



Hoxne Neighbourhood Plan 2022 - 2037

Habitats Regulations Screening
Determination

February 2022

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HOXNE NEIGHBOURHOOD PLAN

HABITATS REGULATIONS DETERMINATION

1. Introduction

This assessment relates to the 'Hoxne Neighbourhood Development Plan 2022 - 2037' which was published for Regulation 14 Pre-submission consultation in January 2022.

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

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

The assessment itself and the level of detail needed will depend on what is proposed in the draft Neighbourhood Plan and the potential impacts on Habitats Sites designated for their nature conservation interest.

This report therefore determines whether a HRA under the UK Conservation of Habitats and Species Regulations 2017, which enacts the Habitats Directive¹, is required for the Hoxne Neighbourhood Plan. In doing so, it refers to:

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

2. Legislative Background

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

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

The Conservation of Habitats and Species Regulations 2017 include regulations on the assessment of plans (including neighbourhood plans) and projects on a Habitats site (European Sites or a European offshore marine site). The first stage is to screen the plan to see whether it is likely to have a significant effect on any Habitats sites. If the plan is 'screened-in' because likely significant effects cannot be ruled out, the next stage is for an Appropriate Assessment to be carried out considering the impact on the Habitats site's conservation objectives. Consent for the Plan can only be given if it is 'screened-out' at the first stage, or the Appropriate Assessment concludes the integrity of the Habitats site will not be adversely affected.

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

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

3. Assessment

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

The draft Neighbourhood Plan sets out six objectives for the long-term future of Hoxne. They are:

1. Retain and protect the heritage and historic character of the village.
2. Maintain and improve its green spaces and surrounding landscape.
3. Support local services which underpin the cohesion of the community.
4. Create a safe environment with traffic managed.
5. Support small scale, high quality, new housing development suitable for younger households and older people.
6. Support small scale high quality business development appropriate to the village.

These objectives translate into 16 planning policies and 2 community actions. The Plan allocates two sites for housing development which, together with existing commitments, means that this Plan provides for around 66 new dwellings over the plan period. The retention and future development of an existing employment site is also addressed. The remaining policies cover a range of topics including heritage, landscape, biodiversity and flood risk.

Five Habitats sites were identified as lying within 20 km of Hoxne parish:

| Special Protection Area (SPA) | Special Area of Conservation (SAC) | Ramsar |
|-------------------------------|------------------------------------|------------------------------|
| Breckland | Waveney & Little Ouse Valley Fens | Redgrave & South Lopham Fens |
| | Dew's Pond | |
| | Norfolk Valley Fens | |

As the Plan area (which is defined by the parish boundary) does not overlap with any of the listed Habitats sites none were screened in for assessment for any likely significant effects resulting from this draft Plan.

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

<https://www.midsuffolk.gov.uk/assets/Neighbourhood-Planning/Hoxne-NP-HRA-Screening-Report-Feb22.pdf>

The screening has been prepared in accordance with the relevant CJEU judgements.

4. Screening Conclusion

The Screening Report concluded that, subject to Natural England's review, the Hoxne Neighbourhood Plan Regulation 14 Pre-submission draft document is not predicted to have any likely Significant Effect on any Habitats site, either alone or in combination with other plans and projects.

Natural England have subsequently confirmed that they concur with the conclusion reached in the HRA Screening Report. A copy of their response is attached at Appendix 1.

5. Determination

In the light of the Screening Report prepared by Place Services and the response to this from the statutory body it is determined that the Hoxne Neighbourhood Plan **does not require** further assessment under the Habitats and Species Regulations 2017 (as amended).

Appendix 1

By e-mail dated 22 February 2022

Our ref. 383383

Dear Mr Bryant

Habitat Regulations Assessment Screening report for the Hoxne Neighbourhood Plan.

Thank you for your email dated 7 February 2022.

I can confirm that Natural England concurs with your conclusion that there is no requirement to undertake an Appropriate Assessment.

Yours sincerely

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