



Laxfield Neighbourhood Plan

Habitats Regulations Screening Determination

May 2020

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LAXFIELD NEIGHBOURHOOD PLAN

HABITATS REGULATIONS DETERMINATION

1. Introduction

This assessment relates to the 'Laxfield Neighbourhood Development Plan 2018 – 2036' which was published for Regulation 14 Pre-Submission consultation in late February 2020.

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 Laxfield 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/LaxfieldNP
- The responses to this from the statutory consultees (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:

“[Laxfield] should be a vibrant, inclusive place to live for all residents, that it values and cares for all generations and takes particular care of its young and old people. We want to live in a greener and more sustainable way, reducing our reliance on cars and facilitating conditions for a range of employment types in the locality. We value our natural environment and our built heritage and will work actively to maintain and enhance them for future generations as well as developing village amenities and outdoor leisure facilities to encourage everyone to live active and healthy lives.”

The draft Plan then sets out twenty planning policies structured around seven main themes. Of those, two are site specific housing allocation policies, both of which already benefit from the grant of planning permission. Other policies seek to shape future development within the designated plan area and to protect and enhance the natural and built environment.

There are sixteen (16) Habitats Sites which lie within 20 km of Laxfield parish:

Special Protection Areas (SPAs)	Special Areas of Conservation (SAC)	Ramsar Sites
Minsmere-Walberswick	Minsmere to Walberswick Heaths and Marshes	Minsmere-Walberswick
Alde-Ore Estuary	Alde-Ore & Butley Estuaries	Alde-Ore Estuary
Broadlands	The Broads	Broadland
Deben Estuary	Dew’s Pond	Deben Estuary
Sanderlings	Staverton Park & The Thicks	
Benacre to Easton Bavents	Benacre to Easton Bavents Lagoons	

The Plan area lies within the Zone of Influence of 11 Habitats Sites (5 underpinning Sites of Special Scientific Interest) as identified by Natural England to consider impacts on statutory sites. The only Habitats Sites listed by Natural England as in scope for residential development in Laxfield Parish are Minsmere-Walberswick SPA and Ramsar site and Minsmere to Walberswick Heaths and Marshes SAC. It was therefore concluded that these three Habitats Sites be considered to be within scope for this assessment.

A full assessment of the likely effects of the Plan is set out in the Screening Report dated March 2020 prepared by Place Services. A copy of this can be viewed at:

<https://www.midsuffolk.gov.uk/assets/Neighbourhood-Planning/Laxfield-NP-HRA-Screening-Report-Apr20.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 Natural England's review, the Laxfield 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.

Natural England subsequently confirmed that they concur with the conclusion of the HRA Screening. Their response, and those received from the Environment Agency and Historic England are attached at Appendix 1.

The requirement for the Plan to undertake further assessment under the Habitats Regulations 2017 is therefore '**screened out.**'

5. **Determination**

In the light of the Screening Report prepared by Place Services and the responses from the statutory bodies it is determined that the Laxfield Neighbourhood Plan **does not require** further assessment under the Habitats Regulations 2017.

Date: 22 May 2020
Our ref: 315542
Your ref: Laxfield NP - SEA / HRA Screening Consultation



communityplanning@baberghmidsuffolk.gov.uk

FAO Paul Bryant
BY EMAIL ONLY

Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

Dear Mr Bryant

Screening consultation: Neighbourhood Plan SEA / HRA Screening Consultation.
Location: Laxfield.

Thank you for your consultation on the above dated 27 April 2020 that was received by Natural England on the same day.

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.

Screening Opinion Report: Strategic Environmental Assessment (SEA)

Natural England concur with the conclusions of the SEA Screening Opinion Report. It is our advice, that, in so far as our strategic environmental interests are concerned (including but not limited to statutory designated sites, landscapes and protected species, geology and soils), that the neighbourhood plan does not have the potential to have significant environmental effects in relation to the baseline, and that SEA is therefore not required.

Screening Report: Habitats Regulations Assessment (HRA)

Natural England agrees with the conclusion of the "Habitats Regulations Assessment (HRA): Screening Report – April 2020" that the Pre-Submission draft Laxfield Neighbourhood Plan is not predicted to have any Likely Significant Effect on any international site, either alone or in combination with other plans and projects.

For any queries relating to the specific advice in this letter only please contact me on [REDACTED]. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk

Yours sincerely,

Patrick Robinson.
Norfolk and Suffolk Area Team



Ms Karen Gregory
Laxfield Parish Council
Hill Farm Barn
Badingham
Woodbridge
IP13 8JL

Our Ref: AE/2020/125125/01-L01

Your ref: SEA Screening

Date: 06 May 2020

Dear Ms Gregory

LAXFIELD (SUFFOLK) NEIGHBOURHOOD PLAN – SEA SCREENING OPINION

LAXFIELD PARISH COUNCIL HILL FARM BARN BADINGHAM WOODBRIDGE IP13 8JL

Thank you for consulting us on 27 April 2020 regarding the SEA screening report for the Laxfield Neighbourhood Plan.

We have reviewed the screening opinion, as submitted, and can confirm that we do not disagree with the conclusion which states that the plan has been screened out.

We are satisfied that the two development sites proposed by the plan already benefit from planning permission and do not present any environmental concerns under the constraints which fall within our remit.

Yours sincerely

Mr Mark Macdonald
Planning Advisor

Environment Agency
Iceni House Cobham Road, Ipswich, IP3 9JD.
Customer services line: 03708 506 506
www.gov.uk/environment-agency
End

By e-mail dated Thur 28 May 2020

Re: Laxfield NP – SEA / HRA Screening Consultation



Historic England

Dear Paul,

I apologise for the time it has taken to respond to this.

I have now had a chance to review the documentation provided and have concluded that the allocation of sites LAX 3 and 4 are unlikely to result in significant effects from the perspective of designated heritage assets, and we note that they have already benefitted from planning permission.

I trust that this is helpful, but if you have any queries please contact me.

Kind regards,

Edward James
Historic Places Advisor, East of England

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