delivered through contributions secured from development. This ensures certainty of regular monitoring and provides a mechanism which has the flexibility to adapt to findings and pre-empt and remedy impacts before they have the potential to affect integrity. The Section 1 Local Plan Inspector concluded that the RAMS provision for monitoring its effectiveness, which it is intended will feed back into the mitigation measures in an iterative fashion, enabling adjustments and improvements to be made in response to evidence of how successful the measures are is a strength of the RAMS approach.

6.70 The RAMS is considered to provide an effective form of mitigation and avoidance for recreational pressures arising from the Local Plan.

6.71 Given that Braintree District Council have prepared and adopted the Essex Coast RAMS in close consultation with Natural England and other key stakeholders, and have embedded the delivery and monitoring of the RAMS in specific policy commitments **there is sufficient certainty that the Local Plan, incorporating the proposed Main Modifications, will not result in adverse effects on the integrity of the Essex Estuaries SAC or Blackwater Estuary (Mid-Essex Coast Phase 4) SPA and Ramsar either alone, or in-combination with other plans and projects as a result of recreational impacts.**

Implications of Main Modifications

6.72 As detailed in **Appendix C**, the main modifications have been reviewed to determine whether they influence the previous findings of the HRA. In conclusion, none of the main modifications alter those conclusions previously reached because the avoidance and mitigation measures described above, and their effectiveness and deliverability remain valid.

Summary of Appropriate Assessment

6.73 **Table 6.1** summaries the conclusions of the Appropriate Assessment. The Habitats sites that are shown as screened out with no colour indicate sites that were considered to have no likely significant effect at the screening stage. The Habitats sites highlighted as having no AEoI in grey were found to have no AEoI providing the mitigation measures detailed in **Chapter 6** are implemented.

Table 6.1: Summary of the Conclusion of the Appropriate Assessment

European sites	Siltation	Recreational disturbance	Built development	Changes in species distribution	Bird strike	Water pollution	Air pollution	Coastal squeeze	Inappropriate coastal management	Invasive species	Fishing and fisheries
Abberton Reservoir SPA and Ramsar	Screened out	No AEoI	Screened out	Screened out	Screened out	Screened out	Screened out	Screened out	Screened out	Screened out	Screened out
Blackwater Estuary (Mid-Essex Coast Phase 4) SPA and Ramsar	Screened out	No AEoI	Screened out	Screened out	Screened out	Screened out	Screened out	Screened out	Screened out	Screened out	Screened out
Colne Estuary (Mid-Essex Coast Phase 2) SPA and Ramsar	Screened out	Screened out	Screened out	Screened out	Screened out	Screened out	Screened out	Screened out	Screened out	Screened out	Screened out
Crouch and Roach Estuaries (Mid-Essex Coast Phase 3) SPA and Ramsar	Screened out	Screened out	Screened out	Screened out	Screened out	Screened out	Screened out	Screened out	Screened out	Screened out	Screened out
Dengie (Mid-Essex Coast Phase 1) SPA and Ramsar	Screened out	No AEoI	Screened out	Screened out	Screened out	Screened out	Screened out	Screened out	Screened out	Screened out	Screened out
Essex Estuaries SAC	Screened out	No AEoI	Screened out	Screened out	Screened out	Screened out	Screened out	Screened out	Screened out	Screened out	Screened out
Stour and Orwell Estuaries SPA and Ramsar	Screened out	Screened out	Screened out	Screened out	Screened out	Screened out	Screened out	Screened out	Screened out	Screened out	Screened out

Chapter 7

Conclusion and Next Steps

7.1 At the Screening stage, potential Likely Significant Effects (LSEs) were identified on the Essex Estuaries SAC, Abberton Reservoir SPA and Ramsar, Blackwater Estuary (Mid-Essex Coast Phase 4) SPA and Ramsar and Dengie SPA and Ramsar as a result of the effect of recreational impacts either alone or in combination with other policies and proposals.

7.2 The Appropriate Assessment stage identified whether the above likely significant effect will, in light of mitigation and avoidance measures, result in adverse effects on the integrity (AEol) of the Habitats sites either alone or in-combination with other plans or projects

7.3 The appropriate assessment concluded no AEol as a result of increased recreational pressure in relation to all European sites subject to the following safeguards and mitigation measures are implemented.

- Braintree District Council has signed up to and is a key partner in the **Bird Aware Essex Coast recreational mitigation strategy** - this mechanism is supported by Natural England as providing the appropriate mechanism by which AEol to European sites as a result of recreational pressures, will be avoided through the Local Plan. The strategy has also been found robust and appropriate through the NEAs Section 1 Local Plan Examination in Public and Chelmsford City Council's Local Plan Examination. It therefore provides certainty that AEol will be avoided.

7.4 In conclusion, providing that key recommendations and mitigation requirements detailed herein are fully implemented, there will be no adverse effect on the Essex Estuaries SAC, and Blackwater Estuary (Mid-Essex Coast Phase 4) SPA and Ramsar, Dengie SPA and Ramsar either alone or in-combination.

Appendix A

European Sites Information

This appendix contains information about the European sites scoped into the HRA. Information about each site's area, the site descriptions, qualifying features and pressures and threats are drawn from Natural England's Site Improvement Plans (SIPs)³² and the Standard Data Forms or Ramsar Information Sheets available from the JNCC website³³. Site conservation objectives are drawn from Natural England's website and are only available for SACs and SPAs.³⁴

Site Name	Area (ha)	Qualifying Features	Conservation objectives (only available for SACs & SPAs)	Key vulnerabilities / factors affecting site integrity	Non-qualifying habitats and species upon which the qualifying habitats and/or species depend
Abberton Reservoir is a large water storage reservoir close to the Essex coast. It is one of the most important reservoirs in the country for overwintering waterfowl and also supports substantial aggregations of moulting birds in early autumn and a large colony of tree-nesting cormorants. Causeways divide the reservoir into three sections.					
Abberton Reservoir SPA	726.2	<p>Supports the following internationally important waterbird assemblage:</p> <ul style="list-style-type: none"> Great crested grebe <i>Podiceps cristatus</i> (Non-breeding) Great cormorant <i>Phalacrocorax carbo</i> (Breeding) Mute swan (Non-breeding) <i>Cygnus olor</i> Eurasian wigeon (Non-breeding) <i>Anas penelope</i> Gadwall <i>Anas strepera</i> (Non-breeding) Eurasian teal (Non-breeding) <i>Anas crecca</i> Northern shoveler <i>Anas clypeata</i> (Non-breeding) Common pochard <i>Aythya ferina</i> (Non-breeding) 	<p>With regard to the individual species and/or assemblage of species for which the site has been classified:</p> <p>Avoid the deterioration of the habitats of the qualifying features, and the significant disturbance of the qualifying features, ensuring the integrity of the site is maintained and the site makes a full contribution to achieving the aims of the Birds Directive.</p> <p>Subject to natural change, to maintain or restore:</p> <ul style="list-style-type: none"> The extent and distribution of the habitats of the qualifying features; The structure and function of the habitats of the qualifying features; 	<p>Siltation – high sediment load in reservoir inflow due to agricultural practices within catchment.</p> <p>Public access / disturbance – designated waterbirds are vulnerable to human disturbance but well controlled by Essex & Suffolk Water; occasional trespassing and disturbance by low flying aircraft.</p> <p>Planning permission: general - potential future threat to designated waterbirds if farmland providing supporting habitat close to the SPA were lost to development; requires further study.</p> <p>Changes in species distributions – unexplained decline in designated population of cormorant.</p> <p>Bird strike – death of designated mute swans and possibly other species from collision with overhead powerlines near reservoir.</p> <p>Water pollution - Water stored in the reservoir is high in nutrients (eutrophic) as it comes from intensively farmed catchment areas. Resulting algal blooms may include toxic blue-green algae that can kill wildfowl, though no significant mortality has been recorded.</p>	<p>In general, the qualifying bird species of the SPA rely on:</p> <ul style="list-style-type: none"> The sites ecosystem as a whole (see list of habitats below). Maintenance of populations of species that they feed on (see list of diets below). Off-site habitat, which provide foraging habitat for these species. Open landscape with unobstructed line of sight within nesting, foraging or roosting habitat. <p>Great crested grebe <i>Podiceps cristatus</i> (Non-breeding)</p> <ul style="list-style-type: none"> Habitat Preference – Reed-bordered lakes, gravel pits, reservoirs and rivers. In the winter, they are also found along the coast.

³² Site Improvement Plans: East of England, Natural England, <http://publications.naturalengland.org.uk/category/4873023563759616>

³³ JNCC Data Forms <http://jncc.defra.gov.uk/default.aspx?page=4>

³⁴ European Site Conservation Objectives, Natural England, <http://www.naturalengland.org.uk/ourwork/conservation/designations/sac/conservationobjectives.aspx>

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Site Name	Area (ha)	Qualifying Features	Conservation objectives (only available for SACs & SPAs)	Key vulnerabilities / factors affecting site integrity	Non-qualifying habitats and species upon which the qualifying habitats and/or species depend
		<ul style="list-style-type: none"> Tufted duck <i>Aythya fuligula</i> (Non-breeding) Common goldeneye <i>Bucephala clangula</i> (Non-breeding) Common coot <i>Fulica atra</i> (Non-breeding) European golden plover <i>Pluvialis apricaria</i> (Non-breeding) 	<ul style="list-style-type: none"> The supporting processes on which the habitats of the qualifying features rely; The populations of the qualifying features; The distribution of the qualifying features within the site. 	<p>Air Pollution: risk of atmospheric nitrogen deposition - The site is identified as at risk from air pollution as Nitrogen deposition levels exceed the site-relevant critical load for ecosystem protection. However the site's Nitrogen load is likely to be dominated by levels in the water entering the reservoir (mainly from the distant Ouse catchment) rather than direct deposition.</p> <p>Historically, increased water from the reservoir led to low water levels although no decrease in wildfowl was attributed to this. Currently the water level of the main, eastern section is being raised by 3 metres to increase storage capacity. As part of the level-raising scheme, the original concrete banks have been removed and the shoreline re-profiled, creating extensive new areas of shallow wetland habitat for the site's waterfowl.</p> <p>The Water Company has a consultative committee which addresses conservation issues at all its sites, and the Abberton Reserve Committee (involving Essex Wildlife Trust and EN) addresses local issues.</p>	<ul style="list-style-type: none"> Diet – Mostly fish, some aquatic invertebrates esp in summer. <p>Great cormorant <i>Phalacrocorax carbo</i> (Breeding)</p> <ul style="list-style-type: none"> Habitat Preference – Larger lakes and coastal habitat. Diet – Fish, mostly by diving from surface. <p>Mute swan <i>Cygnus olor</i> (Non-breeding)</p> <ul style="list-style-type: none"> Habitat Preference – Lakes, ponds & rivers. Diet – Aquatic vegetation (to 1m deep), also grazes on land; occasionally takes insects, molluscs, small amphibians. <p>Eurasian wigeon <i>Anas penelope</i> (Non-breeding)</p> <ul style="list-style-type: none"> Habitat Preference – Marsh, lakes, open moor, and on migration also estuaries. Diet – Mostly leaves, shoots, rhizomes, also some seeds. <p>Gadwall <i>Anas strepera</i> (Non-breeding)</p> <ul style="list-style-type: none"> Habitat Preference – Marshes, lakes, and on migration also rivers and estuaries. Diet – Leaves, shoots, mostly while swimming with head under water. <p>Eurasian teal <i>Anas crecca</i> (Non-breeding)</p>

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					<ul style="list-style-type: none"> Habitat Preference – Lakes, marshes, ponds & shallow streams. Diet – Omnivorous, mostly seeds in winter, feeds mostly at night in shallow water. <p>Northern shoveler <i>Anas clypeata</i> (Non-breeding)</p> <ul style="list-style-type: none"> Habitat Preference – Shallow lakes, marsh, reedbed & wet meadow. Diet – Omnivorous, esp. small insects, crustaceans, molluscs, seeds; filters particles with sideways sweeping of bill. <p>Common pochard <i>Aythya ferina</i> (Non-breeding)</p> <ul style="list-style-type: none"> Habitat Preference – Lakes & slow rivers, and on migration also estuaries. Diet – Mostly plant material, also small animals. <p>Tufted duck <i>Aythya fuligula</i> (Non-breeding)</p> <ul style="list-style-type: none"> Habitat Preference – Marshes, lakes, and on migration also rivers, estuaries. Diet – Omnivorous, feeds on mud bottom mostly by diving. <p>Common goldeneye <i>Bucephala clangula</i> (Non-breeding)</p>

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					<ul style="list-style-type: none"> Habitat Preference – Lakes, rivers, and on migration also seacoasts. Diet – Insects, molluscs and crustaceans, mainly by diving. <p>Common coot <i>Fulica atra</i> (Non-breeding)</p> <ul style="list-style-type: none"> Habitat Preference – Lakes, marsh, rivers, and seacoast. <p>Diet – Omnivorous, but mostly aquatic plants.</p>
Abberton Reservoir Ramsar site	726.2	<p>Supports 23787 waterfowl (5 year peak mean 1998/99-2002/2003) including the following internationally important waterbird assemblage:</p> <ul style="list-style-type: none"> Gadwall <i>Anas strepera strepera</i> Northern shoveler <i>Anas clypeata</i> Eurasian wigeon <i>Anas Penelope</i> Mute swan <i>Cygnus olor</i> Common pochard <i>Aythya farina</i> Great cormorant <i>Phalacrocorax carbo carbo</i> Eurasian teal <i>Anas crecca</i> Tufted duck <i>Aythya fuligula</i> Common coot <i>Fulica atra atra</i> Pied avocet <i>Recurvirostra avosetta</i> Ruff <i>Philomachus pugnax</i> 	None available.	Similar to Abberton Reservoir SPA (above).	Similar to Abberton Reservoir SPA (above).

Site Name	Area (ha)	Qualifying Features	Conservation objectives (only available for SACs & SPAs)	Key vulnerabilities / factors affecting site integrity	Non-qualifying habitats and species upon which the qualifying habitats and/or species depend
		<ul style="list-style-type: none"> Black-tailed godwit <i>Limosa limosa islandica</i> Spotted redshank <i>Tringa erythropus</i> Common greenshank <i>Tringa nebularia</i> Common goldeneye <i>Bucephala clangula</i> 			
The Blackwater Estuary is a large estuary between the Dengie peninsula and Mersea Island on the Essex coast. It stretches from immediately adjacent to Maldon and about 8 km south of Colchester.					
Blackwater Estuary (Mid-Essex Coast Phase 4) SPA	4395.15	<p>Qualifying Features (Waterbird assemblage):</p> <ul style="list-style-type: none"> Dark-bellied brent goose <i>Branta bernicla bernicla</i> (Non-breeding) Common pochard <i>Aythya ferina</i> (Breeding) Hen harrier <i>Circus cyaneus</i> (Non-breeding) Ringed plover <i>Charadrius hiaticula</i> (Breeding) Grey plover <i>Pluvialis squatarola</i> (Non-breeding) Dunlin <i>Calidris alpina alpina</i> (Non-breeding) Black-tailed godwit <i>Limosa limosa islandica</i> (Non-breeding) Little tern <i>Sterna albifrons</i> (Breeding) 	<p>With regard to the individual species and/or assemblage of species for which the site has been classified:</p> <ul style="list-style-type: none"> Avoid the deterioration of the habitats of the qualifying features, and the significant disturbance of the qualifying features, ensuring the integrity of the site is maintained and the site makes a full contribution to achieving the aims of the Birds Directive. <p>Subject to natural change, to maintain or restore:</p> <ul style="list-style-type: none"> The extent and distribution of the habitats of the qualifying features; The structure and function of the habitats of the qualifying features; 	<p>Coastal squeeze - Coastal defences along much of the Essex coastline prevent intertidal habitats from shifting landward in response to rising sea levels. As a result, these habitats are being gradually degraded and reduced in extent, with knock-on effects on the waterbirds and other species they support. 'Managed realignment' schemes and additional intervention measures to create new areas of intertidal habitat and reduce erosion rates are being implemented but more will be needed to offset future losses. Grazing marshes in the area of the Mid Essex Coast SPAs are important for waterbirds and are also threatened by sea level rise because most are near or below mean high tide level, currently protected behind seawalls.</p> <p>Public access /disturbance - Breeding and overwintering waterbirds are susceptible to human disturbance from a range of land- and water-based activities - including boating and watersports, walking, bait-digging, fishing and wildfowling - as well as low-flying aircraft. Some activities, such as powerboating, may produce physical disturbance to habitats.</p>	<p>In general, the qualifying bird species of the SPA rely on:</p> <ul style="list-style-type: none"> The sites ecosystem as a whole (see list of habitats below). Maintenance of populations of species that they feed on (see list of diets below). Off-site habitat, which provide foraging habitat for these species. Open landscape with unobstructed line of sight within nesting, foraging or roosting habitat. <p>Dark-bellied brent goose <i>Branta bernicla bernicla</i> (Non-breeding);</p> <ul style="list-style-type: none"> Habitat Preference – Tundra, and on migration marshes and estuaries. Diet – Vegetation, especially eel-grass. <p>Common pochard <i>Aythya ferina</i> (Breeding);</p>

Site Name	Area (ha)	Qualifying Features	Conservation objectives (only available for SACs & SPAs)	Key vulnerabilities / factors affecting site integrity	Non-qualifying habitats and species upon which the qualifying habitats and/or species depend
		<p>Additional Qualifying Features Identified by the 2001 UK SPA Review:</p> <ul style="list-style-type: none"> Common shelduck <i>Tadorna Tadorna</i> (Non-breeding) Pied avocet <i>Recurvirostra avosetta</i> (Non-breeding) Ringed plover <i>Charadrius hiaticula</i> (Non-breeding) European golden plover <i>Pluvialis apricaria</i> (Non-breeding) Ruff <i>Philomachus pugnax</i> (Non-breeding) Common redshank <i>Tringa totanus</i> (Non-breeding) 	<ul style="list-style-type: none"> The supporting processes on which the habitats of the qualifying features rely; The populations of the qualifying features; The distribution of the qualifying features within the site. 	<p>Planning permission: general - Several of the issues affecting the Essex Estuaries and the management of disturbance effects on the sites are related to each other, and addressing them is likely to require an improved overview of the relative sensitivities of different habitats, species and locations to different types of development.</p> <p>Changes in species distributions - Declines have occurred in the numbers of some of the waterbird species using the Essex Estuaries SIP area but these may be due to changes in their distributions or population levels at a national or continental scale, possibly linked to climate change.</p> <p>Invasive species - An increase in Pacific oyster <i>Crassostrea gigas</i> settlement and colonisation within the European Marine Site (EMS) may result in areas of foreshore being covered in such numbers as to make them difficult to access and utilise as feeding grounds for overwintering birds. Other non-native invasive species such as the American whelk tingle <i>Urosalpinx cinerea</i> and Slipper limpet <i>Crepidula fornicata</i> are known to occupy subtidal muddy habitats, potentially impacting native communities through competition for resources and predation. Invasive common cord grass may adversely affect plant species for which the Essex Estuaries SAC is designated, as well as other species and habitats, including feeding and roosting areas of SPA bird species.</p> <p>Fishing - Recreational bait digging may impact waterbirds e.g. by reducing prey availability, or damaging the intertidal mudflats and sandflats and associated communities. The extent of the activity and potential impacts on site features are not currently well understood. Certain forms of commercial fishing, e.g. bottom towed fishing gear,</p>	<ul style="list-style-type: none"> Habitat Preference – Open lakes and gravel pits in the summer and large lakes and estuaries during the winter. Diet – Plants and seeds, snails, small fish and insects. <p>Hen harrier <i>Circus cyaneus</i> (Non-breeding);</p> <ul style="list-style-type: none"> Habitat Preference – Moor, marsh, steppe and fields. Diet – Mainly small birds and mammals. <p>Ringed plover <i>Charadrius hiaticula</i> (Breeding);</p> <ul style="list-style-type: none"> Habitat Preference – Sandy areas with low vegetation, and on migration estuaries. Diet – In summer, invertebrates and in winter primarily marine worms, crustaceans and molluscs. <p>Grey plover <i>Pluvialis squatarola</i> (Non-breeding);</p> <ul style="list-style-type: none"> Habitat Preference – Tundra, and on migration pasture and estuaries. Diet – In summer, invertebrates and in winter primarily marine worms, crustaceans and molluscs. <p>Dunlin (Non-breeding); <i>Calidris alpina</i> alpine</p>

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				<p>can be very damaging to inshore marine habitats and the bird species dependent on the communities they support.</p> <p>Air Pollution: risk of atmospheric nitrogen deposition - Atmospheric nitrogen deposition exceeds the relevant critical loads for coastal dune habitats used by breeding terns and hence there is a risk of harmful effects. However, on the Essex estuaries declines in the numbers of breeding terns appear to be due mainly to erosion of a man-made cockle-shingle bank (at Foulness) and to disturbance (elsewhere), rather than to over-vegetation of breeding areas caused by nitrogen deposition.</p>	<ul style="list-style-type: none"> Habitat Preference – Tundra, moor, heath, and on migration estuaries and coastal habitat. Diet – Insects, snails and worms. <p>Black-tailed godwit <i>Limosa limosa islandica</i> (Non-breeding);</p> <ul style="list-style-type: none"> Habitat Preference – Marshy grassland and steppe, and on migration mudflats. Diet – Insects, worms and snails, but also some plants, beetles, grasshoppers and other small insects during the breeding season. <p>Little tern <i>Sterna albifrons</i> (Breeding);</p> <ul style="list-style-type: none"> Habitat Preference – Seacoasts, rivers and lakes. Diet – Small fish and invertebrates. <p>Waterbird Assemblage –</p> <p>The waterfowl assemblage relies on a variety of habitats to support population numbers, including intertidal mudflats and sandflats, boulder and cobble shores, saltmarsh, seagrass beds and shallow coastal waters</p>
Blackwater Estuary (Mid-Essex Coast Phase 4) Ramsar site	4395.15	Represents 70% of the saltmarsh habitat in Essex and 7% of the total area of saltmarsh in Britain. Invertebrate fauna includes at least 16 British Red Data Book species:	None available.	Similar to Blackwater Estuary SPA (above).	<p>Habitat</p> <p>Saltmarsh habitat is reliant a range of coastal factors, in particular sedimentary and tidal processes which influence the pattern and development of vegetation. These factors influence the complex</p>

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		<ul style="list-style-type: none"> ■ Water beetle <i>Paracymus aeneus</i> ■ Damselfly <i>Lestes dryas</i> ■ Flies <i>Aedes flavescens</i>, <i>Erioptera bivittata</i> and <i>Hybomitra expollicata</i> ■ Spiders <i>Heliophanus auratus</i> and <i>Trichopterna cito</i> ■ Beetles <i>Baris scolopacea</i>, <i>Philonthus punctus</i>, <i>Graptodytes bilineatus</i> and <i>Malachius vulneratus</i> ■ Flies <i>Campsicemus magius</i> and <i>Myopites eximia</i> ■ Moths <i>Idaea ochrata</i> and <i>Malacosoma castrensis</i> ■ Spider <i>Euophrys</i> <p>Supports a full and representative sequences of saltmarsh plant communities covering the range of variation in Britain.</p> <p>Supports the following internationally important wildfowl assemblage:</p> <ul style="list-style-type: none"> ■ Dark-bellied brent goose <i>Branta bernicla bernicla</i> ■ Grey plover <i>Pluvialis squatarola</i> ■ Dunlin <i>Calidris alpina alpina</i> ■ Black-tailed godwit <i>Limosa limosa islandica</i> 			<p>interdependent intertidal, subtidal and terrestrial habitats present along the coast.</p> <p>Invertebrates</p> <p>These species are reliant on the saltmarsh habitat and characteristic flora and fauna that are present within the European site. Key sources of food range from flowering plants, organic matter and other invertebrate species.</p> <p>Birds</p> <p>Refer to Blackwater Estuary (Mid-Essex Coast Phase 4) SPA above for details on qualifying bird species.</p>

Site Name	Area (ha)	Qualifying Features	Conservation objectives (only available for SACs & SPAs)	Key vulnerabilities / factors affecting site integrity	Non-qualifying habitats and species upon which the qualifying habitats and/or species depend
		<ul style="list-style-type: none"> ■ European golden plover <i>Pluvialis apricaria apricaria</i> ■ Common redshank <i>Tringa totanus totanus</i> 			
<p>The Colne Estuary is located on the coast of Essex in eastern England. It is a comparatively short and branching estuary, with five tidal arms that flow into the main channel of the River Colne. The estuary has a narrow intertidal zone predominantly composed of flats of fine silt with mud-flat communities typical of south-eastern English estuaries. The estuary is of importance for a range of wintering wildfowl and waders, in addition to breeding Little Tern <i>Sterna albifrons</i> which nest on shell, sand and shingle spits. There is a wide variety of coastal habitats which include mud-flat, saltmarsh, grazing marsh, sand and shingle spits, disused gravel pits and reedbeds which provide feeding and roosting opportunities for the large numbers of waterbirds that use the site.</p> <p>The Colne Estuary is an integral component of the phased Mid-Essex Coast SPA</p>					
Colne Estuary (Mid-Essex Coast Phase 2) SPA	2701.43	<p>Annex I populations of the following species:</p> <p>During the breeding season -</p> <ul style="list-style-type: none"> ■ Little Tern <i>Sterna albifrons</i> <p>Over winter -</p> <ul style="list-style-type: none"> ■ Avocet <i>Recurvirostra avosetta</i> ■ Golden Plover <i>Pluvialis apricaria</i> ■ Hen Harrier <i>Circus cyaneus</i> <p>This site also qualifies under Article 4.2 of the Directive (79/409/EEC) by supporting populations of European importance of the following migratory species:</p> <p>Over winter -</p> <ul style="list-style-type: none"> ■ Dark-bellied Brent Goose <i>Branta bernicla bernicla</i> ■ Redshank <i>Tringa totanus</i> 	<p>Avoid the deterioration of the habitats of the qualifying features, and the significant disturbance of the qualifying features, ensuring the integrity of the site is maintained and the site makes a full contribution to achieving the aims of the Birds Directive.</p> <p>Subject to natural change, to maintain or restore:</p> <ul style="list-style-type: none"> ■ The extent and distribution of the habitats of the qualifying features; ■ The structure and function of the habitats of the qualifying features; ■ The supporting processes on which the habitats of the qualifying features rely; 	Similar to Blackwater Estuary SPA (above).	<p>In general, the qualifying bird species of the SPA rely on:</p> <ul style="list-style-type: none"> ■ The sites ecosystem as a whole (see list of habitats below). ■ Maintenance of populations of species that they feed on (see list of diets below). ■ Off-site habitat, which provide foraging habitat for these species. ■ Open landscape with unobstructed line of sight within nesting, foraging or roosting habitat. <p>Dark-bellied brent goose <i>Branta bernicla bernicla</i> (Non-breeding);</p> <ul style="list-style-type: none"> ■ Habitat Preference – Tundra, and on migration marshes and estuaries. ■ Diet - Vegetation, especially eel-grass. <p>Common pochard <i>Aythya ferina</i> (Breeding);</p>

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Site Name	Area (ha)	Qualifying Features	Conservation objectives (only available for SACs & SPAs)	Key vulnerabilities / factors affecting site integrity	Non-qualifying habitats and species upon which the qualifying habitats and/or species depend
		The area qualifies under Article 4.2 of the Directive (79/409/EEC) by regularly supporting at least 20,000 waterfowl	<ul style="list-style-type: none"> ■ The populations of the qualifying features; ■ The distribution of the qualifying features within the site. 		<ul style="list-style-type: none"> ■ Habitat Preference – Lakes & slow rivers, and on migration also estuaries ■ Diet – Mostly plant material, also small animals. <p>Hen harrier <i>Circus cyaneus</i> (Non-breeding);</p> <ul style="list-style-type: none"> ■ Habitat Preference – Moor, marsh, steppe and fields. ■ Diet – Mainly small birds and mammals. <p>Ringed plover <i>Charadrius hiaticula</i> (Breeding);</p> <ul style="list-style-type: none"> ■ Habitat Preference – Sandy areas with low vegetation, and on migration estuaries. ■ Diet – In summer, invertebrates and in winter primarily marine worms, crustaceans and molluscs. <p>Common redshank <i>Tringa tetanus</i> (Non-breeding);</p> <ul style="list-style-type: none"> ■ Habitat Preference – Rivers, wet grassland, moors and estuaries. ■ Diet – Invertebrates, especially earthworms, crane fly larvae (inland) crustaceans, molluscs, marine worms (estuaries). <p>Little tern <i>Sterna albifrons</i> (Breeding);</p> <ul style="list-style-type: none"> ■ Habitat Preference – Seacoasts, rivers and lakes.

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Site Name	Area (ha)	Qualifying Features	Conservation objectives (only available for SACs & SPAs)	Key vulnerabilities / factors affecting site integrity	Non-qualifying habitats and species upon which the qualifying habitats and/or species depend
					<p>■ Diet – Small fish and invertebrates.</p>
Colne Estuary (Mid-Essex Coast Phase 2) Ramsar site	2701.43	<p>Ramsar criterion 1</p> <p>The site is important due to the extent and diversity of saltmarsh present.</p> <p>Ramsar criterion 2</p> <p>The site supports 12 species of nationally scarce plants and at least 38 British Red Data Book invertebrate species.</p> <p>Ramsar criterion 3</p> <p>This site supports a full and representative sequences of saltmarsh plant communities covering the range of variation in Britain.</p> <p>Ramsar criterion 5</p> <p>Assemblages of international importance:</p> <p>Species with peak counts in winter:</p> <p>32041 waterfowl (5 year peak mean 1998/99-2002/2003)</p> <p>Ramsar criterion 6</p> <p>Species/populations occurring at levels of international importance. Qualifying Species/populations (as identified at designation):</p> <p>Species with peak counts in winter:</p>	None available.	Similar to Blackwater Estuary SPA (above).	<p>Habitat</p> <p>Saltmarsh habitat is reliant a range of coastal factors, in particular sedimentary and tidal processes which influence the pattern and development of vegetation. These factors influence the complex interdependent intertidal, subtidal and terrestrial habitats present along the coast.</p> <p>Plants</p> <p>Plant communities are reliant on the coastal habitats within the Ramsar site. These habitats are dependent on a range of coastal factors and processes, including salinity, sedimentation, sea level, turbidity and elevation.</p> <p>Invertebrates</p> <p>These species are reliant on the saltmarsh habitat and characteristic flora and fauna that are present within the European site. Key sources of food range from flowering plants, organic matter and other invertebrate species.</p> <p>Birds</p> <p>Refer to Colne Estuary (Mid-Essex Coast Phase 2) SPA above. Consideration also needs to be given to black-tailed godwit, for which this Ramsar site is designated for;</p> <p>Black-tailed godwit <i>Limosa limosa islandica</i></p>

Site Name	Area (ha)	Qualifying Features	Conservation objectives (only available for SACs & SPAs)	Key vulnerabilities / factors affecting site integrity	Non-qualifying habitats and species upon which the qualifying habitats and/or species depend
		<ul style="list-style-type: none"> ■ Dark-bellied brent goose <i>Branta bernicla bernicla</i>, ■ Common redshank <i>Tringa totanus totanus</i> <p>Species/populations identified subsequent to designation for possible future consideration under criterion 6.</p> <p>Species with peak counts in winter:</p> <ul style="list-style-type: none"> ■ Black-tailed godwit <i>Limosa limosa islandica</i> 			<ul style="list-style-type: none"> ■ Habitat Preference – Marshy grassland and steppe, and on migration mudflats. ■ Diet – Insects, worms and snails, but also some plants, beetles, grasshoppers and other small insects during the breeding season.
The River Crouch and the River Roach are between the Dengie Peninsula and Southend-on-Sea in Essex, south-east England					
Crouch and Roach Estuaries (Mid-Essex Coast Phase 3) SPA	1735.58	<p>Site regularly supports over winter:</p> <ul style="list-style-type: none"> ■ Dark-bellied brent goose <i>Branta bernicla bernicla</i> ■ Hen harrier <i>Circus cyaneus</i> 	<p>With regard to the individual species and/or assemblage of species for which the site has been classified:</p> <ul style="list-style-type: none"> ■ Avoid the deterioration of the habitats of the qualifying features, and the significant disturbance of the qualifying features, ensuring the integrity of the site is maintained and the site makes a full contribution to achieving the aims of the Birds Directive. <p>Subject to natural change, to maintain or restore:</p> <ul style="list-style-type: none"> ■ The extent and distribution of the habitats of the qualifying features; 	Similar to Blackwater Estuary SPA (above).	<p>In general, the qualifying bird species of the SPA rely on:</p> <ul style="list-style-type: none"> ■ The sites ecosystem as a whole (see list of habitats below). ■ Maintenance of populations of species that they feed on (see list of diets below). ■ Off-site habitat, which provide foraging habitat for these species. ■ Open landscape with unobstructed line of sight within nesting, foraging or roosting habitat. <p>Dark-bellied brent goose <i>Branta bernicla bernicla</i> (Non-breeding);</p> <ul style="list-style-type: none"> ■ Habitat Preference – Tundra, and on migration marshes and estuaries.

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Site Name	Area (ha)	Qualifying Features	Conservation objectives (only available for SACs & SPAs)	Key vulnerabilities / factors affecting site integrity	Non-qualifying habitats and species upon which the qualifying habitats and/or species depend
			<ul style="list-style-type: none"> The structure and function of the habitats of the qualifying features; The supporting processes on which the habitats of the qualifying features rely; The populations of the qualifying features; The distribution of the qualifying features within the site. 		<ul style="list-style-type: none"> Diet - Vegetation, especially eel-grass. <p>Hen harrier <i>Circus cyaneus</i> (Non-breeding);</p> <ul style="list-style-type: none"> Habitat Preference – Moor, marsh, steppe and fields. Diet – Mainly small birds and mammals <p>Waterbird Assemblage</p> <p>Many of the assemblage species, including the majority of the waders, feed mainly or exclusively on exposed intertidal sediments and saltmarsh at low tide and congregate to roost at high tide on higher areas of saltmarsh or sometimes on adjacent grazing marshes.</p> <p>Other habitats of importance for assemblage species include, along the Crouch, mildly brackish lagoons at Saltcoats and Lower Raypits, fleets within grazing marshes at Marsh Farm and Blue House Farm and, north of the Roach, a fresh water reservoir adjacent to Stannetts Creek.</p>
Crouch and Roach Estuaries (Mid-Essex Coast Phase 3) Ramsar site	1735.58	<p>Supports an appreciable assemblage of rare, vulnerable or endangered including 13 nationally scarce plant species:</p> <ul style="list-style-type: none"> Slender hare's ear <i>Bupleurum tenuissimum</i>, Divided sedge <i>Carex divisa</i>, Sea barley <i>Hordeum marinum</i>, 	None available.	Similar to Blackwater Estuary SPA (above).	<p>Plants</p> <p>Plant communities are reliant on the coastal habitats within the Ramsar site. These habitats are dependent on a range of coastal factors and processes, including salinity, sedimentation, sea level, turbidity and elevation.</p> <p>Invertebrates</p>

Site Name	Area (ha)	Qualifying Features	Conservation objectives (only available for SACs & SPAs)	Key vulnerabilities / factors affecting site integrity	Non-qualifying habitats and species upon which the qualifying habitats and/or species depend
		<ul style="list-style-type: none"> ■ Golden-samphire <i>Inula crithmoides</i>, ■ Laxflowered sea-lavender <i>Limonium humile</i>, ■ Curved hard-grass <i>Parapholis incurva</i>, ■ Borrer's saltmarsh grass <i>Puccinellia fasciculata</i>, ■ Stiff saltmarsh grass <i>Puccinellia rupestris</i>, ■ Spiral tasselweed <i>Ruppia cirrhosa</i>, ■ One-flowered glasswort <i>Salicornia pusilla</i>, ■ Small cord-grass <i>Spartina maritima</i>, ■ Shrubby seablite <i>Suaeda vera</i> ■ Sea clover <i>Trifolium squamosum</i>. <p>Several important invertebrate species also present including:</p> <ul style="list-style-type: none"> ■ Scarce emerald damselfly <i>Lestes dryas</i>, ■ The shorefly <i>Parydroptera discomyzina</i>, ■ The rare soldier fly <i>Stratiomys singularior</i>, ■ The large horsefly <i>Hybomitra expollicata</i>, 			<p>These species are reliant on the coastal habitat and characteristic flora and fauna that are present within the European site. Key sources of food range from flowering plants, organic matter and other invertebrate species.</p> <p>Birds</p> <p>Refer to Crouch and Roach Estuaries (Mid-Essex Coast Phase 3) SPA above.</p>

Site Name	Area (ha)	Qualifying Features	Conservation objectives (only available for SACs & SPAs)	Key vulnerabilities / factors affecting site integrity	Non-qualifying habitats and species upon which the qualifying habitats and/or species depend
		<ul style="list-style-type: none"> Beetles <i>Graptodytes bilineatus</i>, <i>Malachius vulneratus</i>, The ground lackey moth <i>Malacosoma castrensis</i> and <i>Eucosoma catoprana</i>. <p>Also supports the following internationally important waterbird assemblage:</p> <p>Dark-bellied brent goose <i>Branta bernicla bernicla</i>.</p>			
<p>Dengie is located on the coast of Essex in eastern England. It is a large and remote area of tidal mud-flats and saltmarshes at the eastern end of the Dengie peninsula, between the adjacent 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 is of importance for wintering populations of Hen Harrier <i>Circus cyaneus</i>, wildfowl and waders. The formation of cockleshell spits and beaches is of geomorphological interest.</p>					
Dengie (Mid-Essex Coast Phase 1) SPA	3127.23	<p>This site qualifies under Article 4.1 of the Directive (79/409/EEC) by supporting populations of European importance of the following species listed on Annex I of the Directive:</p> <p>Over winter -</p> <ul style="list-style-type: none"> Bar-tailed Godwit <i>Limosa lapponica</i> Hen Harrier <i>Circus cyaneus</i> <p>This site also qualifies under Article 4.2 of the Directive (79/409/EEC) by supporting populations of European importance of the following migratory species:</p> <p>Over winter -</p> <ul style="list-style-type: none"> Grey Plover <i>Pluvialis squatarola</i> 	<p>Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring:</p> <ul style="list-style-type: none"> The extent and distribution of the habitats of the qualifying features. The structure and function of the habitats of the qualifying features. The supporting processes on which the habitats of the qualifying features rely. The population of each of the qualifying features. 	Similar to Blackwater Estuary SPA (above).	<p>In general, the qualifying bird species of the SPA rely on:</p> <ul style="list-style-type: none"> The sites ecosystem as a whole (see list of habitats below). Maintenance of populations of species that they feed on (see list of diets below). Off-site habitat, which provide foraging habitat for these species. Open landscape with unobstructed line of sight within nesting, foraging or roosting habitat. <p>Dark-bellied brent goose <i>Branta bernicla bernicla</i> (Non-breeding);</p> <ul style="list-style-type: none"> Habitat Preference -Tundra, and on migration marshes and estuaries.

Site Name	Area (ha)	Qualifying Features	Conservation objectives (only available for SACs & SPAs)	Key vulnerabilities / factors affecting site integrity	Non-qualifying habitats and species upon which the qualifying habitats and/or species depend
		<ul style="list-style-type: none"> ■ Knot <i>Calidris canutus</i> <p>Assemblage qualification: A wetland of international importance.</p> <p>The area qualifies under Article 4.2 of the Directive (79/409/EEC) by regularly supporting at least 20,000 waterfowl.</p> <p>Over winter, the area regularly supports 31,452 individual waterfowl (5 year peak mean 1991/2 - 1995/6) including:</p> <ul style="list-style-type: none"> ■ Black-tailed Godwit <i>Limosa limosa islandica</i> ■ Dunlin <i>Calidris alpina alpina</i> ■ Lapwing <i>Vanellus vanellus</i>, ■ Oystercatcher <i>Haematopus ostralegus</i> ■ Dark-bellied Brent Goose <i>Branta bernicla bernicla</i> ■ Cormorant <i>Phalacrocorax carbo</i> ■ Great Crested Grebe <i>Podiceps cristatus</i> ■ Knot <i>Calidris canutus</i> ■ Grey Plover <i>Pluvialis squatarola</i> ■ Bar-tailed Godwit <i>Limosa lapponica</i>. 	<ul style="list-style-type: none"> ■ The distribution of the qualifying features within the site. 		<ul style="list-style-type: none"> ■ Diet - Vegetation, especially eel-grass. <p>Hen harrier <i>Circus cyaneus</i> (Non-breeding);</p> <ul style="list-style-type: none"> ■ Habitat Preference -Moor, marsh, steppe and fields. ■ Diet - Mainly small birds and mammals. <p>Grey plover <i>Pluvialis squatarola</i> (Non-breeding);</p> <ul style="list-style-type: none"> ■ Habitat Preference -Tundra, and on migration pasture and estuaries. ■ Diet - In summer, invertebrates and in winter primarily marine worms, crustaceans and molluscs. <p>Red knot <i>Calidris canutus</i> (Non-breeding);</p> <ul style="list-style-type: none"> ■ Habitat Preference -Tundra, and on migration coastal habitat. ■ Diet - In summer, insects and plant material, and in winter inter-tidal invertebrates, esp molluscs. <p>Waterbird assemblage</p> <p>This relies on a variety of habitats to support population numbers, including intertidal mudflats and sandflats, boulder and cobble shores (shingle and shell banks), and saltmarsh.</p> <p>The open coast nature of the site and the large continuous extent of the saltmarsh means that high tide roosts are spread across the length of the site with the</p>

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					<p>waterbirds mainly using the seaward edge of the saltmarsh.</p> <p>However, on the highest spring tides the low saltmarsh is substantially immersed, and then the waterbirds are forced over the seawall to roost and loaf on the fields beyond the borrow dyke. These arable fields are outside of the SPA boundary.</p>
Dengie (Mid-Essex Phase 1) Ramsar	3127.23	<p>Ramsar criterion 1</p> <p>Qualifies by virtue of the extent and diversity of saltmarsh habitat present. Dengie, and the four other sites in the Mid-Essex Coast Ramsar site complex, includes a total of 3,237 ha, that represent 70% of the saltmarsh habitat in Essex and 7% of the total area of saltmarsh in Britain.</p> <p>Ramsar criterion 2</p> <p>Dengie supports a number of rare plant and animal species. The Dengie has 11 species of nationally scarce plants:</p> <ul style="list-style-type: none"> ■ Sea kale <i>Crambe maritima</i> ■ Sea barley <i>Hordeum marinum</i> ■ Golden samphire <i>Inula</i> ■ Crithmoides ■ Lax flowered sea lavender <i>Limonium humile</i> ■ The glassworts <i>Sarcocornia perennis</i> and <i>Salicornia pusilla</i> 	None available.	Similar to Colne Estuary SPA (above).	<p>In general, the qualifying bird species of the SPA rely on:</p> <ul style="list-style-type: none"> ■ The sites ecosystem as a whole (see list of habitats below). ■ Maintenance of populations of species that they feed on (see list of diets below). ■ Off-site habitat, which provide foraging habitat for these species. ■ Open landscape with unobstructed line of sight within nesting, foraging or roosting habitat. <p>Dark-bellied brent goose <i>Branta bernicla bernicla</i> (Non-breeding);</p> <ul style="list-style-type: none"> ■ Habitat Preference -Tundra, and on migration marshes and estuaries. ■ Diet - Vegetation, especially eel-grass. <p>Hen harrier <i>Circus cyaneus</i> (Non-breeding);</p> <ul style="list-style-type: none"> ■ Habitat Preference -Moor, marsh, steppe and fields.

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		<ul style="list-style-type: none"> ■ Small cord-grass <i>Spartina maritime</i> ■ Shrubby sea-blite <i>Suaeda vera</i> ■ The eelgrasses <i>Zostera angustifolia</i>, <i>Z. marina</i> and <i>Z. noltei</i>. <p>The invertebrate fauna includes the following Red Data Book species:</p> <ul style="list-style-type: none"> ■ a weevil <i>Baris scolopacea</i> ■ a horsefly <i>Atylotus latistriatus</i> ■ a jumping spider <i>Euophrys brownii</i> <p>Ramsar criterion 3</p> <p>This site supports a full and representative sequence of saltmarsh plant communities covering the range of variation in Britain.</p> <p>Ramsar criterion 5</p> <p>Assemblages of international importance:</p> <p>Species with peak counts in winter:</p> <ul style="list-style-type: none"> ■ 43828 waterfowl (5 year peak mean 1998/99-2002/2003) <p>Ramsar criterion 6</p> <p>Species/populations occurring at levels of international importance.</p>			<ul style="list-style-type: none"> ■ Diet - Mainly small birds and mammals. <p>Grey plover <i>Pluvialis squatarola</i> (Non-breeding);</p> <ul style="list-style-type: none"> ■ Habitat Preference -Tundra, and on migration pasture and estuaries. ■ Diet - In summer, invertebrates and in winter primarily marine worms, crustaceans and molluscs. <p>Red knot <i>Calidris canutus</i> (Non-breeding);</p> <ul style="list-style-type: none"> ■ Habitat Preference -Tundra, and on migration coastal habitat. ■ Diet - In summer, insects and plant material, and in winter inter-tidal invertebrates, esp molluscs. <p>Waterbird assemblage</p> <p>This relies on a variety of habitats to support population numbers, including intertidal mudflats and sandflats, boulder and cobble shores (shingle and shell banks), and saltmarsh.</p> <p>The open coast nature of the site and the large continuous extent of the saltmarsh means that high tide roosts are spread across the length of the site with the waterbirds mainly using the seaward edge of the saltmarsh.</p> <p>However, on the highest spring tides the low saltmarsh is substantially immersed, and then the waterbirds are forced over the seawall to roost and loaf on the fields</p>

Site Name	Area (ha)	Qualifying Features	Conservation objectives (only available for SACs & SPAs)	Key vulnerabilities / factors affecting site integrity	Non-qualifying habitats and species upon which the qualifying habitats and/or species depend
		<p>Qualifying Species/populations (as identified at designation): Species with peak counts in winter:</p> <ul style="list-style-type: none"> ■ Dark-bellied brent goose <i>Branta bernicla bernicla</i> ■ Grey plover <i>Pluvialis squatarola</i> ■ Red knot <i>Calidris canutus islandica</i> 			beyond the borrow dyke. These arable fields are outside of the SPA boundary.
Large estuarine site in south-east England. The site comprises the major estuaries of the Colne, Blackwater, Crouch and Roach river.					
Essex Estuaries SAC	46140.82	<p>Annex 1 habitats that are a primary reason for selection of this site:</p> <ul style="list-style-type: none"> ■ Estuaries ■ Mudflats and sandflats not covered by seawater at low tide ■ Salicornia and other animals colonising mud and sand ■ Spartina swards (<i>Spartinion maritimae</i>) ■ Atlantic salt meadows (<i>Glaucopuccinellietalia maritimae</i>) ■ Mediterranean and thermo-Atlantic halophilous scrubs <p>Annex 1 habitats present as a qualifying feature:</p> <ul style="list-style-type: none"> ■ Sandbanks which are slightly covered by seawater all the time 	<p>With regard to the individual species and/or assemblage of species for which the site has been classified:</p> <ul style="list-style-type: none"> ■ Avoid the deterioration of the habitats of the qualifying features, and the significant disturbance of the qualifying features, ensuring the integrity of the site is maintained and the site makes a full contribution to achieving the aims of the Birds Directive. <p>Subject to natural change, to maintain or restore:</p> <ul style="list-style-type: none"> ■ The extent and distribution of the habitats of the qualifying features; ■ The structure and function of the habitats of the qualifying features; 	Similar to Blackwater Estuary SPA (above).	<p>Habitat</p> <p>The qualifying habitats of the SAC are reliant a range of coastal factors, including salinity, sedimentation, tide, sea level, turbidity and elevation, which influence the interdependent intertidal, subtidal and terrestrial habitats. These factors influence the complex interdependent intertidal, subtidal and terrestrial habitats present along the coast.</p> <p>Additional factors are provided below for each habitat (where relevant).</p> <p>Sandbanks which are slightly covered by sea water all the time</p> <p>Reef-building species such as <i>Sabellaria spinulosa</i> help to stabilise the sediment, allowing the colonisation of sessile animals.</p>

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			<ul style="list-style-type: none"> The supporting processes on which the habitats of the qualifying features rely; The populations of the qualifying features; The distribution of the qualifying features within the site. 		
<p>The Stour and Orwell estuaries straddle the eastern part of the Essex/Suffolk border in eastern England. The estuaries include extensive mud-flats, low cliffs, saltmarsh and small areas of vegetated shingle on the lower reaches. The mud-flats hold <i>Enteromorpha</i>, <i>Zostera</i> and <i>Salicornia</i> spp. The site also includes an area of low-lying grazing marsh at Shotley Marshes on the south side of the Orwell. In summer, the site supports important numbers of breeding Avocet <i>Recurvirostra avosetta</i>, while in winter they hold major concentrations of waterbirds, especially geese, ducks and waders. The geese also feed, and waders roost, in surrounding areas of agricultural land outside the SPA.</p> <p>The site has close ecological links with the Hamford Water and Mid-Essex Coast SPAs, lying to the south on the same coast.</p>					
Stour and Orwell Estuaries SPA	3676.92	<p>Annex I species:</p> <ul style="list-style-type: none"> Over winter: Hen Harrier <i>Circus cyaneus</i> <p>This site also qualifies under Article 4.2 of the Directive (79/409/EEC) by supporting populations of European importance of the following migratory species:</p> <p>Over winter:</p> <ul style="list-style-type: none"> Black-tailed Godwit <i>Limosa limosa islandica</i> Dunlin <i>Calidris alpina alpina</i> Grey Plover <i>Pluvialis squatarola</i> Pintail <i>Anas acuta</i> Redshank <i>Tringa totanus</i> 	<p>With regard to the individual species and/or assemblage of species for which the site has been classified ("the Qualifying Features" listed below);</p> <p>Avoid the deterioration of the habitats of the qualifying features, and the significant disturbance of the qualifying features, ensuring the integrity of the site is maintained and the site makes a full contribution to achieving the aims of the Birds Directive.</p> <p>Subject to natural change, to maintain or restore:</p> <ul style="list-style-type: none"> The extent and distribution of the habitats of the qualifying features; 	<p>Coastal squeeze – Coastal defences are present along most of the Orwell coastline to mitigate for impacts from climate change, such as rising sea level. Unless changes are made to the management of the coastline, habitats supporting qualifying SPA birds will be lost or degraded through coastal squeeze, sedimentation and reduced exposure.</p> <p>Public access/disturbance – Stour and Orwell Estuaries is subject to land- and water-based activities, including boating and water sports; walking; bait-digging; fishing; wildfowling; and military overflight training. These activities are likely to impact habitats supporting breeding and overwintering water birds. A better understanding of which species and habitats are most susceptible; which types of activity are most disturbing; and which locations and times of year are most sensitive is required to ensure the Estuaries are appropriately managed.</p>	<p>In general, the qualifying bird species of the SPA rely on:</p> <ul style="list-style-type: none"> The sites ecosystem as a whole (see list of habitats below). Maintenance of populations of species that they feed on (see list of diets below). Off-site habitat, which provide foraging habitat for these species. Open landscape with unobstructed line of sight within nesting, foraging or roosting habitat. <p>Black-tailed Godwit <i>Limosa limosa islandica</i>:</p>

Site Name	Area (ha)	Qualifying Features	Conservation objectives (only available for SACs & SPAs)	Key vulnerabilities / factors affecting site integrity	Non-qualifying habitats and species upon which the qualifying habitats and/or species depend
		<ul style="list-style-type: none"> ■ Ringed Plover <i>Charadrius hiaticula</i> ■ Shelduck <i>Tadorna tadorna</i> ■ Turnstone <i>Arenaria interpres</i> <p>The area qualifies under Article 4.2 of the Directive (79/409/EEC) by regularly supporting at least 20,000 waterfowl including:</p> <ul style="list-style-type: none"> ■ Cormorant <i>Phalacrocorax carbo</i> ■ Pintail <i>Anas acuta</i> ■ Ringed Plover <i>Charadrius hiaticula</i> ■ Grey Plover <i>Pluvialis squatarola</i> ■ Dunlin <i>Calidris alpina alpina</i> ■ Black-tailed Godwit <i>Limosa limosa islandica</i> ■ Redshank <i>Tringa tetanus</i> ■ Shelduck <i>Tadorna tadorna</i> ■ Great Crested Grebe <i>Podiceps cristatus</i> ■ Curlew <i>Numenius arquata</i> ■ Dark-bellied Brent Goose <i>Branta bernicla bernicla</i> ■ Wigeon <i>Anas Penelope</i> ■ Goldeneye <i>Bucephala clangula</i> 	<ul style="list-style-type: none"> ■ The structure and function of the habitats of the qualifying features; ■ The supporting processes on which the habitats of the qualifying features rely; ■ The populations of the qualifying features; ■ The distribution of the qualifying features within the site. 	<p>Changes in species distribution – Declines in the number of bird species present at Orwell coastline have occurred. This is likely to be the result of changes in population and distribution on an international scale, due to climate change.</p> <p>Invasive species – An increase in <i>Spartina anglica</i> may be affecting the growth of <i>Spartina maritima</i>, a key habitat feature for qualifying bird roosting and feeding areas of saltmarsh and mudflat.</p> <p>Planning permission: General – The issue of development in combination with other factors is not fully understood. To ensure management is appropriate to the SPA a better understanding of the sensitivities relating to each habitat, species and location to different types of development is required. Difficult issues highlighted by the SIP include; a) Assessing the cumulative effects of numerous, small and often 'non-standard' developments. b) Development outside the SPA boundary can have negative impacts, particularly on the estuaries' birds. c) Assessing the indirect, 'knock-on' effects of proposals. d) Pressure to relax planning conditions on existing developments.</p> <p>Air pollution: impact from atmospheric nitrogen deposition – Atmospheric nitrogen deposition exceeds the relevant critical loads for coastal dune habitats used by breeding terns and hence there is a risk of harmful effects.</p> <p>Inappropriate coastal management – Due to the presence of existing hard sea defences, such as sea walls there is little scope for adaptation to rising sea levels. Any freshwater habitats behind failing seawalls are likely to be inundated by seawater,</p>	<ul style="list-style-type: none"> ■ Habitat Preference – Marshy grassland and steppe, and on migration mudflats. ■ Diet - Insects, worms and snails, but also some plants, beetles, grasshoppers and other small insects during the breeding season. <p>Dunlin <i>Calidris alpina alpina</i>:</p> <ul style="list-style-type: none"> ■ Habitat Preference – Tundra, moor, heath, and on migration estuaries and coastal habitat. ■ Diet - Tundra, moor, heath, and on migration estuaries and coastal habitat. <p>Grey Plover <i>Pluvialis squatarola</i>:</p> <ul style="list-style-type: none"> ■ Habitat Preference – Tundra, and on migration pasture and estuaries. ■ Diet - In summer, invertebrates and in winter primarily marine worms, crustaceans and molluscs. <p>Pintail <i>Anas acuta</i>:</p> <ul style="list-style-type: none"> ■ Habitat Preference – Lakes, rivers, marsh & tundra ■ Diet - A variety of plants and invertebrates. <p>Redshank <i>Tringa totanus</i>:</p> <ul style="list-style-type: none"> ■ Habitat Preference – Rivers, wet grassland, moors and estuaries.

Appendix A
European Sites Information

HRA of the Braintree Section 2 Local Plan: Main Modifications
November 2021

Site Name	Area (ha)	Qualifying Features	Conservation objectives (only available for SACs & SPAs)	Key vulnerabilities / factors affecting site integrity	Non-qualifying habitats and species upon which the qualifying habitats and/or species depend
		<ul style="list-style-type: none"> ■ Oystercatcher <i>Haematopus ostralegus</i> ■ Lapwing <i>Vanellus vanellus</i> ■ Knot <i>Calidris canutus</i> ■ Turnstone <i>Arenaria interpres</i>. 		<p>which would result in the loss of this habitat within the SPA.</p> <p>Fisheries: Commercial and estuarine – Commercial fishing activities can be very damaging to inshore marine habitats and the bird species dependent on the communities they support. Any 'amber or green' categorised commercial fishing activities in European Marine Sites are assessed by Kent and Essex Inshore Fisheries Conservation Authority (IFCA). This assessment takes into account any in-combination effects of amber activities and/or appropriate plans or projects.</p>	<ul style="list-style-type: none"> ■ Diet - Invertebrates, especially earthworms, crane fly larvae (inland) crustaceans, molluscs, marine worms (estuaries). <p>Ringed Plover <i>Charadrius hiaticula</i>:</p> <ul style="list-style-type: none"> ■ Habitat Preference – Sandy areas with low vegetation, and on migration estuaries. ■ Diet - Mostly invertebrates, especially insects, molluscs and crustaceans. <p>Shelduck <i>Tadorna tadorna</i>:</p> <ul style="list-style-type: none"> ■ Habitat Preference – Coasts, estuaries and lakes. ■ Diet - Mostly invertebrates, especially insects, molluscs and crustaceans. <p>Turnstone <i>Arenaria interpres</i>:</p> <ul style="list-style-type: none"> ■ Habitat Preference – On migration beaches and rocky coasts. ■ Diet - Insects, crustaceans and molluscs. <p>Cormorant <i>Phalacrocorax carbo</i>:</p> <ul style="list-style-type: none"> ■ Habitat Preference – Larger lakes and coastal. ■ Diet - Fish. <p>Great Crested Grebe <i>Podiceps cristatus</i>:</p> <ul style="list-style-type: none"> ■ Habitat Preference – Reed-bordered lakes, gravel pits, reservoirs and

Appendix A
European Sites Information

HRA of the Braintree Section 2 Local Plan: Main Modifications
November 2021

Site Name	Area (ha)	Qualifying Features	Conservation objectives (only available for SACs & SPAs)	Key vulnerabilities / factors affecting site integrity	Non-qualifying habitats and species upon which the qualifying habitats and/or species depend
					<p>rivers. In the winter, they are also found along the coast.</p> <ul style="list-style-type: none"> ■ Diet - Mostly fish, some aquatic invertebrates especially in summer. <p>Curlew <i>Numenius arquata</i>:</p> <ul style="list-style-type: none"> ■ Habitat Preference –Marsh, grassland and on migration mudflats. ■ Diet - Worms, shellfish and shrimps. <p>Dark-bellied brent goose <i>Branta bernicla bernicla</i>:</p> <ul style="list-style-type: none"> ■ Habitat Preference – Tundra, and on migration marshes and estuaries. ■ Diet - Vegetation, especially eel-grass. <p>Wigeon <i>Anas Penelope</i>:</p> <ul style="list-style-type: none"> ■ Habitat Preference – Marsh, lakes, open moor, on migration estuaries. ■ Diet - Mostly leaves, shoots, rhizomes and some seeds. <p>Goldeneye <i>Bucephala clangula</i>:</p> <ul style="list-style-type: none"> ■ Habitat Preference – Lakes, rivers, and on migration seacoasts. ■ Diet - Insects, molluscs and crustaceans. <p>Oystercatcher <i>Haematopus ostralegus</i>:</p> <ul style="list-style-type: none"> ■ Habitat Preference – Sandy, muddy and rocky beaches.

Appendix A
European Sites Information

HRA of the Braintree Section 2 Local Plan: Main Modifications
November 2021

Site Name	Area (ha)	Qualifying Features	Conservation objectives (only available for SACs & SPAs)	Key vulnerabilities / factors affecting site integrity	Non-qualifying habitats and species upon which the qualifying habitats and/or species depend
					<ul style="list-style-type: none"> ■ Diet - Mussels and cockles on the coast, mainly worms inland. <p>Lapwing <i>Vanellus vanellus</i>:</p> <ul style="list-style-type: none"> ■ Habitat Preference – Pasture, arable land, wet meadow, on migration estuaries ■ Diet - Worms and insects. <p>Red knot <i>Calidris canutus islandica</i></p> <ul style="list-style-type: none"> ■ Habitat Preference – Tundra, and on migration coastal habitat. ■ Diet - In summer, insects and plant material, and in winter inter-tidal invertebrates, esp molluscs. <p>Knot <i>Calidris canutus</i>:</p> <ul style="list-style-type: none"> ■ Habitat Preference – Coastal habitat. ■ Diet - Insects and plant material during the summer; and inter-tidal invertebrates, especially molluscs during the winter.
Stour and Orwell Estuaries Ramsar site	3676.92	<p>Ramsar criterion 2</p> <p>Contains seven nationally scarce plants:</p> <ul style="list-style-type: none"> ■ Stiff saltmarsh-grass <i>Puccinellia rupestris</i> ■ Small cord-grass <i>Spartina maritime</i> ■ Perennial glasswort <i>Sarcocornia perennis</i> 	None available.	<p>Similar to Stour and Orwell Estuaries SPA (See above).</p> <p>A key threat identified by RIS was erosion.</p> <p>Erosion: Natural coastal processes exacerbated by fixed sea defences, port development and maintenance dredging. Erosion is being tackled through sediment replacement for additional erosion that can be attributed to port development and maintenance dredging. A realignment site has been created on-site to make up for the loss of habitat due</p>	<p>Plants</p> <p>Plant communities are reliant on the coastal habitats within the Ramsar site. These habitats are dependent on a range of coastal factors and processes, including salinity, sedimentation, sea level, turbidity and elevation.</p> <p>Birds</p>

Site Name	Area (ha)	Qualifying Features	Conservation objectives (only available for SACs & SPAs)	Key vulnerabilities / factors affecting site integrity	Non-qualifying habitats and species upon which the qualifying habitats and/or species depend
		<ul style="list-style-type: none"> ■ Lax-flowered sea lavender <i>Limonium humile</i> ■ Eelgrasses <i>Zostera angustifolia</i>, <i>Z. marina</i> and <i>Z. noltei</i>. <p>Ramsar criterion 5</p> <p>Assemblages of international importance; species with peak counts in winter; 63,017 waterfowl.</p> <p>Ramsar criterion 6 species/ populations occurring at levels of international importance:</p> <p>Species with peak counts in spring/autumn:</p> <ul style="list-style-type: none"> ■ Common redshank <i>Tringa totanus totanus</i> <p>Species with peak counts in winter:</p> <ul style="list-style-type: none"> ■ Dark-bellied brent goose <i>Branta bernicla bernicla</i> ■ Northern pintail <i>Anas acuta</i> ■ Grey plover <i>Pluvialis squatarola</i> ■ Red knot <i>Calidris canutus islandica</i> ■ Dunlin <i>Calidris alpina alpina</i> ■ Black-tailed godwit <i>Limosa limosa islandica</i> ■ Common redshank <i>Tringa totanus totanus</i> 		to capital dredging. General background erosion has not been tackled although a Flood Management Strategy for the site is being produced.	Similar to Stour and Orwell Estuaries SPA above.

Appendix B

Review of other plans and projects for in-combination effects

District level Local Plans (strategic issues / ‘core strategies’) or county level plans providing for development

North Essex Authorities Shared Strategic Section 1 Local Plan ³⁵	
Plan Owner/ Competent Authority:	Braintree District Council, Colchester Borough Council, Tendring District Council
Related work HRA/AA:	HRA Report for North Essex Authorities Shared Strategic Section 1 Local Plan ³⁶
Notes on Plan documents:	The neighbouring authorities of North Essex agreed to come together because of their shared desire to promote sustainable growth; and the particular need to articulate the strategic priorities within the wider area and how they will be addressed. Central to this is the effective delivery of planned strategic growth, particularly housing and employment development, with the necessary supporting infrastructure.
<p>Conclusions on potential effects of relevance to European sites within scope of HRA of Braintree Local Plan</p> <p>The approach taken by the North Essex Authorities in addressing the key issues, particularly the strategic and collaborative approach, and working closely with Natural England, is advocated and deemed to be appropriate and robust, providing certainty beyond reasonable scientific doubt, that the Shared Strategic Section 1 Local Plan, incorporating the proposed Main Modifications, (including development beyond the plan period in respect of the garden community) is sound and legally compliant.</p> <p>In conclusion, providing that avoidance and mitigation requirements embedded in policy are implemented, the Shared Strategic Section 1 Local Plan incorporating the proposed Main Modifications, will not result in adverse effects on the integrity of European sites either alone or in-combination with other plans or projects.</p>	

Babergh Core Strategy & Policies (2011-2031) Local Plan ³⁷	
Plan Owner/ Competent Authority:	Babergh District Council
Related work HRA/AA:	Core Strategy Submission Draft HRA Screening Report September 2011 ³⁸
Notes on Plan documents:	<p>Local Plan was adopted in February 2014.</p> <p>Provision for 5,975 new dwellings and employment space to accommodate 9,700 new jobs during 2011-2031.</p> <p>Employment and housing growth will be accommodated within Babergh’s existing settlement pattern and in new mixed and balanced communities on the edges of the towns and the Babergh Ipswich Fringe.</p>

³⁵ <https://www.braintree.gov.uk/planning-building-control/section-1-examination>

³⁶ <https://www.braintree.gov.uk/directory-record/1055836/eb083a-hra-north-essex-authorities-shared-strategic-section-1-local-plan-update-following-proposed-main-mods-aug-2020>

³⁷ <http://www.babergh.gov.uk/planning-and-building/planning-policy/local-babergh-development-framework/core-strategy-and-policies-dpd/>

³⁸ <http://www.babergh.gov.uk/planning-and-building/planning-policy/local-babergh-development-framework/core-strategy-and-policies-dpd/core-strategy-consultations/>

Babergh Core Strategy & Policies (2011-2031) Local Plan ³⁷	
<p>Conclusions on potential effects of relevance to European sites within scope of HRA of Braintree Local Plan</p> <p>The HRA screening suggests that Babergh will primarily need to ensure the impacts on the Stour and Orwell estuaries are monitored, as other European sites which could potentially be affected will be monitored by other councils</p> <p>The following types of potential likely significant effect were identified:</p> <ul style="list-style-type: none"> ■ Water resources and quality: Provided the recommendations of the Water Cycle Study are incorporated into the Core Strategy, likely significant effects as a result of changes in water resources or quality are not predicted. ■ Wind turbines: Provided the recommendations are followed to make it clear that development supported by Policy CS9 must still meet other requirements for sustainability, including protection of European sites, likely significant effects are not predicted. ■ Coastal processes: Coastal squeeze has been identified as an issue at some locations along the Stour and Orwell Estuaries SPA / Ramsar site in Natural England monitoring records; however development close to the coast is not suggested outside existing built up areas. Therefore indirect effects through increased coastal squeeze are not predicted as a result of the Core Strategy. ■ Recreational pressure: Recreational use of the estuaries can result in disturbance of wintering birds. Babergh District Council is contributing to the wider mitigation strategy under the Haven Gateway Green Infrastructure Strategy and has made provision for new public open space at key sites close to the estuaries. As a precautionary approach is proposed this provides Babergh Council with the opportunity to take additional action if unexpected increases in disturbance occur. Therefore, subject to the mitigation strategy likely significant effects would not be predicted. 	

Chelmsford Local Plan 2013-2036 ³⁹	
Plan Owner/ Competent Authority:	Chelmsford City Council
Related work HRA/AA:	Chelmsford Local Plan Habitats Regulations Assessment (HRA)
Notes on Plan documents:	Chelmsford City Council adopted the Chelmsford Local Plan 2013-2036 in May 2020. Development provided for includes 18,515 new houses during 2013-2036.
<p>Conclusions on potential effects of relevance to Habitats sites within scope of HRA of Chelmsford Local Plan</p> <p>A 'screening assessment' determined that significant effects on 15 European sites or sites treated as such as a matter of Government policy could not be self-evidently excluded (the sites associated with the Essex estuaries, specifically Essex Estuaries SAC, Crouch and Roach Estuaries (Mid-Essex Coast Phase 3) SPA, Crouch and Roach Estuaries (Mid-Essex Coast Phase 3) Ramsar, Blackwater Estuary (Mid-Essex Coast Phase 4) SPA, Blackwater Estuary (Mid-Essex Coast Phase 4) Ramsar, Benfleet and Southend Marshes SPA, Benfleet and Southend Marshes Ramsar, Foulness (Mid-Essex Coast Phase 5) SPA, Foulness (Mid-Essex Coast Phase 5) Ramsar, Thames Estuary and Marshes SPA, Thames Estuary and Marshes Ramsar, Dengie (Mid-Essex Coast Phase 1) SPA, Dengie (Mid-Essex Coast Phase 1) Ramsar, and Outer Thames Estuary SPA; and in Epping Forest SAC).</p> <p>Consequently, an 'appropriate assessment' was completed in accordance with the Regulations to determine the implications of the Local Plan for the qualifying features of those sites with reference to their Conservation Objectives. This assessment took into account mitigation measures included within the Local Plan and hence concluded that either the effects would not be significant, or that no adverse effects on European site integrity would occur.</p>	

³⁹ <https://www.chelmsford.gov.uk/planning-and-building-control/planning-policy-and-new-local-plan/new-local-plan/adopted-local-plan/>

Chelmsford Local Plan 2013-2036 ³⁹	
The Council has therefore concluded that the Local Plan will have no adverse effects on the integrity of any European site, alone or in combination with other plans or projects. This conclusion has been accepted by Natural England following formal consultation and Examination in Public and the Council has adopted the Local Plan on this basis.	

Colchester Section 2 Local Plan ⁴⁰	
Plan Owner/ Competent Authority:	Colchester Borough Council
Related work HRA/AA:	Habitat Regulations Assessment Publication Draft Colchester Local Plan Section 2: Proposed Main Modifications ⁴⁰
Notes on Plan documents:	The Publication Draft Local Plan (2017) was submitted to the Planning Inspectorate on 9 October 2017. The Section 2 Local Plan is currently being examined by Inspectors appointed by the Secretary of State for Housing, Communities and Local Government.
Conclusions on potential effects of relevance to European sites within scope of HRA of Braintree Local Plan <p>The Colchester Section 2 HRA concluded that subject to the following key steps and recommended safeguards and mitigation measures that adverse effects on the integrity of European sites would be avoided or mitigated.</p> <ul style="list-style-type: none"> ■ Physical Damage and Loss (Offsite) – the Local Plan has committed to include the provision of the following mitigation measures: <ul style="list-style-type: none"> – Wintering Bird Surveys for sites identified with high and moderate suitability to support qualifying bird species to inform the importance of the site for these birds and to inform specific mitigation measures. – If the bird surveys identify that proposed new development will exceed the threshold of significance mitigation will be required. A commitment in the Local Plan to mitigate development following the completion of wintering bird surveys is therefore required. ■ Recreation – Colchester Borough Council has signed up to and is a key partner in the Essex Coast RAMS/Bird Aware Essex Coast recreational mitigation strategy, this mechanism is supported by Natural England as ensuring that AEoI to Habitats Sites will be avoided through the Local Plan. The strategy has also been found robust and appropriate through the NEAs Section 1 Local Plan Examination in Public and Chelmsford City Council's Local Plan Examination. It therefore provides certainty that AEoI will be avoided. ■ Water Quantity and Quality – existing avoidance and policy commitments are considered sufficient to avoid AEoI on Habitats Sites. 	

Maldon District Local Development Plan	
Plan Owner/ Competent Authority:	Maldon District Council
Related work HRA/AA:	Maldon District Council Pre-Submission Local Development Plan 2014 - 2029 Sustainability Appraisal Report incorporating Strategic Environmental Assessment and Habitats Regulations Assessment
Notes on Plan documents:	The Maldon District Local Development Plan was submitted to the Secretary of State for Examination-in-Public on 25 April 2014. Development provided for in the Draft Plan includes at least 4,410 dwellings during 2014-2029.
Conclusions on potential effects of relevance to European sites within scope of HRA of Braintree Local Plan	

⁴⁰ <https://www.colchester.gov.uk/local-plan/main-modifications/>

Maldon District Local Development Plan	
The HRA Screening Assessment on the potential for likely significant effects on the Blackwater Estuary SPA and Ramsar; Colne Estuary SPA and Ramsar; Crouch and Roach Estuaries SPA and Ramsar; Dengie SPA and Ramsar, and Essex Estuaries SAC, for the Maldon District Post Examination Local Development Plan policies concluded that there will be no significant adverse effects on the integrity of these European sites alone or in-combination.	

Rochford District Core Strategy ⁴¹	
Plan Owner/ Competent Authority:	Rochford District Council
Related work HRA/AA:	Habitats Regulations Assessment Screening of Rochford Core Strategy, January 2010
Notes on Plan documents:	Core Strategy adopted December 2011 Development provided for includes a minimum of 4,600 dwellings during 2001-2021.
Conclusions on potential effects of relevance to European sites within scope of HRA of Braintree Local Plan The following types of potential likely significant effect were identified: <ul style="list-style-type: none"> ■ Recreational disturbance: Potential for effects reduced by the fact that the west of the District contains the majority of the existing population and settlements and that new development will be focused on previously developed land in and around these settlements. Provision for new open space and alternative recreational opportunities judged sufficient to rule out likely significant effects. ■ Air pollution: As for disturbance, potential for likely significant effects due to air pollution from road traffic reduced by the distance between centres of population and European sites in the District. Core strategy policies to protect air quality, existing Council monitoring of air quality and lack of evidence that European sites are vulnerable to poor air quality judged sufficient to rule out likely significant effects. ■ Water resources: Likely significant in-combination effects on European sites due to increased water abstraction to serve new development and deficit during dry years identified by the Essex Thames Gateway Water Cycle Study 2009 Scoping Study. To avoid likely significant in-combination effects, HRA recommended that wording was inserted into Core Strategy specifying that development proposals must ensure that their water supply needs can be met without adverse effects on the integrity of a European site and that the findings of the HRA Screening were reviewed once the final stages of the Water Cycle Study were completed. ■ Water quality: Uncertainty meant that likely significant in-combination effects could not be ruled out on Crouch and Roach Estuaries (Mid-Essex Coast Phase 3) SPA and Ramsar site due to increased pressure on sewer and WwTW capacity from new development. To avoid likely significant in-combination effects, HRA recommended that Annual Monitoring Report incorporates a requirement for annual monitoring by the EA of the chemical and biological quality of the Crouch and Roach Estuaries to address the uncertainty. If the monitoring reveals that water quality has deteriorated, the Council should consult with the EA and NE to determine the most appropriate course of action. 	

Tendring District Local Plan ⁴²	
Plan Owner/ Competent Authority:	Tendring District Council
Related work HRA/AA:	HRA of Tendring District Local Plan Publication Draft - Section 2 October 2018 ⁴³

⁴¹ <https://www.rochford.gov.uk/core-strategy-0>

⁴² <https://www.tendringdc.gov.uk/localplan/section2>

⁴³ <https://www.tendringdc.gov.uk/planning/local-plans-and-policies/view-our-local-plan/section-2-examination/evidence-base/evidence-9>

Tendring District Local Plan ⁴²	
Notes on Plan documents:	The Publication Draft Local Plan (2017) was submitted to the Planning Inspectorate on 9 October 2017 along with minor modifications made post consultation. The Section 2 Local Plan is currently subject to an examination by Inspectors appointed by the Secretary of State for Housing, Communities and Local Government.
<p>Conclusions on potential effects of relevance to European sites within scope of HRA of Braintree Local Plan</p> <p>The current approach being taken by Tendring District Council in addressing the key issues, particularly with regards to working alongside the other North Essex Authorities in relation to strategic growth, is advocated and deemed to be the most appropriate and pragmatic approach in ensuring that the Tendring District Draft Publication Local Plan Section 2 is sound.</p> <p>In conclusion, the Tendring District Draft Publication Local Plan Section 2, has been updated to include the specific policy safeguards and commitments previously recommended, and providing that the additional mitigation measures and safeguards in relation to policies SAE5 and SAE6 are adopted and successfully implemented, it can be concluded that there will be no adverse effects on European sites either alone or in-combination.</p>	

Essex Minerals Local Plan ⁴⁴	
Plan Owner/ Competent Authority:	Essex County Council
Related work HRA/AA:	Essex County Council Replacement Minerals Local Plan: Pre Submission Draft Habitats Regulations Assessment Report November 2012
Notes on Plan documents:	<p>The Essex Minerals Local Plan was adopted on 8 July 2014. The plan sets out the broad locations where future mineral extraction and associated development will be preferred, and the areas where mineral extraction is discouraged, preferred sites and development management policies.</p> <p>The Essex Minerals Local Plan 2014 Review Consultation was undertaken in in Spring 2021.</p>
<p>Conclusions on potential effects of relevance to Habitats sites within scope of HRA of Essex Minerals Local Plan</p> <p>Air quality: Likely significant effects from increased heavy goods vehicle traffic on roads in proximity to Habitats sites ruled out following amendment of the Plan to include supporting text requiring an air quality analysis where any proposal would result in an increase of more than 200 HGV movements per day within 200 m of a Habitats site.</p> <p>Predation: Following completion of mineral extraction it is common for minerals sites to be used for landfill. Landfill sites can attract large number of birds such as gulls or crows which can have an adverse predation effect on nesting birds at wildlife sites within 5 km of the landfill (particularly ground nesting species). Preferred minerals sites allocated by the Plan include ones within 5 km of Abberton Reservoir SPA and Ramsar site (wintering and passage waterfowl and cormorant populations sensitive to predation) and Colne Estuary (Mid-Essex Coast Phase 2) SPA and Ramsar site (little tern population particularly sensitive to predation). Likely significant predation effects were ruled out on the basis that the Plan adopt recommendations to prevent putrescible waste being sent for landfill at the relevant, preferred minerals sites.</p>	

Essex Local Transport Plan 3 2011-2026 (LTP3)	
Plan Owner/ Competent Authority:	Essex County Council
Related work HRA/AA:	HRA Screening Report June 2011

⁴⁴ <https://www.essex.gov.uk/minerals-waste-planning-policy/minerals-local-plan>

Essex Local Transport Plan 3 2011-2026 (LTP3)	
Notes on Plan documents:	<p>Essex Transport Strategy: The Local Transport Plan for Essex, June 2011</p> <p>Transport priorities for the Thames Gateway, the part of Essex in which Basildon is located, are:</p> <ul style="list-style-type: none"> ■ Providing for and promoting access by sustainable modes of travel to new development areas; ■ Improving public transport links within and between the Thames Gateway towns (including the A13 Passenger Transport Corridor and South Essex Rapid Transport (SERT) schemes); ■ Improving the availability of sustainable travel choices and raising public awareness of these through travel planning; ■ Addressing maintenance, signing and broken links in the cycle network to improve conditions for cyclists and create a safer atmosphere for cycling. ■ Improving the attractiveness and ease of use of public spaces to support regeneration; ■ Improving journey time reliability on strategic inter-urban routes including the A127, A129, A130 and the A13; ■ Improving access to London Gateway port and Southend Airport.
<p>Conclusions on potential effects of relevance to European sites within scope of HRA of Braintree Local Plan</p> <p>The protective approach specified by Policy 9 of the LTP3, the provision of policies which promote a modal shift away from private car use (Policies 4, 7, 8, 14 and 15), and the flexibility inherent in the Essex LTP3 which allows for manipulation of future plans and projects to avoid impacts on N2K sites, means that the ecological integrity of all Natura 2000 sites located within the zone of influence of the Essex LTP3 would not be adversely affected by the LTP3 or its policies.</p>	

The Essex and Southend-on-Sea Waste Local Plan	
Plan Owner/Competent Authority	Essex County Council
Related work HRA/AA	Essex County Council and Southend-on-Sea Borough Council Replacement Waste Local Plan: Pre-submission – Habitat Regulations Assessment Screening Report (January 2016)
Notes on Plan documents	The Essex and Southend-on-Sea Waste Local Plan was adopted by Essex County Council on 11 July and by Southend-on-Sea Borough Council on 19 th October 2017.
<p>Conclusions on potential effects of relevance to Habitats sites within scope of HRA of Essex Local Transport Plan</p> <p>The HRA concluded that the main potential for adverse effects caused by the allocated sites is likely to be from air pollution, water pollution or disturbance to birds. It stated that it should be possible to mitigate the effects identified.</p> <p>Air pollution and bird disturbance not related to recreational actions have been ruled out of the Basildon Local Plan HRA and the Essex Waste Local Plan will therefore not contribute to likely significant effects or greater as a result of in-combination effects. In combination effects are therefore limited to water pollution, however the HRA concludes that such measures can be avoided through the implementation of control measures and as a result, the potential for in-combination effects between the plans as a result of water pollution is also considered negligible.</p>	

Significant Projects

7.5 Bramford to Twinstead Tee 400kV Connection: The proposed Bramford to Twinstead transmission connection is a new 400,000 volt electricity connection between Bramford substation, west of Ipswich in Suffolk and Twinstead, south of Sudbury in Essex.

7.6 This new connection would help upgrade the electricity transmission network in East Anglia, enabling the connection of a number of new power generators, including King's Lynn gas-fired power station, Sizewell C nuclear power station and East Anglia Offshore Wind.

7.7 However, changes to generation projects in East Anglia area mean that this proposed connection does not need to be in place as early as originally expected and therefore the project has temporally been put on hold. Based purely on the project location, there may be a potential for adverse effects on the Stour and Orwell Estuaries SPA and Ramsar site but an HRA for the proposal is not yet available. Any future proposal for this project should consider the potential for effects on European sites in combination with those identified for the Braintree Local Plan in this HRA Screening Report.

Appendix C

Review of Main Modifications

Review of Main Modifications to the Local Plan Section 2 Post Examination 17th November 2021

Table C.1 Proposed Changes considered as Main Modifications

Ref Number	Paragraph or Policy	Change Bold new text Strikethrough deleted text	Reason	Implications for HRA findings previously reported
MM1	Throughout the document	All references to 'Braintree Freeport' or 'Freeport' to be replaced with 'Braintree Village'	Company and centre name has been changed.	No change to findings. Minor wording change that will not alter the findings of the HRA
MM2	Throughout the document	All references to "Highways England" to change to "National Highways"	Name has changed.	No change to findings. Minor wording change that will not alter the findings of the HRA
MM3	Section 4 Vision for Braintree District Paragraph 2	Two new garden communities are being built within the District at West of Braintree and Colchester/Braintree borders providing new communities within a high quality environment	To remove reference to garden communities	No change to findings. References to these garden communities have been removed throughout the HRA but this will not alter findings of the HRA.
MM4	Vision for Braintree District Paragraph 5	...access to the highest quality community facilities including health and education provision and green infrastructure . Outstanding...	As requested by consultee to reflect national policy	No change to findings. Minor wording change that will not alter the findings of the HRA
MM5	Key Objectives Housing Need	To provide a range of housing sizes, types and tenures which meet local need, including affordable homes, starter homes , and homes for those residents with...	Starter homes as a category of homes were never implemented.	No change to findings. Minor wording change that will not alter the findings of the HRA
MM6	Key Objectives Transport Infrastructure	New developments must contribute towards the improvement of the transport network in the District, including schemes to ensure safety and reduce congestion . Developments will make appropriate provision to ensure safety and reduce congestion on the road network.	As requested by consultees to reflect national policy.	No change to findings. Minor wording change that will not alter the findings of the HRA

Appendix C
Review of Main Modifications

HRA of the Braintree Section 2 Local Plan: Main Modifications
November 2021

		Developments will make appropriate provision for public transport, walking and cycling, both within developments and connections to the wider network.		
MM7	Paragraph 5.8	Delete paragraph and title	To remove reference to the position of Garden Communities within the spatial hierarchy	No change to findings. References to these garden communities have been removed throughout the HRA but this will not alter findings of the HRA.
MM8	Spatial Hierarchy	Add Cressing Tye Green to the list of second tier villages To add High Garrett to the list of third tier villages West of Braintree Garden Community Colchester Braintree Borders Garden Community	The villages were omitted from the original spatial hierarchy To remove reference to Garden Communities	No change to findings. References to these garden communities have been removed throughout the HRA but this will not alter findings of the HRA.
MM9	Spatial Strategy	That the broad spatial strategy for Braintree District should concentrate development on the town of Braintree, planned new garden communities , Witham and the A12/Great Eastern Mainline corridor and Halstead	To remove reference to Garden Communities	No change to findings. References to these garden communities have been removed throughout the HRA but this will not alter findings of the HRA.
MM10	LPP1	Development outside development boundaries will be strictly controlled confined to uses appropriate to the countryside whilst also protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils	To aid clarity and ensure purpose of the policy is clear following a High Court decision at Gulls Meadow, Stisted.	No change to findings. The proposed Main Modification strengthens the importance of sites of biodiversity but this will not alter findings of the HRA.
MM11	Picture 5.1 Key Diagram	Remove the 'Garden Community area of search' from the key diagram.	To remove references to Garden Communities	No change to findings. References to these garden communities have been removed throughout the HRA but this will not alter findings of the HRA.

MM12	LPP2	<p>The Council and its partners will be driving forward the growth of the economy in the District and provide for the 32.1ha of industrial land and 19.5ha of office land in the District to support this.</p> <p>New strategic employment sites to meet the needs set out within policy SP5, and the proposed uses for those sites, are set out in the table below.</p> <p>a) Extension to Springwood Drive Industrial area in Braintree 10ha employment policy area 10</p> <p>b) Eastlink Horizon 120 18.5ha Innovation and Enterprise Business park for uses in the B4 E(g), B2, B8 use class.</p> <p>The Council has an approved LDO for the site.</p> <p>Part of the site may be developed for a hotel use (C1)</p> <p>B8 uses should be restricted to no more than 40% of the total floor area and no single unit should be larger than 7,500sqm</p> <p>The site also includes 7ha of structural landscaping.</p> <p>Major Business Park on the West Braintree Garden Community To be determined through a Strategic Growth DPD</p> <p>Major Business Park on the Marks Tey Garden Community To be determined through a Strategic Growth DPD</p> <p>Total identified new employment land allocations for B1, B2 and B8 51.1 42.1</p>	<p>To aid clarity as the overall employment need is set out in policy SP5 of the section 1</p> <p>To aid clarity</p> <p>To reflect the current planning permission</p> <p>To aid clarity and to reflect use class changes</p> <p>To reflect the current planning position</p> <p>To remove reference to Garden Communities</p> <p>To aid clarity and to reflect the current planning permission for Springwood Drive Industrial Estate</p>	<p>No change to findings.</p> <p>Updated text on employment land will not alter findings of the HRA. References to these employment sites (including quantity) has been updated throughout the HRA</p> <p>References to these garden communities have been removed throughout the HRA but this will not alter findings of the HRA.</p>
MM13	LPP3	<p>Employment policy areas are identified on the Proposals Map, where the following uses will be considered appropriate and will be permitted and retained:</p> <p>a. Office use, research and development, and industrial processes (other than industrial processes falling within Use Class B2) Business (use class B1) (use class E(g))</p> <p>b. General industrial (use class B2) and storage and distribution (use class B8)</p> <p>c. Repair of vehicle and vehicle parts</p>	<p>To reflect changes to use classes</p> <p>To aid clarity</p>	<p>No change to findings.</p> <p>Updated text on employment land will not alter findings of the HRA.</p>

		<p>d. Waste management facilities as appropriate taking into account neighbouring uses</p> <p>e. Services specifically provided for the benefit of businesses or workers based on the employment area</p> <p>Changes from B2 or B8 to E will not be permitted.</p>		
MM14	LPP6	<p>Employment locations for Use class B4 Business Parks business uses are identified on the Proposals Map. To maintain the character of these sites only uses falling within Use Class B1 business will be permitted, and to meet identified needs, they are allocated for office use, research and development, and industrial processes (other than industrial processes falling within Use Class B2).</p>	To reflect use class changes	<p>No change to findings.</p> <p>Updated text on employment land will not alter findings of the HRA.</p>
MM15	Paragraph 6.23, 6.24 and 6.25 LPP7	Delete policy and supporting text	Design appropriately covered in general design policies	<p>No change to findings.</p> <p>Updated text on design will not alter findings of the HRA.</p>
MM16	LPP8	<p>A the Location of the site being accessible, and sustainable in terms of the Framework</p> <p>B There is no unacceptable impact on protected species or the historic environment</p> <p>Where it has been evidenced that the conversion of existing buildings on the site is not practical or where there are no existing buildings on the site and where a need has been demonstrated, new buildings shall be well designed, and appropriately sited. New buildings shall be of a form, bulk and design that should not offend local landscape character, and protect and enhance heritage assets and their settings. All such new development shall also be considered against the criteria above.</p>	<p>To avoid repeating national policy</p> <p>To avoid repeating other policies in the Plan</p>	<p>No change to findings.</p> <p>Removal of text which repeats national policy will not alter the findings of the HRA.</p>
MM17	LPP9	<p>Proposals for new tourist accommodation and facilities, including extensions to existing tourist accommodation and facilities, within the countryside, will be permitted provided that all the following criteria are met;</p> <p>b. Large scale Proposals are connected to and associated with existing facilities or located at a site that relates well to defined settlements in the</p>	<p>To provide clarity</p> <p>To provide clarity</p>	<p>No change to findings.</p> <p>Minor wording change that will not alter the findings of the HRA.</p>

		area and are accessible to adequate public transport, cycling and walking links. e They would not use the best and most versatile agricultural land	To avoid repeat of other policies in the Plan	
MM18	LPP10	Convenience (Food) retailing across the District is expected to grow. Evidence suggests, with evidence suggesting that across the District 8966sq.m 2927sq.m (gross) of new floorspace will be required. For comparison goods (Non-food retailing) 15,869 sq.m 10,315 sq.m (gross) will be required and for food and beverage provision 8,304 sq.m 4506 sq.m (gross) is needed. 1,000sq.m (Gross) Great Notley District Centre and	To reflect updated evidence base To correct typographical error	No change to findings. Changes to evidence base for retailers will not alter the findings of the HRA.
MM19	LPP11	Within the Primary Shopping Areas, as defined on the Proposals Maps, primary and secondary frontages have been identified. A balance between A1 retail shops and non-retail town centre uses has to be maintained in order to secure the vitality and viability of the primary shopping area. The following uses will be permitted within primary frontages: a. Commercial Retail development (Use Class A1 <u>E</u>) b. Local Community uses (Use class F.2) Proposals for use classes A2-A5 and D1-D2 provided that: It would not result in 3 or more non A1) Use class units in adjoining premises within the primary shopping area It would not break a continuous A1 primary retail frontage The following additional uses will be permitted within Secondary Frontages: Use Classes A1 to A5, B1 and D1 to D2 Pubs and drinking establishments Hot food takeaways Cinemas, concert halls, music venues and similar	To reflect use class changes	No change to findings. Minor wording change relating to class uses that will not alter the findings of the HRA.

MM20	LPP12	<p>District Centre – Great Notley</p> <p>Within the District centre as defined on the Proposals Map, the following uses will be permitted:</p> <p>a. Retail development (Use Class A1) Commercial E use</p> <p>b. Use Classes F1, F2, pubs and drinking establishments, hot food takeaways and cinemas, concert halls, music venues and similar providing this does not lead to an over proliferation of these uses to the detriment of the amenity of the surrounding area or viability of the centre. Proposals for use classes A2 – A5 and D1 – D2), provided that it does not result in the loss of an existing A1 retail use, or where a A1 unit has become vacant, it can be demonstrated through a marketing and viability assessment that an A1 user cannot be found.</p>	<p>To aid clarity as to where the policy applies.</p> <p>To reflect changes to use classes</p>	<p>No change to findings.</p> <p>Minor wording change relating to class uses that will not alter the findings of the HRA.</p>
MM21	LPP13	<p>The area defined on the Proposals Map as a Factory Designer Outlet Centre shall be maintained for the purpose of a discount shopping outlet centre, and current associated uses.</p>	<p>To better reflect the uses on the site</p>	<p>No change to findings.</p> <p>Minor wording change that will not alter the findings of the HRA.</p>
MM22	LPP14	<p>The areas identified on the Proposals Map for Leisure and Entertainment shall be retained for leisure and entertainment-related uses. This includes use for indoor sport, recreation or fitness; local community shops (Use Class F2); bingo halls, music venues and other similar uses; and expansion of the existing cinema will be acceptable. Proposals within use class D2 will not be permitted.</p>	<p>To reflect new use class order</p>	<p>No change to findings.</p> <p>Minor wording change relating to class uses that will not alter the findings of the HRA.</p>
MM23	LPP15	<p>Bulky retail Proposals outside of town centres will be required to satisfy all the following criteria:</p> <p>e. A traffic transport impact assessment and travel plan demonstrating that the proposal would not cause any detriment to the local traffic network</p>	<p>To aid clarity</p> <p>For clarity and to avoid repetition</p>	<p>No change to findings.</p> <p>Minor wording change that will not alter the findings of the HRA.</p>
MM24	LPP16	<p>Halstead</p> <p>Former EMD Site, Kings Road</p>	<p>To remove allocation at former EMD site which has now been built.</p>	<p>No change to findings.</p> <p>References to removed allocations and garden communities have been</p>

		New retail provision will also be provided at strategic growth locations, new garden communities and a site allocations at land north of Freeport and land off Millennium Way, Braintree.		To remove reference to Garden Communities To remove allocation at Freeport which is not being taken forward by landowner.	removed throughout the HRA but this will not alter findings of the HRA.
MM25	LPP17	Strategic Growth Location	Number of Homes (within the Plan period)	To remove reference to Garden Communities To update to the current housing position	Strengthens conclusions but no change to findings. References to removed allocations and garden communities have been removed throughout the HRA but this will not alter findings of the HRA. Housing figures have been updated throughout the HRA but this will not alter findings of the HRA.
		West of Braintree Garden Community	2,500		
		New Colchester Braintree Borders Garden Community	1,150		
		East of Great Notley (in Black Notley Parish)	1,750		
		Land East of Broad Road, Braintree	1,000		
		Former Towerlands Park Site, Braintree	600 575		
		Land at Feering	750 795		
		Wood End Farm, Witham	450 400		
		North West Braintree – Panfield Lane	600 825		
MM26	LPP18	<ul style="list-style-type: none"> ■ Up to 1750 new homes of a mixed size and type appropriate to the area ■ Affordable housing as per the Council's policy requirements ■ Contributions to the strategic road network in the vicinity of the site which could include the A120 and A131 corridor ■ A new primary school with co-located 56 early years and childcare nursery (D4 use) on 2.7ha of suitable land allocated for education 		To reflect the wording of other strategic growth locations policy To aid clarity For ensure the policy is effective To reflect use class orders	No change to findings. Minor wording change that will not alter the findings of the HRA. Minor wording change relating to class uses that will not alter the findings of the HRA. Allocation specific requirements that will not alter the findings of the HRA.

		<p>and childcare use as required by the Local Education Authority through S106 Planning Obligations</p> <ul style="list-style-type: none"> Two new 56 place stand-alone early years and childcare nurseryies (D1-use) each on 0.13ha of suitable land allocated for education and childcare use as required by the Local Education Authority through S106 Planning Obligations Community facilities including a contribution to or location provision of infrastructure for new NHS facilities Public open space in accordance with the Open Space Study, and informal and formal recreation in accordance with the playing pitch strategy Provision of or contribution towards a Gypsy and Traveller Site <p>The main access to the site will be from London Road and local access from Notley Road with additional minor vehicle access from and Bakers Lane, the latter only if it is an essential requirement of the development</p>	<p>To aid clarity</p> <p>To aid clarity</p> <p>To ensure the policy is effective For clarity</p> <p>To ensure the policy is effective</p>	
MM27	LPP19	<ul style="list-style-type: none"> Up to 1000 homes of a mixed size and type appropriate to the area Affordable housing as per the Council's policy requirements A new primary school with co-located 56 early years and childcare nursery (D1-use) on 2.1ha of suitable land allocated for education and childcare use as required by the Local Education Authority through S106 Planning Obligations A new 56 place stand-alone early years and childcare nursery (D1-use) on 0.13 hectares of suitable land allocated for education and childcare use as required by the Local Education Authority through S106 Planning Obligations Public open space in accordance with the Open Space Study, formal recreation in accordance with the Playing Pitch strategy and 	<p>To reflect wording of other strategic growth location policies</p> <p>To aid clarity</p> <p>To aid clarity</p> <p>To reflect use class order</p> <p>To ensure the policy is effective</p>	<p>No change to findings.</p> <p>Minor wording change that will not alter the findings of the HRA.</p> <p>Minor wording change relating to class uses that will not alter the findings of the HRA.</p> <p>Allocation specific requirements that will not alter the findings of the HRA.</p>

		<p>informal recreation, which would include improvements to the River Walk...</p> <ul style="list-style-type: none"> ■ Provision of or contributions towards a Gypsy and Traveller site <p>The main vehicular access to the site will be from a new roundabout on the A131 with an additional local minor-vehicle access from Broad Road.</p>	<p>To ensure the policy is effective</p> <p>To ensure the policy is effective</p>	
MM28	LPP20	<ul style="list-style-type: none"> ■ Up to 600 575 new homes of a mixed use and type appropriate to the area ■ Affordable housing as per the Council's policy requirements ■ A new 56 place stand-alone early years and childcare nursery (D1 use) on 0.13 hectares of suitable land allocated for education and childcare use as required by the Local Education Authority through S106 Planning Obligations ■ All access points will have to be agreed to the satisfaction of Essex County Council, as Highways Authority. ■ Community facilities including contributions to location or provision of infrastructure for new local NHS facilities ■ Public open space in accordance with the Open Space Study and formal recreation in accordance with the Playing Pitch Strategy and informal recreation including landscaping to the rural edge... 	<p>To reflect wording of other strategic growth location policies</p> <p>To aid clarity</p> <p>To aid clarity and to reflect changes to use class</p> <p>To ensure the policy is effective</p> <p>To ensure clarity</p> <p>To ensure the policy is effective</p>	<p>No change to findings.</p> <p>Housing figures have been updated throughout the HRA but this will not alter findings of the HRA.</p> <p>Minor wording change that will not alter the findings of the HRA.</p> <p>Minor wording change relating to class uses that will not alter the findings of the HRA.</p> <p>Allocation specific requirements that will not alter the findings of the HRA.</p>
MM29	LPP21	<ul style="list-style-type: none"> ■ Up to 825 600-new homes of a mixed size and type appropriate to the area ■ 10ha of employment development ■ Land for a A new primary school with co-located early years and childcare nursery on 2ha of suitable land allocated for education and childcare use and contributions to existing education facilities ■ Early years and childcare facilities potentially co-located with any new primary school 	<p>To reflect wording of other strategic growth location policies and current planning permission</p> <p>To reflect current permission.</p> <p>To aid clarity</p> <p>To aid clarity</p>	<p>No change to findings.</p> <p>Housing figures have been updated throughout the HRA but this will not alter findings of the HRA.</p> <p>Minor wording change that will not alter the findings of the HRA.</p> <p>Allocation specific requirements that will not alter the findings of the HRA.</p>

		<ul style="list-style-type: none"> Public open space in accordance with the Open Space Study, formal and informal recreation in accordance with the Playing Pitch Strategy and community sports facilities Community facilities including a contribution to or provision of infrastructure for new NHS facilities 	<p>To ensure the policy is effective</p> <p>To ensure the plan is positively prepared</p>	
MM30	LPP22	<p>Strategic Growth Location - Land at Feering</p> <p>A Strategic Growth Location has been identified at land south east of Feering and is shown on the Proposals Map. Development will be expected to provide;</p> <ul style="list-style-type: none"> Up to 750 Around 835 new homes of a mixed, size and type appropriate to the area Affordable housing as per the Council's policy requirements Appropriate employment generating uses to support the new community Location for a new primary school or community centre A new primary school with co-located early years and childcare nursery on 2.1 ha of suitable land allocated for education and childcare use or the expansion of Feering School Two A new 56 place stand-alone early years and childcare facilities potentially collocated with any new primary school nursery on 0.13 hectares of suitable land allocated for education and childcare use or potentially co-located with any new primary school site Provision of a community centre or a financial contribution towards off site provision of the same Financial contributions to primary and secondary education provision as required by the Local Education Authority through S106 Planning Obligations 	<p>To aid clarity and to reflect a current planning permission</p> <p>To aid clarity</p> <p>To aid clarity</p> <p>To respond to comments of consultees</p> <p>To respond to comments of consultees</p> <p>To respond to comments of consultees</p>	<p>No change to findings.</p> <p>Housing figures have been updated throughout the HRA but this will not alter findings of the HRA.</p> <p>Minor wording change that will not alter the findings of the HRA.</p> <p>Minor wording change relating to class uses that will not alter the findings of the HRA.</p> <p>Allocation specific requirements that will not alter the findings of the HRA.</p>

		<ul style="list-style-type: none"> Community facilities including a contribution to or location provision of infrastructure for new NHS facilities Retail Provision Public open space in accordance with the Open Spaces Study, and informal and formal recreation in accordance with the playing pitch strategy including a new Country Park to the south of the A12 Safe cycle and pedestrian access between all parts of the development and Kelvedon and Feering Provision for or contributions towards a Gypsy and Traveller site Contributions to an all directions A12 junction at Feering highway and transport infrastructure as required by the Highway Authorities Provision of a new connection between Inworth Road and London Road <p>Development must be designed to ensure that no substantial harm to should conserve and where opportunities arise enhance the conservation areas and their settings, preserve listed buildings and scheduled Ancient monuments and other heritage assets located in the vicinity of the site their settings</p> <p>The delivery of each facility shall coincide with the completion of different phases of development to ensure that local services are in place when they are needed.</p> <p>Development proposals which would compromise the delivery of an identified and coherent Strategic Growth Location will be resisted.</p>	<p>To aid clarity</p> <p>To respond to comments of consultees</p> <p>To ensure the policy is effective</p> <p>To respond to comments of consultees</p> <p>To respond to comments of consultees and aid clarity</p> <p>To respond to the comments of consultees and ensure consistency with national policy</p> <p>To aid clarity</p>	
MM31	LPP23	<ul style="list-style-type: none"> Up to 450 400 new homes of a mix size and type appropriate to the area Affordable housing as per the Council's policy requirements A new 30 place stand-alone early years and childcare nursery (D1 use) on 0.065 hectares of suitable land allocated for education and 	<p>To reflect current position</p> <p>To aid clarity</p> <p>To reflect use class change</p>	<p>No change to findings.</p> <p>Housing figures have been updated throughout the HRA but this will not alter findings of the HRA.</p>

		<p>childcare use as required by the Local Education Authority through S106 Planning Obligations</p> <ul style="list-style-type: none"> ■ Formal and informal Public open space in accordance with the Open Space Study, informal and formal recreation in accordance with the Playing Pitch Strategy play space and allotments including an appropriate countryside edge to the development and buffering to the railway line ■ Contributions to other community facilities including health provision as required by the NHS Community facilities including a contribution to provision of infrastructure for new NHS facilities 	<p>To ensure the policy is effective</p> <p>To aid clarity</p>	<p>Minor wording change that will not alter the findings of the HRA.</p> <p>Minor wording change relating to class uses that will not alter the findings of the HRA.</p> <p>Allocation specific requirements that will not alter the findings of the HRA.</p>
MM32	LPP24	<p>Protection of the setting of listing buildings and enhancement of the Conservation Area including the retention and refurbishment of the at least one air raid shelters</p>	<p>To reflect appeal decision APP/Z1510/W/19/3224638 which set out that the loss of any of these features would be harmful</p>	<p>No change to findings.</p> <p>Minor wording change that will not alter the findings of the HRA.</p>
MM33	LPP25	<p>Impact on the nearby listed buildings and their settings</p>	<p>To respond to comments of consultees</p>	<p>No change to findings.</p> <p>Minor wording change that will not alter the findings of the HRA.</p>
MM34	LPP26	<p>Employment uses E-B4 and B8</p> <p>Retention of the boiler house</p>	<p>To reflect use class changes</p> <p>Error – the boiler house is not within this area.</p>	<p>No change to findings.</p> <p>Minor wording change that will not alter the findings of the HRA.</p> <p>Minor wording change relating to class uses that will not alter the findings of the HRA.</p>
MM35	Paragraph 6.81 LPP27	<p>Delete policy and support text as the site is now under construction.</p>	<p>To reflect current planning permission</p>	<p>No change to findings.</p> <p>References to this policy has been removed throughout the HRA but this will not alter findings of the HRA.</p>

MM36	LPP28	Retention of A class retail uses along the secondary retail frontage	To reflect use class changes	No change to findings. Minor wording change relating to class uses that will not alter the findings of the HRA.
MM37	LPP29 2 nd paragraph 3 rd paragraph	Any developments or extensions should address the drainage impacts . infrastructure deficit in its immediate area. A development brief will be produced to guide the redevelopment, the brief and any proposals in advance of the brief. An illustrative masterplan, design code and parameter plan should be produced which should address all the following issues:	To ensure consistency with national policy To aid clarity	No change to findings. Minor wording change that will not alter the findings of the HRA.
MM38	LPP30	Land at Rickstones Neighbourhood Centre, Dorothy Sayers Drive, Witham is allocated as a Comprehensive Redevelopment Area for a mixed-use development where which could include a combination of retail, community uses, public house, pavilion, residential development and car parking will be supported.	To aid clarity	No change to findings. Minor wording change that will not alter the findings of the HRA.
MM39	LPP31	Comprehensive Redevelopment Area - Land between A12 and GEML, Hatfield Peverel <ul style="list-style-type: none"> ■ The following development is supported within the comprehensive redevelopment area at land between A12 and GEML. ■ Mixed use development of up to 200 dwellings on former Arla Dairy site (3.8ha) ■ Up to 45 dwellings on Sorrells Field (2ha) ■ Up to 20 dwellings on Bury Farm (2.8ha) ■ Up to 20 dwellings to the rear of Station Road, subject to a masterplan to be agreed with the LPA. Piecemeal development of gardens will be resisted ■ Access and capacity improvements to Station Road car park 	To reflect current planning permissions	No change to findings. References to this policy has been updated throughout the HRA but this will not alter findings of the HRA.

		<p>Development of residential dwellings on these sites will be expected to provide;</p> <ul style="list-style-type: none"> ■ A suitable road link between Bury Lane and main vehicular access from the site to be taken from Station Road to be agreed with the Highways Authority ■ Affordable housing as per the Councils policy requirements 	<p>To respond to comments of consultees</p> <p>To aid clarity</p>	
MM40	LPP32	<p>40 Up to 78 new homes</p> <p>Retention of the visual integrity of the character and setting of Gimsons and its access</p> <p>Enhancement of the parkland setting of Gimsons</p>	<p>To reflect the planning permission on the site</p>	<p>No change to findings.</p> <p>References to this policy has been updated throughout the HRA but this will not alter findings of the HRA.</p>
MM41	LPP33	<p>A target requirement of 30% of the total number of residential units dwellings on sites located...</p> <p>A target requirement of 40% of the total dwellings number of residential units in all other areas.</p> <p>A threshold of 104 dwellings or more or where the site area is 0.5 hectares or more with a maximum combined gross internal floor space of 1,000sqm will apply in all other areas of the District.</p> <p>10% of all homes on individual sites should be affordable home ownership products, including starter homes and shared ownership. The mix of ownership options will be subject to identified local needs.</p> <p>Standalone new settlements by virtue of their size will be subject to separate viability appraisals, including on affordable housing.</p>	<p>To aid clarity</p> <p>To aid clarity</p> <p>To aid clarity</p> <p>To ensure consistency with national policy.</p> <p>To remove reference to Garden Communities</p>	<p>No change to findings.</p> <p>References to garden communities have been removed throughout the HRA but this will not alter findings of the HRA.</p>
MM42	LPP34	<p>b. the settlement within which the development is to take place should have a population of less than 3,000 in order to provide for affordable homes in perpetuity.</p> <p>b. The site is located within an area designated as a rural area by the Secretary of State under the Housing Act 1996 (or any successor legislation)</p>	<p>To aid clarity</p>	<p>No change to findings.</p> <p>Minor wording change that will not alter the findings of the HRA.</p>

MM43	LPP35	<p>b. Health services should be available on site or in close proximity and have capacity to accommodate the additional services required from residents, or proposals should provide appropriate mitigation</p> <p>Minor extensions to, or the expansion of existing specialist housing in the countryside may be acceptable if, in addition to the criteria a; b; c and d above, all the following criteria are met;</p>	<p>To aid clarity</p> <p>To aid clarity</p>	<p>No change to findings.</p> <p>Minor wording change that will not alter the findings of the HRA.</p>																														
MM44	6.109	<p>The new requirements are set out in the table below;</p> <table><tr><th>Gypsies and Travellers</th><th>GTAA</th><th>SHMA</th></tr><tr><td>Meet Planning Definition</td><td>2</td><td>0</td></tr><tr><td>May meet planning definition</td><td>4</td><td>4</td></tr><tr><td>Not meeting Planning Definition</td><td>0</td><td>20</td></tr><tr><td>Total</td><td>26</td><td></td></tr><tr><td>Travelling Showpeople</td><td></td><td></td></tr><tr><td>Meet Planning Definition</td><td>5</td><td>0</td></tr><tr><td>May meet Planning Definition</td><td>4</td><td>0</td></tr><tr><td>Not meeting Planning Definition</td><td>0</td><td>0</td></tr><tr><td>Total</td><td>6</td><td></td></tr></table>	Gypsies and Travellers	GTAA	SHMA	Meet Planning Definition	2	0	May meet planning definition	4	4	Not meeting Planning Definition	0	20	Total	26		Travelling Showpeople			Meet Planning Definition	5	0	May meet Planning Definition	4	0	Not meeting Planning Definition	0	0	Total	6		Moved to policy	<p>No change to findings.</p> <p>Gypsy Traveller Accommodation Assessment figures are not referred to in the HRA. Therefore, this will not alter findings of the HRA.</p>
Gypsies and Travellers	GTAA	SHMA																																
Meet Planning Definition	2	0																																
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Total	6																																	
MM45	LPP36 1 st paragraph	<p>The Council will allocate seek up to 30 26 pitches for Gypsy and Traveller Accommodation, at Strategic Growth Locations and the garden communities, or through the planning application process.</p>	<p>To aid clarity and to remove reference to Garden communities</p>	<p>No change to findings.</p> <p>Gypsy Traveller Accommodation Assessment figures are not referred to in the HRA. Therefore, this will not alter findings of the HRA.</p> <p>Minor wording change that will not alter the findings of the HRA.</p>																														

Moved from text	The new requirements are set out in the table below, including the source of the requirement. The highest figure from each source is taken.				To aid clarity To correct error	References to removed allocations and garden communities have been removed throughout the HRA but this will not alter findings of the HRA.
	Gypsies and Travellers	GTAA	SHMA	Total		
	Meet planning definition	2	0	2		
	May meet planning definition	4	4	8 4 ^a		
	Not meeting planning definition	0	20	20		
	Total	6	24	30 26		
	Travelling Showpeople	GTAA	SHMA	Total		
	Meet planning definition	5	0	5		
	May meet planning definition	1	0	1		
	Not meeting planning definition	0	0	0		
	Total	6	0	6		
	^a The highest figure from either the GTAA and SHMA studies has been counted for pitch needs which fall under this definition.					

	3 rd paragraph	6 travelling showpersons plots will be sought at the Strategic Growth locations and garden communities , through the planning application process, or through the expansion or intensification of existing sites.	To remove reference to Garden Communities	
	4 th paragraph	However if insufficient sites have been proposed or sites are no longer likely to come forward than any additional sites Planning applications for Gypsy and Traveller or Travelling showpersons sites must meet all the following criteria;	For clarity	
	Final paragraph	c. Are located, designed and landscaped to minimise their impact on the environment and to protect local amenity In addition, plots for travelling showpersons must be large enough for the safe storage and maintenance of rides and equipment, and to protect local amenity.	To ensure consistency with national policy	
MM46	LPP37	Housing Mix, Type and Density and Accessibility	To better reflect contents of the policy	No change to findings.
	1 st paragraph	Development should seek to shall create sustainable, inclusive...	For clarity	Wording changes that will not alter the findings of the HRA.
	5 th paragraph	‘10% of new market homes on sites of 10 or more dwellings must meet category 2 or 3 of part M of Buildings Regulations 2015 as appropriate. A minimum of 10% of new market homes on sites of 10 or more dwellings must meet Category M4(2) or Category M4(3)(2)(a)/(b) – Wheelchair Accessible’ dwellings of Building Regulations 2015, or as superseded, as appropriate.	For clarity and to reflect building regulations	
	6 th paragraph	10% of new affordable homes on all sites must meet category 2 or 3 of part M of Buildings Regulations 2015 as appropriate. All new affordable homes on ground floor level must meet Category M4(2) or M4(3). For developments within or adjacent to the Main Towns and Key Service Villages, 5% of all new affordable homes will be required to meet Category M4(3)(2)(a)/(b) – Wheelchair Accessible’ dwellings - of Building Regulations 2015, or as superseded, as appropriate.	For clarity and to reflect building regulations.	
	7 th paragraph	Within the main towns 5% of all affordable units will be required to meet Category 3 of Part M of Building Regulations 2015, as appropriate.’	For clarity	
	8 th paragraph	On sites of 500 dwellings or more, serviced plots equating to 2% of overall homes will be required to be made available for self or custom builders.	For clarity	

MM47	LPP38	e. There should be no adverse material unacceptable impact on the identity of the street scene and/or the appearance of the countryside h. Annexes shall not be self-contained and shall share a physical and functional relationship with the host dwelling	To ensure consistency with national policy For clarity	No change to findings. Minor wording change that will not alter the findings of the HRA.
MM48	Paragraph 6.125	...such as cart lodges which are being proposed. The Council, where appropriate, will seek to restrict outbuildings associated with new dwellings in the countryside to protect the character and appearance of the countryside.	For clarity	No change to findings. Minor wording change that will not alter the findings of the HRA.
MM49	LPP39	b. The replacement dwelling and any outbuildings would not have a more harmful impact, or be more intrusive on the landscape or countryside setting, or the setting of any heritage assets and their settings , than the original dwelling...	To ensure the policy is consistent with national guidance	No change to findings. Minor wording change that will not alter the findings of the HRA.
MM50	LPP40	a. There is a clearly-established functional need for a full-time worker to live on this the site in the countryside. d. The new dwelling should be well-related to any existing buildings, whilst retaining the ability to meet the identified functional need	To aid clarity	No change to findings. Minor wording change that will not alter the findings of the HRA.
MM51	LPP41	This policy will not apply to proposals for isolated new dwellings or the extension of ribbon development and will not apply to gaps which could accommodate more than one dwelling.	To aid clarity	No change to findings. Minor wording change that will not alter the findings of the HRA.
MM52	New paragraph after 6.143	The site should be served by a suitable existing access to ensure that the reuse of the site does not lead to unacceptable intensification which may harm the existing character of the countryside	To protect existing trees and hedgerows and the rural character of the countryside	No change to findings. Minor wording change that will not alter the findings of the HRA.
MM53	LPP42	a. The location of the site is accessible and sustainable in the terms of the framework a. The site is no longer suitable and has been marketed for commercial use	To ensure consistency with national policy	No change to findings. Minor wording change that will not alter the findings of the HRA.
MM54	LPP43	The extension of a garden within a defined settlement boundary or the countryside will only be permitted where all the following criteria are met;	For clarity	No change to findings.

		<p>d. It does not enclose areas intended for amenity open space including, but not limited to those identified on the Proposals Map for visually important open space, allotments, structural landscaping, informal or formal recreation.</p> <p>g. It would not interfere with any neighbouring use, including farming agriculture</p> <p>Appropriate boundary treatments for the area to be enclosed, including the planting of native species will be specified. The Council will impose conditions removing permitted development rights over the new area of the garden.</p>	<p>For clarity</p> <p>For clarity</p> <p>To provide clarity</p>	<p>Minor wording change that will not alter the findings of the HRA.</p>
MM55	<p>LPP44 1st bullet</p> <p>Last bullet</p> <p>6th paragraph</p>	<p>...to offer multi user routes for walking, cycling and other recreational opportunities such as horse riding</p> <p>Facilities for charging plug-in and other ultra-low emission vehicles will be provided at all new residential properties</p> <p>Highway works(S278) and/or Financial contributions(S106) from development proposals will be sought, where appropriate and viable, towards achieving the above objectives including the construction of new or improvement of the existing PROW network off-site cycleway and footpaths the existing PROW network, and additional off-site car parking, if required.</p>	<p>For clarity</p> <p>To provide clarity</p> <p>For clarity to respond to the comments of consultees</p>	<p>No change to findings.</p> <p>Minor wording change that will not alter the findings of the HRA.</p>
MM56	LPP45	<p>Existing car parks serving the main town centres, retail, leisure facilities and train stations are allocated on the Proposals Maps and set out below, and will be protected for this use.</p> <p>Proposals for alternative uses of the above sites will only be acceptable where it can be shown to the satisfaction of the Local Planning Authority that these car parking spaces are being re-provided in an equal or better position to serve that main use.</p>	<p>To aid clarity</p>	<p>No change to findings.</p> <p>Minor wording change that will not alter the findings of the HRA.</p>
MM57	LPP46	<p>...such as hedgerows, hedgerow trees and other structural elements contributing to the historic features of the lanes.</p>	<p>For clarity</p> <p>Move policy and supporting text to natural environment section after LPP72 and renumber accordingly</p>	<p>No change to findings.</p> <p>Minor wording change that will not alter the findings of the HRA.</p>

MM58	LPP47	<p>Strict control will be exercised over development in these areas to, which will be restricted to the following Use Classes below: Transport related development, comprising of either;</p> <p>C1-e Overnight accommodation</p> <p>Appropriate sui generis, such as petrol filling station, car showrooms, car wash, car rental or garden centres and ancillary retail uses, or</p> <p>D4 Nursery and café/restaurants which fall within the E use class</p> <p>A3 café/restaurant.</p>	To reflect use class changes	<p>No change to findings.</p> <p>Minor wording change relating to class uses that will not alter the findings of the HRA.</p>
MM59	LPP48	<p>A131 Sudbury Western Bypass as it passes through the District</p> <p>A new link road between Inworth Road and the A12 Kelvedon North/Feering junction</p> <p>Provision of a new connection between Inworth Road and London Road</p>	<p>This road project is not being taken forward by SuffolkCC</p> <p>To reflect wording in site specific policy</p>	<p>No change to findings.</p> <p>Minor wording change relating to class uses that will not alter the findings of the HRA.</p>
MM60	LPP49 2 nd paragraph	<p>Connection should include the installation of appropriate cabling within the homes or business units as well as a fully enabled connection of the developed areas to the full main telecommunications network to provide capability for the fastest available broadband access.</p>	To aid clarity	<p>No change to findings.</p> <p>Minor wording change relating to class uses that will not alter the findings of the HRA.</p>
MM61	LPP50	<p>The Council will promote and secure the highest possible a high standards of design...</p> <p>a. ...significance, conservation areas, registered parks and gardens, scheduled monuments and areas of high archaeological and landscape sensitivity including designated heritage assets</p>	As ensure consistency with national policy	<p>No change to findings.</p> <p>Minor wording change relating to class uses that will not alter the findings of the HRA.</p>
MM62	LPP51	<p>Developments shall achieve a high the highest a high standards of accessible and inclusive design to ensure that they;</p>	To ensure consistency with national policy	<p>No change to findings.</p> <p>Minor wording change that will not alter the findings of the HRA.</p>
MM63	7.12	<p>Hot food takeaways are often linked to obesity and being overweight. However, there are also behavioural and cultural factors associated with them. HIAs for hot food takeaways will need to particularly consider their impacts where they are located within 400m of a place where children gather including schools, community and playgrounds.</p>	To provide clarity	<p>No change to findings.</p> <p>Minor wording change that will not alter the findings of the HRA.</p>

		A5 use (hot food takeaways) are considered town centre uses and so will not normally be permitted beyond core retail areas...	To reflect use class changes	Minor wording change relating to class uses that will not alter the findings of the HRA.
MM64	<p>LPP52</p> <p>New 1st paragraph</p> <p>2nd paragraph</p> <p>3rd paragraph</p> <p>4th paragraph</p> <p>5th paragraph</p>	<p>To ensure new development is designed to promote good health all developments over 50 residential units and non-residential developments over 1,000sqm will be required to undertake a Health Impact Assessment having regard to the Essex Design Guide Supplementary Guidance on Health Impact Assessments. Negative health impacts identified in a Health Impact Assessment must be resolved in the development or mitigations secured through planning condition(s) and / or a Section 106 Agreement.</p> <p>For all Use Class C2 developments comprising residential care homes and nursing homes, Use Class C3 residential developments in excess of 50 units and non-residential developments in excess of 1,000sqm, this will take the form of a Health and Wellbeing Impact Assessment. This will measure the wider impact upon healthy living and the demands placed upon the capacity of health services and facilities arising from the development.</p> <p>For Use Class A5 developments (hot food takeaways), a health Impact Assessment will be required....</p> <p>In addition, proposals for new hot food takeaways within 400m walking distance from the entrance points of primary or secondary schools will be restricted in order to promote the health and wellbeing of school pupils. Hours of opening will be limited to after 5pm on school days and lunch time opening will only be permitted where schools within 400m do not allow pupils to freely leave school premises during lunch breaks.</p> <p>Where significant adverse health and wellbeing impacts are identified...</p> <p>The District Council will require Health and Wellbeing Impact Assessments to be prepared in accordance with the advice and best practise for such assessments as published by the</p> <p>Department of Health and other agencies such as NHS organisations across Essex. The impact of the development on health and wellbeing will need to be explained.</p>	To provide clarity and ensure consistency with national policy	<p>No change to findings.</p> <p>Wording changes that will not alter the findings of the HRA.</p>

[illegible]

	<p>Now 5th paragraph</p> <p>Now 6th paragraph</p>	<p>has been undertaken which has clearly demonstrated that the open space or the buildings and land to be they are surplus to requirements or the proposed development is otherwise compliant with this policy as a whole. For open space, 'surplus to requirements' should include consideration of all the functions that open space can perform. Not all open space, sport and recreational land and buildings are of equal merit and some may be available for alternative uses. Developers will need to consult the local community and demonstrate that any proposals are widely supported by them.</p> <p>In considering planning applications which could impact on open space, the Council shall weigh any benefits being offered to the community against the loss of open space that will occur. The Council will seek to ensure that all proposed development takes account of, and is sensitive to, the local context. In this regard, the Council shall consider applications with the intention of;</p> <p>Avoiding any erosion of recreational function and maintaining or enhancing the character of open spaces</p> <p>Ensuring that open spaces do not suffer from increased overlooking, traffic flows or other encroachment</p> <p>Protecting and enhancing those parts of the rights of way network that may benefit open space and access to the wider countryside</p> <p>Mitigating the impact of any development on biodiversity and nature conservation</p>	<p>For ensure the policy is effective</p>	
MM66	LPP54	<p>b. No alterations to vehicular highway in the area are requiredThe vehicle movements generated by any new building should be able to be safely and efficiently accommodated on the existing road network without detriment to the character of the local area</p> <p>c. Bridleways, byways or other usable off-road routes in the vicinity are designed to accommodate horse riders</p> <p>Proposals for new or extended residential accommodation will only be permitted if a submitted business plan demonstrates that there is a convincing case for residential accommodation, and provided that they</p>	<p>To ensure consistency with national policy</p> <p>For clarity</p> <p>For clarity</p>	<p>No change to findings.</p> <p>Wording change that will not alter the findings of the HRA.</p>

		accord with the criteria above. The accommodation permitted will only be the minimum required to meet the needs of the relevant business.		
MM67	LPP55	<p>2. Buildings and structures should be of the highest architectural quality</p> <p>5. Designs shall be sensitive to the need to conserve and enhance local features...</p> <p>9. Landscape proposals should consist of native plant species and their design shall promote and enhance local biodiversity and historic environmental assets. Biodiversity net gain through the provision of new priority habitat where appropriate is encouraged. Development layouts must be appropriately designed to accommodate structural tree and hedge planting and ensure that future interference with highway safety, roads, pavements, services and properties is minimised The planting of trees in inappropriate places such as highway verges and in close proximity to dwellings shall be avoided in order to prevent interference with highway sight lines and root damage to roads, pavements and properties</p> <p>11. Use of sustainable modes of transport are promoted in the design and layout of new development, the highway impact shall be assessed and the resultant traffic generation and its management shall seek to address safety concerns. and avoid significant increases in traffic movement, particularly in residential areas Developments which will result in a severe impact upon the highway network (taking into account cumulative impacts) will be refused unless they can be effectively mitigated</p> <p>18. The provision of Private outdoor amenity space shall be provided in accordance with having regard to the standards set out in the Essex Design Guide, or its successor, and shall be accessible, usable and well-related to the development.</p> <p>19. Development proposals should demonstrate that adequate foul water treatment and disposal already exists or can be provided in time to serve the development</p>	<p>To ensure consistency with national policy</p> <p>To respond to consultee comments</p>	<p>Strengthens conclusions but no change to findings.</p> <p>Minor wording change that will not alter the findings of the HRA.</p> <p>Addition of Biodiversity net gain text likely to be beneficial but will not alter the findings of the HRA.</p> <p>Addition of foul water treatment text likely to be beneficial for water pollution but will not alter the findings of the HRA.</p>
MM68	LPP57	Demolition of an unlisted building or structure in a Conservation Area will only be granted in the most exceptional circumstances, where all the following criteria are fully satisfied;	To add clarity	<p>No change to findings.</p> <p>Minor wording change that will not alter the findings of the HRA.</p>

		<p>b. The structure to be demolished makes a negative or neutral contribution to the character or appearance of the Conservation Area</p> <p>d. A detailed redevelopment scheme is included and approved as part of the demolition proposal which would preserve or enhance the character andor appearance of the area</p>	To ensure the policy is consistent with national guidance	
MM69	LPP60	<p>Development of internal, or external alterations, or extensions, to a listed building or listed structure (including any structures defined as having equivalent status due to being situated within the curtilage of a listed building and locally listed heritage assets) and changes of use will be permitted when all the following criteria are met;</p> <p>For designated heritage assets:</p> <p>the development meets the tests set out in national policy.</p> <p>a. The works or uses do not harm the significance of the setting, character, structural stability, and fabric of the building or structure</p> <p>b. The works or uses do not result in substantial harm, or damage to the building or structures historic and architectural elements which are considered to be of significance or special importance</p> <p>For all heritage assets:</p> <p>ea. The works or uses include the use of appropriate materials and finishes</p> <p>eb. The application submitted contains details of the significance of the heritage asset, within a Heritage Statement which should include any contribution made by their setting</p> <p>ec. There may be a requirement for appropriate specialist recording to be carried out prior to the change of use, demolition or conversion of a listed building or associated historic building</p>	To ensure consistency with national policy	<p>No change to findings.</p> <p>Wording change that will not alter the findings of the HRA.</p>
MM70	LPP61	<p>e a. All reasonable efforts have been made to sustain existing uses, find viable new uses through appropriate marketing or secure preservation through a form of charitable or community an alternative ownership and that these efforts have failed</p> <p>a b</p>	To ensure consistency with national policy	<p>No change to findings.</p> <p>Minor wording change that will not alter the findings of the HRA.</p>

		b c. The redevelopment of the site would provide a substantial an extraordinary benefit for the local area which would decisively public benefit that outweighs the loss resulting from demolition c d d e		
MM71	Paragraph 7.43, 7.44 Policy LPP62	Enabling Development Delete policy and supporting text	To avoid repetition of national policy	No change to findings. Policy was not relied upon for HRA conclusions and therefore will not alter the findings of the HRA.
MM72	LPP63	Where important archaeological remains are thought to be at risk from development, or if the development could impact on a Scheduled Monument or Historic Registered Park and Garden, the developer...	To ensure consistency with national policy	No change to findings. Minor wording change that will not alter the findings of the HRA.
MM73	LPP64	a. It can be clearly demonstrated that the use of the site is genuinely redundant and no other alternative educational or community use can be found. b. Lodge Farm Witham	To respond to consultee comments Added in error	No change to findings. Minor wording change that will not alter the findings of the HRA.
MM74	LPP65	In addition to community facilities as specified in the NPPE, the following assets....'	To respond to changes in use class order	No change to findings. Minor wording change relating to class uses that will not alter the findings of the HRA.
MM75	Paragraph 8.9	Green Infrastructure will be implemented the other provided through application of those covering a range of policies in the Local Plan including those covering climate change, development design, and application of the Open Space Strategy well as through the application of the and Trees Strategies.	To aid clarity.	No change to findings. Minor wording change that will not alter the findings of the HRA.
MM76	Policy LPP67	Development proposals must take available measures to ensure the protection, and where possible the enhancement of the natural environment, habitats, biodiversity and geodiversity of the District and to be acceptable, also taking climate change and water scarcity into account in their design. This will include, where appropriate, protection from pollution. Proposals inside the district which are likely to adversely affect, either	To respond to comments of consultees	Strengthens conclusions but no change to findings. This Main Modification reinforces the conclusions of the HRA by strengthening Green Infrastructure

		<p>individually or cumulatively, International or Nationally designated nature conservation sites within and outside the district will not normally be acceptable.</p> <p>The Council will expect all development proposals, where appropriate, to contribute towards the delivery of new Green Infrastructure which develops and enhances a network of multi-functional spaces and natural features throughout the District. This will be proportionate to the scale of the proposed development and the rural or urban context. The Council will support and encourage development which contributes to the District's existing Green Infrastructure and where possible enhances and protects networks and adds to their functions. It will secure additional provision where deficiencies have been identified. Open space and green infrastructure may in some instances be required to provide alternatives to European sites and that such sites should be designed and managed appropriately to maximise their potential effectiveness in this role. Proposals which undermine these principles will not be acceptable.</p>	<p>To respond to comments of consultees and to aid clarity</p>	<p>policy. This was in line with recommendations in a previous iteration of the HRA.</p>
MM77	<p>LPP68 1st paragraph</p> <p>2nd paragraph</p>	<p>Protected Sites, Species, Priority Species and Priority Habitat 1. National and Internationally Designated sites</p> <p>(a) Sites designated for their international, and European and national importance to nature conservation; including Ramsar sites, Special Protection Areas (SPA), Special Areas of Conservation (SAC), should be protected from development that would have an adverse effect on their integrity whether they are inside or outside the District. Proposals likely to have an adverse effect will require a full assessment in line with European legislation.</p> <p>Planning permission for major development will be refused in these areas except in exceptional circumstances where overriding public interest be demonstrated.</p> <p>Proposals which are considered to have a likely significant effect on these sites will require an Appropriate Assessment (AA) in line with European and domestic legislation. Developers should provide information sufficient to inform this assessment. Planning permission will only be granted if, in light of the AA, it can be ascertained that the development would not adversely affect the integrity of these sites or,</p>	<p>To improve clarity and ensure consistency with national policy</p>	<p>Strengthens conclusions but no change to findings.</p> <p>Minor wording change that will not alter the findings of the HRA.</p> <p>This Main Modification reinforces the conclusions of the HRA by requiring residential developments which fall within the ZOIs to contribute to the Essex Coast RAMS. This was in line with recommendations in a previous iteration of the HRA.</p>

		<p>if there are no alternative solutions, imperative reasons of overriding public interest can be demonstrated.</p> <p>In accordance with the Habitats Regulations, development proposals should follow the avoid-mitigate-compensate hierarchy. Where this cannot be achieved, development proposals will not be permitted.</p> <p>Residential developments must contribute to the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy 2018-2038 (RAMS) where they fall within the Zones of Influence of international designations as defined in the RAMS, in accordance with SP2.</p> <p>(b) Nationally Designated sites</p> <p>Sites designated for their national importance to nature conservation; including Sites of Special Scientific Interest (SSSIs) and should also be protected from development which is likely to adversely affect the features for which they are designated. Where necessary, developers should therefore ensure that sufficient assessment of potential impacts to SSSIs is also submitted with any planning application.</p> <p>(c) Locally designated sites</p> <p>Proposals likely to have an adverse effect on a Local Wildlife Site (LWS), Local Nature Reserve (LNR) and Special Roadside Verge will not be permitted unless the benefits of the development clearly outweigh the harm to the nature conservation value of the site.</p> <p>2. Protected Species, Priority Species and Priority Habitats</p> <p>Proposals that result in a net gain in priority habitats and species will in principle be supported in principle, subject to other policies in this plan. Where priority habitats and species are likely to be adversely impacted by the proposal, the developer must demonstrate that adverse impacts will be avoided, and impacts that cannot be avoided are mitigated on-site. Where residual impacts remain, off-site compensation will be required so that there is no net loss in quantity and quality of priority habitat in Braintree District.</p> <p>Where there is a confirmed presence or reasonable likelihood of protected species or priority species being present on or immediately adjacent to a development site, the developer will be required to undertake an ecological survey and will be required to demonstrate that an adequate mitigation plan</p>		
	6 th paragraph			
	3 rd paragraph			

	4 th paragraph	is place to ensure no harm to protected species and no net loss of priority species.		
	5 th paragraph	Sites of Special Scientific Interest and Irreplaceable Habitat Development proposals should be controlled through avoidance, on-site management and on-site mitigation. Where this cannot be achieved, development proposals will not be permitted. Proposals resulting in the loss, deterioration or fragmentation of irreplaceable habitats such as ancient woodland or veteran trees will not normally be acceptable unless the need for, and benefits of the development in that location clearly outweigh the loss.		
	7 th paragraph	Local Sites 3. All development proposals In all cases a precautionary approach will be taken where insufficient information is provided about avoidance, management, mitigation and compensation measures. Management, mitigation and compensation measures will be secured through planning conditions/obligations where necessary.		
MM78	LPP69 3 rd paragraph	Trees which make a significant positive contribution to the character and appearance of their surroundings will be retained unless there is a good arboricultural reason for their removal for example they are considered to be dangerous or in poor condition. Similarly, alterations to trees such as pruning or crown lifting should not harm the tree or disfigure it; any tree surgery should be carried out to reflect BS3998:2010 (as superseded).	To ensure policy remains up to date and effective	No change to findings. Minor wording change that will not alter the findings of the HRA.
	4 th paragraph	When considering the impact of development on good quality trees the Council will expect developers to follow reflect the best practice guidance set out in BS5837:2012 (as amended). The standard recommends that trees of higher quality are a material consideration in the development process.		
	5 th paragraph	Where trees are to be retained on new development sites there must be a suitable distance provided between the established tree and any new development to allow for its continued wellbeing and ensure it is less vulnerable to pressures from adjacent properties for its removal. Planning		

		conditions will be applied to protect trees during development. New landscape proposals for tree planting on development sites should conform reflect to the recommendations set out in BS5837:2012 (as amended) and BS8545:2014 (as superseded) .		
MM79	LPP70	The Council will require development to be in compliance with and contribute positively towards delivering the aims and objectives of the Anglian River Basin Management Plan.	To avoid repetition	No change to findings. Minor wording change that will not alter the findings of the HRA.
MM80	LPP71 1 st paragraph 3 rd paragraph	...expressed in NPPF 2012 paragraph 113. Proposals for new development should be informed by, and be sympathetic to the character of the landscape as identified in the District Council's Landscape Character Assessments. Applications Proposals which may impact on the landscape such as settlement edge, countryside or large schemes will be required to include an assessment of their...	To ensure the plan remains up to date and effective	No change to findings. Minor wording change that will not alter the findings of the HRA.
MM81	8.34	...cause coalescence, or have a significant harmful impact on the physical separation...	To aid clarity	No change to findings. Minor wording change that will not alter the findings of the HRA.
MM82	LPP72	<ul style="list-style-type: none"> ■ Land between Braintree, Rayne, Deanery Hill, Panfield, Bocking and High Garrett ■ Land between Earls Colne and White Colne 	Missing in error	Strengthens conclusions but no change to findings. Expansion of green buffers likely to be beneficial but will not alter the findings of the HRA.
MM83	LPP73	Development will not be permitted where, individually, or-cumulatively and after mitigation , there are likely to be unacceptable impacts arising from the development on; b. Health and safety of the public including existing residents, and future occupiers of all new developments d.Surface water and groundwater quality, groundwater source protection areas, drinking water protected zones	For clarity. For clarity	Strengthens conclusions but no change to findings. Strengthening of noise and soil quality text likely to be beneficial but will not alter the findings of the HRA.

	After f. insert Before final paragraph Final paragraph	<p>e. Land and soil quality and condition</p> <p>e. Odour</p> <p>h. Noise</p> <p>Soil quality must be protected during development to protect good quality land and to protect the ability of soil to allow water penetration by avoiding compaction.</p> <p>In appropriate cases, the Local Planning Authority may impose planning conditions or, including through a legal obligation, secure mitigation measures, remedial works and/or monitoring processes.</p>	<p>To respond to comments of consultees</p> <p>To respond to comments of consultees</p> <p>To ensure consistency with National policy</p>	
MM84	New para after 8.55	<p>Applicants will be expected to submit a Sustainability Statement with their planning application to demonstrate how these principles have been embedded into the design of the development proposal and will be considered as part of the means by which climate change and mitigation is considered. This will show what and how mitigation and carbon reduction measures have been incorporated into the scheme design. The Council will produce an updated supplementary planning document which will include further guidance on the Sustainability Statement. Details can be found in the Council's Local Development Scheme.</p>	<p>To ensure the plan is effective and consistent with National Policy</p>	<p>Strengthens conclusions but no change to findings.</p> <p>Strengthening of sustainability wording likely to be beneficial but will not alter the findings of the HRA.</p>
MM85	LPP74 2 nd paragraph	<p>Applicants will be expected to demonstrate that measures to lower carbon emissions, increase renewable energy provision and adapt to the expected impacts of climate change have been incorporated into their schemes, other than for very minor development. Planning permission will only be granted for proposals that demonstrate the principles of climate change mitigation and adaptation into the development. Applicants must submit a Sustainability Statement to demonstrate how these principles have been embedded into the design of the development proposal. Guidance will be made available by the Council on the contents to be included in the Sustainability Statement. The Council intends the District to meet part of its future energy needs through renewable or and low carbon energy sources and will therefore encourage and support the provision of renewable and low carbon these technologies subject to their impacts on landscape and visual amenity, residential amenities including noise, pollution, heritage assets and their settings.</p>	<p>To respond to comments of consultees</p> <p>To add improve clarity and effectiveness</p>	<p>Strengthens conclusions but no change to findings.</p> <p>Strengthening of climate change text likely to be beneficial but will not alter the findings of the HRA.</p>

		biodiversity and designated nature conservation sites, soils, and impact on the highway, being acceptable.		
MM86	LPP75/77	<p>Combined policy LPP75 and LPP77 to read as follows</p> <p>Resource Efficiency, Energy Generation and Energy Efficiency</p> <p>The Local Planning Authority will encourage appropriate energy conservation and efficiency measures in the design of all new development. Such measures could include site layout and building orientation, natural light and ventilation, air tightness, solar shading, reducing water consumption and increasing water recycling in order to contribute to the reduction in their total energy consumption.</p> <p>Opportunities for decentralised energy networks will be encouraged and promoted where possible and where they conform to other Local Plan policies in order to reduce carbon emissions.</p> <p>All new dwellings shall meet the Building Regulations optional requirement for water efficiency of 110 litres/person/day</p> <p>All planning applications shall include renewable energy technology to provide at least 20% of the projected energy requirements of major developments, and 10% of minor developments, unless viability evidence demonstrates otherwise.</p> <p>All planning applications for new residential dwellings shall include renewable and low carbon energy technology to provide at least a 19% improvement in energy performance over the requirements of the Building Regulations (2013) unless;</p> <p>(i) revised Building Regulations standards exceed this requirement, or</p> <p>(ii) All new non-residential buildings with a floor area in excess of 500sqm shall achieve a minimum BREEAM rating (or its successor) of 'Very Good'.</p> <p>Developments may consider a contribution in lieu of renewable installation to be used as renewable seedcorn funding for other community renewable energy projects.</p>	To aid clarity and ensure consistency with national policy	<p>Strengthens conclusions but no change to findings.</p> <p>Strengthening of climate change text likely to be beneficial but will not alter the findings of the HRA.</p>

MM87	New para after 8.69	Renewable energy schemes, such as solar farms and wind turbines can have significant landscape and other impacts on their surroundings. The Council will produce an updated supplementary planning document which will include guidance on location and design of such proposals to minimise such impacts, as well as a review of the district in relation to finding suitable areas for wind related development. Details can be found in the Council's Local Development Scheme.	To ensure the plan is effective	Strengthens conclusions but no change to findings. New text emphasises the potential impacts of renewable energy schemes. Likely to be beneficial but will not alter the findings of the HRA.
MM88	LPP76 First paragraph 7 th paragraph 8 th paragraph	<p>Proposals for renewable energy schemes will be encouraged where the benefit in terms of low carbon energy generating potential does not result, outweighs individually or cumulatively, in serious minor harm to or loss of;...</p> <p>Where any application for wind turbine(s) is submitted, it must include a consultation exercise which demonstrates that the planning impacts identified by affected local communities have been fully addressed and therefore the proposal has their backing.</p> <p>The benefits of low carbon energy generating potential should be taken into consideration as part of the assessment.</p>	To ensure the plan is positively prepared	No change to findings. Wording change that will not alter the findings of the HRA.
MM89	LPP78 (whole policy reworded.) 1 st paragraph 2 nd paragraph (split into 2)	<p>The Council will ensure that all proposals will be located to avoid the risk of flooding and wWhere development must be located in an area of higher flood risk, development it must be designed to be flood resilient and resistant and safe for its users for the lifetime of the development taking climate change and the vulnerability of the residents into account. Development will take climate change into account in accordance with the most up to date analysis of flood risk and will not increase flood risk elsewhere.</p> <p>New Ddevelopment shall be located on Floodz Zone 1 or areas with the lowest probability of flooding, taking climate change into account, and will not increase flood risk elsewhere. Any proposals for new development (except water compatible uses) within Flood Zones 2 and 3a will be required to provide sufficient evidence for the Council to assess whether the requirements of the sequential test and exception test have been satisfied, taking climate change into account. Where development must be located</p>	<p>To aid clarity and to respond to consultee comments</p> <p>To respond to consultee comments</p>	Strengthens conclusions but no change to findings. Policy wording significantly reworded but will not alter the findings of the HRA. Strengthening of watercourse protection policy likely to be beneficial but will not alter the findings of the HRA.

	New 3 rd paragraph	<p>in an area of higher flood risk, it must be designed to be flood resilient and resistant and safe for its users for the lifetime of the development, taking climate change and the vulnerability of any residents into account.</p> <p>Inappropriate development will be steered away from flood zones and</p> <p>For developments within Flood Zones 2 and 3, and for developments elsewhere involving sites of 1ha or more, development proposals must be accompanied by a site specific Flood Risk Assessment will be submitted which meets the requirements of the NPPF and Planning Practice Guidance. Flood Risk Assessments submitted must take into account an assessment of flood risk across the life of the development taking climate change into account by using the most up to date allowances available.</p> <ul style="list-style-type: none"> ■ Retain at least an 8m wide undeveloped buffer strip alongside Main Rivers and explore opportunities for riverside restoration. Any proposed development within 8m of a main river watercourse will require an environmental permit from the Environment Agency. ■ Retain at least a 3m buffer strip on at least one side of an Ordinary watercourse. Any development that could impact the flow within and ordinary watercourse will require consent from Essex County Council (as LLFA). ■ All new development within Floodzone 2 and 3 must not result in a net loss of flood storage capacity. Where possible opportunities should be sought to achieve an increase in the provision of floodplain storage. ■ Ensure there is no adverse impact on the operational functions of any existing flood defence infrastructure and new development should not be positioned in areas which would be in an area of hazard should defences fail. Where the development sites will benefit from the construction of Flood Management Infrastructure such as Flood Alleviation Schemes, appropriate financial contributions will be sought. 		
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	Was 8 th paragraph	For all developments (excluding minor developments and change of use) proposed in Flood Zone 2 or 3, a Flood Warning and Evacuation Plan should be prepared.		
	Was 6 th paragraph	For developments located in areas at risk of fluvial flooding, safe access/egress must be provided for new development as follows in order of preference; a. Safe dry route for people and vehicles b. Safe dry route for people c. If a. is not possible a route for people where the flood hazard is low and should not cause risk to people d. If b. is not possible, a route for vehicles where the flood hazard permits access for emergency vehicles d. If a. - c. is not possible planning permission will not usually be granted		
	Was 7 th paragraph	All new development in Floodzones 2 and 3 should not adversely affect flood routing and thereby increase flood risk elsewhere. Opportunities should be sought within the site design to make a space for water. All new development within Floodzone 2 and 3 must provide adequate flood storage and not result in a net loss of flood storage capacity. unless there is compensation on site or, rarely if not possible, off site capacity. Where possible opportunities should be sought to achieve an increase in the provision of floodplain storage.		
	Was 3 rd paragraph	All more Vulnerable and Highly Vulnerable development within Flood Zone 2 and 3 should set finished floor levels 300mm above the known or modelled 1 in 100 annual probability (1% AEP) flood level including an allowance for climate change.		
	Was 4 th paragraph	In areas at risk of flooding of low depths (<0.3m), flood resistance measures should be considered as part of the design and in areas at risk of frequent or prolonged flooding, flood resilience measures should also be included. Where applicable proposals for new development should:		

	<p>Was 5th paragraph</p> <p>New para</p> <p>New para</p> <p>Was 9th paragraph</p>	<ul style="list-style-type: none"> ■ Demonstrate that the Scheme does not have an adverse impact on any watercourse, floodplain or flood defence; ■ Not impede access to flood defence and management facilities; ■ demonstrate that the cumulative impact of development would not have a significant effect on local flood storage capacity of flood flows; ■ Where appropriate opportunities may be taken to reduce wider flood risk issues by removing development from the floodplain through land swapping. ■ Where applicable retain at least an 8m wide undeveloped buffer strip alongside Main Rivers, or at least a 3m buffer strip on at least one side of an Ordinary watercourse, and explore opportunities for riverside restoration. ■ Ensure there is no adverse impact on the operational functions of any existing flood defence infrastructure and new development should not be positioned in areas which would be in an area of hazard should defences fail. <p>Where the development site would benefit from the construction of Flood Management Infrastructure such as Flood Alleviation Schemes, appropriate financial contributions will be sought.</p> <p>Flood Risk Assessments submitted must take into account an assessment of flood risk across the life of the development taking climate change into account by using the most up to date allowances available.</p> <p>a. Development shall not: Have an adverse impact on a watercourse, floodplain or its flood defences</p> <p>b. Should not impede access to flood defence and management facilities</p> <p>c. Where the cumulative impact of such developments would have a significant effect on local flood storage capacity of flood flows</p>		
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		d. Where appropriate opportunities may be taken to reduce wider flood risk issues by removing development from the floodplain through land swapping		
MM90	LPP79 Paragraph 1 Paragraph 3	<p>The Council will require development to be in compliance with have regard to and contribute positively towards delivering the aims and objectives of the Braintree and Witham Surface Water Management Plan as may be updated or superseded.</p> <p>All developments in Critical Drainage Areas (excluding minor housing extensions less than 50m²) which relate to a net increase in impermeable area are to must include...</p>	<p>To ensure the policy is effective</p> <p>To ensure the policy is effective</p>	<p>No change to findings.</p> <p>Minor wording change that will not alter the findings of the HRA.</p>
MM91	8.93	SuDs design quality will be expected to reflect conform with the up-to-date standards encompassed by the relevant BRE, CIRIA Essex SuDs Design Guide and Non-Statutory Technical Standards for Sustainable Drainage Systems to the satisfaction of the Lead Local Flood Authority where practicable.	To aid clarity.	<p>No change to findings.</p> <p>Minor wording change that will not alter the findings of the HRA.</p>
MM92	LPP80 2 nd Paragraph 5 th paragraph 6 th paragraph 7 th paragraph Bullet points to be combined with last sentence	<p>SuDs design quality will be expected to reflect conform with the up-to-date standards encompassed in the relevant BRE, CIRIA standards, Essex County Council SuDs Design Guide (as updated) and Non-Statutory Technical Standards for Sustainable Drainage Systems, to the satisfaction of the Lead Local Flood Authority, where practical.</p> <p>Opportunities shall be taken to integrate sustainable drainage within the development, creating amenity and enhancing biodiversity.</p> <p>It will be necessary to demonstrate why it is not achievable.</p> <p>SuDS design should be an integral part of the design layout and clear details of proposed...</p> <p>The dual use of land for Sustainable Urban Drainage and Open Space can be supported where neither use is compromised by the other. It may be supported in circumstances where land is safely usable by the public as open space, and where use as open space does not compromise the efficient and effective functioning of the SuDs in the short or longer term.</p>	<p>To aid clarity</p> <p>To aid clarity</p> <p>To aid clarity</p> <p>To aid clarity</p>	<p>No change to findings.</p> <p>Minor wording change that will not alter the findings of the HRA.</p>

MM93	LPP81	<p>Proposals for external lighting within development proposals and standalone lighting schemes, will be permitted where all the following criteria are met;</p> <p>a. The lighting is designed as an integral element of the development and shall be built to a standard capable of adoption by the Highway Authority</p> <p>b. Low energy lighting is used in conjunction with features such as movement sensors, daylight sensors, and time controls and hours of illumination shall be controlled</p> <p>c. The alignment of lamps and provision of shielding minimises spillage, glare and glow, including into the night sky</p> <p>d. The lighting intensity is no greater than necessary to provide adequate illumination</p> <p>e. There is no loss of privacy or amenity to nearby residential properties and no danger to pedestrians and road users</p> <p>f. There is no harm to biodiversity, natural ecosystems, intrinsically dark landscapes and/or heritage assets</p> <p>Consideration should be given to time management and limiting the hours of use for external lighting of all the development.</p>	To aid clarity	<p>No change to findings.</p> <p>Minor wording change that will not alter the findings of the HRA.</p>
MM94	Paragraph 9.1	<p>The NPPF requires Local Planning Authorities to work with other authorities to assess the quality and capacity for a range of infrastructure requirements including but not limited to for transport, water supply, wastewater and its treatment, energy, telecommunications, utilities, waste, health, social care, education, flood risk and coastal change management...</p>	To ensure consistency with national policy	<p>No change to findings.</p> <p>Minor wording change that will not alter the findings of the HRA.</p>
MM95	LPP82	continuation of bullet points in text instead of final paragraph	To correct error	<p>No change to findings.</p> <p>Minor formatting change that will not alter the findings of the HRA.</p>
MM96	Monitoring Table LPP2	<p>To deliver the development of between 20 and 43.3 hectares of employment land 32.1 hectares of industrial land and 19.5 hectares of office land including</p>	Remove references to delivery at Garden Communities	No change to findings.

		<p>A 10 hectare employment policy area as an extension to Springwood Drive Braintree</p> <p>An 18.5 hectare Innovation and Enterprise Business Park at East Link 120, Great Notley</p> <p>A 6.8 hectare extension to Eastways Industrial Estate Witham</p>	To aid clarity	<p>Employment figures have been updated throughout the HRA but this will not alter findings of the HRA.</p> <p>References to these garden communities have been removed throughout the HRA but this will not alter findings of the HRA.</p>
MM97	Monitoring Table LPP3	<p>To retain land in defined Employment Policy Areas within B1/B2/B8 business Use the uses identified in paragraphs A-D of that policy repair of vehicles and vehicle parts, services specifically provided for the benefit of businesses or workers based on the employment area, or waste management facilities as appropriate.</p>	To reflect use class changes	<p>No change to findings.</p> <p>Minor wording change relating to class uses that will not alter the findings of the HRA.</p>
MM98	Monitoring Table LPP 18	<p>Amend target to:</p> <p>...community facilities including a contribution to or location for provision of infrastructure for NHS facilities; a village</p>	To respond to consultee comments	<p>No change to findings.</p> <p>Minor wording change that will not alter the findings of the HRA</p>
MM99	Monitoring Table LPP 20	<p>Amend target to:</p> <p>...up to 600 575 new homes of a mixed use and type appropriate to the area</p>	Updated to reflect site capacity	<p>No change to findings.</p> <p>Housing figure has been updated throughout the HRA but this will not alter findings of the HRA.</p>
MM100	Monitoring Table LPP 21	<p>Amend target to:</p> <p>...Up to 825 600 new homes...</p> <p>...contributions to existing education facilities early years and childcare facilities, contributions for healthcare, local centre including retail uses,...</p>	<p>Update to reflect site capacity</p> <p>In response to consultee comments</p>	<p>No change to findings.</p> <p>Housing figure has been updated throughout the HRA but this will not alter findings of the HRA.</p>
MM101	Monitoring Table LPP 22	<p>Amend target to</p> <p>...community facilities including a contribution to or location for, new provision of infrastructure for NHS facilities; public open space...</p>	In response to consultee comments	<p>No change to findings.</p> <p>Minor wording change that will not alter the findings of the HRA</p>
MM102	Monitoring Table LPP 23	<p>Amend target to:</p> <p>...Up to 450 400 new homes....</p>	Updated to reflect site capacity	<p>No change to findings.</p>

Appendix C
Review of Main Modifications

HRA of the Braintree Section 2 Local Plan: Main Modifications
November 2021

				Housing figure has been updated throughout the HRA but this will not alter findings of the HRA.
MM103	Monitoring Table LPP 26	Amend target to: The delivery of 30 26 pitches for Gypsy and Travellers...	To correct error	No change to findings. Gypsy Traveller Accommodation Assessment figures are not referred to in the HRA. Therefore, this will not alter findings of the HRA.
MM104	Appendix 1	The Publication Draft Local Plan Housing Trajectory currently within the Submitted Plan to be replaced by the updated trajectory which is Appendix 1 to Topic Paper 2. It is also suggested that Figure 1 of this Topic Paper be included.	To reflect updated housing position	No change to findings. Housing figures have been updated throughout the HRA but this will not alter findings of the HRA.
MM105	Appendix 3	The Publication Draft Local Plan schedule of housing allocations currently within the Submitted Plan as Appendix 3 to be replaced by the updated schedule.	To reflect updated housing position	No change to findings. Housing figures have been updated throughout the HRA but this will not alter findings of the HRA.