

Wetheringsett cum Brockford Neighbourhood Plan 2022-2037

HRA Report

Babergh & Mid Suffolk District Councils

Final report

Prepared by LUC

October 2023

Version	Status	Prepared	Checked	Approved	Date
1	Draft report	R. Finnigan	K. Nicholls	K. Nicholls	10.10.2023
2	Final report	R. Finnigan	K. Nicholls	K. Nicholls	13.10.2023



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Wetheringsett cum Brockford Neighbourhood Plan 2022-2037

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Chapter 1

Introduction

1.1 LUC has been commissioned by Babergh & Mid Suffolk District Councils (the Councils) to carry out a Habitats Regulations Assessment (HRA) of the Wetheringsett cum Brockford Neighbourhood Plan. The Neighbourhood Plan was prepared by a volunteer team on behalf of Wetheringsett cum Brockford Parish Council (WCBPC), comprising local residents from around the parish including two parish Councillors. This iteration of the HRA report assesses the impacts of the Second Pre-Submission (Regulation 14) Wetheringsett cum Brockford Neighbourhood Plan (published October 2022). An earlier HRA Report was prepared in relation to the First Pre-Submission (Regulation 14) version of the Neighbourhood Plan (June 2022) and that has been drawn from and updated where appropriate.

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; 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 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 the Council's 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 Local 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, 15 and 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 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 Similarly, effects on both qualifying and supporting habitats and species on functionally linked land (FLL) or habitat have been considered 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 takes into consideration the ‘Wealden’ judgement from the CJEU [**See reference 20**].

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 judgement, the HRA therefore considers traffic growth based on the effects of development from the Local 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”.”

1.24 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

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

- Chapter 2: Wetheringsett cum Brockford Neighbourhood Plan summarises the content of the Second Pre-Submission Version 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 Wetheringsett cum Brockford Neighbourhood Plan and describes the next steps to be undertaken.

Chapter 2

Wetheringsett cum Brockford Neighbourhood Plan

Vision

2.1 The overarching vision for Wetheringsett cum Brockford by the end of the Neighbourhood Plan Period in 2037 is:

“Wetheringsett will continue to be a quiet and peaceful place where the landscape, wildlife, open spaces, and heritage valued by its residents are protected and enhanced.

The school, the church and the village hall are at the heart of village activities and include and serve the whole parish.

New development is sustainable and well-designed, respecting the area’s existing character, whilst meeting the economic and social needs of a range of people who choose to live, work, and participate in this thriving rural community.”

2.2 The overarching vision is supported by four area wide objectives, which are reflected throughout the Neighbourhood Plan.

2.3 These four objectives are:

- Objective 1: To manage appropriate new housing, business, and employment development for the benefit of the community and ensure it meets the needs of residents.
- Objective 2: To champion sustainable high-quality design and celebrate the village's historic environment and heritage assets.
- Objective 3: To protect the rural character, biodiversity, and open spaces of the parish.
- Objective 4: To safeguard the parish's existing facilities and encourage the greater use of the school, church, and village hall buildings by the whole community.

2.4 The objectives are used a framework for 14 policies.

Policies

2.5 The policies within the Wetheringsett cum Brockford Neighbourhood Plan are as follows:

Housing and economic development

- Policy WCB1 – Location of new housing
- Policy WCB2 – Housing size, type, and tenure
- Policy WCB3 – Affordable housing on rural exception sites

Economic development and tourism

- Policy WCB4 – Employment and economic development
- Policy WCB5 – The Middy

Design and historic environment

- Policy WCB6 – Design principles
- Policy WCB7 – Historic environment
- Policy WCB8 – Important unlisted buildings (non-designated heritage assets)

Natural environment

- Policy WCB9 – Landscape character and important views
- Policy WCB10 – Protecting and enhancing biodiversity
- Policy WCB11 – Local green spaces
- Policy WCB12 – Amenity and dark skies

Community and access

- Policy WCB13 – Community facilities
- Policy WCB14 – Safe and healthy access

Chapter 3

Methodology

Screening assessment

3.1 HRA Screening of the 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 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 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 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 location 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 Wetheringsett cum Brockford Neighbourhood Plan area

European Site	Closest Distance/Location from Neighbourhood Plan Area
Waveney & Little Ouse Valley Fens SAC	11.9km north-west
Redgrave & South Lopham Fens Ramsar	11.9km north-west
Breckland SPA and SAC	18.8km north-west
Deben Estuary SPA and Ramsar	18.9km south-east

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; and
- 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 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 effects should be considered as 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 (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” (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 Second 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 are considered at the Appropriate Assessment stage for impacts and policies where likely significant effects, either alone or in combination, could not 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; and
- Proposals in draft plans formally published or submitted for final consultation, examination or adoption.

3.25 The need for in-combination assessment also arises at the Appropriate Assessment stage. This will be discussed in more detail if an Appropriate Assessment is required.

Chapter 4

Screening Assessment

4.1 As described in Chapter 3, a screening assessment was carried out to identify the likely significant effects of the 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 significant effect' predicted

4.2 The Wetheringsett cum Brockford Neighbourhood Plan does not allocate any sites for residential development. Instead, a number of the policies within it sets out criteria that any new residential/or employment developments that comes forward must meet. Should schemes which are supported by the Wetheringsett cum Brockford Neighbourhood Plan move forward, individual project-level HRAs should be carried out to determine any likely significant effects.

4.3 Since none of the policies of the Wetheringsett cum Brockford Neighbourhood Plan are expected to directly result in development (see Appendix C), they will not result in significant effects on European sites. Therefore, no likely significant effects are predicted as a result 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 several 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 Wetheringsett cum Brockford 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 because of physical damage and loss to onsite habitat, either alone or in-combination with other plans and policies.

Physical damage and loss (offsite)

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 that 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. These were identified as:

- Deben Estuary SPA and Ramsar site; and
- Breckland SPA.

4.8 Therefore, these European sites were considered susceptible to impacts from proposed development in the plan area. However, given the distance between the European sites and the plan area it is considered unlikely that species listed in designation would rely on offsite habitat within the neighbourhood plan area. This is supported by Natural England who generally advise 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. As no policies will directly result in development likely significant effects because of physical damage and loss to offsite habitat can be ruled out.

4.9 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

4.10 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.

Non-physical disturbance (noise, vibration and light)

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

4.12 It has been assumed that the effects of noise, vibration and light are most likely to be significant within 500 metres. 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 types of disturbance.

4.13 All European sites were 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

4.14 No likely significant effects will occur from the plan because of non-physical disturbance, either alone or in-combination with other plans and policies.

Non-toxic contamination

4.15 Non-toxic contamination can include the creation of dust which can smother habitats preventing natural processes and may also lead to effects associated with increased sediment and dust which can potentially affect the turbidity of aquatic habitats and can also contribute to nutrient enrichment which can lead to changes in the rate of vegetative succession and habitat composition.

4.16 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 types of disturbance, 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.

4.17 All European sites were 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

4.18 No likely significant effects will occur from the plan because of non-toxic contamination, either alone or in-combination with other plans and policies.

Air pollution

4.19 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 because 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.

4.20 In terms of vehicle traffic, nitrogen oxides (NO_x, 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 NO_x can cause eutrophication of soils and water.

4.21 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 to make a judgement about the likely geographical extent of air pollution impacts.

4.22 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 judgment [See reference 30], the traffic growth considered by the HRA should be based on the effects 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 A single strategic road, the A140, is within in the neighbourhood plan area. Additionally, the A14, A143, A1066 and A1120 are strategic roads likely to serve any development within the neighbourhood plan area.

4.26 All European sites are situated over 200m from the strategic roads identified above and/or were not considered to have interest features that are susceptible to impacts from air pollution and were therefore screened out of the assessment.

4.27 No policies will directly result in development and therefore likely significant effects because of air pollution can be ruled out at this stage.

Conclusion

4.28 No likely significant effects will occur from the plan because of air pollution, either alone or in-combination with other plans and policies.

Recreation

4.29 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 because of trampling, fire or vandalism and also through erosion associated with terrestrial activities.

4.30 Each European site will typically have a ‘Zone of Influence’ (ZOI) within which increases in population would be expected to result in likely significant recreation 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 several complex and interacting factors and therefore it is not always appropriate to apply a generic or non-specific ZOI to a European Site.

4.31 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
Deben Estuary SPA and Ramsar	9.7km [See reference 31]
Breckland SPA and SAC	7.5km

4.32 A review of the European sites and their recreational ZOI determined that the following European sites do not have a recreational ZOI that extends into the neighbourhood plan area and can therefore be scoped out of further assessment:

- Breckland SPA and SAC; and
- Deben Estuary SPA and Ramsar.

4.33 Waveney & Little Ouse Valley Fens SAC and Redgrave & South Lopham Fens Ramsar do not have defined ZOI. The habitats and species that these sites are designated for are not considered vulnerable to disturbance from visitors. In addition, it is considered unlikely that any development in Wetheringsett cum Brockford will result in significant increases in visitor numbers due to the European sites distance from the plan area, and the

existence of alternative recreational areas closer to the plan area. As such these designated sites can be screened out from further assessment.

Conclusion

4.34 No likely significant effects will occur from the plan because of recreation, either alone or in-combination with other plans and policies.

Reduced water quantity and quality

4.35 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.

4.36 All European sites, with the exception of Breckland SPA, have been identified to support habitats and/or qualifying species which are susceptible to impacts from changes in water quantity and quality. However, given the nature of the European sites and distance of these European sites to the neighbourhood plan area, hydrological connectivity is considered to be limited.

4.37 Breckland SPA supports bird species, including European nightjar, woodlark and stone curlew, which are not considered reliant on habitats that are susceptible to impacts from changes in water quality and quantity. Thus, this European site has been screened out from further assessment.

4.38 No policies will directly result in development and therefore likely significant effects resulting from changes to water quantity and quality can be ruled out.

Conclusion

4.39 No likely significant effects will occur from the plan because of water quantity and quality, either alone or in-combination with other plans and policies.

Summary of screening assessment

4.40 Table 4.2 below summarises the Screening conclusions reached in this HRA. Impact types for which a conclusion of no likely significant effect ('no LSE') was reached are shown with no colour. Potential impacts where likely significant effects ('potential LSE') could not be ruled out would be shown in orange and considered in more detail at the Appropriate Assessment stage, but no such effects were identified.

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
Waveney & Little Ouse Valley Fens SAC	No LSE	No LSE	No LSE	No LSE	No LSE	No LSE
Redgrave & South Lopham Fens Ramsar	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
Deben Estuary SPA and Ramsar	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 HRA, no likely significant effects are predicted on European sites, either alone or in combination with other policies and proposals. However, it is expected that any development which the Wetheringsett cum Brockford Neighbourhood Plan supports and is within the plan boundary will be required to undertake an individual project-level HRA to determine impacts.

Recommendations

5.2 No changes to the Wetheringsett cum Brockford Neighbourhood Plan are assumed in reaching the conclusion of this HRA as there are likely no significant effects.

5.3 In the HRA Report that was prepared for the First Pre-Submission (Regulation 14) version of the Neighbourhood Plan (June 2022) the following recommendation was made in order to strengthen the protection for European sites provided by Wetheringsett cum Brockford Neighbourhood Plan policies governing windfall development:

WCB1: Location of new housing

- Amendment 1: This policy and supporting text should be amended to state that development may only be supported where no likely significant effects (LSE) or adverse effects on site integrity (AEoI) have been demonstrated through an individual project-level HRA.

5.4 This recommendation has been addressed in the Second Pre-Submission (Regulation 14) version of the Neighbourhood Plan (October 2023), with policy WCB1 including the above text. No further recommendations are made.

Next steps

5.5 An Appropriate Assessment is not required for the Wetheringsett cum Brockford Neighbourhood Plan as none of the policies will result in development. However, project-level HRAs of windfall development should be undertaken as these developments come forwards.

5.6 HRA is an iterative process and as such is expected to be updated considering newly available evidence and comments from key consultees. 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

October 2023

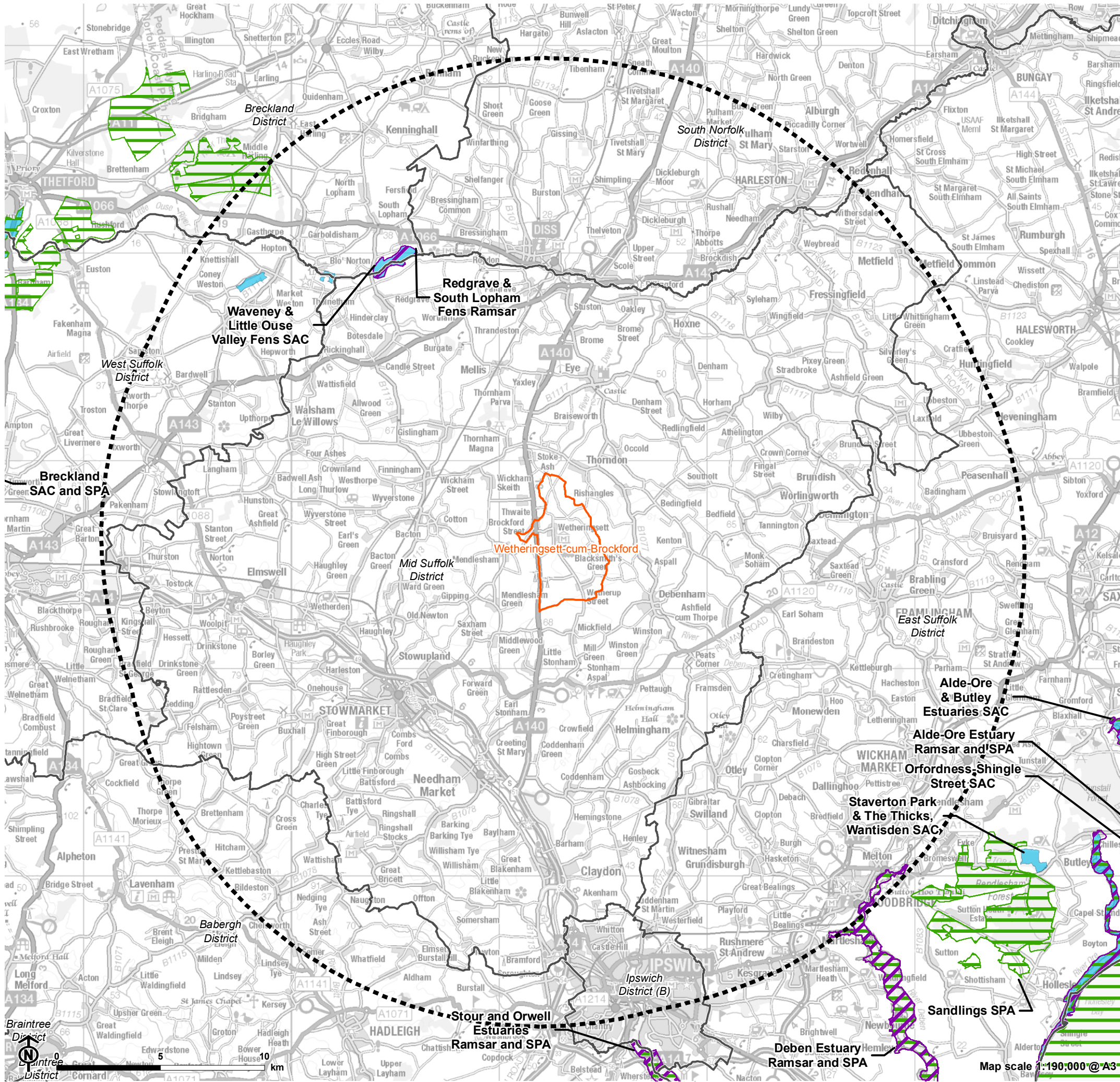
Appendix A Map of European sites within 20km of the Wetheringsett cum Brockford Neighbourhood Plan area

Appendix A

Map of European sites within 20km of the Wetheringsett cum Brockford Neighbourhood Plan area



European Designated Sites within 20km of
Wetheringsett-cum-Brockford Neighbourhood Plan Area



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

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 32]. The overviews of sites and their locations are drawn from Natural England's Site Improvement Plans [See reference 33]. Site conservation objectives are drawn from Natural England's website and are only available for SACs and SPAs [See reference 34].

Waveney & Little Ouse Valley Fens SAC

Overview of site and its location

B.2 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.3 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*. A population of Desmoulin's whorl snail; *Vertigo moulinsiana* occurs in a valley fen at Weston Fen.

B.4 The site has close ecological links with Blo' Norton and Thelnetham Fen SSSI, Redgrave and Lopham Fens SSSI, Weston Fen SSSI.

Qualifying features

B.5 Annex I habitats:

- 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.6 Annex II species:

- Desmoulin's whorl snail; *Vertigo moulinsiana*

Conservation objectives

B.7 With regard to the individual species and/or assemblage of species for which the site has been classified ("the Qualifying Features" listed below).

B.8 Avoid the deterioration of the habitats of the qualifying features, and the significant disturbance of the qualifying features, ensuring the integrity of the site is maintained and the site makes a full contribution to achieving the aims of the Birds Directive.

B.9 Subject to natural change, to maintain or restore:

- The extent and distribution of qualifying natural habitats and habitats of qualifying species;
- The structure and function (including typical species) of qualifying natural habitats;

Appendix B Attributes of European Sites

- 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

- 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 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.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 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.
- 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;
- 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.

Redgrave & South Lopham Fens Ramsar

Overview of site and its location

B.13 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 of characteristics 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.14 The site is an extensive example of spring-fed lowland base-rich valley, remarkable for its lack of fragmentation.

Ramsar criterion 2

B.15 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.16 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.17 None available.

Key vulnerabilities

B.18 Similar to Waveney & Little Ouse Valley Fens SAC (see above).

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

B.19 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;

Appendix B Attributes of European Sites

- 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.20 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.

Invertebrates

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

Deben Estuary SPA

Overview of site and its location

B.21 Deben Estuary is located on the coast of Suffolk in eastern England. It extends south-eastwards for over 12km from the town of Woodbridge to the sea just north of Felixstowe. The estuary mouth is the narrowest section and is protected by the presence of shifting sandbanks. The intertidal areas are

constrained by sea walls. The saltmarsh and intertidal mud-flats that occupy the majority of the site, however, display the most complete range of saltmarsh community types in Suffolk. The estuary holds a range of swamp communities that fringe the estuary, and occasionally form larger stands.

Qualifying features

- Dark-bellied brent goose; *Branta bernicla bernicla*
- Pied avocet; *Recurvirostra avosetta*

Conservation objectives

B.22 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.23 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.

Key vulnerabilities

- Coastal squeeze – Examination of the quality of saltmarsh, rather than quantity (which had shown little change in extent) through a detailed

vegetation mapping survey of saltmarsh habitats (carried out to the National Vegetation Classification (NVC) standard (Abrehart and Jackson 2013)) provides evidence of coastal squeeze. Results were compared with an earlier NVC study (Suffolk Wildlife Trust 1993) and indicated that there had been a widespread decline in the quality of saltmarsh, and an increase in lower marsh habitats at the expense of mid and upper marsh vegetation communities. This is indicative of coastal squeeze as changes result from more frequent inundation. Also, coastal squeeze on saltmarsh will affect mudflat areas as saltmarsh is lost and the estuary balance/function is altered. This may have effects on SPA birds as well. The developing policy of the Deben Estuary Partnership should have scope for natural adaption.

- Public access/disturbance – Increased recreational activity on the estuary could lead to increased levels of disturbance to wintering birds, to their detriment. Sources of disturbance include boats, canoes, jet skis, walkers and dogs, kite surfers, paramotorists, and low flying aircraft, etc. Shooting activity outside the site is unregulated and may be a significant source of disturbance to wintering birds.
- Changes in species distribution – There is a risk of *Spartina anglica* encroaching on estuarine muds. With *Spartina* at the front, and reed encroaching at the back, the saltmarsh could be squeezed out affecting the habitats of birds.
- Air pollution: Risk of atmospheric nitrogen deposition – Air pollution impacts on vegetation diversity. Aerial deposits of nitrogen may exceed the threshold limit (20-30 kg N ha⁻¹ yr⁻¹) above which the diversity of saltmarsh vegetation begins to be altered (possibly to reed) and adversely impacted. The impact on SPA birds is unclear. Many land use practices contribute to this issue including locally land spreading, outdoor pigs, high nutrient inputs on fields, etc.
- Water pollution – Inappropriate water quality may impact on the supporting habitats of SPA birds. Eutrophication may be having an influence on reed growth and saltmarsh composition. Increased flood events could lead to habitat change/loss of diversity. Nutrient run off from farming operations could exacerbate the issue.

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

B.24 In general, the qualifying bird species of the SPA rely on:

- The sites 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, which provide foraging habitat for these species; and
- Open landscape with unobstructed line of sight within nesting, foraging or roosting habitat.

Dark-bellied brent goose (Non-breeding); *Branta bernicla bernicla*

- Habitat preference: Tundra, and on migration marshes and estuaries.
- Diet: Vegetation, especially eel-grass.

Pied avocet; *Recurvirostra avosetta*

- Habitat preference: Mudflats, lagoons, sandy beaches.
- Diet: Invertebrates, especially insects, crustaceans, worms and small fish.

Deben Estuary Ramsar

Overview of site and its location

B.25 Refer to Deben Estuary SPA above.

Qualifying features

Ramsar criterion 2

B.26 Supports a population of the mollusc; *Vertigo angustior* (Habitats Directive Annex II (S1014); British Red Data Book Endangered). Martlesham Creek is one of only about fourteen sites in Britain where this species survives.

Ramsar criterion 6 – species/populations occurring at levels of international importance

Qualifying species/populations (as identified at designation)

B.27 Species with peak counts in winter:

- Dark-bellied brent goose, *Branta bernicla bernicla*

Conservation objectives

B.28 None available.

Key vulnerabilities

B.29 Similar to Deben Estuary SPA (above).

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

B.30 Refer to Deben Estuary SPA (above).

Breckland SPA

Overview of site and its location

B.31 The Breckland of Norfolk and Suffolk lies in the heart of East Anglia on largely sandy soils of glacial origin. In the nineteenth century the area was termed a sandy waste, with small patches of arable cultivation that were soon abandoned. The continental climate, with low rainfall and free draining soils, has led to the development of dry heath and grassland communities. Much of Breckland has been planted with conifers throughout the twentieth century, and in part of the site, arable farming is the predominant land use.

B.32 The remnants of dry heath and grassland which have survived these recent changes support heathland breeding birds, where grazing by rabbits and sheep is sufficiently intensive to create short turf and open ground. These breeding birds have also adapted to live in forestry and arable habitats. Woodlark; *Lullula arborea* and nightjar; *Caprimulgus europaeus* breed in clear-fell and open heath areas, whilst stone curlews; *Burhinus oedicnemus* establish nests on open ground provided by arable cultivation in the spring, as well as on Breckland grass-heath.

Qualifying features

B.33 Annex I populations of the following species during the breeding season:

Appendix B Attributes of European Sites

- Stone curlew; *Burhinus oedicanus*
- Nightjar; *Caprimulgus europaeus*
- Woodlark; *Lullula arborea*

Conservation objectives

B.34 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.

Key vulnerabilities

- Changes in supporting habitat – Grass heath vegetation in Breckland is dependent on low nutrient conditions and is thus vulnerable to aerial nitrogen deposition. The region has one of the highest levels of deposition in Britain, with the current critical load being 10-20 kg N/ha/yr. An increase in nitrogen deposition changes the diversity and composition of vegetation, with the result that less competitive species are replaced by those of a more vigorous nature.

The reduction in the level of short vegetation and bare ground favoured by stone curlew reduces the amount of available nesting and feeding habitat. Management techniques to mitigate nitrogen accumulation impacts are imperfectly understood, but the use of soil disturbance, turf stripping and

encouraging high density rabbit populations are approaches being trialled in Breckland.

- Climate change – Environmental changes may include changes in sea levels, precipitation and temperature for example, which are likely to affect the extent, distribution, composition and functioning of a feature within a site. The vulnerability and response of features to such changes will vary.

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

B.35 Refer to Breckland SPA (above).

B.36 Annex I habitats present as a qualifying feature, but not a primary reason for selection of this site.

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

B.37 Annex II species present as a qualifying feature, but not a primary reason for site selection.

- Great crested newt; *Triturus cristatus*

Breckland SAC

Overview of site and its location

B.38 Refer to Breckland SPA (above).

Qualifying features

B.39 Annex I habitats that are a primary reason for selection of this site:

- 330 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 (*Festuco-Brometalia*) (* important orchid sites).

Conservation objectives

B.40 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.41 Refer to Breckland SPA (above).

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

B.42 Annex I habitats present as a qualifying feature, but not a primary reason for selection of this site.

- 91E0 Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (*Alno-Padion*, *Alnion incanae*, *Salicion albae*) * Priority feature.

B.43 Annex II species present as a qualifying feature, but not a primary reason for site selection.

- 1166 Great crested newt; *Triturus cristatus*

Appendix C

Detailed Screening Assessment of Policies

Policy WCB1 – Location of new housing

Potential likely significant effects

C.1 None – This policy sets out how the neighbourhood area will accommodate new housing development and outlines requirements that new housing proposals will have to address.

Conclusion

C.2 No likely significant effects predicted.

Policy WCB2 – Housing size, type and tenure

Potential likely significant effects

C.3 None – This policy specifies the range of housing types that meet local needs and would therefore be supported.

Conclusion

C.4 No likely significant effects predicted.

Policy WCB3 – Affordable housing on rural exception sites

Potential likely significant effects

C.5 None – This policy expects any new housing is affordable and housing should be offered to households with a connection to the local area in the first instance.

Conclusion

C.6 No likely significant effects predicted.

Policy WCB4 – Employment and economic development

Potential likely significant effects

C.7 None – The policy sets out requirements for employment and economic development, so they do not have an adverse impact on visual, environment and local residents.

Conclusion

C.8 No likely significant effects predicted.

Policy WCB5 – The Middy

Potential likely significant effects

C.9 None – This policy sets to reinforce the importance of The Middy as a tourist/visitor attraction.

Conclusion

C.10 No likely significant effects predicted.

Policy WCB6 – Design principles

Potential likely significant effects

C.11 None – This policy seeks to ensure that new developments design principles fit in with local character and enhance quality of the area.

Conclusion

C.12 No likely significant effects predicted.

Policy WCB7 – Historic environment

Potential likely significant effects

C.13 None – This policy seeks to ensure that any proposed development does not have an adverse impact on the Historic Environment including Conservation areas, listed buildings, and protected trees.

Conclusion

C.14 No likely significant effects predicted.

Policy WCB8 – Important unlisted buildings (non-designated heritage assets)

Potential likely significant effects

C.15 None – This policy lists important architectural, historical, or cultural heritage assets that are unlisted buildings.

Conclusion

C.16 No likely significant effects predicted.

Policy WCB9 – Landscape character and important views

Potential likely significant effects

C.17 None – This policy sets out requirement to protect the rural character of the area from over development as well as important public local views.

Conclusion

C.18 No likely significant effects predicted.

Policy WCB10 – Protecting and enhancing biodiversity

Potential likely significant effects

C.19 None – This policy sets out that development proposals will be expected to protect and enhance existing ecological networks, wildlife corridors and priority species.

C.20 The policy sets out the requirement that developments should follow mitigation hierarchy; as such developments that are found to have an adverse impact are therefore likely to be identified at an early stage.

Conclusion

C.21 No likely significant effects predicted.

Policy WCB11 – Local green spaces

Potential likely significant effects

C.22 None – This policy identifies Local Green Spaces and sets out requirement that development within local green spaces will be managed consistent with approach taken for Green Belts.

C.23

Conclusion

C.24 No likely significant effects predicted.

Policy WCB12 – Amenity and dark skies

Potential likely significant effects

C.25 None – This policy sets out requirements that any new development demonstrates that it does not have any adverse impact on amenity space and dark skies.

Conclusion

C.26 No likely significant effects predicted.

Policy WCB13 – Community facilities

Potential likely significant effects

C.27 None – This policy sets out that any proposed development that would lead to a potential loss of a community facility will not be supported unless an improved or equivalent facility can be located elsewhere in the parish.

Conclusion

C.28 No likely significant effects predicted.

Policy WCB14 – Safe and healthy access

Potential likely significant effects

C.29 None – This policy sets out that any new development proposal should demonstrate how they contribute to the health and wellbeing of residents.

Conclusion

C.30 No likely significant effects predicted.

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- 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 [Department for Levelling Up, Housing and Communities and Ministry of Housing, Communities and Local Government \(2019\) Appropriate assessment: Guidance on the use of the 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 [European Commission \(undated\) Natura 2000](#) (The network of protected areas identified by the EU)
- 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 181)
- 11 [David Tyldesley & Associates \(undated\) The HRA Handbook](#) (Section A3) (A subscription based online guidance document)

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- 12 [Department for Environment, Food and Rural Affairs, Natural England, Welsh Government and Natural Resources Wales \(2021\) Habitats regulations assessments: protecting a European site](#)
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- 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.
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- 17 [Natural England \(undated\) Conservation Objectives for European Sites](#)
- 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. [Natural England \(undated\) Site Improvement Plans by region](#)
- 20 Weaden v SSCLG [2017] EWHC 351 (Admin).
- 21 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.
- 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](#).

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- 24 [Natural England \(undated\) Conservation Objectives for European Sites](#)
- 25 SI No. 2017/2012.
- 26 ECJ Case C-127/02 “Waddenzee” Jan 2004.
- 27 [David Tyldesley & Associates \(undated\) The HRA Handbook](#) (Section A3)
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- 28 [David Tyldesley & Associates \(undated\) The HRA Handbook](#) (Section A3)
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- 29 British Wildlife Magazine, October 2007.
- 30 Wealden v SSCLG [2017] EWHC 351 (Admin).
- 31 [David Tyldesley & Associates \(undated\) The HRA Handbook](#) (Section A3)
(A subscription based online guidance document)
- 32 [JNCC \(2019\) UK Protected Area Datasets for Download](#)
- 33 [Natural England \(2014-2015\) Site Improvement Plans: East of England](#)
- 34 [Natural England \(undated\) Conservation Objectives for European Sites](#)

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