



Beyton Neighbourhood Plan

Habitats Regulations Screening Determination

May 2021

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BEYTON NEIGHBOURHOOD PLAN

HABITATS REGULATIONS DETERMINATION

1. Introduction

This assessment relates to the Regulation 14 Pre-submission draft 'Beyton Neighbourhood Development Plan 2018 - 2037' which was made available for public consultation between late February and late April 2021.

It is a requirement of European law that a plan or project is subject to an assessment to determine whether it is likely to have a significant effect on the integrity of any European Site, in terms of impacting on the site's conservation objectives.

Submitted Neighbourhood Plans need to be accompanied by a statement to explain how the proposed plan meets the 'basic conditions' set out in Schedule 4B of the 1990 Town and Country Planning Act. These basic conditions include a requirement to demonstrate how the Plan is compatible with EU obligations, which includes the need to undertake a Habitats Regulations Assessment (HRA). This is one of the matters that will be tested as part of the independent examination of the Plan.

Whether a neighbourhood plan requires a Habitats Regulations Assessment and the level of detail needed will depend on what is proposed in the draft Neighbourhood Plan and the potential impacts on European sites designated for their nature conservation interest.

This report therefore determines whether a Habitats Regulations Assessment under the UK Conservation of Habitats and Species Regulations 2017, which enacts the Habitats Directive¹, is required for the Beyton Neighbourhood Plan.

This determination refers to:

- The HRA Screening Report prepared by Place Services, Essex CC [*hereafter referred to as Place Services*] which can be viewed at: www.midsuffolk.gov.uk/BeytonNP
- The responses to this from the statutory consultee (See Appendix 1).

2. Legislative Background

One of the basic conditions that Neighbourhood Plans must meet is that:

"The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017"

The Conservation of Habitats and Species Regulations 2017 include regulations on the assessment of plans (including neighbourhood plans) and projects on European sites or European offshore marine sites. The first stage is to screen the plan to see whether it is likely to have a significant effect on any Habitats (European) sites. If the plan is "screened-in" because likely significant effects cannot be ruled out, the next stage is for an Appropriate

¹ Directive 92/43/EEC 'on the conservation of natural habitats and of wild fauna and flora': <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:31992L0043>.

Assessment to be carried out considering the impact on the European site's conservation objectives. Consent for the Plan can only be given if it is "screened-out" at the first stage or the Appropriate Assessment concludes the integrity of the European site will not be adversely affected.

Case law (*People Over Wind, Peter Sweetman v Collie Teoranta*) ruled that it is not permissible to take account of measures intended to reduce or avoid any harmful effects of a plan or project on a European site at the screening stage. Any mitigation measures can now only be considered at the appropriate assessment stage. Further case law (*Holohan and Others v An Bord Pleanála*) now also imposes more detailed requirements on the competent authority for any plans or projects at the Appropriate Assessment stage, including, but not limited to cataloguing the entirety of habitat types and species for which a site is protected and being beyond reasonable scientific doubt concerning the effects of the work envisaged on the site concerned.

3. Assessment

In determining whether a proposed development plan or programme is likely to have significant effects, the local authority must incorporate the 'precautionary principle' into its decision. This means that if there is uncertainty as to whether the plan or programme would cause significant effects on a European site, the full Appropriate Assessment would be required.

The Neighbourhood Plan includes the following Vision Statement:

"To remain a distinct and rural village by preserving and enhancing our surroundings and delivering new housing of an appropriate form, location and scale. A safe, thriving and tranquil place where valued services are improved and enhanced, leading to a better quality of life for all."

The draft Plan contains twenty policies, three of which are site specific housing allocations. One of the allocated sites already benefits from prior planning permission, but the other two do not. The remaining policies address a range of topics including the landscape, flooding, biodiversity, important views and the protection of the historic environment. Together, they seek to ensure that new development in Beyton is of high quality and sensitively designed so as not to have adverse impacts on the surroundings.

There are four Habitats Sites which lie within 20 km of Beyton parish:

- The Redgrave and South Lopham Fens Ramsar
- The Breckland Special Protection Area
- The Breckland Special Areas of Conservation
- The Waveney & Little Ouse Valley Fens Special Areas of Conservation

As the Plan area is not within the Zone of Influence for any of these Habitats Sites, none are screened in for assessment for any likely significant effect resulting from this draft Plan.

A full assessment of the likely effects of the Plan is set out in the Screening Report dated April 2021 prepared by Place Services. A copy of this can be viewed at:

<https://www.midsuffolk.gov.uk/assets/Neighbourhood-Planning/Beyton-NP-HRA-Screening-Report-Apr21.pdf>

The screening has been prepared in accordance with the Court judgment (CJEU People Over Wind v Coillte Teoranta C323/17) which ruled that mitigation measures cannot be taken into account when carrying out a screening assessment to determine whether a plan or project is likely to result in significant effects on a Habitats site.

4. Screening Conclusion

The Screening Report concluded that, [subject to consultation with Natural England], the Beyton Neighbourhood Plan is not predicted to have any Likely Significant Effects on any Habitats Site, either alone or in combination with other plans and projects.

In their response, Natural England confirmed that they concur with the conclusion of the HRA Screening

5. Determination

In the light of the Screening Report prepared by Place Services and information contained in the response from Natural England, it is determined that the draft Beyton Neighbourhood Plan **does not require** further assessment under the Habitats Regulations 2017.

Date: 10 May 2021
Our ref: 350843



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BY EMAIL ONLY

Dear Mr Bryant

Beyton Neighbourhood Plan - HRA Screening Consultation

Thank you for your consultation on the above dated 23 April 2021.

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

Natural England is a statutory consultee in neighbourhood planning and must be consulted on draft neighbourhood development plans by the Parish/Town Councils or Neighbourhood Forums where they consider our interests would be affected by the proposals made.

Habitats Regulations Assessment (HRA) Screening

Natural England agrees with the conclusions of the HRA Screening Report, dated April 2021, that the Beyton Neighbourhood Plan would not be likely to result in a significant effect on any European Site, either alone or in combination and therefore no further assessment work would be required.

For any further consultations on your plan, please contact: consultations@naturalengland.org.uk.

Yours sincerely

Richard Hack

Richard Hack
Norfolk & Suffolk Team

[Ends]