Walsham le Willows Neighbourhood Plan

HRA Screening

Babergh & Mid Suffolk District Councils

Final report

Prepared by LUC

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Chapter 1

Introduction

1.1 LUC has been commissioned by Babergh and Mid Suffolk District Councils (the Councils) to carry out a Habitats Regulations Assessment (HRA) of the Walsham le Willows Neighbourhood Plan. This plan is being prepared by the Walsham le Willows Neighbourhood Plan Steering group and was commissioned by the Walsham le Willows Parish Council. This iteration of the HRA report assesses the Pre-Submission Draft Neighbourhood Plan (October 2022).

The requirement to undertake Habitats Regulations Assessment of development plans

1.2 The requirement to undertake HRA of development plans was confirmed by the amendments to the Habitats Regulations published for England and Wales in 2007 **[See reference** 1**]**; the currently applicable version is the Habitats Regulations 2017, as amended **[See reference** 2**]**. Neighbourhood Plans, once approved at referendum, become part of the statutory development plan therefore an HRA is required by law to be carried out by the 'competent authority' (the Councils). The Councils 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 the Councils as the 'competent authority'. The Councils will consider this work and would usually only progress a Plan if it considers that the Plan will not adversely affect the integrity **[See reference** 3**]** of any 'European site', as defined below (the exception to this would be where 'imperative reasons of overriding public interest' can be demonstrated; see paragraph 1.16 and 1.19). The requirement for authorities to comply with the Habitats Regulations when preparing a Plan is also noted in the Government's online Planning Practice Guidance (PPG) **[See reference** 4**]**.

1.3 HRA refers to the assessment of the potential effects of a development plan on one or more sites afforded the highest level of protection in the UK: SPAs and SACs. These were classified under European Union (EU) legislation but since 1 January 2021 are protected in the UK by the Habitats Regulations 2017 (as amended). Although the EU Directives from which the UK's Habitats Regulations originally derived are no longer binding, the Regulations still make reference to the lists of habitats and species that the sites were designated for, which are listed in annexes to the EU Directives:

- SACs are designated for particular habitat types (specified in Annex 1 of the EU Habitats Directive **[See reference 5]**) and species (Annex II). The listed habitat types and species (excluding birds) are those 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 UK's 'national site network'.
- SPAs are classified for rare and vulnerable birds (Annex I of the EU Birds Directive **[See reference 6]**), and for regularly occurring migratory species not listed in Annex I.

1.4 The term 'European sites' was previously commonly used in HRA to refer to 'Natura 2000' sites **[See reference 7]** and Ramsar sites (international designated under the Ramsar Convention). However, a Government Policy Paper **[See reference 8]** on changes to the Habitats Regulations 2017 post-Brexit states that:

- Any references to Natura 2000 in the 2017 Regulations and in guidance now refer to the new 'national site network'.
- The national site network includes existing SACs and SPAs; and new SACs and SPAs designated under these Regulations.
- Designated Wetlands of International Importance (known as Ramsar sites) do not form part of the national site network. Many Ramsar sites overlap with SACs and SPAs and may be designated for the same or different species and habitats.

1.5 Although Ramsar sites do not form part of the new national site network, Government guidance **[See reference** 9**]** states that:

"Any proposals affecting the following sites would also require an HRA because these are protected by government policy:

- proposed SACs
- potential SPAs
- Ramsar sites - wetlands of international importance (both listed and proposed)
- areas secured as sites compensating for damage to a European site."

1.6 Furthermore, the NPPF **[See reference** 10**]** and practice guidance **[See reference** 11**]** currently state that competent authorities responsible for carrying out HRA should treat Ramsar sites in the same way as SACs and SPAs. The legislative requirement for HRA does not apply to other nationally designated wildlife sites such as Sites of Special Scientific Interest or National Nature Reserves.

1.7 For simplicity, this report uses the term 'European site' to refer to all types of designated site for which Government guidance **[See reference** 12**]** requires an HRA.

1.8 The overall purpose of an HRA is to conclude whether or not a proposal or policy, or a whole development plan would adversely affect the integrity of the European site in question. This is judged in terms of the implications of the plan for a site's 'qualifying features' (i.e. those Annex I habitats, Annex II species, and Annex I bird populations for which it has been designated). Significantly, HRA is based on the precautionary principle. Where uncertainty or doubt remains, an adverse effect should be assumed.

Stages of Habitat Regulations Assessment

1.9 The HRA of development plans is undertaken in stages (as described below) and should conclude whether or not a proposal would adversely affect the integrity of the European site in question.

1.10 LUC has been commissioned by the Councils to carry out HRA work on their behalf, and the outputs will be reported to and considered by the Councils, as the competent authority, before adopting the Plan.

1.11 The HRA also requires close working with Natural England as the statutory nature conservation body **[See reference** 13**]** 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

1.12 In assessing the effects of a plan in accordance with Regulation 105 of the Conservation of Habitats and Species Regulations 2017 (as amended) (the 'Habitats Regulations'), 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, 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'). [These two steps are undertaken as part of Stage 1: Screening, shown below in the 'Typical stages' section.] 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. [This step is undertaken during Stage 2: Appropriate Assessment, described in the 'Typical stages' section below.]
- 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. [This step follows Stage 2 where a finding of 'no adverse effect' is concluded. If it cannot be it proceeds to Step 5 as part of Stage 3 of the HRA process.]
- 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 must be carried out for 'imperative reasons of overriding public interest' (IROPI). [This step is undertaken during Stage 3: Assessment where no alternatives exist and adverse impacts remain taking into account mitigation, described in the 'Typical stages' section below.]

Typical stages

1.13 The section 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 **[See reference** 14**]** **[See reference** 15**]** **[See reference** 16**]**. This HRA presents the methodology of findings of Stage 1: Screening.

Stage 1: Screening (the 'Significance Test')

Tasks

- Description of the development plan and confirmation that it is not directly connected with or necessary to the management of European sites.
- Identification of potentially affected European sites and their conservation objectives **[See reference** 17**]**.
- Assessment of likely significant effects of the development plan alone or in combination with other plans and projects, prior to consideration of avoidance or reduction ('mitigation') measures **[See reference** 18**]**.

Outcome

- 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: Appropriate Assessment (the 'Integrity Test')

Task

- Information gathering (development plan and European Sites **[See reference** 19**]**).
- Impact prediction.
- Evaluation of development plan impacts in view of conservation objectives of European sites.

- Where impacts are considered to directly or indirectly affect qualifying features of European sites, identify how these effects will be avoided or reduced ('mitigation').

Outcome

- Appropriate assessment report describing the plan, European site baseline conditions, the adverse effects 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

Task

- Identify 'imperative reasons of overriding public interest' (IROPI).
- Demonstrate no alternatives exist.
- Identify potential compensatory measures.

Outcome

- This stage should be avoided if at all possible. The test of IROPI and the requirements for compensation are extremely onerous.

1.14 It is normally anticipated that an emphasis on Stages 1 and 2 of this process will, through a series of iterations, help ensure that potential adverse

effects are identified and eliminated through the inclusion of mitigation measures designed to avoid or reduce effects. The need to consider alternatives could imply more onerous changes to a plan document. It is generally understood that so called 'imperative reasons of overriding public interest' (IROPI) are likely to be justified only very occasionally and would involve engagement with the Government.

Case law changes

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

1.16 The *People over Wind, Peter Sweetman v Coillte Teoranta* (April 2018) judgement 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 working 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.

1.17 In light of the above, the HRA screening stage does not rely upon avoidance or mitigation measures to draw conclusions as to whether the Neighbourhood Plan could result in likely significant effects on European sites, with any such measures being considered at the Appropriate Assessment stage as relevant.

1.18 1.18 This HRA also fully considers the *Holohan v An Bord Pleanala* (November 2018) 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.

1.19 In undertaking this HRA, LUC has fully considered the potential 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.

1.20 In addition to this, the HRA takes into consideration the 'Wealden' judgement from the CJEU **[See reference** 20**]**.

1.21 *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 the annual average daily traffic (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.

1.22 In light of this judgement, the HRA therefore considers traffic growth based on the effects of development from the Neighbourhood Plan in combination with other drivers of growth such as development proposed in neighbouring districts and demographic change. The HRA also takes into account the *Grace and Sweetman* (July 2018) judgement from the CJEU which stated that:

> ""there is a distinction to be drawn between protective measures forming part of a project and intended avoid or reduce any direct adverse effects that may be caused by the project in order to ensure that the project does not adversely affect the integrity of the area, which are covered by Article 6(3), and measures which, in accordance with Article 6(4), are aimed at compensating for the negative effects of the project on a protected area and cannot be taken into account in the assessment of the implications of the project".
>
> "As a general rule, any positive effects of the future creation of a new habitat, which is aimed at compensating for the loss of area and quality of that habitat type in a protected area, are highly difficult to forecast with any degree of certainty or will be visible only in the future"
>
> "A mitigation strategy may only be taken into account at AA (a.6(3)) where the competent authority is "sufficiently certain that a measure will make an effective contribution to avoiding harm, guaranteeing beyond all reasonable doubt that the project will not adversely affect the integrity of the area"
>
> "Otherwise it falls to be considered to be a compensatory measure to be considered under a.6(4) only where there are "imperative reasons of overriding public interest".

1.23 Therefore, if an Appropriate Assessment of the Plan is required it will only consider the existence of measures to avoid or reduce its direct adverse effects

(mitigation) if the expected benefits of those measures are beyond reasonable doubt at the time of the assessment.

Structure of this report

1.24 This chapter (Chapter 1) described the background to the production of the plan and the requirement to undertake HRA. The remainder of the report is structured as follows:

- Chapter 2: Walsham le Willows Neighbourhood Plan summarises the content of the plan, which is the subject of this report.
- Chapter 3: Method sets out the approach used, and the specific tasks undertaken during the screening stage of the HRA.
- Chapter 4: Screening assessment describes the findings of the screening stage of the HRA.
- Chapter 5: Conclusions and next steps summarises the HRA conclusions for the Walsham le Willows Neighbourhood Plan and describes the next steps to be undertaken.

Chapter 2

Walsham le Willows Neighbourhood Plan

Vision

2.1 The draft Neighbourhood Plan includes a vision for Walsham le Willows, which is set out below:

> "Walsham le Willows will continue to be a well-loved, historic Suffolk parish with a unique character and identity. The natural environment, biodiversity and heritage will be enhanced and protected. Future development will be environmentally sustainable, well designed, and suitably located, integrated, and connected. The parish will have a range of housing types and tenures to suit all ages and incomes, supported by appropriate infrastructure. The area will continue to be a desirable place for current and future generations."

2.2 Supporting the vision, there are six objectives and 15 policies that fall under six themes, as follows:

Built environment and design policies

- Policy WLW1 – High quality and sustainable design

Housing policies

- Policy WLW2: Scale and location of new housing
- Policy WLW3: Housing size, type, and tenure

Community infrastructure policies

- Policy WLW4: Community facilities
- Policy WLW5: Drainage and flood risk

Transport and accessibility policies

- Policy WLW6: Pedestrian and cycle connectivity
- Policy WLW7: Public rights of way

Natural and historic environment policies

- Policy WLW8: Area of local landscape sensitivity
- Policy WLW9: Important views
- Policy WLW10: Dark skies
- Policy WLW11: Local green spaces
- Policy WLW12: Protecting and enhancing biodiversity
- Policy WLW13: Renewable energy
- Policy WLW14: Non-designated heritage assets

Economy policies

- Policy WLW15: New and existing business

Chapter 3

Method

Screening assessment

3.1 HRA Screening of the Walsham le Willows Neighbourhood Plan was undertaken in line with current available guidance and sought to meet the requirements of the Habitats Regulations. The tasks that were undertaken during the screening stage of the HRA and the conclusions reached are described in detail below. This section of the HRA report sets out policies and impact types for which likely significant effects are predicted or cannot be ruled out prior to consideration of mitigation and avoidance measures.

3.2 The purpose of the screening stage is to:

- Identify all aspects of the plan that would have no effect on a European site. These can be eliminated from further consideration in respect of this and other plans.
- Identify all aspects of the plan that would not be likely to have a significant effect on a European site (i.e. would have some effect because of links/connectivity but the effect is not significant), either alone or in combination with other aspects of the same plan or other plans or projects. These do not require ‘Appropriate Assessment’.
- 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.

Identifying European sites that may be affected and their conservation objectives

3.3 As a first step in identifying European sites that could potentially be affected by a development, it is established practice in HRA to consider sites within the local planning authority area covered by the plan, and other sites that may be affected beyond this area.

3.4 A distance of 20km from the boundary of the plan area was used in the first instance to identify European sites with the potential to be affected by the proposals within a development plan. Consideration was then given to whether any more distant European sites may be connected to the plan area via effects pathways, for example through hydrological links or recreational visits by residents. The 20km distance has been agreed with Natural England for HRAs in this region **[See reference** 21**]** and is considered precautionary. All European sites within 20km were assessed in this HRA.

3.5 The assessment also takes into account areas that may be functionally linked to the European sites. The term ‘functional linkage’ is used to refer to the role or ‘function’ that land beyond the boundary of a European site might fulfil in terms of supporting the species populations for which the site was designated or classified. Such an area is therefore ‘linked’ to the site in question because it provides a (potentially important) role in maintaining or restoring a protected population at favourable conservation status.

3.6 While the boundary of a European site will usually be drawn to include key supporting habitat for a qualifying species, this cannot always be the case where the population for which a site is designated or classified is particularly mobile. Individuals of the population will not necessarily remain in the site all the time. Sometimes, the mobility of qualifying species is considerable and may extend so far from the key habitat that forms the SAC or SPA that it would be entirely impractical to attempt to designate or classify all of the land or sea that may conceivably be used by the species **[See reference** 22**]**. HRA therefore

considers whether any European sites make use of functionally linked habitats, and the impacts that could affect those habitats.

3.7 European sites identified for inclusion in the HRA are listed below in Table 3.1 and their locations illustrated in Figure A.1 in Appendix A. Detailed information about each European site is provided in Appendix B, described with reference to Standard Data Forms for the SPAs and SACs, and Natural England's Site Improvement Plans **[See reference** 23**]**. Natural England's conservation objectives **[See reference** 24**]** for the SPAs and SACs have also been reviewed. These state that site integrity must be maintained or restored by maintaining or restoring the habitats of qualifying features, the supporting processes on which they rely, and populations of qualifying species.

Table 3.1: European sites within 20km of Walsham le Willows Neighbourhood Plan boundary

European site	Closest distance / location from Neighbourhood Plan Area
Redgrave & South Lopham Fens Ramsar site	6.4km north
Waveney & Little Ouse Valley Fens SAC	6.1km north
Breckland SAC	14.5km north west
Breckland SPA	10.3km north

Assessment of 'likely significant effects' of the plan

3.8 As required under Regulation 105 of the Conservation of Habitats and Species Regulations 2017 **[See reference** 25**]** (as amended), 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 mitigation into account, in accordance with the 'People over Wind' judgment.

3.9 Consideration was given to the potential for the development proposed to result in significant effects associated with:

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

3.10 This thematic/impact category approach also allowed for consideration to be given to the cumulative effects of any site allocations, rather than focussing exclusively on individual developments provided for by the plan.

3.11 A risk-based approach involving the application of the precautionary principle was adopted in the assessment, such that a conclusion of 'no significant effect' was only reached where it was considered unlikely, based on current knowledge and the information available, that a development plan policy or site allocation would have a significant effect on the integrity of a European site.

3.12 A screening assessment was prepared (Appendix C), to document consideration of the potential for likely significant effects resulting from each policy and site allocation in the plan.

3.13 For some types of impacts, the potential for likely significant effects was determined on a proximity basis. This approach and the assumptions applied are described in more detail in Chapter 4.

Interpretation of 'likely significant effects'

3.14 Relevant case law helps to interpret when an effect should be considered a likely significant effect, when carrying out HRA of a land use plan.

3.15 In the Waddenzee case **[See reference** 26**]**, the European Court of Justice ruled on the interpretation of Article 6(3) of the Habitats Directive (transposed into Reg. 102 of the Habitats Regulations), including that:

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

3.16 A relevant opinion delivered to the Court of Justice of the European Union 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.''

3.17 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 “that 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’.

3.18 The HRA screening assessment therefore considers whether the Pre-Submission Draft Neighbourhood Plan policies could have likely significant effects either alone or in combination.

Mitigation provided by the plan

3.19 Some of the potential effects of the 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 ‘People over Wind’ judgment, 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.

Assessment of potential in-combination effects

3.20 Regulation 105 of the 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, where likely insignificant effects are identified for the plan alone, it is necessary to consider whether these may become significant effects in combination with other plans or projects.

3.21 Where the plan is likely to have an effect on its own (due to impact pathways being present), but it is not likely to be significant, the in-combination assessment at Screening stage needs to determine whether there may also be the same types of effect from other plans or projects that could combine with the plan to produce a significant effect. If so, this likely significant effect arising from the plan in combination with other plans or projects, would then need to be considered through the Appropriate Assessment stage to determine if the impact pathway would have an adverse effect on integrity of the relevant European site. Where the screening assessment has concluded that there is no impact pathway between development proposed in the plan and the conditions necessary to maintain qualifying features of a European site, then there will be no in-combination effects to assess at the Screening or Appropriate Assessment stage. This approach accords with recent guidance on HRA **[See reference** 27**]**.

3.22 If impact pathways are found to exist for a particular effect but it is not likely to be significant from the plan alone, the in-combination assessment will identify which other plans and programmes could result in the same impact on the same European site. This will focus on planned growth (including housing, employment, transport, minerals and waste) around the affected site, or along the impact corridor.

3.23 The potential for in-combination impacts will therefore focus on plans prepared by local authorities that overlap with European sites that are within the scope of this HRA. The findings of any associated HRA work for those plans will be reviewed where available. Where relevant, any strategic projects in the area that could have in-combination effects with the plan will also be identified and reviewed.

3.24 The online HRA Handbook **[See reference** 28**]** suggests the following plans and projects may be relevant to consider as part of the in-combination assessment:

- Applications lodged but not yet determined, including refusals subject to an outstanding appeal or legal challenge.

- Projects subject to periodic review e.g. annual licences, during the time that their renewal is under consideration.
- Projects authorised but not yet started.
- Projects started but not yet completed.
- Known projects that do not require external authorisation.
- Proposals in adopted plans.
- Proposals in draft plans formally published or submitted for final consultation, examination or adoption.

Chapter 4

Screening assessment

4.1 As described in the Chapter 3, a screening assessment was carried out in order to identify the likely significant effects of the Walsham le Willows Neighbourhood Plan on the scoped-in European sites. The detailed screening assessment, which sets out the decision-making process used for this assessment can be found in Appendix C and the findings are summarised below.

HRA screening of policies

No ‘likely effect’ predicted

4.2 The Walsham le Willows Neighbourhood Plan does not allocate any sites for residential development or employment sites. Instead, policies set out criteria that any residential and/or employment development that comes forward must meet. Should schemes which are supported by the Walsham le Willows Neighbourhood Plan move forward, individual project-level HRAs should be carried out determine any likely significant effects.

4.3 Since none of the policies of the Walsham le Willows Neighbourhood Plan are expected to directly result in development, they will not result in significant effects on European sites. Therefore, no likely significant effects are predicted as a results of the plan.

HRA screening of impacts

4.4 For some types of impacts, screening for likely significant effects was determined on a proximity basis, using GIS data to determine the distance of potential development locations to the European sites that were the subject of the assessment. However, there are many uncertainties associated with using set distances as there are very few standards available as a guide to how far impacts will travel. Therefore, during the screening stage a number of assumptions were applied in relation to assessing the likely significant effects on European sites that may result from the plan, as described below.

Physical damage and loss (on-site)

4.5 Any development resulting from the plan would take place within Walsham le Willows Neighbourhood Plan area; therefore, only European sites within the boundary of the Neighbourhood Plan area could be affected through physical damage or loss of habitat from within the site boundaries. No European sites were identified within the boundary of the Neighbourhood Plan area and therefore no likely significant effect is predicted in relation to physical damage and loss.

Conclusion

4.6 No likely significant effects will occur from the plan as a result of physical damage and loss to onsite habitat, either alone or in combination with other plans and policies, as a result of proposed development in the plan.

Physical damage and loss (off-site)

4.7 Habitat loss from development in areas outside of the European site boundaries may result in likely significant effects where that habitat contributes

towards maintaining the interest feature for which the European site is designated. This includes land which may provide offsite movement corridors or foraging and sheltering habitat for mobile species such as birds, bats and fish. European sites susceptible to the indirect effects of habitat loss are restricted to those sites with qualifying species that rely on offsite habitat.

4.8 Breckland SPA is designated for supporting qualifying bird species and as such this European site was considered susceptible to impacts from proposed development in the plan area. Natural England generally advises that 2km from European site boundaries is an appropriate distance for the consideration of offsite functionally linked land although for certain species, including most notably golden plover and lapwing, a much greater distance of up to 15km may be appropriate. These larger buffers have not been considered in relation to Breckland SPA as those qualifying species are not present within the SPA and as such since the neighbourhood plan area is 10.3km from Breckland SPA, no likely significant effect is predicted in relation to this site.

4.9 In addition, as no policies will directly result in development, likely significant effects as a result of physical damage and loss to offsite habitat can be ruled out.

4.10 All other European sites were screened out of the assessment as they do not support qualifying features that are reliant on offsite functionally linked habitat.

Conclusion

4.11 No likely significant effects will occur from the plan as a result of physical damage and loss to offsite habitat, either alone or in-combination with other plans and policies, as a result of proposed development in the plan.

Non-physical disturbance (noise, vibration and light)

4.12 Noise and vibration effects are most likely to disturb bird species and thus are a key consideration with respect to potential effects on European sites where birds are the qualifying features. Artificial lighting at night has the potential to affect species where it occurs in close proximity to key habitat areas, such as key roosting sites of SPA birds.

4.13 It has been assumed that the effects of noise, vibration and light are most likely to be significant within a distance of 500 metres from the source. There is also evidence of 300 metres being used as a distance up to which certain bird species can be disturbed by the effects of noise **[See reference 29]**; however, it has been assumed (on a precautionary basis) that the effects of noise, vibration and light pollution are capable of causing an adverse effect if development takes place within 500 metres of a European site with qualifying features sensitive to these disturbances.

4.14 All European sites are located over 500m from the neighbourhood plan area and therefore were not considered susceptible to impacts from development in the plan area. These European sites were screened out of the assessment.

Conclusion

4.15 No likely significant effects will occur from the plan as a result of non-physical disturbance, either alone or in-combination with other plans and policies, as a result of proposed development in the plan.

Non-toxic contamination

4.16 Non-toxic contamination can include the creation of dust. This can smother terrestrial habitats, preventing natural processes, and as increased sediment, can potentially affect the turbidity of aquatic habitats. Dust/sediment may also contribute to nutrient enrichment, which can lead to changes in the rate of vegetative succession and habitat composition.

4.17 The effects of non-toxic contamination are most likely to be significant if development takes place within 500m of a European site with qualifying features sensitive to these effects, such as riparian and wetland habitats, or sites designated for habitats and plant species. This is the distance that, in our experience, provides a robust assessment of effects in plan-level HRA and meets with the agreement of Natural England.

4.18 All European sites are located over 500m from the neighbourhood plan area and therefore were not considered susceptible to impacts from development in the plan area. These European sites were screened out of the assessment.

Conclusion

4.19 No likely significant effects will occur from the plan as a result of non-toxic contamination, either alone or in-combination with other plans and policies, as a result of proposed development in the plan.

Air pollution

4.20 Air pollution is most likely to affect European 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, which can then affect plant health, productivity and species composition.

4.21 In terms of vehicle traffic, nitrogen oxides (NOx, i.e. NO and NO2) are considered to be the key pollutants. Deposition of nitrogen compounds may lead to both soil and freshwater acidification, and NOx can cause eutrophication of soils and water.

4.22 Based on the Highways England Design Manual for Road and Bridges (DMRB) LA 105 Air quality (which sets out the requirements for assessing and reporting the effects of highway projects on air quality), it is assumed that air pollution from roads is unlikely to be significant beyond 200m from the road itself. Where increases in traffic volumes are forecast, this 200m buffer needs to be applied to the relevant roads in order to make a judgement about the likely geographical extent of air pollution impacts.

- For highways developments within 200m of sensitive receptors, the DMRB provides the following screening criteria to ascertain whether there are likely to be significant impacts:
- Daily traffic flows will change by 1,000 AADT (Annual Average Daily Traffic) or more; or
- Heavy duty vehicle (HDV) flows will change by 200 AADT or more; or
- There will be a change in speed band; or
- Road carriageway alignment will change by 5m or more.

4.23 Thus, where significant increases in traffic are possible on roads within 200m of European sites, traffic forecast data may be needed to determine if increases in vehicle traffic are likely to be significant. In line with the Wealden judgement **[See reference** 30**]**, the traffic growth considered by the HRA should be based on the effect of development provided for by the plan in combination with other drivers of growth such as development proposed in neighbouring districts and demographic change.

4.24 It has been assumed that only those roads forming part of the primary road network (motorways and 'A' roads) are likely to experience any significant increases in vehicle traffic as a result of development (i.e. greater than 1,000 AADT). As such, where a site is within 200m of only minor roads, no significant effect from traffic-related air pollution is considered to be the likely outcome.

4.25 The only strategic road identified near Walsham le Willows is the A143 which lies approximately 3km north of the parish. Whilst the A143 does not directly intercept the Neighbourhood Plan Area, it may be utilised by members of the parish as a connection to surrounding areas.

4.26 None of the European sites within 20km of the neighbourhood plan area fall within 200m of the A143, therefore the European sites are not considered to be susceptible to impact from air pollution arising as a result of the Walsham le Willows Neighbourhood Plan and were therefore screened out of the assessment.

Conclusion

4.27 No likely significant effects will occur from the plan as a result of air pollution, either alone or in-combination with other plans and policies, as a result of proposed development in the plan.

Recreation

4.28 Recreational activities and human presence can result in significant effects on European sites. European sites with qualifying bird species are likely to be particularly susceptible to recreational disturbances from walking, dog walking, angling, illegal use of off-road vehicles and motorbikes, wildfowling, and water sports. In addition, recreation can physically damage habitat as a result of erosion, trampling, fire or vandalism.

4.29 Each European site will typically have a 'Zone of Influence' (ZOI) within which increases in population would be expected to result in likely significant effects. ZOIs are usually established following targeted visitor surveys and the findings are therefore typically specific to each European site (and often to specific areas within a European 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.

4.30 Existing visitor survey work available for European sites is summarised in Table 4.1 below:

Table 4.1: Zone of Influence (ZOI) derived from existing visitor survey work

European Site	Zone of Influence
Waveney & Little Ouse Valley Fen SAC	This site is open all year round to the public and has self-guided trails throughout. The habitats and species that this site is designated for are not considered vulnerable to disturbance from visitors. The site is over 6km from the Neighbourhood Plan area and therefore significant effects from recreational use are considered unlikely.
Redgrave & South Lopham Fens Ramsar	This site is open all year round to the public and has self-guided trails throughout. The habitats and species that this site is designated for are not considered vulnerable to disturbance from visitors. The site is over 6km from the Neighbourhood Plan area and therefore significant effects from recreational use are considered unlikely.
Breckland SAC	7.5km **[See reference** 31**]**
Breckland SPA	7.5km **[See reference** 32**]**

4.31 A review of these four European sites and their recreational ZOI determined that they are not susceptible to impacts from recreation and/or do

not have a ZOI that extends into the Neighbourhood Plan area and can therefore be scoped out of further assessment.

4.32 In addition, no policies will directly result in development (e.g. residential development that could result in an increase in visitor numbers at nearby European sites) and therefore likely significant effects as a result of recreation can be ruled out at this stage for all European sites.

Conclusion

4.33 No likely significant effects will occur from the plan as a result of recreation, either alone or in-combination with other plans and policies, as a result of proposed development in the plan.

Reduced water quantity and quality

4.34 An increase in demand for water abstraction and treatment resulting from the growth proposed in the Neighbourhood Plan area could result in changes in hydrology at European sites. Depending on the qualifying features and particular vulnerabilities of the European sites, this could result in likely significant effects, for example, due to changes in environmental or biotic conditions, water chemistry and the extent and distribution of preferred habitat conditions.

Conclusion

4.35 All scoped-in European sites have been identified to support habitats and/or qualifying species, which are susceptible to impacts from changes in water quantity and quality. However, due to the proximity from the Walsham le Willows Neighbourhood Plan area and because no policies will directly result in development, likely significant effects as a result of water quantity and quality can be ruled out at this stage.

4.36 No likely significant effects will occur from the plan as a result of reduced water quantity and quality, either alone or in-combination with other plans and policies, as a result of proposed development in the plan.

Summary of Screening assessment

4.37 Table 4.2 below summarises the Screening conclusions reached in this HRA. For all impact types, a conclusion of no likely significant effect (no LSE) was reached and therefore it was not necessary to proceed to the Appropriate Assessment stage.

Table 4.2: Summary of screening assessment

European site	Physical damage and loss	Non-physical disturbance	Non-toxic contamination	Air pollution	Recreation	Reduced water quality and quantity
Redgrave & South Lopham Fens Ramsar site	No LSE	No LSE	No LSE	No LSE	No LSE	No LSE
Waveney & Little Ouse Valley Fens SAC	No LSE	No LSE	No LSE	No LSE	No LSE	No LSE
Breckland SPA	No LSE	No LSE	No LSE	No LSE	No LSE	No LSE
Breckland SAC	No LSE	No LSE	No LSE	No LSE	No LSE	No LSE

Chapter 5

Conclusion and next steps

5.1 At the screening stage of the HRA, no likely significant effects are predicted on European sites as a result of the Walsham le Willows Neighbourhood Plan, either alone or in combination with other policies and proposals.

Next steps

5.2 An Appropriate Assessment is not required for the Walsham le Willows Neighbourhood Plan as none of the policies will result in development and likely significant effects from the plan can therefore be ruled out.

5.3 HRA is an iterative process and as such, this assessment should be updated if any relevant, newly available evidence or comments from key consultees are received prior to the plan being finalised. It is recommended that this report is subject to consultation with Natural England and the Environment Agency to confirm that the conclusions of the assessment are considered appropriate at this stage of plan-making.

LUC
November 2022

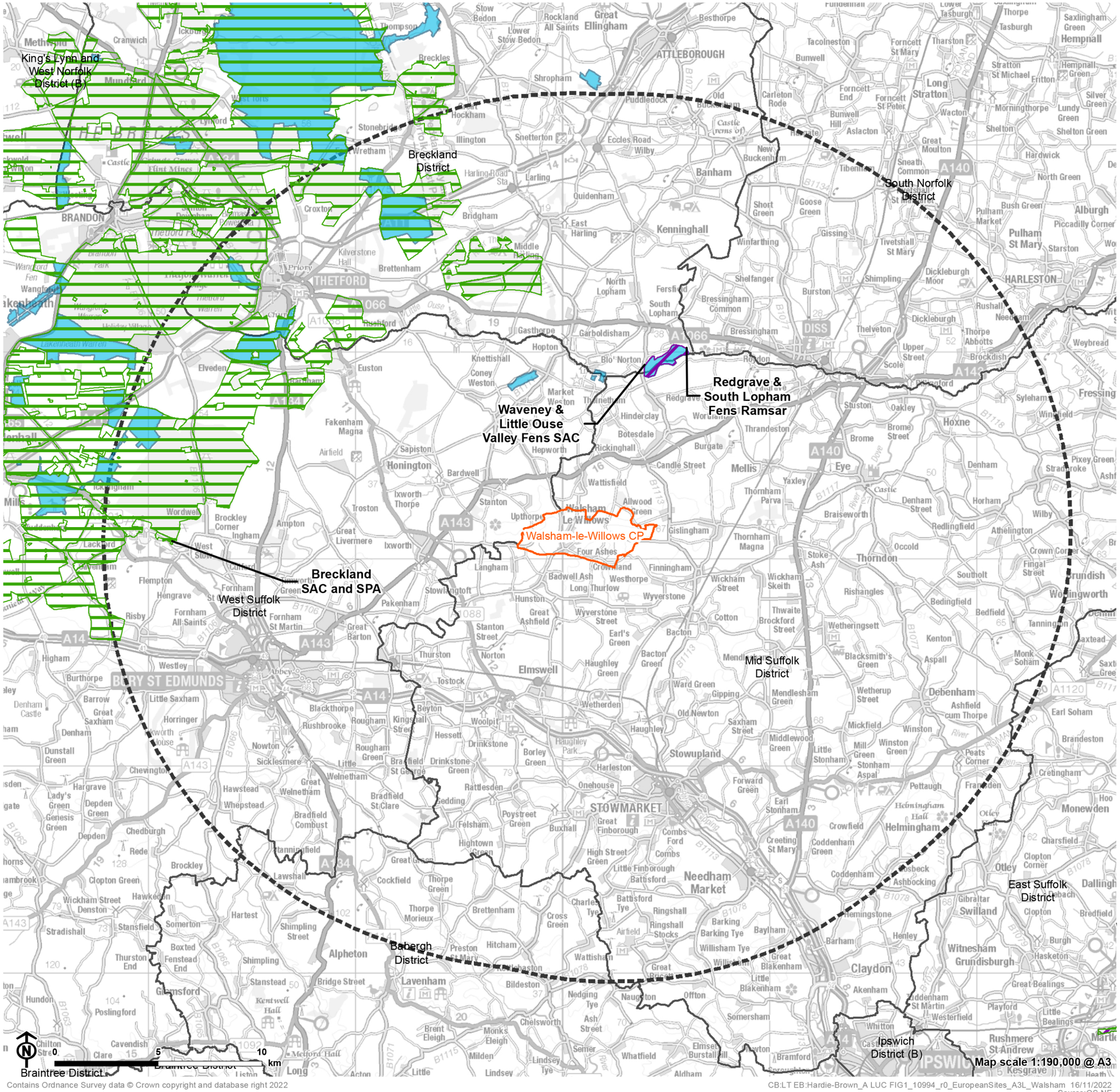
Appendix A

Map of European sites within 20km of the Walsham le Willows Neighbourhood Plan Area

Habitat Risk Assessment Screening
for Babergh Mid Suffolk Neighbourhood Plans

LUC

European Designated Sites within 20km of Walsham le Willows Neighbourhood Plan Area



Neighbourhood Plan area
20km buffer from Neighbourhood Plan area
Local Authority boundary
Ramsar
SPA
SAC

CB:LT EB:Hardie-Brown_A LUC FIG1_10994_r0_EuropeanSites_A3L_Walsham 16/11/2022
Source:OS,NE

Appendix B

Attributes of European Sites

B.1 This appendix contains information on the European sites scoped into the HRA. Site areas and designated features are drawn from SAC and SPA Standard Data Forms and Ramsar Site Information Sheets **[See reference** 33**]**. The overviews of sites and their locations are drawn from Natural England's Site Improvement Plans **[See reference** 34**]**. Site conservation objectives are drawn from Natural England's website and are only available for SACs and SPAs **[See reference** 35**]**.

Waveney & Little Ouse Valley Fens SAC

Overview of site and its location

B.2 The sites associated with the SAC lie within the East Anglia unitary authority and cover an area of 192.37ha. They are situated within Hopton, Blo' Norton and South Lopham. The sites are predominately bogs, marshes, water fringed vegetation and fens. Other habitats present include water bodies, heath, scrub, grassland and woodland.

B.3 The site represents fen-meadow associated with spring-fed valley fen systems in East Anglia, where *Molinia* grassland is very rare. The Molinia meadows are found here in conjunction with mire and calcareous fens with *Cladium mariscus*. Where the fen meadow is grazed it is more species rich, with southern marsh orchid; *Dactylorhiza praetermissa*. The calcareous fens occur in the East Anglian centre of distribution of calcareous fens and contains extensive *Cladium* beds, including managed examples, as well as stands in contact zones between small sedge mire and species-poor *Cladium*. The habitat type here occurs in a different hydrological situation to the Broads – Spring-fed valley fen rather than flood plain mire.

B.4 The site is one of several representing Desmoulins whorl snail; *Vertigo moulinsiana* in East Anglia. At Weston Fen populations of this snail occur in a valley fen.

Qualifying features

B.5 B.5 Annex I habitats:

- H6410 Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae).
- Calcareous fens with Cladium mariscus and species of the Caricion davallianae.

B.6 B.6 Annex II species:

- Desmoulins whorl snail; Vertigo moulinsiana

Conservation objectives

B.7 With regards to the SAC and the natural habitats and/or species for which the site has been designated (the 'Qualifying Features' listed below), and subject to natural change.

B.8 Ensure that the integrity of the site is maintained or restored as appropriate, and 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 and habitats of qualifying species;
- The structure and function (including typical species) of qualifying natural habitats;
- The structure and function of the habitats of qualifying species;

- The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely;
- The populations of qualifying species; and
- The distribution of qualifying species within the site.

Key vulnerabilities

B.9 The key threats facing Waveney and Little Ouse Valley Fens include:

- Air pollution and airborne contaminants;
- Pollution to groundwater (point sources and diffuse sources);
- Biocenotic evolution, succession; and
- Human induced changes in hydraulic conditions

Non-qualifying habitats and species upon which the qualifying habitats and/or species depend

B.10 In general, qualifying habitats of the SAC rely on:

- Key species to maintain the structure, function and quality of the habitat;
- Natural vegetation transitions to create diversity and support a range of species;
- Habitat connectivity to the wider landscape to allow for migration, dispersal and genetic exchange of species typical of this habitat; and
- Active and ongoing conservation management to protect, maintain or restore these habitats.

B.11 More specific information has been provided for each qualifying habitat as follows:

- Molinia meadows on calcareous, peaty or clayley-laden soils *(Molinion caeruleae).*
  - Upwellings and spring from the aquifer provide water to the site.
  - Natural hydrological processes to provide the conditions necessary to sustain this habitat
- Calcareous fens with *Cladium mariscus* and species of the *Caricion davallianae.*
  - Upwellings and spring from the aquifer provide water to the site.
  - Natural hydrological processes to provide the conditions necessary to sustain this habitat.

B.12 In general, the qualifying species of the SAC rely on:

- The sites ecosystem as a whole;
- Maintenance of populations of species that they feed on; and
- Habitat connectivity between breeding

Desmoulins whorl snail; *Vertigo moulinsiana*

- Habitat preferences: Requires tall swamp vegetation such as sedges, reeds and reed sweet grass in wet situations.
- Diet: Reed grasses and sedges.

Redgrave and South Lopham Fens Ramsar Site

Overview of site and its location

B.13 The Redgrave and South Lopham Fens Ramsar site is located north of Redgrave and south of South Lopham. It covers 127ha and is a Nature Reserve, Site of Special Scientific Interest (SSSI) and Environmentally Sensitive Area.

B.14 An excellent example of spring-fed lowland valley fen, exhibiting several distinct vegetation communities, support a diverse and well-studied invertebrate fauna. The site is one of only two British localities for the fen raft spider; *Dolomedes plantarius*. The site is remarkable for its lack of fragmentation. The diversity of the site is due to the lateral and longitudinal zonation of the vegetation types characteristic of valley mires.

Qualifying features

Ramsar criterion 1

B.15 The site is an extensive example of spring-fed lowland base-rich valley, remarkable for its lack of vegetation.

Ramsar criterion 2

B.16 The site supports many rare and scarce invertebrates, including a population of the fen raft spider; *Dolomedes plantarius*. This spider is also considered vulnerable by the IUCN Red List.

Ramsar criterion 3

B.17 The site supports many rare and scarce invertebrates, including a population of the fen raft spider; *Dolomedes plantarius*. The diversity of the site is due to the lateral and longitudinal zonation of the vegetation types characteristic of valley mires.

Conservation objectives

B.18 None available.

Key vulnerabilities

B.19 Factors adversely affecting the sites ecological character, including changes in land (including water) use and development projects for the site include:

- Dredging: Still operating, but it is unclear if they are under control, as there is a lag in showing the management or regulatory regime to be successful. This is a major impact happening on-site.
- Eutrophication: Still operating, but it is unclear if they are under control, as there is a lag in showing the management or regulatory regime to be successful. This is happening on-site.
- Pollution – Fertilisers: Still operating, but it is unclear if they are under control, as there is a lag in showing the management or regulatory regime to be successful. This is happening off-site.
- Pollution – Pesticides/agricultural runoff: Still operating, but it is unclear if they are under control, as there is a lag in showing the management or regulatory regime to be successful. This is happening off-site.

Non-qualifying habitats and species upon which the qualifying habitats and/or species depend

B.20 In general, the qualifying habitats of the SAC rely on:

- Key structural, influential and/or distinctive species, such as grazers, surface borers, predators to maintain the structure, function and quality of habitat;
- Insects, such as bees and flies for pollination of flowering plants;
- Habitat connectivity to the wider landscape to allow for migration, dispersal and genetic exchange of species typical of this habitat; and
- Management of habitats to protect, maintain and restore it.

B.21 In general, the qualifying species of the SAC rely on:

- The sites ecosystem as a whole; and
- Maintenance of populations of species that they feed on.

Fen Raft Spider; Dolomedes plantarius

- Habitat preference: Pool margins.
- Diet: Aquatic invertebrates.

Invertebrates

- Habitat preferences: Spring-fed lowland habitat.
- Diets: Flowering plants, organic matter and other invertebrate species for food resources.

Breckland SAC

Overview of site and its location

B.22 The SAC spans 7548.06ha across the Norfolk/Suffolk border and is situated within the Breck National Character Area (NCA Profile 085). The site is characterised by a gently undulating plateau underlain by bedrock of Cretaceous Chalk that is largely covered by varying depths of windblown sand. The highly variable soils generally consist of a very sandy free-draining mix of chalk, sand, silt, clay and flints. It has mosaics of heather-dominated heathland, acidic grassland and calcareous grassland that are unlike those of any other site. In many places there is a linear or patterned distribution of heath and grassland, arising from fossilised soil patterns that formed under peri-glacial conditions.

Qualifying features

B.23 Annex I habitats:

- 2330 Inland dunes with open *Corynephorus* and *Agrostis* grasslands;
- 3150 Natural eutrophic lakes with *Magnopotamion* or *Hydrocharition* – type vegetation;
- 4030 European dry heaths; and
- 6210 Semi-natural dry grasslands and scrubland facies on calcareous substrates.

B.24 Annex I habitats (not primary reason for site selection):

- 91E0 Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior*.

B.25 Annex II species (not primary reason for site selection):

- 1166 Great crested newt; *Triturus cristatus*

Conservation objectives

B.26 With regard to the SAC and the natural habitats and/or species for which the site has been designated (the 'Qualifying Features' listed below), and subject to natural change.

B.27 Ensure that the integrity of the site is maintained or restored as appropriate, and 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 and habitats of qualifying species;
- The structure and function (including typical species) of qualifying natural habitats;
- The structure and function of the habitats of qualifying species;
- The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely;
- The populations of qualifying species; and
- The distribution of qualifying species within the site. This document should be read in conjunction with the accompanying Supplementary Advice document, which provides more detailed advice and information to enable the application and achievement of the Objectives set out above.

Key vulnerabilities

B.28 Key threats facing the Breckland SAC include:

- Air pollution and airborne contaminants;
- Human induced changes in hydraulic conditions;

- Changes in biotic conditions;
- Forest and plantation management and use; and
- Grazing.

Non-qualifying habitats and species upon which the qualifying habitats and/or species depend

B.29 In general, qualifying habitats of the SAC rely on:

- Key species to maintain the structure, function and quality of the habitat;
- Natural vegetation transitions to create diversity and support a range of species;
- Habitat connectivity to the wider landscape to allow for migration, dispersal and genetic exchange of species typical of this habitat; and
- Active and ongoing conservation management to protect, maintain or restore these habitats.

B.30 More specific information has been provided for each qualifying habitat as follows:

- Inland dunes with open *Corynephorus* and *Agrostis* grasslands.
    - Rabbits and mechanical activity play a key role in maintaining areas of bare ground/sparse vegetation, which are characteristic of this habitat.
    - Annual sand deposition for the continued growth of grey hair-grass *Corynephorus canescens*. This species is a key feature of this habitat type.
- European dry heaths and seminatural dry grasslands and scrubland facies on calcareous substrates *Festuco-Brometalia*.
    - Rabbits are vital to producing the open, tightly grazed swards that characteristic flora and fauna of this habitat depend on.

  - In addition to this, rabbits, moles and mechanical activity play a key role in maintain areas of bare ground which are characteristic of these habitats.
  - Insects, including bees for pollination of flowering plants.
- Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior*.
  - Light grazing and browsing from herbivores, such as deer to promote diverse woodland structure and continuous seedling establishment.
- Natural eutrophic lakes with *Magnopotamion* or *Hydrocharition* – type vegetation.
  - Hydrological isolation and connectivity.
  - Natural hydrological processes to provide the conditions necessary to sustain this habitat.

B.31 In general, the qualifying species of the SAC rely on:

- The sites ecosystem as a whole;
- Maintenance of populations of species that they feed on; and
- Habitat connectivity between breeding and terrestrial habitat to sustain metapopulations.

Great crested newts; *Triturus cristatus*

- Habitat preferences: Requires aquatic habitat, such as ponds for breeding in areas such as pastoral and arable farmland, woodland and grassland.
- Diet: Aquatic invertebrates.

Breckland SPA

Overview of site and its location

B.32 The Breckland SPA is located in parts of both Norfolk and Suffolk in the heart of East Anglia. It forms part of The Brecks National Character Area (NCA 85), which has an ages-old identity, a very particular land use history and a richly distinctive wildlife, which sets it apart from all surrounding landscapes. The area consists of a gently undulating plateau underlain by a bedrock of Cretaceous Chalk, which is covered largely by thin deposits of sand and flint of glacial origin. The semi-continental climate, with low rainfall and free-draining soils, has led to the development of dry heath and grassland communities. The complex of soils has led to the creation of intimate mosaics of heather dominated heathland with acid and calcareous grassland rarely found elsewhere. The remnants of the dry heath and grassland that remain within the SPA today support populations of Annex 1 heathland breeding birds, where grazing by sheep and rabbits is sufficiently intensive to create short turf and open ground.

Qualifying features

B.33 Annex I of the Wild Birds Directive:

- A133 Stone-curlew; *Burhinus oedicnemus* (Breeding)
- A224 European nightjar; *Caprimulgus europaeus* (Breeding)
- A246 Woodlark; *Lullula arborea* (Breeding)

Conservation objectives

B.34 With regard to the SPA and the individual species and/or assemblage of species for which the site has been classified (the 'Qualifying Features' listed below), and subject to natural change.

B.35 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:

- 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; and
- The distribution of the qualifying features within the site.

B.36 This document should be read in conjunction with the accompanying Supplementary Advice document, which provides more detailed advice and information to enable the application and achievement of the Objectives set out above.

Key vulnerabilities

B.37 Refer to Breckland SAC (above).

Non-qualifying habitats and species upon which the qualifying habitats and/or species depend

B.38 In general, the three qualifying species all rely on:

- The site's 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 foraging habitat for these species. In particular, this includes open grassland, heathland and arable land; and
- Open landscape with unobstructed line of sight within nesting, foraging or roosting habitat. The individual qualifying species of the SPA also rely on the following habitats and species:

Stone curlew; *Burhinus oedicnemus*

- Habitat preferences: This species breeds on grassland, heathlands, arable and sometimes conifer plantations, particularly in areas with heath glades.
    - In addition to this, stone curlew are known to use arable land and heathland for post-breeding flocks.
    - This species tends to prefer foraging within 1km from a nest site.
- Diet: Invertebrates that are found on the ground, including earthworms, ground and dung beetles.

Woodlark; *Lullula arborea*

- Habitat preferences: This species uses open grassland and heather heaths to breed; and grassland and arable land to forage. This species is also sometimes observed nesting along the margins of arable areas.
    - More recently this species has taken to nesting on fallow land and the system of rotational clear-felling within the conifer plantations has provided ideal breeding conditions for woodlark.
    - This species primarily uses the SPA for breeding; however they are also known to use the SPA during the winter.
- Diet: Insects, including beetles, caterpillars and spiders during the breeding season and seeds during the winter.

Nightjar; *Caprimulgus europaeus*

- Habitat preferences: This species exclusively uses afforested land, including clear fells and young plantations for breeding; and open heathlands, grasslands and arable land for foraging.
- Diet: Insects, especially moths and beetles.

Appendix C

Detailed screening assessment of policies

Built environment and design policies

Policy WLW1 – High quality and sustainable design

Potential likely significant effects

C.1 None – this policy seeks to ensure that any new development enhances and respects the existing character of the parish whilst minimising the impact of new development on the environment through a set of criteria. This policy will not directly result in development in the Neighbourhood Plan area.

Conclusion

C.2 No likely significant effect predicted.

Housing policies

Policy WLW2 – Scale and location of new housing

Potential likely significant effects

C.3 None – this policy recognises that the scale of new housing in the parish is reflective of its position within the settlement hierarchy for the District. Like Policy WLW1, the policy recognises the importance of maintaining and enhancing the form, character and setting of the area, including the local historic and natural environment. This policy will not directly result in development in the Neighbourhood Plan area.

Conclusion

C.4 No likely significant effect predicted.

Policy WLW3 – Housing size, type and tenure

Potential likely significant effects

C.5 None – this policy supports the continuation of the current broad mix of housing that helps meet local need and contributes towards a balanced community in the parish. This policy will not directly result in development in the Neighbourhood Plan area.

Conclusion

C.6 No likely significant effect predicted.

Community infrastructure

Policy WLW4 – Community facilities

Potential likely significant effects

C.7 None - this policy seeks to protect existing community facilities in the parish unless an equally beneficial or improved recreational facility is provided in an equally accessible location. The policy further indicates support for the development of new, expanded or improved sports and recreation amenities, but does not directly allocate development. This policy will not directly result in development in the Neighbourhood Plan area.

Conclusion

C.8 No likely significant effect predicted.

Policy WLW5 – Drainage and flood risk

Potential likely significant effects

C.9 None – this policy supports the requirement for appropriate sustainable drainage systems for all new development, including minor developments, to protect against pollution, provide drainage and wider amenity, recreational and biodiversity benefits to the parish. It further supports the mitigation of flooding in all developments and does not support development in areas of high or medium flood risk. This policy will not directly result in development in the Neighbourhood Plan area.

Conclusion

C.10 No likely significant effect predicted.

Transport and accessibility

Policy WLW6 – Pedestrian and cycling connectivity

Potential likely significant effects

C.11 None – whilst this policy encourages the provision of new active pedestrian and cycle infrastructure along specific routes within the Neighbourhood Plan area, it does not explicitly allocate development. This policy will not directly result in development in the Neighbourhood Plan area.

Conclusion

C.12 No likely significant effect predicted.

Policy WLW7 – Rights of way

Potential likely significant effects

C.13 None - this policy seeks to protect and enhance existing Public Rights of Way within the parish. Public Rights of Way should be retained, unless it can be demonstrated that there is strong community support for it to be re-routed. This policy will not directly result in development in the Neighbourhood Plan area.

Conclusion

C.14 No likely significant effect predicted.

Natural and historic environment

Policy WLW8 – Area of Local Landscape Sensitivity

Potential likely significant effects

C.15 None - this policy seeks to retain the natural features of a valued area of the parish as an Area of Local Landscape Sensitivity – essentially a continuation of the Special Landscape Area policy outlined in the 1998 Adopted Local Plan that does not feature in the emerging Joint Local Plan. This policy will not directly result in development in the neighbourhood plan area.

Conclusion

C.16 No likely significant effect predicted.

Policy WLW9 – Important Public Local Views

Potential likely significant effects

C.17 None - this policy will ensure proposed development does not have an adverse impact on the 21 Important Public Local Views identified within this policy. This policy will not directly result in development in the Neighbourhood Plan area.

Conclusion

C.18 No likely significant effect predicted.

Policy WLW10 – Dark Skies

Potential likely significant effects

C.19 None - this policy seeks to reduce light spillage and glare and ensure good lighting design and management is utilised to protect areas within the parish with dark skies. Furthermore, the policy sets out a requirement for development proposals to include a detailed lighting scheme/strategy to demonstrate how good lighting management and energy efficiency will be included within the development. This policy will not directly result in development in the Neighbourhood Plan area.

Conclusion

C.20 No likely significant effect predicted.

Policy WLW11 – Local Green Spaces

Potential likely significant effects

C.21 None- this policy sets out the green spaces identified as Local Green Spaces. The policy states that the approach to development within Local Green Spaces will mirror the approach taken for the Green Belt. This policy will not directly result in development in the Neighbourhood Plan area.

Conclusion

C.22 No likely significant effect predicted.

Policy WLW12 – Protecting and enhancing biodiversity

Potential likely significant effects

C.23 None - this policy states that development proposals will be expected to protect and enhance existing ecological networks, wildlife corridors and priority species in accordance with the biodiversity mitigation hierarchy. Where loss or damage is unavoidable, mitigation should be sought. Furthermore, the policy states that acceptable development proposals will be supported where a minimum of 10% biodiversity net gain is achieved. This policy will not directly result in development in the Neighbourhood Plan area.

Conclusion

C.24 No likely significant effect predicted.

Policy WLW13 – Renewable energy/solar

Potential likely significant effects

C.25 None - this policy outlines requirements for the development of renewable energy or solar projects in line with other policies of the Neighbourhood Plan. This policy will not directly result in development in the Neighbourhood Plan area.

Conclusion

C.26 No likely significant effect predicted.

Policy WLW14 – Important unlisted buildings (Non-designated Heritage Assets)

Potential likely significant effects

C.27 None - this policy identifies locally important heritage assets in the parish, which development proposals within the Neighbourhood Plan area must consider and treat as Non-designated Heritage Assets. This policy will not directly result in development in the Neighbourhood Plan area.

Conclusion

C.28 No likely significant effect predicted.

Economy

Policy WLW15 – New and existing business

Potential likely significant effects

C.29 None - this policy supports the expansion of existing businesses and new small-scale businesses that reuse redundant or unused historic or farm buildings where they do not have a significant adverse impact upon the local landscape character (including important views), designated heritage assets, residential amenity (including noise, light and air pollution, loss of privacy and overlooking) and the existing highway network. This policy will not directly result in development in the Neighbourhood Plan area.

Conclusion

C.30 No likely significant effect predicted.

References

1 The Conservation (Natural Habitats, &c.) (Amendment) Regulations 2007 (2007) SI No. 2007/1843. TSO (The Stationery Office), London.

2 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).

3 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).

4 https://www.gov.uk/guidance/appropriate-assessment

5 Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (the 'Habitats Directive')

6 Directive 2009/147/EC of 30 November 2009 on the conservation of wild birds (the 'Birds Directive')

7 The network of protected areas identified by the EU: https://ec.europa.eu/environment/nature/natura2000/index_en.htm

8 https://www.gov.uk/government/publications/changes-to-the-habitats-regulations-2017/changes-to-the-habitats-regulations-2017

9 Defra and Natural England (2021) Guidance - Habitats regulations assessments: protecting a European site, https://www.gov.uk/guidance/habitats-regulations-assessments-protecting-a-european-site

10 NPPF para 176, available from https://www.gov.uk/guidance/national-planning-policy-framework

11 The HRA Handbook, Section A3. David Tyldesley & Associates, a subscription based online guidance document: https://www.dtapublications.co.uk/handbook/European

12 Defra and Natural England (2021) Guidance - Habitats regulations assessments: protecting a European site, https://www.gov.uk/guidance/habitats-regulations-assessments-protecting-a-european-site

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 The HRA Handbook. David Tyldesley & Associates, a subscription based online guidance document: https://www.dtapublications.co.uk/handbook/European

17 Conservation objectives are published by Natural England for SACs and SPAs: http://publications.naturalengland.org.uk/category/6490068894089216

18 In line with the CJEU judgment in Case C-323/17 People Over Wind v Coillte Teoranta, mitigation must only be taken into consideration at this stage and not during Stage 1: HRA Screening.

19 In addition to European site citations and conservation objectives, key information sources for understanding factors contributing to the integrity of European sites include (where available) conservation objectives supplementary advice and Site Improvement Plans prepared by Natural England: http://publications.naturalengland.org.uk/category/5458594975711232

20 Wealden v SSCLG [2017] EWHC 351 (Admin).

21 A buffer distance of 20km has been applied based on the buffer distance applied to North Essex HRAs. This seems relevant given the large distances identified in relation to recreation.

22 Chapman, C. & Tyldesley, D. (2016) Functional linkage: How areas that are functionally linked to European sites have been considered when they

may be affected by plans and projects – a review of authoritative decisions. Natural England Commissioned Reports, Number 207.

23 Obtained from the Natural England website. Available at: www.naturalengland.org.uk

24 Natural England (undated) Conservation Objectives for European Sites [online]. Available at: http://publications.naturalengland.org.uk/category/6490068894089216

25 SI No. 2017/2012.

26 ECJ Case C-127/02 “Waddenzee” Jan 2004.

27 David Tyldesley & Associates, The HRA Handbook, Section A3. A subscription based online guidance document, available at: https://www.dtapublications.co.uk/handbook/European

28 David Tyldesley & Associates, The HRA Handbook, Section A3. A subscription based online guidance document, available at: https://www.dtapublications.co.uk/handbook/European

29 British Wildlife Magazine. October 2007.

30 Wealden v SSCLG [2017] EWHC 351 (Admin).

31 LUC (2019) HRA of Forest Heath SIR

32 LUC (2019) HRA of Forest Heath SIR

33 JNCC (2019) UK Protected Area Datasets for Download

34 Natural England (2014-2015) Site Improvement Plans; East of England

35 Natural England (undated) Conservation Objectives for European Sites

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