



# **Debenham Neighbourhood Plan**

## **Habitats Regulations Screening Determination**

**March 2018**

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# DEBENHAM NEIGHBOURHOOD PLAN

## HABITATS REGULATIONS DETERMINATION 2018

### 1. Introduction

It is a requirement of European law that a plan or project is subject to an assessment to determine whether it will significantly affect 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 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 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 regulation 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 (HRA) under Directive 92/43/EEC, also known as the Habitats Directive<sup>1</sup>, is required for the Debenham Neighbourhood Plan. The determination is based on:

- A Screening Report for Consultation prepared on behalf of Mid-Suffolk District Council and Debenham Parish Council by Essex Place Services. A copy of this can be viewed at [www.midsuffolk.gov.uk/DebenhamNP](http://www.midsuffolk.gov.uk/DebenhamNP)
- The responses to this from the statutory consultees (See Appendix).

This assessment relates to the Debenham NP 2016 - 2036 Pre-submission Draft (v32)

### 2. Legislative Background

HRA is the a two-stage process to consider whether a proposed development plan or programme is likely to have significant effects on a European site designated for its nature conservation interest. Firstly, plans or programmes must be screened to determine if they are likely to have a significant effect (and are not plans connected to the management of the European site(s) in question). If it cannot be demonstrated during at the screening stage that the plan or programme will not have significant effects of the European site(s), an 'Appropriate Assessment' (AA) must then be undertaken, which is a much more detailed study of the effects of the plan or programme. The two parts together form a full HRA.

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<sup>1</sup> 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>.

### 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 AA would be required.

The purpose of the Debenham Neighbourhood Plan is to provide for the sustainable development of Debenham to make it a key service centre village for residents and surrounding villages. To do this, it seeks to phase the provision of good quality housing, educational facilities, business and local retail opportunities through a set of place and people-focused objectives.

European Sites to be considered

There are three European sites which lie within 20km of Debenham parish. These are:

- Deben Estuary SPA
- Sandlings SPA
- Deben Estuary Ramsar

No European sites are within 13km distance of Debenham. This is the distance recently confirmed by Natural England as the zone of influence to identify potential recreational impacts on coastal statutory sites in Suffolk.

The location of these sites together with 13km and 20km radius from Debenham is illustrated on the Plan below:



The Screening Report prepared by Essex Place Services concludes that the parish lies outside the 13km Zone of Influence for the Sandlings SSSI and any likely recreational disturbance impacts on the Sandlings SPA. Therefore, the Plan is not likely to have any negative effect on that site. However, there is an impact pathway for the Deben Estuary SPA and Deben Estuary Ramsar site as tributaries and upper reaches of the River Deben flow through the parish of Debenham so these sites should be assessed for “likely significant effects” from this Draft Neighbourhood Plan. Two European sites are therefore considered to be within the scope for this assessment – the Deben Estuary SPA and the Deben Estuary Ramsar site.

The Screening Report prepared by Essex Place Services assesses each of the policies in the draft Debenham Neighbourhood Plan to identify whether they would have any impact on these sites. This is set out in Table 7 of the Screening Report.

The assessment concludes that all the policies in the Plan apart from DEB2, 3 and 4 will have no negative effect on a European site. For Policies DEB2 (allocation of site north of Ipswich Road for development), DEB3 (allocation of land south of low Road for development) and DEB4 (allocation of site east of Aspall Road opposite Primary School) the report recommends that:

*“Any residential development subsequently coming forward will need to be subject to a project level HRA and secure sufficient mitigation measures to avoid a likely significant effect.”*

#### **4. Screening Conclusion**

The HRA Screening Report prepared by Essex Place Services included specific recommendations to deliver for the site allocation policies on the Draft Neighbourhood Plan as they were all assigned to category B (Policies or projects that could have an effect but would not be likely to have a significant negative effect on a European site alone or in combination). The report therefore recommended that there will be a need for any development subsequently coming forward to be subject to a project level HRA and secure sufficient mitigation measures to avoid a likely significant effect on the Deben Estuary SPA or Deben Estuary Ramsar site. Project level HRA must ensure that only options that can demonstrate no adverse effects on the SPA/Ramsar site can be given approval. Consequently the policy may need to be amended to include “Applications for development of the allocated sites will need to be subject to HRA screening. Any development which would result in significant adverse effects which could not be appropriately mitigated will not be permitted.”

The Screening Report also considered potential for in combination effects with other plans or projects but concluded that in combination likely significant effects are not predicted.

Consultation on the Screening Report was carried out with Natural England, Historic England and the Environment Agency.

Natural England advised that their SSSI Impact Risk Zones do not identify any risks to the Deben Estuary SPA/Ramsar from this distance (20km) from the international site. They therefore advised that the Debenham Neighbourhood Plan can be screened out from further considerations under the Habitats Regulations and no policy amendments to the Neighbourhood Plan are required. They agreed that no “in combination effects” are likely to arise from other plans or projects.

Neither the Environment Agency nor Historic England had any comments to make on the HRA screening.

The responses of the statutory consultees are included at Appendix 1.

## **5. Determination**

In the light of the Screening Report for Consultation prepared by Essex Place Services and the responses of the statutory consultees it is considered that there is unlikely to be a significant adverse effect on the Deben Estuary SPA/Ramsar site from development in Debenham which is 20km upstream. It is therefore determined that the Debenham Neighbourhood Plan does not require a Habitat Regulations Assessment.



## EAST OF ENGLAND OFFICE

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Babergh and Mid Suffolk District Councils  
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8 Russell Road  
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Direct Dial: 01223 582746

Our ref: PL00299523

2 March 2018

Dear Mr Munson

Thank you for your email of 29 January 2018 regarding the above consultation. As the Government's adviser on the historic environment Historic England is keen to ensure that the protection of the historic environment is fully taken into account at all stages and levels of the local planning process. Therefore we welcome this opportunity to review the SEA Screening Report for the Debenham Neighbourhood Plan. For the purposes of this consultation, Historic England will confine its advice to the question, "Is it (the Neighbourhood Plan) likely to have a significant effect on the historic environment?". Our comments are based on the information supplied with the Screening Opinion.

The supporting information (screening report and draft neighbourhood plan) supplied with the consultation indicates that within the plan area there is a range of designated historic environment assets. There is also likely to be other features of local historic, architectural or archaeological value, and consideration should also be given to the wider historic landscape. The documentation indicates that the Debenham Neighbourhood Plan proposes to allocate sites for development.

Given the likely significant effects (both positive and negative) upon the historic environment, Historic England hence concurs with the Council's view that a Strategic Environmental Assessment will be required.

I should be pleased if you can send a copy of the determination as required by REG 11 of the Environmental Assessment of Plans and Programmes Regulations 2004.

Historic England strongly advises that the conservation and archaeological staff of the relevant local authorities are closely involved throughout the preparation of the plan and its assessment. They are best placed to advise on; local historic environment issues and priorities, including access to data held in the Historic Environment Record (HER), how the allocation, policy or proposal can be tailored to minimise potential adverse impacts on the historic environment; the nature and design of any required mitigation measures; and opportunities for securing wider benefits for the future conservation and management of heritage assets.

Yours sincerely,  
Edward James  
Historic Places Advisor, East of England

Date: 15 February 2018  
Our ref: 237555  
Your ref: PRM



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**BY EMAIL ONLY**

Dear Paul

**Planning consultation: DEBENHAM NEIGHBOURHOOD DEVELOPMENT PLAN: SEA/HRA SCREENING REPORT**

Thank you for your consultation on the above which was received by Natural England on 29 January 2018

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.

**SUMMARY OF NATURAL ENGLAND'S ADVICE**

Based on the plans submitted, Natural England considers that Debenham Neighbourhood Plan is unlikely to have significant adverse impacts on internationally designated sites and no policy amendments are required.

**Habitats Regulations Assessment (HRA)**

The *Debenham Neighbourhood Plan 2016 - 2036 Pre-Submission Draft Strategic Environmental Assessment (SEA) & Habitat Regulations Assessment (HRA): Screening Report – January 2018* has concluded that there is a potential pathway from developments in Debenham to Deben Estuary SPA/Ramsar site via River Deben and its tributaries which run through the neighbourhood. However, our SSSI Impact Risk Zones do not identify any risks to Deben Estuary SPA/Ramsar from residential developments at this distance (20km) from the international site. We therefore advise that the Debenham Neighbourhood Plan can be screened out from further considerations under the Habitats Regulations and no policy amendments to the Neighbourhood Plan are required. We agree that no 'in combination' effects are likely to arise from other plans or projects.

To meet the requirements of the Habitats Regulations, we advise you to record your decision that a likely significant effect can be ruled out. The following may provide a suitable justification for that decision:

- There is unlikely to be a significant adverse effect at Deben Estuary SPA/Ramsar site from development in Debenham which is 20km upstream.

## Strategic Environmental Assessment (SEA)

Table 2: Assessment of Likely Significant Effects on the Environment states that The Plan area is within two SSSI Impact Risk Zones; however no impacts are predicted relevant to the content of the Plan. We agree that the Plan area is within two SSSI Impact Risk Zones and that within the settlement of Debenham, there are no risks identified for residential development. We have no comment to make with respect to other environmental considerations.

If you have any queries relating to the advice in this letter please contact me on 01284 735236.

Yours sincerely

Alison Collins  
Norfolk & Suffolk Team  
[alison.collins@naturalengland.org.uk](mailto:alison.collins@naturalengland.org.uk)

**From:** Kermath, Natalie J  
**Sent:** 21 February 2018 12:00  
**To:** 'Paul Munson'  
**Subject:** FW: DEBENHAM NEIGHBOURHOOD PLAN - SEA/HRA SCREENING ASSESSMENT

Good Morning,

Thank you for sending through the SEA screening report to us.

We have no comment to make on the HRA, comments for this will be supplied by Natural England.

With regards to the SEA screening, we have reviewed the SEA report and its findings towards whether an SEA should be undertaken for the Debenham Neighbourhood plan. The conclusion states that the Neighbourhood plan has been screened in for an SEA and we do not wish to disagree with this.

If you require anything further please do not hesitate to contact us.

Kind regards,

Natalie Kermath  
Sustainable Places Planning Advisor  
East Anglia area East

<https://www.gov.uk/government/organisations/environment-agency>  
<https://www.gov.uk/flood-risk-assessment-for-planning-applications>  
<https://www.gov.uk/flood-risk-assessment-local-planning-authorities>

Iceni House, Cobham Road, Ipswich, IP3 9JD

National Customer Contact Centre: 03708 506506

*(Weekday Daytime calls may cost 8p plus up to 6p per minute from BT Weekend Unlimited. Mobile and other providers' charges may vary.)*

**Do your future plans have environmental issues or opportunities? Speak to us early!**



If you are planning a new project or development, we want to work with you to make the process as smooth as possible. We offer a tailored advice service with an assigned project manager giving you detailed and timely specialist advice. Early engagement can improve subsequent planning and permitting applications to you and your clients' benefit. More information can be found on our website [here](#).