



## Tiptree Neighbourhood Plan

# Habitat Regulations Assessment Screening Report

March 2022

# Habitat Regulations Assessment Screening

## Introduction

### *The Purpose of this Report*

This report is to provide a Habitats Regulations Screening Assessment (HRA) for the Draft Tiptree Neighbourhood Plan (TNP) in accordance with Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended). This will confirm whether an Appropriate Assessment is required for the TNP and the elements which are screened in for such an assessment.

### *Overview of the Tiptree Neighbourhood Plan (TNP)*

The follow extract from the Draft TNP summaries the overview of the TNP which is the basis of the HRA screening Report.

*“The Tiptree Neighbourhood Plan provides for the delivery of 400 new dwellings in a manner that will accommodate the needs of future residents and also enhance the community infrastructure to maintain a vibrant community. The estates will be sympathetically planned as befits a rural location and in line with the assessed needs. The estates will come with community open space, including allotments. There will be green ‘buffer areas’ to shield existing development from the new and there will be the first phases of the northern link road to improve traffic flow. Future phases of the link road are located outside of this Neighbourhood Plan area and are therefore outside the scope of this Plan. It is envisaged future phases of the road will be delivered through another plan making process outside of this Neighbourhood Plan. Furthermore there is the creation of a new business area and the potential to improve the services offered in the village centre, including the provision of land for a new, bigger, health centre.*

*It represents one part of the development plan for the parish over the period to 2033, the other parts being the Colchester Borough Local Plan 2013-2033: North Essex Authorities’ Shared Strategic Section 1 Plan (adopted in February 2021) and the Colchester Core Strategy (adopted in 2008 and amended in 2014). Whilst it must be in general conformity with the strategic policies of the adopted Local Plan, the Tiptree Neighbourhood Plan exists within the context of the emerging Colchester Local Plan Section 2 and details planning policies specific to Tiptree.”*

The Tiptree NP is a revised version which has been amended to reflect a number of circumstances including the Examination of an earlier Draft (Regulation 16 consultation Summer 2020 and Examiner’s Report October 2020) recommending that it could not proceed to Referendum and development decisions made in the intervening time. As a result the earlier iteration of the NP was subject to an HRA, Natural England have made comments on previous the HRA. The Section 2 CLP HRA may is also relevant in respect of the core policy which relates to the Tiptree

NP site allocations. The details of these with links to the relevant documents are listed in Appendix 1.

### *Background*

The Habitats Regulations Assessment of land use plans relates to Special Protection Areas (SPAs), Special Areas of Conservation (SAC) and Ramsar Sites. SPAs are sites classified in accordance with Article 4 of the EC Directive on the conservation of wild birds (79/409/EEC), more commonly known as the Birds Directive. They are classified for rare and vulnerable birds, listed in Annex I to the Birds Directive, and for regularly occurring migratory species. SACs are classified in accordance with EC Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (the Habitats Directive). Article 3 of this Directive requires the establishment of a European network of important high-quality conservation sites that will make a significant contribution to conserving the 189 habitat types and 788 species identified in Annexes I and II of the Directive. These sites are known as the Natura 2000 network and are referred to in the NPPF as habitats sites. Ramsar Sites are designated under the International Convention on Wetlands of International Importance especially as Waterfowl Habitat (the Ramsar Convention, Iran 1971 and amended by the Paris Protocol 1992). Although Ramsar Sites are not protected in law by the Birds and Habitats Directives as a matter of policy government has decreed that unless otherwise specified procedures relating to SPAs and SACs will also apply to Ramsar Sites.

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

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

#### **Sites Designated under the Birds Directive:**

- The Colne Estuary SPA (Mid Essex Coast Phase 2);
- Abberton Reservoir SPA;
- Blackwater Estuary SPA (Mid Essex Coast Phase 4);

- Dengie Estuary SPA (Mid Essex Coast Phase 1); and
- Stour and Orwell Estuaries SPA.

**Sites designated under the Habitats Directive:**

- Essex Estuaries SAC.

**Sites designated under the Ramsar Convention:**

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

**Pathways of impact and likely significant effects**

**Recreational disturbance (physical site disturbance and disturbance to birds)**

*Physical site disturbance*

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

*Disturbance to birds*

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

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

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

Zones of Influence (Zol) have been set as part of the Essex Coast Recreational disturbance Avoidance Mitigation Strategy (RAMS). These are based on the best

available evidence and have been endorsed by Natural England. The whole of Colchester Borough lies with the Zol for various Essex habitats sites. This means that all residential development in Colchester is likely to adversely affect the integrity of habitats sites in-combination with other plans and projects.

As the Tiptree Neighbourhood Plan allocates sites for development, although this is in accordance with the Spatial Strategy in the Section 2 Colchester Local Plan, it is still necessary to require an Appropriate Assessment.

### **Air quality**

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

In terms of vehicular traffic, nitrogen oxides (NO<sub>x</sub>, i.e. NO and NO<sub>2</sub>) are considered to be the key pollutants. Deposition of nitrogen compounds may lead to both soil and freshwater acidification, and NO<sub>x</sub> can cause eutrophication of soils and water.

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

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

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

### **Water quality**

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

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

Water quality can therefore be screened out of further assessment.

### **Water resources**

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

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

Water resources can therefore be screened out of further assessment.

### **Urbanisation (fly tipping and predation)**

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

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

Although Tiptree neighbourhood plan does allocate sites for development, these are located more than 0.5 - 1km of a Habitats site, which is the distance recommended by the RSPB as being the typical range of influence, urbanisation can be screened out of further assessment.

### **Loss of offsite functional habitat**

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

of the SPA by reducing the extent of their habitat. An assessment of allocated sites in the Section 2 Local Plan was carried out to consider the suitability of all allocated sites to provide offsite functional habitat. The HRA carried out for the Section 2 Colchester Local Plan identified Tiptree sites (proposed at the time) as having “moderate” potential impact on function habitat so this must be screened in for further assessment. The Section 2 CLP HRA indicates that, *In isolation the importance of such sites for these species is likely to be low when compared with the extensive areas of habitat of greater suitability both within the Borough and the wider region. As a result, the potential for the loss of offsite habitat to adversely affect these species relates primarily to the cumulative effect of reducing the extent of feeding areas. The likelihood of this occurring is low considering the small amount of habitat affected as a proportion of that available around each of the European sites. Given the extent of suitable offsite foraging habitat for qualifying bird species within Colchester and the wider region, it is unlikely that site allocations would combine to affect significant numbers of birds. Nevertheless, in accordance with the precautionary principle, the following safeguards could be provided to ensure a level of absolute certainty in the unlikely event that significant numbers are forecast to be affected:*

*Wintering bird surveys for sites with high and moderate suitability to support these qualifying bird species to determine their cumulative importance for these species and inform mitigation proposals in advance if required.*

As the sites allocated in the Tiptree neighbourhood plan are identified in the Section 2 CLP as having potential to cause loss of offsite functional habitat, albeit as low risk, this is screened in for further assessment.

### **Summary and Conclusion**

Recreational disturbance and loss of offsite function habitat have been screened in and will require further assessment in the consideration of pathways of impact and likely significant effects. The next sections consider likely significant effects from recreational disturbance alone and in-combination.

In reality the Neighbourhood Plan policies will combine to deliver the overall scale, location and form of development in Tiptree. However, to be thorough, Appendix 2 includes a screening matrix of all planning policies within the Tiptree Neighbourhood Plan.

### **Likely significant effects alone**

The Section 2 Local Plan includes provision for the protection and enhancement of open space and green infrastructure provision. The TNP also makes provision for safeguarding and provision of additional open space commensurate with the proposed development through Policies TIP13 and TIP 14, as well as a green infrastructure policy TIP11. This identifies opportunities to enhance access and connectivity to the network of existing open spaces as well as provision of new open space as required through the developments. The location of the open spaces and the network and connectivity is illustrated in the TNP in accompanying Policies Map 11. Due to the provision of open space within the neighbourhood plan area, together with the requirement for new areas of open space, and there being no Habitats sites

within a reasonable walking distance the Tiptree Neighbourhood Plan alone will not adversely affect the integrity of any Habitats sites.

### **Likely significant effects in-combination**

As the TNP allocates sites for development which will be provided through the TNP LSE cannot be screened out and an Appropriate Assessment is required. The screening matrix of all planning policies within the Tiptree Neighbourhood Plan (appendix 2) shows that policies TIP01, TIP09, TIP13 and TIP14 have been screened in.

Colchester Borough Council has carried out an appropriate assessment of the Section 2 Local Plan. This includes a detailed in-combination assessment, which considers the in-combination effects of the Section 2 Local Plan with other neighbourhood plans and other Local Plan's across Essex, on Habitats sites. A Statement of Common Ground signed by Colchester Borough Council and Natural England, confirms that Natural England agrees with the conclusion that Section 2 will not lead to adverse effects on the integrity of Habitats sites either alone or in-combination.

The Policy below is the relevant Tiptree Policy as amended through the Inspector's Modifications following the Examination in April 2021. Any further changes arising when the Inspector's Final Report is received will be reflected in the Appropriate Assessment. Section 2 Local Plan.

### **Policy SS14: Tiptree**

*Within the preferred directions of growth shown on the Tiptree policies map, to the south west and north/north west, subject to existing constraints, the Tiptree Neighbourhood Plan will:*

- (i) Define the extent of a new settlement boundary for Tiptree;*
- (ii) Allocate specific sites for housing allocations to deliver a minimum 400 dwellings;*
- (iii) Set out any associated policies needed to support this housing delivery i.e. housing mix, type of housing and density for each site allocated for housing;*
- (iv) Set out the policy framework within the parish to guide the delivery of any infrastructure/community facilities required to support the development in accordance with the requirements of Policies SG7 and PP1. This will include a detailed transport assessment with a view to confirming provision of the first phases of a road between the B1022 and B1023;*
- (v) Consider cross boundary issues;*
- (vi) Identify other allocations in the Parish, including employment and open space.*

*Proposals for development outside of the settlement boundary or settlement boundary defined by the Tiptree Neighbourhood Plan, once adopted, will not be supported. This policy should be read in conjunction with the generic Neighbourhood*

*Planning Policy SG8, Policy SG3 and policies in the Tiptree Neighbourhood Plan, once it has been adopted.*

*Before granting planning consent, wintering bird surveys will be undertaken at the appropriate time of year to identify any offsite functional habitat. In the unlikely event that significant numbers are identified, development must firstly avoid impacts. Where this is not possible, development must be phased to deliver habitat creation and management either on or off-site to mitigate any significant impacts. Any such habitat must be provided and fully functional before any development takes place which would affect significant numbers of SPA birds.*

The appropriate assessment of the Section 2 Local Plan recommended the implementation of an Essex Recreational disturbance Avoidance Mitigation Strategy (RAMS), including the Colne and Blackwater Estuaries. Reference to the RAMS is included in the Section 2 Local Plan. The RAMS Strategy Document, which includes a Technical Report and Mitigation Report, has been prepared and Colchester Borough Council is implementing the RAMS. A Supplementary Planning Document has been adopted (August 2020)

The neighbourhood plan includes the LPAs standard RAMS policy as TIP 12 for neighbourhood plans, which has been agreed by Natural England.

## Appendix 1

### Tiptree Neighbourhood Plan other relevant HRA background.

The previous iteration of the Tiptree Neighbourhood Plan (Examination concluded it could not proceed to Referendum)

[Tiptree NP HRA Report Feb 2020.pdf \(windows.net\)](#)

The Policy relevant to the Tiptree NP is the Allocation Policy SS14 for Tiptree in the Section 2 Colchester Local Plan.

[CBC-Local-plan-Evidence-base--Emerging-Local-Plan-2017-2033-CBC 4.13 HRA of Colchester Local Plan Part 2 Final.pdf \(windows.net\)](#)

### Appendix 2. Screening Matrix of Tiptree Neighbourhood Plan policies

Policy	Likely significant effects?	Screened out? Y/N
TIP01 Tiptree Spatial Strategy	As this Policy refers to development which will be provided through the TNP LSE can not be screened out and an Appropriate Assessment is required	No
TIP02 Good Quality Design	As a policy it will not lead directly to the physical development of land as the allocations are made in the emerging Local Plan. The policy sets out requirements for the site and will not adversely affect any European sites.	Yes
TIP03 Residential Car Parking	As a policy it will not lead directly to the physical development of land as the allocations are made in the emerging Local Plan. The policy sets out requirements for the site and will not adversely affect any European sites.	Yes
TIP04 Building for a Healthy Life	As a policy it will not lead directly to the physical development of land as the allocations are made in the emerging Local Plan. The policy sets	Yes

	out requirements for the site and will not adversely affect any European sites.	
TIP05 First Homes	As a policy it will not lead directly to the physical development of land as the allocations are made in the emerging Local Plan. The policy sets out requirements for the site and will not adversely affect any European sites.	Yes
TIP06 Cycling, Walking and Disability Access Routes	As a policy it will not lead directly to the physical development of land as the allocations are made in the emerging Local Plan. The policy sets out requirements for the site and will not adversely affect any European sites.	Yes
TIP07 Mitigating the Impact of Vehicular Traffic through Tiptree Village	As a policy it will not lead directly to the physical development of land as the allocations are made in the emerging Local Plan. The policy sets out requirements for the site and will not adversely affect any European sites.	Yes
TIP08 Tiptree Village Centre	As a policy it will not lead directly to the physical development of land as the allocations are made in the emerging Local Plan. The policy sets out requirements for the site and will not adversely affect any European sites.	Yes
TIP09 Small-Scale Commercial Workspaces	As this Policy refers to development which will be provided through the TNP LSE cannot be screened out and an Appropriate Assessment is required	No
TIP10 Provision of Community Infrastructure	As a policy it will not lead directly to the physical development of land as the allocations are made in the emerging Local Plan. The policy sets out requirements for the site and will not adversely affect any European sites.	Yes
TIP11 Green Infrastructure	As a policy it will not lead directly to the physical development of land as the allocations are made in the emerging Local Plan. The policy sets out requirements for the site and will not adversely affect any European sites.	Yes
TIP12 Recreational	As a policy it will not lead directly to	Yes

Disturbance Avoidance and Mitigation	the physical development of land as the allocations are made in the emerging Local Plan. The policy sets out requirements for the site and will not adversely affect any European sites.	
TIP13 Highland Nursery Housing Allocation	As this Policy refers to development which will be provided through the TNP LSE cannot be screened out and an Appropriate Assessment is required	No
TIP14 Elms Farm- Housing Allocation	As this Policy refers to development which will be provided through the TNP LSE cannot be screened out and an Appropriate Assessment is required	No