



Badwell Ash & Long Thurlow

Neighbourhood Plan 2024-2038

Habitats Regulations Assessment Screening Report

Babergh & Mid Suffolk District Councils

Final report

Prepared by LUC

November 2024

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Land Use Consultants Limited

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Badwell Ash & Long Thurlow Neighbourhood Plan 2024-2038

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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 Habitats Regulations Assessment (HRA) Screening of the Badwell Ash & Long Thurlow Neighbourhood Plan 2024-2038. The Neighbourhood Plan has been prepared by Badwell Ash & Long Thurlow Parish Council and in accordance with the requirements of the Government's Neighbourhood Planning Regulations. This HRA Screening Report relates to the Pre-Submission Draft version of the Badwell Ash & Long Thurlow Neighbourhood Plan (September 2024).

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 [See reference 2], as amended. Neighbourhood Plans, once 'made' (adopted), 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 their 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 1.14). 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: Special Protection Areas (SPAs) and Special Areas of Conservation (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. Before EU exit day, designation of SACs also had regard 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' has been 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 refers to the new 'national site network';
- The national site network includes existing SACs and SPAs; and new SACs and SPAs designated under these Regulations; and

- 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 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 Regulation 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 Babergh and Mid Suffolk District Councils to carry out HRA work on the Councils' behalf, and the outputs will be reported to and considered by the Councils as the competent authority.

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 considering mitigation, described in the 'Typical stages' section overleaf.]

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 report presents the methodology and 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 data on 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) judgment 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 wording 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 are to be considered at the Appropriate Assessment stage as relevant.

1.18 This HRA also fully considers the *Holohan v An Bord Pleanala* (November 2018) judgment 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 will (where necessary) fully consider 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, will also be fully considered where needed.

1.20 Similarly, effects on both qualifying and supporting habitats and species on functionally linked land (FLL) or habitat will be considered where needed in the HRA, in line with the High Court judgment in *RSPB and others v Secretary of State and London Ashford Airport Ltd* [2014 EWHC 1523 Admin] (paragraph 27), which stated that:

“There is no authority on the significance of the non-statutory status of the FLL. However, the fact that the FLL was not within a protected site does not mean that the effect which a deterioration in its quality or function could have on a protected site is to be ignored. The indirect effect was still protected. Although the question of its legal status was mooted, I am satisfied... that while no particular legal status attaches to FLL, the fact that land is functionally linked to protected land means that the indirectly adverse effects on a protected site, produced by effects on FLL, are scrutinised in the same legal framework just as are the direct effects of acts carried out on the protected site itself. That is the only sensible and purposive approach where a species or effect is not confined by a line on a map or boundary fence. This is particularly important where the boundaries of designated sites are drawn tightly as may be the UK practice.”

1.21 In addition to this, the HRA will take into consideration the ‘Wealden’ judgment from the Court of Justice for the European Union.

1.22 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.

1.23 In light of this judgment, the HRA will therefore where needed consider 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.

1.24 The HRA also takes into account the Grace and Sweetman (July 2018) judgment 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””

1.25 Therefore, if an Appropriate Assessment of the Neighbourhood 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

1.26 This chapter (Chapter 1) has described the background to the production of the Badwell Ash & Long Thurlow Neighbourhood Plan and the requirement to undertake HRA. The remainder of the report is structured as follows:

- Chapter 2: Badwell Ash & Long Thurlow 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 Badwell Ash & Long Thurlow Neighbourhood Plan and describes the next steps to be undertaken.

Chapter 2

Badwell Ash & Long Thurlow Neighbourhood Plan

Vision and Objectives

2.1 The overarching vision for Badwell Ash & Long Thurlow for the period up to 2038 is:

“Badwell Ash and Long Thurlow will be a thriving, healthy, safe, rural community with good facilities for all, improved pedestrian and cycle access/ connectivity and appropriate viable businesses supported by the community. Any development will reflect current and future housing needs, be sympathetically designed, built with suitable infrastructure and be sustainable with ambitious Net Zero targets. Our local heritage will continue to be proactively valued and improved. From an environmental perspective, the rural setting, green spaces and wildlife will be protected, nurtured and enhanced.”

2.2 The vision is supported by five objectives. Each objective has informed and guided the content of the planning policies within the Neighbourhood Plan. The objectives are as follows:

- Design and Housing
 - To ensure that new housing development in the parish reflects the needs of the population both now and in the future.
- Community Infrastructure

- To ensure that the parish remains a thriving, healthy and safe rural community with good facilities which are accessible and available for all.
- Accessibility
 - To encourage pedestrian and cycle connectivity within each of the individual settlements within the parish and also between them, particularly between Badwell Ash and Long Thurlow.
- Business
 - To encourage and support local businesses, helping them to grow and flourish contributing to the economic health and sustainability of the community.
- Natural Environment
 - To protect and enhance the parish's local heritage, rural setting, green spaces and wildlife.

Policies

2.3 The policies within the Badwell Ash & Long Thurlow Neighbourhood Plan are as follows:

- Policy BALT1 - Design guidance and codes
- Policy BALT2 - Scale and pattern of new housing development
- Policy BALT3 - Housing Mix
- Policy BALT4 - Exception Sites
- Policy BALT5 – Residential amenity
- Policy BALT6 - Parish wide community facilities
- Policy BALT7 - Badwell Ash village hall
- Policy BALT8 - Infrastructure

- Policy BALT9 – Flood risk and mitigation
- Policy BALT10 - Pedestrian and cycle connectivity
- Policy BALT11 - Public Rights of Way
- Policy BALT12 – Traffic management and safety
- Policy BALT13 – New and existing businesses
- Policy BALT14 - Biodiversity
- Policy BALT15 – Low carbon and eco-design including Zero Carbon buildings
- Policy BALT16 - Dark skies
- Policy BALT17 - Landscape Character and settlement gaps
- Policy BALT18 – Important views in Badwell Ash
- Policy BALT19 – Local Green Spaces in Badwell Ash
- Policy BALT20 – Non-designated Heritage Assets in Badwell Ash
- Policy BALT21 – Important views in Badwell Green
- Policy BALT22 – Local Green Spaces in Badwell Green
- Policy BALT23 – Non-designated Heritage Assets in Badwell Green
- Policy BALT24 – Important views in Long Thurlow
- Policy BALT25 – Local Green Spaces in Long Thurlow
- Policy BALT26 – Non-designated Heritage Assets in Long Thurlow

2.4 The Neighbourhood Plan does not allocate any sites for new housing or other built development. Policy BALT2 - Scale and pattern of new housing development states that the scale and pattern of new development in the parish should conserve and enhance the form and character of the existing settlements of Badwell Ash and Long Thurlow. New housing development within the Parish over the plan period should consolidate the existing settlement pattern and be located within the defined settlement boundaries for Badwell Ash and Long Thurlow. Policy BALT4 – Exception sites sets out

Chapter 2 Badwell Ash & Long Thurlow Neighbourhood Plan

criteria that will apply to affordable housing developments that may come forward within the parish.. The Neighbourhood Plan is therefore in line with development proposed within the Joint Local Plan (Part 1) which has been subject to its own HRA.

Chapter 3

Methodology

Screening Assessment

3.1 HRA Screening of the Badwell Ash & Long Thurlow Neighbourhood Plan has been undertaken in line with current available guidance and has sought to meet the requirements of the Habitats Regulations. The tasks that have been undertaken during the Screening stage of the HRA are described in detail below and the conclusions are presented in the next chapter.

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 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 the Neighbourhood 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 20]. In line with HRA requirements, the application of a 20km buffer is considered a highly precautionary distance with relation to potential impacts to the surrounding area.

3.5 The assessment also considers 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 21]. HRA therefore

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

3.7 The European sites identified for inclusion in the HRA on the basis of being within 20km of Badwell Ash & Long Thurlow Parish all lie northeast and northwest of the Parish and are:

- Breckland SPA
- Breckland SAC
- Redgrave & South Lopham Fens Ramsar site
- Waveney & Little Ouse Valley Fens SAC

3.8 The closest sites are Waveney & Little Ouse Valley Fens SAC and Redgrave & South Lopham Fens Ramsar site (these sites cover the same area) which lie approximately 10.5km north east of the Parish. The location of these European sites is illustrated in Figure A.1 in Appendix A and detailed information about the European sites is provided in Appendix B, described with reference to Standard Data Forms for the SPA and Natural England's Site Improvement Plans [See reference 22]. Natural England's conservation objectives [See reference 23] for the SPA has 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.

Assessment of 'likely significant effects' of the plan

3.9 As required under Regulation 105 of the Conservation of Habitats and Species Regulations 2017 [See reference 24] (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.

3.10 If the potential for policies to have likely significant effects is identified, consideration would then be 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; and
- Changes to hydrology, including water quantity and quality.

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

3.12 A Screening assessment was undertaken (Chapter 4), to document consideration of the potential for likely significant effects resulting from each policy in the Neighbourhood Plan. A risk-based approach involving the application of the precautionary principle was adopted in the assessment, such that a conclusion of 'no significant effect' would only be 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.

Interpretation of ‘likely significant effects’

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

3.14 In the Waddenzee case [See reference 25], the European Court of Justice ruled on the interpretation of Article 6(3) of the Habitats Directive (translated into Reg. 102 in 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” (paragraph 44). An effect should be considered ‘significant’, “if it undermines the conservation objectives” (paragraph 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” (paragraph 47).

3.15 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.”

3.16 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’.

3.17 The HRA Screening assessment therefore considers whether the Pre-Submission Draft Badwell Ash & Long Thurlow Neighbourhood Plan policies could have likely significant effects either alone or in combination.

Mitigation provided by the plan

3.18 Some of the potential effects of a 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

3.19 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.

3.20 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 26](#)].

3.21 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.

3.22 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.

3.23 The online HRA Handbook [[See reference 27](#)] 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;

Chapter 3 Methodology

- 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; and
- Proposals in adopted plans.

Chapter 4

Screening Assessment

4.1 As described in Chapter 3, a Screening assessment was carried out in order to identify the likely significant effects of the Badwell Ash & Long Thurlow Neighbourhood Plan on the scoped-in European sites. The detailed Screening assessment of the policies in the emerging Neighbourhood Plan can be found below.

HRA Screening of policies

Policy BALT1 – Design guidance and codes

Potential likely significant effects

4.2 None – This policy states when considering proposals for new development, irrespective of scale or use, detailed consideration will be given to both the parish wide general design principles and the parish wide design guidance. This policy will not directly result in development.

Policy BALT2 – Scale and pattern of new housing development

Potential likely significant effects

4.3 None – This policy states the scale and pattern of new development in the parish should conserve and enhance the form and character of the existing settlements. This policy will not directly result in development.

Policy BALT3 – Housing Mix

Potential likely significant effects

4.4 None – This policy states where new housing is proposed in the parish, it should be provided in line with the latest evidence of need and to create a mix of housing that meets those needs whilst contributing to retaining the parish's current broad mix of housing. This policy will not directly result in development.

Policy BALT4 – Exception Sites

Potential likely significant effects

4.5 None – This policy sets out the criteria to be met for proposals where affordable housing is to be provided within the parish as either a rural exception site or a community-led development. This policy will not directly result in development.

Policy BALT5 – Residential amenity

Potential likely significant effects

4.6 None – This policy states proposals for new development should not adversely affect the amenity of adjacent residential dwellings or exacerbate existing or cause new pollution problems. This includes pollution in all forms such as air, noise, dust, vibration, water, light or traffic generated, either by the proposed use or the building itself. The policy will not directly result in development.

Policy BALT6 – Parish wide community facilities

Potential likely significant effects

4.7 None - This policy states proposals for development including changes of use which would involve the potential loss of one of the existing community facilities will not be supported except where an improved or equivalent facility can be located elsewhere in the parish in an equally convenient, safe and accessible location or where there is no reasonable prospect of continued viable use, and this can be sufficiently demonstrated. This policy will not directly result in development.

Policy BALT7 – Badwell Ash Village Hall

Potential likely significant effects

4.8 None – This policy states proposals to improve, extend or redevelop the existing village hall which would result in the provision of an enhanced

community facility, multi-use recreation area and parking to benefit the parish will be supported. This policy will not directly result in development.

Policy BALT8 - Infrastructure

Potential likely significant effects

4.9 None – This policy states where new development is proposed in the parish, developers will be expected to demonstrate that the proposal can be supported by the appropriate physical and digital infrastructure and that adequate sewerage, drainage, water pressure, broadband and electricity connections can be achieved. The policy will not directly result in development.

Policy BALT9 – Flood risk and mitigation

Potential likely significant effects

4.10 None – This policy states all new development including minor development, is required to use appropriate sustainable drainage system which will mitigate and protect against pollution, provide drainage and wider amenity, recreational and biodiversity benefits commensurate with the size of the development. The policy will not directly result in development.

Policy BALT10 – Pedestrian and cycle connectivity

Potential likely significant effects

4.11 None – This policy states proposals which would contribute to making the parish safer and more accessible for pedestrians and cyclists and would contribute to the health and wellbeing of residents will be supported. Where new pedestrian or cycle routes or crossings are to be provided, they should be safe, accessible and suitable for all users. The policy will not directly result in development.

Policy BALT11 – Public Rights of Way

Potential likely significant effects

4.12 None – This policy states existing public rights of way must be protected and enhanced. Where new development is likely to affect the route of an existing right of way, that right of way must preferably be retained unless it can be demonstrated that there is strong community support for it to be re-routed. New development proposals must improve or enhance public rights of way for example through the provision of new routes, new connections, improves surfaces or signage. This policy will not directly result in development.

Policy BALT12 – Traffic management and safety

Potential likely significant effects

4.13 None – This policy states that proposals for new development should be supported by sufficient information proportionate to the scale of the proposal which will allow adequate assessment of potential transport impacts. This information should include as a minimum, baseline figures for traffic movements prior to the implementation of the proposal and projected levels after the proposal together with any required mitigation measures. This policy will not directly result in development.

Policy BALT13 – New and existing businesses

Potential likely significant effects

4.14 None – This policy states proposals for the expansion of existing businesses which provide opportunities for local job creation which will benefit the local community will be supported, provided they would not have a significant adverse impact on the character the area, the amenity of local residents, important public local views, heritage assets or local green spaces, either through their built form, the use proposed or the traffic to be generated. This policy will not directly result in development.

Policy BALT14 – Biodiversity

Potential likely significant effects

4.15 None – This policy states proposals for new development will be expected to protect and enhance existing ecological networks, wildlife corridors and priority species. Existing priority habitats and other features of biodiversity value within the parish should be retained. Development proposals must seek to retain and enhance existing features and avoid loss or damage of biodiversity. The policy will not directly result in development.

Policy BALT15 – Low carbon and eco-design including Zero Carbon buildings

Potential likely significant effects

4.16 None – This policy states development proposals that are ‘zero carbon ready’ by design as relevant to their nature, scale and location so that they will minimise the amount of energy needed to heat and cool buildings by way of their layout, building orientation, massing and landscaping will be supported and encouraged. The policy will not directly result in development.

Policy BALT16 – Dark skies

Potential likely significant effects

4.17 None – This policy states the existing dark skies of the parish will be preserved, and development proposals will be expected to minimise light

spillage and glare and ensure good lighting management and design to protect those areas of the parish with intrinsically dark skies and minimise further increases of light pollution within the parish as a whole. The policy will not directly result in development.

Policy BALT17 – Landscape and settlement gaps

Potential likely significant effects

4.18 None – This policy states proposals that would have adverse impacts on the visual scenic value of the landscape and countryside within the parish outside of the defined settlement boundaries will be resisted. The policy will not directly result in development.

Policy BALT18 – Important views in Badwell Ash

Potential likely significant effects

4.19 None – This policy states development proposals within or which would affect an important public local view should take account of the view concerned and developments which would have an unacceptable adverse impact upon the landscape or character of the view concerned will not be supported. The policy will not directly result in development.

Policy BALT19 – Local Green Spaces in Badwell Ash

Potential likely significant effects

4.20 None – This policy states development within Local Green Spaces will be managed consistent with the approach taken to managing Green Belts. The policy will not directly result in development.

Policy BALT20 – Non-designated Heritage Assets in Badwell Ash

Potential likely significant effects

4.21 None – This policy states heritage assets that are considered to be locally important to Badwell Ash in terms of their architectural, historical, or cultural significance will be treated as Non-designated Heritage Assets. The policy will not directly result in development.

Policy BALT21 – Important views in Badwell Green

Potential likely significant effects

4.22 None – This policy states development proposals within or which would affect an important public local view should take account of the view concerned and developments which would have an unacceptable adverse impact upon the

landscape or character of the view concerned will not be supported. The policy will not directly result in development.

Policy BALT22 – Local Green Space in Badwell Green

Potential likely significant effects

4.23 None – This policy states development within Local Green Spaces will be managed consistent with the approach taken to managing Green Belts. The policy will not directly result in development.

Policy BALT23 – Non-designated Heritage Assets in Badwell Green

Potential likely significant effects

4.24 None – This policy states heritage assets that are considered to be locally important to Badwell Ash in terms of their architectural, historical, or cultural significance will be treated as Non-designated Heritage Assets. The policy will not directly result in development.

Policy BALT24 – Important views in Long Thurlow

Potential likely significant effects

4.25 None – This policy states development proposals within or which would affect an important public local view should take account of the view concerned and developments which would have an unacceptable adverse impact upon the landscape or character of the view concerned will not be supported. The policy will not directly result in development.

Policy BALT25 – Local Green Spaces in Long Thurlow

Potential likely significant effects

4.26 None – This policy states development within Local Green Spaces will be managed consistent with the approach taken to managing Green Belts. The policy will not directly result in development.

Policy BALT26 – Non-designated Heritage Assets in Long Thurlow

Potential likely significant effects

4.27 None – This policy states heritage assets that are considered to be locally important to Long Thurlow in terms of their architectural, historical, or cultural

significance will be treated as Non-designated Heritage Assets: The policy will not directly result in development.

Screening Conclusion

4.28 Since none of the policies of the Badwell Ash & Long Thurlow Neighbourhood Plan are expected to directly result in development (for the reasons detailed above), they will not result in significant effects on European sites. Therefore, consideration does not need to be given to the potential impact pathways to each European site.

Chapter 5

Conclusions 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 Badwell Ash & Thurlow Neighbourhood Plan, either alone or in combination with other policies and proposals.

Next steps

5.2 An Appropriate Assessment is not required for the Badwell Ash & Thurlow Neighbourhood Plan as none of the policies will result directly 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 2024

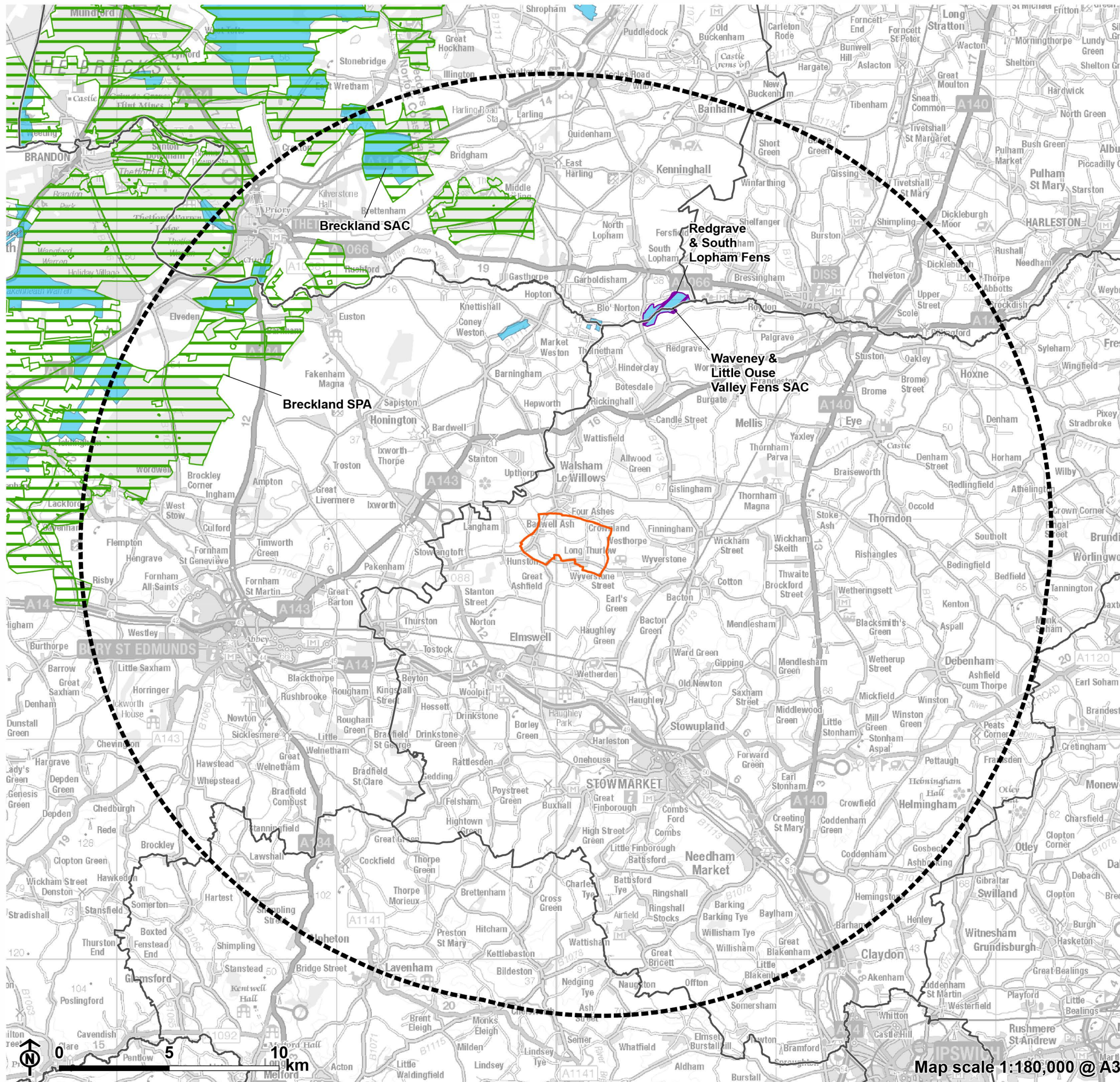
Appendix A







Map of European Sites within 20km of Badwell Ash & Long Thurlow Neighbourhood Plan Area



Habitat Regulations Assessment
Screening
for Babergh Mid Suffolk Neighbourhood
Plans

European Designated Sites within 20km of
Badwell Ash & Long Thurlow Neighbourhood
Plan Area



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

Map scale 1:180,000 @ A3

Appendix B

Attributes of European Sites

B.1 This appendix contains information on the European sites that have been 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 28]. The overviews of sites and their locations are drawn from Natural England's Site Improvement Plans [See reference 29] Site conservation objectives are drawn from Natural England's website and are only available for SACs and SPAs [See reference 30].

Breckland SPA

Overview of site and its location

B.2 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.

B.3 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. The Annex 1 breeding bird species have also adapted to live in arable and forestry habitats, which cover extensive areas of the SPA. In addition to the arable and grass heath habitats, a significant part of the Breckland SPA is characterised by large-scale commercial conifer plantations.

References

Qualifying features

B.4 Annex I specie of the Wild Birds Directive:

- *Burhinus oedicephalus*; Stone-curlew (Breeding)
- *Caprimulgus europaeus*; European nightjar (Breeding)
- *Lullula arborea*; Woodlark (Breeding)

Conservation objectives

B.5 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.6 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 populations of each of the qualifying features; and
- The distribution of the qualifying features within the site.

Key vulnerabilities

- Lack of ground disturbance - Insufficient creation and/or maintenance of bare ground and early successional vegetation communities (dry heath, dune and calcareous grassland). This affects both SAC habitat and its

References

characteristic invertebrate species, and SPA species (Stone curlew, Woodlark).

- Undergrazing - Undergrazing, both by domestic livestock and wild rabbits affects the majority of grassland & heathland sites throughout the SPA/SAC, which puts at risk the quality of SAC habitats and their characteristic species, including SPA bird species.
- Forestry and woodland management - There has been a significant decline in the numbers of woodlark and nightjar since the SPA classification. This can be largely explained by the loss of available habitat through the natural cycle of timber harvesting. For woodlark there is also some decline in habitat quality.
- Water pollution - There has been a considerable loss of aquatic species in Ringmere and high nutrient levels recorded in previous water analysis suggest nutrients are impacting the mere.
- Changes in species distribution - There are significant declines of rare and scarce vascular plant species that are part of SAC habitat.
- Changes in species distribution - Characteristic rare and scarce lichens of calcareous grass heath have largely disappeared from their historic sites, and lichen heath in general is in decline more broadly across heaths and grasslands. This affects the quality of the SAC habitats.
- Stone curlew monitoring and intervention - Stone Curlew have adapted to breed on arable farmland. Nests and chicks are vulnerable to some farming operations at specific times, especially because they are well camouflaged and chicks tend to stay motionless when disturbed. Breeding success is improved by monitoring and intervention.
- Planning Permission: general - Development, especially for housing, roads and solar farms can impact on SPA species (Stone curlew, Woodlark, Nightjar).
- Monitoring - Continued and expanded monitoring of SPA species and their habitat is essential to targeting appropriate management and identify the impacts of, and potential mitigation for, development. There is insufficient certainty of funding of monitoring, together with incomplete coverage of existing monitoring effort.

References

- Air Pollution: impact of atmospheric nitrogen deposition - Nitrogen deposition exceeds site relevant critical loads for ecosystem protection and hence there is a risk of harmful effects.
- Public Access/Disturbance - Recreational and other activities have the potential to impact both SAC and SPA features. Disturbance does not currently appear to be significantly impacting the bird populations, but the impacts of increased recreational activity is uncertain.
- Climate Change - Perceived effects of climate change could result in impacts on parched grassland, heath and dune communities, as well as component rare species.
- Changes in species distributions - Heather appears to be dying back on a number of heather heaths (WHH, BH, STA), which is not currently explained by management, age cycle or known pathogens.
- Inappropriate scrub control - Excess growth of scrub and trees is affecting open heath and calcareous grasslands. Payment rates for scrub clearance in HLS are too low, whilst availability of capital funds for additional HLS capital works plans is too limited.
- Inappropriate management practices - There is an over-emphasis in site management on heather (especially in its mature phase), as opposed to heathland community, especially the early successional phases, and the dynamism between heathland and grassland communities.
- Habitat fragmentation - Some heaths are relatively small and the connectivity between these and the larger heaths too, is poor. In some cases the individual heaths are physically isolated and the landscape in between is hostile to species dispersal.
- Inappropriate weed control - Invasion of dry heath, dune and calcareous grassland by *Calamagrostis epigejos*.
- Inappropriate pest control - Predation on ground-nesting SPA species, especially Stone curlew and Woodlark.
- Changes in species distribution - Grey hair-grass *Corynephorus canescens* has been lost from one of the two component sites (WWC) where it has previously occurred, and declined in the other (RAFL).

References

- Inappropriate cutting/moving - Chalk grassland communities on Barnham Cross Common have declined as a result of a sub-optimal cutting regime.

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

B.7 The SPA regularly supports small numbers (less than 1% of the GB population) of wintering hen harrier *Circus cyaneus* and breeding goshawk *Accipiter gentilis*, both of which are listed in Annex I to the Birds Directive.

Breckland SAC

Overview of site and its location

B.8 The SAC spans 7548.06ha across the Norfolk / Suffolk border and is situated within the Brecks National Character Area (NCA Profile 085). The NCA is characterised by a gently undulating plateau underlain by bedrock of Cretaceous Chalk that is largely covered by varying depths of windblown sand.

Qualifying features

B.9 Qualifying habitats:

- Inland dunes with open *Corynephorus* and *Agrostis* grasslands
- Natural eutrophic lakes with *Magnopotamion* or *Hydrocharition* - type vegetation
- European dry heaths
- Semi-natural dry grasslands and scrubland facies on calcareous substrates (*Festuco-Brometalia*)

References

- Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (Alno-Padion, Alnion incanae, Salicion albae)

B.10 Qualifying Species:

- Great crested newt *Triturus cristatus*

Conservation objectives

B.11 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

- Refer to Breckland SPA above.

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

- None

Redgrave & South Lopham Fens

Ramsar site

Overview of site and its location

B.12 . The site is an extensive example of lowland base-rich valley, 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, such as dry birch woodland, scrub and carr, floristically-rich fen grassland, mixed fen, wet heath and areas of reed and saw sedge. The site supports many rare and scarce invertebrates, including a population of the fen raft spider *Dolomedes plantarius*.

Qualifying features

Ramsar criterion 1

B.13 The site is an extensive example of spring-fed lowland base-rich valley, remarkable for its lack of fragmentation.

Ramsar criterion 2

B.14 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.

References

Ramsar criterion 3

B.15 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.16 None available.

Key Vulnerabilities

- Fragmentation of habitats – Such fragmentation can impact on their viability and the wider ecological composition of the Annex I habitat. Smaller fragments of habitat can typically support smaller and more isolated populations which are more vulnerable to extinction. These fragments also have a greater amount of open edge habitat which will differ in the amount of light, temperature, wind, and even noise that it receives compared to its interior.
- Hydrology: Water table – Changes in depth, duration, frequency, magnitude and timing of water supply can have significant implications for the assemblage of characteristic plants and animals present.
- Soils, substrate and nutrient cycling – Changes to natural soil properties may therefore affect the ecological structure, function and processes associated with this Annex I feature.
- Changes in off-site supporting habitat – Changes in surrounding land-use may adversely (directly/indirectly) affect the functioning of the feature and its component species. This supporting habitat may be critical to the typical species of the feature to support their feeding, breeding, roosting, population dynamics ('metapopulations'), pollination or to

References

prevent/reduce/absorb damaging impacts from adjacent land uses e.g. pesticide drift, nutrient enrichment.

- Air pollution: Impact from atmospheric nitrogen deposition – Atmospheric nitrogen deposition exceeds the relevant critical loads for coastal dune habitats used by breeding terns and hence there is a risk of harmful effects.

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

B.17 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;
- Insect, 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.18 In general, the qualifying species of the SAC rely on:

- The sites ecosystem as a whole (see list of habitats below); and
- Maintenance of populations of species that they feed on (see list of diets below).

Fen raft spider; *Dolomedes plantarius*

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

References

Invertebrates

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

Waveney & Little Ouse Valley Fens SAC

Overview of site and its location

B.19 This site occurs in the East Anglian centre of distribution of calcareous fens and contains very extensive great fen-sedge *Cladium mariscus* beds, including managed examples, as well as stands in contact zones between small sedge mire and species-poor *Cladium* beds. The habitat type here occurs in a spring-fed valley fen.

B.20 Purple moor-grass – meadow thistle (*Molinia caerulea* – *Cirsium dissectum*) fen-meadows are associated with the spring-fed valley fen systems. The *Molinia* meadows occur in conjunction with black bog-rush – blunt-flowered rush (*Schoenus nigricans* – *Juncus subnodulosus*) mire and calcareous fens with great fen-sedge. Where the fen-meadow is grazed it is more species-rich, with frequent southern marsh-orchid *Dactylorhiza praetermissa*.

B.21 A population of Desmoulin's whorl snail *Vertigo moulinsiana* occurs in a valley fen at Weston Fen.

Qualifying features

B.22 Annex I habitats:

References

- Calcareous fens with *Cladium mariscus* and species of the Caricion davallianae. (Calcium-rich fen dominated by great fen sedge (saw sedge))
- *Molinia* meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae). (Purple moor-grass meadows)

B.23 Annex II species:

- Desmoulin's whorl snail *Vertigo moulinsiana*

Conservation objectives

B.24 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

- Inappropriate shrub control - Historically sections of the fen have been allowed to scrub over. These now form wet woodland and scrub with glades containing the remnants of the qualifying features.

References

- Inappropriate water levels - Concerns have been expressed about water levels in the SAC. Historical evidence suggests that water levels have significantly dropped over time and as a result habitats and features have been damaged.
- Air Pollution: impact of atmospheric nitrogen deposition - Nitrogen deposition exceeds site relevant critical loads.
- Water Pollution - Poor water quality arising from agricultural run-off particularly from nearby outdoor poultry and pig units causes nutrient enrichment and can lead to a reduction in biodiversity.

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

B.25 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.26 More specific information has been provided for each qualifying habitat as follows:

- Molinia meadows on calcareous, peaty or clayey-silt-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.

References

- 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.27 In general, the qualifying species of the SAC rely on:

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

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.

References

- 1 [HM Government \(2007\) The Conservation \(Natural Habitats, &c.\) \(Amendment\) Regulations 2007 \(SI No. 2007/1843\)](#)
- 2 [HM Government \(2017\) The Conservation of Habitats and Species Regulations 2017 \(SI No. 2017/1012\), as amended by HM Government \(2019\) The Conservation of Habitats and Species \(Amendment\) \(EU Exit\) Regulations 2019 \(SI No. 2019/579\)](#)
- 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 [Department for Levelling Up, Housing and Communities \(2019\) Appropriate assessment: Guidance on the use of Habitats Regulations 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: European Commission \(2008\) Natura 2000](#)
- 8 [Department for Environment, Food and Rural Affairs \(2021\) Changes to the Habitats Regulations 2017](#)
- 9 [Department for Environment, Food and Rural Affairs, Natural England, Welsh Government and Natural Resources Wales \(2021\) Habitats regulations assessments: protecting a European site](#)
- 10 [Department for Levelling Up, Housing and Communities \(2023\) National Planning Policy Framework \(paragraph 191\)](#)
- 11 [David Tyldesley & Associates \(undated\) The HRA Handbook \(Section A3\)](#)
– A subscription based online guidance document

References

- 12 [Department for Environment, Food and Rural Affairs, Natural England, Welsh Government and Natural Resources Wales \(2021\) Habitats regulations assessments: protecting a European site](#)
- 13 Regulations 5 of the Habitats Regulations 2017.
- 14 [Department for Levelling Up, Housing and Communities \(2019\) Appropriate assessment: Guidance on the use of the Habitats Regulations 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 [David Tyldesley & Associates \(undated\) The HRA Handbook \(Section A3\)](#) – A subscription based online guidance document
- 17 [Natural England \(undated\) Conservation Objectives for European Sites](#)
- 18 In line with the CJEU judgement 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 SAC and SPA citations and conservation objectives, key information sources for understanding factors contributing to the integrity of the sites include (where available) conservation objectives supplementary advice and Site Improvement Plans prepared by Natural England: [Natural England \(undated\) Site Improvement Plans by region](#)
- 20 A buffer distance of 20 kilometres 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.
- 21 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 0 a review of authoritative decisions. Natural England Commissioned Reports, Number 207.
- 22 Obtained from the [Natural England website](#).
- 23 [Natural England \(undated\) Conservation Objectives for European Sites](#)
- 24 SI No. 2017/2012.

References

- 25 ECJ Case C-127/02 “Waddenzee” Jan 2004.
- 26 [David Tyldesley & Associates \(undated\) The HRA Handbook \(Section A3\)](#)
– A subscription based online guidance document
- 27 [David Tyldesley & Associates \(undated\) The HRA Handbook \(Section A3\)](#)
– A subscription based online guidance document
- 28 [JNCC \(2019\) UK Protected Area Datasets for Download](#)
- 29 [Natural England \(2014-2015\) Site Improvement Plans: East of England](#)
- 30 [Natural England \(undated\) Conservation Objectives for European Sites](#)

Report produced by LUC

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Bristol

12th Floor, Beacon Tower, Colston Street, Bristol BS1 4XE
0117 929 1997
bristol@landuse.co.uk

Cardiff

16A, 15th Floor, Brunel House, 2 Fitzalan Rd, Cardiff CF24 0EB
0292 032 9006
cardiff@landuse.co.uk

Edinburgh

Atholl Exchange, 6 Canning Street, Edinburgh EH3 8EG
0131 202 1616
edinburgh@landuse.co.uk

Glasgow

37 Otago Street, Glasgow G12 8JJ
0141 334 9595
glasgow@landuse.co.uk

London

250 Waterloo Road, London SE1 8RD
020 7383 5784
london@landuse.co.uk

Manchester

6th Floor, 55 King Street, Manchester M2 4LQ
0161 537 5960
manchester@landuse.co.uk

Sheffield

32 Eyre Street, Sheffield, S1 4QZ
0114 392 2366
sheffield@landuse.co.uk

landuse.co.uk

Landscape Design / Strategic Planning & Assessment / Transport Planning
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